

RESOLUTION NO. 20211014-045

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

WHEREAS, the BOA would like to give a fair and equitable hearing to all citizens who believe they deserve a special exception to, or a hardship variance from, the City's Land Development Code; and

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

WHEREAS, there has been a noticeable lack of applications from 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, the City 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, Austin Water CAP, etc.); and

WHEREAS, the City's BOA has expressed a desire for the city council and City Manager to support a fee assistance program for the BOA; and

WHEREAS, the staff for 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; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The city council directs the City Manager to explore the creation of a Board of Adjustment Applicant Assistance Program (BAAP) for residential homestead applicants who are requesting a hardship variance or special exception and who meet the following eligibility criteria:

The applicant's household participates in one of the following:

- Medicaid
- 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

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

Subject to annual appropriations by council, applicants who meet the eligibility criteria will have their fees paid for or reduced by a newly created BAAP fund.

BE IT FURTHER RESOLVED:

Using the Item F-5 resolution approved by the BOA in January 2021 as a guide, the City Manager is directed to identify funding sources for the BAAP, as well as establish a mechanism for maintaining the fund and parameters for the fund's use.

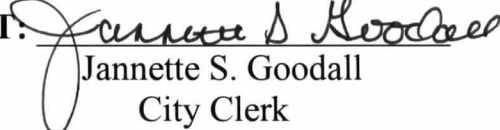
BE IT FURTHER RESOLVED:

The City Manager is directed to return to council with a formal recommendation for the creation of the BAAP no later than February 14, 2022. The City Manager shall provide a report to the city council one year after the program is in effect with the number of program participants and the outcomes of their applications.

BE IT FURTHER RESOLVED:

The City Manager shall explore developing partnerships or a system for referrals with organizations and law firms that provide pro bono legal services to assist applicants with assessing the efficacy of their variance applications and navigating the application process.

ADOPTED: October 14, 2021

ATTEST: 
Jannette S. Goodall
City Clerk