

SYLVANIA TOWNSHIP'S POLICY GOVERNING REQUESTS FOR REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT

Sec. 1. Purpose and Scope

It is the policy of Sylvania Township, pursuant to the Fair Housing Amendments Act of 1988, to provide people with disabilities reasonable accommodations in zoning requirements that may be necessary to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodations to land use and zoning decisions and procedures. In these regulations, "use of housing" includes zoning and land use requirements as they relate to the use and enjoyment of the property.

Sec. 2. Definitions

"Act" The Fair Housing Amendments Act of 1988.

"Applicant" The individual making the request for a reasonable accommodation pursuant to this policy and the Sylvania Township Zoning Resolution.

"Resolution" Sylvania Township Zoning Resolution.

"Department" The Sylvania Township Zoning Department.

"Disability" Any person who has a physical or mental impairment that 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. People who are currently using illegal substances are not covered under the Act, unless they have a separate disability.

"Board of Zoning Appeals (BZA)" The Board created and defined by Sections 519.13 and 519.14 of the Ohio Revised Code and Article 24 of the Sylvania Township Zoning Resolution.

"Variance". As defined in Section 519.14 and the Definition Section of the Township Zoning Resolution. In addition, variance includes situations where the Act prohibits strict enforcement of the strict terms of the Resolution.

"Special Use". A use that is permitted in a zoning district with the approval of the BZA, in accordance with O.R.C. 519.14 and Article 25 of the Resolution,

Sec. 3. Notice to the Public of Availability of Accommodation Process

At the Zoning Office and online where application is made for a permit, variance, special use, or zoning violations are challenged, notice in the form set forth in Exhibit A shall be prominently displayed advising applicants and others that they may request a reasonable accommodation of the requirements of the Township Zoning Resolution. . Forms for requesting an accommodation shall be available in the Zoning

Office. The Township will consider requests for reasonable accommodation even though not submitted on the attached form.

Sec. 4. Requesting Reasonable Accommodations

- A. In order to make specific housing available to an individual with a disability, any person may request a reasonable accommodation in the requirements of the Township Zoning Resolution regulating the use of housing by completing the “ Zoning Accommodation Request” application form (Exhibit B) and filing it with the Department.
- B. If an individual makes a request for an accommodation in any form other than the “Fair Housing Accommodation Request” form (Exhibit B), such as by phone or in person, the Township will still consider the request according to the process provided in the Resolution, but the Township may ask that the requester complete the “Zoning Accommodation Request” application form (Exhibit B).
- C. If an individual needs assistance in making the request for reasonable accommodation, the department shall provide the assistance necessary to ensure that the process is accessible to the applicant. For example, a Township Employee should assist a requester with filling out the “Zoning Accommodation Request” form.
- D. A request for reasonable accommodation in the requirements of the Township Zoning Resolution may be made at any time that the accommodation may be necessary to ensure equal access to housing; at the outset or during the approval or appeal process.

Sec. 5. Review of Requests for Reasonable Accommodation

- A. The procedure used by the Township to review a request for reasonable accommodation is dependent on the type of accommodation requested: variance, conditional use, or appeal of a zoning violation citation. The Zoning Department will assist applicants for a reasonable accommodation to determine which procedure to follow.
 - 1. Variance
 - a. A request for a reasonable accommodation may require a variance, which can be granted only by the BZA.
 - b. If a request for a reasonable accommodation will require the granting of a variance, the Applicant shall submit an application to the Township Zoning Office. The application will be reviewed by the Township Planning and Zoning Manager or the enforcement officer.
 - c. The Zoning Department will forward the application for a variance to the BZA along with the Department’s recommendation, which will include the applicability of the Act.
 - d. The BZA will schedule a hearing, in accordance with Section 519.14 of the Ohio Revised Code and Article 24 of the Resolution. The Applicant will be given at least 10 days notice prior to the date of the hearing.
 - e. A written decision that includes Findings of Fact and Conclusions of Law will be given to the Applicant within 30 days after the final hearing. An appeal of the decision may be made to Lucas County Common Pleas Court.

- f. The Findings of Fact and Conclusions of Law will take into consideration the reasonable accommodation request consistent with the Fair Housing Amendments Act and 24 C.F.R. §100.204 and with Ohio's laws against discrimination O.R.C. 4112.02
2. Conditional Use
 - a. A request for a reasonable accommodation may require a conditional use, which can be granted only by the BZA.
 - b. If a request for a reasonable accommodation will require a conditional use, the Applicant shall submit an application to the Township Zoning Office. The application will be reviewed by the Township Planning and Zoning Manager or the enforcement officer.
 - c. The Zoning Department will forward the application for a conditional use to the BZA along with the Department's recommendation, which will include the applicability of the Act.
 - d. The BZA will schedule a hearing, in accordance with Section 519.14 of the Ohio Revised Code and Article 25 of the Resolution. The Applicant will be given at least 10 days notice prior to the date of the hearing.
 - e. A written decision that includes Findings of Fact and Conclusion of Laws will be given to the Applicant within 30 days after the final hearing. An appeal of the decision may be made to Lucas County Common Pleas Court.
 - g. The Findings of Fact and Conclusions of Law will take into consideration the reasonable accommodation request consistent with the Fair Housing Amendments Act , 24 C.F.R. §100.204, and with Ohio's laws against discrimination, O.R.C. 4112.02
 3. Other
 4. Some requests cannot be accommodated by a variance or conditional use. This may include, for example, request related to zoning violations or appeals of those violations. Under Ohio law, the BZA may not have explicit authority to review these requests involving the Resolution requirements. But you may still be entitled to a reasonable accommodation of these zoning requirements.
 - a. Submit your request for a reasonable accommodation to the Zoning Department.
 - b. You will be notified in writing within a reasonable time of the zoning department's decision.
 - c. A denial of a request for a reasonable accommodation (zoning violation) may be appealed to the BZA.
 5. Accommodations regarding these processes

