

CITY OF WHITEVILLE
REQUEST FOR REASONABLE ACCOMMODATIONS
FROM ZONING REGULATIONS RELATED TO HOUSING FOR PERSONS WITH DISABILITIES

Policy

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.¹

A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment.

A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A reasonable accommodation may be only granted for the use that needs the accommodation. A reasonable accommodation may be requested by or on behalf of a person with a disability to seek an exception in connection with an Application for Zoning Approval, a Conditional Use Permit, a Variance Application, and/or any other zoning law or ordinance, regulation, policy or practice.

A reasonable accommodation does not include an accommodation which would (1) impose an undue financial and administrative burden on the city or (2) require a fundamental alteration in the nature of the city’s land use and zoning program.

Procedures

A request for reasonable accommodation may be submitted orally or in writing. A verbal request does not require specific language or need to mention the Fair Housing Act or use the words “reasonable accommodation.” Any communication to a Planning and Inspection Department employee in which an individual, entity, or representative indicates that a change or exception is needed due to a disability shall be considered a request for reasonable accommodation. All reasonable accommodations applications shall be forwarded to the Planning Director or their designee within one business day by the employee receiving the application.

Upon receipt of an oral or a written request for accommodation, a City of Whiteville staff member will

¹ Joint Statement of the Department of Housing and Urban Development and the Department of Justice State and Local Land Use Laws and Practices and the Application of the Fair Housing Act - November 10, 2016, available at <https://www.justice.gov/opa/file/912366/download>.

offer assistance in completing a Reasonable Accommodation Application or will input the information provided orally by the applicant into the Application on the applicant's behalf if requested. The City may request additional information if needed.

The application can be found on the City of Whiteville Website on the Department of Planning and Inspection webpage (<https://www.whitevillenc.gov/planning-inspection>) or in the Planning and Inspection Office. The application shall include the following information as applicable:

- The applicant's name, address and telephone number;
- Address of the property for which the request is being made;
- The name and address of the property owner, and the owner's written consent to the application;
- The current actual use of the property;
- The way in which the proposed use of the property will serve individuals considered to have disabilities; and
- The type of accommodation sought.

Record Maintenance

The Planning and Inspection Department shall retain all original records pertaining to reasonable accommodation and modifications. Files will be maintained in the Planning and Inspection Department.

Fees

There are no fees or costs associated with requests for reasonable accommodation or modification. Requests for reasonable accommodation shall not be refused processing or denied due to the number of requests submitted based upon the rights exercised under the Fair Housing Act relative to reasonable accommodation.

Reasonable Accommodation Review Committee

The Planning Director or his/her designee will review the application for reasonable accommodations and will notify applicant of the decision within seven (7) to ten (10) business days.

Notice of the Decision for Reasonable Accommodation Request

The Planning Director shall within ten (10) days of the submission of a Reasonable Accommodation Request submit a written notice of the Reasonable Accommodation Committee's decision (approval or denial) to the applicant unless additional information is needed. The notice shall include factual findings, conclusions, and reasons for the decision. For requests that are approved, the notice shall include any conditions that may have been placed on the approval. The notice shall also include the time frame and process for appeal of the decision.

Appeal of the Decision of the Reasonable Accommodation Committee

A written notice of appeal of the Reasonable Accommodation Committee's decision shall be given to the Planning Director within fifteen (15) days from the date of such notice. The Zoning Administrator shall, within five (5) working days of receiving the Notice of Appeal, submit a written notice for the hearing

date to the appellant.

All appeals shall contain a written statement of the grounds for the appeal. However, if the appellant is unable to prepare a written statement, then the appellant may sign the form indicating that he/she would like to appeal the decision and the appellant may make an oral argument before the Planning Director and a representative from the Legal staff. Any personal information related to disability status shall be retained in a manner so as to protect the privacy rights of the applicant and shall not be made available for public inspection. In considering an appeal of a decision of the Reasonable Accommodation Committee, the Planning Director, Fair Housing Compliance Officer, and a representative from the Legal staff shall conduct the appeal hearing and consider:

- the application requesting a reasonable accommodation;
- the Reasonable Accommodation Committee's decision;
- the applicant's written statement of the grounds for the appeal;
- the provisions of the Reasonable Accommodation Policies and Procedures in order to determine whether the decision was consistent with applicable fair housing and disabilities laws; and/or
- Alternative, but mutually agreed upon, accommodation(s).

In the event an accommodation is not agreed upon, the Planning Director will make a recommendation based upon the findings from the appeal to the City Manager. The City Manager will make the decision to grant or deny the Reasonable Accommodation request.

Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

City of Whiteville Planning & Inspection Department Application Request for Reasonable
Accommodation

APPLICANT INFORMATION			
NAME:			
ADDRESS			
	Street	Zip Code	
Telephone		Alternative Telephone	
Email			
Location Where Reasonable Accommodation is Requested			
Address			
Parcel #		Zoning Classification	
Current Use of Property			
Current Property Owner		Check if same as above	
Are the people who will live at the dwelling persons with disabilities			
Yes		No	
If yes, please describe the reasonable accommodation requested:			
Zoning Employee Information			
Name		Title	
Telephone			
Email			
Submission Date			
Submission Format (select)			
Verbal	Written	Other	
Reasonable Accommodation Request Number			
Date Received			
Employee Assisted	Yes	No	
Employee Signature			

City of Whiteville Planning & Development Department
 Notice of Decision on Reasonable Accommodation Request

Date Received or Date of Application	
Date of Decision	
The Reasonable Accommodation is	
Granted	
Denied	
The decision was based on	
Signature of Designee	Date
<p>Notice: If your request for a reasonable accommodation was denied you may appeal the denial. A Notice of Appeal must be submitted in writing to the Zoning Administrator within fifteen (15) days of receiving such notice. An appeal of a decision by the Reasonable Accommodation Committee shall be heard by the Planning Director, Fair Housing Compliance Officer, and a representative from the Legal staff. If you are unable to prepare a written statement, you may sign the Appeal form and present your argument orally.</p>	

References

Joint Statement of the Department of Housing and Urban Development and the Department of Justice, State and Local Land Use Laws and Practices and the Application of the fair Housing Act, – November 10, 2016

<https://www.justice.gov/crt/page/file/909956/download>

Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act, May 17, 2004

https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.df

Consent Decree – Reasonable Accommodation Policy - (Item V – 13 PG 5) Civil No. :3:16-cv-766-HTW-LRA