



City Council Study Session

January 30, 2017 - 5:30 PM

Auburn City Hall

AGENDA

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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Human Services Workshop* (Hinman)

An overview of the City's Human Services activities.

B. Resolution No. 5279* (Hinman)

A Resolution of the City Council of the City of Auburn, Washington, temporarily reducing Building, Planning and Engineering related fees and temporarily reducing Park Impact Fees (PIF) for the period from the effective date of this Resolution through December 31, 2017, for development projects on certain real property described herein for which completed applications have been submitted

C. Income and Voucher Discrimination and Safety for Diverse Communities

IV. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

*Denotes attachments included in the agenda packet.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Human Services Workshop

Date:

January 25, 2017

Department:

Administration

Attachments:

[17-18 Human Services Funding](#)

[17-18 Share1App COA Supplemental](#)

[Source of Income Discrimination](#)

[Kent SOID](#)

[Renton SOID](#)

[Tenant Protection Issues](#)

[SOID other cities](#)

Budget Impact:

\$0

Administrative Recommendation:

For discussion only.

Background Summary:

Overview and discussion of the City's Human Services activities, including general fund Human Services priorities and funding, Community Services, Human Services Committee, source of income discrimination endeavors throughout the region and collaboration with regional housing partnerships.

Reviewed by Council Committees:**Councilmember:****Staff:**

Hinman

Meeting Date: January 30, 2017

Item Number: DI.A

Agency/Program	Recommendation
1. Apprenticeship & Non-traditional Employment for Women (ANEW)	\$5,000
2. Auburn Pregnancy Aid	\$5,500
3. Auburn Respite	\$10,000
4. Auburn Youth Resources: Drop-In	\$30,000
5. Birth to Three Developmental Center	\$15,000
6. Catholic Community Services: Emergency Assistance	\$10,000
7. Catholic Community Services: HOME	\$16,500
8. Catholic Community Services: Katherine's House & Rita's House	\$5,500
9. Catholic Community Services: CHORE Services	\$6,000
10. Child Care Resources: Child Care Consumer Education & Provider Quality Improvement	\$5,000
11. Children's Home Society: Auburn Family Resource Center	\$15,000
12. Children's Therapy Center: Special Needs	\$10,800
13. Christ Community Free Clinic	\$15,000
14. Communities in Schools: Students in Need	\$8,000
15. Consejo Counseling & Referral Service: DV Community Advocacy Program	\$10,000
16. Courage360: Employment Services Continuum	\$5,000
17. Crisis Clinic: Crisis Line	\$1,000
18. Crisis Clinic: King County 2-1-1	\$5,000
19. Crisis Clinic: TeenLink	\$2,500
20. DAWN: Community Advocacy Program (CAP)	\$3,000
21. DAWN: Housing	\$10,000
22. DAWN: Prevention	\$5,000
23. Eastside Legal Assistance Program: Legal Services	\$5,000
24. International Community Health Services: Dental	\$5,000
25. King County Bar Association: Pro Bono Services	\$2,000
26. King County Sexual Assault Resource Center: Comprehensive Sexual Assault Services	\$22,500
27. Multi-Service Center: Shelter & Transitional Housing	\$8,000
28. Orion: Employment Services	\$20,000
29. Pediatric Interim Care Center: Interim Care of Drug-Exposed Infants	\$12,000
30. Seattle-King County Dept. of Public Health: SKC Mobile Medical Program	\$12,000
31. Sound Generations: Meals on Wheels	\$7,000
32. Sound Generations: Volunteer Transportation	\$5,000
33. Sound Mental Health: Child & Family Community Services	\$10,000
34. Sound Mental Health: Low Income Counseling	\$10,000
35. Sound Mental Health: PATH Homeless Outreach	\$7,500
36. South King Council of Human Services: Capacity Building	\$7,000
37. South King County St. Vincent de Paul Stores: Emergency Services	\$15,000
38. St. Stephen Housing Association:	\$10,000
39. The Auburn Food Bank	\$35,000
40. Treehouse: Graduation Success	\$5,000

41. Ukrainian Community Center of Washington: Refugee Assistance	\$7,500
42. Ukrainian Community Center of Washington: Crisis Family Intervention Program	\$5,000
43. YWCA Seattle-King-Snohomish: Children's Domestic Violence	\$5,000
44. YWCA Seattle-King-Snohomish: Domestic Violence	\$20,000
45. YWCA Seattle-King-Snohomish: Auburn Transitional Housing	\$14,000
46. YWCA Seattle-King-Snohomish: Emergency Housing	\$4,000
<i>TOTAL 2017-2018 RECOMMENDATIONS</i>	\$452,300



City of Auburn
Community Services Division
Dana Hinman, Director of Administration
25 West Main Street
Auburn, WA 98001

Erica Azcueta, Human Services Coordinator
(253) 876-1965 eazcueta@auburnwa.gov
Emily Pearson, Community Services Assistant
(253) 931-3096 epearson@auburnwa.gov

YEARS COVERED BY THIS APPLICATION PROCESS

Calendar years 2017 and 2018.

APPROXIMATE FUNDING AVAILABLE

Cities may want to refer to past/current funding levels and expectations of changes to those levels. If you are a CDBG entitlement city, include that funding amount information here as well.

In 2015-2016 Auburn allocated approximately \$550,000/year (including \$60,000 of CDBG). The City does not anticipate a significant increase in available General Fund dollars for 2017-2018.

APPLICATION ASSISTANCE

Provide primary (and secondary if you have it) staff contact information and specify if staff have a preferred means of contact (e.g. email or phone).

City of Auburn staff is available to help with any questions related to the City's process and/or answer questions you may have about the content of the application. Please submit your questions, via email whenever possible, to Erica Azcueta at eazcueta@auburnwa.gov or Emily Pearson at epearson@auburnwa.gov; if a phone call is necessary, please call (253) 931-3096.

