

1ST READING: 4/24/92
REFERRED TO (NAME OF) COMMITTEE: HE&HD
PUBLIC HEARING: 5/11/92
2ND READING AND FINAL PASSAGE: 5-22-92

AN ORDINANCE of the CITY OF MINNEAPOLIS

Johnson

presents the following ordinance:

Amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to Civil Rights: In General.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 139.20(b) of the above entitled Ordinance be amended to read as follows:

139.20. Definitions.

(b) Age. "Age" insofar as it refers to any act prohibited by section 139.40 (a), (b), (c), or (d) shall be deemed to PROHIBIT USING A PERSON'S AGE AS A BASIS FOR A DECISION IF THE PERSON IS protect only these individuals over the age of a majority.

Section 2. That Section 139.20(g) of the above entitled Ordinance be amended to read as follows:

139.20. Definitions.

(g) Disability. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

(1) Has a physical, sensory or mental impairment which MATERIALLY substantially limits one or more major life activities; or

(2) Has a record of such an impairment; or

(3) Is perceived as having such an impairment.

Section 3. That Section 139.20(p) of the above entitled Ordinance be amended to read as follows:

139.20. Definitions.

(p) Familial status. "Familial status" means the condition of one or more minors RESIDING demieilled with (1) their parent or parents or the minor's legal guardian or (2) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. THE PROTECTIONS AFFORDED AGAINST DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS APPLY TO ANY PERSON WHO IS PREGNANT OR IS IN THE PROCESS OF SECURING LEGAL CUSTODY OF INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF MAJORITY.

Section 4. That Section 139.20(hh) of the above entitled Ordinance be amended to read as follows:

139.20. Definitions.

5

(hh) Reasonable accommodation. "Reasonable accommodation" means steps which must be taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable accommodation" may include but is not limited to: (a) making facilities readily accessible to and usable by disabled persons; and (b) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis. (c) PROVIDING ACCESS TO REAL PROPERTY THROUGH MODIFICATIONS TO THE PUBLIC PORTIONS OF THE REAL PROPERTY THAT RENDERS IT ACCESSIBLE TO PERSONS WITH MOBILITY IMPAIRMENTS, OR OTHER MODIFICATIONS AS REQUIRED TO ACCOMMODATE DISABLED PERSON; AND (d) PERMITTING A TENANT, WHO IS A DISABLED PERSON, TO MAKE REASONABLE MODIFICATIONS OF EXISTING PREMISES OCCUPIED OR TO BE OCCUPIED BY THE DISABLED PERSON IF THE MODIFICATIONS MAY BE NECESSARY TO AFFORD THE DISABLED PERSON FULL ENJOYMENT OF THE PREMISES; PROVIDED HOWEVER, THAT A LANDLORD MAY, WHERE IT IS REASONABLE TO DO SO, CONDITION PERMISSION FOR A MODIFICATION ON THE RENTER AGREEING TO RESTORE THE INTERIOR OF THE PREMISES TO THE CONDITION THAT EXISTED BEFORE THE MODIFICATION, EXCLUDING REASONABLE WEAR AND TEAR.

Section 5. That Section 139.20(ii) of the above entitled Ordinance be amended to read as follows:

139.20. Definitions.

(ii) Qualified disabled person. (1) "Qualified disabled person" means, WITH THE RESPECT TO EMPLOYMENT a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job or activity in question; and (2) With respect to services and programs, a disabled person who, WITH REASONABLE ACCOMMODATION, physical and program access, meets the essential eligibility criteria required of all applicants for the program or service in question.

For the purpose of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

Section 6. That Section 139.20 of the above entitled ordinance be amended by adding thereto a new Subsection (jj) to read as follows:

139.20. Definitions.

(jj) HOUSING FOR ELDERLY PERSONS. "HOUSING FOR ELDERLY PERSONS" MEANS HOUSING:

1. PROVIDED UNDER ANY FEDERAL, STATE OR LOCAL PROGRAM THAT THE DIRECTOR DETERMINES IS SPECIFICALLY DESIGNED AND OPERATED TO ASSIST ELDERLY PERSONS, AS DEFINED IN THE FEDERAL, STATE OR LOCAL PROGRAM;

2. INTENDED FOR AND SOLELY OCCUPIED BY PERSONS 62 YEARS OF AGE OR OLDER;
OR

5

3. INTENDED AND OPERATED FOR OCCUPANCY BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER PER UNIT, PROVIDED THAT:

(a) THERE ARE SIGNIFICANT FACILITIES AND SERVICES SPECIFICALLY DESIGNED TO MEET THE PHYSICAL OR SOCIAL NEEDS OF OLDER PERSONS, OR IF THE PROVISION OF THESE FACILITIES AND SERVICES IS NOT PRACTICABLE, THAT THE HOUSING IS NECESSARY TO PROVIDE IMPORTANT HOUSING OPPORTUNITIES FOR OLDER PERSONS;

(b) AT LEAST 80 PERCENT OF THE UNITS ARE OCCUPIED BY AT LEAST ONE PERSON 55 YEARS OF AGE OR OLDER PER UNIT; AND

(c) THERE IS PUBLICATION OF, AND ADHERENCE TO, POLICIES AND PROCEDURES THAT DEMONSTRATE AN INTENT BY THE OWNER OR MANAGER TO PROVIDE HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER.

