



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 18, 2018

Ordinance 18708

Proposed No. 2017-0176.3

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. During the first quarter of 2018, the median home value in King County was
15 six hundred fifteen thousand dollars, more than four hundred thousand dollars above the
16 national median.

17 B. King County home values increased nearly sixteen percent between March
18 2017 and March 2018, a rate of increase more than double the national rate.

19 C. During the first quarter of 2018, the median monthly rental price in King

20 County was two thousand four hundred dollars, more than eight hundred dollars above
21 the national median.

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

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

27 F. In March 2018, the Washington state Legislature approved Engrossed Second
28 Substitute House Bill 2578, which preserves and expands rental housing options for
29 persons whose source of income is derived from or includes sources other than
30 employment.

31 G. Furthering fair housing for all residents of unincorporated King County is an
32 affirmation of King County's commitment to equity and social justice.

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

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

43 public welfare, health, peace and safety of the residents of King County.

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

46 The definitions in this section apply throughout this chapter unless the context
47 clearly requires otherwise.

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

- 49 1. Claims to have been injured by an unfair housing practice; or
50 2. Believes that the person will be injured by an unfair housing practice that is
51 about to occur.

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

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

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

- 62 a. a physical or mental impairment that substantially limits one or more of a
63 person's major life activities, either temporarily or permanently;
64 b. a person has a record of having such an impairment;
65 c. a person is regarded as having such an impairment; or

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

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

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

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

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

87 ~~((G.))~~ H. "Marital status" means the presence or absence of a marital relationship
88 and includes the status of married, separated, divorced, engaged, widowed, single or

89 cohabiting.

90 ((H.)) L.1. "Parental status" means one or more individuals, who have not attained
91 the age of eighteen years, being domiciled with:

92 a. a parent or another person having legal custody of the individual or
93 individuals; or

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

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

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

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

111 ((K.)) L. "Person" means one or more individuals, partnerships, associations,

112 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
113 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
114 employee whether one or more natural persons. "Person" also includes any political or
115 civil subdivisions of the state and any agency or instrumentality of the state or of any
116 political or civil subdivision ~~((thereof))~~ of the state.

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

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

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

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

122 property; or

123 b. secured by real property; or

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

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

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

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

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

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

139 ~~(S-)~~ T. "Sexual orientation" means heterosexuality, homosexuality, bisexuality
140 and gender identity. As used in this definition, "gender identity" means having or being
141 perceived as having a gender identity different from that traditionally associated with the
142 sex assigned to that person at birth. Protection associated with "gender identity" includes
143 self-image, appearance, behavior or expression.

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

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

148 A. It is a discriminatory practice and unlawful for any person, whether acting on
149 the person's own behalf or another, because of race, color, religion, national origin,
150 ancestry, age, gender, marital status, parental status, participation in the Section 8
151 program or other housing subsidy program, alternative source of income, sexual
152 orientation, disability or use of a service or assistive animal by an individual with a
153 disability:

154 1. Except as otherwise provided in subsection A.12. of this section, ((F))to
155 refuse to engage in a real estate transaction with a person or to otherwise make
156 unavailable or deny a dwelling to any person;

157 2. To discriminate against a person in the terms, conditions or privileges of a

158 real estate transaction, including financial terms and conditions such as the setting of
159 rents or damage deposits, or in the furnishing of facilities or services in connection with
160 any real estate transaction; however, rents and damage deposits may be adjusted to
161 recognize the number of persons utilizing the property except insofar as such adjustment
162 might discriminate based on race, color, religion, national origin, ancestry, age, gender,
163 marital status, parental status, participation in the Section 8 program or other housing
164 subsidy program, alternative source of income, sexual orientation, disability or use of a
165 service or assistive animal by an individual with a disability;

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

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

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

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

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

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

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

185 10. To discriminate against in the course of negotiating or executing a real
186 estate transaction whether by mortgage, deed of trust, contract or other instrument
187 imposing a lien or other security in real property or in negotiating or executing any item
188 or service related thereto including issuance of title insurance, mortgage insurance, loan
189 guarantee or other aspect of the transaction; ((or))