APPLICATION REVIEW PROCESS

Provide the general process and any key milestones for application review, funding decisions, and agency notifications.

Applications will be reviewed by the Auburn Human Services Committee, a 7-member volunteer board appointed by the Mayor and approved by the City Council. Committee recommendations are expected by September with consideration by City Council planned for October. Final allocation amounts will be approved and adopted as part of the overall City budget. City of Auburn staff will notify agencies of final allocations following City Council approval, which is expected by late November. Awarded funds will be available January 1, 2017, which is the start of the fiscal and program year.

FUNDING CRITERIA

Provide eligibility criteria and information about grant amounts to request, funding priorities, and/or scoring here.

In order to be considered for funding, agencies must:

1. Meet minimum insurance requirements:
 - a. Maintain/provide general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence by bodily injury, personal injury, and property damage, and for those policies with aggregate limits, a \$2,000,000 aggregate limit

- b. In the event that the contracted services involve or require professional services provide professional liability insurance in the minimum amount of \$1,000,000 per claim and in the aggregate
2. Be willing and able to accept reimbursement for funds.
3. Regularly track and submit required reports regarding services and demographics.

In general, the City Auburn recognizes the need to support agencies that meet basic human service needs and welcomes applications from agencies that provide such services to Auburn residents. Those programs best able to demonstrate solid outcomes for participants will be viewed most favorably. In addition, the committee will use elements of the City of Auburn Comprehensive Plan to guide its funding decisions.

APPLICATION SUBMITTAL INFORMATION

Deadline

All applications are due on Thursday, 4/7/16 by 4:30 PM, Pacific Time and must be submitted online through share1app.culturegrants.org. Late applications will not be accepted.

Source of Income Discrimination Protection (SOID)

Description

In a competitive housing market, Section 8 voucher holders and people whose primary income comes from public assistance often face discrimination in the private market, making it difficult for them to access housing. Source of Income Discrimination (SOID) disproportionately affects African Americans, who make up the majority of Section 8 voucher recipients in Washington State, as well as people with disabilities, veterans, and elderly people. Under the [Fair Housing Act](#) and the [Washington Law Against Discrimination](#), it is already illegal for landlords to discriminate based on gender, race, ethnicity, religion, familial status and other characteristics. Local and state legislation to prevent discrimination based on source of income can decrease barriers to accessing housing.

Tool Highlights

- ✓ Expands anti-discrimination laws
- ✓ Increases access to housing for vulnerable and very low income residents
- ✓ Increases success of public benefit programs
- ✓ *Target Population: 50% AMI & Below*

Benefits

This policy ensures that people already facing high barriers to housing are not discriminated against and have access to available housing that they can afford. A 2001 study showed that Section 8 voucher holders experience higher success rates in areas with SOID Protection legislation in place.¹ Without SOID protection, many public benefit programs cannot achieve their goals of stabilizing individuals and preventing homelessness.

Agencies that work with Section 8 voucher holders in South King County report an increase in difficulty for their clients finding housing in the tight rental market of 2016. Recently in Renton, at least 65 families, many of whom were long-time renters in their units, received notice that their apartment complexes would no longer accept vouchers from any tenants, and the families would need to move out². The difficulty of locating permanent housing even for individuals and families who have both a voucher and money available for move in expenses can put a strain on local shelter systems that are already at capacity³.

Considerations for Implementation

This policy is relatively easy to enact from a technical perspective. However, the policy will likely face political opposition from the property owner and management community. When implementing, it is important to consider how that ordinance will be enforced and what consequences landlords may face if they violate the ordinance. Advocates in Washington State have been working for many years to pass SOID legislation at the state level.

¹ Meryl Finkel and Larry Buron, "Study on Section 8 Voucher Success Rates: Volume I Quantitative Study of Success Rates In Metropolitan Areas," Abt Associates, Cambridge, MA, 2001, <http://www.huduser.gov/publications/pdf/sec8success.pdf>.

² <http://www.seattletimes.com/seattle-news/we-are-very-disturbed-low-income-renters-losing-affordable-housing-in-renton/>

³ <http://kuow.org/post/seattle-shelters-are-so-crowded-some-people-sleep-chairs>

Application:

Redmond: After one of Redmond's large property owners, a national company called Archstone, terminated tenancies of all their Section 8 voucher holders throughout the country, the [Tenants Union](#) and the [Northwest Justice Project](#) started organizing to fight for the tenants who lost housing. Archstone responded to the public pressure and reinstated the residents, however only three of the residents returned to Archstone housing, one after temporarily being homeless. After this incident, Redmond City Council recognized the importance of protecting residents in their city against source of income discrimination. In February 2012, Redmond City Council went on to pass [Ordinance 2645](#) which bans discrimination against Section 8 voucher holders.

Enacted Ordinances (see city municipal codes for full ordinance text)

Redmond (Ordinance 2645): "No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development."

Seattle (Ordinance 125114): "...it is illegal in 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 of income, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person." "...“Alternative source of income” means lawful, verifiable income derived from sources other than wages, salaries, or other compensation for employment. It includes but is not limited to monies derived from Social Security benefits, supplemental security income, unemployment benefits, other retirement programs, child support, the Aged, Blind or Disabled Cash Assistance Program, Refugee Cash Assistance, and any federal, state, local government, private, or nonprofit-administered benefit program."

Vancouver (VMC 8.45): "No person shall refuse to rent a dwelling unit to any rental applicant on the basis that the applicant proposes to rent such unit with a "source of income" as defined in this Chapter." ...“Source of income” includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local, or nonprofit-administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance programs. "Source of income" does not include income derived in an illegal manner."

