

**INSTRUCTION SHEET  
ADDITIONS TO  
MILWAUKEE CODE OF ORDINANCES  
VOLUME 1**

**SUMMARY**

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

200840      An ordinance relating to discrimination against people having hairstyles associated with racial, ethnic, or cultural identities.

201212      A substitute ordinance relating to licensing parking lots or places.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
<b>Remove <u>old</u> MEMO (Suppl. #408)</b>					
84-20-1-a	rp	201212	02/06/2021	v-vi 301-302	v-vi 301-302
84-20-1-b	am	201212	"	"	"
84-20-1.5	am	201212	"	"	"
84-20-4.5-0	am	201212	"	"	"
84-20-4.5-a	am	201212	"	"	"
84-20-4.5-b	am	201212	"	"	"
84-20-4.5-c-0	am	201212	"	"	"
Ch. 84 History				307-316	307-308
109-5-12	am	200840	"	643-644	643-644
109-5-12.5	cr	200840	"	645-646	645-646

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For questions concerning the content of the Milwaukee Code or Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations:      am=amended      ra=renumbered and amended      rn=renumbered  
                                  cr=created                      rc=recreated                      rp=repealed

Revised 1/19/2021  
Suppl. #409



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through January 19, 2021.

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**3. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.

**4. CHANGES TO BE REPORTED.** A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

**5. LICENSE FEE.** See ch. 81 for the required license fee.

**6. AGE QUALIFICATION.** No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

**7. DISQUALIFICATION.** Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

**8. OBJECTION.** An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If any interested party objects to the application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the objection. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a license should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

**9. ISSUANCE.** See s. 85-12.5 for provisions relating to the issuance of a license.

**10. POSTING.** Each license shall be posted in a conspicuous place on the premises.

**11. TRANSFER.** See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.

**12. RENEWAL.** Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

**13. REVOCATION OR SUSPENSION OF LICENSE.** Any license issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

**14. REGULATIONS.** a. In all instances a permit must be obtained from the department of city development for the posting of each and every sign, except for the posting of posters within business establishments, as provided for in s. 244-2.

b. No person shall post or maintain any sign or advertisement on a billboard, building, or structure which does not fully comply with the regulations set forth in ch. 244.

c. It shall be unlawful to post any advertisement on any premises in the city without the consent of the owner of such premises.

d. It shall be unlawful for any person engaged in the bill posting business to permit any refuse resulting from this work to accumulate anywhere in the city except by placing it in properly established refuse receptacles.

**15. PENALTY.** Any person or firm violating this section shall upon conviction, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution; and, in default of payment, may be imprisoned as provided by law.

#### **84-20. Parking Lots or Places.**

**1. DEFINITIONS.**

b. "Event parking place" means a parking place operating principally to provide temporary parking for events and festivals.

c. "Parking place" means any garage or other building, or any plot, piece or parcel of land in or upon which a business is conducted of storing motor vehicles where the owner or person storing the vehicle is charged a fee. This term does not include the renting of private parking places that have parking spaces for 15 or fewer motor vehicles.

d. "Person" means any individual, partnership, firm, association or corporation.

## 84-20-1.5 Miscellaneous Licenses

e. "Security incident" means any incident on the premises of a parking place that results in criminal harm to parking patrons, vandalism of vehicles, theft of vehicles or property inside vehicles, or any other incidents that threaten patron health, safety and welfare.

f. "Security lighting" means natural or artificial lighting producing a minimum of 0.5-foot candle in horizontal luminance and 0.25-foot candle in vertical luminance, an average of 2.5-foot candle in horizontal luminance, and a maximum to minimum uniformity ratio of 15:1.

g. "Surface transportation" means the movement of people by road, train or ship.

**1.5. FINDINGS.** The common council finds that parking places are inherently prone to crimes against parking patrons, vandalism of vehicles, theft of vehicles or property inside vehicles, and other threats to the security of parking patrons and property because the area is often deserted, easily accessed, poorly lighted and for other reasons. The common council further finds that greater oversight of the issuance of new licenses and the renewal of existing licenses for parking places is likely to ameliorate the greater threat to the health, safety and security of parking patrons posed by parking places.

**2. LICENSE REQUIRED.** a. No person shall conduct a business storing motor vehicles for hire in a parking place within the limits of the city without first having obtained a license therefor, except that no license shall be required for a parking place in a residential district and operating under a temporary conditional permit issued after a hearing by the board of appeals.

b. The person conducting such a business shall pay the fee specified in ch. 81. An additional weighing and measuring license fee shall be paid for each timing device used to establish parking charges.

