

On motion of **Mr. Walker**, seconded by **Mr. Templet**, the following resolution was offered:

**RESOLUTION NO. 139979**

A resolution amending Resolution No. 139786, adopted June 15, 2022, to establish interim development standards for the review process for reasonable accommodations; and provide for related matters. (Parishwide)

**WHEREAS**, Resolution No. 139786 requested and authorized the Planning Department and the Planning Advisory Board to study the text of Chapter 33 Unified Development Code and Chapter 40 Zoning of the Code of Ordinances of Jefferson Parish, with the intent of evaluating, clarifying, and amending current zoning and development regulations and definitions related to reasonable accommodations; and

**WHEREAS**, reasonable accommodations in the zoning and land use context means providing individuals with disabilities, or developers of housing for people with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities; and

**WHEREAS**, interim development standards are necessary to provide clear and consistent review procedures for reasonable accommodations and protect the public health, safety, and welfare of residents of Jefferson Parish.

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson Parish Council, acting as governing authority of Jefferson Parish, Louisiana:

**SECTION 1.** That Section 2 be added to Resolution No. 139786 and hereby established, to read as follows:

The following interim development standards are hereby established for all applications for reasonable accommodations:

- (a) *Generally.* An application for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities. The application shall be submitted to the Department of Inspection and Code Enforcement and shall provide the following information:
- (1) The name and address of the applicant;
  - (2) The name and address of the property owner;
  - (3) The address of the property for which the accommodation is requested;
  - (4) A description of the disability at issue, the requested accommodation, and the specific regulation, policy, practice, or procedure for which the accommodation is sought;
  - (5) Documentation that the specific accommodation requested by the applicant is necessary for the individual(s) with the disability to use and enjoy the dwelling, or is necessary to make the development of housing for individuals with disabilities financially or practically feasible;
  - (6) An affidavit of acknowledgement, attesting to the accuracy of the information provided in the application; and
  - (7) Any other information that the Parish concludes is necessary to make the reasonable accommodation determination.
- (b) *Review Process.* The Department of Inspection and Code Enforcement shall forward the application to the Parish Attorney's Office, which will submit the application to the Land Use Review Technical Committee (LURTC) for review. The written decision to grant, grant with modifications or conditions, or deny a request for reasonable accommodation shall be consistent with applicable fair housing laws and based upon the following factors:
- (1) Whether the housing that is the subject of the request for reasonable accommodation will be used by an individual with a disability protected under the applicable fair housing laws.
  - (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the applicable fair housing laws.
  - (3) Whether the requested accommodation would impose an undue financial or administrative burden on Jefferson Parish.
  - (4) Whether the requested accommodation would require a fundamental alteration in the nature of Jefferson Parish's land use and zoning or building program.

- (5) Whether the requested accommodation would, under the specific facts of the case, result in a threat to the health or safety of other individuals or substantially damage the property of others.
- (c) *Factors for Consideration.*
- (1) *Necessity.* The Parish may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
    - a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
    - b. Whether the individual(s) with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation.
    - c. In the case of developers or providers of housing for individuals with disabilities, whether the requested accommodation is necessary to make a facility or facilities of a similar nature or operation economically viable in light of the relevant market and market participants.
    - d. In the case of developers or providers of housing for individuals with disabilities, whether the existing supply of and operation in the community is sufficient to provide individual(s) with a disability an equal opportunity to live in a residential setting.
  - (2) *Fundamental Alteration/Reasonableness.* The Parish may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of Jefferson Parish's built environment:
    - a. Whether the requested accommodation would fundamentally alter the character of a neighborhood.
    - b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking.
    - c. Whether granting the requested accommodation would substantially undermine any express purpose of the Jefferson Parish Comprehensive Plan.
    - d. In the case of a developer or provider of housing for individuals with disabilities, whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.
- (d) *Required documentation.* The following documentation shall be required for an application for reasonable accommodation:
- (1) Completed application with all required information and signed by owner or authorized agent.
  - (2) Site Plan of the entire lot(s) showing property lines and all buildings or structures, with distance from property line indicated. All off-street parking areas, driveways, interior streets, paving, mechanical equipment, or other surfaces should be shown and dimensioned on the plans.
  - (3) Photographs of the subject site(s) and building(s).
  - (4) Floor Plan(s) of the entire structure(s) showing room use, dimensions, walls, doors, windows, major appliances, plumbing fixtures, stairs, or other egress.
  - (5) Architectural Elevations of each side of the proposed structure(s) indicating height, architectural elements such as windows, doors, materials, textures, and other information.
  - (6) Any additional documentation or information as determined necessary by the Parish.
- (e) The Parish may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant with respect to (a) enabling the individual(s) with the disability to use and enjoy the dwelling, or (b) making the development of housing for individuals with disabilities financially or practically feasible.
- (f) A reasonable accommodation request does not affect an applicant's obligations to comply with other applicable regulations not at issue in the requested accommodation.

- (g) Any accommodation granted to an individual with a disability shall be considered personal to that individual and shall not run with the land. Accordingly, the Parish may condition the approval of any such accommodation on (a) removal of any improvements constructed pursuant to the accommodation, where the removal would not constitute an unreasonable financial burden, when the need for which the accommodation granted no longer exists; (b) time limits and/or expiration of the accommodation, when the need for which the accommodation was granted no longer exists; (c) recordation of a covenant, building restriction or deed restriction putting prospective buyers of the subject property on notice regarding the personal nature of the accommodation and any conditions relating thereto.

**SECTION 2.** That Section 3 be added to Resolution No. 139786 and hereby established to read as follows: That interim development standards set forth in this resolution is in accordance with and by the authority of Sec. 33-2.21.5 of the Jefferson Parish Code of Ordinances, providing, in pertinent part, that when the Jefferson Parish Council initiates a study to prepare an amendment to the text or official maps of Chapter 33, Chapter, 40, or the Comprehensive Plan, and pending final disposition of the study, the Jefferson Parish Council may establish interim development standards that provide for reasonable approval conditions for certain types of development applications that would otherwise be affected by the study for one (1) year, which may be extended by the Jefferson Parish Council for not longer than one (1) six (6)-month period.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS: 7**

**NAYS: None**

**ABSENT: None**

The resolution was declared to be adopted on this **29<sup>th</sup> day of June, 2022.**

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY



EULA A. LOPEZ  
PARISH CLERK

JEFFERSON PARISH COUNCIL