Resources

- Galvez, Martha. [What do We Know About Housing Choice Voucher Program Location Outcomes: A Review of Recent Literature](#). What Works Collaborative. Aug. 2010.
- Finkel, Meryl, and Larry Buron. "Study on Section 8 Voucher Success Rates: Volume I Quantitative Study of Success Rates In Metropolitan Areas." Cambridge, MA: 2001.
- Poverty & Race Research Action Council. [Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program, APPENDIX B: State, Local, and Federal Laws Barring Source-of-Income Discrimination](#). Updated March 2015.
- Washington Low Income Housing Alliance. ["Provide Choice & Mobility for Renters: Outlaw Discrimination."](#) Jan. 23, 2015.
- Tenants Union of Washington State. ["Source of Income Discrimination."](#) Accessed Sept. 9, 2015



Agenda Item: Consent Calendar – 7E

TO: City Council

DATE: January 17, 2017

SUBJECT: Housing, Source of Income Discrimination Ordinance – Adopt

MOTION: Adopt Ordinance No. _____, establishing a prohibition on source of income discrimination in housing based on use of income from any government subsidy program, and adopt Chapter 10.01 of the Kent City Code, entitled "Unfair Housing Practices."

SUMMARY: At the August 13, 2016, City of Kent Strategic Plan Mini-Retreat, the September 12, 2016, meeting of the Economic and Community Development Committee and the November 29, 2016, Special City Council Workshop, staff presented information pertaining to barriers faced by low-income residents who are seeking rental housing. The Council directed staff to provide a comparison chart of what other cities are doing, and to prepare an ordinance prohibiting housing discrimination based on Section 8 vouchers as a source of income (SOID) with an optional clause or section that would extend the prohibition to other government subsidies.

Two draft ordinances were presented to the Economic and Community Development Committee on January 9, 2017. One prohibited discrimination based only on use of a Section 8 housing voucher or certificate, and the other prohibited discrimination based on the use of any subsidy. The Committee unanimously recommended that the Council adopt an ordinance prohibiting discrimination based on the use of any subsidy and that the exceptions in section 10.01.040 be clarified to expressly include accessory dwelling units.

The continuing trends of low vacancy rates and increasing rent costs across the Puget Sound region are making it very difficult for low-income families to find and maintain housing in Kent and our neighboring cities. The attached ordinance prohibits discrimination based solely on use of any subsidy income source, such as Section 8 vouchers, Social Security income, veteran housing subsidies, or housing assistance for people with disabilities.

EXHIBITS: Ordinance

RECOMMENDED BY: Economic and Community Development Committee

YEA: Ralph, Budell, Boyce **NAY:**

BUDGET IMPACTS: None

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting Chapter 10.01 of the Kent City Code, enacting "Source of Income Discrimination" residential rental regulations prohibiting discrimination on the basis of government subsidies, imposing penalties, and establishing an appeal process.

RECITALS

A. The City of Kent recognizes that discrimination in housing adversely and seriously affects the health, safety, and welfare of the community.

B. There are several government programs that assist very low-income families, the elderly, veterans, and people with disabilities with financial subsidies that allow them to afford decent, safe, and sanitary housing in the private market.

C. A significant number of people have difficulty securing adequate rental housing without financial assistance, and it is essential to assure that housing is available to those people.

D. Rental rates are rapidly rising in the Puget Sound region, and the number of affordable units is decreasing as rents increase. This provides landlords with an opportunity to disfavor rentals to those receiving government assistance.

E. When families lose their homes as a result of income source based discrimination, they often lack funds to move, risk being unable to find replacement housing close to their workplace, risk becoming homeless, and risk disruption to their children's education and social development by being forced to move away from their friends and schools.

F. City and countywide planning policies seek to promote fairness in housing for residents of all abilities, ages, races, and incomes.

G. Participation by landlords in these housing assistance programs provides a reliable, steady source of rental income.

H. Some state financial assistance programs are only available to landlords in cities that have passed ordinances that prohibit denying tenancy based solely on the applicant's source of income.

I. The Kent City Council has determined that prohibiting landlords from denying tenants the opportunity to rent housing solely because the tenant proposes to use government financial assistance will promote the health, safety, and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - *New Chapter.* Title 10 of the Kent City Code is amended by adding a new chapter 10.01, entitled "Unfair Housing Practices," to read as follows:

CHAPTER 10.01
UNFAIR HOUSING PRACTICES

Sec. 10.01.010. Source of Income Discrimination Prohibited.

Property owners, property managers, landlords, and their agents, who rent or lease dwelling units may not refuse to rent or lease a dwelling unit to any tenant or prospective tenant or otherwise discriminate or retaliate against that person solely on the basis that the person proposes to pay a portion of the rent from a "source of income" as defined in this Chapter.

Sec. 10.01.020. Definitions.

A. "Source of income" includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local, or nonprofit-administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance programs. "Source of income" does not include income derived in an illegal manner;

B. Other terms used in this Chapter shall be defined as set forth in the Residential Landlord Tenant Act, Chapter 58.19 RCW.

Sec. 10.01.030. Applicability. Nothing in this chapter will apply if the dwelling unit does not qualify for participation in the tenant's "source of income" program. However, any property owner or manager that refuses to rent a dwelling unit to a person based upon the proposed use of funds from a "source of income" must notify that person in writing of the reasons why the dwelling unit is ineligible for participation in the particular "source of income" program. Refusal to allow a health and safety inspection of the property by a public housing authority will not be considered a legitimate basis for refusing to rent due to program ineligibility.

Sec. 10.01.040. Exceptions. This Chapter shall not:

- A. Apply to the renting, leasing, or subleasing of a portion of a single-family dwelling, where the owner or person entitled to possession maintains a permanent residence, home or abode in the same dwelling, or an accessory dwelling unit; or
- B. Deny any person from making a choice among prospective tenants on the basis of factors other than the source of income.

