

A SIMPLE TRUTH

Every citizen has the right to access their community and to contribute to an benefit from all that it has to offer. Accessing one's community begins at the front door.

THE LAW

Both the Federal Fair Housing Act and Title II of the Americans with Disabilities Act (ADA), impose an affirmative duty of local government to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" a person with a disability an equal opportunity to use and enjoy both residential and non-residential development.

"A public entity shall make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity."

ADA, Title II, -28 C.F.R. § 35.130(b)(7)



STILL HAVE QUESTIONS?

The City of Saratoga is committed to helping you achieve your development goals.

If you have questions about the information in this brochure, please contact:

Community Development
Department
Planning Division

(408) 868-1222
planning@saratoga.ca.us
or stop in to speak to a planner
M - TH from 8 am to 5 pm,
Closed 12 pm to 1 pm

City of Saratoga
Community Development
Department
13777 Fruitvale Avenue
Saratoga, CA 95070

REASONABLE ACCOMMODATION

THE CITY OF SARATOGA
CAN PROVIDE REASONABLE
ACCOMMODATION FOR
PERSONS WITH DISABILITIES
SEEKING FAIR ACCESS TO
RESIDENTIAL AND NON-
RESIDENTIAL DEVELOPMENTS
IN THE APPLICATION OF ITS
ZONING LAWS, POLICIES, AND
PROCESSES.



WHAT IS REASONABLE ACCOMMODATION?

Reasonable accommodation means that the City of Saratoga can provide individuals or sponsors of projects with disabilities or access and functional needs some flexibility in the application of land use, zoning, and/or building regulations, policies, practices, or procedures related to a disability. When necessary, the City can also waive certain requirements to eliminate barriers for an individual with a disability.

As an example, because many of today's residential structures were built without consideration for disability, access into or out of the structure could become problematic should a home's resident suddenly be unable to use steps.

In most cases, the installation of a ramp or lift can make all the difference, providing the dignity and freedom that comes with independence.

However, in some instances the location of the ramp or lift in a front or side yard may conflict with existing zoning regulations. In this type of situation, the Community Development Director may be able to offer flexibility in the zoning regulations when properly requested without the requirement for a public hearing or an approved variance application.

WHO IS ELIGIBLE?

- Senior citizens with access or functional needs
- Individuals with a physical or mental impairment who:
 - Have substantial limits on one or more major life activities;
 - Are regarded as having a physical or mental impairment; or
 - Have a record of such impairment.

HOW DO I BEGIN AND WHAT DOCUMENTATION IS REQUIRED?

All written requests for reasonable accommodation are to be submitted to the Community Development Department and shall include the following information:

- Name and address of the persons requesting reasonable accommodation;
- Name and address of the property owner;
- Address of the property for which accommodation is requested;
- Description of the accommodation and each regulation, policy, or procedure for which accommodation is requested. Staff can help identify these; and
- Reason that the accommodation may be necessary for the persons with the disability to use and enjoy the dwelling or other use.

HOW LONG DOES THE PROCESS TAKE?

- Requests for reasonable accommodation made in connection with an application will be reviewed as part of the application review process. Speak to a Planner as application process times vary.
- All other requests will be reviewed by the Community Development Director within 30 days.
- The Community Development Director may either grant, grant with modifications, or deny a request for reasonable accommodation. If necessary to reach a decision, the Community Development Director may request further information from the applicant consistent with fair housing or any other applicable laws, specifying in detail the information that is required.

WHAT FACTORS WILL THE WRITTEN DECISION BE CONSISTENT WITH?

- Whether the project, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing and/or any other applicable laws;
- Whether the requested accommodation is necessary to make a project usable and available to an individual with disabilities protected under the fair housing and/or any other applicable laws;
- Whether the requested accommodation would impose an undue financial and/or administrative burden on the jurisdiction; and
- Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning and/or building regulations

WILL MY INFORMATION REMAIN CONFIDENTIAL?

Any information identified by an applicant as confidential in the application shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection except as otherwise provided by law.