

**City of Huntington Planning Commission**

**June 18th, 2020**

**Staff Report: A petition to amend Article 1313 of the Zoning Ordinance to promote fair housing.**

**Legal Ad**

**PC 20-14**

A petition to amend Article 1313 of the Zoning Ordinance to promote fair housing.

Petitioner: City of Huntington, 800 5<sup>th</sup> Ave, Huntington, WV 25701

**Introduction**

City of Huntington is petitioning to amend Article 1313 - Zoning Purposes and Authority to add that the Zoning Ordinance should further fair housing by on the Fair Housing Act of 1968, as amended.

**Existing Regulations**

The existing Article 1313 discusses the purposes of the zoning ordinance, authority, statement of consistency, and the building code.

**Proposed Regulations**

The amendment would add that promoting fair housing is one of the key purposes of the zoning ordinance, affirming that the Planning and Zoning Office should promote the regulations of the Fair Housing Act of 1968, as amended.

Further amendments to the zoning ordinance are intended to include regulations that qualifying housing has accessible site features and other relevant fair housing requirements.

**Staff Comments**

Fair housing and accessibility are some of the most important issues in development. Without guaranteeing these requirements are met, our built environment can develop in ways that prevents protected classes from having access to places most of us take for granted. It is therefore the firm belief of the staff that enforcement of all things related to local development is best handled at the local level.

If the city does not take on the roll of ensuring the regulations of the Fair Housing Act are met, it will only be enforced either when HUD is directly involved in projects because of the financing mechanisms involved or if it is reactionary enforcement from the Department of Justice. Lack of local enforcement often allows for qualifying private development to be constructed in ways that are intentionally or unintentionally discriminatory against protected classes. This can lead to surplus of housing that does not allow for protected classes to have access to the same amenities as other citizens.

In response to this, it is the intent of the staff to continue amending the Zoning Ordinance to include requirements that primarily address physical access to qualifying structures. Such amendments will include

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requirements for accessible pathways and  
accessible entryways.

Amendments related that have already been  
implemented include the requirements for  
handicapped parking spaces and the  
inclusion of the definition "visitability".

Amendments related that have already been  
implemented but not directly related to  
accessibility include the change in definition  
to "single-family unit", "disabled", and  
"group residential facilities".

**Attachments**

Please see attached draft ordinance for  
reference.