

CITY OF RICHARDSON
COMMUNITY / GROUP HOME
REASONABLE ACCOMODATION POLICY AND PROCEDURE

1. PURPOSE.

This policy is intended to provide guidelines for the requirements of an application for reasonable accommodation for any Community or Group Home located within the City, and for the City's compliance to the requirements of 42 U.S.C. 3601-3619 (the "Federal Fair Housing Act"), which requires that governments provide a "reasonable accommodation" for the handicapped, if necessary, to afford an equal opportunity with regard to the use and enjoyment of a dwelling.

2. DEFINITIONS:

- a. *City* shall mean the City of Richardson, Texas.
- b. *Director* shall mean the Director of Community Services for the City of Richardson, Texas, or his or her designee.
- c. "*Community Home*" shall mean an entity (1) operated by the Texas Department of Mental Health and Mental Retardation, Certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities or persons with mental retardation, or licensed under Chapter 247, Health and Safety Code as an assisted living facility, and (2) provides food and shelter, personal guidance, care, habitation services and supervision to persons with disabilities in the home.
- d. "*Group Home*" shall mean housing occupied by groups of three (3) or more unrelated individuals with disabilities, which may or may not be provided by organizations that also offer various services for individuals with disabilities living in the home.
- e. *Individual with disability* shall mean (1) an individual with a physical or mental impairment that substantially limits one or more major life activities; (2) an individual who is regarded as having such impairment; and (3) an individual with a record of such impairment.
- f. *Operator* shall mean any person or entity responsible for any business or service operations of a Community or Group Home.
- g. *Owner* shall mean the owner of real property upon which a Community or Group Home is to be located.


3. APPLICATION REQUIRED:

An Owner or Operator shall not use, occupy, or cause to be used or occupied, any building structure in any zoning district located within the City as a Group Home without making an application on form furnished by the Director.

4. PROCEDURE FOR CONSIDERATION OF REASONABLE ACCOMMODATION FOR DISABLED INDIVIDUALS:

- a. The Director shall hear and decide requests for reasonable accommodations to the City's zoning and development regulations when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling in accordance with the procedures herein. A request for reasonable accommodation may be made to the Director by any person with a disability, the person's representative, a developer, or a provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.
- b. The Director shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
 1. The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Act, as amended; and,
 2. The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if, without the accommodation, the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- c. If the applicant demonstrates the matter set out in 4. (b) 1 and 2. above, the request for reasonable accommodations shall be granted by the Director in writing unless the accommodation would fundamentally alter the City's land use and zoning patterns or if the impact of the use on its surroundings is greater than that of other uses permitted in the zoning district.
- d. A reasonable accommodation for an increase in the number of residents terminates if the property ceases to be operated as housing for disabled persons as defined by the Fair Housing Act, as amended.

Effective this the 25 day of June, 2018


Taylor Lough
Assistant to the City Manager