



Village of Royal Palm Beach
Application Form to Request a Reasonable Accommodation

A reasonable accommodation is any modification of a zoning rule, policy, or practice if that modification is reasonably necessary in order to give a person with disabilities an equal opportunity to use and enjoy a dwelling in the Village of Royal Palm Beach. It is the policy of the Village, pursuant to State and federal law, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities.

If you believe that you need a reasonable accommodation to live in a dwelling, or so that persons with disabilities may live in a dwelling that you own or operate, please complete this application form and return it to the Village Clerk’s Office at 1050 Royal Palm Beach Boulevard, Royal Palm Beach, FL 33411. Please attach additional pages if necessary. If you have questions or need assistance, please contact the Village Clerk at (561) 790-5100.

Name and Contact Information of the Applicant:

Name: _____

Address: _____

Telephone: _____

Location Where Reasonable Accommodation Is Requested:

Address: _____

Is Applicant the owner of the property at which the reasonable accommodation is requested?

Yes No

If you answered “No,” please provide the name and contact information of the owner of the property at which the Reasonable Accommodation is requested below. Please also submit a signed Authorized Representative Form attached hereto on Page 6.

Property Owner Information:

Name: _____

Address: _____

Telephone: _____

Is Applicant the representative of the person(s) with disabilities for which the reasonable accommodation is requested? Please select “No” if the Applicant and the person with a disability are the same.

Yes No

If you answered “Yes,” please submit a signed Authorized Representative Form attached hereto on Page 7. If you answered “No,” please explain:

Are the people who will live at the dwelling persons with disabilities?

Yes No

If you answered “Yes,” you must submit a signed Verification of Disability Status Form, which is attached hereto on Pages 4-5. If you answered “No,” please provide the name and contact information of the individual(s) for whom Reasonable Accommodation is requested below:

Please describe the accommodation you need. What ordinance, rule, policy, practice or procedure would you like the Village of Royal Palm Beach to waive for the dwelling? Please be as specific as possible.

Why do you need the accommodation? In other words, why is the requested accommodation necessary in order for persons with disabilities to live in the dwelling, and what is the relationship between the disability and the requested accommodation? The

Village is not seeking information relating to the nature and severity of the person's disability.

Expiration:

Approvals for Reasonable Accommodations shall expire within one hundred eighty (180) calendar days if not implemented at the property.

I AFFIRM UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION ON THIS APPLICANT, THEN MY APPLICATION MAY BECOME NULL AND VOID.

Signature: _____

Printed Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, () who is personally known to me OR () who has produced _____ as identification and who () did () did not take an oath.

Notary Public, State of Florida

Print Notary Name

(Stamp/Seal)

FOR ADDITIONAL INFORMATION ON THIS PROCESS, PLEASE REVIEW THE VILLAGE'S REASONABLE ACCOMMODATION POLICY (RESOLUTION NO. 16-53), OR CONTACT THE VILLAGE CLERK'S OFFICE AT (561) 790-5100.

Village of Royal Palm Beach
Verification of Disability Status

This form must be completed by someone who knows about the individual’s disabilities.

The Village of Royal Palm Beach respects individuals’ privacy. We will verify disability status, but will not inquire into the nature or severity of a disability. Nor will we ask to seek a person’s medical records. We will limit our disability inquiry to requiring that the Applicant verify the disability status of individuals for purposes of State and federal law.

Definitions:

Federal law provides that “persons with disabilities” are persons who: (1) have any “physical or mental impairment” that substantially limits one or more “major life activities”; (2) have a record of having the impairment; or (3) are regarded by others as having the impairment.

A “major life activity” is any task central to most people’s daily lives, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

A “physical or mental impairment” includes, but is not limited to, orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, emotional illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Anyone with a history of an impairment that limits a major life activity is also a person with disabilities.

Verification:

To the best of my knowledge, information, and belief, the person(s) who occupy (or who will occupy) the dwelling that is subject to the above request for reasonable accommodation ____ do or ____ do not meet the definition of “persons with disabilities.” I am in a position to know about the person’s disabilities because:

(For example, are you a medical or social services professional, part of a peer support group that serves the person(s), or someone who resides with the person(s)?)

NOTE: DO NOT reveal the nature or severity of the person’s disabilities.

I AFFIRM UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE.

Signature: _____
Printed Name: _____
Date: _____
Address: _____
Telephone: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, () who is personally known to me OR () who has produced _____ as identification and who () did () did not take an oath.

