

ORDINANCE NO. 1904

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING AN INTERIM OFFICIAL CONTROL, AMENDING THE PROVISIONS OF TITLE 20F OF THE REDMOND MUNICIPAL CODE AND COMMUNITY DEVELOPMENT GUIDE TO ADD A NEW SECTION 20F.20.270 REASONABLE ACCOMMODATION PROCESS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, RCW 36.70A.390 permits cities to adopt interim official controls without holding a public hearing, provided that a public hearing is held within sixty (60) days and findings of fact are adopted; and

WHEREAS, the Fair Housing Act, the Fair Housing Act Amendments, and implementing regulations require that a city make reasonable accommodation in its rules, policies, practices, and/or services in order to insure the full enjoyment of federally protected housing rights of the disabled; and

WHEREAS, the City has entered into a conciliation agreement under which the City is obligated to adopt amendments to its Building Code providing for reasonable accommodations; and

WHEREAS, such adjustments of the City's practices and procedures are by their very nature accommodations personal to the disabled individual occupying the premises and must therefore be carefully tailored to meet the needs of the disabled person without the application of stereotypical assumptions regarding the disabled; and

WHEREAS, the City of Redmond desires to enact a speedy, fair, and expeditious process to provide such reasonable accommodations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. A new section 20F.20.270 is hereby added to Title 20F of the Redmond Municipal Code and Community Development Guide, to read as follows:

20F.20.270 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

20F.20.270(05) Reasonable Accommodation Process

The federal Fair Housing Act and Fair Housing Act Amendments require that reasonable accommodations be made in the rules, policies, practices, or services, when such accommodations may be necessary to afford disabled persons equal opportunity to use and enjoy a dwelling. The Planning Director or his or her designee is therefore authorized to make accommodations in the provisions of the requirements of the Redmond Community Development Guide as such provisions apply to dwellings occupied or to be occupied by disabled persons as defined by the federal Fair Housing Act and Fair Housing Act Amendments, when the Planning Director or his or her designee determines that such accommodations reasonably may be necessary in order to comply with such Act. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant leaves the residence at the subject site.

20F.20.270(10) Decision

The written decision of the Planning Director or his or her designee shall be provided to the applicant and copies of the decision posted at the post office, city hall, library, and on or near the subject site, and mailed to all property owners within 300 feet of the subject site.

20F.20.270(15) Appeals

The decision of the Planning Director or his or her designee shall be appealable only to King County Superior Court in accordance with the provisions of Section 20F.20.200(40) of the Redmond Community Development Guide. The appeal period for such appeals shall commence on the date the notice is deposited in the U.S. mail, postage paid, properly addressed to the applicant and owners of property as required in Section 20F.20.270(10) above.

20F.20.270(20) Modification of State Building Code

A request for a modification of the state building code including, but not

limited to, the group LI requirements may be made to the Planning Director or his or her designee pursuant to the definitions and requirements of the Fair Housing Act and Fair Housing Act Amendments as the same exists or is hereafter amended. The rights created by the statutes are requirements of federal law and shall be interpreted and applied in accordance with federal case law. The decision of the Planning Director or his or her designee shall be reviewable pursuant to section 20F.20.270(15) above.

Section 2. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing for the purpose of making findings of fact and for the purpose of considering extension of the interim regulations established by this ordinance on October 15 1996 at 8:00 p.m. or as soon thereafter as the matter may be heard by the City Council. The City Clerk is hereby directed to give notice of the public hearing according to the methods established by Council resolution. Provided, however, that said public hearing shall not be held or otherwise required if the City adopts a permanent official control prior to the expiration of 60 days from the date of adoption of this ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

Bonnie Mattson
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: Wagner Jewel

FILED WITH THE CITY CLERK:	August 28, 1996
PASSED BY THE CITY COUNCIL:	September 3, 1996
SIGNED BY THE MAYOR:	September 4, 1996
PUBLISHED:	September 6, 1996
EFFECTIVE DATE:	September 11, 1996
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