



Legislation Text

File #: O-287-22, Version: 1

Amending TMC Ch. 135 - Housing & Comm Devel.
Housing & Comm. Devel./Law
R. Clemens (x1400) / E. Granata (x1034)

Repealing Toledo Municipal Code (“TMC”) Chapter 135; enacting a new TMC Chapter 135; and declaring emergency.

SUMMARY & BACKGROUND:

This Ordinance repeals Toledo Municipal Code (“TMC”) Chapter 135, Department of Economic and Community Development and enacts a new TMC Chapter 135, Department of Housing and Community Development, to update the Chapter to align with current and proposed organizational and operating structure. The Changes included removal of the division of code enforcement, whose functions have been moved to the new Department of Building and Code Compliance and DPS (urban beautification). The changes also include the permissive addition of a deputy director upon appointment of Mayor with required confirmation of Council. There were some issues of alignment and consistency under the TMC between Chapter 135 and 135 (both including economic development) which have also now been resolved by the proposed changes to both chapters. Also, please note that no changes were made to TMC §135.04, Affirmatively Furthering Fair Housing.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo

SECTION I. That the existing Toledo Municipal Code Chapter 135, Department of Economic and Community Development, which reads as follows:

CHAPTER 135
Department of Economic and Community Development

- 135.01 Establishment
- 135.02 Appointment of Director and Commissioner
- 135.03 Divisions, Sections, Offices and Programs within Department
- 135.04 Affirmatively Furthering Fair Housing

135.01 Establishment.

There is hereby established the Department of Neighborhoods.

135.02 Appointment of Director and Commissioner.

- (a) The Director of the Department of Neighborhoods shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.
- (b) The Director shall be accountable to the Mayor and is responsible for the effective administration of the various divisions, sections, offices and programs within the Department.
- (c) A Commissioner of Code Enforcement shall be appointed by the Mayor in the manner

provided by the Charter and shall serve at the pleasure of the Mayor.

(d) A Commissioner of Rental Registry and Lead Safety shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.

135.03 Divisions, sections, offices, and programs within Department.

- (a) Division of Housing.
 - (1) Rehabilitation and Development Section.
 - (2) Environmental / Historical Review Section.
- (b) Division of Administrative Services.
 - (1) Grants / Administration Section.
 - (2) Program Monitoring Section.
- (c) The Division of Code Enforcement.
 - (1) Beautification Action Team.
- (d) Division of Rental Registry and Lead Safety.

135.04 Affirmatively furthering fair housing.

(a) Intent and Commitment to Fair Housing.

(1) Background. On August 7, 2020, the U.S. Department of Housing and Urban Development (HUD) issued new regulations that significantly reduce the requirements for entitlement jurisdictions that receive federal funds from HUD to affirmatively further the goals of the Fair Housing Act. Importantly, HUD's regulations as set forth at 85 FR 47899 eliminated the requirement that entitlement jurisdictions conduct an Analysis of Impediments to fair housing choice and develop a fair housing action plan to reduce the impediments identified in the analysis.

(2) Commitment to Affirmatively Further Fair Housing. It is the intention of the City of Toledo to affirmatively further the goals of the Fair Housing Act. Any analysis of impediments and associated fair housing action plan already adopted will remain effective until its intended time of expiration at the end of five years. The City of Toledo intends to complete an Analysis of Impediments to Fair Housing choice every five years thereafter as would have occurred but for the regulations adopted by HUD as described above.

(3) Guidelines. The City further intends to continue to complete these steps by following the guidance that jurisdictions have used since 1996 as described in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (1996).

(4) Review. If HUD later promulgates regulations that appropriately reestablish requirements to affirmatively further the goals of the Fair Housing Act, the City of Toledo shall revisit this law and consider actions to amend it.

(5) Nothing in this section shall be construed to require the City of Toledo to act in any way contrary to any federal regulations. Rather, the commitment to affirmatively further fair housing as set forth and required in this section shall be in addition to other requirements set forth in HUD's regulations or elsewhere.

(b) Processes for Analysis of Impediments and Action Plan.