Due to a disability, some persons may face difficulties in attending a hearing or taking other actions that may be normally used in the processes described above. As an example, this may include, but is not limited to, an individual with a disability that makes it difficult for them to present personal information and evidence about their disability in a public forum. In that circumstance, the individual may submit a request for a reasonable accommodation of these zoning requirements.

 - a. Submit your request for a reasonable accommodation to the Zoning Department.
 - b. You will be notified in writing within a reasonable time of the zoning department's decision.
 - c. A denial of a request for a reasonable accommodation (zoning violation) may be appealed to the BZA.

B. If necessary to reach a decision on the request for reasonable accommodation, the Zoning Department or the BZA may request further information from the applicant consistent with the Act, specifying in detail what information is required. Such requests for further information should be done promptly so as not to delay the processing of the reasonable accommodation request. The interactive process and verifications are also explained further below in this policy.

C. Nothing in the above provisions shall be construed to limit or reduce the rights of individuals under the Fair Housing Amendments Act, nor shall it be construed to require administrative exhaustion prior to pursuing remedies under the Fair Housing Act or other civil rights laws, unless an exhaustion of administrative remedies is required under the Act or other civil rights laws.

Sec. 6. Factors for Considering Requests for Reasonable Accommodations

The Act does not provide a blanket waiver of all zoning rules for persons who have a disability. The BZA and the Zoning Department shall consider the following criteria when deciding whether a requested accommodation is reasonable:

- Is the housing, which is the subject of the request for reasonable accommodation, to be used by an individual protected under the Act?
- Is the request for accommodation necessary to make specific housing available to an individual protected under the Act?
- Is the zoning requirement unduly burdensome to an individual protected under the Act?
- Whether the requested accommodation would impose an undue financial or administrative burden on the Township?
- Whether the requested accommodation would require a fundamental alteration in the nature of the Township's zoning scheme or undermine the basic purpose of the zoning requirement?

Sec. 7. Interactive process

If, after reviewing the factors described in Sec. 6, the Zoning Department determines that the Department will deny the requested accommodation or recommend that the BZA deny the request, before the Department issues a written decision or recommendation, the Department shall engage in an interactive process with the requester in which the Zoning Department and the requester discuss the requester's disability-related need for the requested accommodation and possible alternative accommodations to identify an effective accommodation for the requester that does not pose an undue financial and/or administrative burden for the Township and/or does not require a fundamental alteration in the nature of the Township's zoning scheme or undermine the basic purpose of the zoning requirement.

Sec. 8. Verification of Disability

In response to a request for a reasonable accommodation, if the disability is not visually apparent or obvious, the Township may request reliable disability-related information that (1) is necessary to verify that the person meets the definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.

Depending on the requester's individual circumstances, information verifying that the person meets the Act's definition of disability may be provided by the individual himself or herself (e.g., proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual), a doctor or other medical professional, a peer support group, or a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability, may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.

**NOTICE OF FAIR HOUSING ACCOMMODATION
PROCEDURES FOR PEOPLE WITH DISABILITIES**

THIS IS NOT A COMPREHENSIVE EXPLANATION OF YOUR RIGHTS UNDER THE FEDERAL FAIR HOUSING AMENDMENTS ACT.

You may request a reasonable accommodation to rules, policies, practices, and procedures for the siting, development, and use of housing, including housing related services or facilities, if you meet all of the following:

- you have a disability* or the housing is for people with disabilities;
- you may need a reasonable accommodation to existing zoning rules to have equal opportunity to housing AND;
- your request for accommodation would not be an undue burden on Township or require a fundamental alteration in the nature of the Township's zoning scheme or undermine the basic purpose of the zoning requirement.

If you believe that you satisfy the above criteria and are entitled to a reasonable accommodation under the Fair Housing Amendments Act of 1988, you may obtain a Fair Housing Accommodation Request form from the Zoning Department. If you need assistance in applying for a reasonable accommodation, the Department will assist you.

*The Fair Housing Act defines "disability" as any of the following: a physical or mental impairment that substantially limits one or more major life activities; a record of having such an impairment or; being regarded as having such an impairment. The Fair Housing Act does not protect individuals currently using illegal substances, unless they have a separate disability, nor does it cover persons posing a direct threat.

