



Directors Meeting

Monday, August 8th, 2022

555 S 10th Street, Luxford Studio

MINUTES

I. CITY COUNCIL AGENDA & CITY CLERK ADVISORIES

II. MAYORAL ADVISORIES

III. DIRECTORAL ADVISORIES

1. There were no admin. approvals from 7/26/22 thru 8/01/22 – Jennifer McDonald

IV. BOARDS, COMMITTEES, AND COMMISSION REPORTS

V. CONSTITUENT CORRESPONDENCE

1. Yazidi Genocide – Isam Maroo
2. Lincoln Paddle Company – Kyle Winchell
3. support for heat pump program – Lorrie Benson
4. Proposal for a Heat Pump Pilot Project – James Cook
5. Please make these comments part of the Aug 1 hearing record – Marilyn McNabb
6. Support for funding to educate and incentivize adoption of heat pumps – Rebecca Seth
7. zero fare busing – Robert Way
8. Heat pump support in the budget – Jon Oberg
9. Heat Pump Pilot Project – Bethany
10. Free Bus Fares are Critical – Kelly Seacrest
11. Bus Fare – Megan Mejsrik
12. There are too many homeless people outside in this heat who need to come in – June Kemper
13. Oxford House Request for Reasonable Accommodation Opposition Letter – Greg Newport
14. Equitable, Sustainable, and Forward Thinking – Megan Stock
15. Lincoln City Library Budget – Dan Sloan
16. City County Meeting of Aug. 15th Oxford House – Jonathan Baker

ADJOURNMENT

From: [Isam Maroo](#)
To: [Council Packet](#)
Subject: Yazidi Genocide
Date: Thursday, July 28, 2022 12:47:46 PM

Hello dear,

Hope you're doing well.

We as a Yazidi community here in Lincoln will set an event in the memory of the Yazidis Genocide that happened on August 3rd of 2014 by the Islamic state.

We as a community will go to the cemetery of the Yazidi and remember all those who got killed and kidnapped on that day. Event will be on August 3rd at 6pm.

So, I was trying to see if you as the Lincoln government/Mayer can attend/help in any possible way. Since Lincoln is our home now, and we practice our religion and culture with freedom.

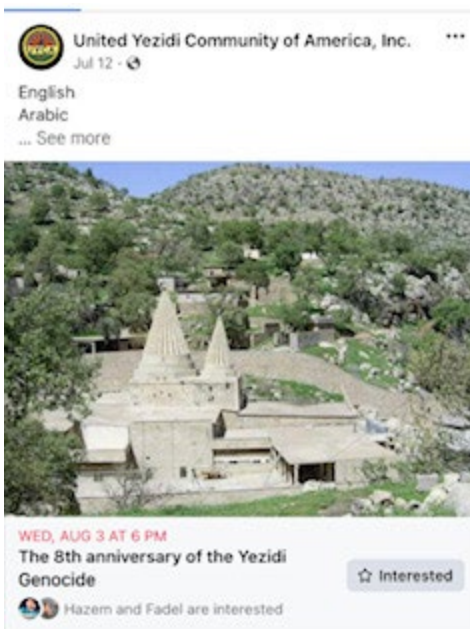
We'll really appreciate it, if you guys stand by our side on this dark times, just to show sympathy and so feel like we are not alone.

I sent this email as an Invitation.

Note- I'm a member of UYCA (United Yazidi Community of America)

Please see the attached pictures.

Thanks,





United Yazidi Community of America, Inc. ***

Jul 12 · 🌐

English

Arabic

The United Yazidi Community of America Organization will commemorate the Yazidi setup event of genocide on 3/8/2022 in Lincoln, Nebraska. We will set up the tents, and also provide posters and candles. Everyone is welcome to this event. This event is to commemorate the 8th anniversary of the Yazidi genocide through various events about the tragedy that happened to the Yazidi community of systematic killings and forced displacement of the entire Yazidi community. Our goal is to deliver a true picture to the world without distortion or deformation the injustice, oppression, and betrayal on the Yazidi community, as well as teaching and educating our future generations about what has happened to the Yazidi people throughout the history. By Participating in this event we'll also try to reach our voice as a community to the other communities.

Address: Yazidi cemetery.

August 3rd at 6pm

Isam

Sent from my iPhone

From: [Lincoln Paddle Co](#)
To: [Council Packet](#)
Subject: Lincoln Paddle Company
Date: Thursday, July 28, 2022 2:10:44 PM
Attachments: [LNK Paddle Co Group Experiences \(5\) \(2\) \(2\).pdf](#)
[LNK Paddle Co Group Experiences \(6\) \(2\) \(2\).pdf](#)

Hello,

I Hope you are well! My name is Kyle and I own [Lincoln Paddle Company](#). We help groups enjoy local lake adventures with Kayak and Paddleboard rentals.

We've had many great group events with local businesses (Including Hudl, Lincoln Children's Zoo, Company Cam, Arbor Day, UNL and [more!](#)). I thought of you and your company! If you're planning a team, group or corporate event--and looking for something new...check us out!

I've included a pdf with more info on the lakes, rentals and discount packages we offer. We're happy to offer the easiest way to get on Lincoln's lakes for a few hours or day on the water! Hassle-free...we bring everything you need for a great day.

We'd love the opportunity to work with you and your company!

Please feel free to checkout our site, email or call!

