

ORDINANCE NO. 5280

AN ORDINANCE relating to unfair housing practices; defining and prohibiting such practices; providing for investigation of complaints, conference and conciliation efforts, hearings and remedial orders; providing for enforcement and administration; establishing penalties; and repealing Resolution 27544, Sections 1 through 6, and K.C.C. 12.20.010 through 12.20.060.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. PURPOSE. This Ordinance is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the citizens of King County and in fulfillment of the provisions of the Constitution of this State. The King County Council hereby finds and declares that practices of housing discrimination against any persons on the basis of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental, or physical handicap or the use of a trained dog guide by a blind or deaf person constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the citizens of King County.

SECTION 2. DEFINITIONS. Definitions as used in this Ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

A. "Charging Party" means any person alleging an unfair housing practice under this Ordinance.

B. "Real estate credit transaction" means any open or closed-end credit transaction relating to real estate, whether for personal or for business purposes, in which a service, finance or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock

1 brokers, or by a merchant or mercantile establishment which as part
2 of its ordinary business permits or provides that payment for pur-
3 chases of property or service therefrom may be deferred.

4 C. "Director" means the Director of the County Department of
5 Planning and Community Development.

6 D. "Discriminate" means any action or failure to act, whether
7 by single act or as part of a practice, the effect of which is to
8 adversely affect or differentiate between or among individuals or
9 groups of individuals, because of race, color, religion, national
10 original, age, sex, marital status, parental status, sexual ori-
11 entation, the presence of any sensory, mental, or physical handi-
12 cap, or the use of a trained dog guide by a blind or deaf person.

13 E. "Dwelling" means "dwelling" as that term is defined in the
14 King County Zoning Code, K.C.C. 21.04.245.

15 F. "Dwelling unit" means "dwelling unit" as that term is
16 defined by the King County Zoning Code, K.C.C. 21.04.255.

17 G. "Senior citizens" means persons who are 62 years of age or
18 older.

19 H. "Housing accommodations" means any dwelling or dwelling
20 unit, rooming unit, rooming house, lot or parcel of land in unin-
21 corporated King County which is used, intended to be used, or
22 arranged or designed to be used as, or improved with, a residential
23 structure for one or more human beings.

24 I. "National origin" shall be interpreted to include
25 ancestry.

26 J. "Party" means the person charging or making an complaint
27 or upon whose behalf a complaint is made alleging an unfair prac-
28 tice, the person alleged or found to have committed an unfair prac-
29 tice, or the Department of Planning and Community Development.

30 K. "Parental status" means being a parent, step-parent,
31 adoptive parent, guardian, foster parent or custodian of a minor
32 child or children, which child or children shall permanently or
33 temporarily occupy the real estate.

1 L. "Person" means one or more individuals, partnerships,
2 associations, organizations, corporations, cooperatives, legal
3 representatives, trustees and receivers or any group of persons; it
4 includes any owner, lessee, proprietor, manager, agent or employee
5 whether one or more natural persons; and further includes any poli-
6 tical or civil subdivisions of the state and any agency or instru-
7 mentality of the state or of any political or civil subdivision
8 thereof.

9 M. "Real property" shall include but not be limited to
10 buildings, structures, real estate, lands, tenements, leaseholds,
11 interests in real estate cooperatives, condominiums, and heredita-
12 ments, corporeal and incorporeal, or any interest therein.

13 N. "Real estate transaction" shall include but not be limi-
14 ted to the sale, conveyance, exchange, purchase, rental, lease or
15 sublease of real property.

16 O. "Respondent" means any person who is alleged to have com-
17 mitted an unfair practice prohibited by this Ordinance.

18 P. "Sexual orientation" means male or female heterosexuality,
19 bi-sexuality or homosexuality, and includes a person's attitudes,
20 preferences, belief and practices pertaining to sex, but shall not
21 include overt conduct which is offensive to neighbors or is unlaw-
22 ful under city, state or federal law.