Notary Public, State of Florida

Print Notary Name

(Stamp/Seal)

Village of Royal Palm Beach
Property Owner Authorized Representative Form

(This form must be completed by ALL property owners if designating an Authorized Representative/Agent)

I, _____ (property owner), do hereby affirm that _____ (representative/agent's name) is hereby designated to act as my agent and on my behalf, to submit or have submitted this application for Reasonable Accommodation and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the application indicated above.

I AFFIRM UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE.

Owner Signature: _____
Printed Name: _____
Date: _____
Address: _____
Telephone: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, () who is personally known to me OR () who has produced _____ as identification and who () did () did not take an oath.

Notary Public, State of Florida

Print Notary Name

(Stamp/Seal)

Village of Royal Palm Beach
Person with Disability/Qualifying Entity Authorized Representative Form

(This form must be completed by ALL persons with disabilities or a qualifying entity if designating an Authorized Representative/Agent)

I, _____ (person with disability or qualifying entity), do hereby affirm that _____ (representative/agent's name) is hereby designated to act as my agent and on my behalf, to submit or have submitted this application for Reasonable Accommodation and all required materials and documents, and to attend and represent me at all meetings and public hearings pertaining to the application indicated above.

I AFFIRM UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE.

Signature: _____
Printed Name: _____
Date: _____
Address: _____
Telephone: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, () who is personally known to me OR () who has produced _____ as identification and who () did () did not take an oath.

Notary Public, State of Florida

Print Notary Name

(Stamp/Seal)

RESOLUTION NO. 16-53

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ESTABLISHING A REASONABLE ACCOMMODATION POLICY PURSUANT TO THE FAIR HOUSING ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to ensure that its land development regulations and all other ordinances, rules, policies, practices and procedures treat persons with disabilities and facilities serving them in a non-discriminatory manner; and

WHEREAS, the Village's application of its zoning and land development regulations, other ordinances, and related rules, policies and practices is governed by the Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA), and other applicable state and federal laws; and

WHEREAS, "Reasonable Accommodation" is a statutorily established method that allows a person who is disabled and/or handicapped, as those terms are defined in Title II of the ADA and/or the FHA, to request a modification or alteration in the application of a specific Village Code provision, rule, policy or practice; and

WHEREAS, the Village Council desires to provide a Reasonable Accommodation Policy in order to afford persons with disabilities an equal opportunity to use and enjoy dwellings, including public and common use spaces, within the Village; and

WHEREAS, the Village Council states that such Reasonable Accommodation Policy is in the best interests of the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village Council of the Village of Royal Palm Beach hereby adopts the following Reasonable Accommodation Policy:

(1) Purpose and Intent. The purpose of this policy is to establish procedures for processing requests for Reasonable Accommodation in housing from the Village's Land Development Regulations, all other ordinances, and related rules, policies, practices and procedures, for persons that qualify as disabled and/or handicapped under Title VIII of the Civil Rights Act of 1968 (FHA), the Fair Housing Amendments Act of 1988 (FHAA), the Florida Fair Housing Act (§§ 760.20-760.37), Florida Statutes, and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) (ADA), as these laws may be amended from time to time. Any person who

is disabled and/or handicapped, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out below.

(2) Notice to the Public of Availability of Accommodation. The Village shall display a notice in the Village's public notice bulletin board (and shall maintain copies available for review in the Village Clerk's office) advising that disabled and/or handicapped persons (and qualifying entities, if applicable) may request a Reasonable Accommodation as provided herein.

(3) Application Procedures. A request for Reasonable Accommodation by a disabled and/or handicapped person or qualifying entity (hereinafter the "applicant") may be submitted in writing and/or on an application form provided by the Village, or may be submitted verbally. All requests for Reasonable Accommodation shall be submitted to the Village Clerk's Office. The Village encourages requests for Reasonable Accommodation to be made in writing in order for the Village to obtain all information necessary to process a request without delay. The Village shall assist applicants who need help filling out the application form, and may fill out the form for applicants who are making a verbal reasonable accommodation request. If the Village Clerk's Office receives a verbal reasonable accommodation request, such answering staff member shall prepare a written statement, such as filling out the written application form, indicating that the request was made verbally, the date/time of such request, and the contents of such request. The staff member shall sign any written statement. Application forms shall be made available in the Village Clerk's Office located at 1050 Royal Palm Beach Blvd., Royal Palm Beach, FL 33411, and on the Village's website at www.royalpalmbeach.com. The Village Clerk's Office also shall assist applicants, upon request, in downloading and making copies of application forms, and reviewing the application contents. Assistance in completing application forms shall include interpretation services upon request. The application process is as follows:

a. Application Contents. An applicant making a request for Reasonable Accommodation shall provide the following information to the Village either in writing or verbally:

