



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Dawn Nelson, Planning Supervisor
Eric Shields, Planning Director

Date: March 4, 2013

Subject: SECTION 8 VOUCHER NONDISCRIMINATION, FILE CAM12-01309

RECOMMENDATION

Staff recommends that, following a public hearing, the City Council adopts the enclosed ordinance amending the Kirkland Municipal Code and making it illegal for landlords to refuse to rent residential units based solely on a request by a rental applicant to use a Section 8 rental voucher to cover a portion of the rent. If adopted, enforcement would be handled through the Code Enforcement process administered by the Planning Department.

Kirkland is a member of A Regional Coalition for Housing (ARCH) and ARCH staff put together background information on the Section 8 program and process used to adopt a similar ordinance in Redmond. The ARCH Board has encouraged member jurisdictions to evaluate adopting a non-discrimination ordinance as one strategy to help preserve opportunities for affordable housing.

BACKGROUND DISCUSSION

On [November 7, 2012](#), the enclosed ordinance was presented to the City Council for review and consideration. Staff provided a brief report on the ordinance and answered questions from the City Council. The Council chose not to act on the ordinance that night. Instead, they asked staff to pursue a public outreach process on the ordinance targeted at rental property owners and interest groups and to bring the issue back for consideration in the first quarter of 2013.

Summary of Public Outreach Process

Staff has held two public meetings on the proposed ordinance to hear comments, answer questions and solicit input on how the ordinance could be changed to better suit stakeholder's needs. The first meeting was on January 23, 2013 and was facilitated by Deputy City Manager Marilynne Beard. There were 25 people in attendance, including 10 Kirkland residents, multifamily housing rental industry representatives, affordable housing providers, and King County Housing Authority staff. An e-mail invitation was sent two weeks before the meeting to multifamily housing rental industry groups and affordable housing provider groups, who were asked to share the meeting invitation with their members and/or tenants who own property in or live in Kirkland. Notice was also sent the day before the meeting to the City's Neighborhood News list serve.

Although the primary purpose of the first meeting was to hear from stakeholders, due to the short notice provided to the Neighborhood News list serve, a second public meeting was scheduled for February 26th. Notice of that meeting included:

- A news release issued on February 13, 2013. That news release went to local and regional media, 780 News Release subscribers, 1,100 subscribers to Neighborhood News, and KAN representatives.
- An editorial by Eric Shields that was posted in the online version of the Kirkland Reporter on February 6th and in the printed version on February 8th, as well as on Kirkland Views and Kirkland Patch.
- Posting on the City's Events Calendar on the City of Kirkland homepage and on the Section 8 project page of the City of Kirkland website.
- E-mail distribution to multifamily housing rental industry groups and affordable housing provider groups, all individuals who attended the January 23rd meeting, and all individuals who had submitted comments on the issue.

The second public meeting was facilitated by Eric Shields, Planning Director. There were 22 people in attendance, including 12 Kirkland residents, multifamily housing rental industry representatives, affordable housing providers, and King County Housing Authority staff.

Staff provided background information, as outlined in the following sections, at both public meetings. The conversation at both meetings was robust and there was ample opportunity for those in attendance to ask questions and share their opinions about the ordinance. Notes from the meetings are included as Attachments 1 and 2. Staff and others in attendance answered as many questions as they could during the meetings. Questions that could not be answered were recorded so that they could be answered as part of these materials (see Attachment 3). Input received during the meetings and in written correspondence is summarized in the Public Comments section beginning on page 4 of this memo.

Section 8 Program Information

The Section 8 Housing Choice Voucher program is authorized by the Housing and Community Development Act of 1974 (42 USC 1437f). The Section 8 voucher program increases affordable housing choices for low and very low-income households by allowing families to choose privately owned rental housing. Families apply to a local public housing authority for a Housing Choice Voucher. Under the voucher program, the family pays 30 percent of the household's adjusted income as rent. The housing authority pays the landlord the difference between what the family pays and the rent for the dwelling unit.

Locally, the King County Housing Authority (KCHA) administers the Section 8 program. According to the KCHA, there are over 10,000 Section 8 vouchers currently being used in suburban King County and 400 of those are being used in the City of Kirkland. Of those households:

- 20% are elderly;
- 25% are living with a disability; and
- 55% are families with children, including over 320 who are school-aged.

To qualify for a voucher, household income must be at or below 80 percent of area median income based on family size and the household must also meet one of the following KCHA selection preferences:

- Be homeless;
- Live in substandard-condition housing;
- Pay more than 50 percent of gross household income on rent and utilities; or
- Have household income at or below 30 percent of area median income.

Additional KCHA eligibility requirements state that Section 8 voucher holders must:

- Qualify as a family, elderly person or disabled person;
- Be citizens or non-citizens with eligible immigrant status;
- Not owe money to the KCHA or any housing authority;
- Not currently live in subsidized housing; and
- Not have a criminal record that the KCHA believes could affect the health, safety, or welfare of other tenants or its employees.

According to the KCHA, 80% of area median income by household size is:

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
80% of Median Income	\$45,100	\$51,550	\$58,000	\$64,400	\$69,600	\$74,750

Voucher holders may only rent units that are within the fair market rent guidelines set by the U.S. Department of Housing and Urban Development (HUD). In Kirkland and other east King County communities where market rents are high, the established fair market rent levels by number of bedrooms are:

	Studio	1 BR	2 BR	3 BR	4 BR	5 BR
Payment Standard	\$1,010	\$1,100	\$1,330	\$1,760	\$2,320	\$2,530

The following requirements apply in order for a unit to be registered in the Section 8 program:

- The landlord must complete and submit four forms to the KCHA;
- The unit must pass annual housing quality standards inspection based on HUD requirements;
- The landlord and tenant must complete a move-in checklist;
- A 12-month lease must be signed (required for first year of tenancy); and
- The property owner must comply with fair housing laws.

In exchange:

- Landlords retain their ability to screen tenants in whatever way they screen all their prospective tenants, such as for rental history, credit history, or criminal background;
- The portion of rent paid by the KCHA is a stable source of income for the property owner; and
- The portion of rent paid by the KCHA may be increased if the tenant's household income decreases.

The Effect of the Proposed Kirkland Ordinance

The basic tenet of the proposed ordinance is that it would make it illegal to refuse to rent a dwelling unit, whose monthly rent falls within the allowable rents set by HUD, solely based on the potential tenant's use of a Section 8 voucher. The ordinance **would not require** a landlord to:

- Change rents to be consistent with the HUD standards; or
- Change property maintenance or repair practices.

A landlord is **not required** to make repairs identified in the inspection process. If they choose not to make identified repairs, a Section 8 voucher cannot be used to rent the unit and the voucher holder must find a different unit to rent.

The ordinance **would require** landlords to:

- Apply the same standards and practices to all potential renters; and
- Use a 12-month lease for the first year of tenancy, unless their normal practice is to rent only on a month-to-month basis.

Landlords whose standard property and leasing practices conform to those of the Section 8 program may not refuse to participate in the program, assuming their normal screening process results in a Section 8 voucher holder being selected to rent their unit.

Enforcement of the ordinance would be through the Planning Department, with the support of the City Attorney's Office. The process would involve these typical steps:

- Staff investigates all written complaints.
- If a complaint is determined to be valid, pursue voluntary correction first.
- If voluntary correction process is not successful, then issue a Notice of Civil Violation (NOV).
- The NOV process includes a hearing before the City's Hearing Examiner.
- If the Hearing Examiner determines that a violation has occurred, fines may be imposed if the order to correct is not followed.

ARCH staff interviewed those responsible for the enforcement of Section 8 discrimination regulations in Bellevue, Redmond, Seattle and King County. These jurisdictions report that they receive and investigate an average of one to four complaints per year. Seattle had the highest average number of complaints. The vast majority of the complaints are either settled administratively or found to have no reasonable cause.

Public Comments

Many written comments and much of the dialogue at the public meetings revolved around the specifics of how the Section 8 voucher program is administered by the KCHA, what the exact program requirements are, and what the impacts of the proposed ordinance would be on landlords. ***Attachment 3 is a summary document prepared by staff that answers as many of those questions as possible.***

All written comments received are included in Attachment 4, including a letter written by Rick Whitney on behalf of the Houghton Community Council (HCC). The HCC discussed the

proposed ordinance at their January 28, 2013 meeting. The HCC passed a motion to recommend that the City Council not approve the ordinance. The recommendation also stated that if the City Council does pass an ordinance, it should at least exclude all properties of less than five units. Note that it is staff's position that the Section 8 nondiscrimination ordinance is not within the disapproval authority of the Houghton Community Council. Mr. Whitney, however, has disputed this.

The following is a summary of the comments that were received at the two public meetings and in writing prior to the publication of this packet. They are grouped into categories: concerns raised about the proposed ordinance; reasons to support the proposed ordinance; and changes suggested to the proposed ordinance.

