

TOWN OF DUNDEE

EXHIBIT "A" ORDINANCE 25-08

Provisions being deleted are shown as ~~strikethrough~~ and
provisions being added are shown as underlined

CHAPTER 14 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE VIII. – REASONABLE ACCOMMODATIONS AND CERTIFIED RECOVERY RESIDENCE(S)

Sec. 14-247. – Purpose.

The purpose of this Article is to address the establishment of certified recovery residences, as defined in s. 397.311(5), F.S., and provide procedures for the review and approval of requests for a reasonable accommodation in the application of the Town's ordinances, rules, policies, and procedures consistent with the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et seq.) ("ADA").

Sec. 14-248. – Definitions.

For purposes of this Article, the terms used in this herein shall possess the meanings, interpretations and/or definitions assigned in §397.311, Florida Statutes (2025), as may be amended, provided however, that where one (1) of the following listed terms set forth in this Section is used in this Article, such term(s) shall possess the corresponding meaning, as follows:

- (a) *Certified recovery residence* means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator as defined in §397.311, Florida Statutes (2025), as may be amended, including Level I through Level IV certified recovery residences.
- (b) *Certificate of compliance* means a certificate issued by a credentialing entity to a recovery residence or recovery residence administrator.
- (c) *Certified recovery residence administrator* means a recovery residence administrator who holds a valid certificate of compliance.
- (d) *Town Code* means the *Code of Ordinances, Town of Dundee, Florida and/or Land Development Code of Dundee.*
- (e) *Town Representative* means, for purposes of this Article, the Town Manager, or his/her designated appointee, who is authorized to act on behalf of the Town of Dundee,

Florida, in the administration of this Article. The Town Representative does not have the authority to waive or modify any condition or term of the Town Code.

(f) *Reasonable accommodation* means an established method by which an individual who is *disabled* or *handicapped* (as those terms are defined in *Title II of the Americans with Disabilities Act* and/or the *Fair Housing Amendments Act of 1988*) (hereafter collectively referred to as the “disabled”), or a service provider and/or provider to the disabled, can request a reasonable and necessary modification or alteration in the application of conditions, policies, procedures, processes, provisions, rules and requirements set forth in the Town Code in order to afford an equal opportunity for the individual or the disabled within the service provider’s care to use and enjoy housing which may include, but is not to be limited to, a waiver or modification of land use, zoning, or other regulations.

Sec. 14-249. - Applicability.

This Section applies to a certified recovery residence seeking a reasonable accommodation from applicable conditions, policies, procedures, processes, provisions, rules and requirements set forth in the Town Code within the corporate limits of the Town. This Section shall not supersede any declaration of covenants, conditions, or restrictions of a condominium, cooperative, or homeowners’ association governed by *Chapters 718, 719, or 720, Florida Statutes*.

Except for the seeking of a reasonable accommodation, the review and approval of a certified recovery residence is governed by the applicable conditions, policies, procedures, processes, provisions, rules and requirements set forth in the Town Code.

Sec. 14-250. – Application for Reasonable Accommodations.

(a) *Application.* Applications for a reasonable accommodation under this Section from the applicable conditions, policies, procedures, processes, provisions, rules and requirements of the Town Code that may hinder the establishment of a certified recovery residence shall be made in writing to the Town of Dundee Development Services Department on a form provided by the Town and shall, at a minimum, provide the following information:

1. The name and contact information of the applicant making the request. If the applicant is not the certified recovery residence administrator who will be actively managing the certified recovery residence, the administrator’s name, contact information, and a copy of the administrator’s certification must also be provided. If the applicant is not the owner of the property where the reasonable accommodation is being requested, then the contact information for the owner must be included;

2. The location where the reasonable accommodation is requested, including the address and applicable parcel identification number;

3. A description of the reasonable accommodation(s) requested, identifying the applicable conditions, policies, procedures, processes, provisions, rules and requirements of the Town Code for which the applicant needs reasonable accommodation(s), and why the reasonable accommodation(s) are necessary;

4. Certification stating the following:

I certify, under penalty of perjury, that the information provided in this application is true and correct. I understand that, if I knowingly provide false information with this request, my request shall become null and void;

