

WAC 220-200-240 Accessibility special use permit for a person with a disability. (1) In addition to the specific criteria provided elsewhere in this chapter, the department may issue an accessibility special use permit to a person with a disability, as defined in WAC 220-200-160(1), who:

(a) Has applied for, received, and maintains a disability designation in good standing; and

(b) Requests an accessibility special use permit;

(c) Specifically identifies the department rule(s) for which an exception is requested;

(d) Clearly describes the need and justification for a departure from an existing department rule(s) as a result of a disability condition; and

(e) Accounting for the department's recommended processing time, submits the required application completed by an approved medical professional, as defined in WAC 220-200-160(2), who certifies that all of the following are true:

(i) The applicant is a person with a disability, as defined in WAC 220-200-160(1);

(ii) The applicant's disability condition, as defined in WAC 220-200-160(1), prevents the applicant from meaningfully and equally participating in a department program, service, or activity; and

(iii) The requested accessibility special use permit would enable the applicant to participate in the relevant program, service, or activity in a meaningful and equal manner.

(2) In addition to the terms and conditions in WAC 220-200-170, other individual terms and conditions, as set forth on the permit or award letter, also apply under the accessibility special use permit.

(3) It is unlawful to fail to abide by the conditions of this special use permit. A violation of this section is punishable under RCW 77.15.160(6), 77.15.230, 77.15.380, 77.15.410, 77.15.430, 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

(4) The department may deny a special use permit request submitted under subsection (1) of this section if:

(a) The requested special use permit would fundamentally alter the nature of the program, service, or activity;

(b) The requested special use permit would result in an undue financial or administrative burden;

(c) The requested special use permit would create a safety risk;

(d) The requested special use permit would create a conservation concern; or

(e) Alternate appropriate means, other than the requested accessibility special use permit, are available that would facilitate the person's participation in the relevant program, service, or activity.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.237, and 77.04.020. WSR 23-11-062, § 220-200-240, filed 5/12/23, effective 6/12/23.]