

# AUSTIN **CODE** **DE**

## DEPARTMENT

# Reasonable Accommodations



*June 30, 2015*  
*Presented by: Carl Smart, Director*

# Background

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August, 2013: Council directed the City Manager to:

- review the City’s process to request reasonable accommodations from housing-related code requirements and
- obtain this Commission’s input on the process.



# Federal Fair Housing Act

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- Prohibits discrimination based on disability
  - Disability: a physical or mental impairment which substantially limits one or more major life activities
- Requires a municipality to provide reasonable accommodations.
  - Change or exception to a rule or policy to ensure an individual with a disability has an equal opportunity to use and enjoy a dwelling.

# Proposed Process

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- An eligible individual submits a written request to the appropriate director.
- An eligible individual is
  - an individual with a disability,
  - a representative of the individual with a disability, or
  - a person that lives, or will live, with the individual with a disability

# Requests

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- Requests need to be in writing.
  - Provide information necessary to make an assessment about the reasonableness of the request.
- No fee to make a request.
- The director:
  - provides any necessary assistance and
  - may request additional information, if necessary.

# Decision

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- Made by the director.
- Must be issued in writing and within 20 business days
  - Time stayed if additional information requested.
  - If no decision within 20 business days, the request is deemed granted.
- Must be based on factors set forth in ordinance.

# Decision (continued)

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- If the request is unreasonable, the director can deny the request but must also provide an alternative accommodation
- Alternative accommodations
  - The requested accommodation with conditions.
    - Conditions must relate specifically to the disability that causes the need for the accommodation.
  - Different from requested accommodation.

# Appeal

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- Applicant can appeal within 30 calendar days from the date the decision is mailed.
- Must be in writing and include grounds for the appeal.
- Assistance will be provided.
- No fee to appeal.
- Decided by the City Manager's designee.
  - If no action within 20 business days, then granted.

# Effect of a Reasonable Accommodation

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- Controls over a conflicting City requirement.
- Specific to the individual with a disability.
  - Does not go with the property.
- Does not alter an individual's obligation to comply with other applicable federal, state, and City of Austin requirements.

# Example

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- More than six unrelated individuals live in a single-family home.
  - Violations:
    - Use is inconsistent with the zoning.
    - Lacks a boarding home operator's license.

# Example

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- Property owner wants a permit to construct a driveway in a setback.
  - City Code issue:
    - Staff cannot issue a permit to construct in the setback because of zoning requirements.

# Next Steps

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- ✓ June 30<sup>th</sup>—Community Development Commission
- ✓ July 18<sup>th</sup>—Mayor’s Committee for People with Disabilities
- ✓ August ?—Planning and Neighborhood Committee
- ✓ August ?—City Council



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# Questions

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