

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the Open Housing Ordinance; adding antidiscrimination protections based on a renters' use of a subsidy or verifiable alternative source of income; adding a first-in-time policy; prohibiting preferred employer programs; adding Section 14.08.050 to, and amending Sections 14.08.015, 14.08.020, 14.08.040, 14.08.045, 14.08.060, 14.08.070 and 14.08.190 of, the Seattle Municipal Code.

..body

WHEREAS, in September 2014 the Council adopted Resolution 31546, in which the Mayor and Council jointly convened the Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee to evaluate potential strategies to make Seattle more affordable, equitable, and inclusive; in particular to promote the development and preservation of affordable housing for residents of the City; and

WHEREAS, in July 2015, HALA published its Final Advisory Committee Recommendations and the Mayor published *Housing Seattle: A Roadmap to an Affordable and Livable City*, which outlines a multi-prong approach of bold and innovative solutions to address Seattle's housing affordability crisis; and

WHEREAS, in October 2015 Council proposed and adopted, with the Mayor concurring, Resolution 31622 declaring the City's intent to expeditiously consider strategies recommended by the HALA Advisory Committee; and

WHEREAS, in 2015 the HALA Advisory Committee recommended the City develop legislation to remove barriers based on income type and the Mayor included this recommendation in his Action Plan to address Seattle's Housing Affordability Crisis; and

WHEREAS, for over 25 years, the City of Seattle has protected a person's right to housing using a Section 8 housing voucher (Seattle Municipal Code Chapter 14.08); and

1 WHEREAS, Seattle's protection of a person's right to housing using a Section 8 housing
2 voucher was unanimously passed in 1989 in response to the housing affordability crisis,
3 at the time when between 3,000 and 5,000 people a night were experiencing
4 homelessness and thousands more faced rental restrictions due to their use of the U.S.
5 Housing and Urban Development (HUD) programs that helped offset their rent payments.
6 Many of them were elderly, disabled, or low-income people of color; and

7 WHEREAS, in the last eight years, ten percent of housing discrimination cases investigated by
8 the Seattle Office for Civil Rights involved denial based on a Section 8 housing voucher;
9 and

10 WHEREAS, due to existing racial inequities, people of color face disproportionate rates of
11 poverty and are overrepresented as Section 8 voucher holders in Seattle. African
12 Americans, Native Americans, and Asian Pacific Islanders are doubly represented as
13 voucher holders compared to their total proportion of the Seattle population, meaning that
14 discrimination on the basis of a Section 8 voucher has a disproportionate impact on
15 communities of color; and

16 WHEREAS, in 2016 Seattle continues to face a challenge of housing affordability, with
17 individuals and families experiencing a denial of housing based on their use of subsidies
18 and verifiable alternative sources of income such as child support payments, Social
19 Security, Supplemental Security Income, unemployment insurance, short-term rental
20 assistance, or veteran's benefits; and

21 WHEREAS, communities of color, people with disabilities, parents, and others who are
22 disproportionately impacted by Section 8 discrimination are also impacted by a denial of

housing based on the use of other subsidies and alternative sources of income to pay their rent; and

WHEREAS, furthering fair housing for all Seattle's residents is an affirmation of The City of Seattle's longstanding commitment to race and social justice; and

WHEREAS, the first-in-time policy will not apply to single-family dwellings including accessory dwelling units wherein the owner or person entitled to possession maintains a permanent residence, as described in 14.08.190.A; and

WHEREAS, the City convened a diverse group of stakeholders comprised of landlords, nonprofit housing providers, social service agencies, and tenant advocates to review the issue and provide input on legislation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.08.015 of the Seattle Municipal Code, last amended by Ordinance 123014, is amended as follows:

14.08.015 Seattle Open Housing Poster ((-))

All persons required to post a fair housing poster pursuant to 24 CFR 110 shall also post a Seattle Open Housing Poster at the same locations required in the federal regulation. A person who fails to post a Seattle Open Housing Poster as required in this section is subject to a fine of ~~((One Hundred Twenty Five Dollars (\$125)))~~ \$125 for a first violation and a fine of ~~((Five Hundred Dollars (\$500)))~~ \$500 for each subsequent violation. The Seattle Open Housing Poster shall provide a notice that it is illegal in ~~((the))~~ The City of Seattle to discriminate against any person because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a section 8 or other subsidy program, alternative source

1 of income, the presence of any disability, or the use of a trained dog guide or service animal by a
2 disabled person. The Department shall adopt a rule or rules to enforce this ~~((section))~~ Section
3 14.08.015 ~~((which))~~ that shall include the availability of such posters from the Department.

