

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF MANGONIA PARK AT CHAPTER 14. LICENSES AND BUSINESS REGULATIONS. TO ADD AN ENTIRELY NEW ARTICLE IV. – REASONABLE ACCOMMODATIONS. IN ORDER TO CODIFY THE TOWN'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. 2017-01; 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 Town of Mangonia Park previously adopted a reasonable accommodation policy via Resolution No. 2017-01 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 Town Code provision, rule, policy or practice; and

WHEREAS, the Town Council desires to amend Chapter 14. Licenses and Business Regulations. in order to comply with the requirements of SB 954; and

WHEREAS, the Town of Mangonia Park has held all required public hearings and has provided public notice in accordance with applicable State statutes and Town ordinances; and

WHEREAS, the Town Council of the Town of Mangonia Park has determined that the proposed revisions to Chapter 14. Licenses and Business Regulations. are in the best interests of the health, safety and welfare of the Town of Mangonia Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA, THAT:

Section 1: Chapter 14. Licenses and Business Regulations. of the Code of Ordinances of the Town of Mangonia Park is hereby amended to add Article IV. Reasonable Accommodations. to codify the Town's existing process for processing reasonable accommodation requests, including such requests for Certified Recovery Residences; providing that Article IV. Reasonable Accommodations. shall hereafter read as follows:

ARTICLE IV. REASONABLE ACCOMMODATIONS

Sec. 14-41. Purpose and intent.

The purpose of this article is to establish procedures for processing requests for Reasonable Accommodation in housing, including those for Certified Recovery Residences, from the Town'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 L, 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.

Sec. 14-42. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein:

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 under section 397.311 *Florida Statutes* as that state law may be amended from time to time.

Sec. 14-43. Certified recovery residence; operation license required.

In order to operate, a Certified Recovery Residence must first obtain and maintain a current Town of Mangonia Park Business Tax Receipt and must otherwise be in compliance with all Town

regulations. In the event a Certified Recovery Residence is unable to operate due to restrictions within this Code of Ordinances a Reasonable Accommodation may be requested as outlined in section 14-44.

Sec. 14-44. Reasonable accommodation procedures.

A request for Reasonable Accommodation by persons with disabilities or a qualifying entity, hereinafter the ("Applicant"), may be submitted on an application form provided by the Town. All requests for Reasonable Accommodation shall be submitted to the Town Clerk's Office. Upon receipt of an application for Reasonable Accommodation, the Town Clerk shall date stamp the application with the date received. The Town 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 Town:

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 Town 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 Town, 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 Town 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 Town, an explanation of the

relationship between the person's disability and the need for the requested Reasonable 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 Sec. 397.311, Florida Statutes 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 Town, or an in-person meeting between the Town and the applicant shall occur to confirm the Applicant's authorized agent, attorney or representative. The Town 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 Town sufficient means to verify the identity of the Applicant. Authorization forms shall be made available by request via the Town Clerk's Office.
- (c) Town Assistance. The Town shall provide assistance as required by the FHA, the ADA, or other applicable law in connection with a person with disability's request for a Reasonable Accommodation to ensure the process is accessible.
- (d) No Fee. No fee shall be imposed by the Town in connection with a request for Reasonable Accommodation under this ordinance, or for an appeal of a decision by the Town Manager, Attorney or designee to the Special Magistrate. The Town 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 a Reasonable Accommodation is made, the Town 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 Town 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 Town, to the extent allowed by law, treat the information or records as confidential. In such case, the Town 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 Town 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 Town 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 Town, however, shall endeavor to provide notice to the persons with disabilities, or their representative, of any request received by the Town for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the Town.

- (g) *Review by Town Designee.* All applications for Reasonable Accommodations shall be submitted to the Town Clerk's Office. As soon as practicable after receipt, the Town Clerk shall forward all requests to the Town Manager, Attorney or designee for review. The Town designee shall issue a written notice of determination to the Applicant within sixty (60) days from the date the application is received by the Town Clerk's Office. If needed to reach a determination on the request for Reasonable Accommodation, the Town 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 Town 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 Town 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 Town Clerk's Office. The Town 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 person with a disability 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 the disability equal opportunity to use and enjoy housing. An accommodation is not reasonable if it imposes undue financial and administrative burdens on the Town or requires a fundamental alteration to the Town'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 Town designee.

(i) Notice of Determination. The Town 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 Town in writing.

(j) Appeal.

1. Appeal from notice of determination by Town Designee: Within forty-five (45) days after the Town 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 Town Clerk's Office. The appeal shall be heard by the Special Magistrate for Code Enforcement matters as set forth in the Town 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 Town shall, at least ten (10) days prior to the hearing, post a notice of hearing on the Town's public notice bulletin board and on its website, and shall maintain copies available for review in the Town 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 Town in writing.

2. *Appeal from Special Magistrate's Decision:* A Special Magistrate's decision may be appealed by the Town or the 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 Town, the Town will not enforce the subject land development regulation, other ordinance, or related rules, policies, practices or procedures, against the applicant, except that the Town 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.

Sec. 14-45. Revocation of Reasonable Accommodation.

A Reasonable Accommodation to operate within the Town of Mangonia Park may immediately be revoked via written notice in the event of any of the following:

- (a) Violation of a condition of approval of a Reasonable Accommodation approval; or
- (b) 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 Town 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 Town in writing. Applicant shall have the right to appeal the revocation decision of the Town Manager, Attorney or designee to the Special Magistrate following the same appeal procedure outlined in section 14-44(j).

Section 2: Prior Town of Mangonia Park Resolution No. 2017-01 is hereby repealed in its entirety upon the effective date of this ordinance.

Section 3: Each and every other section, subsection, and schedule of Chapter 14. Licenses and Business Regulations. shall remain in full force and effect as previously adopted.

Section 4: All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5: If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

Section 6: Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Mangonia Park.

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

FIRST READING this 21st day of October, 2025

SECOND AND FINAL READING this 4th day of November, 2025.

TOWN OF MANGONIA PARK

COUNCILMEMBERS:

VOTE:

AYE NAY

Mayor William H. Albury, III

Vice Mayor Sarita C. Johnson

Council Member Kelisha Buchanan-Webb

Council Member Lisa Davis-Quince

Council Member Clarence R. McConnell

WILLIAM H. ALBURY, III, MAYOR

(TOWN SEAL)

ATTEST:

Sherry Albury, Town Clerk