Thank you,
Kyle Winchell
Owner, LPC

--

Lincoln Paddle Co.
531-229-1040

lincolnpaddlecompany.com

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-

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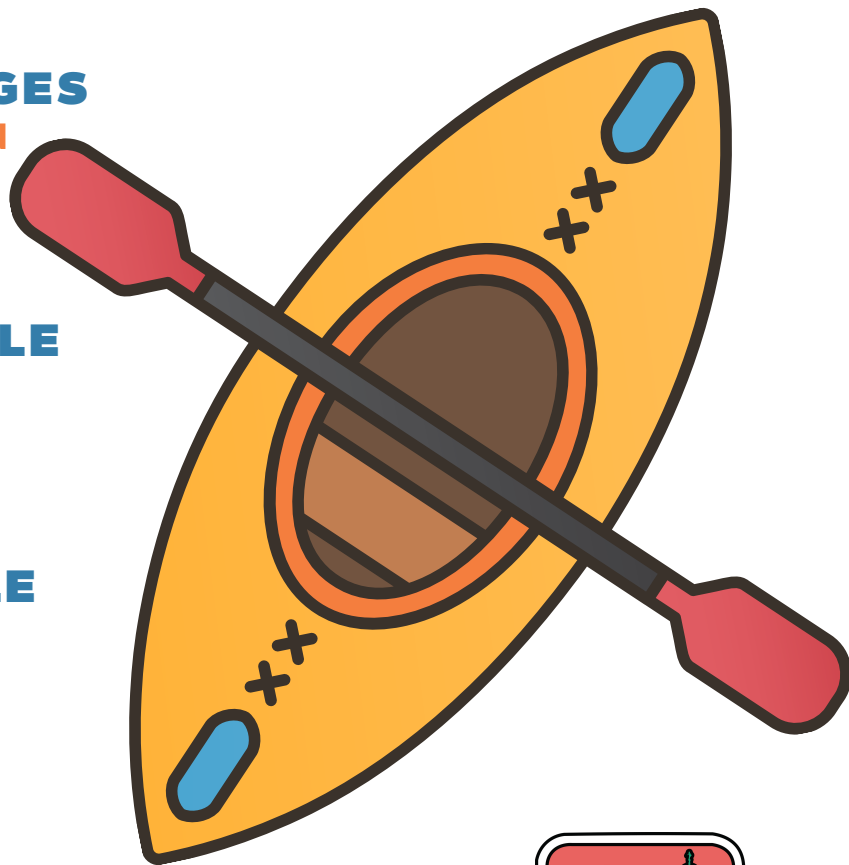
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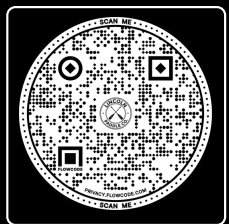
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SCAN HERE



**WE'LL MEET YOU
AT THE WATER**

From: [Lorrie Benson](#)
To: [Council Packet](#)
Subject: support for heat pump program
Date: Thursday, July 28, 2022 2:23:43 PM

Council Members and Mayor Gaylor Baird,
I support the proposal to include funds in the city budget to incentivize the purchase of heat pumps for residences.

Thank you for considering my opinion; please make my comment part of the record on this matter.

Lorrie Benson
7100 Holmes Park Rd, #103
Lincoln 68506

From: [James Cook](#)
To: [Council Packet](#)
Subject: Proposal for a Heat Pump Pilot Project
Date: Friday, July 29, 2022 11:41:24 AM

Council members, my name is Jim Cook and I live at 8020 Upton Grey Ln in Lincoln. I am writing to support Council member Bennie Shobe's proposal to fund a pilot project to increase the number of Lincoln households that are heated by an air source heat pump. My wife and I already live in an all electric house, so that proposal would not benefit us directly, but we support anything that can benefit others, including our children and grandchildren, by reducing our emission of greenhouse gases.

You have adopted an excellent climate action plan, one which I testified in favor of, but the emphasis now needs to shift from "plan" to "action." A large proportion of the greenhouse gases emitted in Lincoln come from residential heating with natural gas. Replacing gas furnaces with heat pumps will, over time, have a significant impact on our community's emissions and will be critical to achieving the goals in the action plan. Mr. Shobe's proposal would not force homeowners to replace their properly functioning gas furnaces but would instead incentivize switching to heat pumps when a replacement is necessary. It would also incentivize the installation of heat pumps in new construction.

Tackling the critical climate crisis will not be easy or cheap, but it is essential to the future of our globe. Aggressive action is required. Please help Lincoln be a leader in investing in the future and support the funding and creation of the pilot project.

Thank you for this opportunity to comment.

Jim Cook

Sent from [Mail](#) for Windows

From: [Marilyn McNabb](#)
To: [Council Packet](#)
Subject: Please make these comments part of the Aug 1 hearing record
Date: Sunday, July 31, 2022 3:35:31 PM

Chair Ward and members of the Lincoln City Council:

I'm Marilyn McNabb, 1701 West Rose St., speaking for myself.

I'm here today to support Councilman Bennie Shobe's proposal to add \$300,000 each fiscal year in the biennial budget to advance the use of electric-powered heat pumps. We understand now the damage methane, that is, natural gas, is doing to our climate, so when replacement decisions are made about heating and cooling systems, we need to be installing electric heat pumps. Methane emissions are more than 80 times as potent as carbon dioxide in warming the atmosphere.

Reducing greenhouse gas emissions is the first and principal directive in Lincoln's climate action plan. Lincoln's goal is by 2050, to reduce net greenhouse gas emissions 80% from 2011 levels. In the "action areas" of the plan, one of the most important is "Engage Residents in Co-creating a Climate Smart Future." A whole range of ways to engage the public are sketched out—social media, town hall meetings. For a modest price tag, Councilman Shobe's proposal offers us one way of doing that.

His proposal moves us toward realizing these two Lincoln goals --reducing greenhouse gas emissions and increasing community involvement-- just when we will likely see very large new opportunities— thanks to Senator Joe Manchin. The newly renamed Inflation Reduction Act offers rebates to homeowners for installing electric heat pumps and electric water heaters in a 10 year program.

A Columbia University Center on Global Energy Policy study of heat pump effectiveness—they studied Atlanta, San Diego and Fargo for different climates and energy costs--found heat pumps to be competitive with natural gas fired equipment while substantially cutting greenhouse gas emissions. It identified a need to provide informational programs to combat business as usual habits of contractors and homeowners favoring incumbent fossil fuel technologies. (Scientific American 12/18/19).

The new federal bill devotes \$4.28 billion to the High Efficiency Home Rebate Program which would provide a rebate of up to \$8,000 to install heat pumps to heat and cool homes and rebates for a heat pump water heater, a heat pump clothes dryer, or an electric stove and related home improvements.

To qualify, household income cannot exceed 150% of the area median income, which is \$91,000 for Lincoln. A maximum of \$14,000 per homeowner is allowed up to September 30, 2031. States will administer the program.

Councilman Shobe's proposal envisions a community committee that would be an ideal vehicle for outreach to identify homeowners who qualify for this program and get them prepared with the needed information to deal with the right state offices. All levels of government need to do their part in the enormous challenge climate change presents.

What if Manchin's bill doesn't pass? That possibility is too scary for me to think about very long. But if it doesn't, then there's even more reason to start this work locally. We know where we have to go. Let's get started.

More than a decade ago I put in a heat pump because I learned about it from people I associated with. We learn from each other, that's how we will make the necessary changes. I want to close with a short passage from the Climate Plan: "The lives of Lincoln residents are intertwined with fossil fuels through the gas in their cars, the way electricity they use is generated, the natural gas they use to heat their homes. To make significant progress, . . . the way that everyday life is powered in Lincoln will need to shift." (p. 28)

From: [Rebecca Hruby Seth](#)
To: [Council Packet](#)
Subject: Support for funding to educate and incentivize adoption of heat pumps
Date: Sunday, July 31, 2022 4:16:15 PM

Dear City Council Members,

Action on climate change is my top priority among many issues of concern. I am grateful for the adoption of the 2021-2027 Climate Action Plan and for your work on this issue. However, the plan mainly spells out actions of city government. While this is extremely important, citizens need to be educated about actions they can contribute. Electrification of HVAC, appliances and cars needs to accompany the decarbonization goal of LES. The best time to start this transition is now, whenever these need to be replaced. This will require education and enough incentive to make it financially feasible. While LES, thankfully, has a sustainability program, partnership with the city would enhance that program. I support the addition of the Heat Pump Pilot Project to the city budget.

