



City of San Leandro Reasonable Accommodation Policy and Grievance Policy Relating to the Americans with Disabilities Act, the Fair Employment and Housing Act, and Section 504 of the Rehabilitation Act

It is the policy of the City of San Leandro to comply with the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), Section 504 of the Rehabilitation Act of 1973, and the comprehensive civil rights laws that prohibit discrimination against persons with disabilities. The City of San Leandro will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, events, activities, facilities and public meetings.

In all of its services, programs, events, activities, facilities and public meetings, the City of San Leandro will strive to eliminate any barriers that prohibit persons with disabilities from participating or from having full access to facilities. If a service, program, event or activity is not fully accessible, the City will, to the best of its ability, relocate said service, program, event or activity to an accessible facility, or provide equal services at alternate accessible sites.

A request for special accommodation must be made to the ADA Coordinator by the individual needing the accommodation or his/her representative with at least two (2) weeks advance notice of the service, program, event, or activity. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Reasonable Accommodation Policy – Zoning and Land Use

This policy provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

A request for reasonable accommodation may be made by any person with a disability, his/her representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of

such impairment. This Article is intended to apply to those persons who are defined as disabled under the Acts.

Requests for reasonable land use accommodation shall be submitted on an application form provided by the ADA Coordinator and shall include the following information:

- (1) The applicant's name, address and telephone number.
- (2) Address of the property for which the request is being made.
- (3) The current actual use of the property.
- (4) The basis for the claim that the individual is considered disabled under the Acts.
- (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by Subsection (a) together for concurrent review with the application for discretionary approval.

Requests for reasonable accommodation shall be reviewed by the ADA Coordinator who may at the Coordinator's discretion, forward to the relevant department head for his/her review and determination. The ADA Coordinator or his/her designee, shall make a written determination within 45 days and either grant ,grant with modifications, or deny a request for reasonable accommodation in accordance with §2.5.325 (Findings and Decision).

Findings and Decision for Land Use

The written decision to grant or deny a request for reasonable accommodation for a land use will be consistent with the Acts and shall be based on consideration of the following factors:

- (1) Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.
- (2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
- (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.

- (4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
- (5) Potential impact on surrounding uses.
- (6) Physical attributes of the property and structures.
- (7) Alternative reasonable accommodations which may provide an equivalent level of benefit.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required above.

Appeal of Determination

A determination by the reviewing authority to grant or deny a request for reasonable accommodation for land use may be appealed to the Planning Commission.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his/her choice. Requests for reasonable accommodation shall be made in the manner prescribed by §2.5.310 (Application Requirements) and shall be made to the City's ADA Coordinator.

For requests for all special accommodations or to file a grievance with the City of San Leandro regarding the City's failure to provide a reasonable accommodation, please contact:

Debbie Pollart
ADA Coordinator
City of San Leandro
14200 Chapman Road
San Leandro, CA 94578
Phone: 510-577-6020
Fax: 510-352-1192
TTY: 510-577-3343
dpollart@sanleandro.org

or

Steve Hernandez
Section 504 Coordinator
City of San Leandro
835 East 14th Street
San Leandro, CA 94577
Phone: 510-577-6005
Fax: 510-577-6007
TTY: 510-577-3343
shernandez@sanleandro.org

Please state as specifically as possible what you think should be done to resolve the grievance.

SIGNATURE

DATE

MAIL, FAX OR EMAIL COMPLETED GRIEVANCE FORM TO:

**Debbie Pollart
ADA Coordinator
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Phone: 510-577-6005
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shernandez@sanleandro.org**

For City Use Only:

DATE GRIEVANCE WAS RECEIVED

DATE GRIEVANCE INVESTIGATED

RESULTS OF INVESTIGATION (ATTACH SUPPORTING DOCUMENTATION OR PHOTOGRAPHS)

DATE COMPLAINANT CONTACTED

INVESTIGATOR

Method of Contact: Phone
 Letter
 Personal Visit



CITY OF SAN LEANDRO

ADA / SECTION 504 GRIEVANCE PROCEDURE

The complaint must be submitted by the grievant and/or his/her designees as soon as possible but no later than 60 calendar days after the alleged violation to:

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ADA Coordinator
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Steve Hernandez
Section 504 Coordinator
City of San Leandro
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San Leandro, CA 94577
Phone: 510-577-6005
Fax: 510-577-6007
TTY: 510-577-3343
shernandez@sanleandro.org

Within 15 calendar days after receipt of the grievance, the ADA or 504 Coordinator or his/her designee will schedule a meeting with the complainant to discuss the grievance and possible resolutions. After an investigation and review, the ADA or 504 Coordinator will respond in writing, and where appropriate in a format accessible to the complainant. The response will explain his/her position on the issue and offer options for substantive resolution of the complaint.

If the response by the ADA or 504 Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision in writing to the City Manager within 15 calendar days after receipt of the response.

After receiving the appeal, the City Manager or his designee will review the appeal and the ADA Coordinator's findings. Within a reasonable period, after a review, the City Manager or his designee will respond in writing, and where appropriate in a format that is accessible to the complainant, with a final resolution to the grievance.

Grievances may also be filed with the State of California and/or the United States Department of Justice at the addresses listed below:

State of California
Department of Fair Employment and Housing
Oakland District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
510-622-2841 (voice)
800-700-2320 (TTY)

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section - NYAV
Washington, DC 20530
800 - 514 - 0301 (voice)
800 - 514 - 0383 (TTY)
<http://www.ada.gov>
