

**RESOLUTION NUMBER 2017-15**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, MODIFYING THE AN APPLICATION PROCESS FOR REASONABLE ACCOMMODATION REQUESTS BY OR FOR PERSONS WITH DISABILITIES, APPROVING CHANGES TO THE REASONABLE ACCOMMODATION PROCESS GUIDE AND FORMS; AND DECLARING AN EMERGENCY**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

WHEREAS, pursuant to federal law, a request for a reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider for housing for individuals with a disability in order to provide disabled individuals with an equal opportunity to use and enjoy a dwelling; and

WHEREAS, pursuant to Resolution No. 1252, the Town of Paradise Valley (“Town”) has adopted standards and procedures for granting a reasonable accommodation to its zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, where such an accommodation does not cause an undue financial or administrative burden or does not result in a fundamental alteration in the nature of the Town’s zoning program, as those terms are defined in fair housing laws and interpretive case law; and

WHEREAS, Resolution No. 1252 adopted a reasonable accommodation guide (“Guide”) and forms to be completed by applicants for a reasonable accommodation (“Forms”), set a reasonable fee for any application for a reasonable accommodation, as

well as appointing a hearing officer to hear and consider applications for reasonable accommodations; and

WHEREAS, amendments to the Guide and the Forms adopted by Resolution No. 1252 are now necessary in order to provide for greater notice to neighboring properties and clarity on spacing requirements and property ownership requirements for reasonable accommodation requests; and

WHEREAS, by adoption of this Resolution, the Town desires to amend the Guide and Forms (both attached hereto as Exhibit A and incorporated herein by this reference), and authorize the Town Manager to make the changes to the Guide and the Forms immediately upon adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Town Council:

1. Adopts the changes to the Guide as set forth in Exhibit A hereto;
2. Adopts the changes to the Form as set forth in Exhibit A hereto;
3. Authorizes the Town Manager issue the new Guide and Forms to any applicant for any and all requests for reasonable accommodations.

WHEREAS the immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona this 22<sup>nd</sup> day of June, 2017.

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Michael Collins, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney

# EXHIBIT A

## TOWN OF PARADISE VALLEY REASONABLE ACCOMMODATION GUIDE

Pursuant to federal law and Town Resolution No. ~~1252~~,1252 (as amended by Resolution 2017-15), a request for a reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider for housing for individuals with a disability in order to provide disabled individuals with an equal opportunity to use and enjoy a dwelling. The term “reasonable accommodation” is used here as the term is used in the Federal Fair Housing Amendments Act (“FHAA”), the Americans with Disabilities Act (“ADA”), and case law implementing and interpreting those statutes (“Fair Housing Law”).

Whether an accommodation can be granted is determined by the Town’s Accommodation Hearing Officer (who is appointed by the Town Manager) on a case-by-case basis. To request a reasonable accommodation, complete the Town’s Request for a Reasonable Accommodation Form and return it with the filing fee of \$500.00 to: Town of Paradise Valley, Attn: Accommodation Hearing Officer, 6401 E. Lincoln Drive, Paradise Valley, Arizona 85253. If you have any questions about the Request for Reasonable Accommodation Form or the requirements or procedures applicable to reasonable accommodation requests, please call Community Development Director at (480) 348-3522.

You may be required to provide additional information for the Accommodation Hearing Officer to properly evaluate your accommodation request. If needed, the Accommodation Hearing Officer may ask that medical and other health information be submitted; however, the name or extent of the disability will not be required. Unless the Accommodation Hearing Officer has previously requested additional information, the accommodation request shall be deemed complete ten days after it is received.

To ensure applicants have an actual, vested interest in the property where a reasonable accommodation is requested, either proof of property ownership or written notarized authorization from the property owner is required.

After receipt of a complete application, the Accommodation Hearing Officer may seek comments from Town staff or adjacent landowners before issuing a decision, depending on the type of accommodation requested. By way of example, if the accommodation request concerns the zoning of the subject property, comments may be sought from the Town’s Planning Division or ~~adjacent~~ landowners within 1,000 feet of the property; if the accommodation request concerns a building code provision, comments may be sought from the Town’s Building Department. If the Accommodation Hearing Officer seeks comments, they will be ~~requested within due no less than five days after receipt of~~ before the complete application and due within ten days after the request is made ~~decision deadline~~; copies of any comments received will be provided to the applicant. Regardless of whether the Hearing Officer seeks comments, all Town property owners within 1,000 feet of the property will receive notice of the requested accommodation and the Accommodation Hearing Officer’s decision. Depending on the type of accommodation requested and comments received, if any, the Accommodation Hearing Officer may issue a decision, seek additional information from you, or conduct a public hearing after providing at least seven-day advance notice to you and those providing comments—, unless the Accommodation Hearing Officer determines a shorter notice period is necessary or reasonable.