4 Section 2. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance
5 124829, is amended as follows:

6 **14.08.020 Definitions ((:))**

7 Definitions as used in this ~~((chapter))~~ Chapter 14.08, unless additional meaning clearly
8 appears from the context, shall have the meanings subscribed:

9 ~~((A-))~~ “Aggrieved person” includes any person who:

10 1. Claims to have been injured by an unfair practice prohibited by this ~~((chapter))~~
11 Chapter 14.08; or

12 2. Believes that he or she will be injured by an unfair practice prohibited by this
13 ~~((chapter))~~ Chapter 14.08 that is about to occur.

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

20 ~~((B-))~~ “Blockbusting” means, for profit, to promote, induce, or attempt to promote or
21 induce any person to, engage in a real estate transaction by representing that a person or persons
22 of a particular race, color, creed, religion, ancestry, national origin, age, sex, marital status,
23 parental status, sexual orientation, gender identity, political ideology, alternative source of

1 income, or who participates in a Section 8 or other subsidy program, or who is disabled, or who
2 is a disabled person who uses a service animal has moved or may move into the neighborhood.

3 ~~((C-))~~ “Charge” means a claim or set of claims alleging an unfair practice or practices
4 prohibited under this ~~((chapter))~~ Chapter 14.08.

5 ~~((D-))~~ “Charging party” means any person who files a charge alleging an unfair practice
6 under this ~~((chapter))~~ Chapter 14.08, including the Director.

7 ~~((E-))~~ “City” means The City of Seattle.

8 ~~((F-))~~ “City department” means any agency, office, board, or commission of the City, or
9 any department employee acting on its behalf, but shall not mean a public corporation chartered
10 under Chapter ~~((-))~~ 3.110 ~~((SMC))~~, or any contractor, consultant, or concessionaire or lessee.

11 ~~((G-))~~ “Commission” means the Seattle Human Rights Commission.

12 ~~((H-))~~ “Department” means the Seattle Office for Civil Rights.

13 ~~((I-))~~ “Director” means the Director of the Seattle Office for Civil Rights or the Director’s
14 designee.

15 ~~((J-))~~ “Disabled” means a person who has a disability.

16 ~~((K-1-))~~ “Disability” means the presence of a sensory, mental, or physical impairment
17 that: ~~((a-Is))~~ is medically cognizable or diagnosable; or ~~((b-Exists))~~ exists as a record or history;
18 or ~~((c-Is))~~ is perceived to exist whether or not it exists in fact. ~~((2-))~~ A disability exists whether it
19 is temporary or permanent, common or uncommon, mitigated or unmitigated, ~~((or))~~ whether or
20 not it limits the ability to work generally or work at a particular job, or whether or not it limits
21 any other activity within the scope of this ~~((chapter))~~ Chapter 14.08. ~~((3-))~~ For purposes of this
22 definition, “impairment” includes, but is not limited to:

1 ~~((a-))~~ 1. Any physiological disorder, or condition, cosmetic disfigurement, or
2 anatomical loss affecting one or more of the following body systems: neurological,
3 musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular,
4 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

5 ~~((b-))~~ 2. Any mental, developmental, traumatic, or psychological disorder,
6 including but not limited to cognitive limitation, organic brain syndrome, emotional or mental
7 illness, and specific learning disabilities.

8 ~~((E-))~~ “Discriminate” means to do any act which constitutes discrimination.