23 SECTION 3. UNFAIR HOUSING PRACTICES PROHIBITED. It is unlaw-
24 ful for any person to engage in, or cause or allow another to
25 engage in, any of the following acts, which are hereby designated
26 as unfair housing practices prohibited by this ordinance:

27 A. In General. It is a discriminatory practice for any per-
28 son, whether acting for himself or another, because of race, color
29 religion, national origin, age, sex, marital status, parental sta-
30 tus, sexual orientation, the presence of any sensory, mental, or
31 physical handicap, or the use of a trained dog guide by a blind or
32 deaf person:

33 1. To refuse to engage in a real estate transaction with a

1 person;

2 2. To discriminate against a person in the terms, condi-
3 tions or privileges of a real estate transaction, including but
4 not limited to financial terms and conditions such as the setting
5 of rents or damage deposits, or in the furnishing of facilities or
6 services in connection with any real estate transaction; however,
7 rents and damage deposits may be adjusted to recognize the number
8 of persons utilizing the property;

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

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

13 5. To represent to a person that real property is not
14 available for inspection, sale, rental, or lease when in fact it is
15 so available, or to fail to bring a property listing to his atten-
16 tion, or to refuse to permit him to inspect real property;

17 6. To print, circulate, post or mail or cause to be so
18 published a statement, advertisement or sign, or to use a form of
19 application for a real estate transaction, or to make a record of
20 inquiry in connection with a prospective real estate transaction,
21 which indicates, directly or indirectly, an intent to make a limi-
22 tation, specification, or discrimination with respect thereto;

23 7. To offer, solicit, accept, use or retain a listing of
24 real property with the understanding that a person may be discrimi-
25 nated against in a real estate transaction or in the furnishing of
26 facilities or services in connection therewith;

27 8. To expel a person from occupancy of real property;

28 9. To discriminate in the course of negotiating, executing
29 or financing a real estate transaction whether by mortgage, deed of
30 trust, contract or other instrument imposing a lien or other secu-
31 rity in real property or in negotiating or executing any item or
32 service related thereto including issuance of title insurance,
33 mortgage insurance, loan guarantee, or other aspect of the

1 transaction.

2 B. Real Estate Credit Transactions. It is a discriminatory
3 practice for any person, whether acting for himself or another in
4 connection with any real estate credit transaction, because of
5 race, color, religion, national origin, age, sex, marital status,
6 parental status, sexual orientation, the presence of any sensory,
7 mental, or physical handicap, or the use of a trained dog guide by
8 a blind or deaf person:

9 1. To deny credit to any person;

10 2. To increase the charges or fees for or collateral
11 required to secure any credit extended to any person;

12 3. To restrict the amount or use of credit extended or to
13 impose different terms or conditions with respect to the credit
14 extended to any person or any item of service related thereto;

15 PROVIDED THAT, nothing in this Section 3 shall prohibit any
16 party to a real estate transaction or real estate credit transac-
17 tion from considering the capacity to pay and credit history of any
18 individual applicant.

19 PROVIDED FURTHER, that nothing in this section 3 shall prohi-
20 bit any party to a real estate transaction or real estate credit
21 transaction from considering the application of the community pro-
22 perty law to the individual case or from taking reasonable action
23 thereon.

24 C. Blockbusting and Steering. It is a discriminatory prac-
25 tice for any person, whether acting for himself or others, whether
26 or not acting for monetary gain, directly or indirectly to engage
27 in the practices of "blockbusting" or "steering", including, but
28 not limited to the commission of any one or more of the following
29 acts:

30 1. Inducing or attempting to induce any person to sell
31 or rent any real property by representation regarding the entry or
32 prospective entry into the neighborhood or area of a person or per-
33 sons of a particular race, color, religion, national origin, age,

1 sex, marital status, sexual orientation, parental status, the pre-
2 sence of any sensory, mental, or physical handicap, or the use of
3 a trained dog guide by a blind or deaf person; or

4 2. Showing or otherwise taking any action, the intention or
5 effect of which is to steer a person or persons to any section of
6 the county or to particular real property in a manner tending to
7 segregate or maintain segregation on the basis of race, color, re-
8 ligious, national origin, age, sex, marital status, sexual orienta-
9 tion, parental status, the presence of any sensory, mental, or
10 physical handicap, or the use of a trained dog guide by a blind or
11 deaf person.

12 SECTION 4. FILING OF COMPLAINT.

13 A. A complaint alleging an unfair housing practice may be
14 filed by:

15 1. Any person when the person claims to be directly
16 aggrieved by an unfair housing practice;

17 2. Any state, local or federal agency concerned with dis-
18 crimination in housing, whenever it has reason to believe that an
19 unfair housing practice has been or is being committed.

20 B. A complaint alleging an unfair housing practice shall be
21 in writing and signed by the charging party. Notice of intent to
22 file such complaint must be filed within sixty (60) days of the
23 occurrence of the alleged unfair housing practice or within
24 sixty (60) days of when the charging party, through exercise of
25 due diligence, should have had notice or been aware of such occur-
26 rence. The complaint must be filed within thirty (30) days after
27 the expiration of the sixty-day period provided in this subsection.
28 The complaint must describe with particularity the practice com-
29 plained of and the location of the practice and must identify the
30 person being charged with committing an unfair housing practice.

