

AN ORDINANCE

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF GRIFFIN, GEORGIA AT ARTICLE 2, INTERPRETATIONS AND DEFINITIONS, BY ENACTING A NEW SECTION 203, REASONABLE ACCOMODATION POLICY, TO PROVIDE INDIVIDUALS WITH DISABILITIES REASONABLE ACCOMODATION IN RULES, POLICIES, PRACTICES, AND PROCEDURES SO AS TO ENSURE EQUAL ACCESS TO HOUSING AND FACILITATE THE DEVELOPMENT OF HOUSING FOR INDIVIDUALS WITH DISABILITIES; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE UNIFIED DEVELOPMENT CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Unified Development Code of Griffin, Georgia, is hereby amended at Article 2, INTERPRETATIONS AND DEFINITIONS, by enacting a new Sec. 203, REASONABLE ACCOMODATION POLICY, to provide as follows:

“Sec. 203. Reasonable Accommodation Policy.

a. It is the policy of the City of Griffin, Georgia, pursuant to the federal Fair Housing Act Amendments of 1988, 42 U.S.C. §3601 *et seq.* (hereafter “FHAA”) and Title II of the Americans With Disabilities Act (hereafter “ADA”, or collectively the “fair housing laws”) to provide individuals with disabilities reasonable accommodation in its rules, regulations, standards, policies, practices, and procedures pertaining to housing and development to ensure equal access by persons with disabilities and to developers of housing for persons with disabilities. This section establishes a procedure for making requests for reasonable accommodation in land use, zoning, and development regulations as found and contained in this Code. It is the intent of the City of Griffin, its officers, staff, and agents to fully comply with the intent and purpose of fair housing laws.

b. Reasonable accommodation in the land use, zoning, and development context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning, and building regulations, policies, standards, practices, and procedures, or even waiving certain requirements altogether, when it is necessary to eliminate legal and regulatory barriers to housing opportunities.

1. For purposes of this section, an individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or

anyone with a history of such impairment. The terms “disability” and “handicap”, for purposes of the fair housing laws have the same meaning.

2. A request for a reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or development regulation, policy, standard, practice, or procedure acts as a barrier to fair housing opportunities. Development regulations shall mean those minimum standards set forth in this Unified Development Code and shall not include Georgia Statewide Minimum Building Codes, as defined in O.C.G.A. §8-2-20, or environmental regulations found in general law or the Code of Griffin, Georgia.

c. Notice of the availability of reasonable accommodation shall be prominently displayed on the official bulletin board (2d Floor, E. Solomon Street entrance to One Griffin Center), the City’s website, and at the permit counter in the Development Services Office (3d Floor, One Griffin Center). Such notice shall state where applications for requesting reasonable accommodation are available to the public.

d. Any eligible person described in (b)(2) above may request a reasonable accommodation in the application of any land use, zoning, or development regulation, rule, standard, policy, standard, practice, or procedure as described in subsection (b)(2) above, by completing and filing an Application Requesting Reasonable Accommodation with the Director of Development Services, in triplicate. Persons requesting reasonable accommodation are encouraged to consult the Director prior to submitting the application in order to make the nature of and need for the request clear.

1. All requests shall be made in writing, on forms provided by the City, and provide the following information:

A. Name, address, and telephone number of person filing the request. When available, an email address should also be provided. When the request is being filed for the benefit of an individual with disabilities, the name, address, and telephone number for that person shall also be stated.

B. Address of property; name, address and telephone number of property owner, if different from requestor.

C. Detailed description of the requested accommodation and the regulation, rule, standard, policy, practice, or procedure for which accommodation is sought; and

D. Reason that accommodation is sought and any supporting documentation. If medical information is provided to support a

determination that the requestor is a person with disabilities, it should be clearly marked as “Confidential” and will be used only as needed.

2. Any information identified by the applicant as confidential will be held and used by the City in such manner as to respect the individual’s privacy rights and shall not be made available for public inspection.

3. A request for reasonable accommodation may be filed at any time; however, the City encourages its filing at the earliest opportunity to ensure the applicant with equal access to housing and to allow the City to make timely determinations of other related pending applications and permits. City staff will afford the applicant, upon request, such assistance as needed to ensure the application process is accessible and meaningful. There shall be no fee for requesting a reasonable accommodation.

4. Granting of a reasonable accommodation does not affect an individual’s obligations to comply with other applicable regulations not at issue in the requested accommodation.

e. All requests for reasonable accommodation shall be reviewed by a committee, consisting of the Chairperson, City Manager, and Development Services Director. A written decision on the request shall be issued to the applicant within 10 business days of the receipt of a completed form (Saturdays, Sundays, and legal holidays excluded). After initial review of a request, the committee may request additional information from the applicant.

f. The written decision to grant, deny, or grant upon conditions a request shall be consistent with the fair housing laws and based upon the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual(s) with disabilities protected by the fair housing laws;

2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;

3. Whether the requested accommodation would impose an undue financial or administrative burden on the City; and

4. Whether the requested accommodation would require a fundamental alteration of a material nature in the City’s land use, zoning, or development policies.

Where the written decision is to deny the request, or grant the request subject to conditions, a sufficiently detailed explanation of the reasons shall be given the applicant. The decision of the review committee shall be final and binding upon the City. Notice of the decision shall be given the applicant by Certified U.S. Mail, return receipt requested, unless the applicant consents to service in a different manner.

- g. While a Request for Reasonable Accommodation is pending, all laws, rules, regulations, standards, policies, practices, and procedures applicable to the property that is the subject of the request shall remain in full force and effect. This shall include any appeal of the decision until final.
- h. Within thirty (30) days of an adverse decision on a request for reasonable accommodation, an aggrieved person may file a Petition for Writ of Certiorari in the Superior Court of Spalding County, Georgia. Nothing in this procedure shall preclude an aggrieved person from seeking other available federal or state remedies.”

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Unified Development Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon its adoption.

Public Hearing and Single Reading: December 9, 2014