9 ~~((M-))~~ “Discrimination” means any conduct, whether by single act or as part of a practice,
10 the effect of which is to adversely affect or differentiate between or among individuals or groups
11 of individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital
12 status, parental status, sexual orientation, gender identity, political ideology, honorably
13 discharged veteran or military status, alternative source of income, participation in a Section 8 or
14 other subsidy program, the presence of any disability, or the use of a service animal by a disabled
15 person.

16 ~~((N-))~~ “Dual-filed” means any charge alleging an unfair practice that is filed with both the
17 Department of Housing and Urban Development and the Seattle Office for Civil Rights without
18 regard to which of the two agencies initially processed the charge.

19 ~~((O-))~~ “Dwelling” means any building, structure, or portion thereof which is occupied as,
20 or is designed or intended for occupancy as, a residence by one or more individuals or families,
21 and any vacant land which is offered for sale or lease for the construction or location thereon of
22 any such building, structure, or portion thereof.

1 “Ensuring meaningful access” means the ability of a person with limited English
2 proficiency to use or obtain language assistance services or resources to understand and
3 communicate effectively, including, but not limited to, translation or interpretation services.

4 ~~((P-))~~ “Gender identity” means a person’s gender-related identity, appearance, or
5 expression, whether or not traditionally associated with one’s biological sex or one’s sex at birth,
6 and includes a person’s attitudes, preferences, beliefs, and practices pertaining thereto.

7 ~~((Q-))~~ “Hearing Examiner” means the Seattle Hearing Examiner.

8 “Housing costs” means the compensation or fees paid or charged, usually periodically,
9 for the use of any housing unit. “Housing costs” include the basic rent charge and any periodic or
10 monthly fees for other services paid to the owner by the occupant, but do not include utility
11 charges that are based on usage and that the occupant has agreed in the rental agreement to pay,
12 unless the obligation to pay those charges is itself a change in the terms of the rental agreement.

13 ~~((R-))~~ “Lender” means any bank, insurance company, savings or building and loan
14 association, credit union, trust company, mortgage company, or other person or agent thereof,
15 engaged wholly or partly in the business of lending money for the financing or acquisition,
16 construction, repair, or maintenance of real property.

17 ~~((S-))~~ “Marital status” means the presence or absence of a marital relationship and
18 includes the status of married, separated, divorced, engaged, widowed, single, or cohabiting.

19 ~~((T-))~~ “Occupant” means any person who has established residence or has the right to
20 occupy real property.

21 ~~((U-))~~ “Owner” means any person who owns, leases, subleases, rents, operates, manages,
22 has charge of, controls or has the right of ownership, possession, management, charge, or control
23 of real property on their own behalf or on behalf of another.

1 ~~((V-))~~ “Parental status” means being a parent, step-parent, adoptive parent, guardian,
2 foster parent, or custodian of a minor child or children under the age of 18 years, or the designee
3 with written permission of a parent or other person having legal custody of a child or children
4 under the age of 18 years, which child or children shall reside permanently or temporarily with
5 such parent or other person. In addition, parental status shall refer to any person who is pregnant
6 or who is in the process of acquiring legal custody of a minor child under the age of 18 years.

7 ~~((W-))~~ “Party” means the person charging or making a charge or complaint or upon
8 whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have
9 committed an unfair practice, and the Seattle Office for Civil Rights.

10 ~~((X-))~~ “Person” means one or more individuals, partnerships, organizations, trade or
11 professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and
12 receivers. It includes any owner, lessee, proprietor, manager, agent or employee, whether one or
13 more natural persons, and any political or civil subdivision or agency or instrumentality of the
14 City.

15 ~~((Y-))~~ “Political ideology” means any idea or belief, or coordinated body of ideas or
16 beliefs, relating to the purpose, conduct, organization, function or basis of government and
17 related institutions and activities, whether or not characteristic of any political party or group.

18 ~~((This term))~~ “Political ideology” includes membership in a political party or group and includes
19 conduct, reasonably related to political ideology, which does not interfere with the property
20 rights of the landowner as it applies to housing.