31 PROVIDED THAT, a complaint shall not be rejected as insuffi-
32 cient because of failure to include all required information, so
33 long as it substantially meets the informational requirements

1 necessary for processing.

2 C. The charging party may amend a complaint in any respect as
3 a matter of right before service of notice of hearing on the mat-
4 ter, and thereafter may amend a complaint only with permission of
5 the Hearing Examiner, which permission shall be granted when jus-
6 tice will be served thereby, and all parties shall be allowed time
7 to prepare their case with respect to additional or expanded
8 charges which they did not and could not have reasonably foreseen
9 would be an issue at the hearing.

10 SECTION 5. INVESTIGATION OF COMPLAINT.

11 A. After the filing of a complaint, the Director shall serve
12 notice of the complaint and a copy thereof on the respondent. The
13 results of the investigation shall be reduced to written findings
14 of fact and a finding shall be made that there either is or is not
15 reasonable cause for believing that an unfair housing practice has
16 been or is being committed.

17 B. If a finding is made that there is no reasonable cause,
18 said finding shall be served on the charging party and respondent.
19 Within thirty (30) days after service of such negative finding,
20 the charging party shall have the right to file a written request
21 with the Director asking for reconsideration of the finding. The
22 Director shall respond in writing within a reasonable time by
23 granting or denying the request.

24 SECTION 6. CONFERENCE AND CONCILIATION.

25 A. If the finding is made initially or on request for recon-
26 sideration that reasonable cause exists to believe that an unfair
27 housing practice has occurred, the Director shall endeavor to eli-
28 minate the unfair practice by conference, conciliation and persua-
29 sion, which may include as a condition of settlement the elimina-
30 tion of the unfair housing practice, rent refunds or credits not
31 in excess of the amount of monetary damage actually incurred,
32 reinstatement to tenancy or such other requirements as may law-
33 fully be agreed upon by the parties and the Director. Any

1 settlement agreement shall be reduced to writing and signed by the
2 respondent. An order shall then be entered by the Director
3 setting forth the terms of the agreement. Copies of such order
4 shall be delivered to all affected parties and the original thereof
5 filed with the Division of Records and Elections.

6 B. If no agreement can be reached, a finding to that effect
7 shall be made by the Director and incorporated in a preliminary
8 order, with a copy thereof furnished to the charging party and the
9 respondent. The preliminary order shall also include:

- 10 1. A finding that an unfair housing practice has occurred;
- 11 2. The basis for such finding; and
- 12 3. An order requiring the respondent to cease and desist
13 from such unfair practice and to take appropriate affirmative
14 action, including but not limited to, rent refund or credit not in
15 excess of the amount of monetary damage actually incurred, rein-
16 statement to tenancy or to take such other action as in the judge-
17 ment of the Director will effectuate the purposes of this ordinance,
18 which may include the requirement for report on the matter of com-
19 pliance. In the event the Director finds that the respondent will-
20 fully or knowingly committed any unfair housing practice, the
21 Director may further order the respondent to pay a civil penalty of
22 up to Five Hundred (\$500.00) per violation, which penalty shall be
23 paid to the Comptroller Division for deposit in the County General
24 Fund.

25 SECTION 7. HEARING.

26 A. In the case of failure to reach an agreement for the eli-
27 mination of such unfair housing practice, and upon the entry of a
28 preliminary order, the complaint, any and all findings made and
29 affirmative action measures and/or civil penalties required shall
30 be certified by the Director to the Office of the King County
31 Hearing Examiner for hearing.

32 B. A hearing shall be conducted by the Office of the Hearing
33 Examiner for the purpose of affirming, denying, or modifying the

1 preliminary order. The hearing shall be conducted on the record
2 and the hearing examiner shall have such rule-making and other
3 powers necessary for conduct of the hearing as are specified by
4 King County Code Section 20.24.150. Such hearing shall be con-
5 ducted within a reasonable time after receipt of the certification.
6 Written notice of the time and place of the hearing shall be given
7 at least ten days prior to the date of the hearing to each affected
8 party and to the Director.

9 C. Each party shall have the following rights, among others:

- 10 1. To call and examine witnesses on any matter relevant to
11 the issues of the complaint;
- 12 2. To introduce documentary and physical evidence;
- 13 3. To cross-examine opposing witnesses on any matter rele-
14 vant to the issues of the complaint;
- 15 4. To impeach any witness regardless of which party first
16 called him to testify;
- 17 5. To rebut evidence against him; and
- 18 6. To represent himself or to be represented by anyone of
19 his choice who is lawfully permitted to do so.

