

**CITY OF ROLLINGWOOD**  
**RESOLUTION No. R-2019-05-15 (B)**

**RESOLUTION RECOGNIZING THAT THE FAIR HOUSING ACT REQUIRES A  
MUNICIPALITY TO PROVIDE REASONABLE ACCOMMODATIONS TO LOCAL  
REGULATIONS; ESTABLISHING A TEMPORARY PROCESS TO INSURE COMPLIANCE;  
PLACING A MORATORIUM ON ENFORCEMENT OF CERTAIN REGULATIONS; AND  
DIRECTING STAFF TO INITIATE AMENDMENTS TO CITY REGULATIONS TO BETTER  
FACILITATE AND PROCESS REQUESTS FOR REASONABLE ACCOMMODATIONS**

**WHEREAS**, the regulation of land use is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Federal Fair Housing Act ("FFHA") other federal laws; and

**WHEREAS**, the FFHA prohibits state and local governments from adopting or implementing land use practices that discriminate based on a protected characteristic, Title II of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and Title VI of the Civil Rights Act of 1964; and

**WHEREAS**, prohibited practices as defined in the FFHA include making unavailable or denying housing, including housing intended for occupancy as single-family residences, because of a protected characteristic; and

**WHEREAS**, under the requirements of the FFHA a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; and

**WHEREAS**, the City of Rollingwood desires to ensure all individuals have access to housing consistent with the requirements of the FFHA and other applicable federal law; and

**WHEREAS**, the City of Rollingwood does not currently have in effect any regulations, procedures or processes which provide for the efficient consideration and processing of a request for a reasonable accommodation under the FFHA, but is nevertheless obligated to comply with those provisions of the law to the same extent as if they were a part of City codes, under the supremacy clause of the United States Constitution; and

**WHEREAS**, the City of Rollingwood finds and determines it necessary and appropriate to review its regulations to ensure compliance with the FFHA; and

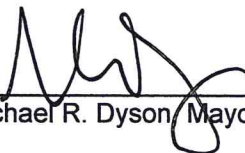
**WHEREAS**, the City of Rollingwood finds and determines that enforcement of certain existing City regulations should be abated until such time as a review of City regulations and recommendation for any amendments, if necessary, is provided to City Council for their consideration.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD:**

1. City Staff is hereby directed to abate the enforcement of Section 14.02.202(b)(2) which prohibits the residence of three (3) or more persons unrelated to each other by blood, marriage, or adoption in a dwelling located in an R zoning district, as to any person or organization, as defined by federal law, asserting claims or eligibility under the statutes identified above.

2. City Staff is hereby directed to work with Special Counsel to review relevant City regulations for compliance with the FFHA and bring to City Council any recommended amendments for compliance.
3. City Staff is hereby directed to work with Special Counsel to draft appropriate regulations, policies and procedures for purpose of processing and considering requests for reasonable accommodations in compliance with the FFHA.

Approved on the 15<sup>TH</sup> day of May 2019.

  
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Michael R. Dyson, Mayor

ATTEST:

  
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Robyn Ryan, City Secretary