(1) Analysis of Impediments. The City of Toledo's Department of Neighborhoods shall cause to be conducted an analysis to identify impediments (AI) to fair housing choice within the jurisdiction as well as creation of a fair housing action plan to address the impediments identified in

the AI.

(2) Action plan. The City of Toledo shall take actions to overcome the effects of any impediments identified through the analysis conducted under (1) above and as described in the associated action plan.

(3) The purpose and goal of the objectives described in (1) and (2) above shall be to:

- (i) analyze and eliminate housing discrimination in the jurisdiction;
- (ii) promote fair housing choice for all persons;
- (iii) provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, national origin, gender identity, sexual orientation, military status, or any other protected classes recognized by federal, state, or local fair housing laws;
- (iv) proactively work to address residential segregation and other historic housing inequities; and
- (v) promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities; and
- (vi) Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

(4) Guidelines. The City of Toledo, or its designee, shall complete the above described actions in a manner that is substantially similar to the guidance provided in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, promulgated in 1996.

(i) The City of Toledo, or its designee, shall ensure that public participation and comment is completed in a manner that is substantially similar to the suggestions provided in the above referenced guidance.

(5) Required elements. In completing the Analysis of Impediments and associated Action Plan, the City of Toledo must collect data and gather information to develop action plans to, at minimum, address the following.

(i) The current functioning of government services provided by the City and how they can be improved to affirmatively further the goals of the Fair Housing Act, including but not limited to, the housing and health codes of the City of Toledo and the manner in which they are enforced.

(ii) A review of how to direct government services provided by the City to more proactively address the needs of the community in order to affirmatively further the goals of the Fair Housing Act.

(iii) A comprehensive review of barriers that inhibit residents from acquiring the housing of their choice based on race, color, national origin, religion, sex, familial status, disability, military status, gender identity, sexual orientation, or any other protected classes recognized by federal, state, or local fair housing laws.

(iv) A comprehensive examination which includes, at minimum, the following:

- 1. community characteristics and demographics;
- 2. income and poverty;
- 3. transportation;
- 4. employment;
- 5. Public and private policies that impact protected groups and vulnerable populations such as zoning, code enforcement, and real estate practices.

(6) Adoption. Upon completion of the Analysis of Impediments and associated Fair Housing Action Plan, City Council shall consider and adopt the AI and Fair Housing Action Plan as part of its regularly occurring five-year planning processes as would have normally occurred prior to adoption of the regulations referenced in Sec. 135.04(a).

is repealed

SECTION 2. That a new TMC Chapter 135, Department of Housing and Community Development, is enacted to read as follows:

CHAPTER 135
Department of Housing and Community Development

- 135.01 Establishment
- 135.02 Appointment of Director, Deputy Director and Commissioners
- 135.03 Divisions, Sections and Offices within Department
- 135.04 Affirmatively Furthering Fair Housing

135.01 Establishment.

The Department of Housing and Community Development is hereby established as an administrative department in the City.

135.02 Appointment of Director and Commissioners.

(a) The Director of the Department of Housing and Community Development shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Director is responsible for the effective administration of the various divisions, sections, offices and programs within the Department.

(b) A Deputy Director may be appointed by the Mayor in the manner provided by the Charter and shall serve as the Acting Director in the absence or unavailability of the Director. The Deputy Director shall report to the Director and assist the Director with the administration and operation of the Department and shall perform such other duties as may be prescribed by the Mayor and/or the Director.

(c) A Commissioner of Housing and Neighborhood Development shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.

(d) A Commissioner of Administrative Services and Fiscal Monitoring shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.

135.03 Divisions, section or offices within Department.

- (a) Division of Housing and Neighborhood Development.
 - (1) Rehabilitation and Development Section.
 - (2) Environmental / Historical Review Section.
 - (3) Rental Registry and Lead Safety.
- (b) Division of Administrative Services and Fiscal Monitoring.
 - (1) Grants / Administration Section.
 - (2) Program Monitoring Section.

135.04 Affirmatively furthering fair housing.

(a) Intent and Commitment to Fair Housing.