Within 30 days after receipt of a complete application, the Accommodation Hearing Officer shall issue a written decision granting the request, conditionally granting the request, offering an alternative accommodation, or denying the request with the reason for the denial stated. If the Accommodation Hearing Officer requests additional information from you during this 30-day period, the time for making

a decision shall be tolled until the additional information is received. The Accommodation Hearing Officer's decision will be considered final. The accommodation request and accompanying information will be kept with a record of the decision, will be a matter of public record, and will be made available to the public upon request.

## REASONABLE ACCOMMODATION REQUIREMENTS

The following requirements must be met for the Town's Accommodation Hearing Officer to grant a reasonable accommodation. Please provide evidence to satisfy the requirements below on your Request for a Reasonable Accommodation Form.

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under Fair Housing Law.
2. The requested accommodation is reasonable and necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
3. The requested accommodation will not impose an undue financial or administrative burden on the Town as "undue financial or administrative burden" is defined in Fair Housing Law.
4. The requested accommodation will not result in a fundamental alteration in the nature of the Town's land use and zoning scheme, as "fundamental alteration" is defined in Fair Housing Law.
5. The requested accommodation complies with all other applicable Town Code provisions, zoning regulations, and development standards.
6. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
7. The applicant owns the property for which a reasonable accommodation is requested, or has notarized written consent from the property owner to apply for the requested accommodation.
8. The requested accommodation site is not located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from any lot line of another group home or any assisted living home located within the Town of Paradise Valley or any other jurisdiction.

REQUEST NO. \_\_\_\_\_

**TOWN OF PARADISE VALLEY  
REQUEST FOR A REASONABLE ACCOMMODATION FORM**

SUBMITTAL DATE: \_\_\_\_\_

To aid the Town's Accommodation Hearing Officer in determining whether the necessary requirements can be met for approving or conditionally approving this request, please answer the following questions and attach additional pages if necessary. Return this completed form with the filing fee of \$500.00 to: Town of Paradise Valley, Attn: Accommodation Hearing Officer, 6401 E. Lincoln Drive, Paradise Valley, Arizona 85253. If you have any questions about this form or the requirements or procedures applicable to reasonable accommodation requests, please call Community Development Director at (480) 348-3522.

**Applicant Information:**

Name: \_\_\_\_\_

INDIVIDUAL     CORPORATION     LLC     OTHER (check one)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Facility Information:**

Name of Facility: \_\_\_\_\_

Address: \_\_\_\_\_

Assessor Parcel Number: \_\_\_\_\_

Are You the Owner of this Property?     YES     NO

Will smoking be allowed at this facility?     YES     NO

How many residents or employees will have vehicles parked on the premises? \_\_\_\_\_

1. Is this application being submitted by a person with a disability, that person's representative, or a developer or provider of housing for persons with a disability?

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\_\_\_\_\_  
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2. Does the applicant, or person with a disability on whose behalf the application is being made, have physical or mental impairments that substantially limit one or more of such person's major life activities? If so, please state the impairment and provide documentation of such impairment.

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3. From which specific Town ordinance, rule, policy, procedure, practice, or service is an accommodation being requested?

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4. Please describe the requested accommodation and explain why the specific accommodation requested is necessary to provide an equal opportunity to use and enjoy the dwelling. Please provide documentation to support your explanation.

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5. Please describe alternative reasonable accommodations that may provide an equivalent level of benefit, if any, and explain how the alternatives are necessary to provide an equal opportunity to use and enjoy the dwelling. Please provide documentation to support your explanation.

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6. Please explain why the requested accommodations will affirmatively enhance the quality of life of the person with a disability. Please provide documentation to support your explanation.

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7. Please explain how the person with a disability will be denied an equal opportunity to use and enjoy the housing type of their choice absent the accommodations. Please provide documentation to support your explanation.

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8. Please explain why the requested accommodations will not impose an undue financial or administrative burden on the Town.

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9. Please explain the potential impact of the requested accommodations on the surrounding neighborhood and why the requested accommodations will not result in a fundamental alteration in the nature of the Town's land use and zoning scheme.

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10. Please add any other information that may be helpful for the Town's Accommodation Hearing Officer to determine whether the requirements for approving the accommodations have been met.

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11. If the applicant is a developer or provider of housing for individuals with a disability, please list any licenses or certifications required by applicable federal, state, county, and local laws and regulations and provide documentation of any such licenses or certifications.

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12. If the applicant is a developer or provider of housing for persons with a disability, please describe whether or how it screens residents to determine whether their residency would constitute a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

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