21 “Preferred employer program” means any policy or practice in which a person provides
22 different terms and conditions, including but not limited to discounts or waiver of fees or
23 deposits, in connection with renting, leasing, or subleasing real property to a prospective

1 occupant because the prospective occupant is employed by a specific employer. “Preferred
2 employer program” does not include different terms and conditions provided in city-funded
3 housing or other publicly funded housing, for the benefit of city or public employees, housing
4 specifically designated as employer housing which is owned or operated by an employer and
5 leased for the benefit of its employees only, or any program affirmatively furthering fair housing.
6 For purposes of this definition, “affirmatively furthering fair housing” means assisting homeless
7 persons to obtain appropriate housing and assisting persons at risk of becoming homeless;
8 retention of the affordable housing stock; and increasing the availability of permanent housing in
9 standard condition and affordable cost to low-income and moderate-income families, particularly
10 to members of disadvantaged minorities, without discrimination on the basis of race, color,
11 creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual
12 orientation, gender identity, political ideology, honorably discharged veteran or military status,
13 alternative source of income, participation in a Section 8 program or other subsidy program, the
14 presence of any disability or the use of a service animal by a disabled person. “Affirmatively
15 furthering fair housing” also means increasing the supply of supportive housing, which combines
16 structural features and services needed to enable persons with special needs, including persons
17 with HIV/AIDS and their families, to live with dignity and independence; and providing housing
18 affordable to low-income persons accessible to job opportunities.

19 ~~((Z:))~~ “Prospective borrower” means any person who seeks to borrow money to finance
20 the acquisition, construction, repair, or maintenance of real property.

21 ~~((AA:))~~ “Prospective occupant” means any person who seeks to purchase, lease, sublease,
22 or rent real property.

1 ~~((BB-))~~ “Real estate agent, salesperson or employee” means any person employed by,
2 associated with, or acting for a real estate broker to perform or assist in the performance of any
3 or all of the functions of a real estate broker.

4 ~~((CC-))~~ “Real estate broker” means any person who for a fee, commission, or other
5 valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or
6 negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease, or
7 rental of real property of another, or holds themselves out as engaged in the business of selling,
8 purchasing, exchanging, listing, leasing, subleasing, or renting real property of another, or
9 collects the rental for use of real property of another.

10 ~~((DD-))~~ “Real estate transaction” means the sale, purchase, conveyance, exchange, rental,
11 lease, sublease, assignment, transfer, or other disposition of real property.

12 ~~((EE-))~~ “Real estate-related transaction” means any of the following:

- 13 1. The making or purchasing of loans or providing other financial assistance:
- 14 a. For purchasing, constructing, improving, repairing, or maintaining real
- 15 property, or
- 16 b. Secured by real property; or
- 17 2. The selling, brokering, or appraising of real property; or
- 18 3. The insuring of real property, mortgages, or the issuance of insurance related to
- 19 any real estate transaction.

20 ~~((FF-))~~ “Real property” means dwellings, buildings, structures, real estate, lands,
21 tenements, leaseholds, interests in real estate cooperatives, condominiums, and any interest
22 therein.

1 ~~((GG-))~~ “Respondent” means any person who is alleged to have committed an unfair
2 practice prohibited by this ~~((chapter))~~ Chapter 14.08.

3 ~~((HH-))~~ “Section 8 or other subsidy program” means short or long term federal, state or
4 local government, private nonprofit, or other assistance programs in which a tenant’s rent is paid
5 either partially by the ~~((government))~~ program (through a direct ~~((contract))~~ arrangement
6 between the ~~((government))~~ program and the owner or lessor of the real property), and partially
7 by the tenant or completely by the program. Other subsidy programs include but are not limited
8 to HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs
9 (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.

10 ~~((H-))~~ “Service animal” means an animal that provides medically necessary support for
11 the benefit of an individual with a disability.

12 ~~((J-))~~ “Sexual orientation” means actual or perceived male or female heterosexuality,
13 bisexuality, or homosexuality, and includes a person’s attitudes, preferences, beliefs, and
14 practices pertaining thereto.