5. Any additional information or documentation which the applicant feels is necessary to support the request for reasonable accommodation(s);

6. Copy of the applicable certificate of compliance; and

7. The signature of the applicant and date.

(b) *Confidential Information.* Applications for a reasonable accommodation under this Section should not include information or records specific and personal to any individual's medical diagnosis, prognosis, history, or treatment. Provided however, should the information provided by the applicant to the Town include medical information or records, including records indicating the medical condition, diagnosis or medical history of the disabled, such disabled may, at the time of submitting such medical information, request that the Town, to the extent allowed by applicable law, treat such medical information as confidential information of the disabled. The Town shall thereafter endeavor to provide written notice to the disabled, and/or their representative, of any request received by the Town for disclosure of the medical information or documentation which the disabled has previously requested be treated as confidential by the Town. The Town will cooperate with the disabled, to the extent allowed by applicable law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the Town shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the disabled.

(c) *Review Process.* The Town Representative shall have the authority to consider and act on application(s) for reasonable accommodation(s), recertification of an approved reasonable accommodation, and amendment to an approved reasonable accommodation.

1. Upon receipt of an application for reasonable accommodation(s), which shall be submitted on the form provided by and submitted to the Town of Dundee Development Services Department, the application shall be date-stamped;

i. The Town Representative may determine that additional information is necessary in order to reach a determination on an application for reasonable accommodation(s); and, in the event a request for additional information is required to process the application, the Town Representative shall notify the applicant in writing (hereafter the “Written Notice”) within 30 days following receipt of the application for reasonable accommodation(s) that additional information and/or the required minimum information was not submitted;

ii. The Written Notice shall identify the documents and/or information necessary to process the application;

iii. The applicant shall provide the requested documents and/or information identified in the Written Notice within 30 days; and

iv. If the applicant fails to provide the identified documents/information necessary to process the application within the above-referenced timeframe, the Town Representative shall issue a written notice advising that the applicant failed to timely submit the additional information and therefore the application for reasonable accommodation(s) shall be deemed abandoned and/or withdrawn and no further action by the Town with regard to said reasonable accommodation(s) application shall be required.

2. Within sixty (60) days of receipt of a completed application for reasonable accommodation(s), the Town Representative shall issue a written determination approving, approving with conditions, or denying the application for reasonable accommodation(s);

3. In the event additional information is requested by the Town Administrator, the 60-day time frame for issuing a written determination shall be extended by 30 days;

4. In reviewing the application for reasonable accommodation(s), the Town Representative may conduct site visit(s) and/or utilize Town consultant(s) in issuing a determination; and

5. If a written determination is not issued within 60 days after the receipt by the Town of a completed application for reasonable accommodation(s), the application shall be deemed approved unless the time periods specified in this Article have been extended by mutual agreement of the parties with such extension confirmed in writing.

Sec. 14-251. – Review Criteria.

(a) Decisions on an application for reasonable accommodation(s) under this Article shall be based on making the minimum reasonable accommodation necessary to accomplish the

purpose of the request and meet the requirements of the *Fair Housing Amendments Act of 1988*, the *Americans with Disabilities Act*, and *Chapter 2025-182, Laws of Florida*.

(b) The applicant shall be required to establish that the operator and/or administrator of the certified recovery residence is qualified to provide such services and/or housing to qualifying individuals. An operator and/or administrator may establish its qualification by demonstrating that they are certified by the Florida Association of Recovery Residences, National Alliance for Recovery Residences, or other similar nationally recognized accrediting agency for recovery residences.

(c) *Alternative accommodation.* If the Town Representative finds that the applied for accommodation(s) impose an undue financial and/or administrative burden on the Town and/or require a waiver of the Town's land use or zoning regulation(s), the Town Representative may consider, determine, and propose other reasonable alternative accommodation(s) which would effectively meet the applicant's need(s). In considering and proposing other reasonable alternative accommodation(s), the Town Representative shall utilize Town consultants.

(d) *Application Fee(s).* Each applicant for approval of a reasonable accommodation from the application of conditions, policies, procedures, processes, provisions, rules and requirements set forth in the Town Code shall pay any applicable cost recovery as provided in *Section 8.08.00 of the Land Development Code of Dundee* which includes, but shall not be limited to, an application fee and to help defray the cost to the Town of reviewing the application and making a determination as to whether or not the request for a reasonable accommodation satisfies the review criteria set forth in this Article.

