

ORDINANCE NO. 5732

AN ORDINANCE relating to Unfair Housing Practices; clarifying and adding to the exceptions permitted; consolidating the complaint requirements; and amending Ordinance 5280, Sections 2, 4, and 10 and K.C.C. 12.20.020, 12.20.070, and 12.20.130.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 5280, Section 2, and K.C.C. 12.20.020 are hereby amended to read as follows:

Definitions. Definitions as used in this chapter, 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 of other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

C. "Director" means the Director of the County Department of Planning and Community Development; PROVIDED THAT, after January 1, 1982, "Director" means the Director of the County Department of Executive Administration or his or her designee.

D. "Discriminate" means any action or failure to act, whether by single act or as part of a practice, the effect of

1 which is to adversely affect or defferentiate between or among
2 individuals or groups of individuals, because of race, color,
3 religion, national origin, age, sex, marital status, parental
4 status, sexual orientation, the presence of any sensory, mental
5 or physical handicap, or the use of a trained dog guide by a
6 blind or deaf person.

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

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

11 G. "Senior citizens" means persons who are 62 years of
12 age or older.

13 H. "Housing accommodations" means any dwelling or dwelling
14 unit, rooming unit, rooming house, lot or parcel of land in un-
15 incorporated King County which is used, intended to be used, or
16 arranged or designed to be used as, or improved with, a residen-
17 tial structure for one or more human beings.

18 I. "National origin" shall be interpreted to include
19 ancestry.

20 J. "Party" means the person charging or making a complaint
21 or upon whose behalf a complaint is made alleging an unfair prac-
22 tice, the person alleged or found to have committed an unfair
23 practice, or the Department of Planning and Community Development.

24 K. "Parental status" means being a parent, step-parent,
25 adoptive parent, guardian, foster parent or custodian of a minor
26 child or children, which child or children shall permanently or
27 temporarily occupy the real estate.

28 L. "Person" means one or more individuals, partnerships,
29 associations, organizations, corporations, cooperative, legal
30 representatives, trustees and receivers or any groups of persons;
31 it includes any owner, lessee, proprietor, manager, agent or
32 employee whether one or more natural persons; and further includes
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1 any political or civil subdivisions of the state and any agency or
 2 instrumentality of the state or of any political or civil sub-
 3 division thereof.

4 M. "Planned Adult Residential Community" means a complex
 5 or development consisting of building(s) and facility(ies) speci-
 6 fically intended, designed, built, and operated for habitation and
 7 use by adults living without children.

8 ((M-)) N. "Real property" includes but is not limited to
 9 buildings, structures, real estate, lands, tenements, lease-
 10 holds, interests in real estate cooperatives, condominiums, and
 11 hereditaments, corporeal and incorporeal, or any interest therein.

12 ((N.)) O. "Real estate transaction" includes but is not
 13 limited to the sale, conveyance, exchange, purchase, rental,
 14 lease or sublease of real property.

15 ((O-)) P. "Respondent" means any person who is alleged to
 16 have committed an unfair practice prohibited by this Chapter.

17 ((P-)) Q. "Sexual orientation" means male or female hetero-
 18 sexuality, bi-sexuality or homosexuality, and includes a person's
 19 attitudes, preferences, belief and practices pertaining to sex,
 20 but shall not include ((overt)) conduct which is ((offensive-to
 21 neighbors)) a public or private nuisance or is unlawful under
 22 city, state or federal law.

23 SECTION 2. Ordinance 5280, Section 4, and K.C.C. 12.20.070
 24 are hereby amended to read as follows:

25 FILING OF COMPLAINT.

26 A. A complaint alleging an unfair housing practice may be
 27 filed by:

28 1. Any person ((when-the-person-claims-to-be-directly
 29 aggrieved-by-an-unfair-housing-practice)) who has reason to believe
 30 that an unfair housing practice has been committed against him
 31 or her;
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1 2. Any state, local or federal agency concerned with dis-
2 crimination in housing, whenever it has reason to believe that
3 an unfair housing practice has been or is being committed.

4 B. A complaint alleging an unfair housing practice shall be
5 in writing and signed by the charging party. ((Notice-of-intent
6 to-file-such-complaint-must-be-filed-within-sixty-(60)-days-of
7 the-occurrence-of-the-alleged-unfair-housing-practice-or-within
8 sixty-(60)-days-of-when-the-charging-party;-through-exercise-of
9 due-diligence;-should-have-had-notice-or-been-aware-of-such-occur-
10 rence.--The-complaint-must-be-filed-within-thirty-(30)-days-after
11 the-expiration-of-the-sixty-day-period-provided-in-this-subsection.))
12 The complaint must be filed by the charging party within sixty
13 days of the date when the charging party knew or reasonably should
14 have known or been aware of the unfair housing practice. The
15 complaint must describe with particularity the practice complained
16 of and the location of the practice and must identify the person
17 being charged with committing an unfair housing practice.

