

## Subject: First Reading - Reasonable Accommodation Ordinance

<b>Meeting Date:</b> May 8, 2023	
<b>Submitted/Presented by/Department:</b> Nate Burkett, City Manager	
<b>Action Type</b>	
<input type="checkbox"/> Consent Item	<input type="checkbox"/> Discussion/Direction
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Informational Only
<input checked="" type="checkbox"/> Action/Motion	<input type="checkbox"/> Report
<input type="checkbox"/> Resolution	<input type="checkbox"/> Other:
<b>Action</b>	
Approve the first reading of an ordinance enacting section 33.05 of the West St. Paul City Code regarding reasonable accommodation.	
<b>Background</b>	
<p>This item is at Council discretion and may be removed from the agenda, tabled or acted upon.</p> <p>The American with Disabilities Act and the federal Fair Housing Amendments Act of 1988 require that the City make reasonable accommodation for persons with disabilities seeking fair and equal access to public services and to housing. WSP currently does not have a policy statement or a process to ensure that we are complying with these federal laws.</p> <p>This ordinance acknowledges those federal laws and establishes a process by which the City may consider reasonable accommodation or relief for individuals under federal law.</p> <ul style="list-style-type: none"> <li>• A person may, at no cost, make application to the City Manager for a reasonable accommodation. The City Manager may require supporting information sufficient to make a determination.</li> <li>• The City Manager, in consultation with the City Attorney will consider and act upon requests for reasonable accommodation considering the factors outlined in the ordinance section C(1)a-e.</li> <li>• Should an applicant disagree with the City Manager's determination the applicant may appeal to the City Council.</li> </ul> <p>The primary reason why the City Manager is the recommended approver for reasonable accommodation is to protect the privacy of the applicant. Secondly, the City Manager, City Attorney and staff have experience working with reasonable accommodation because such requests happen on occasion related to employee matters.</p> <p>There are risks associated with adopting this ordinance. Most notably - that persons who do not have disabilities may make request for reasonable accommodation. In those circumstances, the City Manager will be able to deny the request due to lack of a documented disability.</p> <p>There is also risk in not adopting this ordinance in that at the moment, the City does not have a</p>	

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process to provide reasonable accommodation. Under current ordinances, if the City did receive a reasonable accommodation request which required relief from ordinances it is most likely that the Council would consider such relief. Since there is no existing framework for making reasonable accommodation decisions at the Council level, there could be a lack of consistency. Further, we would be in a grey area in terms of discussing private data in public.

The Equity Team considered this ordinance and supports the adoption of this ordinance because the general consensus was that this ordinance's potential benefits were greater than the risks. Potential benefits include:

- This ordinance supports our core value of EQUITY - ensuring that all people have a means to request reasonable accommodation from the city. The proactive adoption of this ordinance sends a signal that WSP is an inviting and friendly community where we help our neighbors.
- This ordinance reduces risk by ensuring we are compliant with federal law, and ensures that we are able to protect private data on individuals.
- There is a risk mitigation factor built in to the ordinance. If there happen to be bad actors seeking relief from an ordinance for inappropriate reasons the City Manager may deny. Following that, the Council, as the appeals body would be able to consider such requests but would have to do so in a public meeting. Reviewing these requests in a public meeting is likely a reasonable deterrent for those who may be seeking to abuse the purpose of the ordinance.

Staff recommends the Council discuss this ordinance at OCWS and proceed with holding the First Reading at the regular council meeting tonight with planned public hearing and second reading on May 22.

**Attachments**

Ordinance - Reasonable Accommodation

**Previous Relevant Actions**

**Alternatives**

**Financial**

Budgeted:  Yes

No Financial Impact

Fund:

Department:

Account:

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Amount:	
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