15 ~~((KK-))~~ “Steering” means to show or otherwise take an action which results, directly or
16 indirectly, in steering a person or persons to any section of the City or to a particular real
17 property in a manner tending to segregate or maintain segregation on the basis of race, color,
18 creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual
19 orientation, gender identity, political ideology, alternative source of income, participation in a
20 Section 8 or other subsidy program, the presence of any disability, or the use of a service animal
21 by a disabled person.

22 “Verifiable” means the source of income can be confirmed as to its amount or receipt.

23 ~~((LL-))~~ “Honorably discharged veteran or military status” means:

1. A veteran, as defined in RCW 41.04.007; or

2. An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 3. Section 14.08.040 of the Seattle Municipal Code, last amended by Ordinance 121593, is amended as follows:

14.08.040 Unfair practices—Generally ((;))

A. It is an unfair practice for any person to discriminate by:

1. Undertaking or refusing to engage in a real estate transaction or otherwise deny or withhold such real property; or

2. Refusing to negotiate a real estate transaction; or

3. Representing that such real property is not available for inspection, sale, rental, or lease when in fact it is so available; or

4. Expelling or evicting an occupant from real property or otherwise making unavailable or denying a dwelling; or

5. Applying different terms, conditions, or privileges of a real estate transaction, including but not limited to the setting of rates for rental or lease, ((;)) establishment of damage deposits ((;)) or other financial conditions for rental or lease, ((;)) in the furnishing of facilities or services in connection with such transaction.

B. It is an unfair practice for any real estate broker, real estate agent, salesperson, or employee to discriminate by:

1. Refusing or intentionally failing to list real property for sale, rent, or lease; or

2. Refusing or intentionally failing to show real property listed for sale, rental, or lease; or

3. Refusing or intentionally failing to accept and/or transmit any reasonable offer to purchase, lease, or rent real property.

C. It is an unfair practice to discriminate by denying a person access to, or membership or participation in, a multiple listing service or real estate brokers' organization or other service, or to discriminate in the terms and conditions of such access, membership, or participation.

D. It is an unfair practice to prohibit reasonable modifications needed by a disabled tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure or fixtures, it is an unfair practice for a landlord to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy any dwelling, or to refuse to allow a person to make alterations or additions to existing premises occupied or to be occupied by a disabled person which are necessary to make the rental property accessible by disabled persons, under the following conditions:

1. The landlord is not required to pay for the alterations, additions, or restoration unless otherwise required by federal law;

2. The landlord has the right to demand assurances that all modifications will be performed pursuant to local permit requirements, in a professional manner, and in accordance with applicable building codes;

3. The landlord may, where it is reasonable to do so, condition permission for modification on the tenant's agreement to restore the interior of the premises to its pre-existing condition, reasonable wear and tear excepted.

E. It is an unfair practice under this chapter for any person to design or construct a building or structure that does not conform with 42 U.S.C. ((§)) 3604, the Washington State

Barrier Free Act, WAC (~~Ch. 51-40-01~~) Ch. 51-50 as required by chapters 19.27 RCW and 70.92 RCW, other regulations adopted under 42 U.S.C. 3604 and chapters 19.27 RCW and 70.92 RCW, any other applicable laws pertaining to access by disabled persons, or any rules or regulations promulgated thereunder. If the requirements of the applicable laws differ, those which require greater accessibility for disabled persons shall govern.

F. It is an unfair practice for an owner or lessor of real property, when determining tenant eligibility for purposes of leasing, subleasing, or renting real property, to apply income screening criteria (such as an income to rent ratio) in a manner inconsistent with the following:

1. Any payment from a Section 8 or other subsidy program that reduces the amount of rent for which the tenant is responsible must be subtracted from the total of the monthly rent.

2. All sources of income must be included as a part of the tenant's total income except in situations where the rental housing unit is subject to income and/or rent restrictions in a housing regulatory agreement or subsidy agreement and income is determined pursuant to the agreement.

G. For purposes of applying the definitions of "discriminate" and "discrimination" in Section 14.08.020 to this Section 14.08.040, "discrimination" only includes "alternative source of income" when referring to a person leasing, subleasing, or renting real property or who seeks to lease, sublease, or rent real property.