Sec. 14-252. – Determination.

Within sixty (60) days of receipt of a completed application, the Town Representative shall issue a written determination approving, approving with conditions, approving with reasonable alternative accommodation(s), or denying the application for reasonable accommodation(s). If no determination is issued within sixty (60) days of the Town's receipt of a completed application, and no written extension of time and/or other extension of time is applicable, the application shall be deemed approved.

Sec. 14-253. – Appeals.

Pursuant to *Section 8.02.03 of the Land Development Code of Dundee*, the Development Review Special Magistrate shall hear and decide appeals when it is alleged by the applicant and/or disabled that there is an error in any requirement, decision, or determination made by the Town Representative in the administration and enforcement of this Article.

Sec. 14-254. – Enforcement.

(a) *Stay of enforcement.* While an application for reasonable accommodation(s), or an appeal of a determination on and/or for an application for reasonable accommodations, is pending, the Town shall not enforce the conditions, policies, procedures, processes, provisions, rules and requirements set forth in the Town Code against the applicant.

(b) *Revocation.* The approval(s) granted under this Article for reasonable accommodation(s) may be revoked or modified, as follows:

i. Any approved reasonable accommodation(s) shall be deemed revoked if the applicant or the property upon which the accommodation is granted is found in violation of any conditions of the approval granting the reasonable accommodation(s) by a court of law or by the special magistrate hearing code enforcement cases;

ii. The failure to obtain state certification(s), required state license(s), or the failure to maintain state certification(s), required state license(s), or alternate certification(s) permitted by this Article, shall result in revocation of the reasonable accommodation(s) and cessation of operations within sixty (60) days of termination of the license(s) and/or certification(s); and

iii. The Town shall provide 30-days' written notice of any proposed revocation.

(c) *Expiration of approvals.* The approval(s) of and/or for reasonable accommodation(s) shall expire within one hundred eighty (180) days if not implemented and/or acted upon by the applicant.

(d) *Reinstatement.* If the certificate of compliance is reinstated within one hundred eighty (180) days of revocation, the accommodation(s) may be reinstated administratively by the Town Representative.

Sec. 14-255. – General Provisions.

The general provisions set forth in this Section shall be applicable to this Article, as follows:

(a) *Calculation of Time.* The calculation of the number of days that have passed during any time period prescribed by this Article shall be based on Calendar Days (unless specified otherwise in this Article). Unless otherwise specified in this Article, the calculation of the number of days that have passed during any time period prescribed in or by this Article shall commence on the day immediately following the event triggering such time period. For purposes of this Article, unless otherwise specified herein, the tolling of any such time period(s) shall be in Calendar Days. In the event any time period or deadline identified in this Article expires and/or falls on a Saturday, Sunday or Town recognized holiday, said expiration and/or deadline shall be

automatically tolled until 5:00 pm on the next available Business Day which the Town is open for business to the public.

(b) For purposes of this Article, *business days* shall mean each calendar day which is not a Saturday, Sunday or a recognized holiday by the Town of Dundee, Florida.

(c) For purposes of this Article, *calendar days* and/or *days* shall mean any day in a 365-day calendar.

(d) *Date of receipt.* For purposes of this Article, an e-mail and/or submittal(s) sent electronically and received by the Town Representative on or before 12:00 PM on a Business Day shall be deemed to have been received on the Business Day which the e-mail and/or submittals were sent. In the event an e-mail and/or submittal(s) are sent electronically and received by the Town Representative on or after 12:01 PM on a Business Day, the e-mail and/or submittals shall be deemed to have been received on the next Business Day.

(e) A reasonable accommodation is specific to the applicant and shall not run with the land.

(f) A reasonable accommodation shall not excuse and/or waive an applicant's obligation to adhere to and comply with applicable law.

(g) *Public Notice of availability of reasonable accommodation(s).* The Town shall display a notice in the Town's public notice bulletin board (and shall maintain copies available for review in the Development Services Department and the Office of the Town Clerk), advising the public that the disabled and qualifying entities may request a reasonable accommodation as provided in this Article.