Sec. 10.01.050. Penalties.

A. *Civil violation.*

1. The violation of any provision of this chapter is a civil violation as provided for in Chapter 1.04 KCC, for which a monetary penalty may be assessed and abatement may be required.

2. Any penalty due and unpaid and delinquent under this chapter will constitute a debt of the city. The city may, pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid license fees, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

Sec. 10.01.060. Appeals.

A. Any person ordered to pay a civil penalty pursuant to KCC 10.01.050 may appeal the penalty by filing with the City Clerk a written appeal. Appeals shall be in writing and contain the following information:

- 1. Appellant's name, address, phone number, and email address;

2. Appellant's statement describing his or her standing to appeal;
3. Identification of the summary of decision which is the subject of the appeal;
4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
5. The relief sought, including the specific nature and extent; and
6. A statement affirming that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

B. To be valid, the appeal must be received and date stamped by the City Clerk's office no later than fourteen (14) calendar days after the penalty was issued. The City Clerk will forward all timely appeals to the Economic and Community Development Director or designee.

C. The Director, or designee, will review the appeal and either affirm or repeal the order imposing the civil penalty based upon written findings of fact and conclusions of law. The Director, or designee, may reduce the amount of the civil penalty upon a finding that the violation did not occur in bad faith and any known victims of the violation have been fully compensated for damages suffered as a result of the violation. The Director, or designee, may request additional information necessary to make the decision and/or choose to hold an informal hearing to solicit evidence.

D. If the penalty is not repealed, the person who has been ordered to pay the civil penalty may appeal the Director's decision to the Hearing Examiner pursuant to the process set forth in KCC Chapter 1.04. Appeals

must be accompanied by an appeal fee as set by the city council. The City shall have the burden of proof to establish the violation by a preponderance of the evidence.

SECTION 2. – *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. – *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 4. – *Effective Date.* This ordinance shall take effect and be in force thirty (30) days from and after its passage, as provided by law.

SUZETTE COOKE, MAYOR

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: _____ day of _____, 2017.

APPROVED: _____ day of _____, 2017.

PUBLISHED: _____ day of _____, 2017.

I hereby certify that this is a true copy of Ordinance No. _____
passed by the City Council of the City of Kent, Washington, and approved
by the Mayor of the City of Kent as hereon indicated.

_____(SEAL)
KIMBERLEY A. KOMOTO, CITY CLERK

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5826

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING TITLE VI (POLICE REGULATIONS) OF THE RENTON MUNICIPAL CODE, BY ADOPTING A NEW CHAPTER 6-32, ENTITLED FAIR HOUSING REGULATIONS, TEMPORARILY PROHIBITING PROPERTY OWNERS AND PROPERTY MANAGERS FROM DISCRIMINATING AGAINST TENANTS OR POTENTIAL TENANTS ON THE BASIS OF PARTICIPATION IN A SECTION 8 HOUSING CHOICE PROGRAM, ESTABLISHING PENALTIES AND AN APPEAL PROCESS, AND DECLARING AN EMERGENCY AND IMMEDIATE NEED FOR THIS ORDINANCE TO TAKE EFFECT UPON PASSAGE.

WHEREAS, a significant number of people are not able to secure adequate rental housing without financial assistance, such as that provided pursuant to a Section 8 housing choice voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437f) ("Act"); and

WHEREAS, there are limited quantities of dwelling units available for rent to those using government assistance and the number of available units is decreasing as rents increase and landlords are increasingly discriminating against and refusing to rent to those receiving government assistance; and

WHEREAS, people receiving government assistance for housing are among Renton's most vulnerable population; and

WHEREAS, when families lose their homes as a result of income source based discrimination, they lack funds to move, risk being unable to find replacement housing close to their workplace, risk becoming homeless, and their children risk disruption to their education and social development by being forced to move away from their friends and schools in the middle of the school year; and

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WHEREAS, it is essential to assure that housing is available to persons who need financial assistance to secure decent housing; and

WHEREAS, there is currently state legislation planned to be introduced in the 2017 legislative session that would, if passed, help to address income source discrimination; and

WHEREAS, with winter approaching, children in the middle of their school year, and an alarming increase in the number of landlords refusing to accept Section 8 housing choice vouchers, it is necessary and appropriate to take immediate action to prohibit landlords from discriminating solely on the basis of a tenant or potential tenant's source of income; and

WHEREAS, participation by landlords in government assistance housing programs is not burdensome and provides a reliable steady source of income; and

WHEREAS, the Washington State Department of Commerce operates a landlord mitigation program that provides financial resources to landlords in order to mitigate damages that may be caused by tenants in the Section 8 housing choice voucher program; however, such resources are only available to landlords in jurisdictions that pass ordinances that prohibit income source discrimination; and

WHEREAS, the City Council intends to continue to monitor state legislation and further examine alternative and additional opportunities to partner with other agencies and landlords to protect our vulnerable populations from discrimination and provide an adequate supply of affordable housing in a way that respects the interests of all involved parties; and

WHEREAS, the City Council needs time for it and the City administration to fully study the issue and include all stakeholders, including landlords of all housing types, before adopting final legislation; and

WHEREAS, unmitigated risks posed by income source discrimination constitute a public emergency, and it is necessary for immediate preservation of public peace, health, and safety to impose a temporary prohibition on income source discrimination;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION I. Title VI (Police Regulations) of the Renton Municipal Code, is amended to adopt a new Chapter 6-32, Fair Housing Regulations, to read as follows:

**CHAPTER 32
FAIR HOUSING REGULATIONS**

SECTION:

- 6-32-1: Income Source Discrimination Prohibited
- 6-32-2: Applicability To Housing Choice Vouchers and Certificates
- 6-32-3: Exceptions
- 6-32-4: Penalties
- 6-32-5: Appeals
- 6-32-6: Civil Remedy

6-32-1 INCOME SOURCE DISCRIMINATION PROHIBITED:

Property owners, property managers, landlords, and their agents, who rent or lease dwelling units shall not refuse to rent or lease a dwelling unit to any tenant or potential tenant or otherwise discriminate or retaliate against such person solely on the basis that the person proposes to pay a portion of the rent using a Section 8 housing choice voucher or certificate issued under the Housing and

Community Development Act of 1974 (42 U.S.C. 1437f). "Dwelling unit" shall have the meaning set forth in RMC 4-11-040.

