



Signature Report

February 15, 2018

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2017-0176.1

Sponsors Kohl-Welles

1 AN ORDINANCE relating to open housing; adding
2 antidiscrimination protections based on a renter's use of a
3 housing subsidy or verifiable alternative source of income;
4 and amending Ordinance 5280, Section 1, as amended, and
5 K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended,
6 and K.C.C. 12.20.020, Ordinance 5280, Section 3(A), as
7 amended, and K.C.C. 12.20.040, Ordinance 5280, Section
8 3(B), as amended, and K.C.C. 12.20.050, Ordinance 5280,
9 Section 3(C), as amended, and K.C.C. 12.20.060 and
10 Ordinance 5280, Section 10, as amended, and K.C.C.
11 12.20.130.

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Findings:

14 A. At the end of 2016, the median home value in King County was five hundred
15 twenty thousand dollars, more than three hundred thousand dollars above the national
16 median.

17 B. King County home values increased more than fourteen percent between
18 December 2015 and 2016, a rate of increase more than double the national rate.

19 C. At the end of 2016, the median monthly rental price in King County was two

20 thousand two hundred dollars, more than six hundred dollars above the national median.

21 D. These housing price levels have resulted in nearly three hundred thousand
22 households in King County spending more than thirty percent of their incomes on
23 housing and have made it difficult for many people to secure any type of housing.

24 E. Since 1981, King County has protected a person's right to housing in
25 unincorporated areas of the county using a Section 8 housing voucher.

26 F. Furthering fair housing for all residents of unincorporated King County is an
27 affirmation of King County's commitment to equity and social justice.

28 SECTION 2. Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010 are
29 each hereby amended to read as follows:

30 This chapter is an exercise of the police power of King County for the protection
31 of the public welfare, health, peace and safety of the residents of King County and in
32 fulfillment of the state Constitution. The King County council finds and declares that
33 practices of housing discrimination against any persons on the basis of race, color,
34 religion, national origin, ancestry, age, gender, marital status, parental status,
35 participation in the Section 8 program or other housing subsidy program, alternative
36 source of income, sexual orientation, disability or use of a service or assistive animal by
37 an individual with a disability constitute matters of local concern and are contrary to the
38 public welfare, health, peace and safety of the residents of King County.

39 SECTION 3. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are
40 each hereby amended to read as follows:

41 The definitions in this section apply throughout this chapter unless the context
42 clearly requires otherwise.

43 A. "Aggrieved person" includes a person who:

44 1. Claims to have been injured by an unfair housing practice; or

45 2. Believes that he or she will be injured by an unfair housing practice that is
46 about to occur.

47 B. "Alternative source of income" means lawful, verifiable income derived from
48 sources other than wages, salaries, or other compensation for employment. It includes
49 but is not limited to moneys derived from Social Security benefits, other retirement
50 programs, supplemental security income, unemployment benefits, child support, the state
51 Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance and
52 any other federal, state, local government, private or nonprofit-administered cash benefit
53 program.

54 C. "Charging party" means any person alleging an unfair housing practice under
55 this chapter by filing a complaint with the office of civil rights.

56 ~~((C:))~~ D.1. "Disability" means:

57 a. a physical or mental impairment that substantially limits one or more of a
58 person's major life activities, either temporarily or permanently;

59 b. a person has a record of having such an impairment;

60 c. a person is regarded as having such an impairment; or

61 d. a person has any other condition that is a disability under the Washington
62 state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and
63 housing.

64 2. "Disability" does not include current, illegal use of a controlled substance, as
65 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

66 ~~((D-))~~ E. "Discriminate" means any action or failure to act, whether by single act
67 or as part of a practice, the effect of which is to adversely affect or differentiate between
68 or among individuals or groups of individuals, because ~~((Ø-))~~of race, color, religion,
69 national origin, ancestry, age, gender, marital status, parental status, participation in the
70 Section 8 program or other housing subsidy program, alternative source of income,
71 sexual orientation, disability, or use of a service or assistive animal by an individual with
72 a disability.

73 ~~((E-))~~ F. "Dwelling" or "dwelling unit" mean any building, structure or portion of
74 a building or structure that is occupied as, or designed or intended for occupancy as, a
75 residence by one or more families or individuals, and any vacant land that is offered for
76 sale or lease for the construction or location thereon of any such a building, structure or
77 portion of a building or structure.

78 ~~((F-))~~ G. "Housing accommodations" means any dwelling or dwelling unit,
79 rooming unit, rooming house, lot or parcel of land in unincorporated King County that is
80 used, intended to be used or arranged or designed to be used as, or improved with, a
81 residential structure for one or more human beings.

82 ~~((G-))~~ H. "Marital status" means the presence or absence of a marital relationship
83 and includes the status of married, separated, divorced, engaged, widowed, single or
84 cohabiting.

