City Council & City Manager,

WHEREAS, the members of the Austin Board of Adjustment ("BOA"), agree that fees have increased to a point that many socioeconomically challenged families in the City have been priced out of the ability to have their due process rights met at the Board of Adjustment; and

WHEREAS, the BOA would like to give a fair and equitable hearing to all citizens that believe they deserve a special exception to, or a hardship variance from, the land development code; and

WHEREAS, the metropolitan area of the City of Austin has approximately 11% of its residents below the federal poverty limit who would be severely challenged or unable to pay the BOA current fee thereby preventing these citizens experiencing issues with Austin's complex land development code from being able to come to our Board for relief; and

WHEREAS, further complicating the situation there is a current public health crisis in the form of SARS-CoV-2 that has resulted in mass unemployment and loss of income; and

WHEREAS, there has been a noticeable lack of applications from the working or middle class neighborhoods in recent BOA cases and the majority have been for issues related primarily to commercial development and large home/real estate developers; and

WHEREAS, in the past the City of Austin has a history of providing financial assistance programs to assist its citizens and has been at the forefront of implementing policy that provides equity and access to government to all i.e. Austin Energy CAP etc.; and

WHEREAS, it is the desire that the City Council and City Manager support a fee assistance program for the Board of Adjustments in which the Board fully understands that the current fee structure was intended to reflect the actual cost of services provided by staff within the City, the BOA would like to be clear that any fee assistance program should not result in changes to staffing, rather, that the BOA and the staff provide a public good that should be provided by and supported with tax dollars and fees collected by the city, rather than wholly paid for by socioeconomically challenged applicants; and

WHEREAS, the staff that serves the BOA provides exemplary customer service and board support duties, and our city should be proud of the professionalism and knowledge provided by its staff to residents; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF AUSTIN:

The Board of Adjustment hereby respectfully requests that a **B**oard of Adjustment **A**pplicant **A**ssistance **P**rogram (BAAP) be created for residential homestead applicants meeting the following eligibility criteria who are requesting a hardship variance or special exception.

If the applicant's household participates in one of the following programs:

- Medicaid Program

- Supplemental Nutrition Assistance Program (SNAP)
- Children's Health Insurance Program (CHIP)
- Telephone Lifeline Program
- Travis County Comprehensive Energy Assistance Program (CEAP)
- Medical Access Program (MAP)
- Supplemental Security Income (SSI)
- Veterans Affairs Supportive Housing (VASH)

Or if the applicant's household income is less than 200% of the Federal Poverty Level.

Once the eligibility criteria is met, the applicant would have their fees paid for by the BAAP fund instead of the city's general fund.

Further, the Board of Adjustment respectfully requests that Council direct the City Manager to explore funding sources for the Board of Adjustment Applicant Assistance Program (BAAP.) The funding would be placed into a pool where it can accrue and be drawn from when an applicant meets the eligibility criteria.

If by the third month of the fiscal year the fund has not accrued an amount of no less than $1500, the difference will be made up from the city's general fund to ensure that enough funds are available for three homestead applicants.

The fund would accrue for the entire fiscal year and any funds -$1,000 at the end of the year unused by applicants could be used for city beautification projects, rainwater collection, and/or to create greenspaces. The remaining $1,000 would roll over to the New Year to provide initial funding for qualified applicants.

The base fee for residential applicants (limited to a homestead that is the principal residence of the person who has owned and occupied the residence since January 1 of the tax year in which the applicant files the request) would remain $500 paid for through the fund and the city would be responsible for funding the required notifications and re-notifications up to but not exceeding 5 notification processes.

Variances or special exceptions granted by the Board of Adjustment to applicants who have met the eligibility criteria for and received relief from the BAAP fund will be good for 18 months.

Respectfully Submitted,

City of Austin Board of Adjustment

Additional Supporting Information:

Austin Energy, in collaboration with the Board of Adjustment liaison, would provide the resources required to verify eligibility. ***NOTE: DETAILS WILL NEED TO BE WORKED OUT BETWEEN CITY STAFF AND AUSTIN ENERGY. BOTH DSD AND AE ARE ON BOARD. IT WILL NEED TO BE DETERMINED WHAT THE COST WILL BE IF ANY TO THE BOA BUDGET.***

2020 Federal Poverty Guidelines								
Persons in Household	1	2	3	4	5	6	7	8
Total Annual Income	$25,520	$34,480	$43,440	$52,400	$61,360	$70,320	$79,280	$88,240

Acceptable items to show the proof of household income with this application are:

- Copy of most recent pay stub(s) from all employers covering the last two months for all members of the household
- The most recently filed tax return (must be signed) or W-2 form
- A signed letter from each employer indicating the level of your wage
- Documentation of social security income
- Copy of an unemployment form with eligibility dates
- Copies of the two most recent unemployment checks
- Copy of the most recent bank statement showing direct deposit of income (for SSI, Social Security, annuity, pension)