

**AN ORDINANCE
OF THE
CITY OF MINNEAPOLIS**

By Glidden

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 525 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article XI, including new Sections 525.590 - 525.650, to read as follows:

ARTICLE XI. REASONABLE ACCOMMODATION

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

525.600. Initiation of reasonable accommodation request. Any person who requests reasonable accommodation in the form of modification in the application of a zoning 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 zoning administrator. "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 modification 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 zoning administrator to make the determination. If the project for which the request is being made also requires an additional land use review or approval, then the applicant shall file the request concurrently with the land use review.

525.610. Zoning administrator determination; required findings. The zoning administrator or designee thereof, in consultation with the city attorney,

shall have the authority to consider and act on requests for reasonable accommodation. The zoning administrator shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision, the following factors shall be considered:

- (1) Special need created by the disability.
- (2) Potential benefit that can be accomplished by the requested modification.
- (3) Need for the requested modification, 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 modification would constitute a fundamental alteration of the zoning regulations, policies, and/or procedures of the city.
- (7) Whether the requested modification would impose an undue financial or administrative burden on the city.
- (8) Any other factor that may have a bearing on the request.

525.620. Notice of Decision. The written decision of the zoning administrator shall be mailed to the applicant and to the owners of record of all properties which are immediately adjacent to the property which is the subject of the reasonable accommodation request. All written decisions shall give notice of the right to appeal a decision of the zoning administrator pursuant to section 525.170. The decision of the zoning administrator shall constitute the final decision of the city, unless appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written reasonable accommodation determination have a right to appeal the decision.

525.630. Applicability. If the city grants the request, the request shall be granted to an individual and shall not run with the land unless the zoning administrator determines that the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code of Ordinances or the accommodation is to be used by another individual with a disability.

525.640. Conditions and guarantees. Prior to the issuance of any permits relative to an approved reasonable accommodation request, the zoning administrator may require the applicant to record a covenant acknowledging and

agreeing to comply with the terms and conditions established in the determination.

525.650. Fee. There shall be no fee imposed in connection with a request for reasonable accommodation made pursuant to the provisions of this article.