H. It is an unfair practice for a person to fail to:

1. cooperate with a potential or current occupant in completing and submitting required information and documentation for the potential or current occupant to be eligible for or to receive rental assistance from Section 8 or other subsidy program;

1 2. accept a written pledge or commitment by a Section 8 or other subsidy program
2 to pay for past due or current housing costs, and court costs or reasonable attorney's fees already
3 incurred and directly related to recovery of the unpaid housing costs lawfully owed, under all of
4 the following conditions:

5 a. By itself or in combination with: other payments from a Section 8 or
6 other subsidy program, and any verifiable source of income including but not limited to wages,
7 salaries, or other compensation for employment, and all alternative sources of income, the
8 written pledge or commitment is sufficient to allow the occupant to become current on all
9 housing costs, and court costs or reasonable attorney's fees already incurred and directly related
10 to the recovery of the unpaid housing costs lawfully owed once the pledge or commitment is
11 fulfilled.

12 b. The written pledge or commitment is received by the owner at any time
13 prior to:

14 1) The issuance of a notice served under RCW 59.12.030(3) or (4)
15 or 59.04.040; or

16 2) The end of the time period allowed for compliance in notice
17 served under RCW 59.12.030(3) or (4) or 59.04.040.

18 c. The written pledge or commitment does not commit the owner to any
19 conditions, including any agreement not to pursue future unlawful detainer actions, except those
20 requiring the owner to timely provide any information necessary for payment.

21 d. The Section 8 or other subsidy program provider commits to paying the
22 written pledge or commitment to the owner within five business days of issuing the written

1 pledge or commitment to the owner. The payment shall be made directly from the Section 8 or
2 other subsidy program provider to the owner, where possible.

3 I. It is an unfair practice to advertise, institute, or maintain a preferred employer program.
4 Any preferred employer program that is part of an unexpired rental agreement upon the effective
5 date of the ordinance introduced as Council Bill 118755 may continue until the occupant vacates
6 the unit and the rental agreement is terminated.

7 J. Short-term voucher evaluation

8 The Department shall ask the City Auditor to conduct an evaluation of the impact of the
9 amendment to the definition of “Section 8 program” in subsection 14.08.020 (effective on the
10 date of the ordinance introduced as Council Bill 118755) to include short-term assistance to
11 determine if the addition of short-term assistance to the definition should be maintained,
12 amended, or repealed. The evaluation should include an analysis of the impact on the ability of
13 tenants to enter into and successfully remain in housing and the impact on the rate of eviction.
14 The City Auditor, at their discretion, may retain an independent, outside party to conduct the
15 evaluation. The evaluation shall be submitted to the City Council by the end of 2018.

16 Section 4. Subsection 14.08.045.B of the Seattle Municipal Code, which section was last
17 amended by Ordinance 123014, is amended as follows:

18 **14.08.045 Retaliation, harassment, or coercion.**

19 * * *

20 B. It is an unfair practice for any person, whether or not acting for profit, to harass,
21 intimidate, discriminate against, or otherwise abuse any person or person’s friends or associates
22 because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental
23 status, sexual orientation, gender identity, political ideology, honorably discharged veteran or

1 military status, alternative source of income, participation in a Section 8 or other subsidy
2 program, the presence of any disability, or the use of a trained dog guide or service animal by a
3 disabled person with the purpose or effect of denying to such person the rights granted in this
4 chapter or the right to quiet or peaceful possession or enjoyment of any real property.

5 * * *

6 Section 5. A new Section 14.08.050 is added to the Seattle Municipal Code as follows:

7 **14.08.050 First-in-time**

8 A. Effective January 1, 2017, it is an unfair practice for a person to fail to:

9 1. provide notice to a prospective occupant, in writing or by posting in the office
10 of the person leasing the unit or in the building where the unit is physically located and, if
11 existing, on the website advertising rental of the unit, in addition to and at the same time as
12 providing the information required by RCW 59.18.257(1), of:

13 a. the criteria the owner will use to screen prospective occupants and the
14 minimum threshold for each criterion that the potential occupant must meet to move forward in
15 the application process; including any different or additional criteria that will be used if the
16 owner chooses to conduct an individualized assessment related to criminal records.

