



COUNTY OF HUMBOLDT

For the meeting of: 10/21/2025

File #: 25-1158

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

Vote Requirement: Majority

SUBJECT:

Amendments to the Zoning Regulations to Amend Section 312-42 to Update the Regulations Managing Residential Accessibility such that they are Consistent with the California Fair Employment and Housing Act, California Government Code Section 11135, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt the resolution (Attachment 1) which does the following:
 - a. Finds the amendments to the Zoning Regulations are exempt from CEQA pursuant to Section 15061(b)(3) and Section 15378(b)(2) of the State CEQA Guidelines; and
 - b. Finds the amendments to the Residential Accessibility Code comply with the General Plan and Coastal Act; and
 - c. Finds the amendments to the Residential Accessibility Code are in the public interest; and
 - d. Finds the amendments to the Residential Accessibility Code are consistent with the purpose of the ordinance; and
2. Adopt the attached ordinance Amending Title III, Division 1, Chapter 2 of Humboldt County Code, Section 312-42 (Attachment 2); and
3. Direct the Clerk of the Board to publish the Post-Adoption Summary (Attachment 3) of the Amendments to Residential Accessibility Code Ordinance within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those supervisors voting for and against the ordinance.

STRATEGIC PLAN:

This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Housing for All

Strategic Plan Category: 4002 - Increase and prioritize housing development

DISCUSSION:

The requested action is to adopt the amendments to the Residential Accessibility Codes within the county zoning regulations. Adopting the amendments will ensure compliance with the California Fair Employment and Housing Act, California Government Code Section 11135, the Federal Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (referred to in this staff report and the proposed code as the "Acts"). The Planning Commission recommended approval of the

ordinance amendments as part of the consent calendar.

As used in this code, reasonable accommodations are changes, exceptions, or adjustments to rules, policies, or practices that may be necessary to enable a person with disabilities to have an equal opportunity to use and enjoy a dwelling, inclusive of the public and common use spaces. Reasonable accommodations are meant to eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities. They are granted by request on a per-person basis, so they apply only to the dwellings and associated communal areas of specific individuals with disabilities and typically do not apply after the individual with disabilities has moved out of said dwelling.

Importantly, “reasonable,” as it is used in association with “Reasonable Accommodations,” means that it does not fundamentally alter the nature of policies, practices, and procedures of the granting entity and would not place an undue financial or administrative burden on the granting entity.

The changes are as follows:

- A. Rewrite of Original Code and Summary of Differences: (Section 312-42) The proposed amendment to the zoning regulations removes the out-of-date language within Section 312-42, Requests for Modifications or Exceptions for Residential Accessibility and retitles the section to Requests for Reasonable Accommodation for Residential Accessibility. The proposed amendment removes the existing references to Special Permit requirements to establish that approval of Reasonable Accommodations is a ministerial process, specifies that the Planning Director is the appropriate reviewing and approving authority, specifies that the Board of Supervisors is the appropriate appeal authority, and denotes the fact that decisions on Reasonable Accommodations must be provided in writing within 30 days of submittal. To appropriately regulate the ministerial nature of reasonable accommodations, the Request for Reasonable Accommodation for Residential Accessibility Ordinance includes detailed findings and application processing procedures.
- B. Application Requirements: (Section 312-42.5) This section establishes what specific submittal materials shall be submitted and may be requested to process a Request for Reasonable Accommodation, as well as what may not be requested. The Planning and Building Department is explicitly prohibited from requesting filing fees for Reasonable Accommodations, though the standard permitting fees for other activities related to the Reasonable Accommodation still may apply. Additionally, subsection 42.5.4 specifies that the collected information is confidential, except for certain elements if the decision on a Request for Reasonable Accommodation is appealed to the Board of Supervisors. Initially, Section 42.2 included ‘the nature of the disability’ in the application requirements. The county may request certification of the presence of a disability that could be resolved by the requested accommodation, but the County may not request details nor the nature of an individual’s disability, so this has been removed for Section 42.5. The county may only request how the requested accommodation is necessary for the individual with the disability to use and enjoy the dwelling.
- C. Review Authority and Procedures: (Section 312-42.6) This section establishes that the Planning and Building Director is the authority for approval of requests for Reasonable Accommodations, which may be equally effective alternatives if agreed upon by the applicant, and establishes the 30-calendar day timeframe required from submittal to decision. Approval of a Reasonable Accommodation is a separate procedure and decision from any other permits required to implement the accommodation or develop the property, but they should still be processed concurrently, and the accommodation may not be implemented until such permits are also decided upon. If more information is required to make an appropriate determination on a request for Reasonable Accommodation, the 30-day timeframe may be paused after requesting the additional info, but the County may not abuse this option as a means of extending these timelines.
- D. Alternative Reasonable Accommodations: (Section 312-42.8) This section briefly describes that an interactive process between the Director and the applicant is required if it is determined that alternatives to the proposed accommodation are required. Such alternatives may only be sought if the proposed accommodation is determined by the Director to be unreasonable. The alternatives must provide an equivalent level of benefit.
- E. Notice to the Public of Availability of Accommodation Process: (Section 312-42.4) This section establishes that the Planning and Building Department office will be required to display information communicating that the procedure to apply for a Reasonable Accommodation is available. Additionally, the forms for applying for Reasonable Accommodations must be available in the Planning and Building Department in accessible formats.

