

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item: R - 5

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1065, AN APPLICATION BY THE VILLAGE OF ROYAL PALM BEACH, AMENDING CHAPTER 26. ZONING. AT ARTICLE III. – ADMINISTRATION AND PROCEDURES. TO CREATE ENTIRELY NEW SECTION 26-42 – REASONABLE ACCOMMODATIONS. IN ORDER TO CODIFY THE VILLAGE’S EXISTING PROCESS FOR PROCESSING REASONABLE ACCOMMODATION REQUESTS IN HOUSING, INCLUDING SUCH REQUESTS FROM CERTIFIED RECOVERY RESIDENCES AS REQUIRED BY FLORIDA STATUTE 397.487 AND REPEALING RESOLUTION NO. 16-53. BY BRADFORD O’BRIEN, P&Z DIRECTOR.

Issue:

The Florida Legislature recently adopted Senate Bill (“SB”) 954, which became effective on July 1, 2025, and which made amendments to state law regarding regulation of certified recovery residences. “Certified recovery residence” is defined in state law to mean a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. SB 954 provides, among other things, an amendment to § 397.487, F.S., to require local governments to adopt an ordinance by January 1, 2026 establishing procedures for the review and approval of certified recovery residences and for accommodating reasonable accommodation requests associated with these facilities.

The Village Council previously adopted a reasonable accommodation policy via Resolution No. 16-53. “Reasonable Accommodation” is a statutorily established method that allows a person who is disabled and/or handicapped, as those terms are defined in Title II of the Americans with Disabilities Act (“ADA”) and/or the Civil Right Act (“FHA”) or Fair Housing Amendments Act (“FHAA”), to request a modification or alteration in the application of a specific Village Code provision, rule, policy or practice.

To avoid confusion in having an ordinance that deals with reasonable accommodations for certified recovery residences and a resolution dealing with all other reasonable accommodation requests, and to comply with changes to § 397.487, F.S., the proposed ordinance codifies the Village’s existing reasonable accommodation process. The new ordinance would apply to not only certified recovery residences (as required by state law) but any other requests for reasonable accommodation received by the Village. Since the Village’s existing reasonable accommodation process is being codified, the proposed ordinance also repeals the prior Resolution No. 16-53.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	12-18-2025	Action

Proposed Ordinance No. 1065 creates entirely new Section 26-42. – Reasonable Accommodation. of the Village Code which:

- Provide for the purpose and intent of the section;
- Creates a definition for the term “certified recovery residence”;
- Requires a Village Business Tax Receipt for any certified recovery residence seeking to operate within the Village; and
- Establishes a reasonable accommodation procedure specifying the required application contents, allowing for authorized representatives to submit on behalf of an applicant, specifying that the Village will assist applicants in making these requests, specifying that there will be no fee for the application, indicating that the application process will be interactive, outlining the handling of confidential information, designating Village staff for review of reasonable accommodation requests, establishing the criteria required for a finding of reasonable accommodation to be made, providing for the process of providing notice of a determination by the Village, creating an appeal process, providing for the stay of other enforcement actions during the reasonable accommodation application and review process, and establishing criteria for revocation of a reasonable accommodation granted by the Village.

The proposed ordinance codifies the Village’s existing reasonable accommodation process, with minimal revision to ensure compliance with § 397.487, F.S relative to certified recovery residences.

The Local Planning Agency considered the application on October 28, 2025, and recommended Approval by a vote of 5-0.

The Village Council considered the application and Ordinance No. 1065 on November 20, 2025, and recommended Approval by a vote of 4-0.

Recommended Action:

Staff is recommending Approval of Application No. 25-131 (ZTEXT) and Ordinance No. 1065 on second reading.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Approval	12-18-2025	Action

ORDINANCE NO. 1065

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. AT ARTICLE III. – ADMINISTRATION AND PROCEDURES. TO CREATE ENTIRELY NEW SECTION 26-42 – REASONABLE ACCOMMODATIONS. IN ORDER TO CODIFY THE VILLAGE’S EXISTING PROCESS FOR PROCESSING REASONABLE ACCOMMODATION REQUESTS IN HOUSING, INCLUDING SUCH REQUESTS FROM CERTIFIED RECOVERY RESIDENCES AS REQUIRED BY FLORIDA STATUTE 397.487; REPEALING RESOLUTION NO. 16-53; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Florida Legislature recently adopted SB 954, which became effective on July 1, 2025, and which made amendments to state law regarding regulation of certified recovery residences; and

