

# Town of Chevy Chase

## Reasonable Accommodation Policy

The Town of Chevy Chase may grant reasonable accommodations under the Americans with Disabilities Act (ADA) in the context of Town building laws and regulations.

The ADA defines a "disability" as a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Examples of major life activities include, but are not limited to, performing manual tasks, walking, seeing, breathing, and hearing. To determine if an applicant is "substantially limited" in a major life activity, the Town will consider the nature and severity of the symptoms alleged, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

If an applicant for reasonable accommodation is "disabled" under this test, the applicant is entitled to a reasonable accommodation if such accommodation is necessary to allow equal opportunity to use and enjoy their residence. "Reasonableness" requires an examination of whether a request is the minimum reasonably necessary. Also, a request is not reasonable if it would fundamentally undermine the overall zoning scheme or impose undue administrative burden or expense on the Town.

In summary, to grant reasonable accommodation, the Council must make the following findings:

- (1) The applicant is "disabled," i.e., has a physical or mental impairment that limits one or more major life activities;
- (2) The limitation is "substantial" considering its nature and severity, duration or expected duration, and permanency or long-term impact;
- (3) An accommodation is necessary to allow equal opportunity to use and enjoy the property; and
- (4) The requested accommodation is reasonable.

If a reasonable accommodation is granted, it does not have to run with the land. An accommodation can be conditioned upon the duration of the impairment or the applicant's residence at the subject property.

-- Adopted by the Town Council  
October 12, 2011