17 b. all information, documentation, and other submissions necessary for the
18 owner to conduct screening using the criteria stated in the notice required in subsection
19 14.08.050.A.1.a. A rental application is considered complete when it includes all the
20 information, documentation, and other submissions stated in the notice required in this
21 subsection 14.08.050.A.1.b. Lack of a material omission in the application by a prospective
22 occupant will not render the application incomplete.

1 c. information explaining how to request additional time to complete an
2 application to either ensure meaningful access to the application or a reasonable accommodation
3 and how fulfilling the request impacts the application receipt date, pursuant to subsection
4 14.08.050.B and C.

5 d. the applicability to the available unit of the exceptions stated in
6 subsections 14.08.050.A.4.a and b.

7 2. note the date and time of when the owner receives a completed rental
8 application, whether submitted through the mail, electronically, or in person.

9 3. screen completed rental applications in chronological order as required in
10 subsection 14.08.050.A.2 to determine whether a prospective occupant meets all the screening
11 criteria that are necessary for approval of the application. If, after conducting the screening, the
12 owner needs more information than was stated in the notice required in subsection
13 14.08.050.A.1.b to determine whether to approve the application or takes an adverse action as
14 described in RCW 59.18.257(1)(c) or decides to conduct an individualized assessment, the
15 application shall not be rendered incomplete. The owner shall notify the prospective occupant in
16 writing, by phone, or in person of what additional information is needed, and the specified period
17 of time (at least 72 hours) that the prospective occupant has to provide the additional
18 information. The owner's failure to provide the notice required in this subsection 14.08.050.A.3
19 does not affect the prospective occupant's right to 72 hours to provide additional information. If
20 the additional information is provided within the specified period of time, the original
21 submission date of the completed application for purposes of determining the chronological
22 order of receipt will not be affected. If the information is not provided by the end of the specified
23 period of time, the owner may consider the application incomplete or reject the application.

1 4. offer tenancy of the available unit to the first prospective occupant meeting all
2 the screening criteria necessary for approval of the application. If the first approved prospective
3 occupant does not accept the offer of tenancy for the available unit within 48 hours of when the
4 offer is made, the owner shall review the next completed rental application in chronological
5 order until a prospective occupant accepts the owner's offer of tenancy. This subsection
6 14.08.050.A.4 does not apply when the owner:

7 a. is legally obligated to set aside the available unit to serve specific
8 vulnerable populations;

9 b. voluntarily agrees to set aside the available unit to serve specific
10 vulnerable populations, including but not limited to homeless persons, survivors of domestic
11 violence, persons with low income, and persons referred to the owner by non-profit
12 organizations or social service agencies.

13 B. If a prospective occupant requires additional time to submit a complete rental
14 application because of the need to ensure meaningful access to the application or for a reasonable
15 accommodation, the prospective occupant must make a request to the owner. The owner shall
16 document the date and time of the request and it will serve as the date and time of receipt for
17 purposes of determining the chronological order of receipt pursuant to subsection 14.08.050.A.2.
18 The owner shall not unreasonably deny a request for additional time. If the request for additional
19 time is denied, the date and time of receipt of the complete application shall serve as the date and
20 time of receipt pursuant to subsection 14.08.050.A.2. This subsection 14.08.050.B does not
21 diminish or otherwise affect any duty of an owner under local, state, or federal law to grant a
22 reasonable accommodation to an individual with a disability.

1 C. To maintain the prospective occupant's chronological position noted at the time of
2 notice, the owner may require that the prospective occupant provide reasonable documentation
3 of the need for additional time to ensure meaningful access along with the completed application.
4 The owner must notify the prospective occupant at the time the owner grants any request for
5 additional time if the owner will require submission of reasonable documentation. If such notice
6 is given and reasonable documentation is not provided with the completed application, the owner
7 may change the date and time of receipt from when the request was made to the date and time
8 the complete application is submitted. This subsection 14.08.050.C applies only to requests for
9 additional time based on the need to ensure meaningful access to the application. It does not
10 apply to requests for reasonable accommodation.

