



St. Bernard Parish Council

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

#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 WEDNESDAY, NOVEMBER 2, 2016 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1830-11-16

Summary No. 3430

Introduced by: Administration on 10/18/16

Public hearing held on 11/2/16

AN ORDINANCE TO CREATE AND INSERT APPENDIX F; REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT TO THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, the Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to create and insert Appendix F; Reasonable Accommodation under the Fair Housing Act to the St. Bernard Parish Code of Ordinances.

SECTION 1. the St. Bernard Parish Council does hereby create and insert "Exhibit A" as attached Appendix F; Reasonable Accommodation under the Fair Housing Act to the St. Bernard Parish Code of Ordinances.

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.

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



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Extract #20 continued
November 2, 2016

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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

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

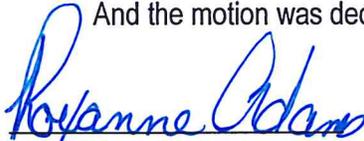
YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

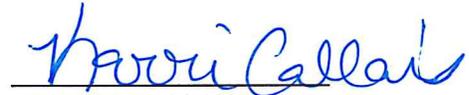
NAYS: None

ABSENT: None

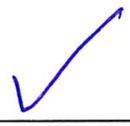
The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 2nd day of November, 2016.


ROXANNE ADAMS
CLERK OF COUNCIL


KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 11/7/2016 12:30pm
Date and Time

Approved 

Vetoed _____

Parish President 
Guy McInnis

Returned to Clerk of the Council 11/15/2016 9:30am
Date and Time

Received by 

EXHIBIT "A"
SUMMARY NO. 3430
ORDINANCE SBPC #1830-11-16

APPENDIX F
REASONABLE ACCOMMODATION UNDER THE
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 people with disabilities reasonable accommodation in ordinances, rules, policies, practices and procedures 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.

Sec. 2. Definitions

Act. The Fair Housing Amendments Act of 1988.

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

The DEPARTMENT. Community Development.

DIRECTOR. The Director of Community Development.

Disability. Any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; anyone who has a record of such impairment; or any disability that qualifies as a disability under the Act. People who are currently using illegal substances are not covered under the Act, unless they have a separate 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, 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.

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 a "Fair Housing Accommodation Request" form, which shall be supplied by the DEPARTMENT, 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.
- 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; at the outset or during the approval process.

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 application and may grant the reasonable accommodation request with or without modification or deny the request.
- 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.
- 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 factors and any other relevant factors 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(s) protected under the Act?
- Is the request for accommodation necessary to make specific housing available to an individual(s) protected under the Act?
- Whether the requested accommodation would impose an undue financial, administrative or other burden on the Parish?
- Whether the requested accommodation would require a fundamental alteration in the nature of a 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 factors 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 send a Notice of Decision to the applicant by certified mail.

Sec. 8. Appeals

- A. Within thirty (30) days of the date of the DIRECTOR'S written decision, the applicant may appeal the decision by filing an Appeal of Denial of Fair Housing Accommodation Request form, which

shall be supplied by the DEPARTMENT, with the Board of Zoning Adjustments. Delivery of the appeal to the DEPARTMENT shall constitute filing of the Appeal.

- B. If the DIRECTOR fails to render a written decision on the request for reasonable accommodation within the time period allotted by Sec. 5, above, the applicant shall be entitled to file an appeal to the Board of Zoning Adjustments within ninety (90) days of the date the applicant filed the request for reasonable accommodation with the DIRECTOR.
- C. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted. 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.
- D. All appeals shall contain a statement of the grounds for the appeal.
- E. Upon receipt of an appeal, the DEPARTMENT shall refer the appeal to the Board of Zoning Adjustments within seven days. The Board of Zoning Adjustments shall hear the appeal at its next available meeting that allows sufficient time to fulfill any public notice requirements.
- F. Nothing in these provisions shall preclude an aggrieved individual from seeking any other state or federal remedy available.

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 request 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. If you need assistance in applying for a reasonable accommodation, the DEPARTMENT 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 regarded as having such an impairment. The Fair Housing Act does not protect individuals currently using illegal substances, unless they have a separate disability.

EXHIBIT A