20 D. Following review of the evidence submitted, the hearing
21 examiner presiding at the hearing shall enter written findings and
22 conclusions and shall render a written decision. Such findings,
23 conclusions and decision shall be certified to the Director and a
24 copy served on all affected parties.

25 SECTION 8. REMEDIAL ORDER.

26 A. In the event the Hearing Examiner shall concur that a res-
27 pondent has been engaged in or is engaged in any unfair housing
28 practice, the Director shall issue and cause to be served on the
29 affected parties the final order referencing the Hearing Examiner's
30 decision and requiring the respondent to cease and desist from such
31 unfair practice or practices and to take such actions or pay such
32 penalties as are specified therein.

33 B. Any final order issued by the Director under paragraph A

1 of this section shall be in the format specified by King County
2 Code 23.12.020 to the extent applicable and shall constitute a
3 final order within the meaning of King County Code 23.12.080.

4 SECTION 9. ENFORCEMENT. In the event that the respondent
5 refuses or fails to comply with any order of the Director, the
6 Director is authorized to enforce the order against such person
7 utilizing the misdemeanor, civil penalty and other enforcement pro-
8 visions of the King County Enforcement Ordinance, King County Code
9 Title 23.

10 SECTION 10. EXCEPTIONS. Nothing in this Ordinance shall:

11 A. Apply to the renting, subrenting, leasing or subleasing
12 of a single family or duplex dwelling unit wherein the owner or
13 person entitled to possession thereof normally maintains, or in-
14 tends to maintain, a permanent residence, home or abode;

15 B. Prohibit a religious organization, association or society,
16 or any nonprofit institution or organization operated, supervised
17 or controlled by or in conjunction with a religious organization,
18 association, or society, from limiting the sale, rental or occu-
19 pancy of dwellings which it owns or operates for other than a
20 commercial purpose, to persons of the same religion, or from
21 giving preference to such persons, unless membership in such reli-
22 gion is restricted on account of race, color or national origin.

23 C. Prohibit any person from limiting the rental or occupancy
24 of housing accommodations in any YWCA, YMCA, sorority, fraternity,
25 school dormitory or similar residential facility to persons of one
26 sex;

27 D. Prohibit any person from limiting the sale, rental or
28 occupancy of housing accommodations to senior citizens or handi-
29 capped persons in any housing facility operated exclusively for
30 senior citizens or handicapped persons;

31 E. Require any person to rent or lease a housing accommoda-
32 tion to a minor;

33 F. Require or permit any sale, rental or occupancy otherwise

1 prohibited by law; or

2 G. Be interpreted to prohibit any person from making a choice
3 among prospective purchasers or tenants of real property on the
4 basis of factors other than race, color, religion, national origin,
5 age, sex, marital status, parental status, sexual orientation, the
6 presence of any sensory, mental, or physical handicap, or the use
7 of a trained dog guide by a blind or deaf person;

8 H. Apply to the renting, subrenting, leasing or subleasing
9 exclusively to adults of any dwelling unit in a duplex or multi-
10 family building or any pad in a mobile home park where such
11 building or park was held for rent or lease exclusively to adults
12 for at least one year prior to the effective date of this
13 ordinance;

14 I. Prohibit any person from placing limitations on the maxi-
15 mum number of tenants permitted per unit on account of reasonable
16 space limitations or requirements of law;

17 J. Prohibit any person from limiting on the basis of parental
18 status the rental of a certain percentage of dwelling units within
19 an apartment complex, so long as the following conditions are met:

20 1. At least 50% of the dwelling units in the complex are
21 rented without regard to parental status; and

22 2. The total number of dwelling units in the complex
23 exceeds 40.

24 SECTION 11. SEVERABILITY. Should any section, subsection,
25 paragraph, sentence, clause or phrase of this Ordinance be declared
26 unconstitutional or invalid for any reason, such decision shall not
27 affect the validity of the remaining portions of the Ordinance.
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1 NEW SECTION. SECTION 12. REPEALER. Resolution 27544, Sec-
2 tions 1 through 6, and K.C.C. 12.20.010 through 12.20.060 are each
3 repealed.

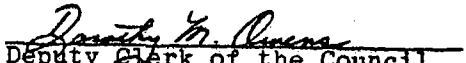
4 INTRODUCED AND READ for the first time this 3rd day of March,
5 1980.

6 PASSED this 12th day of January, 1981.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

9 
10 Chairman

11 ATTEST:

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14 Deputy Clerk of the Council

15 APPROVED this 21st day of January 1981.

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18 King County Executive

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