

## BRIEFING NOTES

*Advanced public notice of the Planning Commission briefing was posted on the County-City bulletin board and the Planning Department's website.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, June 8, 2022, 12:00 noon, Council Chambers, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Dick Campbell, Tracy Corr, Maribel Cruz, Tracy Edgerton, Cristy Joy, and Cindy Ryman Yost; (Lorenzo Ball, Gloria Eddins and Rich Rodenburg absent)

**OTHERS IN ATTENDANCE:** Steve Henrichsen, and Alexis Longstreet of the Planning Department; Dick Campbell, Tracy Corr, Maribel Cruz, Cristy Joy, and Cindy Ryman Yost.

**STATED PURPOSE:** Briefing on the **“The Fair Housing Act, Reasonable Accommodations, and the implications for city zoning and land use regulation”**

Chair Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Steve Henrichsen discussed that the briefing is to discuss the fair housing act and reasonable accommodations not the specific applications set to appear during the planning commission hearing.

Abby Letrell introduced herself and gave an overview presentation on the Fair Housing Act. Letrell's presentation discussed the history of the Fair Housing Act. Letrell stated that Nebraska's Fair Housing act is similar to the Federal Housing Act.

Campbell stated that the access to handicap individuals and asked if modifications are only considered for the exterior and/or the interior of the home. Letrell stated that the modifications can be granted for the interior as well.

Cruz asked for clarification that modifications are at the cost of the tenants. Letrell stated that is correct.

Letrell continued to discuss the Local land use laws and stated that the FHA can possibly overrule local laws. Letrell clarified the definition of reasonable accommodation. Letrell discussed a recent application in which an accommodation was made for the applicant regarding a support animal within city limits. Letrell clarified the definition of disability. Letrell discussed Lincoln Municipal Code 1.28 which came about when the city was being sued because of a reasonable accommodation. Letrell discussed the specific factors listed within Municipal Code 1.28. Letrell discussed the elements of a reasonable accommodation claim.

Campbell asked who bears the cost if someone was disabled and could not afford the modification. Letrell stated that there is not a cost for modification of a policy versus a physical modification to a property.

Letrell continued to discuss the elements of a reasonable accommodation claim. Letrell discussed grounds for denial and stated that the grounds are based on reasonableness.

Campbell stated that a concern on a previous application was that group homes were a concern for the neighbors and spacing requirements were added to the ordinance. Campbell asked if adding spacing requirements are illegal according to the fair housing act.

Letrell stated that it should not be deemed illegal.

Letrell continued to discuss the grounds of denial. Letrell discussed a few examples in which reasonable accommodations were taken to court.

Joy asked for clarification that the courts ruling deemed the city responsible for damages and granted the applicant their request.

Letrell stated that is correct.

Letrell continued to give examples of court rulings.

Letrell discussed the enforcement of the fair housing act.

Cruz stated that airlines are a great example of having to determine reasonable accommodations.

Edgerton asked when the applications would appear to the planning commission. Letrell stated that there will be three appearing on the next planning commission.

Corr asked for Letrell to send the PowerPoint. Letrell stated that she could provide that for the commissioners and her contact information.

There being no further business, the meeting was adjourned at 12:55 p.m.

<https://linclanc.sharepoint.com/sites/PlanningDept-Boards/Shared Documents/Boards/PC/Minutes/2022/pcb060822.docx>