In addition, as part of a local church that has action on climate change as a priority, we are seeking ways to support you in this work, and ways to do so are not clear. I think you could profitably enlist the cooperation of the faith community on this issue.

Please include this email as part of tomorrow's meeting record.

Thank you, Rebecca Seth, 1971 Sewell Street

From: [Robert Way](#)
To: [Council Packet](#)
Subject: zero fare busing
Date: Sunday, July 31, 2022 8:08:28 PM

Dear Council Members,

Now that the StarTran Advisory Board has encouraged the Lincoln City Council has encouraged enact a pilot program for Zero fare busing, I want to write briefly about concerns I heard expressed about how this will effect the budget.

The largest concern that was raised by management of StarTran was the increase in cost from the Paratransit Program due to increase participation. This challenge was addressed in the recent fare study. The estimates operations cost between \$354,000 and \$708,000, and possible increased capital investment needed. Although increased capital investments would be 80% federally funded.

This concern made me review the past budgets of the STARTRAN system. I used the published fact sheet from 2018-2019 as my baseline precovid period, and accepted the cost estimates and ridership numbers found in fare analysis report recent published by the mayor's office.

As I am sure the council members know, the city has been subsidizing every ride of STARTRAN for the past six years. In 2018 the amount of subsidies per trip was \$3.61 according to page 2-12 of fare analysis. If you add the both ridership numbers and high end projected cost to 2018 totals, the projected subsidies will only be \$3.71 or one dime per ride. I think this great price for increased benefit to the city. Although in aggregate that will cost the city, \$1.2 million and that is large amount of money to find late in the budget process I hope the city council will take up the challenge.

Though the cost benefit analysis of the program is difficult to examine as it will effect the city. The projected 997,400 additional rides will likely generate economic activity in the city either buying goods or services or earning income as place of employment. I can find no good numbers on what tax revenue the city can a bus ride, so will not speculate on that. Though my research did reveal the second busiest bus line travels through Lincoln zip code 68508 with highest unemployment rate, and such that line could provide an opportunity to connect employers that need labor to citizens that need jobs.

Government programs are always complex and things don't always proceed as projected, but the city can reinstate fare at anytime with notice. Conversely, the city has not installed fare boxes on several new boxes, so immediate investment cost of fare boxes is upfront cost will be required to resume fare collection. At the same time, the current system of fare collection has been questioned by the STARTRAN TDP in several aspects-

"Cash fares and multi-ride passes are underutilized. Cash fares currently account for 8% of trips and all 20 Ride, One Ride, and Two Ride passes combined account for less than 1% of trips."

"The pass distribution network is generally strong, but there is an opportunity to standardize pass availability. While most passes are available at a wide variety of locations, several pass products are only available at specific locations. Standardizing the distribution network to make more passes available at more locations would improve access to pass products for passengers."

"There may be an opportunity for StarTran to upgrade fare media technology to incorporate more advanced alternatives. Given the low reliance on cash fares and adoption of mobile ticketing, there may be an opportunity to explore new fare media technology including RFID Smartcards instead of magnetic swipe cards"

I assert it is better to take the time provided by this pilot program to make sure if fares are reintroduced than they will best system we can implement, instead of the system we can implement by mid October when the Mayor's office suggested reintroducing fare originally.

Lastly, a Zero Fare might not mean the end revenue collected by STARTRAN. Again according to STARTRAN TDP,

" The majority of fare revenue is derived from the UNL Student Pass program. While UNL students account for over 1/4 of ridership on the StarTran system, the student pass program and the associated direct funding to operate UNL routes account for nearly 70% of the agency's reported farebox revenue."

UNL is not a citizen of Lincoln, they don't pay taxes, and they have refused to contribute to public safety programs when approached, and it is possible they would try and stop pay for the services the city provides. If they take this stance, then the city should take a hard line and say the increased bus routes will not be provided, and I would even suggest moving the bus stop to another location. UNL students return to class on August 22. If UNL does not want city bus services, then they are welcome to buy buses and hire drivers in the next three weeks. I think UNL will decide that current system is a good value facing that choice.

Thank you for taking the time to read my thoughts.

Sincerely,
Robert Way

From: [Jon Oberg](#)
To: [Council Packet](#)
Subject: Heat pump support in the budget
Date: Monday, August 1, 2022 6:54:32 AM

Please count us in support of a budget amendment to help shift more Lincoln residences to heat pumps as a way to deal with the climate crisis. Lincoln's broad-based Coalition for Environmental Improvement has been working on this for several months, with impressive findings. Our personal experience with heat pumps is very positive, as part of a conservation-oriented approach to use the principles of physics to cut down on fossil fuel use. The word needs to get out. We ask that this email be made part of the official record for the public hearing. Thank you. -- Jon Oberg

From: [Bethany](#)
To: [Council Packet](#); [Mayor](#)
Subject: Heat Pump Pilot Project
Date: Monday, August 1, 2022 8:00:54 AM

Hello City Council Members and Mayor Gaylor Baird.
Please include this email as part of the official record.

I'm writing to ask for your support for Councilman Bennie Shobe's Heat Pump Pilot Project. Incentives for individual homeowners to move away from gas furnaces to heat pumps will allow them to voluntarily decrease use of natural gas and reduce carbon emissions. This plan will move Lincoln forward on its Climate Action Plan goals.

Thanks,
Bethany

From: [Kelly Seacrest](#)
To: [City Clerk](#); [Council Packet](#)
Subject: Free Bus Fares are Critical
Date: Monday, August 1, 2022 10:48:42 AM

Dear City Council Members,

I am writing to you to urge you to keep Bus Fares free. There is no reason to start collecting fares in October, as the Mayor is pushing for recently. Free public transportation supports essential people in our community.

I may have my numbers wrong, but the amount that fares bring is not close to the overall budget. This move will hugely negatively impact people's lives. It will prevent people from getting to work on time, or at all. It will prevent people from accessing their medical care or educational needs. All of these have serious ramifications for the city of Lincoln.

We are also still in a pandemic and with inflation, people are needing support. Please don't take this away.

Please keep bus fares free.

Thank you,

Kelly

From: [Megan Meistrick](#)
To: [Council Packet](#); [Mayor](#)
Subject: Bus Fare
Date: Monday, August 1, 2022 1:08:35 PM

Hello,

I have heard the mayor is considering charging fare for Lincoln buses again. I believe it would be best for our city to keep this service free. I work downtown and speak often with houseless and low income folks in the area. Their daily lives have become a little easier because of this service being free. Lack of reliable transportation is one of the top reasons inhibiting someone from getting and keeping employment. I also know many people who have reduced using their own cars because the bus is free right now. It's better for our environment as well as for Lincolniters struggling financially.