This Section shall only be effective through August 1, 2017.

6-32-2 APPLICABILITY TO HOUSING CHOICE VOUCHERS AND CERTIFICATES:

The prohibition in RMC Section 6-32-1 does not apply with respect to the use of a Section 8 housing choice voucher or certificate if the dwelling unit does not qualify for participation in such program according to applicable public housing authority guidelines. This may include disqualification due to monthly lease amounts or other lease terms. However, refusal to allow a health and safety inspection of the property by the public housing authority shall not serve as a basis for denying the use of a Section 8 voucher or certificate. Any property owner or manager that refuses to rent a dwelling unit to a person based upon the proposed use of a Section 8 housing choice voucher or certificate shall notify such person in writing of the reasons why the dwelling unit is ineligible for participation in the Section 8 housing choice voucher or certificate program. The written notice shall specify the specific condition of the property or lease terms that disqualify the dwelling unit from participation in the Section 8 housing choice or certificate program. Such condition or terms are not a defense to the application of RMC 6-32-1 if the dwelling unit is offered to others with terms and conditions that would make the dwelling unit eligible for the Section 8 program.

6-32-3 EXCEPTIONS:

Nothing in this chapter shall:

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A. Apply to the renting, subrenting, leasing, or subleasing a portion of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode therein;

B. 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 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 the basis of race, color, national origin or other illegal discriminatory basis;

C. Be construed to prohibit treating people with disabilities more favorably than people who do not have disabilities; or

D. Be construed to protect criminal conduct.

6-32-4 PENALTIES:

A. A violation of this Chapter is punishable by an order imposing a civil penalty in the amount of one thousand dollars (\$1,000). A second violation of this Chapter by the same person within a two (2) year period is punishable by a civil penalty in the amount of two thousand five hundred dollars (\$2,500). Any order imposing a civil penalty pursuant to this section shall summarize the factual and legal basis for the violation and notify the recipient of the right to appeal the fine pursuant to RMC Section 6-32-5.

B. A third violation of this Chapter by the same person within a three (3) year period is be punishable as a gross misdemeanor with a jail sentence of up to three hundred sixty-four (364) days and up to a five thousand dollar (\$5,000) fine, plus restitution.

6-32-5 APPEALS:

A. Any person ordered to pay a civil penalty pursuant to RMC Section 6-32-4 may appeal the penalty by filing with the City Clerk a written appeal setting forth the legal and factual basis for the appeal and identifying the City order in which the penalty is assessed. Such identification may be done by referencing a City tracking number that was included on the order and/or providing a copy of the order with the appeal. To be considered, the appeal must be received and date stamped by the City Clerk's office no later than fourteen (14) days after the fine was issued. The City Clerk will forward all timely appeals to the Community and Economic Development Administrator, or designee.

B. The Administrator, or designee, will review the appeal and either affirm or repeal the order imposing the civil penalty based upon written findings and fact and conclusions of law. The Administrator, or designee, may reduce the amount of the civil penalty upon a finding that the violation did not occur in bad faith and any known victims of the violation have been fully compensated for damages suffered as a result of the violation. The Administrator, or designee, may request additional information necessary to make the decision and/or choose to hold an informal hearing to solicit evidence.

C. If the penalty is not repealed, the person who has been ordered to pay the civil penalty may appeal the Administrator's decision to the Hearing Examiner pursuant to the process in RMC 4-8-110.E. The City shall have the burden of proof to establish the violation by a preponderance of the evidence. No appeal fee shall be required.

6-32-6 CIVIL REMEDY:

Any person who has been damaged by a violation of RMC Section 6-32-1 may seek to recover civil damages in a court of competent jurisdiction to the extent such action is allowed by law.

SECTION II. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION III. This ordinance being passed by a unanimous City Council with a finding urgency required by RCW 35A.11.090(2), and hereby being declared a public emergency ordinance pursuant to RCW 35A.12.130, shall be in full force and effect immediately upon passage. A summary of this ordinance, consisting of this ordinance's title, shall be published in the City's official newspaper.

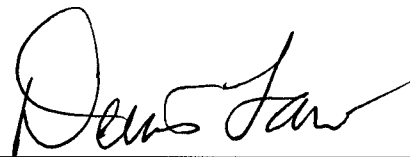
PASSED BY THE CITY COUNCIL this 7th day of November, 2016.



Jason A. Seth, City Clerk

ORDINANCE NO. 5826

APPROVED BY THE MAYOR this 7th day of November, 2016.



