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Enactment date: 4/18/2018 **Enactment #:** 18708

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

Sponsors: Jeanne Kohl-Welles

Indexes: Housing

Code sections:

Attachments: 1. Ordinance 18708.pdf, 2. 2017-0176_SR_Source-of-Income.docx, 3. 2017-0176_ATT2_AMDS1_TechnicalStriker-03-09-18 Ritzen edits 03-12-18.docx, 4. 2017-0176_ATT3_ESSHB_2578-S2.SL.pdf, 5. 2017-0176_Revised_SR_Source-of-Income.docx, 6. DELETE, 7. DELETE, 8. DELETE, 9. 18708 Amendment package 4-16-2018.pdf

Date	Ver.	Action By	Action	Result
4/16/2018	2	Metropolitan King County Council	Hearing Held	
4/16/2018	2	Metropolitan King County Council	Passed as Amended	Pass
4/3/2018	1	Health, Housing and Human Services Committee	Recommended Do Pass Substitute	Pass
1/8/2018	1	Metropolitan King County Council	Reintroduced	
4/17/2017	1	Metropolitan King County Council	Introduced and Referred	

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

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

C. During the first quarter of 2018, the median monthly rental price in King County was two thousand four hundred dollars, more than eight hundred dollars above the national median.

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

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

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

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

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

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council finds and declares that practices of housing discrimination against any persons on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the

Section 8 program or other housing subsidy program, alternative source of income, sexual orientation, disability or use of a service or assistive animal by an individual with a disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

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

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

A. "Aggrieved person" includes a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. a parent or another person having legal custody of the individual or individuals; or
- b. the designee of such a parent or other person having the custody, with the written permission of the parent or other person.

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

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

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

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

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

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

1. The making or purchasing of loans or providing other financial assistance:
 - a. for purchasing, constructing, improving, repairing or maintaining real property; or
 - b. secured by real property; or
2. The selling, brokering or appraising of real property.

~~((N.))~~ O. "Real property" includes, but is not limited to, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and

incorporeal, or any interest therein.

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

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

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

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

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

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

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

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

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

2. To discriminate against a person in the terms, conditions or privileges of a real estate transaction,

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

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

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

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

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

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

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

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

10. To discriminate against in the course of negotiating or executing a real estate transaction whether

by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee or other aspect of the transaction; ((or))

11. To 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 to discriminate against any person in the terms or conditions of such access, membership or participation; or

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

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

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

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

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

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

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

1. That buyer or renter;

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

3. Any person associated with that buyer or renter.

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

1. That person;

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

3. Any person associated with that person.

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

1. Refusal to permit, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications might be necessary to afford the person full enjoyment of the premises. However, for a rental, the landlord may, if it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

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

3. Failure to design, construct and alter dwellings in conformance with 42 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations (chapter 51-50 WAC, pursuant to chapters 19.27

and 70.92 RCW), other regulations adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other applicable laws pertaining to access to individuals with disabilities. If the requirements of applicable laws differ, the requirements that require greater accessibility to individuals with disabilities govern.

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

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

initiated under this chapter.

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

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

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

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

- A. Inducing or attempting to induce any person to sell or rent any real property by representation

regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, national origin, ancestry, age, gender, marital status, participation in the Section 8 program or other housing subsidy program, alternative source of income, sexual orientation, parental status, disability or use of a service or assistive animal by an individual with a disability; or

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

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

A. Nothing in this chapter:

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

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

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

and

- b. the limitation or preference is reasonably in the furtherance of a religious purpose or activity;
 3. Prohibits any person from limiting the rental or occupancy of housing accommodations in any collegiate Greek system residence, school dormitory or similar residential facility to persons of one gender if considerations of personal privacy exist;
 4. Prohibits any person from limiting, on the basis of age or parental status, the sale, rental or occupancy of housing accommodations that fully qualify as housing for older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16, 2006;
 5. Prohibits any person from limiting the sale, rental or occupancy of housing accommodations to:
 - a. individuals with disabilities in any housing facility operated for individuals with disabilities;
 - b. senior citizens in any housing facility operated exclusively for senior citizens; or
 - c. elderly persons in any housing provided under any state or federal program that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16, 2006;
 6. Requires any person to rent or lease a housing accommodation to a minor;
 7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;
 8. May be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age, gender, marital status, parental status, sexual orientation, participation in the Section 8 program or other housing subsidy program, alternative source of income, disability or use of a service or assistive animal by an individual with a disability; or
 9. Prohibits any person from placing limitations on the maximum number of tenants permitted per unit on account of reasonable space limitations or requirements of law.
- B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7., 12.20.040.A.8., 12.20.040.B., and 12.20.050, applies to the renting, subrenting, leasing or subleasing of a single-family or duplex dwelling unit in which the owner normally maintains a permanent residence, home or abode.

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

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