



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: December 21, 2017

Staff Contact: Hope Sullivan, Planning Manager

Agenda Title: For Possible Action: To adopt Bill No. 131, on second reading, an ordinance amending the Carson City Municipal Code Title 18, Zoning, Chapter 18.02, Administrative Provisions, to add Section 18.02.130, Reasonable Accommodation. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Board introduced the subject ordinance at its meeting of December 7, 2017. The Federal Fair Housing Act prohibits discrimination in housing on the basis of a disability. One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. Local governments include provisions for reasonable accommodation consistent with the Act in their zoning codes. To allow for streamlined decision making and to protect privacy, staff is recommending that the Community Development Director have the authority to make a reasonable accommodation upon finding the request to be consistent with the Federal Fair Housing Act.

Agenda Action: Ordinance - Second Reading

Time Requested: 5 Minutes

Proposed Motion

I move to adopt Bill No. 131, on second reading, Ordinance No. 2017- ____, an ordinance amending Title 18, Zoning, Chapter 18.02, Administrative Provisions, to add Section 18.02.130, Reasonable Accommodation.

Board's Strategic Goal

Quality of Life

Previous Action

At its meeting of December 7, 2017, the Board of Supervisors introduced the subject Ordinance by a vote of 5 - 0.

At its meeting of March 29, 2017, the Planning Commission voted 4 - 0, 3 absent to recommend adoption of the proposed Ordinance.

Background/Issues & Analysis

The Federal Fair Housing Act prohibits discrimination in housing on the basis of a disability. The Act prohibits disability discrimination in the form of refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.

The Act applies to local governments in the implementation of zoning. In response, local governments include provisions for reasonable accommodation consistent with the Federal Fair Housing Act in their zoning codes.

Applicable Statute, Code, Policy, Rule or Regulation

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: N/A

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

- 1) Adopt the proposed ordinance as presented.
- 2) Do not adopt the ordinance

Attachments:

- 1) Ordinance

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. 131

ORDINANCE NO. 2017 - _____

AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, TO ADD SECTION 18.02.130, REASONABLE ACCOMMODATION, AND OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.02 (Administrative Provisions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

18.02.130. Reasonable accommodation.

1. Notwithstanding any other provision of this title, Carson City shall at all times comply with the applicable requirements concerning the granting of reasonable accommodations as set forth in the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., and any regulations adopted pursuant thereto.

2. A request for a reasonable accommodation made pursuant to subsection 1 must be submitted in writing to the director for approval or denial as an administrative decision, which may be appealed in accordance with CCMC 18.02.060. The director:

(a) Must issue his or her decision in writing; and

(b) May deny a request for a reasonable accommodation only if the denial does not constitute a violation of federal or state law or regulation.

SECTION II:

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on _____, 2017.

PROPOSED by _____.

PASSED _____, 2017.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

ROBERT L. CROWELL, Mayor

ATTEST:

SUSAN MERRIWETHER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of _____, 2017.