WHEREAS, the Village of Royal Palm Beach previously adopted a reasonable accommodation policy via Resolution No. 16-53 and now desires to codify this process into its code of ordinances and repeal the prior resolution; and

WHEREAS, SB 954 provides, among other things, an amendment to § 397.487, Florida Statutes, to require local governments to adopt an ordinance by January 1, 2026 establishing procedures for the review and approval of certified recovery residences and for accommodating reasonable accommodation requests associated with these facilities; and

WHEREAS, “Reasonable Accommodation” is a statutorily established method that allows a person who is disabled and/or handicapped, as those terms are defined in Title II of the ADA and/or the FHA, to request a modification or alteration in the application of a specific Village Code provision, rule, policy or practice; and

WHEREAS, the Village Council desires to amend Chapter 26. Zoning. in order to codify its reasonable accommodation process and comply with the requirements of SB 954; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that the proposed revisions to Chapter 26. Zoning. are in the best interests of the health, safety and welfare of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article III. Administration and Procedures. to create an entirely new Section 26-42. – Reasonable Accommodations. to codify the Village’s existing process for processing reasonable accommodation requests, including such requests for Certified Recovery Residences; providing that Section 26-42 shall hereafter read as follows:

Sec. 26-42. – Reasonable Accommodations.

- (1) Purpose and Intent. The purpose of this section is to establish procedures for processing requests for Reasonable Accommodation in housing, including those for Certified Recovery Residences, from the Village’s Land Development Regulations, all other ordinances, and related rules, policies, practices and procedures, for persons that qualify as disabled and/or handicapped under Title VIII of the Civil Rights Act of 1968 (FHA), the Fair Housing Amendments Act of 1988 (FHAA), the Florida Fair Housing Act (§§ 760.20-760.37), Florida Statutes, and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) (ADA), as these laws may be amended from time to time. Any person who is disabled and/or handicapped, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out below.
- (2) Definitions. For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein:
Certified Recovery Residence shall mean a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator as defined under section 397.311 Florida Statutes, as amended from time to time.
- (3) Business Tax Receipt Required. A person or entity may not operate a Certified Recovery Residence within the Village of Royal Palm Beach without obtaining and maintaining a

current Village of Royal Palm Beach business tax receipt and complying with all requirements of Chapter 16 of the Code of Ordinances.

(4) *Reasonable Accommodation Procedure.* A request for Reasonable Accommodation by persons with disabilities or qualifying entity, hereinafter the (“Applicant”), may be submitted in writing and/or on an application form provided by the Village. All requests for Reasonable Accommodation shall be submitted to the Village Clerk’s Office. Upon receipt of an application for Reasonable Accommodation, the Village Clerk shall date stamp the application with the date received. The Village shall assist any Applicant who needs help filling out the application forms or who needs application materials in alternative formats. The application process shall be as follows:

(a) *Contents of Application.* An Applicant making a request for Reasonable Accommodation shall provide the following information to the Village:

1. The legal name(s) of all persons for whom a Reasonable Accommodation is sought, and if a qualifying entity, the legal name(s) of all persons for whom it has been authorized to submit an application;
2. Name and address of the Applicant;
3. Address and parcel control number of the location at which the Reasonable Accommodation is requested, if different from the address of the Applicant;
4. The type of Reasonable Accommodation being requested, and an explanation of why it is necessary in order for persons with disabilities to live at the location;
5. A description of the Village ordinance, rule, policy, practice or procedure, from which the Applicant seeks a Reasonable Accommodation;
6. If the disability is not known or readily apparent to the Village, information and/or documentation that: 1) certifies the person’s disability status under the Fair Housing Act (FHA) and/or Americans with Disabilities Act (ADA); 2) describes the needed accommodation; and 3) shows the relationship between the person’s disability and the need for the requested accommodation. The Village is not seeking information relating to the nature and severity of the person’s specific disability;
7. If the disability is known or readily apparent, but the need for the Reasonable Accommodation is not known or readily apparent to the Village, an explanation of

the relationship between the person's disability and the need for the requested accommodation; and

