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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4061

AN ORDINANCE regarding Fair Housing Practices; prohibiting discrimination based on familial status; and amending Bellevue City Code sections 9.20.010, 9.20.020, 9.20.040, 9.20.050 and 9.20.060; and adding new sections 9.20.041 and 9.20.042.

WHEREAS, Congress has amended federal law to prohibit discrimination in housing based on familial status; and

WHEREAS, the City of Bellevue desires to conform its Fair Housing Practices law with federal law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code 9.20.010 is amended to read as follows:

9.20.010 Declaration of Policy.

Recognizing that discrimination in housing adversely and seriously affects the public health, safety and welfare, and in the belief that all persons, regardless of race, color, religion, ancestry, national origin, sex, familial status, or marital status should be assured an equal opportunity to acquire, use and possess housing facilities within the city, the ordinance codified in this chapter is enacted, and certain practices described as unfair housing practices are prohibited as an exercise of the city's police power and in furtherance and for the protection of the public health, safety and welfare.

Section 2. Bellevue City Code 9.20.020 is amended to read as follows:

9.20.020 Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- A. "Commission" means the Washington State Human Rights Commission.
- B. "Dwelling" includes any building containing one or more dwelling units.

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- C. "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping and preparation of food, and containing toilet and bathing facilities.
- D. "Familial status: means one or more individuals (who have not attained the age of 18 years) being domiciled with --
(1) a parent or another person having legal custody of such individual or individuals; or
(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.
The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- E. "Housing accommodations" includes any dwelling, or dwelling unit, rooming unit, roominghouse, lot or parcel of land in the city which 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.
- F. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair or maintenance of a housing accommodation.
- G. "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control or have the right of ownership, possession, management, charge or control of the housing accommodation, on their own behalf or on behalf of another.
- H. "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.
- I. "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any political subdivision or agency or instrumentality of or in the city.
- J. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed.
- K. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair or maintenance of a housing accommodation.

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- L. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.
- M. "Real estate broker" includes any person who, for a fee, commission or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.
- N. "Real estate agent, salesman or employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.
- O. "Respondent" means any person who is alleged to have committed an unfair housing practice.
- P. "Rooming unit" includes one or more rooms within a dwelling unit or roominghouse containing space for living and sleeping.
- Q. "Unfair housing practice" means any act prohibited by this chapter.

Section 3. Bellevue City Code 9.20.040 is amended to read as follows:

9.20.040 Unfair housing practices designated.

- A. No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of a housing accommodation or other person having the right to sell, rent, lease, sublease, assign, transfer or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of race, color, religion, ancestry, national origin, sex, familial status, or marital status of such person or persons, or discriminate against or segregate any person because of race, color, religion, ancestry, national origin, sex, familial status, or marital status of such person, in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

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- B. A real estate broker, agent, salesman or employee shall not, because of race, color, religion, ancestry, national origin, sex, familial status, or marital status of an occupant, purchaser, prospective occupant or prospective purchaser:
1. Refuse, or intentionally fail to list, or discriminate in listing a housing accommodation for sale, rent, lease or sublease;
 2. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease or sublease;
 3. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation;
 4. Otherwise discriminate against an occupant, prospective occupant, purchaser or prospective purchaser of a housing accommodation.
- C. No person, bank, banking organization, mortgage company, insurance company or other financial institution or 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 housing accommodation shall:
1. Discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, sex, familial status, or marital status of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of, any such financial assistance or in the extension of services in connection therewith; or
 2. Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination of the ground of race, color, religion, ancestry, national origin, sex, familial status, or marital status.
- D. An owner, person, real estate broker, agent, salesman, employee or lender shall not:
1. Require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, national origin, sex, familial status, or marital status in connection with the sale, rental, lease or sublease of any housing accommodation;
 2. Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any

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- communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicate any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, sex, familial status, or marital status;
3. Aid, abet, compel or coerce the doing of any act defined in this chapter as an unfair housing practice; or obstruct or discriminate against a person in any manner because he has complied or proposed to comply with the provisions of this chapter or has filed a complaint, testified or assisted in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter.

Section 4. A new section 9.20.041 is added to Chapter 9.20 of the Bellevue City Code, to read as follows:

9.20.041 Religious organization or private club exemption.

Nothing in this chapter shall prohibit 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 which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 5. A new section 9.20.042 is added to Chapter 9.20 of the Bellevue City Code, to read as follows:

9.20.042 Housing for older persons-exemption.

No provision in this chapter regarding familial status applies with respect to housing for older persons.

