



Life's Just Better Here

REASONABLE ACCOMMODATION POLICY

Point of Contact:

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Reasonable Accommodation (RA) Defined:

It is the policy of the City of Wilton Manors, pursuant to the Fair Housing Act (FHA); Title II of Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act (Section 504), as applicable; and any local or State regulations, as may be amended from time to time, to provide individuals with disabilities reasonable accommodations in the City's administration of its programs, services, and activities, including, but not limited to zoning, land use, permitting and licensing regulations, requirements and review and approval practices, to ensure access to housing and related services equal to the access that is provided to those without disabilities. A reasonable accommodation is defined as a change, adjustment, modification, exception, alteration or adaptation in a policy, procedure, practice, program, service, activity, or facility that may be necessary for a qualified individual with a disability to have an equal opportunity to: 1) Use and enjoy a dwelling, including public and common use areas of a development; 2) Participate in, and benefit from, a program (housing or non-housing), service, or activity; or 3) to avoid discrimination against an individual with a disability.

The City commits to granting reasonable accommodations unless the accommodation would result in a fundamental alteration of the program or in an undue financial and administrative burden, considering all resources available. In such a case, the City will offer another accommodation that would not result in a fundamental alteration or an undue financial and administrative burden and that would be effective in meeting the disability-related needs of the individual. However, the individual is not required to accept the alternative accommodation that is offered. Should a particular accommodation result in a fundamental alteration or an undue financial and administrative burden, and the alternative accommodation not be accepted by the individual with the disability, the City will continue to work with the individual with a disability to identify an accommodation that is acceptable and is neither a fundamental alteration or undue financial and administrative burden as is described in "Explanation of the Reasonable Accommodation Process" Section 3(b).

For more information please see the Joint Statements of HUD and the Department of Justice regarding 1) Reasonable Accommodation under the Fair Housing Act of 2004, and 2) State and Local Land Use Laws and Practices and the Application of the Fair Housing Act of 2016.

As one example, reasonable accommodations in the zoning and land use context means providing individuals with disabilities, or developers of housing for individuals with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers or otherwise ensure equal access to such housing opportunities.

The City commits to reviewing pending amendments to local ordinances and regulations to ensure that any potential conflicts with the requirements of this Policy are avoided.

Reasonable Accommodation Awareness

Notification of the Public:

The point of contact for this Policy will ensure that notices informing the public of the RA Policy and Process are available or circulated as follows:

- Posted where the public files for all applications processed by the Community Development Services Department;
- Included with application materials processed for all types of group homes as regulated by the City's Zoning Regulations including building permit and business tax receipt applications, and responses to (both approving and denying) requests for Zoning Verification; and
- On the City's Website, and clearly visible, in an accessible format, where the above-referenced applications are listed and made available for downloading.

Explanation of The Reasonable Accommodation Process in detail:

The process for requesting and receiving reasonable accommodations should be straightforward and not burdensome.

1. All persons seeking a reasonable accommodation must be provided with a copy of the City's Reasonable Accommodation Policy and a Request for Reasonable Accommodation Form ("Request Form"), or upon the individual's request, the Request Form must be provided in an equally effective format. Please note that the Reasonable Accommodation Request form is not required for use by individual making reasonable accommodation requests, but may be useful.
2. Any qualified individual with a disability may request a reasonable accommodation, as defined above, to the City's policies, procedures, practices, programs, services, activities, or facilities. Reasonable accommodation requests may be made orally or in writing at any time and may be made to any City staff. If a City staff person receives a reasonable accommodation request, the staff person will forward the request to the ADA Coordinator.
3. Upon receiving this request, the City Official responsible for making determinations on reasonable accommodation requests will promptly notify the applicant that the request has

been received and is under review. If a person's disability is obvious or otherwise already known and if the need for the requested accommodation is also readily apparent or known, then no additional information can be sought about the requester's disability or the disability-related need for the accommodation. The City will have up to 30 calendar days to review the request and make a determination, except when such accommodations should easily be granted or resolved.