8. In the case of Certified Recovery Residences, a copy of the Certified Recovery Residences Certificate of Compliance issued by a credentialing entity pursuant to Florida Statute 397.311 as that law may be amended from time to time.
- (b) *Applicant Representative(s):* An Applicant may be represented at all stages of the Reasonable Accommodation process by a person designated by the Applicant as their authorized agent (e.g., family member, attorney, or other representative). If an authorized agent, attorney, or other representative is representing a person, or, if applicable, a qualifying entity, a written authorization designating such authorized agent, attorney or representative shall be submitted to the Village, or an in-person meeting between the Village and the Applicant shall occur to confirm the Applicant's authorized agent, attorney or representative. The Village is unable to accept authorizations outside of those made in writing or in-person as such forms of communication (e.g., phone call) do not provide the Village sufficient means to verify the identity of the Applicant. Authorization forms shall be made available by request via the Village Clerk's Office.
- (c) *Village Assistance.* The Village shall provide assistance as required by FHA, ADA, or other applicable law in connection with a person with disability's request for Reasonable Accommodation to ensure the process is accessible.
- (d) *No Fee.* No fee shall be imposed by the Village in connection with a request for Reasonable Accommodation under this ordinance, or for an appeal of a decision by the Village Manager, Attorney or designee to the Special Magistrate. The Village shall have no liability for or legal obligation to pay an Applicant's attorney's fees or costs in connection with the request for Reasonable Accommodation, or any appeal at any appellate level.
- (e) *Interactive Process.* When a request for Reasonable Accommodation is made, the Village may engage in an interactive process with the Applicant to devise alternative accommodations that provide the Applicant an opportunity to use and enjoy a dwelling. The commencement of an interactive process does not toll the deadlines for issuance of a notice of determination by the Village Manager, Attorney or designee, or for an

appeal hearing before the Special Magistrate as outlined below, unless the Applicant agrees in writing to extend the deadlines.

- (f) *Confidential Information.* Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to persons with disabilities, an Applicant may request that the Village, to the extent allowed by law, treat the information or records as confidential. In such case, the Village shall endeavor to keep the Applicant's medical information confidential to the extent permitted by federal and state laws, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Chapter 119, Florida Statutes (the Florida Public Records Law). The Village shall have no obligation to defend against any action seeking to compel the production of public records, or to incur any legal or other expenses in connection therewith, and shall produce the records to the extent the Village determines the records are not exempt from the Public Records Act, or to comply with any judicial or administrative order without prior notice to the Applicant. The Village, however, shall endeavor to provide notice to the persons with disabilities, or their representative, of any request received by the Village for disclosure of the medical information or documentation which the Applicant has previously requested be treated as confidential by the Village.
- (g) *Review by Village Designee.* All requests for Reasonable Accommodation shall be submitted to the Village Clerk's Office. As soon as practicable after receipt, the Village Clerk shall forward all requests to the Village Manager, Attorney or designee for review. The Village Manager, Attorney or designee shall issue a written notice of determination to the Applicant within sixty (60) days from the date the application is received by the Village Clerk's Office. If needed to reach a determination on the request for Reasonable Accommodation, the Village Manager, Attorney or designee may, within the first thirty (30) days after receipt of the application, issue a written request for additional information to the Applicant, specifying in sufficient detail what information is required. The Applicant shall then have thirty (30) days after the date of the written request for additional information to provide said information. In the event a written request for additional information is made, the sixty (60) day period to issue a written notice of determination shall no longer be applicable, and the Village

- Manager, Attorney or designee shall issue a written notice of determination within sixty (60) days after receipt of the additional information. If the Applicant fails to provide the requested additional information and/or fails to request an extension of time to provide said information within thirty (30) days after the date of the request for additional information, then the request for Reasonable Accommodation shall be deemed withdrawn and no further action by the Village shall be required. If a final written determination is not issued within sixty (60) days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time. The Applicant may renew their request for Reasonable Accommodation at any time. The Applicant may request additional time to respond either in writing or verbally to the Village Clerk's Office. The Village shall not unreasonably withhold consent to an Applicant's request for additional time to respond.
- (h) Findings for Reasonable Accommodation.* In determining whether the Reasonable Accommodation request shall be granted or denied, the Applicant shall be required to establish that:
1. They are protected under the FHA or ADA, as defined in the FHA or ADA. Although the definition of disability and/or handicap is subject to judicial interpretation, for purposes of this ordinance, a disabled and/or handicapped person is defined as having:
 - a. a physical or mental impairment which substantially limits one or more major life activities;
 - b. a record of having such impairment; or
 - c. that they are regarded as having such impairment.
 2. The proposed Reasonable Accommodation being sought is reasonable and necessary to afford the person with a disability equal opportunity to use and enjoy housing. An accommodation is not reasonable if it imposes undue financial and administrative burdens on the Village; or requires a fundamental alteration to the Village's zoning scheme.

