

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6195

AN ORDINANCE amending the Fair Housing Practices Code of the City of Bellevue, amending portions of Chapter 9.20 (Fair Housing Practices) of the Bellevue City Code, clarifying protections from discrimination in housing, and establishing a process for requesting reasonable accommodation.

WHEREAS, the City of Bellevue recognizes that discrimination in housing adversely and seriously affects the public health, safety, and welfare; and

WHEREAS, the City's Fair Housing Practices code (Chapter 9.20 BCC) has not been updated since 1990; and

WHEREAS, certain terminology used in Chapter 9.20 BCC is either outdated or inconsistent with the Federal Fair Housing Act and Washington State Laws Against Discrimination; and

WHEREAS, it is important to provide clarity regarding the process by which a person claiming to have a handicap can request a reasonable accommodation; and

WHEREAS, the City Council of the City of Bellevue finds that the amendments contained herein are necessary to protect individuals from unlawful discrimination in housing; now, therefore,

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

Section 1. Section 1. Section 9.20.010 of the Bellevue Fair Housing Practices Code is hereby 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, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 status (see BCC 9.20.045) 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. Section 9.20.020 of the Bellevue Fair Housing Practices Code is hereby 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. "Disability" means:

1. A physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;
2. A person has a record of having such an impairment;
3. A person is regarded as having such an impairment; or
4. A person has any other condition that is a disability under the Washington State Law Against Discrimination, Chapter 49.60 RCW, as it pertains to real estate and housing.

"Disability" does not include current illegal use of a controlled substance as defined in Section 102 or 21 USC Section 802 now or as hereafter amended.

C. "Dwelling" includes any building containing one or more dwelling units.

D. "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.

E. "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.

F. "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.

G. "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.

H. "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.

I. "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.

J. "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.

K. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed.

L. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair or maintenance of a housing accommodation.

M. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.

N. "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.

O. "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.

P. "Respondent" means any person who is alleged to have committed an unfair housing practice.

Q. "Rooming unit" includes one or more rooms within a dwelling unit or roominghouse containing space for living and sleeping.

R. "Section 8 status" means the act of possessing a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974, and the intent of a rental applicant to rent a dwelling unit pursuant to such voucher or certificate, subject to the provisions of BCC 9.20.045.

S. "Unfair housing practice" means any act prohibited by this chapter.

Section 3. Section 9.20.040 of the Bellevue Fair Housing Practices Code is hereby 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, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 status of such person or persons or discriminate against or segregate any person because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identify, disability, 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.

B. A real estate broker, agent, salesman or employee shall not, because of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 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, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 status, or 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 on the ground of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 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, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 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 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, sexual orientation, gender identity, disability, familial status, marital status, veteran/military status, or Section 8 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.

E. For purposes of discrimination based on handicap, discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

Nothing in this subsection E requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Section 4. The Bellevue Fair Housing Practices Code is hereby amended to add a new Section 9.20.042, to read as follows:

9.20.042 Reasonable accommodation.

Requests for reasonable accommodation by any person claiming to have a handicap, or someone acting on his or her behalf, shall be processed at no cost under Part 20.30T of Title 21 (Land Use Code) of the Bellevue City Code, as now exists or is hereafter amended.

Section 5. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 6. This ordinance shall take effect and be in force five (5) days after legal publication.

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Passed by the City Council this 17th day of November, 2014
and signed in authentication of its passage this 17th day of November,
2014.

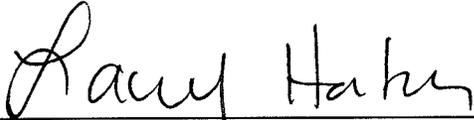
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Claudia Balducci, Mayor

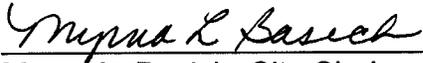
Approved as to form:

Lori M. Riordan, City Attorney



Lacey Hatch, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published November 20, 2014.