Denis Law, Mayor

Approved as to form:



Lawrence J. Warren, City Attorney

Date of Publication: 11/11/2016 (summary)

ORD:1949:11/7/16:scr



Tenant Protections Issues

Section 8 | Source of Income | Move-In Fee Caps
| Just Cause Eviction | Notice of Rent Increase

Section 8 vouchers

Expanding protected class protections to renters based on their use of Section 8 vouchers:

- Voucher holders screened to same criteria as all others; decision not based on voucher
- **RHAWA concerns:**
 - Inspections issue
 - Setting/increasing rents can be problematic
- **RHAWA alternatives:**
 - Landlord Liaison Project
 - Landlord mitigation fund
 - Streamlining of Section 8 rental process

Source of Income

Seattle and Vancouver have enacted source of income protections:

- Social Security benefits, supplemental security income, unemployment benefits, other retirement programs, child support, any federal, state, local government, private or nonprofit-administered benefit program.
- Tenant income qualifications based only on rent co-pay
- Short-term vouchers included in protections (Seattle)
- **RHAWA concerns:**
 - Increased evictions
 - Increased screening criteria to mitigate risk

Move-In Fee Caps

Seattle proposal which would:

- Cap move-in fees at no more than one month's rent (security deposit and non-refundable fees combined)
- 6-month payment required at request of tenant
- **RHAWA concerns:**
 - Greatly impacts small owners
 - Tenant-performance dis-incentivized
 - Legal concerns
- **RHAWA alternatives:**
 - Funding of deposit loans and damages mitigation funds

Just Cause Eviction

Seattle ordinance which dictates how/when month-to-month tenancies may be terminated

- Courts have upheld JCE does apply to term leases
- **RHAWA concerns:**
 - Drags out termination process; impacts other renters
 - Costly to landlord
 - Less flexibility for tenants

Notice of rent increase

Seattle and Vancouver ordinances require additional notification of rent increase for increases of 10% or more (60 & 45 days, respectively):

- **RHAWA concerns:**
 - State landlord-tenant act governs, and requires only 30 days notice
 - Legal concerns: Rent control issue

Questions?

Sean Martin, RHAWA External Affairs Director

206-905-0609

smartin@rhawa.org

www.rhawa.org

Kirkland:

Chapter 7.74 FAIR HOUSING REGULATIONS

Sections:

- [7.74.010](#) Refusal to rent based solely on Section 8 voucher or certificate request prohibited.
- [7.74.020](#) Exceptions.
- [7.74.030](#) Enforcement.

7.74.010 Refusal to rent based solely on Section 8 voucher or certificate request prohibited.

No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 ([42 U.S.C. 1437f](#)); provided, this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in KZC [5.250](#). (Ord. 4384 § 2 (part), 2013)

7.74.020 Exceptions.

(a) Nothing in this chapter shall:

- (1) Apply to the renting, subrenting, leasing, or subleasing of a portion of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode therein;
- (2) Be interpreted to prohibit any person from making a choice among prospective tenants on the basis of factors other than participation in a Section 8 program;

(3) 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 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 the basis of race, color, national origin or other illegal discriminatory basis;

(4) Be construed to prohibit treating people with disabilities more favorably than people who do not have disabilities;

(5) Be construed to protect criminal conduct; or

(6) 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 fear of imminent force or violence against the person or property of the owner, manager, or other agent of the owner. (Ord. 4384 § 2 (part), 2013)

7.74.030 Enforcement.

The prohibitions of this chapter shall be enforced using the processes provided in Chapter [1.12](#). (Ord. 4384 § 2 (part), 2013)

Redmond:

Chapter 6.38 REFUSAL TO RENT BASED SOLELY ON SECTION 8 VOUCHER OR CERTIFICATE REQUEST PROHIBITED

Sections:

- [6.38.010](#) Purpose.
- [6.38.020](#) Prohibitions.
- [6.38.030](#) Exceptions.

6.38.010 Purpose.

(A) The Redmond council finds and declares that practices of housing discrimination against any persons on the basis of participation in the Section 8 program constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of Redmond. (Ord. 2645 § 1 (part), 2012).

6.38.020 Prohibitions.

(A) No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in RZC 21.78. (Ord. 2645 § 1 (part), 2012).

6.38.030 Exceptions.

(A) Nothing in this chapter shall:

- (1) apply to the renting, sub-renting, leasing, or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode;
- (2) 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 participation in a Section 8 program;
- (3) 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 the basis of race, color, or national origin;

(4) be construed to prohibit treating disabled persons more favorably than persons who are not disabled;

(5) be construed to protect criminal conduct; and

(6) 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. (Ord. 2645 § 1 (part), 2012).

Bellevue:

Chapter 9.20 FAIR HOUSING PRACTICES

Sections:

- [9.20.010](#) Declaration of policy.
- [9.20.020](#) Definitions.
- [9.20.030](#) Unfair housing practices prohibited – Generally.
- [9.20.040](#) Unfair housing practices designated.
- [9.20.041](#) Religious organization or private club exemption.
- [9.20.042](#) Housing for older persons – Exemption.
- [9.20.043](#) Reasonable accommodation.
- [9.20.045](#) Dwelling units – Refusal to rent based solely on Section 8 voucher or certificate request prohibited.
- [9.20.050](#) Enforcement procedures.
- [9.20.060](#) Violation – Penalty.

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. (Ord. [6195](#) § 1, 2014; Ord. [4148](#) § 1, 1990; Ord. [4061](#) § 1, 1989; Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 2, 1977; 1961 code § 7.60.010.)

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. (Ord. [6195](#) § 2, 2014; Ord. [4148](#) § 2, 1990; Ord. [4061](#) § 2, 1989; Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 3, 1977; 1961 code § 7.60.020.)

9.20.030 Unfair housing practices prohibited – Generally.

Unfair housing practices, as defined in this chapter regarding housing accommodations are contrary to the public peace, health, safety and general welfare and are prohibited by the city in the exercise of its police power. (Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 4, 1977; 1961 code § 7.60.030.)

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 identity, 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 indicates 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. (Ord. [6195](#) § 3, 2014; Ord. [4148](#) § 3, 1990; Ord. [4061](#) § 3, 1989; Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 5, 1977; 1961 code § 7.60.040.)

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. (Ord. [4061](#) § 4, 1989.)

9.20.042 Housing for older persons – Exemption.

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

B. As used in this section, “housing for older persons” means housing:

1. Provided under any state or federal program that the compliance officer determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
2. Intended for, and solely occupied by, persons 62 years of age or older; or
3. 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:
 - a. 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

b. That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

c. 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.

