St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

Kerri Callais
Councilmember at Large

Richard "Richie" Lewis
Councilmember at Large

Gillis McCloskey
Councilmember District A

Nathan Gorbaty
Councilmember District B

Howard Luna
Councilmember District C

Wanda Alcon
Councilmember District D

Manuel "Monty" Montelongo III
Councilmember District E

Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 4, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mr. Montelongo, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2174-06-19

Summary No. 3723
Introduced by: Council on 5/21/19
Public Hearing held on 6/4/19

AN ORDINANCE TO AMEND APPENDIX F, REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Appendix F, Reasonable Accommodation under the Fair Housing Act as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter..

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Luna, Alcon, Montelongo

NAYS: None

ABSENT: Gorbaty, Lewis

The Council Vice-Chair, Ms. Callais, cast her vote as **YEA.**

And the motion was declared **adopted** on the 4th day of June, 2019.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Kerri Callais
KERRI CALLAIS
COUNCIL VICE CHAIR

Delivered to the Parish President 6/6/19 2:00pm
Date and Time

Received by Maugen Campo

Approved ✓ Vetoed _____

Parish President
Guy McInnis

Returned to Clerk of the Council 6/7/19 3:47pm
Date and Time

Received by Elijah Mel

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

APPENDIX F--REASONABLE ACCOMMODATION UNDER THE U.S. FAIR HOUSING ACT

Sec. 1. – Purpose

It is the policy of St. Bernard Parish, pursuant to the Fair Housing Amendments Act of 1988, to provide to people with disabilities reasonable accommodation in rules, policies, practices, and procedures, including reasonable accommodations to zoning ordinances that may be necessary to ensure equal access to housing. The purpose of these provisions is to provide a process for making requests for reasonable accommodation to land use and zoning decisions, ordinances and procedures regulating the siting, funding, development and use of housing for people with disabilities. In these regulations, "use of housing" includes, but is not limited to, housing-related services and the use and enjoyment of the property.

Nothing in this Ordinance shall require persons with disabilities or operators of homes for persons with disabilities acting or operating in accordance with applicable zoning or land use laws or practices to seek a reasonable accommodation under this Ordinance.

Sec. 2. Definitions

ACT. The Fair Housing Amendments Act of 1988.

APPLICANT. The individual making the request for reasonable accommodation pursuant to these Regulations.

CODE. The St. Bernard Parish zoning code or ordinance which sets forth the Parish's land use and zoning regulations.

The DEPARTMENT. Department of Community Development.

DIRECTOR. The Director of Community Development.

DISABILITY. Any person who has a physical or mental impairment that substantially limits one (1) or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. Persons recovering from alcohol or drug addiction are considered to have a disability if the addiction impairs a major life activity. People who are currently using illegal substances are not covered under the Act, unless they have a separate disability. A person need not have a diagnosis from a medical professional to have a disability.

Sec. 3. Notice to the Public of Availability of Accommodation Process

At all counters where application is made for a permit, license or other authorization for the siting, funding, development or use of housing, including at the counter for the DEPARTMENT, a notice in the form set forth in Exhibit A shall be prominently displayed advising applicants that they may request a reasonable accommodation of existing ordinances, rules, policies, practices and procedures. Forms for

requesting an accommodation shall be available in all departments, where decisions are made regulating the siting, funding, development and use of housing. A copy of the notice set forth in Exhibit A shall be provided upon request.

Sec. 4. Requesting Reasonable Accommodation

In order to make specific housing available to an individual with a disability, any person may request a reasonable accommodation in the ordinances, rules, policies, practices and procedures regulating the siting, funding, development or use of housing by completing the "Fair Housing Accommodation Request" form (Exhibit B) and filing it with the DEPARTMENT.

a. If an individual needs assistance in making the request for reasonable accommodation, the DEPARTMENT shall provide the assistance necessary to ensure that the process is accessible to the applicant, including by transcribing a verbal request into a written request.

b. A request for reasonable accommodation in ordinances, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing.

c. A request for a reasonable accommodation shall stay all proceedings in furtherance of the enforcement of any requirement that is the subject of the request.