Keeping bus fare free seems like an obvious choice to improve transit access and equity in our city.

Thank you.

Megan Meistrick
402.615.2429

From: [June Kemper](#)
To: [Council Packet](#); [Mayor](#)
Subject: There are too many homeless people outside in this heat who need to come in
Date: Tuesday, August 2, 2022 8:16:22 AM

Contrary to what people think, homeless people do not want to be homeless nor do they want to live outside, but people in the community ignore these people, as though all is well and this how they want to live but this is incorrect. They do not. The homeless are silent and do not complain because they know no one cares and no one wants to help them. But these people are human beings, US citizens, and not animals and society should want them to be housed and take action to do this.

The People's Mission shelter gets full and stays full and there is no place for many of the homeless outside to go, and I think the city should come up with an alternate shelter when the temperature is severe (either very cold or very hot), like in a parks and rec. gymnasium, allowing these people to sleep on the floor overnight -- so they can sleep. I'm sure they're beyond miserable living outside, and if they look bad and have a bad attitude, this is why.

You, the reader, wouldn't look good or have a good attitude (or be someone people would be impressed with) if you had to live outside either.

People are concerned about abortion and about Ukrainians but no one is concerned about the poor right in their own neighborhood who can't afford housing and is living outside ongoingly, and this shouldn't be. If the shelter in town is full, and it stays so, then I think the city/county should have an alternate overnight shelter for the homeless, even if it's just a gymnasium floor, where people can go. And a gym would be good place for an overnight shelter because people could shower there.

While Matt Tolbot is available, they're only open limited hours. On Mondays, Tuesdays, Wednesdays and Fridays, they're open 8:30 am until 6:30 pm. On Thursdays, they're only open 8:30 am to 1 pm and again from 5 to 6:30 pm. And on Saturday and Sunday, they're only open long enough to serve lunch and supper (from 11:30-12:30 and then from 5:30-6:30 pm), and people can't stay there all day, as I'm sure they would like to.

While they have showers for "guests", they don't have laundry facilities for them (I don't think), and it's ridiculous to expect someone to shower and have to put dirty clothes back on. And the truth is, in this horribly hot weather, even if someone put clean clothes on and went outside for a few hours, they would end up smelling and being dirty very quickly.

I think communities should care about these people, who are human beings, who are living outside and suffering quietly because no one cares and no one wants to help them. Regarding people who say "I work!" -- I would say, "You wouldn't work if you have to live outside. You just survive and barely do that!"

The city shelter may help many but there are many they don't help there, who need help, and they should expand and let people in (at least overnight when the temp. is severe, either hot or cold) or I think the city/county should come up with an alternate plan, a make shift overnight shelter, even if it's only a gymnasium floor.

I'm sure this could be done if someone cared and wanted to do this. Someone should care about these people living outside because I know they don't want to live like this. I think

people think they do want to live outside and all is good, but this is incorrect. All is not good, and these people don't want to live outside.

I am aware not only does the city shelter get filled up and stays so, but if someone doesn't have an ID, they won't be allowed in. This shouldn't be, and a person's life should take priority over a rule and whether someone has an ID or not should not affect their ability to get housed but unfortunately, with the present shelter rule, it does -- but it should not.

I've been homeless although I am not. I know what I am saying first hand. These homeless people need help and not just with food. They need to get inside and live normally, and many people go crazy (and drink more) having to live outside. They weren't crazy before they became homeless but they become crazy as a result of being homeless. Society doesn't understand this but having to be dirty and homeless will make a sane person crazy.

No one deserves to have to live outside and something should be done to house these people asap. If the mission doesn't have room, then there should be another overnight shelter (operating from maybe 6 or 7 pm until 8 am) to house those who are not allowed in the city shelter. These people are human beings and they should be treated like this. They are not animals.

Sincerely,
June Kemper

From: [Greg Newport](#)
To: [Council Packet](#)
Cc: [Shelley Stall](#)
Subject: Oxford House Request for Reasonable Accommodation Opposition Letter
Date: Tuesday, August 2, 2022 12:17:25 PM
Attachments: [Ltr 080222 Lincoln City Council Re Oxford House Opposition Letter.pdf](#)
[Joint Statement re Fair Housing Act 111016.pdf](#)

Please accept this letter of OPPOSITION to the request by Oxford House for zoning change and reasonable accommodation at 1923 B Street, Lincoln, Nebraska.

Also included is a reference document that you may find informative.

Thank you,

Greg Newport and Shelley Stall
1954 A Street
Lincoln, NE 68502

Re: Letter in OPPOSITION of granting 1923 B Street request for reasonable accommodation

Dear Council Members,

THE REAL ISSUE IS DENSITY, NOT DISCRIMINATION AGAINST DISABLED PEOPLE

Oxford House operates as a group home of individuals recovering from Substance Abuse Disorder

Oxford House, Inc., has asserted that an OH it is not a group home under Lincoln City zoning laws because therapy or counseling is not provided on the premises and is not mandatory. But the Lincoln ordinance group home definition states only that residents are “receiving counseling or therapy but not nursing care”. (See L.M.C.27.02.080G) Most residents of Oxford Houses have recently completed inpatient or outpatient substance abuse treatment and are **receiving** therapy or counseling by attending AA or NA or some other form of support in order to maintain their sobriety. This support is not mandatory or provided on the premises, but most residents are receiving it.

Oxford asserts that an important element of their treatment model is that they operate as a “family” and that they are requesting that they be allowed to exceed the zoning limit of only 3 unrelated persons to a household. ADA and FHA do not define “family” in the way Oxford House is asserting.

Although some courts have accepted Oxford's characterization of itself as a family, the Oxford model of operation does not seem typical of what most people think of as the way a family functions. For example, the average stay of a resident is 7.1 months in Nebraska and 9.1 months nationally (see www.oxfordhouse.org). The owner does not live on the premises. All residents are adults of one gender. All residents must maintain sobriety upon threat of eviction. Decisions are made “democratically” with some expenses shared but not food.

All of the features of an Oxford House are more in character of, and operate as, a group home as defined by the Lincoln City Ordinance.

Local jurisdictions can impose a spacing requirement on the location of group homes for persons with disabilities

The U.S. Department of Housing and Urban Development and the U.S. Department of Justice issued a joint statement dated November 10, 2016, entitled, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act. (The City Attorney has cited this statement.) Here is an excerpt from this paper that addresses the question: Can the State or local government impose spacing restrictions on the location of group homes for persons with disabilities? The answer is yes:

“In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state nor local governments from considering concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and Olmstead requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served.” P. 12 of HUD and DOJ joint statement, attached.

