

**City of South St. Paul  
Dakota County, Minnesota**

**Ordinance No. 1400**

**AN ORDINANCE ENACTING SOUTH ST. PAUL CITY CODE CHAPTER 2,  
ARTICLE 1, SECTION 2-3 REGARDING REASONABLE ACCOMMODATIONS**

The City Council of the City of South St. Paul does ordain:

**SECTION 1. ENACTMENT.** South St. Paul City Code Section 2-3 is hereby enacted as follows:

**Sec. 2-3. – Reasonable Accommodation.**

- (a) *Purpose and Intent.* The purpose of this subdivision is to establish a process for making and acting upon requests for reasonable accommodation. The City has a legitimate interest in imposing regulations to protect public health, safety and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Fair Housing Act of 1968/Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act of 1990 (collectively the “Acts”). It is the policy of the City, pursuant to the Acts, to provide reasonable accommodation in the application of its regulations for persons with a disability seeking fair and equal access to the City’s services, programs, activities, or housing. Reasonable accommodation means providing persons with a disability flexibility in the application of the City’s regulations or policies, including modification or waiver of certain requirements, when necessary to eliminate barriers to the City’s services, programs, activities, or housing opportunities.
- (b) *Application.* Any person who requests reasonable accommodation may do so on an application form provided by the City. "Person" includes any individual with a disability, his or her representative or a developer or provider of housing for persons with a disability. The application shall include:
- (1) A detailed explanation of why the accommodation is reasonably necessary to make the City service, program, activity, or specific housing available to the person(s);
  - (2) Information establishing that the existing or proposed person(s) are disabled under applicable laws; and
  - (3) Other information reasonably required by the City to evaluate the request.

If the project for which the accommodation request is being made requires additional land use approvals, the applicant shall file the accommodation request concurrently with the additional land use applications.

- (c) *Review Criteria.* City staff shall review the accommodation request and make a recommendation to the City Council. The request shall be evaluated under the following factors:

- (1) Whether there is a qualifying disability;
- (2) Whether the requested accommodation is needed to allow a disabled person equal opportunity to use and enjoy the services, programs or activities of the City or equal opportunity to use and enjoy a dwelling or live in a particular neighborhood as a person without disabilities;
- (3) Whether the requested accommodation is reasonable considering the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;
- (4) If the requested accommodation relates to the Zoning Code or Rental Code, the physical limitations of the building and site;
- (5) Whether the request would constitute a fundamental alteration of the City's regulations, policies, or procedures;
- (6) Whether the request would impose an undue financial or administrative burden on the City; and
- (7) Any other factor that may have a bearing on the request.

The approval may include conditions reasonably necessary to ensure that the accommodation does not constitute a fundamental alteration of the City's regulations, policies or procedures or impose an undue financial or administrative burden on the City.

- (d) *Notice and Hearing Process.* The City Council shall consider the request following the recommendation of the City staff. In the event of a Zoning Code or Rental Code related request, a notice shall be mailed at least ten days prior to the Council meeting to the applicant and the owners of all properties within 350 feet of the property subject to the request and a public hearing shall be held at said Council meeting. The Council shall make a written record of their findings for approval or denial via a resolution.
- (e) *Reasonable Accommodation is Not a Land Right.* An approved accommodation is granted only to an applicant. An accommodation is not a real property right and does not run with the land.
- (f) *Continued Compliance.* Following City approval of an accommodation, the City may review the matter on its own initiative or upon receipt of credible complaints regarding misuse of the accommodation. The accommodation may be modified or revoked if the City determines that the conditions of approval have been materially violated or the accommodation is no longer reasonable or no longer needed to prevent barriers to persons with disabilities. Reviews under this subsection shall be conducted by the City staff and, if a modification or revocation is recommended, considered by the City Council following the hearing procedure in subsection (d) above.

**SECTION 2. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance is being enacted to codify the City's reasonable accommodation process and policy.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Approved: December 5, 2022

Published: December 7, 2022

A handwritten signature in black ink that reads "Deanna Werner". The signature is written in a cursive style and is positioned above a horizontal line.

Deanna Werner, City Clerk