Sec. 5. Review of Requests for Reasonable Accommodation

a. When a request for reasonable accommodation is filed with the DEPARTMENT, it is referred to the DIRECTOR for review and consideration. The DIRECTOR shall issue a written decision within thirty (30) days of the date of the request and may grant the reasonable accommodation request with or without modification or deny the request. The written decision of the DIRECTOR shall be provided in the form of the Notice of Decision on Fair Housing Accommodation Request for (Exhibit C).

b. If necessary to reach a decision on the request for reasonable accommodation, the DIRECTOR may request further information from the Applicant consistent with the Act, specifying in detail what information is required. In most cases, an individual's medical records or detailed information about the nature of a person's disability will not be necessary.

c. Not more than thirty (30) days after receiving a written request for reasonable accommodation, the DIRECTOR shall issue a written decision on the request; provided that, in the event that the DIRECTOR requests further information pursuant to the above paragraph, the running of this period shall be tolled (stopped) until the Applicant responds to the request.

Sec. 6. Factors for Considering Requests for Reasonable Accommodation

The DIRECTOR shall consider the following criteria when deciding whether a requested accommodation is reasonable:

- Is the housing, which is the subject of the request for reasonable accommodation, to be used by an individual protected under the Act?
- Is the request for accommodation necessary to make specific housing available to an individual protected under the Act?
- Whether the requested accommodation would impose an undue financial or administrative burden on the Parish?
- Whether the requested accommodation would require a fundamental alteration in the nature of a Parish program?

Sec. 7. Written Decision on the Request for Reasonable Accommodation

a. The DIRECTOR'S written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the DIRECTOR'S findings on the criteria set forth in Sec. 6, above. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth below. The DIRECTOR shall include with his written decision the Appeal of Decision of Fair Housing Accommodation Request form (Exhibit D). The DIRECTOR'S Notice of Decision shall be sent to the Applicant by certified mail.

b. If the DIRECTOR fails to render a written decision on the request for reasonable accommodation within the 30-day time period allotted by Sec. 5 above, the Applicant may submit a letter to the DEPARTMENT requesting a response from the DIRECTOR within 15 days. If the DIRECTOR fails to render a written decision on the request for a reasonable accommodation within 15 days of the date of this letter, the accommodation request shall be deemed granted.

Sec. 8. Appeals

a. Within thirty (30) days of the date of the DIRECTOR'S written decision, the Applicant may appeal an adverse decision by filing the Appeal of Decision on Fair Housing Accommodation Request form (Exhibit D with the DEPARTMENT.

b. An Applicant may request reasonable accommodation to the procedure by which an appeal will be processed. If an Applicant needs assistance in filing an appeal, the Parish shall provide the

assistance that is necessary to ensure that the appeal process is accessible to the applicant, including by transcribing a verbal request for an appeal into a written request.

c. An Applicant shall state the grounds for the appeal by completing the Fair Housing Accommodation Request Form (Exhibit D).

d. When an Appeal of Decision on Fair Housing Accommodation Request form is filed with the DEPARTMENT, it is referred to the Parish's Chief Administrative Officer for review and consideration. The Chief Administrative Officer shall issue a decision on the appeal within 30 days of the date the Applicant filed the appeal.

e. In reaching a decision on the appeal, the Chief Administrative Officer shall determine whether the DIRECTOR'S decision was consistent with applicable fair housing laws and the applicable criteria in evaluating a reasonable accommodation request as set forth in Sec. 6. The Chief Administrative Officer shall consider: (i) the Applicant's Fair Housing Accommodation Request; (ii) the decision of the DIRECTOR; and (iii) the Applicant's Appeal of Decision Fair Housing Accommodation Request form. The Chief Administrative Officer's decision shall include the basis for his/her decision.

f. The decision on the appeal shall be issued to the Applicant in writing.

g. If a written decision on the appeal is not rendered within 30 days from the date the appeal is filed, the Applicant may submit a letter to the DEPARTMENT to request a decision. If the Chief Administrative Officer fails to render a written decision on the appeal within 15 days of the date of this letter, the accommodation request shall be deemed granted.

h. Nothing in these Regulations shall preclude an Applicant from seeking any other state or federal remedy available.