Lincoln group home ordinances limit the number of occupants to 15 and requires that there must be one half mile between group homes. (See L.M.C. 27.62.50b2i) If Oxford House applied for group home status, it would be possible to house 14 people at 1923 B Street as requested. But because there are 7 Oxford Houses currently in the Near South and other types of group homes as well, the spacing of these group homes would have to be addressed.

The Near South Neighborhood is unique throughout Lincoln in that it has accommodated more Oxford Houses and other group homes than any other R2 neighborhood

Group homes have always been welcomed in the Near South. Our diversity is appreciated by the people who live here. There are currently 15 Oxford Houses identified by Oxford House in Lincoln and 7 of those are located in the Near South. There are at least 6 other types of group homes in the Near South as well. The first attached map shows the location of the Oxford Houses as purple dots and the other group homes as red dots. The second map of pink overlapping circles shows the spacing of one-half mile between the group homes as required by L.M.C. 27.62.50b.2.i. The third map is taken from the planning departments map showing where transitional housing development is allowed. Each housing type requires different separation requirements per the zoning code.

The city of Lincoln has the responsibility and the authority to control the population density in R2 neighborhoods

Density is a legitimate concern in the Near South. Seven houses with up to 14 adult men in such close proximity already contributes to density issues such as parking, traffic noise, and stress on the aging infrastructure of one of Lincoln's oldest neighborhoods.

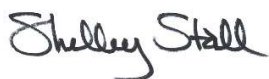
Oxford House, Inc has been able to circumvent the Lincoln zoning ordinances intended to control density in terms of number of occupants as well as spacing between houses. The Oxford House pattern of ignoring Lincoln's zoning ordinances is now well known in the Near South. Private developers purchase a home, alter the home to accommodate more renters, then advertise for 14 people with substance abuse disorder to move in. When neighbors file complaints, the owner makes application for a reasonable accommodation so the Oxford House can continue to function exactly as planned even though they know it violates zoning laws. The application includes a threat by Oxford's legal counsel that a lawsuit will be filed in federal court if the City does not grant the request.

If the City grants the request for reasonable accommodation of the owner of 1923 B Street on behalf of potential residents, this will be the signal that there is no limit in any way to the number of Oxford Houses in the Near South. This will be a fundamental alteration of the zoning scheme designed for this neighborhood.

In Conclusion

Lincoln cannot abandon its own zoning schemes in the Near South Neighborhood. The City Council must find a solution so that the rights of all its citizens are respected, including the disabled, so we can live together in our diverse neighborhood with the certainty that zoning laws will be consistently and fairly enforced.

Sincerely,



Shelley Stall
1954 A Street
Lincoln, NE 68502



Greg Newport
1954 A Street
Lincoln, NE 68502

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

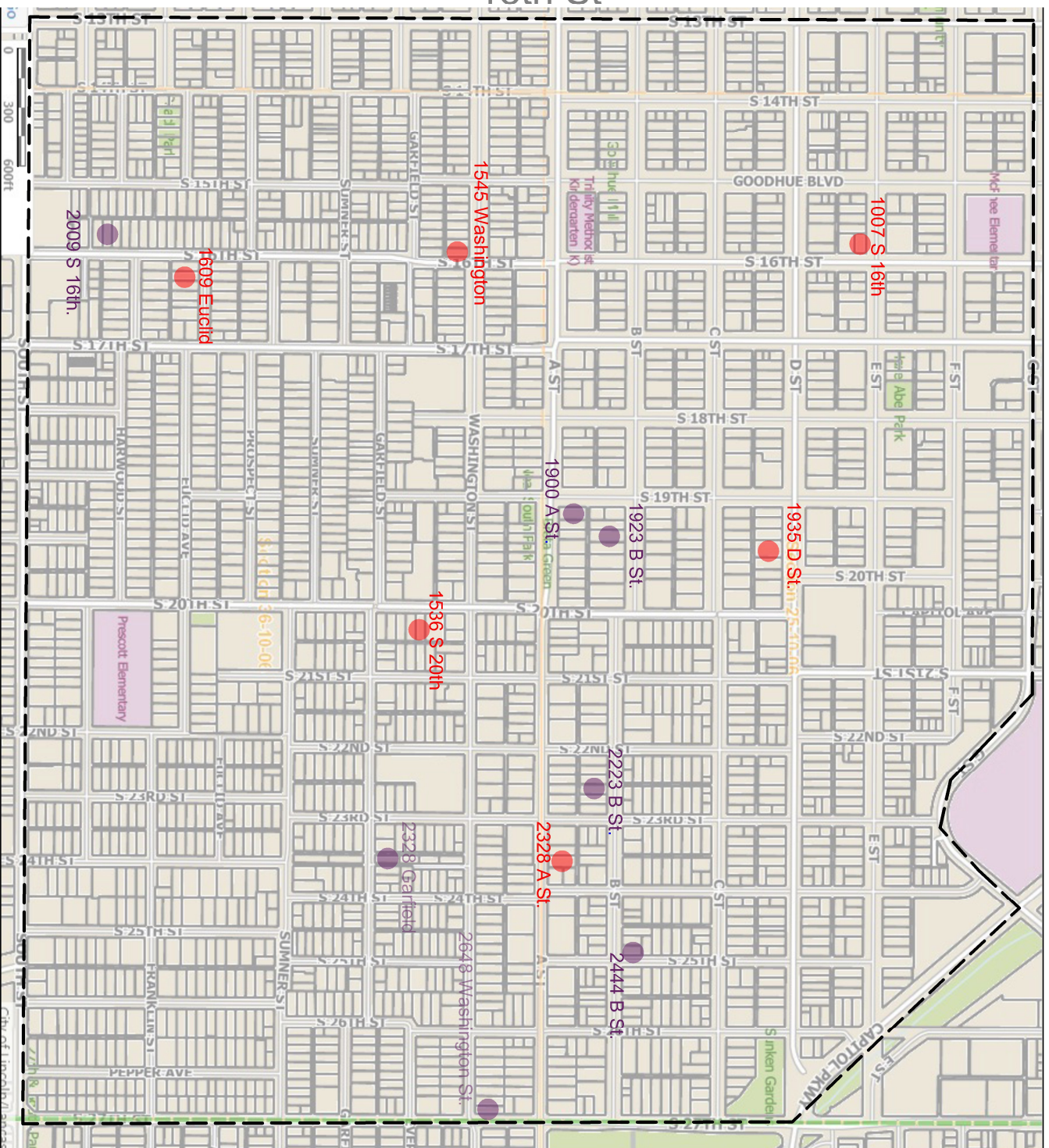
Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