85 ~~((H-))~~ I.1. "Parental status" means one or more individuals, who have not attained
86 the age of eighteen years, being domiciled with:

87 a. a parent or another person having legal custody of the individual or
88 individuals; or

89 b. the designee of such a parent or other person having the custody, with the
90 written permission of the parent or other person.

91 2. The protections afforded against discrimination on the basis of familial status
92 apply to a person who is pregnant or is in the process of securing legal custody of an
93 individual who has not attained the age of eighteen years.

94 ~~((F.))~~ J. "Participation in the Section 8 program or other housing subsidy
95 program" means participating in a short- or long-term federal, state or local government,
96 private, nonprofit or other assistance program in which a tenant's rent is paid either
97 partially or completely by the ~~((government))~~ program, through a direct ~~((contract))~~
98 arrangement between the ~~((government))~~ program and the owner or lessor of the real
99 property~~((, and partially by the tenant))~~. Other housing subsidy programs include, but are
100 not limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing
101 and Essential Needs funds and short-term rental assistance provided by rapid rehousing
102 subsidies.

103 ~~((J.))~~ K. "Party" includes the person charging or making a complaint or upon
104 whose behalf a complaint is made alleging an unfair practice, the person alleged or found
105 to have committed an unfair practice and the office of civil rights.

106 ~~((K.))~~ L. "Person" means one or more individuals, partnerships, associations,
107 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
108 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
109 employee whether one or more natural persons. "Person" also includes any political or
110 civil subdivisions of the state and any agency or instrumentality of the state or of any
111 political or civil subdivision ~~((thereof))~~ of the state.

112 ~~((L.))~~ M. "Real estate transaction" includes, but is not limited to, the sale,
113 conveyance, exchange, purchase, rental, lease or sublease of real property.

114 ~~((M.))~~ N. "Real estate-related transaction" means any of the following:

115 1. The making or purchasing of loans or providing other financial assistance:

116 a. for purchasing, constructing, improving, repairing or maintaining real

117 property; or

118 b. secured by real property; or

119 2. The selling, brokering or appraising of real property.

120 ~~((N.))~~ O. "Real property" includes, but is not limited to, buildings, structures, real
121 estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,
122 and hereditaments, corporeal and incorporeal, or any interest therein.

123 ~~((O.))~~ P. "Respondent" means any person who is alleged or found to have
124 committed an unfair practice prohibited by this chapter.

125 ~~((P.))~~ Q. "Senior citizens" means persons who are sixty-two years of age or older.

126 ~~((Q.))~~ R. "Service or assistive animal" means a dog guide, signal or hearing dog,
127 seizure response dog, therapeutic companion animal or other animal that does work,
128 performs tasks or provides medically necessary support for the benefit of an individual
129 with a disability.

130 ~~((R.))~~ S. "Settlement discussions" and "conference, conciliation and persuasion"
131 mean the attempted resolution of issues raised by a complaint, or by the investigation of a
132 complaint, through informal negotiations involving the charging party, the respondent
133 and the office of civil rights.

134 ~~((S.))~~ T. "Sexual orientation" means heterosexuality, homosexuality, bisexuality

135 and gender identity. As used in this definition, "gender identity" means having or being
136 perceived as having a gender identity different from that traditionally associated with the
137 sex assigned to that person at birth. Protection associated with "gender identity" includes
138 self-image, appearance, behavior or expression.

139 U. "Verifiable" means the source of income can be confirmed as to its amount or
140 receipt.

141 SECTION 4. Ordinance 5280, Section 3(A), as amended, and K.C.C. 12.20.040
142 are each hereby amended to read as follows:

143 A. It is a discriminatory practice and unlawful for any person, whether acting for
144 ~~((himself or herself))~~ the person's self or another, because of race, color, religion, national
145 origin, ancestry, age, gender, marital status, parental status, participation in the Section 8
146 program or other housing subsidy program, alternative source of income, sexual
147 orientation, disability or use of a service or assistive animal by an individual with a
148 disability:

149 1. To refuse to engage in a real estate transaction with a person or to otherwise
150 make unavailable or deny a dwelling to any person;

151 2. To discriminate against a person in the terms, conditions or privileges of a
152 real estate transaction, including financial terms and conditions such as the setting of
153 rents or damage deposits, or in the furnishing of facilities or services in connection with
154 any real estate transaction; however, rents and damage deposits may be adjusted to
155 recognize the number of persons utilizing the property except insofar as such adjustment
156 might discriminate based on race, color, religion, national origin, ancestry, age, gender,
157 marital status, parental status, participation in the Section 8 program or other housing

158 subsidy program, alternative source of income, sexual orientation, disability or use of a
159 service or assistive animal by an individual with a disability;