Sec. 9. Force and Effect of a Reasonable Accommodation

a. The written decision of the DIRECTOR on the request for a reasonable accommodation and the written decision of the Chief Administrative Officer of a decision on appeal will have full effect at the time they are issued.

Sec. 10. Record Keeping

a. The Parish shall retain, for the duration of the accommodation and at least three (3) years thereafter, written records of each request and all related records, including the Parish's responses and decisions.

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

EXHIBIT A

NOTICE OF FAIR HOUSING ACCOMMODATION PROCEDURES FOR PEOPLE WITH DISABILITIES
THIS IS NOT A COMPREHENSIVE EXPLANATION OF YOUR RIGHTS UNDER THE FEDERAL FAIR HOUSING AMENDMENTS ACT.

You may be entitled to a reasonable accommodation to ordinances, rules, policies, practices and procedures for the siting, development, and use of housing, including housing related services or facilities, if you meet all of the following:

- You have a disability* or the housing is for people with disabilities;
- You may need a reasonable accommodation to existing rules and regulations to have equal opportunity to housing AND;
- Your request for accommodation would not be an undue burden on the Parish.

If you believe that you satisfy the above criteria and are entitled to a reasonable accommodation under the Fair Housing Amendments Act of 1988, you may obtain a Fair Housing Accommodation Request form from the front desk of the Department of Community Development. If you need assistance in applying for a reasonable accommodation, the Department of Community Development will assist you.

*The Fair Housing act defines "disability" as any of the following: a physical or mental impairment that substantially limits one or more major life activities; a record of having such an impairment or; being regarding has having such an impairment. The Fair Housing Act does not protect individuals currently using illegal substances, unless they have a separate disability.

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

FAIR HOUSING ACCOMMODATION REQUEST
EXPLANATION OF RIGHTS UNDER THE FAIR HOUSING AMENDMENTS ACT

Before completing the request for a reasonable accommodation, below, please read the following information about who is protected by the Fair Housing Amendments Act and what accommodation may be available under the law. This is not a comprehensive explanation of your rights under the Fair Housing Amendments Act. More information on the Fair Housing Act is available from the United States Department of Housing and Urban Development, which can be contacted at 1-800-669-9777 or reached through its website at https://www.hud.gov/program_offices/fair_housing_equal_opp.

Do the protections of the Fair Housing Amendments Act apply to me?
You are protected by the Fair Housing Amendments Act if you have a disability or the housing is for people with disabilities. "Disability" means any one of the following: a physical or mental impairment that substantially limits one or more major life activities or a record of having such an impairment or being regarded by others as having such an impairment. The Fair Housing Amendments Act does not protect an individual currently using illegal substances, unless that person has a separate disability.

What kind of accommodation may I request under the Fair Housing Amendments Act?
If you have a disability or the housing is for people with disabilities, the Fair Housing Amendments Act requires that the Parish provide you with reasonable accommodation in rules, policies, practices and procedures that may be necessary for people with disabilities to have equal opportunity to use and enjoy a dwelling. More specifically, the Parish must provide you with reasonable accommodation in decisions and procedures regulating the siting, funding, development or use of housing, including housing related services or facilities.

How do I request reasonable accommodation from the Parish?
To make a request for reasonable accommodation, answer the questions on the attached one-page request form, sign and date the form, and return it to the Department of Community Development. If you need help in answering the questions on the request form, you may ask for assistance from the Department of Community Development. Your accommodation request will be reviewed by the Director of Community Development, who will issue a written decision on your request within thirty (30) days of the date of the request.

