

ORDINANCE NO. 2378

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 15.24.1620 DETERMINATION OF FUNCTIONAL FAMILY OF THE SALISBURY CITY CODE TO AMEND THE REQUIREMENTS OF FUNCTIONAL FAMILY.

WHEREAS, the ongoing application, administration and enforcement of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation and amendment; and

WHEREAS, Chapter 15.24.1620, entitled Determination of Functional Family, of the Salisbury City Code currently does not give consideration to disabled individuals; and

WHEREAS, the Fair Housing Act directs that reasonable accommodations be made with regard to the housing needs of individuals with disabilities; and

WHEREAS, by correcting this subsection, the City will be better aligned with the Federal Fair Housing Standards Act, the Americans with Disabilities Act and Maryland State law.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, that section 15.24.1620 of the City of Salisbury City Code, be amended as follows:

Article XXIX

15.24.1620 Determination of functional family.

1. Upon application of a group of not more than four persons, the Department of Neighborhood Services and Code Compliance shall make a determination of whether a

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“functional family” exists. Each of the following criteria shall be met:

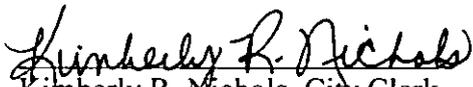
- A. Share a permanent personal bond and commitment to one another;
- B. Not dependent upon or supported by someone who does not maintain legal domicile at the particular dwelling unit and reside therein (not including any alimony or child support payments made to or for the benefit of any members of the group);
- C. Maintain legal domicile at the particular dwelling unit;
- D. Share a single household budget;
- E. Share in the repair and maintenance of the dwelling unit and its grounds, if any;
- F. Prepare and eat meals together on a regular basis;
- G. Share in legal ownership or tenancy of the dwelling unit, as evidenced on a deed or lease.

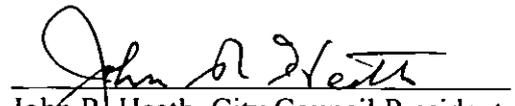
2. In the case of an application by persons who are disabled pursuant to the terms of the Americans with Disability Act, the Department of Neighborhood Services and Code Compliance shall make a determination of whether a “functional family” exists under 15.24.1620(1). When making that determination, the Department of Neighborhood Services and Code Compliance shall make any necessary and reasonable accommodations, including the modification of conditions required by subsection (1) of this section and the allowance of more than four unrelated individuals in the same household, when necessary to comply with applicable federal and state laws regarding fair housing and persons with disabilities.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 22 day of February, 2016 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 14 day of March, 2016.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, City Council President

Approved by me, this 17th
day of March, 2016.


Jacob R. Day, Mayor

Office of Community Development

MEMO

To: Tom Stevenson

From: Deborah Stam

Subject: Ordinances to Amend the Salisbury City Code to Amend the Definition and Requirements of Functional Family in Consideration of Disabled Individuals.

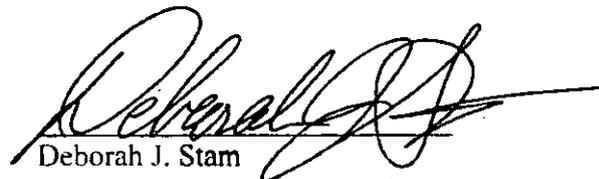
Date: December 2, 2015

During the completion of the City's 2014 Analysis of Impediments to Fair Housing (AI), it was determined by the consultant that it would be beneficial for us to make some minor changes to the City's Zoning Ordinance / Zoning Code in order to clarify our commitment to fair housing. These changes involve additional language that should be added to the "Definitions" section of the Zoning Code. It is my understanding that the Mayor's Office will be sponsoring this legislation.

These proposed changes have been reviewed by Jack Lenox, Director of Planning, Zoning & Community Development, and Mark Tilghman, City Attorney. Mr. Tilghman has created the attached ordinances to amend Chapter 15.24.1620 and Chapter 17.04.120 of the Salisbury City Code to amend the definition and requirements of 'Functional Family'.

As these Ordinances represent a change to the City's Zoning Code, they were required to be approved by the Salisbury - Wicomico County Planning and Zoning Commission. At the Planning and Zoning Commission meeting conducted on November 19, 2015, the ordinances were discussed and a Public Hearing for the text amendment was held. No objections were received during the public hearing, and the text amendment was approved by the Commission.

Please forward these documents to the City Council so that this item may be placed on the agenda for first reading at the Council meeting on December 14, 2015, and for second reading and passage at the Council meeting on December 28, 2015.


Deborah J. Stam
Community Development Director

Attachments
CC: Julia Glanz
Ginny Hussey
Jack Lenox
Gloria Smith