Concerns

- Won't change housing affordability
- Housing Authority should be granted more flexibility to administer program
- Enforcement process will be costly to landlords
- Initial one year lease does not meet all owners' business models
- Program requirements should be streamlined
- Can't raise rents without Housing Authority approval
- Eviction process is difficult
- May have the unintended consequence of reducing amount of reasonably priced rentals
- Participation takes time and resources
- Housing Authority limits rents
- Landlords may be falsely accused of discrimination
- HUD rules may change without City considering if those changes will affect their desire to have ordinance
- Holding rents low for long-term tenants or those who do not receive subsidies will affect landlords' ability to charge market rents under Section 8

Support

- Inspections ensure safe living conditions
- Encourages and protects diversity
- Housing stability helps children succeed
- Improves access to housing for those with limited income
- Regulation has a deterrent effect – protects existing Section 8 tenants
- Helps prevent homelessness
- Improves people's ability to choose where they live
- Landlords and tenants are all subject to same state and local laws related to repairs, eviction, etc.
- Prevents discrimination
- Landlords can still screen tenants based on all standard factors
- Allows families to transition from temporary to permanent housing
- Guaranteed payment of KCHA's portion of rent

Suggestions

- Keep participation voluntary
- Exempt owners who own some small number of units
- Assure shorter wait times for inspections

- Simplify program paperwork
- Minimize inspection requirement
- Approach as a public relations issue rather than a requirement
- Educate landlords
- Protect landlords from potential nonpayment of rent or repairs for damage that cost more than deposits
- State that ordinance applies to HUD rules as they exist at time of adoption

Analysis of Suggested Changes to Ordinance

1. Keep participation voluntary.

This suggestion is, in essence, to adopt no ordinance at all. Alternatively, a resolution encouraging participation, without any enforcement provisions, could be adopted. This option would continue the status quo and would not have the effect of deterrent effect discussed in the Policy Questions section, below.

2. Exempt owners who own some small number of units.

The assumptions behind this suggestion are that owners of a single or some small number of rental units are burdened more by the requirements of the Section 8 program because:

- There is a learning curve to participating in the program; and
- They own fewer units over which to spread the cost of participating (for example, delays in lease-up because the inspection process can take two to ten days to complete).

Again, this is contrary to the purpose of the ordinance, which is to prevent any discrimination on the basis of Section 8 vouchers. Exempting owners of a small number of units creates two classes of landlords and allows potential discrimination for a fairly sizable amount of housing. There are approximately 21,000 single family homes in the Kirkland. It is estimated that between 3,000 and 3,500 of those homes are not owner occupied.

3. Assure shorter wait times for inspections.

The KCHA schedules and performs all inspections. The KCHA states that they try to schedule the inspections to occur within two to ten days of the request, and that inspections occur, on average, within five to seven days. The KCHA noted that their staff does 11,000 inspections per year, including units that are being added to the program and subsequent annual inspections. They do allow owners to self-certify minor repair items.

4. Simplify program paperwork.

There are four forms that the landlord must submit to the KCHA as part of the process of getting a unit authorized for the Section 8 program:

- Request for Tenancy Approval;
- Section 8 Landlord Certification;

- Taxpayer Identification Number Request; and
- Lead-Based Paint Disclosure.

5. *Minimize inspection requirement.*

Pages 5 through 11 of the [KCHA Landlord Handbook](#) discuss inspections and state that the purpose of the inspections is to ensure that the unit meets all of the minimum requirements set by HUD. Pages 9 and 10 of the Handbook include a checklist of items that a landlord can use to prepare for an inspection.

6. *Approach as a public relations issue rather than a requirement; and*

7. *Educate landlords.*

Both of these are important components of a successful program, but are not completely effective alone. ARCH staff are developing plans to pursue an educational program about the local Section 8 ordinances of its member jurisdictions, and the KCHA also has a great deal of education materials.

8. *Protect landlords from potential nonpayment of rent or repairs for damage repairs that cost more than deposits.*

The assumption here is that, because Section 8 tenants are low income, they have fewer resources and it will be more difficult to recoup excess costs from them. There is no data to show this is the case. The risk to a landlord for damages beyond deposits is a risk with all tenants, including non-Section 8 tenants. This risk is reduced by the landlord's screening processes, deposit requirements, and insurance decisions.

9. *State that ordinance applies to HUD rules as they exist at time of adoption.*

The concern that this suggestion addresses is that HUD may change the Section 8 rules in a way that the City does not want to continue having a mandatory ordinance. It would be possible to write such a clause into the ordinance, but not necessarily practical. HUD may make any number of rule changes that do not affect the basic policy decision that the City is making. Debating the issue with each of those changes would not be practical. The City would be able to rescind or modify the regulations in the future if program changes warrant it.

Policy and Other Questions

Following is a series of questions that have come up in public comments that are not directly related to the operation of the Section 8 program. Following each question is a brief staff response.

1. *Why is the City considering this ordinance at this time? Has there been a problem with Section 8 discrimination identified in Kirkland?*

The City has received only one complaint in recent years from a potential renter who said that a landlord rejected their application because of their Section 8 voucher. Because Kirkland has no regulations to enforce, staff referred that person to the KCHA to pursue assistance. However, the KCHA is the administering agency for the voucher program and the KCHA does not have the authority to investigate claims of

discrimination. There has not been a flurry of activity in Kirkland that is prompting action. But other local activity, described below, as well as Kirkland's adopted Council Housing goal "*To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs*" are the primary reasons the City is considering this ordinance.

In 2011, two companies owning rental properties in Redmond sent letters to tenants using Section 8 vouchers saying that they would not extend their leases under the same terms. Those companies also owned properties in Bellevue and Seattle, where Section 8 nondiscrimination regulations were already in place. They did not send letters to their Section 8 tenants in those cities. The existence of regulations prohibiting discrimination had a deterrent effect.

While both companies had decided prior to the City of Redmond's adoption of a Section 8 nondiscrimination ordinance in February 2012 that they would extend the leases of existing tenants using Section 8 as part of their rent payment, the adoption of the ordinance made it illegal for them to refuse to rent to future tenants in the same situation. One of those companies recently acquired rental property in Kirkland, but staff does not know if any of the units are occupied by tenants using Section 8 vouchers. Kirkland staff have not been informed of any intent to not honor Section 8 vouchers.

2. *Isn't this issue already covered in the federal Fair Housing Act?*

The Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin. It does not include source of income.

3. *What data support the statement in the ordinance that "the City Council has determined that a significant number of persons are not able to secure adequate rental housing without financial assistance, such as that provided pursuant to a Section 8 voucher...?"*

When the KCHA opened its Section 8 voucher waitlist for a brief two-week period in 2011, it received 25,000 applications for 2,500 slots. Of those applications, 262 were from Kirkland households, but only 30 were actually placed on the waiting list.

According to the most recent American Community Survey (ACS) data for Kirkland (2006 – 2010):

- 90% of the 1,839 renter households earning less than 40% of area median income are housing cost-burdened; and
- 35% of the 1,119 renter households earning between 40% and 60% of area median income are housing cost-burdened.

The definition of housing cost-burdened used in these calculations is that the households paid 35% or more of their income for housing. When households spend more than that on housing, they are less able to pay for other necessities like food, medical care and transportation. The higher the percentage paid toward housing, the more vulnerable the household is to losing their housing if one of the members loses a job. The ACS is prepared by the US Department of the Census.

4. *What is the makeup of the rental housing stock in Kirkland? How many rental units in Kirkland fall within the HUD payment standards based on unit size?*

According to the 2010 Census data for Kirkland (based on the City before the 2011 annexation), 9,632 of the City's 22,445 housing units (43%) were rentals. The ACS data for Kirkland (2006 – 2010) show the following breakdown of rentals by number of bedrooms:

	Studio	1 BR	2 BR	3 BR	4 BR	5 BR
Number of Units	521	2,569	4,160	1,300	322	140
% of All Rentals	6%	29%	46%	14%	4%	2%

The report "Rental Data to Analyze the Effectiveness of KCHA's Payment Standard" prepared in October 2011 by Dupre+Scott Apartment Advisors, Inc. for the King County Housing Authority includes data for all of King County, excluding Seattle. Data in that report shows that 3,092 of the 5,539 (56%) rental units surveyed in part of Kirkland were within the HUD payment standard. Because the geographic boundaries used to aggregate and report the data are inconsistent with the current city limits, only that portion of Kirkland west of I-405 plus the Bridle Trails and South Rose Hill neighborhoods were used to calculate these numbers. In addition, not all rental property owners responded to the survey, so the data do not include all rental units in the area covered.