The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the Village Manager, Attorney or designee.

(i) Notice of Determination. The Village Manager, Attorney or Designee, shall issue a written notice of determination to the Applicant in accordance with subsection (g) above, which shall:

1. Grant the accommodation request in full with no conditions; or
2. Impose conditions upon the portion of the request that was granted; or
3. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the Applicant (i.e., the person with a disability or his/her authorized agent, attorney or representative) by certified mail, return receipt requested. The notice of determination shall be sent to the Applicant at the address listed by the Applicant on the application form, or as otherwise provided to the Village in writing.

(j) Appeals.

1. Appeal from Notice of Determination by Village Manager, Attorney or Designee:
Within forty-five (45) days after the Village Manager, Attorney or Designee has rendered a decision on a Reasonable Accommodation, the Applicant may appeal the decision. This timeframe shall be based upon the date that the letter is mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be made to the Village Clerk's Office. The appeal shall be heard by the Special Magistrate for Code Enforcement matters as set forth in the Village Code. The Special Magistrate shall conduct a quasi-judicial public hearing on the appeal as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless the Applicant agrees in writing to an extension of the hearing date. The Special Magistrate shall not be required to render a decision on the request at the public hearing, but shall render a determination no later than thirty (30) days after the conclusion of the public hearing. Such public hearing shall be de novo.

Once a public hearing date has been coordinated with the Applicant and set, the Village shall, at least ten (10) days prior to the hearing, post a notice of hearing on the Village's public notice bulletin board and on its website, and shall maintain copies available for review in the Village Clerk's office. The notice shall contain a brief description of the request for Reasonable Accommodation, the property to which the request is applicable, and the time and place of the Special Magistrate hearing on the request. The notice shall not contain any information relating to the Applicant's specific disability or other medical information.

The Special Magistrate's decision on the appeal shall be in writing and be based on the criteria listed in subsection (h) above. The Special Magistrate's decision may:
1) Grant the Reasonable Accommodation request in full, with no conditions; 2) Impose conditions upon the portion of the request that was granted; or 3) Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration. Any denial shall state the grounds for the denial. The Special Magistrate's decision shall give notice of the right to appeal. The written decision of the Special Magistrate shall be sent to the Applicant by certified mail, return receipt requested. The written decision shall be sent to the Applicant at the address listed by the Applicant on the application form, or as otherwise provided to the Village in writing.

2. *Appeal from Special Magistrate's Decision:* A Special Magistrate's decision may be appealed by the Village or Applicant within thirty (30) days after the date on which the written decision is rendered. Such appeal shall be made to the 15th Judicial Circuit Court in and for Palm Beach County, Florida, in accordance with the rules of procedure governing appeals of quasi-judicial decisions.
- (k) *Stay of Enforcement.* While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the Village, the Village will not enforce the subject land development regulation, other ordinance, or related rules, policies, practices or procedures, against the Applicant, except that the Village may seek relief

through its code enforcement process or an injunctive action if there is an imminent threat to the health, safety and welfare of the public.

(l) Revocation. A Reasonable Accommodation to operate within the Village of Royal Palm Beach may immediately be revoked via written notice in the event of any of the following:

- 1. Violation of a condition of a Reasonable Accommodation approval; or*
- 2. Lapse, revocation, or failure to obtain and maintain any certification or licensure required under this ordinance if not reinstated within 180 days of expiration.*

In either instance the Village Manager, Attorney or Designee shall issue written notice of the revocation to the Applicant via certified mail, return receipt requested, to the address listed by the Applicant on the application form, or as otherwise provided to the Village in writing. The Applicant shall have the right to appeal the revocation decision of the Village Manager, Attorney or Designee to the Special Magistrate following the same appeal procedure outlined in subsection (j) above.

Section 2: Prior Village of Royal Palm Beach Resolution No. 16-53 is hereby repealed in its entirety upon the effective date of this ordinance.

Section 3: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously adopted.

Section 4: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: Specific authority is hereby granted to codify this Ordinance.

Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this 20th day of November, 2025.

SECOND AND FINAL READING this 18th day of December, 2025.

VILLAGE OF ROYAL PALM BEACH

MAYOR JEFF HMARA

ATTEST:

(Seal)

DIANE DISANTO, VILLAGE CLERK