160 3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real
161 estate transaction from a person;

162 4. To refuse to negotiate for a real estate transaction with a person;

163 5. To represent to a person that real property is not available for inspection, sale,
164 rental or lease when in fact it is so available, to fail to bring a property listing to the
165 person's attention or to refuse to permit the person to inspect real property;

166 6. To make, print, circulate, publish, post or mail or cause to be made, printed,
167 circulated, published, posted or mailed a statement, notice, advertisement or sign,
168 pertaining to a real estate transaction or a real estate related transaction that indicates,
169 directly or indirectly, an intent to make a limitation, preference or discrimination with
170 respect to the transaction;

171 7. To use a form of application or to make a record of inquiry regarding a real
172 estate transaction or a real estate related transaction that indicates, directly or indirectly,
173 an intent to make a limitation, preference or discrimination with respect to the
174 transaction;

175 8. To offer, solicit, accept, use or retain a listing of real property with the
176 understanding that a person might be discriminated against in a real estate transaction or
177 in the furnishing of facilities or services in connection with the transaction;

178 9. To expel a person from occupancy of real property;

179 10. To discriminate against in the course of negotiating or executing a real
180 estate transaction whether by mortgage, deed of trust, contract or other instrument

181 imposing a lien or other security in real property or in negotiating or executing any item
182 or service related thereto including issuance of title insurance, mortgage insurance, loan
183 guarantee or other aspect of the transaction; or

184 11. To deny any person access to or membership or participation in any
185 multiple-listing service, real estate brokers' organization, or other service, organization,
186 or facility relating to the business of selling or renting dwellings, or to discriminate
187 against any person in the terms or conditions of such access, membership or participation.

188 B. It is a discriminatory practice and unlawful for any person, whether acting for
189 ~~((himself or herself))~~ the person's self or for another, to coerce, intimidate, threaten or
190 interfere with any other person in the exercise or enjoyment of, on account of the other
191 person having exercised or enjoyed, or on account of the other person having aided or
192 encouraged any person in the exercise or enjoyment of, any right granted or protected by
193 this chapter.

194 C. It is a discriminatory practice and unlawful for any person, whether acting for
195 ~~((himself or herself))~~ the person's self or for another, to discriminate against in the sale or
196 rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter
197 because of a disability of any one or more of:

- 198 1. That buyer or renter;
- 199 2. A person residing in or intending to reside in that dwelling after it is so sold,
200 rented or made available; or
- 201 3. Any person associated with that buyer or renter.

202 D. It is a discriminatory practice and unlawful for any person, whether acting for
203 ~~((himself or herself))~~ the person's self or another, to discriminate against any person in

204 the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of
205 services or facilities in connection with a dwelling, because of a disability of any one or
206 more of:

- 207 1. That person;
- 208 2. A person residing in or intending to reside in that dwelling after it is so sold,
209 rented or made available; or
- 210 3. Any person associated with that person.

211 E. For the purposes of this chapter, discriminatory practices based either on
212 disability or use of a service or assistive animal by an individual with a disability are
213 unlawful and include:

- 214 1. Refusal to permit, at the expense of an individual with a disability, reasonable
215 modifications of existing premises occupied or to be occupied by the person if the
216 modifications might be necessary to afford the person full enjoyment of the premises.
217 However, for a rental, the landlord may, if it is reasonable to do so, condition permission
218 for a modification on the renter agreeing to restore the interior of the premises to the
219 condition that existed before the modification, reasonable wear and tear excepted;
- 220 2. Refusal to make reasonable accommodations in rules, policies, practices or
221 services, if the accommodations might be necessary to afford an individual or individuals
222 with disabilities equal opportunity to use and enjoy a dwelling; or
- 223 3. Failure to design, construct and alter dwellings in conformance with 42
224 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations
225 (chapter 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations
226 adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other

227 applicable laws pertaining to access to individuals with disabilities. If the requirements
228 of applicable laws differ, the requirements that require greater accessibility to individuals
229 with disabilities govern.

230 F. It is discriminatory practice and unlawful for any person, whether acting (~~on~~
231 ~~his or her own behalf~~) for the person's self or for another, to retaliate by taking action
232 against another person because the other person:

- 233 1. Opposed any practice forbidden by this chapter;
- 234 2. Complied or proposed to comply with this chapter or any order issued under
235 this chapter; or
- 236 3. Filed a complaint, testified or assisted in any manner in any investigation,
237 proceeding or hearing initiated under this chapter.

