

City Council Staff Report

November 2, 2016

Applicant: Mapleton City

Location: N/A

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Yes

Zone: All residential zones.

Attachments:

1. Proposed ordinance amendments.

REQUEST

Consideration of an ordinance amending Mapleton City Code Chapter 18.84.370.B related to requirements for residential facilities for persons with a disability.

BACKGROUND AND PROJECT DESCRIPTION

Mapleton City Code Chapter 18.84.370.B outlines the City's requirements for residential facilities for persons with a disability. The Federal Fair Housing Amendments Act of 1988 (FHA) prohibits discrimination based on race, color, religion, sex, national origin, disability or family status. Under the FHA, a person with a disability is "*any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.*" A physical or mental impairment includes drug addiction and alcoholism.

In an effort to ensure that the City's requirements are consistent with state and federal statutes, the city attorney has reviewed the City's ordinance and is recommending the following change:

- Remove the requirement that any person with a criminal conviction cannot be admitted into a residential care facility as shown in attachment "1".

RECOMMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2016-

CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE CHAPTER 18.84.370.B RELATED TO REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

WHEREAS, Mapleton City Code Chapter 18.84.370.B outlines the City's requirements for residential facilities for persons with a disability; and

WHEREAS, the Federal Fair Housing Amendments Act of 1988 (FHA) prohibits discrimination based on race, color, religion, sex, national origin, disability or family status; and

WHEREAS, the proposed ordinance is meant to ensure that the City's regulations regarding residential facilities are consistent with the FHA and avoid any discriminatory requirements; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance on October 13, 2016.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code chapter 18.84.370 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON,
UTAH,

This ___ Day of November, 2016.

Brian Wall
Mayor

ATTEST:

Camille Brown
City Recorder

Publication Date:
Effective Date:

Exhibit "A"
Proposed Amendments Shown in Strikeout & Underline

MCC Chapter 18.84.370.B

(4) No individual shall be admitted to the facility as a resident who ~~has a history of criminal conviction~~, is a convicted sex offender, has been convicted of selling or manufacturing illegal drugs, is currently using drugs or alcohol, and/or who is a direct threat to the health and safety of other individuals and/or of causing substantial physical damage to the property of others. In determining whether proposed residents are likely to represent a direct threat as outlined above, the planning commission and city council shall consider, on the basis of objective evidence: