

TOWN OF DANIEL

ADMINISTRATIVE POLICY FOR REASONABLE ACCOMMODATION

Purpose: The purpose of this administrative policy is to establish guidelines for making reasonable accommodations to Daniel Town policies, practices and procedures for persons with disabilities and medical hardships when reasonable accommodation is required by federal or state law.

Policy:

1-Adoption: There is hereby adopted a Daniel Town policy for making reasonable accommodation in Town policies, practices or procedures when reasonable accommodation are necessary to comply with Title II of the Americans with Disabilities act (ADA), the Fair Housing Act(FHA) and other federal and state laws and regulations.

2- Application: This policy is applicable to all requests for reasonable accommodation to Daniel Town policies, practices and procedures pursuant to federal or state law, except for request for employment with Daniel Town. Applications for reasonable accommodation in the workplace shall be handled individually pursuant to applicable law and Town policy.

3- implementation: Implementation of this policy is undertaken pursuant to the Americans with Disabilities act (ADA), the Fair housing act (FHA) and other federal and state laws that require state and local governments to provide reasonable accommodation for persons with disabilities and medical hardships. This policy shall be construed consistent with those laws.

4- Documentation: It shall be the obligation of the person requesting the reasonable accommodation to: (1) apply in writing for the reasonable accommodation desired on an application form provided by Daniel Town; (2) specify in detail in the application the reasons the accommodations are necessary and reasonable; and (3) document the medical hardship/disability to show that accommodation is necessary and reasonable on its face including providing written documentation of the individual's disability, medical hardship or handicap as diagnosed by a licensed physician.¹ The written opinion by a licensed physician shall specify the applicant's hardship/disability and why the hardship/disability requires reasonable accommodation. The written opinion should also make, to the extent possible,

¹ *Oconomowoc Residential Programs v. City of Milwaukee*, 300 F.3d775 (U.S. App 2002).

specific recommendations as to what modifications to Daniel Town policies, practices, or procedures may be warranted and/or efficacious in providing the reasonable accommodation.

5-Evaluation of Application for Reasonable Housing Accommodation: The following factors may be taken into consideration when evaluating the need and reasonableness of a requested accommodation for residential housing or living facilities: (1) the necessity of the proposed accommodation or living facility in order to afford a disabled person an equal opportunity to live in a particular area, (2) whether the proposed accommodation or facility complies with the condition of the zone in which it is located, (3) whether any of the accommodation or facility residents will pose a direct threat to public safety, (4) whether the proposed accommodation or facility complies with other building, health and safety requirements, (5) whether the proposed accommodations would result in substantial damages to the property of others, and (6) whether the proposed facility provides adequate off street parking for its residents.

6-Investigation and Recommendation: Upon the advice and consent of the Town Council, the mayor or mayor's designee shall investigate and make recommendations regarding requests for reasonable accommodation. In making recommendations regarding a reasonable accommodation request, the mayor or mayor's designee shall make written findings and recommendations as to whether the applicant's application should be granted and what specific accommodation should be granted by the Town Council. In making recommendations regarding reasonable accommodation requests, the mayor or mayor's designee shall make written findings and recommendations as to whether the applicant ("Applicant") meets any one of the following tests: (1) the Applicant has a physical or mental impairment, medical hardship, or handicap, that substantially limits one or more of his or her major life activities; (2) Applicant has a record of such an impairment; or (3) Applicant is regarded as having such impairment. In making recommendations regarding necessity and the reasonableness of proposed accommodations for housing or residential living facilities, the mayor or mayor's designee shall consider: (1) the necessity of the living facility in order to afford disabled persons an equal opportunity to live in a particular area; (2) whether the facility complies with the conditions imposed by the zone in which it is located; (3) whether any of the residents will pose a direct threat to public safety; (4) whether the facility complies with other building, health and safety requirements as applicable; (5) whether the requested accommodations would result in substantial physical damages to the property of others; (6) whether the facility provides adequate off street parking for its residents; and (7) the financial, administrative or other impact or burden the accommodation or facility would have on the impacted neighborhood, program, or administrative program.

8- Denial of an Application: An application for reasonable accommodation may be denied if it is incomplete, lacks the necessary documentation, or for any other reason provided by law

including, but not limited to the fact that the requested accommodation would: (1) fundamentally alter the nature of the service program, activity; (2) constitute a fundamental alteration of town ordinance; (3) impose an undue financial or administrative burden on the town, or would place an undue burden on a housing program.

9-Grant of Reasonable Accommodation: If a reasonable accommodation is granted, the waiver shall be documented in writing by a certificate signed by the mayor specifying the nature and extent of the reasonable accommodation authorized. All reasonable accommodations granted shall be personal and specific to the Applicant, and shall not apply to other individuals, nor shall any reasonable accommodation be considered a variance or run with the land.

10-Appeals: If a requested accommodation is denied, the individual may file a request with the Daniel Town Board of Appeals for an administrative hearing. An administrative hearing on the matter shall be held in accordance with Daniel Town Code administrative hearings.