1. The legal name(s) of all persons for whom a reasonable accommodation is sought, and if a qualifying entity, the legal name(s) of all person for whom it has been authorized to submit an application;
2. Address of the applicant, unless governed by 42 U.S.C. §290d.d., in which case the address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability;
3. Address of housing or other location at which accommodation is requested, if different from the address of the applicant, unless governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability;
4. The type of accommodation being requested, and an explanation of how the accommodation is necessary in order for persons with disabilities to live in the dwelling;
5. A description of the Village ordinance, rule, policy, practice or procedure, from which the applicant seeks a reasonable accommodation;
6. If the disability is not known or readily apparent to the Village, information and/or documentation that (1) verifies a person's disability status under the

FHA and/or ADA; (2) describes the needed accommodation; and (3) shows the relationship between the person's disability and the need for the requested accommodation. The Village is not seeking information relating to the nature and severity of the person's disability.

7. If the disability is known or readily apparent, but the need for the accommodation is not known or readily apparent to the Village, an explanation of the relationship between the person's disability and the need for the requested accommodation.

b. Applicant's Representative(s): An applicant may be represented at all stages of the Reasonable Accommodation process by a person designated by the applicant as their authorized agent (e.g. family member), attorney, or representative. If an authorized agent, attorney or other representative is representing a person, or, if applicable, a qualifying entity, a written authorization designating such authorized agent, attorney or representative shall be submitted to the Village, or an in-person meeting between the Village and the applicant shall occur to confirm the applicant's authorized agent, attorney or representative. The Village is unable to accept authorizations outside of those made in writing or in-person as such forms of communication (e.g. phone call) do not provide the Village sufficient means to verify the identity of the applicant. Authorization forms shall be made available in the Village Clerk's Office located at 1050 Royal Palm Beach Blvd., Royal Palm Beach, FL 33411, and on the Village's website at www.royalpalmbeach.com.

c. Village Assistance: The Village shall provide assistance and accommodation as is required pursuant to the FHA and ADA in connection with a disabled and/or handicapped person's request for Reasonable Accommodation, including without limitation, assistance with interpreting the Reasonable Accommodation application form and responding to the questions contained therein, assistance with completing the form, assistance with filing an appeal, and assistance in appearing at hearings to ensure the process is accessible.

d. No Fee. No fee shall be imposed by the Village in connection with a request for Reasonable Accommodation under this policy, or for an appeal of a decision by the Village Manager or designee to the Special Magistrate. The Village shall have no liability for or legal obligation to pay an applicant's attorney's fees or costs in connection with the request for Reasonable Accommodation, or any appeal at any appellate level.

e. Interactive Process: When a request for Reasonable Accommodation is made, the Village may engage in an interactive process with the applicant to devise alternative accommodations that provide the applicant an opportunity to use and enjoy a dwelling. The commencement of an interactive process does not toll the deadlines for issuance of a notice of determination by the Village Manager or designee, or for an appeal hearing before the Special Magistrate as outlined below, unless the applicant agrees in writing to extend the deadlines.

f. Confidential Information. Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled and/or handicapped person, an applicant may request that the Village, to the extent allowed by law, treat the information or records as confidential. In such case, the Village shall

endeavor to keep the applicant's medical information confidential to the extent permitted by federal and state laws, including but not limited to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Chapter 119, Florida Statutes (the Florida Public Records Law). The Village shall have no obligation to defend against any action seeking to compel the production of public records, or to incur any legal or other expenses in connection therewith, and shall produce the records to the extent the Village determines the records are not exempt from the Public Records Act, or to comply with any judicial or administrative order without prior notice to the applicant. The Village, however, shall endeavor to provide notice to the disabled and/or handicapped person, or their representative, of any request received by the Village for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the Village.

g. Review by Village Manager or Designee. All requests for Reasonable Accommodation shall be submitted to the Village Clerk's Office. As soon as practicable after receipt, the Village Clerk shall forward all requests to the Village Manager or designee for review. The Village Manager or designee shall issue a written notice of determination to the applicant within thirty (30) days from the date the application is received by the Village Clerk's Office. If needed to reach a determination on the request for Reasonable Accommodation, the Village Manager or designee, may, prior to the end of the thirty (30) day period, issue a written request for additional information to the applicant, specifying in sufficient detail what information is required. The applicant shall have thirty (30) days after the date of the written request for additional information to provide said information. In the event a written request for additional information is made, the thirty (30) day period to issue a written notice of determination shall no longer be applicable, and the Village Manager or designee shall issue a written notice of determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information and/or fails to request an extension of time to provide said information within thirty (30) days after the date of the request for additional information, then the request for reasonable accommodation shall be deemed withdrawn and no further action by the Village shall be required. The applicant may renew their request for Reasonable Accommodation at any time. The applicant may request additional time to respond either in writing or verbally to the Village Clerk's Office. The Village shall not unreasonably withhold consent to an applicant's request for additional time to respond.