5. *What impact will the recent federal budget sequestration have on the Section 8 program?*

The KCHA issued a [news release](#) on February 28, 2013 stating that they had suspended the issuance of new Section 8 Housing Choice vouchers as a measure to address the impending reduction in federal funding. The effect of this approach is that vouchers that are no longer being used by a tenant will not be reissued to those on the KCHA waiting list. This will result in 45 to 50 vouchers a month, or about 600 families over the course of a year, not receiving rental assistance.

The Seattle Housing Authority is taking a different approach to this issue. They are putting a freeze on rent increases effective March 15, 2013 in order to reduce program costs. However, according to the KCHA, Seattle's "rent freeze" does not constitute rent control. Landlords in Seattle can still raise rents provided these increases are not targeted only to Section 8 units and reflect actual market conditions. The freeze applies to the amount SHA will pay. So the Section 8 tenant would have to relocate to a more affordable unit if rent is raised after the current lease expires.

Attachments

1. Meeting Notes from January 23, 2013 Section 8 Meeting
2. Meeting Notes from February 26, 2013 Section 8 Meeting
3. Section 8 Question and Answer Document
4. Public Comments

City of Kirkland
Section 8 Nondiscrimination Ordinance
Notes from January 23, 2013 Community Meeting
Facilitated by Marilynne Beard, Deputy City Manager

Agenda:

- Introductions
- Agenda Overview and Objectives
- Background
 - Ordinance
 - Issues
 - Fact Sheet
- Moving Forward – Creating a workable recommendation
- Adjourn

I. Introductions

Marilynne Beard welcomed everyone to the meeting and asked each participant to introduce themselves and share briefly why they were at the meeting. There were 25 individuals and 3 staff members present.

II. Agenda Overview and Objectives

Marilynne Beard gave an overview of the agenda and established the ground rules for the meeting. Each attendee was asked to share what they hoped to get out of the meeting. Unique responses and questions were:

- Why City would want to compel participation?
- What is the number of units currently participating in Kirkland?
- To understand and be understood
- To understand the ordinance and how it relates to other city ordinances
- What is City's motivation to do this now?
- To advocate for the ordinance
- Can it be a source of income ordinance instead of just Section 8?
- To understand oversight/administration/cost
- To understand impacts to property owners – esp. small properties/self-managed
- To bring a different face to Section 8 tenants (not stereotype)
- What is experience of other cities?
- To share the benefits of inclusiveness
- To try to create a symbiotic relationship between tenants and landlord(s)/real estate agents
- To understand protections for landlords from tenants that don't pay their portion of rent
- To explore downsides for tenants
- To understand the demographics in Kirkland, including the number of rental units (SF/MF) and current rents

III. Background

Draft copies of the proposed ordinance were provided and Dawn Nelson from the Planning Department gave an overview of the ordinance, as well as how it compares to the existing regulations in Bellevue, Redmond, Seattle and King County.

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January 23, 2013 Community Meeting Notes
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Basics of Proposed Ordinance:

- Makes it illegal to refuse to rent solely because of use of Section 8
- Applies to units within the allowable rent established by HUD
 - Allowable rents for Kirkland range from \$1,010 for a studio to \$1,760 for 3 BR
- Does not:
 - Apply to renting part of owner occupied single-family home
 - Prevent choice among tenants based on other factors
 - Prohibit religious organizations from using their units for their purposes
 - Prohibit treating people with disabilities more favorably
 - Protect criminal conduct
 - Prohibit limiting rental based on use of force or violent behavior
- Enforcement is through Planning Department, with the support of City Attorney's Office:
 - Investigate written complaints
 - If valid, pursue voluntary correction first
 - If not voluntary correction, then issue Notice of Civil Violation (NOV)
 - NOV process includes hearing before City's Hearing Examiner
 - If violation found, Hearing Examiner may impose fines if order to correct not followed

Comparison of Ordinance to other regulations:

- Same as recently adopted in Redmond and similar to Bellevue
- Both use Code Enforcement process to investigate and work toward agreed settlement
- Basic principal is also same in Seattle and King County, differences are:
 - They investigate and resolve through Office of Civil Rights
 - More complex resolution process, with payment of damages, fees and civil penalties

Fact Sheet:

Dawn Nelson also summarized the Questions & Answers document that was distributed. The document was prepared to address some of the questions that had arisen about how the Section 8 program is administered by the King County Housing Authority.

Issues:

It was noted that the City Council had considered the issue at their November 7, 2012 meeting. They received 13 letters and heard from 3 people that night. Dawn Nelson shared the issues that were distilled from those comments. Interests shared were:

- Continued protection for existing Section 8 tenants.
- Encourage and protect diversity.
- Flexibility for Housing Authority.
- Flexible lease lengths.
- Focus on improving jobs.
- Housing access for everyone.
- Improve Federal funding for program.
- Improve housing affordability.
- Inspections ensure safe living conditions.
- Landlords able to charge fees consistently to all.
- Landlords able to raise rents without Housing Authority approval.

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- More time to initiate voucher use.
- Make more vouchers available.
- People able to live close to their work.
- Simple, predictable and cost-free enforcement.
- Stable housing for children.
- Present strain on the social safety net from homelessness.
- Streamline Section 8 requirements.
- Voluntary participation.

IV. Moving forward – Creating a workable recommendation

Marilynne Beard then asked participants to share their ideas for what changes could be made to the proposed ordinance that would make it acceptable to them. The responses were:

- Exempt property owners that own one rental property (or some other maximum number of units)
- Make compliance optional
- Assure shorter wait/timeframe for inspections
- Simplify program paperwork
- Minimize and clarify inspection requirements – how they relate to other laws (for example, lead based paint mitigation)
- Approach as a public relations issue – use a carrot instead of a stick
- Protect landlords from damages – difficult to recoup costs from those with little income

Additional comments made during this portion of the meeting were:

- What happens if tenant can't pay part of their rent? Eviction process if difficult.
- There is a deterrent effect of having law on books (For example, Archstone sent eviction letters to Section 8 tenants in Redmond before their regulations were in place, but not to tenants in Seattle or Bellevue where they were in place).
- Inspection issues – if owner chooses not to correct, tenants would have to find different unit.
- If tenant loses job, KCHA will increase their portion of rent paid by Section 8.
- Question and Answer document is inaccurate re: eviction – must have good cause. Can evict non-Section 8 with 20 day notice for no cause. (Research recent court decision in Indigo v. Wadsworth.)
- Landlords and tenants are still subject to the state and local laws related to repairs, eviction, etc.
- The basic issue is about discrimination.
- There is another recent example of potential evictions of Section 8 voucher holders in Newcastle due to property being sold.
- One owner uses only month to month leases in order to have more control over properties. Allows easier eviction of tenants whose behavior is creating problems for other tenants. Not required to change month to month policy for Section 8 if it applies to all tenants.
- Regulations like this should not be imposed by the government.
- Landlords can manage who they rent to based on many factors.

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V. Adjourn

Marilynne Beard thanked everyone for their participation and noted that meeting notes would be prepared and distributed. She also stated that the City would determine next steps for this project based on the input received tonight and via mail and e-mail.

Following the distribution of the meeting notice via the City's Neighborhood News, ten individuals responded that they would like to see the meeting notes and an additional nine individuals submitted written comments, summarized below.

- The public outreach is insufficient for an issue with far-reaching implications.
- There may be unintended consequences of the ordinance that will reduce reasonably priced rentals.
- Homeowner and landlord rights may be harmed by the ordinance.
- The ordinance may conflict with existing Condominium Declarations.
- Not all landlords have the time and resources needed to participate in Section 8.
- Landlords may change behavior in a variety of ways that will affect the availability of rental units.
- Educate landlords instead of requiring participation.
- The Section 8 program enables families to transition from temporary to permanent housing.
- Is the ordinance necessary? State landlord tenant regulations already cover the issue.
- Single family residences should be exempt from ordinance because most single family housing providers are small scale landlords and the burdens of participating in the program are high for those with a small number of units.
- The ordinance would help allow people who work in Kirkland to have the opportunity to live in Kirkland.
- Section 8 helps citizens of limited income obtain decent housing.
- Owners of a small number of units have greater risk because they have fewer units over which to spread the program costs.
- Inspectors may impose requirements that don't exist.
- Section 8 program does not allow cosigners for financially risky tenants, increasing risk to landlords for non-payment.
- Limit requirement to owners with some minimum number of units and/or to those who do not self-manage their properties.

Staff is researching several issues raised at the meeting and in the written comments received, including:

- How many units in Kirkland are currently participating in the program?
- What is the makeup of the current rental housing stock in Kirkland and how many units would fall within the cost guidelines for the Section 8 program?
- Clarifying the Section 8 inspection requirements and how they relate to other laws.
- Clarifying the lead based paint requirements for units constructed prior to 1978.
- Researching the implications of Indigo v. Wadsworth relative to this proposed ordinance.
- Clarifying how the proposed ordinance would relate to existing Condominium Declarations.
- Clarifying whether landlords could require cosigners for Section 8 tenants, if that is their common practice for other tenants.

