

HOUSING FOR PERSONS WITH DISABILITIES

Sample 1

As noted in the Special Needs section of the Housing Needs Assessment Report, persons with disabilities have a number of housing needs related to accessibility of dwelling units; access to transportation; employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services.

The City ensures that new housing developments comply with California building standards (Title 24 of the California Code of Regulations) and federal requirements for accessibility.

Procedures for Ensuring Reasonable Accommodations

To provide exception in zoning and land-use for housing for persons with disabilities, the Model City currently utilizes either a variance or encroachment permit processes to accommodate requests such as special structures or appurtenances (i.e., access ramps or lifts) needed by persons with physical disabilities. While both variance and encroachment permit applications may be handled through an administrative procedure, the standard used to evaluate such deviations conflicts with laws applicable to housing for persons with disabilities. As a result, the element includes a program (see page 59) to establish a written and administrative reasonable accommodation procedure in the zoning code for providing exception for housing for persons with disabilities in zoning and land use.

Efforts to Remove Regulatory Constraints for Persons with Disabilities

The State has removed any City discretion for review of small group homes for persons with disabilities (six or fewer residents). The City does not impose additional zoning, building code, or permitting procedures other than those allowed by State law. There are no City initiated constraints on housing for persons with disabilities caused or controlled by the City.

The City also allows residential retrofitting to increase the suitability of homes for persons with disabilities in compliance with accessibility requirements. Such retrofitting is permitted under Chapter 11, 1998 version of the California Code. Further, the City works with applicants who need special accommodations in their homes to ensure that application of building code requirements does not create a constraint. Finally, the element includes a program to amend zoning and clarify at Section 18.38.050 of the zoning ordinance that retrofitted access ramps are permitted in setback areas.

Information Regarding Accommodation for Zoning, Permit Processing, and Building Codes

The Model City implements and enforces Chapter 11, 1998 California Code. The City provides information to all interested parties regarding accommodations in zoning, permit processes, and application of building codes for housing for persons with disabilities.

Zoning and Other Land Use Regulations

As part of the update of the housing element in 2002, the City conducted a comprehensive review of its zoning laws, policies and practices for compliance with fair housing laws. The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals.

Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting processes are:

- The City allows some variation from the application of its parking standards. Section 18.44.160 of the Zoning Ordinance titled “Uses Not Listed” would allow, for example, the reduction of parking spaces for a unique use such as a senior housing project or other special needs. Similarly Section 18.44.240 “Dimensions and Layout of Spaces” provides the Planning Department with the authority to establish and approve parking stalls and maneuvering areas other than those set in the ordinance. However, this flexibility is not explicit for housing for persons with disabilities and special needs. The element includes Program 12 to establish a formal and written procedure in the zoning code to reduce parking for housing for persons with disabilities.
- The City permits group homes of all sizes in all residential districts. All of the City’s commercial zones also allow group homes. The City has no authority to approve or deny group homes of six or fewer people, except for compliance with building code requirements, which are also governed by the State.
- The City does not restrict occupancy of unrelated individuals in group homes and does not define family or enforce a definition in its zoning ordinance.
- The City permits housing for special needs groups, including for individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City. The Land Use Element of the General Plan does not restrict the siting of special need housing.

Permits and Processing

The City does not impose special permit procedures or requirements that could impede the retrofitting of homes for accessibility. The City's requirements for building permits and inspections are the same as for other residential projects and are straightforward and not burdensome. City officials are not aware of any instances in which an applicant experienced delays or rejection of a retrofitting proposal for accessibility to persons with disabilities.

As discussed above, the City allows group homes of six or fewer persons by right, as required by State law. No CUP or other special permitting requirements apply to such homes. The City does require a CUP for group homes of more than six persons in all residential and commercial zones that allow for residential uses. However, such permits only consider the City's design review requirements. The City does not impose special occupancy permit requirements or business licenses for the establishment or retrofitting of structures for residential use by persons with disabilities. If structural improvements were required for an existing group home, a building permit would be required. If a new structure were proposed for a group home use, design review would be required as for any other new residential structure. The City design review process has not been used to deny or substantially modify a housing project for persons with disabilities to the point where it is no longer feasible. All residential projects in the City require the same level of design review, however, the element includes a program to convene a task force with pertinent stakeholders and organizations to evaluate this process and pursue appropriate changes based on the task force's findings.

Building Codes

The Model City provides reasonable accommodation for persons with disabilities in the enforcement of building codes and the issuance of building permits through its flexible approaches to retrofitting or converting existing buildings and construction of new buildings that meet the shelter needs of persons with disabilities. The City adopted and implements the 1997 Uniform Building Code (UBC) and 1998 California Code, which incorporates and amends the 1997 UBC. The State recently adopted the 2000 International Building Code. The City will implement the provisions of the Code in the near future. Until that time, the 1997 UBC/1998 California Code will be the applicable Code the City is required to enforce under State law. The only additions to the Uniform Code that the City has adopted are (a) requiring multifamily housing to be fire sprinkled; and (b) requiring Class "A" roof materials due to high fire hazard.

Universal Design Element

The Model City has not adopted a universal design ordinance governing construction or modification of homes using design principles that allow individuals to remain in those homes as their physical needs and capabilities change. The City has added the development of a Universal Design Element as a Program during this planning period. The City will refer to the HCD website to develop guidelines and a model ordinance consistent with the principles of universal design.

Note: Sample analysis includes excerpts from the City of Lincoln Housing Element