HOUSING DOES NOT FAIL TO MEET THE REQUIREMENTS FOR "HOUSING FOR ELDERLY PERSONS" BY REASON OF PERSONS RESIDING IN THE HOUSING AS OF THE EFFECTIVE DATE OF THIS SUBSECTION WHO DO NOT MEET THE AGE REQUIREMENTS OF THIS SUBSECTION IF NEW OCCUPANTS OF THE HOUSING MEET THE AGE REQUIREMENTS OF THIS SUBSECTION. IN ADDITION, HOUSING DOES NOT FAIL TO MEET THE REQUIREMENTS BY REASON OF UNOCCUPIED UNITS IF UNOCCUPIED UNITS ARE RESERVED FOR OCCUPANCY BY PERSONS WHO MEET THE AGE REQUIREMENTS OF THIS SUBSECTION.

Section 7. That Section 139.30(b) of the above entitled ordinance be amended to read as follows:

139.30. Exemptions.

(b) Real estate. The provisions of section 139.40 (e), (f) and (g) shall not apply to or require:

(1) Rental by an owner or occupier of a one-family accommodation, in which he or she resides, of a room or rooms in such accommodation to not more than one family, or not more than two (2) persons unrelated to each other.

(2) EXCEPT AS PROVIDED ELSEWHERE IN THIS TITLE OR OTHER STATE OR FEDERAL LAW, any person or group of persons selling, renting or leasing property to modify the property in any way or to exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this title be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

Section 8. That Section 139.30(c) of the above entitled ordinance be amended to read as follows:

139.30. Exemptions.

(c) Real estate and familial status. The provisions of section 139.40 (e) and (f) prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any city ordinance regarding the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to:

5

(1) Any unoccupied dwelling unit in one building of a housing complex consisting of two (2) buildings or, in a housing complex consisting of three (3) or more buildings, any unoccupied dwelling unit in up to one-third of all buildings in the housing complex. For the purposes of this clause, "housing complex" means a group of buildings each containing five (5) or more units on a contiguous parcel of land owned by the same person; a building shall not be exempt pursuant to this clause unless the owner has on file with the state commissioner of human rights a valid election to designate the building as exempt; an election made by an owner pursuant to this clause may not be withdrawn for purposes of designating another building in the housing complex as exempt for a period of one year from the filing of the election;

(2) Any unit in a condominium created prior to April 12, 1980, any unit in a condominium, other than a condominium converted from a residential building, created on or after April 12, 1980, and any unit in an adults-only condominium created from an existing adults-only rental building on or after April 12, 1980;

(41) Any owner-occupied building containing four (4) or fewer dwelling units;

(6) Any unoccupied dwelling unit of up to one-third of the units in a building that is not part of a multibuilding complex;

(62) Dormitories designated exclusively for the use of single or unmarried students which are owned and operated by public or private educational institutions;

(3) HOUSING FOR ELDERLY PERSONS: An unoccupied dwelling unit in any building in which at least a majority of the dwelling units are occupied by elderly persons or are unoccupied and available for occupancy solely by households of which at least one member is an elderly persons;

(7) Any nursing home, retirement home or convalescent home; or

(8) Housing units or apartments without their own kitchen facilities, even though cooking privileges to use a common or shared kitchen are provided.

Section 9. That Section 139.40(e) of the above entitled ordinance be amended by adding paragraphs (5) and (6) to read as follows:

139.40. Acts of discrimination specified.

(5) TO FAIL TO DESIGN AND CONSTRUCT COVERED MULTIFAMILY DWELLINGS AVAILABLE FOR FIRST OCCUPANCY AFTER MARCH 13, 1991, SO THAT:

a. THE DWELLINGS HAVE AT LEAST ONE BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE, UNLESS IT IS IMPRACTICAL TO DO SO BECAUSE OF TERRAIN OR UNUSUAL SITE CHARACTERISTICS; OR

b. WITH RESPECT TO DWELLINGS WITH A BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE:

1. THE PUBLIC AND COMMON USE PORTIONS ARE READILY ACCESSIBLE TO AND USABLE BY DISABLED PERSONS;

2. THERE IS AN ACCESSIBLE ROUTE INTO AND THROUGH ALL DWELLINGS AND UNITS;

ALL DOORS DESIGNED TO ALLOW PASSAGE INTO, WITHIN AND THROUGH THESE DWELLINGS AND INDIVIDUAL UNITS ARE WIDE ENOUGH FOR DISABLED PERSONS IN WHEELCHAIRS;

4. LIGHT SWITCHES, ELECTRICAL SWITCHES, ELECTRICAL OUTLETS, THERMOSTATS, AND OTHER ENVIRONMENTAL CONTROLS ARE IN ACCESSIBLE LOCATIONS;

5. BATHROOM WALLS ARE REINFORCED TO ALLOW LATER INSTALLATION OF GRAB BARS; AND

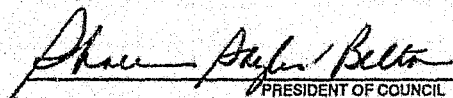
6. KITCHENS AND BATHROOMS HAVE SPACE FOR AN INDIVIDUAL IN A WHEELCHAIR TO MANEUVER.

(6) TO FAIL TO MAKE REASONABLE ACCOMMODATION TO THE KNOWN DISABILITY OF A DISABLED PERSON.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic	X						Scallon	X					
Campbell	X						Niemlec				X		
Hilary	X						Cramer	X					
Rainville				X			Schulstad	X					
Cherryhomes	X						Johnson	X					
Niland	X						President						
Scott	X						Sayles Belton	X					

PASSED MAY 22 1992
DATE

APPROVED - ~~NOT APPROVED - VETOED~~ MAY 28 1992
DATE


PRESIDENT OF COUNCIL


MAYOR

ATTEST


CITY CLERK