City of Kirkland
Section 8 Nondiscrimination Ordinance
Notes from February 26, 2013 Community Meeting
Facilitated by Eric Shields, Planning Director

Agenda:

- Introductions
- Agenda Overview and Objectives
- Background
 - Section 8 Program
 - Proposed Ordinance
- Questions and Comments
- Recap of Previously Received Comments
- Additional Concerns, Supports or Suggestions
- Adjourn

I. Introductions

Eric Shields welcomed everyone to the meeting and asked each participant to introduce themselves. There were 22 individuals and 3 staff members present.

II. Agenda Overview and Objectives

Eric Shields gave an overview of the agenda and established the ground rules for the meeting. Draft copies of the proposed ordinance, a summary question and answer document and notes from the January 23rd meeting were provided.

III. Background

Dawn Nelson from the Planning Department gave an overview of the ordinance, as well as how it compares to the existing regulations in Bellevue, Redmond, Seattle and King County.

Basics of Section 8 Program:

- Federal HUD program administered locally by KCHA
- Allows low income families to rent housing in private market
- Tenants pay between 28 – 40% of income for rent, HUD pays rest
- Rents must be fair based on surrounding market
- If too high, and landlord does not want to lower, tenant cannot rent unit
- Landlords screen tenant using their standard procedure
- Initial and annual inspections for basic habitability issues are required
- If unit fails inspection, landlord can repair or not – if not, tenant cannot rent unit
- Requires initial one year lease
- Lease not required after first year
- KCHA must be notified of proposed rent increases at end of lease
- If unit does not fall within the market rents or payment standard, tenant would need to move

Basics of Proposed Ordinance:

- Makes it illegal to refuse to rent solely because of use of Section 8
- Applies to units within the allowable rent established by HUD
 - Allowable rents for Kirkland range from \$1,010 for a studio to \$1,760 for 3 BR
- Does not:

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February 26, 2013 Community Meeting Notes
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- Apply to renting part of owner occupied single-family home
- Prevent choice among tenants based on other factors
- Prohibit religious organizations from using their units for their purposes
- Prohibit treating people with disabilities more favorably
- Protect criminal conduct
- Prohibit limiting rental based on use of force or violent behavior
- Enforcement is through Planning Department, with the support of City Attorney's Office:
 - Investigate written complaints
 - If valid, pursue voluntary correction first
 - If not voluntary correction, then issue Notice of Civil Violation (NOV)
 - NOV process includes hearing before City's Hearing Examiner
 - If violation found, Hearing Examiner may impose fines if order to correct not followed

Comparison of Ordinance to other regulations:

- Same as recently adopted in Redmond and similar to Bellevue
- Both use Code Enforcement process to investigate and work toward agreed settlement
- Basic principal is also same in Seattle and King County, differences are:
 - They investigate and resolve through Office of Civil Rights
 - More complex resolution process, with payment of damages, fees and civil penalties

IV. Questions and Comments

Eric Shields then asked participants to share questions and comments about the Section 8 program or proposed ordinance. The following list summarizes the dialogue that ensued:

- How should landlords look at the income of a potential renter using a Section 8 voucher? Landlords typically look at whether the renter's income equals three times the rent to ensure that they won't be spending too much on rent.
 - The ordinance does not affect how a landlord determines income eligibility for renting a unit. Different landlords handle this differently:
 - They may add the amount of the voucher to income to determine Section 8 renter's "effective income".
 - Another alternative would be to look only at renter's portion of rent under voucher and compare it to their actual income.
- Do tenant and landlord know the value of the voucher at the time of the request to rent a unit? Yes
- Can you look at 6x rent instead of 3x rent when determining if income is high enough to rent unit?
 - Yes, as long as landlord does this consistently for all tenants.
- Why is the City considering this ordinance at this time?
 - To ensure Kirkland housing stock is open to renters with Section 8 vouchers.
- Where is the background data that supports the preamble to the ordinance?
 - This will be addressed in City Council materials.
- How many individuals in Kirkland have claimed discrimination?
 - One in recent history.
- What happens to the renter and the landlord when the damage deposit is not enough to cover damage to a unit?

Section 8 Nondiscrimination Ordinance
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Page 3

- Renter is still legally responsible for paying for repairs.
- Renter would lose Section 8 voucher if they do not do so.
- KCHA used to, but no longer pays for repairs.
- Would KCHA be able to pay first month ahead of actual occupancy?
 - No, they cannot make payment until after lease has begun.
- Inspection wait times are long and will eliminate profits for landlords.
 - Inspections scheduled within 2 – 10 days of request.
 - Average time to inspection is 5 – 7 days.
 - The KCHA does 11,000 inspections per year (new units and annual inspections combined).
 - Minor repairs can be self-certified rather than requiring reinspection.
 - If landlords are unable to wait for inspections and have another prospective tenant that can move in sooner, they may rent to the other tenant.
- If standard business process is to have first, last, deposit at move in and Section 8 tenant is not able to provide that, would it be discrimination to not rent to them?
 - Not if that is the landlords standard business practice and they treat all tenants the same. *(The KCHA has recently clarified that the Section 8 program does not allow pre-payment of last month's rent.)*
- What happens if HUD changes rules?

V. Recap of Previously Received Comments

Eric Shields summarized the concerns, support and suggestions that had been heard at the January 23rd meeting and in written comments. They were:

Concerns

- Won't change housing affordability
- Housing Authority should be granted more flexibility to administer program
- Enforcement process will be costly to landlords
- Initial one year lease does not meet all owners' business models
- Program requirements should be streamlined
- Can't raise rents without Housing Authority approval
- Eviction process is difficult
- May have the unintended consequence of reducing reasonably priced rentals
- Participation takes time and resources
- Housing Authority limits rents

Support

- Inspections ensure safe living conditions
- Encourages and protects diversity
- Housing stability helps children succeed
- Improves access to housing for those with limited income
- Regulation has a deterrent effect – protects existing Section 8 tenants
- Helps prevent homelessness
- Improves people's ability to choose where they live
- Landlords and tenants are all subject to same state and local laws related to repairs, eviction, etc.
- Prevents discrimination
- Landlords can still screen tenants based on all standard factors

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- Allows families to transition from temporary to permanent housing
- Guaranteed payment of KCHA's portion of rent

Suggestions

- Keep participation voluntary
- Exempt owners who own some small number of units
- Assure shorter wait times for inspections
- Simplify program paperwork
- Minimize inspection requirement
- Approach as a public relations issue rather than a requirement
- Educate landlords
- Protect landlords from potential nonpayment of rent or repairs for damage that cost more than deposits

VI. Additional Concerns, Supports or Suggestions

The following additions concerns and suggestions were added to the list:

Concerns

- Landlords may be falsely accused of discrimination
- HUD rules may change without City considering if those changes will affect their desire to have ordinance
- Holding rents low for long-term tenants or those who do not receive subsidies will affect landlords' ability to charge market rents under Section 8

Suggestions

- State that ordinance applies to HUD rules as they exist at time of adoption

VII. Adjourn

Eric Shields thanked everyone for their participation and noted that the City Council would be considering this item at its March 19, 2013 meeting, but not as a public hearing. Interested parties were encourage to submit written comments before the meeting and verbal comments at the Council meeting would be limited to three speakers per side under the "Items from the Audience" portion of the agenda. *(Readers should note that the City subsequently decided to hold a public hearing on the proposed Section 8 ordinance on March 19th. Notice of the hearing was provided. See the City's [news release](#) for more information.)*

Council Written Q&A

Section 8 non-discrimination ordinance
City of Kirkland and the King County Housing Authority
March 11, 2013

This paper addresses questions that have been raised regarding burdens that landlords might experience as a result of the proposed anti-Section 8-discrimination ordinance. In particular, we try to address concerns that the ordinance might create obligations for landlords above and beyond those they already have.

Are property owners who accept Section 8 vouchers subject or required to (and other property owners exempt from):

1. Housing unit inspections before each Section 8 tenant moves in?

Yes; to ensure that the public's money is spent on housing of reasonable quality, King County Housing Authority (KCHA) requires that each apartment be inspected (a "Housing Quality Standards (HQS) inspection") before the tenant with a Section 8 voucher moves in. (The Section 8 voucher program is also known as the Housing Choice Voucher Program.)

If an inspection finds deficiencies, the owner is asked to make the repairs. If the owner chooses to not make those repairs, KCHA will not approve the tenant to lease the unit. Therefore the Section 8 tenant would be unable to lease the unit. The landlord would have the right to take this approach so long as their response regarding repairs is the same for all prospective tenants (i.e. would not make repairs listed in the inspection for any tenant).