(1) Background. On August 7, 2020, the U.S. Department of Housing and Urban Development (HUD) issued new regulations that significantly reduce the requirements for entitlement jurisdictions that receive federal funds from HUD to affirmatively further the goals of the Fair Housing Act. Importantly, HUD's regulations as set forth at 85 FR 47899 eliminated the requirement that entitlement jurisdictions conduct an Analysis of Impediments to fair housing choice and develop a fair housing action plan to reduce the impediments identified in the analysis.

(2) Commitment to Affirmatively Further Fair Housing. It is the intention of the City of Toledo to affirmatively further the goals of the Fair Housing Act. Any analysis of impediments and associated fair housing action plan already adopted will remain effective until its intended time of expiration at the end of five years. The City of Toledo intends to complete an Analysis of Impediments to Fair Housing choice every five years thereafter as would have occurred but for the regulations adopted by HUD as described above.

(3) Guidelines. The City further intends to continue to complete these steps by following the guidance that jurisdictions have used since 1996 as described in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity (1996).

(4) Review. If HUD later promulgates regulations that appropriately reestablish requirements to affirmatively further the goals of the Fair Housing Act, the City of Toledo shall revisit this law and consider actions to amend it.

(5) Nothing in this section shall be construed to require the City of Toledo to act in any way contrary to any federal regulations. Rather, the commitment to affirmatively further fair housing as set forth and required in this section shall be in addition to other requirements set forth in HUD's regulations or elsewhere.

(b) Processes for Analysis of Impediments and Action Plan.

(1) Analysis of Impediments. The City of Toledo's Department of Housing and Community Development shall cause to be conducted an analysis to identify impediments (AI) to fair housing choice within the jurisdiction as well as creation of a fair housing action plan to address the impediments identified in the AI.

(2) Action plan. The City of Toledo shall take actions to overcome the effects of any impediments identified through the analysis conducted under (1) above and as described in the associated action plan.

(3) The purpose and goal of the objectives described in (1) and (2) above shall be to:

- (i) analyze and eliminate housing discrimination in the jurisdiction;
- (ii) promote fair housing choice for all persons;
- (iii) provide opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability, national origin, gender identity, sexual orientation, military status, or any other protected classes recognized by federal, state, or local fair housing laws;
- (iv) proactively work to address residential segregation and other historic housing inequities; and

(v) promote housing that is structurally accessible to, and usable by, all persons, particularly persons with disabilities; and

(vi) Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

(4) Guidelines. The City of Toledo, or its designee, shall complete the above described actions in a manner that is substantially similar to the guidance provided in the publication "Fair Housing Planning Guide, Volume 1," U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, promulgated in 1996.

(i) The City of Toledo, or its designee, shall ensure that public participation and comment is completed in a manner that is substantially similar to the suggestions provided in the above referenced guidance.

(5) Required elements. In completing the Analysis of Impediments and associated Action Plan, the City of Toledo must collect data and gather information to develop action plans to, at minimum, address the following.

(i) The current functioning of government services provided by the City and how they can be improved to affirmatively further the goals of the Fair Housing Act, including but not limited to, the housing and health codes of the City of Toledo and the manner in which they are enforced.

(ii) A review of how to direct government services provided by the City to more proactively address the needs of the community in order to affirmatively further the goals of the Fair Housing Act.

(iii) A comprehensive review of barriers that inhibit residents from acquiring the housing of their choice based on race, color, national origin, religion, sex, familial status, disability, military status, gender identity, sexual orientation, or any other protected classes recognized by federal, state, or local fair housing laws.

(iv) A comprehensive examination which includes, at minimum, the following:

1. community characteristics and demographics;
2. income and poverty;
3. transportation;
4. employment;
5. Public and private policies that impact protected groups and vulnerable populations such as zoning, code enforcement, and real estate practices.

(6) Adoption. Upon completion of the Analysis of Impediments and associated Fair Housing Action Plan, City Council shall consider and adopt the AI and Fair Housing Action Plan as part of its regularly occurring five-year planning processes as would have normally occurred prior to adoption of the regulations referenced in Sec. 135.04(a).

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Sections 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary for the alignment and continued operations of the Department and to effectively and timely engage in

planning and implementation of programming to address critical community needs.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council