

AUSTIN CODE DEPARTMENT

Reasonable Accommodations



August 10, 2015
Presented by: Carl Smart, Director

Background

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 Committee’s input on the process.



Federal Fair Housing Act

- 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

- 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

- 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

- 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)

- 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

- 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

- 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

- 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

- 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

- ✓ September 16th —Planning and Neighborhood Committee
- ✓ October, 2015 —City Council



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Questions

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