When a tenant finds a suitable unit, the tenant provides paperwork to the landlord, which initiates the housing process. The landlord completes a one-page form and then submits it to the KCHA. It usually takes 2 to 10 days to schedule and complete an inspection. The contract effective date can begin as soon as the unit passes the inspection.

It is noted, the most common deficiencies resulting in a failed HQS inspection are related to entry doors, windows, electric hazards, ovens and ranges, refrigerators, heating and plumbing, water heaters, flooring, inoperable smoke detectors, ventilation, decks, railings, and steps, and peeling paint in homes built prior to 1978.¹ These are basically the same habitability and life-safety items that a landlord needs to provide under the state law as well.² By failing the KCHA inspection, it is

¹ HUD ("Lead Safe Housing Rule") requires remediation or repair of chipping or peeling lead-based paint in order for a property owner to rent to someone with a Housing Choice Voucher. If an owner refuses to satisfy the Lead Safe Housing Rule, KCHA will not approve a tenant to lease the unit, and the owner will not have violated the Section 8 discrimination ordinance provided the owner doesn't then remediate or repair for another tenant who does not have a voucher. If the paint is not chipping or peeling, on the other hand, the owner may follow federal disclosure requirements instead of remediating/repairing, and still be able to rent under Section 8.

² The Washington State Landlord-Tenant Act, which applies to all multi-family housing (with some exceptions), requires landlords to keep certain items in safe, working order, including "maintain(ing) all electrical, plumbing, heating, and other facilities and appliances supplied by (the landlord) in reasonably good working order;

likely the unit would not meet the legal standard of the Landlord-Tenant Act that applies to all multi-family rental housing. Regardless of whether the city has a Section 8 discrimination ordinance, property owners are responsible for complying with the building code, Landlord-Tenant Act, and other federal and state laws regarding the safety of rental housing.

KCHA does not enforce local building codes. When KCHA finds safety or code violations in pre-lease HQS inspections, they do not report such violations to state or local governments unless there is an imminent health or safety concern. (This is uncommon; but, for example, KCHA reported a violation when a septic system was failing and sewage was entering the house.)

If KCHA's standards for the HQS inspection are more rigorous than what landlords are presently required to meet, landlords may choose not to meet the HQS standards without violating the Section 8 discrimination ordinance.

Where the deficiencies are minor, KCHA now allows landlords to self-certify that inspection issues have been addressed, rather than requiring a re-inspection.

2. Annual inspections throughout the duration of Section 8 tenancy?

Yes, KCHA does inspect Section 8 units annually. The process is similar to that of a new tenancy, described above. If the unit fails the inspection due to deficiencies that the landlord is responsible for, and the landlord refuses to make the repairs, the tenant has the same remedies under the state's Landlord-Tenant Act as any other renter.³ Note, however, that just as any other renter, the law does not allow a Section 8 tenant to withhold rent even when the landlord is not making necessary repairs.⁴

If a unit fails the annual HQS inspection and the damage was caused by the tenant, KCHA will not withhold payment, provided the landlord can document the tenant has been notified of their responsibility to make the repairs. However, if the landlord does not notify the tenant of their responsibility to repair the deficiency, KCHA will ultimately hold the landlord responsible and may withhold payment until the problem is mitigated.

Regardless of fault, if a unit fails an annual HQS inspection and the repairs are not made, the lease will end and the family will be told to find another unit if they want to continue on the program.

maintain(ing) the dwelling unit in reasonably weathertight condition; (and) providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant. (State of Washington 2012)

³ The Landlord-Tenant Act is "self-enforced;" which is to say there is no public agency designated to administer it, including determine whether a landlord has kept a unit "fit for human habitation" under the law. A local code enforcement unit will inspect for local code violations, which may or may not have the effect of forcing repairs required by the Act. (Solid Ground n.d.)

⁴ In fact, if tenants want access to legal remedies, the law requires them first to be current in rent. A tenant can still request repairs from the landlord if the tenant is not current in rent, but the tenant cannot access his or her remedies under the Landlord-Tenant Act. Withholding rent will enable the landlord to initiate an eviction action against the tenant for nonpayment. There are other remedies available to tenants to get repairs done while minimizing the threat of housing loss. (Solid Ground n.d.)

3. Mitigate, at their own expense, any identified issues stemming from Section 8 inspections?

Property owners are responsible for the costs of maintaining their properties to the level of basic habitability and life safety required by law. As noted above, they also have the right to charge tenants for property damages caused by tenants. KCHA will not reimburse a property owner or pay to bring rental properties up to standard.

Again, if a unit fails an HSQ inspection, the owner may choose not to make those repairs, thus losing the voucher holder as a tenant. KCHA cannot force an owner to make repairs in order to uphold the city's building code, anti-discrimination ordinance, or any other law. If KCHA doesn't approve a unit for rental, the voucher holder cannot rent there.

4. Housing Authority approval of the amount of rent that can be charged?

In short, KCHA does not dictate what a landlord may charge. If a landlord insists on a rent price that is greater than what the housing authority allows, the voucher holder will have to seek housing elsewhere. This would not violate the proposed ordinance.

KCHA does determine what they believe is an acceptable rent amount for the unit in question. If the rent amount differs from what the landlord is asking, KCHA will ask a landlord to lower the rent to this level. If the landlord declines, the renter will need to find a different home. "Rents do not decrease when Section 8 is made a protected class" (Martin 2013). Again, this is allowed under the proposed ordinance provided that the landlord is asking the same rent he or she would ask of a renter without a Section 8 voucher.

KCHA looks at two figures to determine allowable rents. The first is the "payment standard" for the unit size in that market area. The payment standard protects the Housing Authority and tax payers from subsidizing luxury or extravagant units. Housing Choice Voucher holders are expected to pay about 28% of their incomes on housing costs, and the Housing Authority pays the balance of the rent, up to the asking rent or the payment standard, whichever is lower.

The second figure is the "reasonable rent" (or "rent comparable") for equivalent units with similar amenities in the vicinity (e.g., city or sub-market). If the asking rent is greater than the payment standard, the family is required to pay the additional amount; but in no case will KCHA allow renters to pay more than 40% of their incomes, and the total contract rent (renter's portion and KCHA's portion combined) cannot exceed the reasonable rent amount.

KCHA works with landlords who choose to hold rents below market rate for elderly, long-term, or disabled tenants so that those special cases do not reduce what the landlords are allowed to charge Section 8 tenants.

King County Housing Authority has raised the maximum rent allowable on the Eastside (including Kirkland) to reflect market rents accurately.

5. Housing Authority review of any proposed rent increases?

Landlords renting to Section 8 tenants are allowed to increase their rent as they would for any other tenant after the initial lease term. Since the initial term of a Section 8 lease is 12 months,

no rent increases are allowed during that time. After the first year, provided no new lease is signed, a landlord is able to request a rent increase as frequently as every 60 days as long as proper notice is given to KCHA and the tenant. After the landlord requests an increase, KCHA determines if the increase is in alignment with similar units in that market. Just as with any rent increase by a landlord, if the resident were not able to afford the approved increase in rent, they would then need to move.

6. Examination of the eviction history of other tenants?

Staff has found no evidence that HUD or the King County Housing Authority examines a private property owner's eviction history when the owner agrees to accept Section 8 vouchers.

7. Federal laws and regulations in addition to state laws, when evicting a tenant?

Following the initial (one year minimum) term of the lease, a landlord has the choice of renewing or not renewing the lease with Section 8 Housing Choice Voucher tenant and can ask the tenant to leave without going through eviction proceedings; that is, without cause. In this, there is no difference between Section 8 and ordinary private (i.e., non-Section 8) tenancies. There is no federal (or state) law that requires a landlord to renew a lease with a Section 8 tenant. Under the proposed ordinance, however, a landlord may not evict or refuse to renew a lease just because the tenant uses a Housing Choice Voucher.

*In the initial term of the lease, landlords of Section 8 tenants have a slightly different standard to meet when evicting such a tenant as compared to that provided for unsubsidized tenants. To evict an unsubsidized tenant, the landlord would have to prove one of the violations provided in RCW 59.12.030 had occurred. To evict the subsidized tenant, the landlord would have to prove the tenant had violated one of the provisions of 24 C.F.R. 982.310(a). Though there is a lot of similarity between them, there is at least one notable difference, which was recently made clear in the case of *Indigo v. Wadsworth*.*

There, a Section 8 tenant was evicted under RCW 59.12.030 for violating a term of her lease. She appealed that eviction and the appellate court held that, because she was a Section 8 tenant, the lower court should have used the allowable grounds for eviction contained in 24 C.F.R. 982.310(a) instead. Under those provisions, it is not enough that a tenant violate a term of the lease, which was sufficient under RCW 59.12.030. Instead the landlord must prove there was a serious violation of the lease or repeated violations of the lease to justify an eviction. Clearly, a notable difference between what one would have to prove if the violation of a lease term were the grounds under which a landlord was seeking eviction of a tenant.