G St

Capitol
Pkwy

13th St

27th St

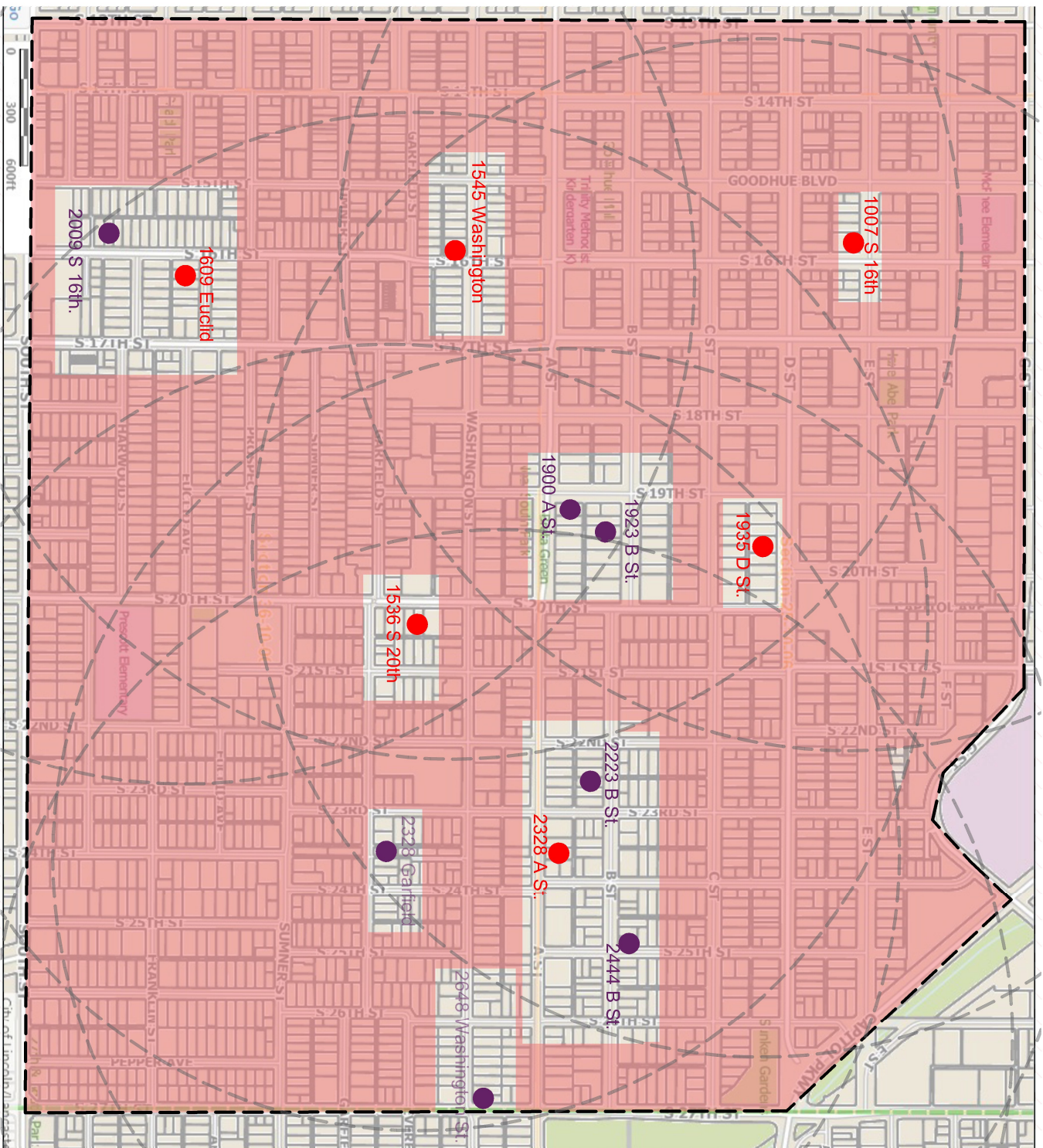


Near South Neighborhood

- Group Homes
- Oxford Houses

South St

G St



13th St.

27th St

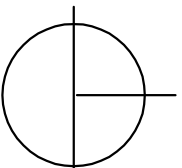
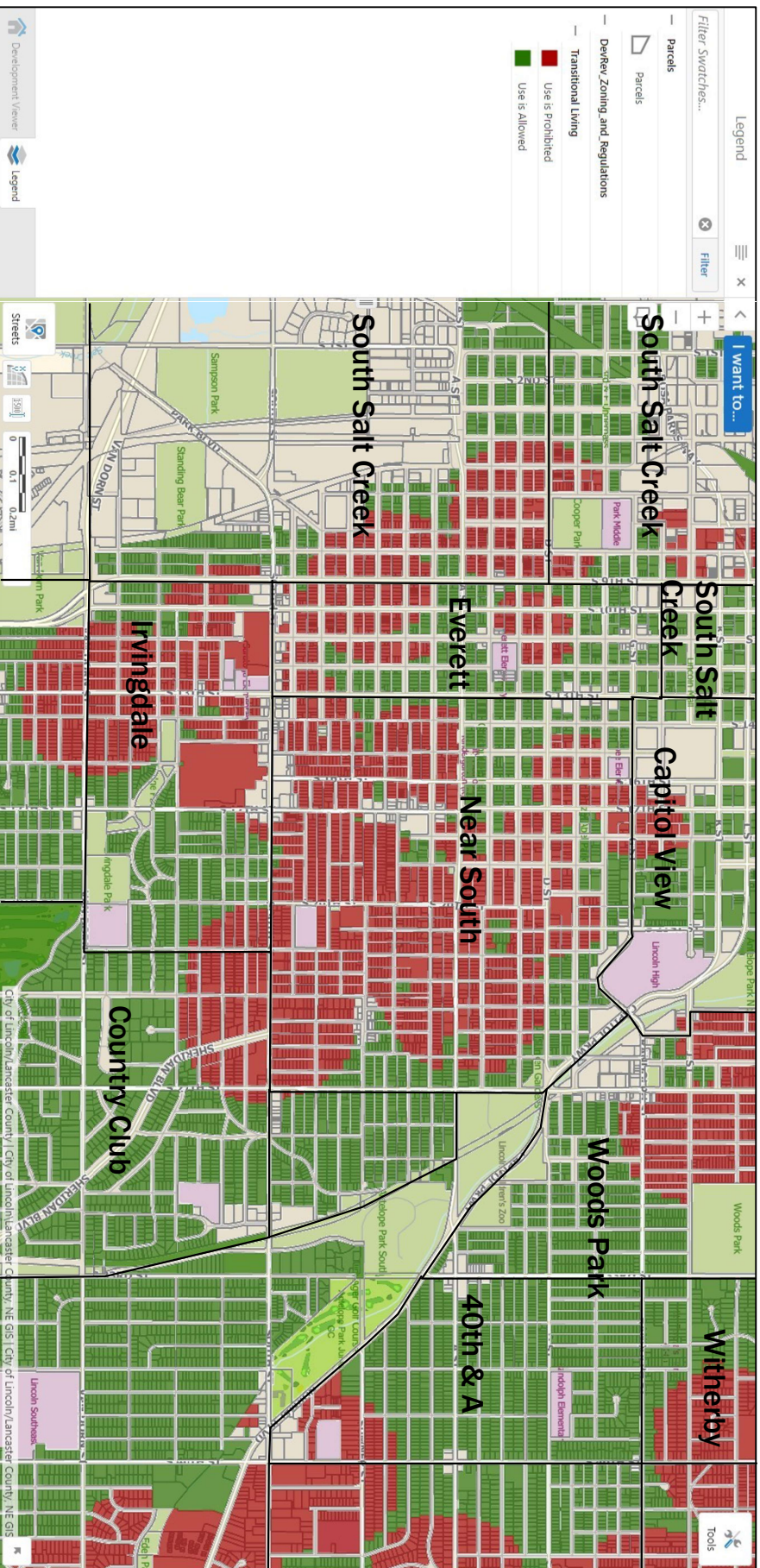
Capitol Pkwy