**3. APPLICATION.** License application forms shall be obtained from the city clerk and require the information specified in s. 85-12. Each application shall be signed by the property owner.

**4. PLAN OF OPERATION.** An application for a parking lot or place license shall be accompanied by a completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall include:

a. The planned hours of operation for the premises.

b. The number of customers expected on a daily basis at the premises.

c. The legal occupancy limit of the premises.

d. The number of off-street parking spaces available at the premises.

e. A security plan describing the security measures implemented on the premises to protect patrons from harm, and vehicles and property inside vehicles from theft, vandalism or other damage.

f. Plans the applicant has to ensure the orderly appearance and operation of the premises with respect to litter and noise.

g. Any other licenses held by the applicant or attached to the premises.

h. A description of any provisions made for clean-up of the premises.

i. A site plan showing:

i-1. The locations of all entrances and exits. This shall include a description of how customers will enter and leave the premises.

i-2. The locations and dimensions of any off-street parking and loading areas for customers.

j. Such other reasonable and pertinent information the common council or the licensing committee may from time to time require.

### **4.5. PARKING PLACE SECURITY.**

a. **Police Review.** Following submission of a new license application by a parking place, but prior to the scheduling of a license committee hearing, the applicant shall meet in person with a police department community liaison officer, or other designee of the chief of police, to review the plan of operation, and to conduct a crime prevention through environmental design (CPTED) survey.

b. **Grounds for Non-renewal, Suspension or Revocation.** In addition to the evidence provided in s. 85-4-4, probative evidence concerning whether or not a license granted to a parking place should be subject to non-renewal, suspension or revocation shall include the suitability of the security plan for the premises and how the security plan compares to the review conducted by the police department under pars. a and b.

c. **Additional Security Measures.**

If 2 or more security incidents occur on the premises within a month, a parking place licensed under this section shall implement additional security measures, as determined by the police department, to protect the health, safety and welfare of parking patrons and the security of property. The parking place shall maintain these measures during the

7. LICENSE FEE. See ch. 81 for the required license fee.

8. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

10. INVESTIGATION. Each application for a new license shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health in accordance with s. 85-21-2. All applicants for filling station licenses shall be exempt from the fingerprinting requirement provided in s. 85-21-1.

11. OBJECTION. An objection to issuance of a license shall be based on the factors set forth in s. 85-2.7-4. If the local common council member, chief of police or commissioner recommends against an application, no license shall be issued unless the applicant requests, in writing, an appeal before the licensing committee. An appeal shall be requested no more than 10 working days after the date on which the applicant was notified of the recommendation of the common council member, chief or commissioner. An appeal shall be forwarded by the city clerk to the licensing committee for its recommendation as to whether a permit should be granted. The procedure for considering an appeal shall be as provided in s. 85-2.7.

12. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

13. POSTING. Each license shall be posted in a conspicuous place on the premises.

14. TRANSFER. See s. 85-19 for provisions relating to the transfer of a license and the change of licensee names.

15. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

16. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

17. ENFORCEMENT, PENALTY.

a. A person who violates any provision of this section or fails to comply with an order of the commissioner that was issued under this section or otherwise issued concerning the operation of a filling station shall be liable upon conviction to a Class J penalty under s. 61-16. Each day of a continued violation is a separate offense.

b. Citations may be issued for any violation of this section with or without prior order or notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

**84-49. Distribution of Printed Materials in City Hall Complex.** The city clerk shall furnish periodical boxes for distribution of newspapers, newsletters, magazines, or other publications, which are published on a regular schedule. Any person, group, or organization distributing publications shall ensure that the periodical boxes are kept in a neat and orderly manner at all times and that publications are kept up-to-date. The city clerk may issue guidelines for the enforcement of this section. Any publications not maintained in accordance with this section or the guidelines established by the city clerk may be removed by the city clerk.

## **84--Miscellaneous Licenses**

For legislative history of chapter 84,  
contact the Municipal Research Library.

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**CHAPTER 109  
EQUAL RIGHTS**

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**109-1. Findings; Declaration of Policy. 1.** A vibrant, livable, successful and productive city is made possible by the talents, contributions and well-being of its diverse residents. It is the policy of the city that the equal rights of all those who live and work in the city are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Milwaukee community are promoted.