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

1. Persons residing in such housing as of the date of enactment of the ordinance codified in this chapter who do not meet the age requirements of subdivisions B2 or B3 of this section; provided, that new occupants of such housing meet the age requirements of subsection B of this section; or

2. Unoccupied units; provided, that such units are reserved for occupancy by persons who meet the age requirements of subdivisions B2 or B3 of this section.

D. 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 USC 802](#)). (Ord. [4061](#) § 5, 1989.)

9.20.043 Reasonable accommodation.¹

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 [20.30](#)T of Title [21](#) (Land Use Code) of the Bellevue City Code, as now exists or is hereafter amended. (Ord. [6195](#) § 4, 2014.)

9.20.045 Dwelling units – Refusal to rent based solely on Section 8 voucher or certificate request prohibited.

No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 ([42 USC](#)

[1437](#)(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the limits of fair market rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in BCC [20.50.016](#). (Ord. [4118](#) § 1, 1990.)

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;
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 findings shall be furnished to the charging party and to the respondent. Within 30 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 to 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 shall be certified by the compliance officer to the city attorney.

H. The city attorney may institute legal proceedings on the basis of a complaint filed under this chapter. (Ord. [4061](#) § 6, 1989; Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 7, 1977.)

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 \$500.00 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. (Ord. [4061](#) § 7, 1989; Ord. [3550](#) § 5, 1985; Ord. [3516](#) § 28, 1985; Ord. 2398 § 8, 1977; 1961 code § 7.60.060.)



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5279

Date:

January 25, 2017

Department:

Administration

Attachments:

[Resolution No. 5279](#)

[Exhibit "A"](#)

Budget Impact:

\$0

Administrative Recommendation:

For Council Discussion.

Background Summary:

The City of Auburn has previously taken substantive steps to promote redevelopment of Downtown Auburn including but not limited to the preparation of an Environmental Impact Statement (EIS), obtaining a Regional Center designation from the Puget Sound Regional Council and the preparation and approval of design guidelines and standards.

There is current real and substantive interest from private sector development parties in the development of residential, retail and office development in Downtown Auburn.

The City of Auburn desires to promote and incentivize private sector development investment in its downtown core to realize future property tax and sales tax benefits to the citizens of Auburn from currently undeveloped and underdeveloped properties in said downtown core.

The City of Auburn City Council is able under current state and local regulations to make adjustments to certain fees charged to private sector development interests and more specifically to fees charged for building review, planning review and engineering review including the facility extension agreement process and for park impacts fees.

The City of Auburn believes that the aforementioned fee adjustments will be a major factor in enticing private sector development interests to commit to developing on certain parcels in Downtown Auburn.

The City's Master Fee Schedule shall be modified to authorize a seventy-five percent reduction in fees charged by the City of Auburn for building review, planning review

and engineering review inclusive of the facilities extension agreement process applicable only to those parcels of land specified as the "catalyst properties".

That the City's Master Fee Schedule shall be modified to authorize a seventy-five percent reduction in park impact fees.

Reviewed by Council Committees:

Councilmember:

Staff: Hinman

Meeting Date: January 30, 2017

Item Number: DI.B

RESOLUTION NO. 5 2 7 9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, TEMPORARILY REDUCING BUILDING, PLANNING AND ENGINEERING RELATED FEES AND TEMPORARILY REDUCING PARK IMPACT FEES (PIF) FOR THE PERIOD FROM THE EFFECTIVE DATE OF THIS RESOLUTION THROUGH DECEMBER 31, 2017, FOR DEVELOPMENT PROJECTS ON CERTAIN REAL PROPERTY DESCRIBED HEREIN FOR WHICH COMPLETED APPLICATIONS HAVE BEEN SUBMITTED

WHEREAS, The City of Auburn has previously taken substantive steps to promote redevelopment of Downtown Auburn including but not limited to the preparation of an Environmental Impact Statement (EIS), obtaining a Regional Center designation from the Puget Sound Regional Council and the preparation and approval of design guidelines and standards; and

WHEREAS, despite ongoing economic impacts from the Great Recession, there is current real and substantive interest from private sector development parties in the development of residential, retail and office development in Downtown Auburn; and

WHEREAS, the City of Auburn desires to promote and incentivize private sector development investment in its downtown core to realize future property tax and sales tax benefits to the citizens of Auburn from currently undeveloped and underdeveloped properties in said downtown core; and

WHEREAS, the City of Auburn City Council is able under current state and local regulations to make adjustments to certain fees charged to private sector development interests and more specifically to fees charged for building

review, planning review and engineering review including the facility extension agreement process and for park impacts fees; and

WHEREAS, the City of Auburn believes that the aforementioned fee adjustments will be a major factor in enticing private sector development interests to commit to developing on certain parcels in Downtown Auburn; and

WHEREAS, the City of Auburn believes that the period of availability for the aforementioned fee adjustments should be limited to no later than December 31, 2017 and that such limitation will help spur near-term private sector development investment; and;

WHEREAS, there are certain "catalyst properties" in the Downtown Core whose redevelopment will in addition to increasing property and sales tax collections in the Downtown Core act as an impetus to future downtown development and redevelopment through a substantive increase in downtown residents and employees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the City's Master Fee Schedule shall be modified to authorize a seventy-five percent reduction in fees charged by the City of Auburn for building review, planning review and engineering review inclusive of the facilities extension agreement process applicable only to those parcels of land specified as the "catalyst properties" in Section 3.

Section 2. That the City's Master Fee Schedule shall be modified to authorize a seventy-five percent reduction in park impact fees (PIF) charged by

the City of Auburn, applicable only to those parcels of land specified as the "catalyst properties" in Section 3.