11 D. First-in-time evaluation

12 The Department shall ask the City Auditor to conduct an evaluation of the impact of the
13 program described in subsections 14.08.050.A-C to determine if the program should be
14 maintained, amended, or repealed. The evaluation shall only be conducted on the basis of the
15 program's impacts after 18 months of implementation. The evaluation should include an analysis
16 of the impact on discrimination based on a protected class and impact on the ability of low-
17 income persons and persons with limited English proficiency to obtain housing. The City
18 Auditor, at their discretion, may retain an independent, outside party to conduct the evaluation.
19 The evaluation shall be submitted to the City Council by the end of 2018.

Section 6. Section 14.08.060 of the Seattle Municipal Code, last amended by Ordinance 121593, is amended as follows:

14.08.060 Discrimination in real estate-related transactions ((=))

It is an unfair practice for any lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any real property, or any other person whose business includes engaging in real estate related transactions, to:

A. Discriminate against any person, prospective occupant, or occupant of real property in the granting, withholding, extending, making available, modifying, or renewing, or in the rates, terms, conditions, or privileges of a real estate related transaction, or in the extension of services in connection therewith; or

B. Discriminate by using any form of application for a real estate related transaction or making any record of inquiry in connection with applications for a real estate related transaction which expresses, directly or indirectly, an intent to discriminate unless required or authorized by local, state, or federal laws or agencies to prevent discrimination in real property; provided that, nothing in this provision shall prohibit any party to a credit transaction from requesting designation of marital status for the purpose of considering application of community property law to the individual case or from taking reasonable action thereon or from requesting information regarding age, parental status, or participation in a Section 8 or other subsidy program when such information is necessary to determine the applicant's ability to repay the loan.

Section 7. Section 14.08.070 of the Seattle Municipal Code, last amended by Ordinance 123527, is amended as follows:

14.08.070 Unfair inquiries or advertisements ((-))

It is an unfair practice for any person to:

A. Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 or other subsidy program, the presence of a disability, or the use of a trained dog guide or service animal by a disabled person in connection with a real estate transaction unless used solely:

1. For making reports required by agencies of the federal, state, or local government to prevent and eliminate discrimination or to overcome its effects or for other purposes authorized by federal, state, or local agencies or laws or rules adopted thereunder,

2. As to “marital status,” for the purpose of determining applicability of community property law to the individual case, or

3. As to “age,” for the purpose of determining that the applicant has attained the age of majority, or in the case of housing exclusively for older persons as described in ((SMC)) subsection 14.08.190E, for the purpose of determining the eligibility of the applicant;

B. Publish, print, circulate, issue, or display, or cause to be published, printed, circulated, issued, or displayed, any communication, notice, advertisement, statement, or sign of any kind relating to a real estate transaction or listing of real property which indicates directly or indicates an intention to make any preference, limitation, or specification based on race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation,

gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, the participation in a Section 8 or other subsidy program, the presence of a disability, or the use of a service animal by a disabled person.

Section 8. Section 14.08.190 of the Seattle Municipal Code, which was last amended by Ordinance 123014, are amended as follows:

14.08.190 Exclusions.

Nothing in this chapter shall:

* * *

B. 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, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person where such factors are not designed, intended or used to discriminate;

* * *

J. Prohibit any person from limiting the rental or occupancy of a dwelling based on the use of force or violent behavior by an occupant or prospective occupant, including behavior intended to produce or incite imminent force or violence to the person or property of the owner, manager, or other agent of the owner ((-)) ; or

K. Be interpreted to restrict a person's obligation or ability to lease or sell real property that has been designated for certain types of tenants or purchasers as part of a government sponsored or legally required low-income housing program or policy, subsidy, voucher, or tax-

1 related program for the provision of affordable housing, to such tenants intended to be served or
2 benefited by such designation or program.

3 * * *

Section 9. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2016, and signed by me in open session in authentication of its passage this ____ day of _____, 2016.

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

Monica Martinez Simmons, City Clerk

(Seal)