**2.** The practice of providing equal opportunities to persons without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories, is a desirable goal of the city and a matter of legitimate concern to its government. Discrimination against any city resident endangers the rights and privileges of all. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society and adversely affects the general welfare of the community. Denial of equal opportunity in housing compels individuals and families who are discriminated against to live in housing below the standards to which they are entitled. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of

those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.

**3.** Provision for adequate safeguards against discrimination is a proper and necessary function of city government. To protect the health, safety and general welfare of all inhabitants of the city, and all persons employed within the city, it is declared to be the public policy of this city to foster and enforce to the fullest extent the protection by law to equal opportunity without regard to sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories, and workplace free from discrimination. To fully effectuate this policy of promoting nondiscrimination, the city shall endeavor to eliminate all discrimination that may occur in the city.

**4.** Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. sections 3601, et seq., 24 C.F.R. sections 100, et seq., and ss. 66.1011, 106.50 and 111.31, et. seq., Wis. Stats., and 29 C.F.R. 1600, et. seq., Title VII of the Civil Rights Act of 1964, as amended, 42 USC 2000a, et. seq., and 106.52 Wis. Stats. and any successor provisions of state and federal law.

**109-3. Purpose.** Each sector of society engaged in the life of the city has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency and unit of city government shall be accountable for promoting social and economic equity for all residents of the city, and structuring its work so that the outcomes are directed toward social and economic equity for all residents.

## 109-5 Equal Rights

**109-5. Definitions.** In this chapter:

1. **COMMISSION** means the equal rights commission.

2. **CONCILIATION** means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the commission.

3. **FAMILIAL STATUS** means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

4. **DISABILITY** means, with respect to a person, any of the following:

a-1. A physical or mental impairment which substantially limits one or more of the person's major life activities.

a-2. A record of having an impairment.

a-3. Being perceived as having an impairment.

b. Disability does not include current, illegal use of or addiction to a controlled substance. The behavioral manifestations of a mental disability may be taken into consideration in determining whether the applicant is qualified. A housing provider may consider a history of disruptive, abusive or dangerous behavior.

5. **GENDER EXPRESSION** means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.

6. **GENDER IDENTITY** means a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.

7. **GENETIC IDENTITY** means the genetic information unique to an individual, including information regarding the individual's genetic tests, the genetic tests of family members of the individual, the manifestation of a disease or disorder in family members of the individual, and any request for, or receipt of, genetic services service, or participation in clinical research which

includes genetic services, by the individual or any family member of the individual.

8. **HOMELESSNESS** means the status of lacking housing, without regard to whether the individual is a member of a family. This includes having a primary residence during the night which is a supervised public or private facility that provides temporary living accommodations, or being a resident of transitional housing.

9. **HOUSING** means any building, structure or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home as defined in s. 66.0435, Wis. Stats., and a trailer as defined in s. 246-1-5 and any land which is offered for sale, lease or use as a site for a building, structure or part thereof intended or designed to be used or occupied as a residence, home or place of habitation of one or more human beings, including a mobile home park as defined in s. 66.0435, Wis. Stats., and a trailer house community as defined in s. 246-1-6.

10. **MARITAL STATUS** means the status of being married, separated, divorced, widowed or single.

11. **PERSON** means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing but, because of actual, potential or perceived conflicts of interest, shall not include the city of Milwaukee, the housing authority and the redevelopment authority of the city of Milwaukee, any agency of the city, or any other municipal, state or federal governmental body or any agent, officer or employee acting in the course of such employment.

12. **PROTECTED PERSON** means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes an individual's sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation, gender identity or expression, victimhood of domestic abuse or sexual assault, protective hairstyle, past or present membership in the military service, HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories.

**12.5 PROTECTIVE HAIRSTYLE** means a hairstyle necessitated by, or resulting from, the characteristics of a hair texture associated with race, such as natural hair, braids, locks, an afro, curls, cornrows, twists, and any other hairstyle, treated or untreated, which is commonly associated with racial, ethnic, or cultural identity.

**13 PUBLIC PLACE OF ACCOMMODATION OR AMUSEMENT** includes, but shall not be limited to, a place of business or recreation, lodging establishment, restaurant, tavern, barber, cosmetologist, aesthetician, electrologist, manicuring establishment, nursing home, clinic; hospital, cemetery, or any place where accommodations, amusement, goods, or services are available either free or for consideration.

**14. SEXUAL ORIENTATION** means the type of sexual, romantic, emotional or spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people to whom they are attracted.

**15. SOURCE OF INCOME** means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation and includes moneys received from public assistance, pension and supplementary security income.

