



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 24, 2008

Ordinance 16149

Proposed No. 2008-0191.2

Sponsors Phillips, Gossett, Dunn and
Patterson

1 AN ORDINANCE relating to housing discrimination, to
2 ensure that Title 12 of the King County Code is
3 substantially equivalent to the federal Fair Housing Act;
4 amending Ordinance 5280, Section 3(A), as amended, and
5 K.C.C. 12.20.040 and Ordinance 5280, Section 10, as
6 amended, and K.C.C. 12.20.130.

7

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Ordinance 5280, Section 3(A), as amended, and K.C.C. 12.20.040

10 are hereby amended to read as follows:

11 A. It is a discriminatory practice and unlawful for any person, whether acting for
12 himself or herself or another, because of race, color, religion, national origin, ancestry, age,
13 gender, marital status, parental status, participation in the Section 8 program, sexual
14 orientation, disability or use of a service or assistive animal by an individual with a
15 disability:

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

18 2. To discriminate against a person in the terms, conditions or privileges of a real
19 estate transaction, including financial terms and conditions such as the setting of rents or
20 damage deposits, or in the furnishing of facilities or services in connection with any real
21 estate transaction; however, rents and damage deposits may be adjusted to recognize the
22 number of persons utilizing the property except insofar as such adjustment might
23 discriminate based on race, color, religion, national origin, ancestry, age, gender, marital
24 status, parental status, participation in the Section 8 program, sexual orientation, disability
25 or use of a service or assistive animal by an individual with a disability;

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

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

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

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

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

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

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

44 10. To discriminate against in the course of negotiating or executing a real estate
45 transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien
46 or other security in real property or in negotiating or executing any item or service related
47 thereto including issuance of title insurance, mortgage insurance, loan guarantee or other
48 aspect of the transaction; or

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

53 B. It is a discriminatory practice and unlawful for any person, whether acting for
54 himself or herself or for another, to coerce, intimidate, threaten or interfere with any other
55 person in the exercise or enjoyment of, on account of the other person having exercised or
56 enjoyed, or on account of the other person having aided or encouraged any person in the
57 exercise or enjoyment of, any right granted or protected by this chapter.

58 C. It is a discriminatory practice and unlawful for any person, whether acting for
59 himself or herself or for another, to discriminate against in the sale or rental of, or to
60 otherwise make unavailable or deny, a dwelling to any buyer or renter because of a
61 disability of any one or more of:

62 1. That buyer or renter;

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

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

66 D. It is a discriminatory practice and unlawful for any person, whether acting for
67 himself or herself or another, to discriminate against any person in the terms, conditions or
68 privileges of sale or rental of a dwelling, or in the provision of services or facilities in
69 connection with a dwelling, because of a disability of any one or more of:

70 1. That person (~~buyer or renter~~);

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

73 3. Any person associated with that person (~~buyer or renter~~).

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

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

80 However, for a rental, the landlord may, if it is reasonable to do so, condition permission
81 for a modification on the renter agreeing to restore the interior (~~and exterior~~) of the
82 premises to the condition that existed before the modification, reasonable wear and tear
83 excepted;

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

87 3. Failure to design, construct and alter dwellings in conformance with 42 U.S.C.
88 3604 as it exists on the effective date of this section, the Washington State Barrier Free
89 Regulations (chapter 51-50WAC, pursuant to chapters 19.27 and 70.92 RCW), other
90 regulations adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all
91 other applicable laws pertaining to access to individuals with disabilities. If the
92 requirements of applicable laws differ, the requirements that require greater accessibility to
93 individuals with disabilities govern.

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

97 1. Opposed any practice forbidden by this chapter;

98 2. Complied or proposed to comply with this chapter or any order issued under
99 this chapter; or

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

102 SECTION 2. Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130 are
103 hereby amended to read as follows:

104 A. Nothing in this chapter:

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

107 than others if the favorable treatment does not discriminate against persons on the basis of
108 race, color, religion, national origin, ancestry, age, gender, marital status, parental status,
109 participation in the Section 8 program, sexual orientation, disability or use of a service or
110 assistive animal by an individual with a disability;

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

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

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

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

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

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

128 a. individuals with disabilities in any housing facility operated for individuals
129 with disabilities;

130 b. senior citizens in any housing facility operated exclusively for senior citizens;

131 or

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

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

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

136 8. May be interpreted to prohibit any person from making a choice among
137 prospective purchasers or tenants of real property on the basis of factors other than race,
138 color, religion, ancestry, national origin, age, gender, marital status, parental status, sexual
139 orientation, participation in the Section 8 program, disability or use of a service or assistive
140 animal by an individual with a disability; or

141 9. Prohibits any person from placing limitations on the maximum number of
142 tenants permitted per unit on account of reasonable space limitations or requirements of
143 law.

144 B. Nothing in this chapter, except K.C.C. 12.20.040.A.6, 12.20.040.A.7,
145 12.20.040.A.8, 12.20.040.B and 12.20.050, applies to the renting, subrenting, leasing or
146 subleasing of a single-family or duplex dwelling unit in which the owner (~~or person~~
147 ~~entitled to possession of the dwelling unit~~) normally maintains a permanent residence,
148 home or abode.

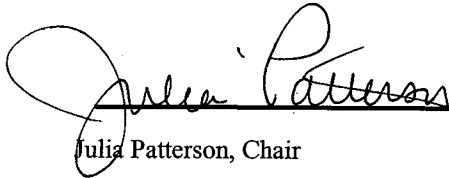
149 C. Nothing in this chapter prohibits any party to a real estate transaction or real
150 estate-related transaction from considering the capacity to pay and credit history of any
151 individual applicant.

152 D. Nothing in this chapter prohibits any party to a real estate transaction or real
153 estate related transaction from considering or taking reasonable action based on the
154 application of the community property law to the individual case.
155

Ordinance 16149 was introduced on 5/5/2008 and passed by the Metropolitan King
County Council on 6/23/2008, by the following vote:


Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von
Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Julia Patterson, Chair

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CLERK

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 3 day of July, 2008.



Ron Sims, County Executive

Attachments None