18 PROVIDED THAT, a complaint shall not be rejected as insuffi-
19 cient because of failure to include all required information, so
20 long as it substantially meets the informational requirements
21 necessary for processing.

22 C. The charging party may amend a complaint in any respect as
23 a matter of right before service of notice of hearing on the matter,
24 and thereafter may amend a complaint only with permission of the
25 Hearing Examiner, which permission shall be granted when justice
26 will be served thereby, and all parties shall be allowed time to
27 prepare their case with respect to additional or expanded charges
28 which they did not and could not have reasonably foreseen would be
29 an issue at the hearing.

30 SECTION 3. Ordinance 5280, Section 10, and K.C.C. 12.20.130
31 are hereby amended to read as follows:
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1 EXCEPTIONS. Nothing in this Ordinance shall:

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

6 B. Prohibit a religious organization, association or society,
7 or any nonprofit institution or organization operated, supervised
8 or controlled by or in conjunction with a religious organization,
9 association, or society, from limiting the sale, rental or occu-
10 pancy of dwellings which it owns or operates for other than a
11 commercial purpose, to persons of the same religion, or from
12 giving preference to such persons, (~~unless~~) PROVIDED THAT:

13 1. Membership in such religion is not restricted on
14 account of race, color or national origin.

15 2. Such limitation or preference is reasonably in the
16 furtherance of a religious purpose or activity.

17 C. Prohibit any person from limiting the rental or occu-
18 pancy of housing accommodations in any YWCA, YMCA, sorority,
19 fraternity, school dormitory or similar residential facility
20 to persons of one sex;

21 D. Prohibit any person from limiting the sale, rental or
22 occupancy of housing accommodations to senior citizens or handi-
23 capped persons in any housing facility operated exclusively for
24 senior citizens or handicapped persons;

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

27 F. Require or permit any sale, rental or occupancy other-
28 wise prohibited by law; or

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

5 H. Apply to the renting, subrenting, leasing or subleasing
 6 exclusively to adults of any dwelling unit in a duplex or multi-
 7 family building or any pad in a mobile home park where such
 8 building or park was held for rent or lease exclusively to
 9 adults for at least one year prior to (~~the effective date of~~
 10 ~~this ordinance~~) January 31, 1981. This exception shall also
 11 apply if the building or park was first held open for tenancies
 12 during the one-year period and has been rented or leased exclu-
 13 sively to adults since the inception of tenancies;

14 I. Prohibit any person from placing limitation 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.

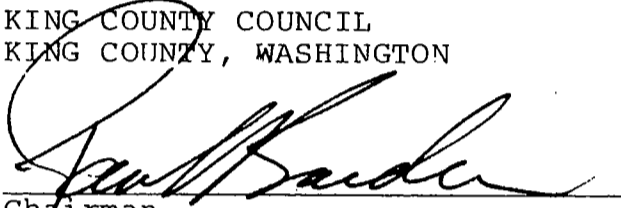
24 K. Apply to the renting, subrenting, leasing, subleasing,
 25 or sale exclusively to adults of any dwelling or dwelling unit in
 26 a planned adult residential community which has received County
 27 approval as a Planned Unit Development (K.C.C. Chapter 21.56)
 28 prior to January 31, 1981, or which has received County Council
 29 approval as a Planned Unit Development on the express condition
 30 that it be a planned adult residential community or has received
 31 approval from the Director of the Department of Planning & Commu-
 32 nity Development after review by the King County Affirmative Action
 33 Committee. Such approval by the Director of the Department of

1 Planning & Community Development may be granted only upon a
 2 finding that there is an adequate number of housing units within
 3 the community which are available without regard to parental
 4 status. The developer of the planned adult residential community
 5 shall provide evidence necessary for the Director to reach such a
 6 finding and pay a fee which approximately covers the County's
 7 costs in processing the request.

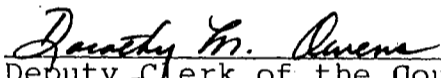
8 INTRODUCED AND READ for the first time this 14th day of
 9 September, 1981.

10 PASSED this 26th day of October, 1981.

11 KING COUNTY COUNCIL
 12 KING COUNTY, WASHINGTON

13 
 14 Chairman

15 ATTEST:

16
 17 
 18 Deputy Clerk of the Council

19 APPROVED this 5th day of November, 19 81.

20 
 21 King County Executive