**109-7. Equal Rights Commission. 1.** There is established an equal rights commission consisting of 11 members, appointed by the mayor, subject to confirmation by the common council. A chair shall be elected from the membership of the commission at the first regular meeting of each calendar year by a majority of the members of the commission. Members shall be city residents, appointed from a representative cross-section of the community and shall continue to hold office only so long as they shall reside within the city.

**2.** Each member of the commission shall be appointed for a term of 3 years, except that 3 members initially appointed by the mayor shall serve for one year, and 2 members shall be appointed for a term of 2 years. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the common council for the unexpired portion of the term.

**3.** Five members shall constitute a quorum for conducting business, and a majority of members present shall be required to adopt or approve any action of the commission.

**4.** The commission shall:

a. Meet not less than 4 times annually for monitoring the employment, contracting, and program activities of the city, prepare and provide timely reports to the mayor and common council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in city government and the city.

b. Receive complaints alleging violation of this chapter and pursue remedies by means of mediation, conciliation, litigation or other appropriate means supported by findings of fact and conclusions of law. An aggrieved person may, not later than 300 days after an alleged discriminatory practice has occurred, file a written complaint to the commission alleging a discriminatory practice or violation. The commission shall not accept or investigate any complaint unless it is in writing and verified by the complainant.

c. Not have or exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are the subject matter within the jurisdiction of any state or federal equal rights agency, including, but not limited to the U.S. Equal Employment Opportunity Commission or the Wisconsin Department of Workforce Development, regardless of whether the complainant has chosen to file with that agency.

d. Render from time to time, but not less than once a year, a written report of its activities and recommendations to the mayor and the common council.

e. Adopt rules and regulations consistent with this chapter and the laws of the state to carry out the policy and provisions of this chapter, and the powers and duties of the commission.

f. Issue subpoenas under s. 885.01(4), Wis. Stats., or its successor provisions, to assist in the execution of its duties.

**5.** The department of administration shall assign staff and provide support to the commission as necessary and appropriate to assist the commission in fulfilling its mission and responsibilities.

**6.** The department of administration shall assist the commission by staffing its meetings, drafting reports and other documents, maintaining commission documents, initial processing of complaints, and providing resources necessary for the proper hearing of complaints.

## 109-9 Equal Rights

**109-9. Discrimination Prohibited.** No person may engage in any act of discrimination with respect to housing, employment or public place of accommodation or amusement against any protected person. No person, employer, or public place of accommodation or amusement may:

1. HOUSING. In regard to housing:
  - a. Make or cause to be made any written or oral inquiry or record concerning the nature of any prospective occupants or tenants in a protected class of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law.
  - b. Falsely represent that a dwelling is not available for inspection, sale, or rental because of such person's protected class membership. A person who has received written notice from the police department that a drug nuisance under s. 823.113, Wis. Stats., exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to, eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.
  - c. Discriminate against any person because of such person's protected class membership, in the terms, conditions or privileges pertaining to the transfer, sale, rental or lease of any housing, or in the furnishing of facilities or services in connection therewith, or in any other manner.
  - d. For profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular protected class membership.
  - e. Deny any person access to, or membership or participation in, any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation on account of the person's protected class membership.
  - f. Discriminate against any person in making available a residential real estate-related transaction, or in the terms or conditions of a residential real estate-related transaction, because of a person's protected class membership.

g. Refuse to permit, at the expense of the person in a protected class, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, provided:

g-1. In the case of a rental, a landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained; or

g-2. A landlord may require an escrow account where it is necessary in order to ensure, with reasonable certainty, that funds will be available to pay for restoration at the end of the tenancy. The landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest-bearing escrow account over a reasonable period, not to exceed the length of the lease, a reasonable amount of money, not to exceed the cost of restoration. The interest in any such account shall accrue to the benefit of the tenant. Failure by the landlord to utilize escrow funds for restoration of the premises within 90 days of the termination of the tenancy constitutes a forfeiture of the escrow fund, which shall revert to the tenant.

g-3. A landlord may not require further restoration if the modifications satisfy either uniform federal accessibility standards or s. SPS 352.04, Wis. Admin. Code.

g-4. No landlord may require the restoration of modifications made to public and common use portions of the premises if the modifications were necessary to make those portions readily accessible to and usable by persons in a protected class.

h. Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons in a protected class equal opportunity to use and enjoy a dwelling.

i. In connection with the design and construction of a covered multifamily dwelling as defined in 24 C.F.R. s. 100.201, fail to design and construct those dwellings in such a manner that:

i-1. The dwelling has at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.