What if my request for reasonable accommodation is denied or not answered?
If your request for accommodation is denied, in whole or in part, you may appeal the decision by filing a Notice of Appeal with the Department of Community Development within thirty (30) days of the decision. You may request reasonable accommodation to the procedure by which an appeal may be conducted. You may also contact your local fair housing or disability rights organization or legal services office for further assistance. If the Director fails to render a written decision on your request within thirty (30) days of the date of the request for a reasonable accommodation, you may send a letter to the Department of Community Development requesting a written decision within fifteen (15) days. If no written decision is issued within fifteen (15) days of this letter, your request will be deemed granted. Nothing in this accommodation request procedure limits your right to any other available state or federal remedy.

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

EXHIBIT B

FAIR HOUSING ACCOMMODATION REQUEST

NOTE: If you need help in completing this request form, the Department of Community Development will assist you. Please contact the person at the counter where you received this request form for assistance.

1. Name of Applicant Telephone Number

_____

2. Address

_____

3. Address of Housing at which Accommodation is requested

_____

4. Describe the accommodation you are requesting and the specific regulation(s) and/or procedure(s) from which accommodation is sought.

_____

_____

5. Give the reason that the reasonable accommodation may be necessary for you or, the individuals with disabilities seeking the specific housing, to use and enjoy the housing. You do not need to tell us the name or extent of your disability or the disabilities of the individuals seeking the housing.

_____

_____

6. If we have questions about your request for reasonable accommodation and you would like us to contact someone assisting you with this request, instead of you, please give us that person's name, address and telephone number.

_____

7. Signature of Applicant _____ Date: _____

PLEASE ATTACH ANY DOCUMENTS OR ADDITIONAL INFORMATION THAT YOU THINK SUPPORTS YOUR REQUEST FOR REASONABLE ACCOMMODATION AND WOULD ASSIST US IN CONSIDERING YOUR REQUEST.

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

EXHIBIT C
NOTICE OF DECISION ON FAIR HOUSING
ACCOMMODATION REQUEST

1. Date of Application: _____

2. Date of Decision: _____

3. The request for a Fair Housing Accommodation is:

   _____ Granted _____ Granted with Modification _____ Denied (See Notice below re right to appeal decision)

Description of Accommodation granted or denied:

_____
_____
_____

4. The reasons for this decision are as follows:

_____
_____
_____
_____
_____
_____

5. The facts relied on in making this decision:

_____
_____
_____
_____
_____
_____

Signature of DIRECTOR_____ Date _____

NOTICE: If your request for accommodation was denied or you disagree with the accommodation granted, you may appeal this decision to the Parish's Chief Administrative Officer within thirty (30) days of the date of this decision. To file an appeal, complete and file an Appeal of Decision of Fair Housing Accommodation Request form with the Department of Community Development. You may request reasonable accommodation in the procedure by which an appeal will be processed.

Exhibit A
Summary No. 3723
ORDINANCE SBPC #2174-06-19

EXHIBIT D

APPEAL OF DECISION ON FAIR HOUSING
ACCOMMODATION REQUEST

NOTE: If you need help in completing this request form, the Department of Community Development will assist you. Please contact the person at the counter where you received this request form for assistance.

NOTICE: PLEASE ATTACH TO THIS APPEAL FORM: (1) A COPY OF YOUR FAIR HOUSING ACCOMMODATION REQUEST ALONG WITH ANY ATTACHMENTS SUBMITTED WITH THE REQUEST AND (2) THE NOTICE OF THE DECISION ON YOUR ACCOMMODATION REQUEST.

1. Name of Applicant:_____

2. Address:_____

3. Phone Number of Applicant: _____

4. Date Initial Request Filed: _____

5. Date of Adverse Decision: _____

6. State why you think the decision on your Request for accommodation was wrongly decided:

_____
_____
_____
_____
_____
_____

7. Provide any additional information, facts or documents that support your Request for accommodation:

_____
_____
_____
_____
_____

8. Signature _____ Date _____

Attach additional sheets if necessary