Near South Neighborhood

South St

● Group Homes
● Oxford Houses

--- Group Homes Overlay
(.5 Mile Radius)



Transitional Living Map



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**



**U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION**

*Washington, D.C.
November 10, 2016*

**JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND THE DEPARTMENT OF JUSTICE**

**STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION
OF THE FAIR HOUSING ACT**

INTRODUCTION

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

² The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act’s requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD’s and DOJ’s enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act (“ADA”),³ Section 504 of the Rehabilitation Act of 1973 (“Section 504”),⁴ and Title VI of the Civil Rights Act of 1964.⁵ In addition, the Joint Statement does not address a state or local government’s duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This document uses the term “disability,” which is more generally accepted.

³ 42 U.S.C. §12132.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the “impact” of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the “historical background” of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the “specific sequence of events,” such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the “normal procedural sequence,” such as whether a municipality deviated from normal application or zoning requirements; (5) “substantive departures,” such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the “legislative or administrative history,” such as any statements by members of the state or local decision-making body.⁶

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*⁷ The Court stated that “[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”⁸

⁶ *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

⁷ ___ U.S. ___, 135 S. Ct. 2507 (2015).

⁸ *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R. § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the “housing for older persons” exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

**Questions and Answers on the Fair Housing Act and
Local Land Use and Zoning Regulation of Group Homes**

7. Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term “major life activity” includes activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a “direct threat” to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual’s recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual’s tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.⁹

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,¹⁰ the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

⁹ Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

¹⁰ 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

Questions and Answers on the Fair Housing Act and Reasonable Accommodation Requests to Local Zoning and Land Use Laws

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

**Questions and Answers on Fair Housing Act Enforcement of
Complaints Involving Land Use and Zoning**

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov/olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf>.

From: [Megan Stock](#)
To: [Council Packet](#)
Subject: Equitable, Sustainable, and Forward Thinking
Date: Tuesday, August 2, 2022 12:38:26 PM

Dear Council Members,

Thank You for taking the time to read this. I apologize I couldn't go in person last night. My eight year old has a high tolerance for city government but I could not in good conscience ask her to sit through a budget meeting. :)

Zero fare bussing is really incredible for the users of Lincoln. I interviewed bus riders this summer. Some of the quotes I heard from them:

- "free fare has been a lifesaver for me"
- "Without free bussing I wouldn't be on my way to this job right now"
- "It saves me so much time, I used to have to beg a ride from this guy that doesn't even like me every, single month so I could get the store to get my low income bus pass"
- "The free bussing is great, it helps get my kid to school. Sometimes he calls me at work to tell me the neighbor left without picking him up for school, and I tell him 'just take the bus!', and this wasn't an option before because we didn't have the passes on hand"
- "A buck fifty might not seem like much, but round trip- that's a gallon of milk for my family"
- "Honey, I think it's great you're trying to keep this free, but it ain't gonna happen. They don't care about us."

I truly encourage you to take a ride across town before you make a decision on this and talk to the clients of StarTran.

We have an environmental sustainability plan in this city. More bus riders=less cars, 900,000 fewer car trips is more environmentally friendly.

The Lincoln Forward economic recovery plan cites Workforce Development and Buying Locally. Mobility for our citizens through StarTran helps with both of these. 900,000

additional trips will likely be going to work or going to buy something locally.

Not a bus rider? This still helps you! 900,000 more trips on StarTran means less traffic for those that are choosing to drive. Fewer cars idling at a stoplight. And an increased chance your favorite lunch spot will be fully staffed.

We subsidize ALL downtown parking not only when we build garages but for all people that want to park “the first hour is free” this is equivalent to a free bus ride. If we as a community make the decision to implement fares again we are saying to the citizens in this budget that we believe those able to go get beers in the haymarket deserve the transportation subsidy, but the mom just trying to get to her shift at Burger King doesn't. That's wrong and it's inequitable.

A budget is a moral document, and I understand that the money needs to be found somewhere, but I don't believe that as a community our values suggest that we should find it from the pockets of some of our most disenfranchised citizens and nonprofits that help them. Because it's not only about the lost gallon of milk for their family it's also about the time it takes to drag everybody around to get the low-income bus passes each month. Time is a commodity and this is a gift that we can give to people who are often working multiple jobs or have experienced a transportation crisis and every penny and minute counts.

Thank you for your time! Please do not hesitate to reach out if you have questions or issues to talk through.

Megan Stock
1000 Twin Ridge Rd
Lincoln, NE 68510
402-380-0740

Post Script: After watching the meeting I'd like to address a few questions and issues raised.

Liz Elliot cited a graph that 55% of riders wanted zero fare, and 45% wanted increased services. Please keep in mind that yes riders may be willing to pay for increased frequency and routes, but we aren't offering that (the city literally just CUT more frequency).

Sandra Washington asked about demographics of ridership. This is addressed in the TDP. In short only 17.8% of riders have a household income over \$43,000, (it does not specify how many people contribute to the household). The other 82.2% live below the \$43,000 income threshold. More specifically 30% (the number Emily cited) was the number of survey respondents that lived in a household that made LESS than \$21,000 per year. Excluding UNL students, a vast majority of the riders live below the poverty line and if we

account for the number of people supported in each home I imagine it's closer to nearly all of the riders.

Furthermore, to answer the question "What Metrics" will be used in a pilot program. Increased ridership is the biggest metric. When more people ride for a few years (specifically CHOICE riders) we change habits and increase the likelihood they will stay if fares are reinstated and that's good for the long-term benefits of our city and the system. On-time performance of buses, school attendance data at LPS, workplace absenteeism throughout the city, and local unemployment rates to name a few. A survey of riders in KC was recently done and here is a sample of data that was gleaned.