190 11. To deny any person access to or membership or participation in any
191 multiple-listing service, real estate brokers' organization, or other service, organization,
192 or facility relating to the business of selling or renting dwellings, or to discriminate
193 against any person in the terms or conditions of such access, membership or participation;
194 or

195 12.a. To refuse to lease or rent any real property to any person based on the
196 person's reliance on the Section 8 program or other housing subsidy programs to make
197 rental payments unless:

198 (1) the person's reliance on the Section 8 program or other housing subsidy
199 programs is conditioned on the real property passing inspection;

200 (2) the written estimate of the cost of improvements necessary to pass
201 inspection is more than one thousand five hundred dollars; and

202 (3) the landlord has not received moneys from the state's landlord mitigation
203 program, as set forth in chapter 43.31 RCW, to make the improvements.

204 b. This subsection A.12. shall apply beginning September 30, 2018.

205 B. It is a discriminatory practice and unlawful for any person, whether acting on
206 the person's own behalf or for another, to coerce, intimidate, threaten or interfere with
207 any other person in the exercise or enjoyment of, on account of the other person having
208 exercised or enjoyed, or on account of the other person having aided or encouraged any
209 person in the exercise or enjoyment of, any right granted or protected by this chapter.

210 C. It is a discriminatory practice and unlawful for any person, whether acting on
211 the person's own behalf or for another, to discriminate against in the sale or rental of, or
212 to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a
213 disability of any one or more of:

214 1. That buyer or renter;

215 2. A person residing in or intending to reside in that dwelling after it is so sold,
216 rented or made available; or

217 3. Any person associated with that buyer or renter.

218 D. It is a discriminatory practice and unlawful for any person, whether acting on
219 the person's own behalf or another, to discriminate against any person in the terms,
220 conditions or privileges of sale or rental of a dwelling, or in the provision of services or
221 facilities in connection with a dwelling, because of a disability of any one or more of:

222 1. That person;

223 2. A person residing in or intending to reside in that dwelling after it is so sold,
224 rented or made available; or

225 3. Any person associated with that person.

226 E. For the purposes of this chapter, discriminatory practices based either on

227 disability or use of a service or assistive animal by an individual with a disability are
228 unlawful and include:

229 1. Refusal to permit, at the expense of an individual with a disability, reasonable
230 modifications of existing premises occupied or to be occupied by the person if the
231 modifications might be necessary to afford the person full enjoyment of the premises.

232 However, for a rental, the landlord may, if it is reasonable to do so, condition permission
233 for a modification on the renter agreeing to restore the interior of the premises to the
234 condition that existed before the modification, reasonable wear and tear excepted;

235 2. Refusal to make reasonable accommodations in rules, policies, practices or
236 services, if the accommodations might be necessary to afford an individual or individuals
237 with disabilities equal opportunity to use and enjoy a dwelling; or

238 3. Failure to design, construct and alter dwellings in conformance with 42
239 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations
240 (chapter 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations
241 adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other
242 applicable laws pertaining to access to individuals with disabilities. If the requirements
243 of applicable laws differ, the requirements that require greater accessibility to individuals
244 with disabilities govern.

245 F. It is discriminatory practice and unlawful for any person, whether acting on the
246 person's own behalf or for another, to retaliate by taking action against another person
247 because the other person:

248 1. Opposed any practice forbidden by this chapter;

249 2. Complied or proposed to comply with this chapter or any order issued under

250 this chapter; or

251 3. Filed a complaint, testified or assisted in any manner in any investigation,
252 proceeding or hearing initiated under this chapter.

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

255 It is a discriminatory practice and unlawful for any person acting for monetary
256 gain, whether acting on the person's own behalf or another in connection with any real
257 estate-related transaction, whose business includes engaging in real estate-related
258 transactions to discriminate against any person in making available such a transaction, or
259 in the terms or conditions of such a transaction, because of race, color, religion, national
260 origin, ancestry, age, gender, marital status, parental status, participation in Section 8
261 program or other housing subsidy program, alternative source of income, sexual
262 orientation, disability or use of a service or assistive animal by an individual with a
263 disability.