*However, some legal rights advocates believe that *Indigo v. Wadsworth* could be considered immaterial because even unsubsidized tenants have protections under RCW 59.18.020, which require landlords to act in good faith, and trivial lease violations are arguably inconsistent with good faith.*

8. Hold an apartment vacant for a voucher holder while waiting for KCHA to approve a tenant, a lease, or a unit?

Under the proposed ordinance, landlords may ask for application or holding fees as some protection from income losses due to approval delays, if this is their standard practice for all rental applicants. According to the Landlord-Tenant Act, if the tenant does move in, this fee must be applied toward the security deposit or first month's rent. The landlord may not keep any of the holding fee if the unit fails a Section 8 inspection. However, if the inspection does not happen within ten days of the applicant paying the fee, then the landlord does not have to hold the place for the applicant (Northwest Justice Project 2012); in that case also, the landlord must return the fee to the applicant (State of Washington n.d.).

If the ordinance is adopted, landlords who do not require holdings would be advised to tell qualified applicants holding Section 8 vouchers that they can rent a unit if the landlord and KCHA reach an agreement, but that the landlord will not hold the apartment if another qualified applicant wants the unit in the meantime. Landlords may violate the ordinance if they tell voucher holders that they won't rent them a unit because KCHA's approval process is "too lengthy," "doesn't work for us," "doesn't fit our business model," or any presumptive reason.

9. Change their income or other screening criteria?

Nothing in the Section 8 program or the ordinance requires owners to change their income or other screening criteria—only that they apply the same way to all renters. When income-testing voucher holders, a simple way to comply with the ordinance would be to compare the tenant's income to the tenant's portion of the rent. Say, for example, that KCHA approves a lease for \$750 per month and says KCHA will pay \$500 of that amount, and approves the renter to pay \$250 per month. If the landlord's policy is to accept renters only if they make three times the rent, the landlord should accept this renter if the renter's income is at least \$750 per month (assuming the renter meets all the other criteria as well).

10. Change other parts of their business operations?

In general, Section 8 requires only that landlords treat voucher holders the same as non-voucher holders.

- *They may require Section 8 tenants to have co-signers as long as they require co-signers for all similarly-situated tenants (e.g., tenants of the same income level, including vouchers).*
- *Owners may not charge Section 8 tenants extra amounts for items customarily included in rent or provided at no additional cost to unsubsidized tenants in the same premises (U.S. Department of Housing and Urban Development 2009); by the same token, owners may charge Section 8 tenants the same amounts for items that they charge unsubsidized tenants in the same premises. (Examples: parking, amenities.)*
- *Landlords may require all residents, including Section 8 voucher holders, to pay first month's rent at move-in, or extra deposits or fees for pets. If a Section 8 tenant is unable to produce the landlord's deposits or fees, the landlord can choose not to rent to that tenant. The Section 8 program does not allow pre-payment of last month's rent.*
- *If a landlord requires all renters to carry insurance, he or she may require the same of tenants who use vouchers.*

- *A landlord may also require voucher holders to pay an administrative or screening fee, but only if he or she does the same for all renters.*
- *Nothing in the Section 8 program or the ordinance prohibits owners (such as condominium owners), who are charged penalties when their tenants violate homeowner association rules, from passing those penalties on to the tenants. KCHA will not pay such penalties on behalf of a tenant.*

Generally speaking, Section 8 requires one-year leases at move-in. Landlords who only offer shorter leases, to all tenants, will not be able to participate in Section 8 and will not violate the proposed ordinance. (KCHA does have the authority, however, to change the rule requiring a minimum one year lease if they decide, given market conditions, that allowing shorter leases is necessary for the program to operate efficiently and effectively.)

Congress made landlord participation in Section 8 voluntary; do state and local governments have the authority to require landlords to accept Section 8 vouchers?

“Federal law does not prohibit states or cities from implementing laws against source-of-income discrimination. The federal law sets the lowest permissible standard and, while voluntary, allows for other jurisdictions to create more restrictive requirements.” (Ferguson 2011) In fact, the Section 8 statute reads in part, “nothing in part 982 is intended to pre-empt operation of the State and local laws that prohibit discrimination against a Section 8 voucher-holder because of status as a Section 8 voucher-holder.” (United States Congress n.d.) Courts in New Jersey, Connecticut, Maryland, and New York have upheld similar anti-discrimination laws, finding that such laws “neither conflict with nor frustrate the objectives of Congress in enacting the Section 8 program.” (Ferguson 2011)

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- U.S. Department of Housing and Urban Development. *Housing Choice Vouchers Fact Sheet*. n.d.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet (accessed November 29, 2012).
- U.S. Department of Housing and Urban Development. "Tenancy Addendum: Section 8 Tenant-Based Assistance Housing Choice Voucher Program." 2009.
- United States Congress. "24 C.F.R. §982.53(d)." *Code of Federal Regulations*. n.d.

Dawn Nelson

From: Tenille Hyun <tenillehyun@hotmail.com>
Sent: Monday, November 05, 2012 3:33 PM
To: City Council
Subject: Opposing protected class status for Section 8 vouchers

Dear Councilmembers,

I am a member of the Rental Housing Association of Washington and I support ensuring rental housing is an attractive option to people no matter what their current financial situation is. Many RHA members cater to Section 8 tenants.

The proposed ordinance being heard at the November 7th Council meeting would make it illegal for a rental housing owner to consider the tenant's source of income as screening criteria and require landlords to accept tenants who receive federal Section 8 rent vouchers. Unfortunately, this ordinance does not address the real issue which needs to be addressed; housing affordability. Creating a protected class for Section 8 will not decrease rents.

Section 8 is a federally funded program that is administered by local housing authorities. Local housing authorities are not permitted to waive or vary the rules set down by the federal government. Congress chose to make landlord participation in the Section 8 program voluntary because it recognized that the rules and regulations imposed, such as limits on rent, requiring good cause for termination of a tenancy, and maintenance requirements, could be overly burdensome for many landlords.

I currently own a rental property with Section 8 tenants. In order to rent to them I had to pay several hundreds of dollars to bring my home into compliance with Section 8 standards. I did so voluntarily. However, not every landlord is able to spend the extra money required in order for their property to be approved by Section 8.

I respectfully request that you not adopt this ordinance. Thank you for your consideration.

Sincerely,
Tenille Hyun

Dawn Nelson

From: John Jones <john@linneajones.com>
Sent: Monday, November 05, 2012 3:32 PM
To: City Council
Subject: Opposing protected class status for Section 8 vouchers

Dear Councilmembers,

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I respectfully request that you not adopt this ordinance. Thank you for your consideration.

Sincerely,
John Jones
Sentry Properties, LLC

Dawn Nelson

From: Kelley Price <kelleyprice@gmail.com>
Sent: Monday, November 05, 2012 3:52 PM
To: City Council
Subject: Opposing protected class status for Section 8 vouchers

Dear Councilmembers,

I am a member of the Rental Housing Association of Washington and I support ensuring rental housing is an attractive option to people no matter what their current financial situation is. Many RHA members cater to Section 8 tenants.

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I respectfully request that you not adopt this ordinance. Thank you for your consideration.

Sincerely,

Kelley Price

Dawn Nelson

From: Sylvia and Jerry Stewart <stewart0549@msn.com>
Sent: Monday, November 05, 2012 3:17 PM
To: City Council
Subject: Proposal that would require landlords to accept Section 8 tenants

Dear Councilmembers,

I am a member of the Rental Housing Association of Washington and I support ensuring rental housing is an attractive option to people no matter what their current financial situation is. Many RHA members cater to Section 8 tenants.

The proposed ordinance being heard at the November 7th Council meeting would make it illegal for a rental housing owner to consider the tenant's source of income as screening criteria and require landlords to accept tenants who receive federal Section 8 rent vouchers. Unfortunately, this ordinance does not address the real issue which needs to be addressed; housing affordability. Creating a protected class for Section 8 will not decrease rents.

Section 8 is a federally funded program that is administered by local housing authorities. Local housing authorities are not permitted to waive or vary the rules set down by the federal government. Congress chose to make landlord participation in the Section 8 program voluntary because it recognized that the rules and regulations imposed, such as limits on rent, requiring good cause for termination of a tenancy, and maintenance requirements, could be overly burdensome for many landlords.