"Almost 90% of the riders surveyed said they rode the buses more as a result of Zero Fare. About 92% said it allowed them to shop for food more often; 88% said they could see their healthcare providers more easily or more often; 82% said it allowed them to get or keep a job; and 86% said it made them feel like city leadership is concerned about their needs — a sore subject for mostly-Black East Side residents, who often complain that the city pays more attention to its whiter and more affluent west side."

Additional Resources:

List of some of the cities continuing zero-fare: <https://moneywise.com/managing-money/free-transit>

Recent article from KC about ridership and next steps:
<https://nextcity.org/urbanist-news/kansas-city-zero-fare-free-transit-program-shows-major-success>

Lincoln Transit Development Plan where the figures and information cited in testimony is found:

<https://www.lincoln.ne.gov/City/Departments/LTU/StarTran/Plans/TDP/Draft-Final-Report>

From: [Dan Sloan](#)
To: [Council Packet](#)
Cc: [Pat Leach](#)
Subject: Lincoln City Library Budget
Date: Wednesday, August 3, 2022 11:08:01 AM
Attachments: [Outlook-iuq3f4ha.png](#)

Dear City Council Members:

I am writing in support of the proposed budget for Lincoln City Libraries. As Library Board of Trustees President, I am very aware of the vital importance of our libraries in building and supporting our community. COVID 19 made the importance of libraries even more evident. Director Leach and her amazing staff kept the libraries in Lincoln accessible and vibrant during very trying times. They were creative and dedicated in accomplishing our mission.

The proposed buget is by and large a same level of service budget, with three modifications. We are grateful that we are now able to have stable funding, with no current need to cut the budget.

The first modification to the budget is to eliminate fines on adult materials. This follows a national trend, backed by research, to remove these fines. It should be noted that fines on youth materials have previously been eliminated. Fines are to encourage the timely return of materials. For those who can afford the fine it is nothing more than a nuisance. However, for many the fines create a barrier to using the library. Removing barriers to using the library services and improving literacy is important for our community. Replacing lost materials will still result in a charge to the customer.

The other two budget modifications are the addition of two part-time positions. These positions, one at Easley / Williams branches and the other for the Bookmobile will be dedicated to client outreach and programing. This will create more meaningful programs at these branches and facilitate greater use of the library by patorns. With COVID 19 restrictions abating we see an increased need for outreach and probraming.

Looking forward I would note that there are growing needs for two new branches to serve the Lincoln's growth to the east, both north and south. These needs will likely require even more resources at some point in the future to insure our library system keeps pace with the growth of Lincoln. I see this as a great problem to have. We have a vibrant, growing city which we all should be proud of.

I appreciate your support for Lincoln City Libraries, in addition to all the other work you do on behalf of the citizens of Lincoln. Having good access to elected officials is critical to a well run city. I ask you to support the library budget as proposed.

Sincerely,
Daniel Sloan



Dan Sloan

Philosopher in Chief, The Mill Coffee & Tea
402.730.5274 | MillCoffee.com
[Facebook](#) | [Twitter](#) | [Instagram](#)

Have you really tasted your coffee? Learn more [here](#).

From: [Jonathan Baker](#)
To: [Council Packet](#)
Subject: City County Meeting of Aug. 15th Oxford House
Date: Wednesday, August 3, 2022 9:00:56 PM
Attachments: [City Council testimony OXFH Aug 2022.docx](#)

Please consider our opinions on this important subject. We can't be there in person but want to show our solidarity against this.

Sent from [Mail](#) for Windows

August 3, 2022

TO: Lincoln City Council Members

FROM: Jonathan and Ann Baker / 1954 B Street, Lincoln, NE 68502

Dear Lincoln City Council Members:

We are writing regarding the application of Oxford House Lyoncrest to obtain a Reasonable Accommodation, under Chapter 1.28 of the Lincoln Municipal Code, to allow fourteen unrelated disabled persons to reside together as a “family” as that term is defined by the Lincoln Zoning Ordinance, on property generally located at 1923 B Street.

Please consider your actions about this matter thoughtfully; your decision on this specific application for accommodation at 1923 B Street to house fourteen unrelated adult males will have long-term and predictable consequences for our neighborhood and other neighborhoods throughout the city. What are these predictable consequences? Infrastructure pushed beyond its capacity, more parking hazards and traffic accidents, more police calls, emptying schools for lack of children, and a reduced property tax base, because parents will decide that the revolving door of unfamiliar faces in unmonitored Oxford Houses are unsafe for them and their children.

Consider some possible unintended consequences as well. We have lived in this neighborhood, in the same house, since April 1960. We've seen many changes over the years. In the 1970s, in the interest of increasing density for student housing and increased tax rolls, countless grand old homes were allowed to be divided into multiple units or were razed and replaced with slip-in apartment houses of six to eighteen units. No one but the neighborhood residents acknowledged what this change in ordinances would mean: absentee landlords, rundown homes, and a constantly changing group of residents. The only winners were the builders and the landlords. Parking issues were out of control, physical and sexual assaults were a regular occurrence, and the need for constant police presence was a given fact of daily life. Our neighborhood took steps to preserve the historic integrity of our neighborhood and since then it has experienced a renaissance conversion to primarily single-family dwellings. Still, many of those same slip-ins continue to exist, the shabby evidence of short-term thinking and density out of control. Please consider the long-term negative consequences if you allow the requested accommodation, which will surely lead to having too many people living in homes they don't own and don't care about.

The Americans with Disabilities Act, which provides a foundational principle for the Fair Housing Act's Orwellian definition of "family," requires reasonable accommodation to persons with disabilities. The law does not require all accommodation; only reasonable accommodation. The City Council must take a stand and place a reasonable limit on the number of people allowed in one Oxford House and the number of Oxford House-style homes allowed in one small geographic area. No neighborhood should be placed at the mercy of the loophole that the national Oxford House organization has found by attempting to change the definition of family through legalistic fiat. The reality that has resulted is having too many people crammed into one home simply so an absentee landlord can turn a home into a money-making venture.

Already six Oxford Houses exist within eight blocks of our home: 1035 So. 12 Street, 1900 A Street, 1923 B Street, 2223 B Street, 2444 B Street, and 2328 Garfield Street. This is too many and clearly contradicts the spirit of the ordinances that govern similar group homes and other multi-family dwellings in Lincoln. The number of individuals that are allowed to reside in one home, and the number of these unmonitored homes allowed within one small geographic area, must be accommodated but within reason. You have the ability to limit the financial incentive for absentee landlords to convert a Near South home into another Oxford House. Please do it.