264 SECTION 6. Ordinance 5280, Section 3(C), as amended, and K.C.C. 12.20.060
265 are each hereby amended to read as follows:

266 It is a discriminatory practice and unlawful for any person acting for monetary
267 gain, whether acting on the person's own behalf or others, directly or indirectly, to engage
268 in the practices of blockbusting or steering, including the commission of any one or more
269 of the following acts:

270 A. Inducing or attempting to induce any person to sell or rent any real property
271 by representation regarding the entry or prospective entry into the neighborhood or area
272 of a person or persons of a particular race, color, religion, national origin, ancestry, age,

273 gender, marital status, participation in the Section 8 program or other housing subsidy
274 program, alternative source of income, sexual orientation, parental status, disability or
275 use of a service or assistive animal by an individual with a disability; or

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

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

285 A. Nothing in this chapter:

286 1. Prohibits treating any person or persons meeting the definition of parental
287 status or any individual with a disability or individuals with disabilities more favorably
288 than others if the favorable treatment does not discriminate against persons on the basis
289 of race, color, religion, national origin, ancestry, age, gender, marital status, parental
290 status, participation in the Section 8 program or other housing subsidy program,
291 alternative source of income, sexual orientation, disability or use of a service or assistive
292 animal by an individual with a disability;

293 2. Prohibits a religious organization, association or society, or any nonprofit
294 institution or organization operated, supervised or controlled by or in conjunction with a
295 religious organization, association or society, from limiting the sale, rental or occupancy

296 of dwellings that it owns or operates for other than a commercial purpose, to persons of
297 the same religion, or from giving preference to persons of the same religion, but only if:

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

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

302 3. Prohibits any person from limiting the rental or occupancy of housing
303 accommodations in any collegiate Greek system residence, school dormitory or similar
304 residential facility to persons of one gender if considerations of personal privacy exist;

305 4. Prohibits any person from limiting, on the basis of age or parental status, the
306 sale, rental or occupancy of housing accommodations that fully qualify as housing for
307 older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16,
308 2006;

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

311 a. individuals with disabilities in any housing facility operated for individuals
312 with disabilities;

313 b. senior citizens in any housing facility operated exclusively for senior
314 citizens; or

315 c. elderly persons in any housing provided under any state or federal program
316 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16,
317 2006;

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

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

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

326 9. Prohibits any person from placing limitations on the maximum number of
327 tenants permitted per unit on account of reasonable space limitations or requirements of
328 law.

329 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7.,
330 12.20.040.A.8., 12.20.040.B. and 12.20.050, applies to the renting, subrenting, leasing or
331 subleasing of a single-family or duplex dwelling unit in which the owner normally
332 maintains a permanent residence, home or abode.

333 C. Nothing in this chapter prohibits any party to a real estate transaction or real
334 estate-related transaction from considering the capacity to pay and credit history of any
335 individual applicant.

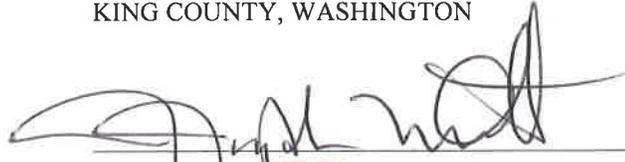
336 D. Nothing in this chapter prohibits any party to a real estate transaction or real

337 estate related transaction from considering or taking reasonable action based on the
338 application of the community property law to the individual case.
339

Ordinance 18708 was introduced on 4/17/2017 and passed as amended by the Metropolitan King County Council on 4/16/2018, by the following vote:

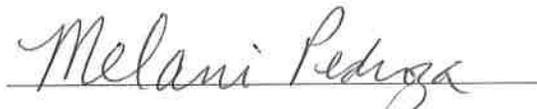
Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:

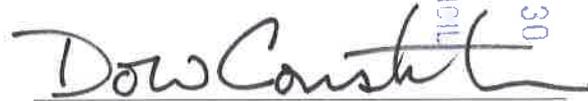


Melani Pedroza, Clerk of the Council



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KING COUNTY COUNCIL

APPROVED this 18 day of APRIL, 2018.



Dow Constantine, County Executive

Attachments: None