238 SECTION 5. Ordinance 5280, Section 3(B), as amended, and K.C.C. 12.20.050
239 are each hereby amended to read as follows:

240 It is a discriminatory practice and unlawful for any person acting for monetary
241 gain, whether acting for (~~himself or herself~~) the person's self or another in connection
242 with any real estate-related transaction, whose business includes engaging in real estate-
243 related transactions to discriminate against any person in making available such a
244 transaction, or in the terms or conditions of such a transaction, because of race, color,
245 religion, national origin, ancestry, age, gender, marital status, parental status,
246 participation in Section 8 program or other housing subsidy program, alternative source
247 of income, sexual orientation, disability or use of a service or assistive animal by an
248 individual with a disability.

249 SECTION 6. Ordinance 5280, Section 3(C), as amended, and K.C.C. 12.20.060

250 are each hereby amended to read as follows:

251 It is a discriminatory practice and unlawful for any person acting for monetary
252 gain, whether acting for (~~himself or herself~~) the person's self or others, directly or
253 indirectly, to engage in the practices of blockbusting or steering, including the
254 commission of any one or more of the following acts:

255 A. Inducing or attempting to induce any person to sell or rent any real property
256 by representation regarding the entry or prospective entry into the neighborhood or area
257 of a person or persons of a particular race, color, religion, national origin, ancestry, age,
258 gender, marital status, participation in the Section 8 program or other housing subsidy
259 program, alternative source of income, sexual orientation, parental status, disability or
260 use of a service or assistive animal by an individual with a disability; or

261 B. Showing or otherwise taking any action, the intention or effect of which is to
262 steer a person or persons to any section of the county or to particular real property in a
263 manner tending to segregate or maintain segregation on the basis of race, color, religion,
264 national origin, ancestry, age, gender, marital status, sexual orientation, parental status,
265 participation in Section 8 program or other housing subsidy program, alternative source
266 of income, disability or use of a service or assistive animal by a an individual with a
267 disability.

268 SECTION 7. Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130 are
269 each hereby amended to read as follows:

270 A. Nothing in this chapter:

271 1. Prohibits treating any person or persons meeting the definition of parental
272 status or any individual with a disability or individuals with disabilities more favorably

273 than others if the favorable treatment does not discriminate against persons on the basis
274 of race, color, religion, national origin, ancestry, age, gender, marital status, parental
275 status, participation in the Section 8 program or other housing subsidy program,
276 alternative source of income, sexual orientation, disability or use of a service or assistive
277 animal by an individual with a disability;

278 2. Prohibits a religious organization, association or society, or any nonprofit
279 institution or organization operated, supervised or controlled by or in conjunction with a
280 religious organization, association or society, from limiting the sale, rental or occupancy
281 of dwellings that it owns or operates for other than a commercial purpose, to persons of
282 the same religion, or from giving preference to persons of the same religion, but only if:

283 a. membership in the religion is not restricted on account of race, color,
284 ancestry or national origin; and

285 b. the limitation or preference is reasonably in the furtherance of a religious
286 purpose or activity;

287 3. Prohibits any person from limiting the rental or occupancy of housing
288 accommodations in any sorority, fraternity, school dormitory or similar residential
289 facility to persons of one gender if considerations of personal privacy exist;

290 4. Prohibits any person from limiting, on the basis of age or parental status, the
291 sale, rental or occupancy of housing accommodations that fully qualify as housing for
292 older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16,
293 2006;

294 5. Prohibits any person from limiting the sale, rental or occupancy of housing
295 accommodations to:

296 a. individuals with disabilities in any housing facility operated for individuals
297 with disabilities;

298 b. senior citizens in any housing facility operated exclusively for senior
299 citizens; or

300 c. elderly persons in any housing provided under any state or federal program
301 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16,
302 2006;

303 6. Requires any person to rent or lease a housing accommodation to a minor;

304 7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

305 8. May be interpreted to prohibit any person from making a choice among
306 prospective purchasers or tenants of real property on the basis of factors other than race,
307 color, religion, ancestry, national origin, age, gender, marital status, parental status,
308 sexual orientation, participation in the Section 8 program or other housing subsidy
309 program, alternative source of income, disability or use of a service or assistive animal by
310 an individual with a disability; or

311 9. Prohibits any person from placing limitations on the maximum number of
312 tenants permitted per unit on account of reasonable space limitations or requirements of
313 law.

314 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7.,
315 12.20.040.A.8., 12.20.040.B. and 12.20.050, applies to the renting, subrenting, leasing or
316 subleasing of a single-family or duplex dwelling unit in which the owner normally
317 maintains a permanent residence, home or abode.

318 C. Nothing in this chapter prohibits any party to a real estate transaction or real

319 estate-related transaction from considering the capacity to pay and credit history of any
320 individual applicant.

321 D. Nothing in this chapter prohibits any party to a real estate transaction or real
322 estate related transaction from considering or taking reasonable action based on the
323 application of the community property law to the individual case.

324

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None