- F. Staff Assistance: (Subsections 312-42.5.3 and 312-42.9.3.1) These subsections both identify that Planning and Building staff is required to assist with completing applications by request, such as when an individual's disability prevents them from filling out forms.
- G. Findings and Decision: (Section 312-42.7) This section establishes the required findings necessary to approve or deny a request for Reasonable Accommodation, consistent with the Acts, primarily Section 12179 of Title 2 of the California Code of Regulations. Findings include, but are not limited to, identifying that the reasonable accommodation will benefit an individual with a protected disability, will support the individual's equal opportunity to use and enjoy a specific dwelling, is reasonable, and will not constitute a direct threat to health, safety, or property of others. The decision must be provided to the applicant as a notice in accordance with Section 312-6.7, Notice of Decision, and must also include the written findings, any information those findings were based on, and the right and process for appeals. Additionally, conditions of approval may be applied to Reasonable Accommodations, if necessary to ensure the accommodation complies with the required findings and if the Planning and Building Department discusses the potential conditions with the applicant in accordance with Section 312-42.8.
- H. Appeal Filing and Procedures: (Section 312-42.9) This section establishes that the Board of Supervisors is the appropriate authority to appeal to within 30 days of decision, as well as the appropriate procedures the appeal process shall entail. Notably, despite the appeal requiring a public hearing compliant with the Brown Act, any information submitted as part of a request for Reasonable Accommodation and the appeal thereof will be kept confidential between the applicant, Planning and Building Staff, and the Board, with exceptions provided by Section 12176(e) of Title 2 of the California Code of Regulations.
- I. Expiration of Reasonable Accommodations: (Section 312-42.10) This section establishes that approvals for Reasonable Accommodations expire two years after the date they were granted, or after the Reasonable Accommodation ceases use for a consecutive period of two or more years, in which case such accommodation may be required to be physically removed. The two years after granting the accommodation may be extended for up to one year at a time, upon application and approval of an Extension. Upon cessation of use, the Director may determine that the accommodation is not required to be removed if it is a modification that is physically integrated into the residential structure and cannot be easily removed, or if the accommodation will be used by another qualifying individual with a disability.

Planning Commission Meeting - Sept. 4, 2025

At the Planning Commission Meeting on Sept. 4, 2025, the Planning Commission recommended adoption of the proposed Amendments to the Residential Accessibility Code Ordinance via approval of the consent agenda (Attachment 4).

Effect of Ordinance:

The results of the changes are intended to provide a procedure for individuals with disabilities to request Reasonable Accommodations, consistent with the Acts.

Environmental Review: The proposed ordinance is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the State CEQA Guidelines) and the definition of project, which excludes continuing administrative activities such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Activities which are not projects are also not subject to CEQA. The proposed amendment only implements existing State Law which the County is already beholden to, so approval of the amendment does not have the potential to have a significant effect on the environment and will only adjust internal procedures to effectively meet existing State Law requirements.

SOURCE OF FUNDING:

The salary funding for research, staff tasks, and preparing the draft ordinance and staff report is included in the General Fund contribution to the Long-Range Planning unit (1100-282).

FINANCIAL IMPACT:

Staff costs and other expenses related to research, staff tasks, and preparing the draft ordinance and staff report total approximately \$22,270.

STAFFING IMPACT:

Staff time required for reviewing applicable state laws will be reduced via implementation. Communication of the applicability of the Acts may increase staff interaction at the front counter, regardless of decision.

OTHER AGENCY INVOLVEMENT:

The action item was referred to County Counsel, the County ADA Coordinator, the County Department of Health and Human Services, the California Coastal Commission, Disability Rights California, Humboldt Senior Resource Center, Area 1 Agency on Aging, Tri-County Independent Living, and Redwood Coast Regional Center.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board of Supervisors could choose to amend the language of the ordinance or add additional restrictions or requirements. This alternative should be implemented if the Board is unable to make all the required findings. Staff believes that the required findings can be made and does not recommend further consideration of this alternative.
2. The Board of Supervisors could choose not to recommend approval of the Zoning Regulation Amendments. This alternative may be implemented if the Board is unable to make all the required findings. Staff believes that the required findings can be made and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Draft Resolution
2. Draft Ordinance
3. Post-Adoption Summary
4. PC Resolution 25-047

PREVIOUS ACTION/REFERRAL:

Planning Commission Meeting of: September 4, 2025
File No.: 25-1077