As used in this section, "housing for older persons" means housing --
A. provided under any state or federal program that the Compliance Officer determines is specifically designed and operated to assist

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- B. elderly persons (as defined in the state or federal program); or intended for, and solely occupied by, persons 62 years of age or older; or
- C. intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Compliance Officer shall consider the following factors:
 1. the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 2. that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and
 3. the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing shall not fail to meet the requirements for housing for older persons by reason of:

- A. persons residing in such housing as of the date of enactment of this ordinance who do not meet the age requirements of subsections (2)(B) or (C): Provided, That new occupants of such housing meet the age requirements of subsections (A)(B) or (C) above; or
- B. Unoccupied units: Provided, That such units are reserved for occupancy by persons who meet the age requirements of subsections (B) or (C).

Nothing in this chapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Section 6. Bellevue City Code 9.20.050 is amended to read as follows:

9.20.050 Enforcement procedures

- A. A complaint alleging an unfair housing practice shall be in writing and signed by the charging party, describing the unfair housing practice complained of, and must be filed within six months of the occurrence of the alleged unfair housing practice by:
 1. Any person, or the person's attorney, when the person claims to be aggrieved by an unfair housing practice;
 2. The Compliance Officer or city attorney, whenever the Compliance Officer or city attorney has reason to believe an unfair housing practice has been or is being committed;

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3. A state or federal agency concerned with discrimination in housing, whenever it has reason to believe an unfair housing practice has been or is being committed.
- B. Complaints shall be filed with the Compliance Officer, who shall be appointed by the City Manager. A complaint shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the information requirements necessary for processing.
- C. Notice of the complaint, including date, place and circumstances of the alleged unlawful practice, shall be served upon the respondent and a copy thereof shall be filed with the city attorney.
- D. An investigation into the allegations contained in the complaint shall be made by the Compliance Officer, and the results thereof reduced to written findings of fact. A finding shall be made, based upon a preponderance of the evidence obtained in the investigation, that there is or is not reasonable cause to believe that an unfair housing practice has been or is being committed.
- E. If a finding is made that there is no reasonable cause, the finding shall be furnished to the charging party and to the respondent. Within thirty days after the receipt of the finding, the charging party shall have the right to appeal such finding to the Washington State Human Rights Commission by filing a written statement of appeal with it. In the event that no appeal is taken or such appeal is unsuccessful, the complaint shall be dismissed.
- F. If the finding is made initially or on appeal that reasonable cause exists to believe that an unfair housing practice has occurred, the Compliance Officer shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement the elimination of the unfair housing practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures or such other requirements as may lawfully be agreed upon by the parties and the Compliance Officer. Any settlement agreement shall be reduced to writing and signed by the respondent and the Compliance Officer. Copies of such agreements shall be delivered to all affected parties and the city attorney and the original thereof filed with the city clerk. If no agreement can be reached, a finding that effect shall be made and reduced to writing, with a copy thereof furnished to the charging party, the respondent, and the city attorney.
- G. In case of failure to reach agreement for the elimination of such unfair practice, and upon the entry of a finding to that effect, the complaint and any and all findings made shall be certified by the Compliance Officer to the city attorney.

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H. The city attorney may institute legal proceedings on the basis of a complaint filed under this chapter.

Section 7. Bellevue City Code 9.20.060 is amended to read as follows:

9.20.060 Violation - Penalty

- A. Civil remedies. The violation or failure to comply with any of the provisions of this chapter is declared to be unlawful.
- B. Civil penalty. Any person who violates or fails to comply with any of the provisions of this chapter shall be subject to a civil penalty not exceeding five hundred dollars for each day or portion thereof that the unlawful act or omission has continued.
- C. Criminal penalty. Any person who violates or fails to comply with the provisions of this chapter is guilty of a misdemeanor. Each day or portion thereof upon which the unlawful act or omission occurs constitutes a separate offense.

Section 8. This ordinance shall take effect and be in force thirty days after final passage by the Council.

PASSED by the City Council this 2nd day of October, 1989, and signed in authentication of its passage this 2nd day of October, 1989.

(SEAL)

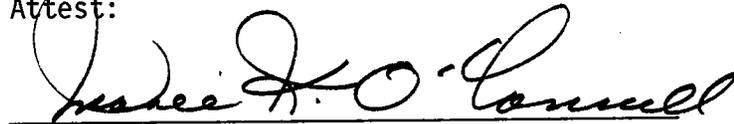

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard G. Bidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

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