h. Findings for Reasonable Accommodation. In determining whether the Reasonable Accommodation request shall be granted or denied, the applicant shall be required to establish that:

1. They are protected under the FHA or ADA, as defined in the FHA or ADA. Although the definition of disability and/or handicap is subject to judicial interpretation, for purposes of this policy, a disabled and/or handicapped person is defined as having:
 - (a) a physical or mental impairment which substantially limits one or more major life activities;
 - (b) a record of having such impairment; and
 - (c) that they are regarded as having such impairment.

2. The proposed accommodations being sought are reasonable and necessary to afford disabled and/or handicapped persons equal opportunity to use and enjoy housing. An accommodation is not reasonable if it imposes undue financial and administrative burdens on the Village; or requires a fundamental alteration to the Village's zoning scheme.

The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the Village Manager or designee.

i. Notice of Determination. The Village Manager or designee, shall issue a written notice of determination to the applicant in accordance with Section (3)(g) above, which shall:

1. Grant the accommodation request in full with no conditions;
2. Grant a portion of the request and deny a portion of the request;
3. Impose conditions upon the portion of the request that was granted; or
4. Deny the request. Any such denial shall state the grounds for the denial.

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the applicant (i.e. the disabled and/or handicapped person or his/her authorized agent, attorney or representative) by certified mail, return receipt requested. The notice of determination shall be sent to the applicant at the address listed by the applicant on the application form, or as otherwise provided to the Village in writing.

j. Appeal.

1. Appeal from Notice of Determination by Village Manager or Designee: Within forty-five (45) days after the Village Manager or designee has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date that the letter is mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be made to the Village Clerk's Office. The appeal shall be heard by the Special Magistrate for Code Enforcement matters as set forth in the Village Code. The Special Magistrate shall conduct a quasi-judicial public hearing on the appeal as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless the applicant agrees in writing to an extension of the hearing date. The Special Magistrate shall not be required to render a decision on the request at the public hearing, but shall render a determination no later than thirty (30) days after the conclusion of the public hearing. Such public hearing shall be de novo.

Once a public hearing date has been coordinated with the applicant and set, the Village shall, at least ten (10) days prior to the hearing, post a notice of hearing on the Village's public notice bulletin board and on its website, and shall maintain copies available for review in the Village Clerk's office. The notice shall contain a brief description of the request for Reasonable Accommodation, the property to which the request is applicable, and the

time and place of the Special Magistrate hearing on the request. The notice shall not contain any information relating to the applicant's specific disability or other medical information.

The Special Magistrate's decision on the appeal shall be in writing and be based on the criteria listed in Section (3)(h) above. The Special Magistrate's decision shall be made in writing and may (a) grant the accommodation request in full with no conditions; (b) grant a portion of the request and deny a portion of the request; (c) impose conditions upon the portion of the request that was granted; or (d) deny the request. Any denial shall state the grounds for the denial. The Special Magistrate's decision shall give notice of the right to appeal. The written decision of the Special Magistrate shall be sent to the applicant (i.e., the disabled and/or handicapped person or his/her authorized agent, attorney, or representative) by certified mail, return receipt requested. The written decision shall be sent to the applicant at the address listed by the applicant on the application form, or as otherwise provided to the Village in writing.


2. Appeal from Special Magistrate's Decision: A Special Magistrate's decision may be appealed by the Village or applicant within thirty (30) days after the date on which the written decision is rendered. Such appeal shall be made to the 15th Judicial Circuit Court in and for Palm Beach County, Florida, in accordance with the rules of procedure governing appeals of quasi-judicial decisions.

k. Stay of Enforcement. While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the Village, the Village will not enforce the subject land development regulation, other ordinance, or related rules, policies, practices or procedures, against the applicant, except that the Village may seek relief through its code enforcement process or an injunctive action if there is an imminent threat to the health, safety and welfare of the public.

Section 2: Effective Date: This Resolution shall take effect immediately upon its adoption by the Village Council.

PASSED AND ADOPTED this 15th day of December, 2016.

VILLAGE OF ROYAL PALM BEACH


FRED PINTO, MAYOR

ATTEST:

(SEAL)


DIANE DISANTO, VILLAGE CLERK