3(a). If an individual's disability or the need for a requested accommodation is not readily apparent or otherwise known to the City, it may request additional information or, when necessary, documentation. If additional information or documentation is needed to evaluate a requested reasonable accommodation, the City will seek the information through a written request to the individual making the request using the "Request for Additional Information to Process Reasonable Accommodation Request" form. The City will only require the minimal information necessary to determine if the accommodation sought would serve an individual's disability-related need. Such requests for information or verification will be narrowly tailored. Information and verification requests, and the information received in response, will be held confidentially by the City and will only be disclosed to staff with a need to know.

3(b). The interactive process is also intended to facilitate the consideration of alternative effective accommodations, necessary to meet the disability-related needs of the individual with a disability. If the City establishes a fundamental alteration or undue administrative and financial burden, then the City will engage in an interactive process with the requester to establish other accommodations that could be granted in order to meet the individual's disability-related needs.

4. The City of Wilton Manors will grant or deny the request within no more than 30 calendar days after receiving all information and documentation from the requesting individual. The City will not make a determination until all information has been received. All decisions to grant or deny reasonable accommodations will be communicated in writing using the City's template letters for approval or denial ("Letter Approving Request for Reasonable Accommodations" or "Letter Denying Request for Reasonable Accommodations"), or if required, in an alternative, accessible format. Should the City require additional time to make a determination, the City will provide the requester the reasons for the delay within the timeframe the City otherwise would have had to make a determination.

5. If the request is approved, the City will immediately implement the accommodation.

5(a). If the approved request cannot be honored at the time of the approval, the City will notify the individual with an estimated time frame for when the request can be implemented. The City will also provide interim accommodations as described in the "Letter Approving Request for Reasonable Accommodations," until such time that the request can be fully effectuated.

6. In the event a reasonable accommodation request is denied, individuals have a right to appeal and must do so in writing using the "Application to Appeal Denial of Request for Reasonable Accommodation" form within 30 calendar days of receipt of the letter memorializing the denial. Assistance in completion of the Appeal form will be provided by City

Officials if needed. The City of Wilton Manors will honor extensions where there is good cause, including when an individual requests additional time as a reasonable accommodation. Individuals who appeal the denial of their reasonable accommodation request will be provided a hearing with the City Commission. The hearing shall occur within thirty (30) days of the receipt of the appeal, unless waived by the applicant, and a written decision shall be rendered within twenty (20) days of the hearing. Individuals requiring accommodations in order to participate in the hearing should contact the City Clerk at (954) 390-2123 as soon as possible, and no later than twenty-four (24) hours in advance of the hearing to request such accommodation.

Staff of the Community Development Services Department will strive to provide optimal interaction with potential, pending and official applicants through, in part, implementation of a liaison application system; by identifying a core review team comprised of staff from the Building and Fire Divisions including additional persons to avoid any delays in the exchange of information or processing timing resulting from any absences of said core review team; by offering the inquirer or pending applicant a pre-application meeting in person or through a conference call (whichever is more convenient); and through establishing a step-by-step procedural manual for this process. Said actions are intended to ensure streamlined communications, accountability, and efficiency in customer service and accuracy in the processing of requests. The core review team will be introduced to a pending applicant earlier in the process to maximize the comfort and awareness with the City's requirements and process as well as to familiarize staff with the particular subject disability and needed accommodations. The Office Manager from the City Manager's Office will lead the core review team, provide back-up support to respond to an applicant when others are unavailable, and to ensure that all involved staff members are properly trained on the obligations of City staff under the Fair Housing Act, Section 504, and the ADA with an emphasis on reasonable accommodations, disability discrimination, and stereotypes related to addiction. The core group will be trained on the importance of direct interaction, and the required interactive process, with applicants and petitioners to maximize staffs' understanding of the disability-related needs and the applicant understands of the City processes. This interactive process is also intended to facilitate the consideration of alternative effective accommodations, including if a fundamental alteration or undue burden is established, necessary to meet the disability-related needs of the individual with a disability.

Standard form documents to be used in the RA process:

- Form RA-1: Reasonable Accommodation Request Form (optional for use by individuals making reasonable accommodation requests)
- Form RA-7: Approval Letters
- Form RA-8: Denial Letters
- Form RA-6: Request for Additional Information Letters
- Form RA-5: Implementation letters
- Form RA-9: Application to Appeal Denial of Reasonable Accommodation