I have rented to Section 8 tenants in the past and had a bad experience which resulted in complaints about petty crimes due to the tenants in my apartment, from the small business owners in the neighborhood where my apartment is located. It was a burden for me to deal with this because it deterred other renters from wanting to live in my apartment, and I ended up asking the tenants to leave. I'm not saying that every Section 8 tenant will be like this, but landlords who rent to Section 8 tenants will have additional responsibilities of satisfying Section 8 Program Requirements and additional oversight required for their properties. Therefore, I think landlords should be able to choose whether they are able and willing to provide these things and should not be forced to. I respectfully request that you not adopt this ordinance. Thank you for your consideration.

Sincerely,

Sylvia Schweinberger

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Paul Stewart](#); [Dawn Nelson](#); [Cheri Aldred](#)
Subject: FW: Opposing protected class status for Section 8 vouchers
Date: Tuesday, November 06, 2012 4:19:46 PM

Council: Ms. Spence is aware that her correspondence has been received, forwarded to Council and staff, and will be part of the discussion at the Council meeting on November 7, 2012 agenda item # 11.d. Thank you. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Jennifer Spence [<mailto:jenniferspence@wpmlorigill.com>]
Sent: Monday, November 05, 2012 1:43 PM
To: City Council
Subject: Opposing protected class status for Section 8 vouchers

Dear Councilmembers,

I am a member of the Rental Housing Association of Washington and I support ensuring rental housing is an attractive option to people no matter what their current financial situation is. Many RHA members cater to Section 8 tenants.

The proposed ordinance being heard at the November 7th Council meeting would make it illegal for a rental housing owner to consider the tenant's source of income as screening criteria and require landlords to accept tenants who receive federal Section 8 rent vouchers. Unfortunately, this ordinance does not address the real issue which needs to be addressed; housing affordability. Creating a protected class for Section 8 will not decrease rents.

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I respectfully request that you not adopt this ordinance. Thank you for your consideration.

Sincerely,

Jennifer Spence | Property Manager

Windermere Property Management
Lori Gill & Associates
700 112th Ave NE, Ste 203
Bellevue WA 98004-5106

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HOUSING
DEVELOPMENT
consortium

November 6, 2012

Kirkland City Council
Kirkland City Hall
123 5th Ave.
Kirkland, WA 98033

RE: Ordinance O-4384, Prohibiting discrimination on the basis of participation in the Section 8 program

Dear Council Member,

Thank you for the opportunity to comment on the proposed prohibition of discrimination against Section 8 program participants. **On behalf of the Housing Development Consortium of King County's (HDC) more than 100 organizational members, I urge you to adopt Ordinance O-4384.**

HDC is a nonprofit membership organization which represents private businesses, nonprofit organizations, and government agencies who are working to develop affordable housing in King County and who are dedicated to the vision that all people should have a safe, healthy, and affordable home. We applaud you for taking a comprehensive approach toward achieving this vision, through your support of funding for ARCH (A Regional Coalition for Housing) and your support of zoning policies that ensure affordable housing is available throughout the City of Kirkland.

People who work on the eastside should be able to afford to live on the eastside. However, many adults who work in East King County must commute from other communities in order to find an affordable home. For example, it is much easier to find an affordable home in South King County, where more than 40% of rental units are affordable to households earning less than 50% of the Area Median Income (approximately \$40,000 a year for a 3 person household), than in East King County, where less than 20% of rental units are affordable at the same income level.

HDC's Affordable Housing Members:
Low-income Housing Organizations
Community Development Corporations
Special Needs Housing Organizations
Public Housing Authorities
Community Action Agencies
Workforce Housing Organizations
Public Development Authorities
Government Agencies and Commissions
Architects and Designers
Development Specialists
Certified Public Accountants
Regional Funders and Lenders
National Funders and Lenders
Community Investment Specialists
Property Managers
Law Firms
Contractors

Affording Opportunity

1402 Third Avenue, Suite 1230 Seattle, Washington 98101

206.682.9541 Fax 206.623.4669 www.housingconsortium.org

The Section 8 program, as operated by the King County Housing Authority, helps families like these afford to live on the eastside by paying the difference between the rent a household can afford to pay for their housing costs (30% of their income) and the total rent charged by a landlord. Unfortunately, some eastside landlords have refused to participate in this program.

The proposed ordinance protects the rights of landlords to screen all applicants to ensure they are renting to good tenants while also ensuring that working families can utilize the Section 8 program to help afford eastside rents and to help stabilize their lives.

Again, thank you for your work to ensure all people in Kirkland have a safe, healthy, and affordable home. Please ensure Section 8 participants have the opportunity to live in Kirkland.
Vote to approve Ordinance O-4384.

Thank you for your consideration. Please let me know if you have any questions.

Best Regards,



Kelly Rider
Policy Director

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Paul Stewart](#); [Dawn Nelson](#); [Cheri Aldred](#)
Subject: FW: Ordinance O-4384
Date: Tuesday, November 06, 2012 4:30:32 PM

Council: Mr. Norman is also aware that his correspondence has been received, forwarded to Council and staff, and will be reviewed during the Council meeting November 7, 2012 agenda item # 11.d.
Thank you. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Stephen Norman [<mailto:StephenN@kcha.org>]
Sent: Tuesday, November 06, 2012 4:28 PM
To: City Council
Subject: Ordinance O-4384

Dear Members of the Kirkland City Council:

I am writing to respectfully urge your support of Ordinance 0-4384.

Over 10,000 households in suburban King County have a roof over their heads tonight because of rental subsidies provided to their families under the Section 8 Housing Choice Voucher program.

Currently 400 households who are living in Kirkland are avoiding homelessness or severe shelter burdens through the use of this program.

Of these households:

- 20% are elderly, and an additional 25% are living with a disability
- 55% are families with children, including over 320 school-aged children

The average income of these families is just over \$9,770 a year and many are on fixed incomes or working for minimum wage. Section 8 vouchers fill the growing gap for these families between 30% of their income and the region's rising rents. This is a critical resource for low wage workers in the Kirkland community. According to a market analysis performed by Dupree & Scott, only six unsubsidized apartments in Kirkland are actually affordable to a person earning minimum wage. The Section 8 program supports this local workforce and assists long time Kirkland residents to maintain housing stability. Housing stability is particularly crucial for our community's children. Homeless children, or children who move every six months, face enormous challenges in succeeding in school.

The King County Housing Authority (KCHA) is pleased to administer this program. KCHA has consistently been rated a high performer since HUD began rating housing authorities in 1992. In 2003 the King County Housing Authority was chosen by HUD because of our high performing status to participate in the Moving to Work (MTW) program. As a participant in MTW KCHA has been allowed to significantly alter the Section 8 program to make it more responsive to local needs. Using this authority the Housing Authority has made changes to improve the program's overall efficiency and effectiveness for both tenants and landlords, including:

- simplification of our Housing Quality inspections so that landlords can self-certify that they have fixed certain deficiencies.
- increases in the maximum rent allowable on the Eastside (including Kirkland) to accurately reflect market rents in these communities.
- clustering of annual inspections for landlords, which saves time by only requiring one or two inspections per year even if multiple units are involved.

The elimination of source of income discrimination does not require that landlords accept every Section 8 applicant. It simply requires landlords to apply the same screening criteria as they do for non-Section 8 applicants. No household should be arbitrarily rejected simply because they are receiving government assistance.

We encourage the Kirkland City Council to join the twelve states and many other local jurisdictions (including Bellevue, Redmond, Seattle, and un- incorporated King County) that have already enacted source of income discrimination protections.

Thank you for your consideration,

Stephen Norman

Stephen Norman | Executive Director | King County Housing Authority | 600 Andover Park W., Seattle, WA 98188 | Office:
206-574-1190 | Fax: 206-574-1189

November 6, 2012

Kirkland City Council
123 5th Ave
Kirkland, WA 98033

RE: Ordinance #O-4384 – protected class status for Section 8

Dear Councilmembers,

Thank you for the opportunity to comment on the proposal to create a new protected class in the City of Kirkland for Section 8 voucher recipients. The Rental Housing Association of Washington (RHA) represents over 4,900 members, many of whom own rental housing in the City of Kirkland. Safe and affordable housing are fundamental tenets of the success of RHA and its members.

RHA does not support creating a protected class for Section 8 voucher recipients. RHA wants to ensure that rental housing is an attractive option to people no matter what their current financial situation is. In fact, many of our members cater exclusively to low-income and Section 8 tenants, without being induced by government regulation. Unfortunately, this proposal does not address the real issue which needs to be addressed; housing affordability. Rents will not change if this ordinance is passed into law, and those who do not financially qualify to pay rent for a unit will not be any more likely to qualify with Section 8 protected class status in place.

RHA has for years advocated in Olympia for more State funding of rental voucher assistance. Vouchers enable more housing choices for tenants and an opportunity to find a living space that fits an individual's needs best. Thankfully, in 2012 we were successful in passing HB 2048 which will authorize more money for private rental vouchers through use of recording fees paid into the State's housing trust fund. This is an issue which we and our members care deeply about.