EXHIBIT A

FAIR HOUSING ACCOMMODATION REQUEST

EXPLANATION OF RIGHTS UNDER THE FAIR HOUSING AMENDMENTS ACT

Before completing the request for a reasonable accommodation, below, please read the following information about who is protected by the Fair Housing Amendments Act and what accommodations may be available under the law. This is not a comprehensive explanation of your rights under the Fair Housing Amendments Act.

Do the protections of the Fair Housing Amendments Act apply to me?

You are protected by the Fair Housing Amendments Act if you have a disability or the housing is for people with disabilities. "Disability" means any one of the following: a physical or mental impairment that substantially limits one or more major life activities or a record of having such an impairment or being regarded by others as having such an impairment. The Fair Housing Amendments Act does not protect an individual currently using illegal substances, unless that person has a separate disability, and does not protect persons posing a direct threat.

What kind of accommodation may I request under the Fair Housing Amendments Act?

If you have a disability or the housing is for people with disabilities, the Fair Housing Amendments Act requires that the Township provide you with reasonable accommodation in zoning regulation that may be necessary for people with disabilities to have equal opportunity to use and enjoy a dwelling. More specifically, the Township must provide you with a reasonable accommodation in decisions and procedures regulating the zoning or use of housing, including housing related services or facilities.

How do I request a reasonable accommodation from the Township?

To make a request for a reasonable accommodation, answer the questions on the attached one-page request form, sign and date the form and return it to the Department. If you need help in answering the questions on the request form, you may ask for assistance from the Department. Your accommodation request will be reviewed by the Department who will issue a written decision or recommendation to the Board of Zoning Appeals on your request within a reasonable time.

EXHIBIT B

Will verification of my disability be required?

If you have a disability that is not obvious, the Township may request reliable disability-related information that is (1) is necessary to verify that you meet the definition of disability, (2) describes the needed accommodation, and (3) shows the relationship between the your disability and the need for the requested accommodation. A doctor or other medical professional, a peer support group, or a non-medical service agency in a position to know about the individual's disability may provide verification of a disability.

If your disability is not obvious, you may wish to obtain verification now and submit it with your form.

What if my request for reasonable accommodation is denied?

If your request for accommodation is denied, you may appeal the adverse decision by filing a Notice of Appeal in the Lucas County Common Pleas Court. You may request a reasonable accommodation in the procedure by which an appeal may be conducted. You may also contact your local fair housing or disability rights organization or legal services office for further assistance. Nothing in this accommodation request procedure limits your right to any other available state or federal remedy.

**APPLICATION FOR ZONING
REASONABLE ACCOMMODATION**

NOTE: If you need help in completing this request form, the Township will assist you. Please contact the person at the counter where you received this request form for assistance.

1. Name of Applicant

Telephone Number:

2. Address

3. Address of Housing Where Accommodation Is or Will Be Located

4. Describe the accommodation you are requesting and the specific zoning regulation(s) and/or procedure(s) from which accommodation is sought.

5. Give the reason that the reasonable accommodation may be necessary for you or, the individuals with disabilities seeking the specific housing, to use and enjoy the housing. You do not need to tell us the name or extent of your disability or that of the individuals seeking the housing.

6. If we have questions about your request for reasonable accommodation and you would like us to contact someone assisting you with this request, instead of you, please give us that person's name, address, and telephone number.

7. Signature of Applicant _____ Date _____

8. Email address

PLEASE ATTACH ANY DOCUMENTS THAT YOU THINK SUPPORT YOUR REQUEST FOR A REASONABLE ACCOMMODATION AND WOULD ASSIST US IN CONSIDERING YOUR REQUEST.

**NOTICE OF DECISION ON FAIR HOUSING
ACCOMMODATION REQUEST**

1. Date of Application:

2. Date of Decision:

3. The request for a Fair Housing Accommodation is:

_____ Granted _____ Denied (See Notice below re: right to appeal decision.)

4. The reasons for this decision are as follows:

5. The facts relied on in making this decision:

Signature of Designee _____ Date _____

NOTICE: If your request for accommodation was denied, you may appeal the Designee's decision to the Appeals Designee within thirty (30) days of the date of this decision. To file an appeal, complete and file an Appeal of Denial of Fair Housing Accommodation Request form with the Township. You may request a reasonable accommodation in the procedure by which an appeal may be conducted.

EXHIBIT C

APPEAL OF DENIAL OF FAIR HOUSING ACCOMMODATION REQUEST

NOTICE: PLEASE ATTACH TO THIS APPEAL FORM:

- (1) A COPY OF YOUR FAIR HOUSING ACCOMMODATION REQUEST ALONG WITH ANY ATTACHMENTS SUBMITTED WITH THE REQUEST AND**
- (2) THE NOTICE OF THE DECISION DENYING YOUR ACCOMODATION REQUEST**

1. Date of Adverse Decision: _____

2. Date Appeal Filed: _____

3. State why you think the denial of your request for accommodation was wrongly decided:

4. Provide any new information, facts, or documents that support your request for accommodation:

5. Signature _____ Date _____