

Ordinance No. 1002

**AN ORDINANCE AMENDING CHAPTER 44 OF THE CITY CODE BY
ADDING SECTION 44-22 WHICH PROVIDES A PROCESS FOR
REQUESTING A REASONABLE ACCOMMODATION PURSUANT TO
FEDERAL LAW**

The Maplewood City Council ordains as follows:

Section I. The City Council of the city of Maplewood hereby amends Chapter 44, Article I of the Maplewood code of ordinances by adding a new section 44-22 as follows:

Sec. 44-22. Reasonable Accommodation.

(a) *Policy and purpose.*

It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988, to provide reasonable accommodation in the application of its zoning and other regulations for persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this article is to establish a process for making and acting upon requests for reasonable accommodation.

(b) *Initiation of reasonable accommodation request.*

Any person who requests reasonable accommodation in the form of modification in the application of a zoning or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the city manager or such other person as the city manager may designate from time to time (the "Accommodation Specialist"). "Person" includes any individual with a disability, his or her representative or a developer or provider of housing for an individual with a disability. The application shall include a detailed explanation of why the accommodation is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws, as well as other information required by the Accommodation Specialist to make the determination. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.

(c) *Accommodation Specialist determination; required findings.*

The Accommodation Specialist, in consultation with the city attorney, shall have the authority to consider and act on requests for reasonable accommodation. The Accommodation Specialist shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision as to whether an accommodation is reasonable, the following factors shall be considered:

- (1) Special need created by the disability;
- (2) Potential benefit that can be accomplished by the requested accommodation;
- (3) Need for the requested accommodation, including alternatives that may provide an equivalent level of benefit;
- (4) Physical attributes of and any proposed changes to the subject property and structures;
- (5) Potential impact on surrounding uses;
- (6) Whether the requested accommodation would constitute a fundamental alteration of the zoning regulations, policies or procedures of the city, and/or nature of the area in which the accommodation is being requested;
- (7) Whether the requested accommodation would impose an undue financial or administrative burden on the city; and
- (8) Any other factor that may be determined to have a bearing on the request.

Any approval issued under this section may include such reasonable conditions that the Accommodation Specialist deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

(d) *Notice of decision.*

The written decision of the Accommodation Specialist shall be mailed to the applicant within five business days of such decision being made. All written decisions shall give notice of the right to appeal a decision of the Accommodation Specialist pursuant to paragraph (h) below. The decision of the Accommodation Specialist shall constitute the final decision of the city, unless appealed according to the procedures and within the time limits provided in paragraph (h). Only the aggrieved applicant of the written reasonable accommodation determination has a right to appeal the decision. A reasonable accommodation approved under this ordinance shall become effective on the first calendar day following expiration of the right to appeal.

(e) *Applicability.*

Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property. Approval of a reasonable accommodation does not constitute a property right, does

not run with the land, and does not provide future owners or occupants any rights to rely upon such accommodation approvals. Only the person who applied for such reasonable accommodation, and who is specifically named in the city's approval of such accommodation, shall be entitled to the benefits and protections thereof.

(f) *Conditions and guarantees.*

Prior to the issuance of any permits relative to an approved reasonable accommodation request, the Accommodation Specialist may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

(g) *Fee.*

The city council shall annually set a fee in connection with a request for reasonable accommodation made pursuant to the provisions of this article. Additional fees for any other required permit or approval shall also be charged in accordance with the city's general fee schedule.

(h) *Appeals.*

Any decision reached by the Accommodation Specialist pursuant to paragraph (d) above shall be subject to appeal to the city council by those persons with a right to appeal as provided herein. All appeals shall be initiated by submitting a notice of appeal, in writing, to the Accommodation Specialist within 30 days of the date upon which the decision was made. Upon notice of appeal, the city manager shall present such appeal to the city council for action within 30 days. The Accommodation Specialist shall also serve notice of such appeal on all parties entitled to receive notice of a decision issued under paragraph (d) above. Following a hearing on such appeal, the city council shall issue its findings, in writing, within 30 days.

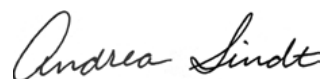
SECTION II. This ordinance shall be effective following its adoption and publication.

Approved by the City Council of the city of Maplewood this 8th day of July, 2019.



Marylee Abrams, Mayor

ATTEST:



Andrea Sindt, City Clerk

Affidavit of Publication

State of Minnesota }
County of Ramsey } SS

ROBIN NISSWANDT, being duly sworn, on oath, says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as MAPLEWOOD REVIEW, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed RESOLUTION NO. 19-07-1917 which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on WEDNESDAY, the 17TH day of JULY, 2019, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 20____; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

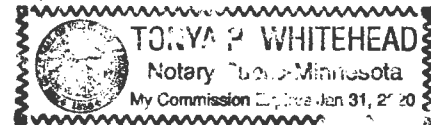
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BY: Robin Nisswandt
TITLE LEGAL COORDINATOR

Subscribed and sworn to before me on this 17TH day of JULY, 2019.

Tonya R Whitehead
Notary Public

*Alphabet should be in the same size and kind of type as the notice.



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space..... \$25.00 per col. inch
- (2) Maximum rate allowed by law for the above matter..... \$25.00 per col. inch
- (3) Rate actually charged for the above matter \$ _____ per col. inch

**CITY OF MAPLEWOOD
RESOLUTION NO. 19-07-1917
RESOLUTION AUTHORIZING
PUBLICATION OF ORDINANCE
NO. 1002 BY TITLE AND
SUMMARY**

WHEREAS, the city council of the city of Maplewood has adopted Ordinance No. 1002, an ordinance amending Chapter 44 of the city code regarding reasonable accommodation; and

WHEREAS, Minnesota Statutes, § 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the ordinance is several pages in length; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood that the City Clerk shall cause the following summary of Ordinance No. 1002 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The Maplewood City Council has adopted Ordinance No. 1002, which amends Chapter 44 of the city code regarding reasonable accommodation. This ordinance amendment provides reasonable accommodation in the application of the city's zoning and other regulations for persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing an individual with a disability or developers of housing for an individual with a disability flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities

BE IT FURTHER RESOLVED by the City Council of the City of Maplewood that the City Clerk keep a copy of the ordinance in her office at city hall for public inspection.

Adopted by the Maplewood City Council this 8th day of July, 2019.

ATTEST:

**Andrea Sindt,
City Clerk**

Review: July 17, 2019)