Section 3. That the following parcels of land shall be considered "catalyst properties" (Exhibit "A") in the City's Downtown Core and shall be eligible for application of the aforementioned fee adjustments:

Parcel No. 7815700115
Parcel No. 7815700110
Parcel No. 7815700095
Parcel No. 7815700135
Parcel No. 7815700240
Parcel No. 7815700225
Parcel No. 7815700250
Parcel No. 7815700265
Parcel No. 7815700380
Parcel No. 7815700370
Parcel No. 7815700390
Parcel No. 7815700410
Parcel No. 7815700325
Parcel No. 7815700326
Parcel No. 7815700327
Parcel No. 7815700310
Parcel No. 7815700305
Parcel No. 7815700300
Parcel No. 7815700295
Parcel No. 7815700290
Parcel No. 7815700285
Parcel No. 7815700280
Parcel No. 7815700075
Parcel No. 7815700070
Parcel No. 7815700047
Parcel No. 7815700030
Parcel No. 7815700020
Parcel No. 7815700015
Parcel No. 7815700005
Parcel No. 0492000460
Parcel No. 0492000461
Parcel No. 0492000463

Section 4. That the modifications to the City's Master Fee Schedule shall only be made available to those development projects on the aforementioned "catalyst properties" that have submitted complete applications for all necessary and required development approvals from the City including planning approval, environmental review approval, building permit approval and engineering approval inclusive of facilities extension agreement approval. The determination of completeness shall be determined in accordance with Chapter 14.06 ACC.

Section 5. That the modifications to the City's Master Fee Schedule specified in Sections 1 and 2 of this Resolution shall expire on December 31, 2017, and the prior rates shall thereafter apply.

Section 6. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 7. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2017.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

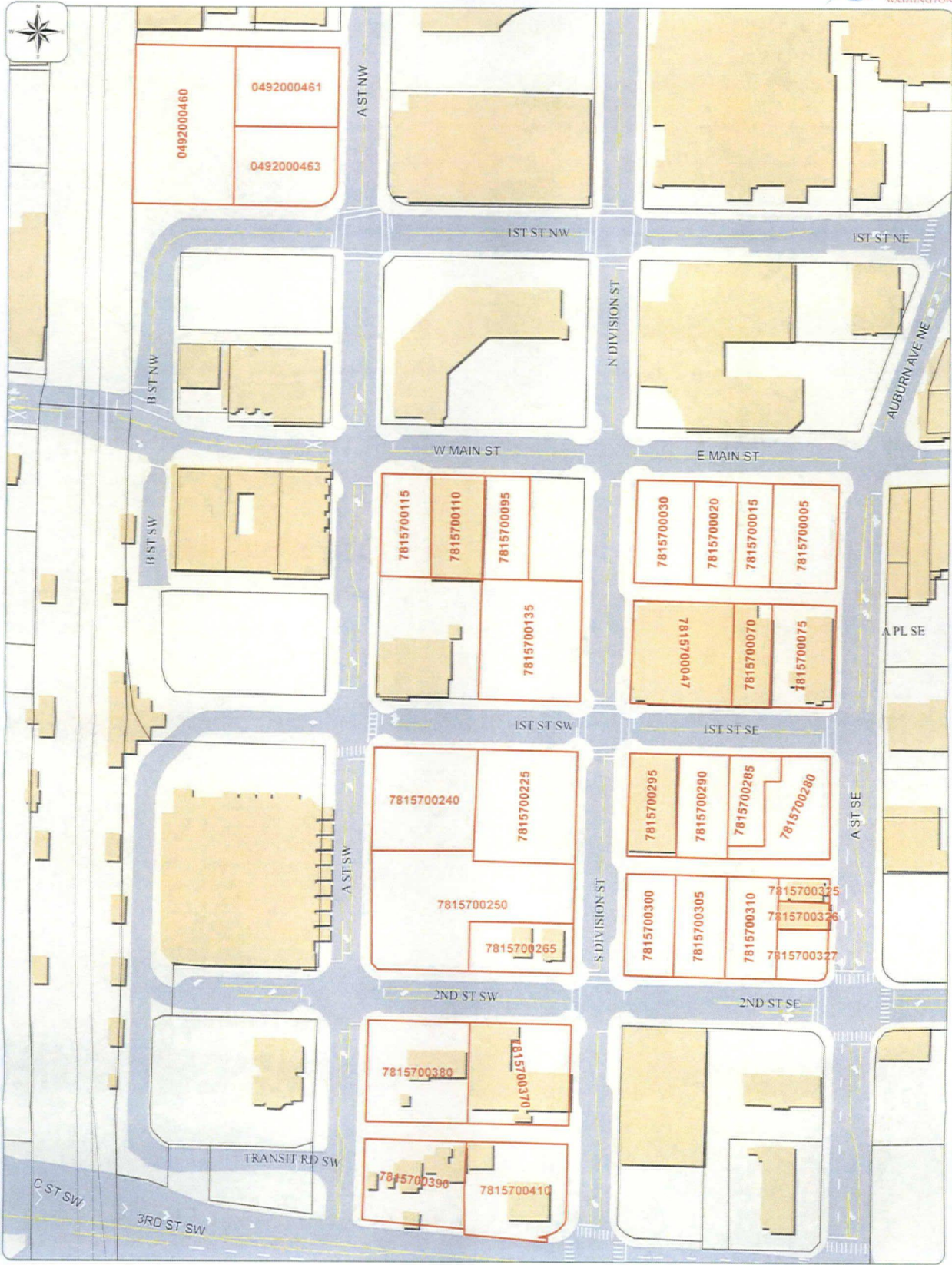
Danielle E. Daskam, City Clerk

Resolution No. 5279
January 25, 2017
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APPROVED AS TO FORM:

Daniel B. Heid, City Attorney

Exhibit A



Parcels of Interest
 Other Parcels