RHA has conducted independent research in the past, speaking with many of the local housing authorities who oversee Section 8 voucher distribution. Not one offered any opinions or evidence that Section 8 tenants were being unfairly refused an opportunity to submit a rental application because of their Section 8 voucher. We would also point out that the City's own staff report does not cite any incidents of this being an issue within Kirkland.

Section 8 is a federally funded program that is administered by local housing authorities. The local housing authorities are not permitted to waive or vary the rules set down by the federal government. Congress chose to make landlord participation in the Section 8



program voluntary because it recognized that the rules and regulations imposed, such as limits on rent, requiring good cause for termination of a tenancy, and maintenance requirements, could be overly burdensome for many landlords.

We respectfully request that you not adopt this proposed ordinance.

Sincerely,

Sean Martin,
Director of External Affairs



Washington Landlord Association™

"The Largest State-Wide Landlord Association in Washington....Serving over 67,500 Subscriber Members"

Founded 1996 as Olympic Rental Association; registered with IRS and Washington Secretary of State as a tax-exempt service corporation.
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Web: WaLandlord.com E-mail: timseth@juno.com Olympia WA 98501

Aberdeen, Bellingham, Bremerton, Centralia, Ellensburg, Everett, Kent, Longview, Moses Lake Olympia, Port Angeles, Redmond, Seattle, Spokane, Tacoma, Tri-City, Vancouver

November 6, 2012

Kirkland City Council
123 5th Ave
Kirkland WA 98033

Making Section 8 Tenants a Protected Category

Dear Members of the Kirkland City Council:

In behalf of our 350-member Kirkland mailing constituency, WLA appreciates the opportunity to comment over a good-faith proposed ordinance to foster housing of the poor. Specifically, the idea is to target special protection for Section 8 tenants against categorical denials... simply for being on the Section 8 program. This concept has been thoroughly considered in recent legislative sessions, along with local cities, but failed to pass over concerns that the net result would end up with even less rental opportunities for struggling tenants on rental assistance programs (due to the added legal liabilities put on participating landlords, etc.)

Housing authorities understand the basic federal importance that Section 8 and other government housing participation be voluntary on the landlord's part. We understand your ordinance does not mandate the actual renting to Section 8... applicants can still be denied on a case-by-case basis making the overall idea a cruel hoax on hopeful applicants. Also, the prospect of appeals/litigation against landlords is still dampening enough to set the program back even further. Landlords are being asked to rent to a higher risk clientele often under the binding terms of a 1-year lease. In short, passing your proposed ordinance carries the risk of alienating participating landlords including those that otherwise waive screening standards (to accept Section 8 or other low-income people).

When looking at statistical participation profiles in Washington, those entities that keep participation voluntary have higher landlord participation rates (eg Thurston County @ 98.5%); whereas areas that mandate protection are typically lower (eg Seattle @ 95%). Adding severe money penalties will only make matters worse for the poor, paralyzing the process, and leaving absolutely no discretionary screening options or charitable exceptions to otherwise harsh selection cut-offs.

The vast majority of our WLA mainstream landlords knowledgeable with the Section 8 program (as administered by their local housing authority), routinely volunteer their participation... meeting community dispersement goals. Easy sign-ups, reasonably modest inspections, automatic rental payments of funded portions, guaranteed market rents with annual up-dates, the ability to evict, and long-lasting tenancies are a few of the incentives for landlords to participate. In addition, WLA provides categorically bias-free screening and training to help participating landlords avoid unnecessary program pitfalls and misunderstandings. We would be please to work with Kirkland officials in any future promoting of Section 8 participation.

WLA is certainly sensitive to the community value of fostering basic housing for all citizens. The problem, as landlords understandably see it, is the ***lack of job options...not lack of housing options***. Low-income units are just as slow to rent as the higher-priced units. On the flip side, we do not see any public examples where local or state government agencies specifically target employment recruiting to those on welfare or other marginally economic situations. Nor are private businesses and housing given much (if any) incentive to do so.

In conclusion, we respectfully ask that no action be taken to adopt mandatory rules regarding Section 8 administration for the reasons given above. Meanwhile, thank you for the continuing opportunity to be part of the rule-making process.

Sincerely yours,

Tim Seth, President

cc: Dawn Nelson, Planning and Community Development

Dawn Nelson

From: jodyhere24doris@comcast.net
Sent: Tuesday, November 06, 2012 1:23 PM
To: City Council
Cc: Penny Sweet; Dave Asher
Subject: Outlaw source of income discrimination!

Dear Kirkland City Council members,

Please vote yes to protect renters from discrimination based on their source of income. Veterans, families fleeing domestic violence, seniors and people with disabilities rely on rental vouchers to help cover a portion of their rent and they shouldn't be denied housing simply because they have a voucher.

Everyone deserves an equal opportunity to access housing.

Doris (Jody) Wilson
12711 NE 129th Court, G-104
Kirkland, WA 98034-3265



Tenants Union of Washington State

5425 B Rainier Avenue South • Seattle, WA 98118

Admin: 206-722-6848 • Fax: 206-725-3527

www.tenantsunion.org • Tenant Hotline: 206-723-0500

Mayor Joan McBride &
Kirkland City Council
23 Fifth Avenue Kirkland,
Washington 98033

11/7/2012

RE: Tenants Union Letter of Support for Source of Income Discrimination Ordinance

Dear Mayor McBride and Kirkland City Council,

The Tenants Union of Washington State strongly supports the City of Kirkland enacting a Source of Income Discrimination ordinance to prevent discrimination against its low-income citizens in the rental housing market.

The Tenants Union has been directly involved with this issue for many years, most recently when earlier this year a large housing provider, Archstone properties, who has buildings in Redmond, Bothell, and Kirkland, systematically terminated the tenancies of many of their Section 8 tenants in their buildings. The Tenants Union contacted many of these tenants to intervene, totaling 35 households, and successfully stopped one eviction, and with legal aid assistance had another tenant reinstated after being forced into homelessness. After considerable pressure was put on Archstone Properties they agreed to rescind the termination notices, largely because their objective was accomplished as only five Section 8 tenants remain. Had these cities had source of income protection laws on the books, this could all have been prevented.

Source of Income Discrimination is very real, and has a disproportionate impact on the elderly, people with disabilities, and people of color. It can take two to five years or longer before a family receives a Section 8 voucher from the date they apply. Families will only have a window of two months to find housing before the voucher expires, which is a common circumstance as landlords routinely deny housing solely based on whether someone is a Section 8 voucher holder. For a low income person the voucher is a precious resource that once lost is often impossible to regain. The tenants at the Archstone Properties were no different than others in their community; they paid their rent on time, were good neighbors, and complied with the terms of their lease. Why should they be treated differently solely on the basis of their income?

This kind of discrimination results in displacement, racial and economic segregation, and taxes the social safety net as scarce public resources are used to aid those forced into homelessness as a result of a discriminatory policy.

The various civil rights offices of Washington State understand the need to stop discrimination based on income, though they currently lack the jurisdiction to act. Hence it is up to local municipalities to protect their constituents from income discrimination, which has successfully been accomplished in Seattle, Bellevue, Redmond, and unincorporated King County.

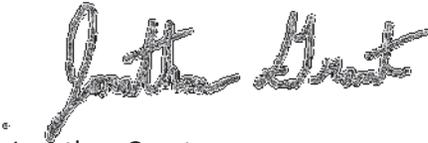
Voucher tenants were systematically terminated throughout the eastside but because the City of Bellevue already had a Source of Income Discrimination ordinance on the books Archstone could not

attempt to terminate any Bellevue tenants. These anti-discrimination protections make a huge difference and can protect the most vulnerable of our citizens.

While Archstone Properties has stopped the terminations—for now—they have still adopted a policy of not accepting Section 8 tenants going forward. We strongly encourage the City of Kirkland to pass an ordinance to put an end to housing discrimination in the same way red-lining was rightfully outlawed so low-income people can have a place to call home. I'll end with this reflection from a Section 8 tenant:

"I didn't know it was going to be this difficult," she said. "I got a message from a manager that said, 'I accept small dogs but absolutely no Section 8.' I just felt like scum. They'll accept Fancy, our Pomeranian, but not us." - *Reba Masterjohn, Section 8 renter as quoted in the 5-7-07 Seattle Times.*

Sincerely,



Jonathan Grant
Executive Director
Tenants Union of Washington State
5425 Rainier Ave. S. Ste B, Seattle, WA 98118
206-722-6848 x112 (t) 206-725-3527(f)
jonathang@tenantsunion.org

CC: Dawn Nelson, Planning Supervisor



November 7, 2012

Kirkland City Council
123 5th Avenue
Kirkland, WA 98033

Re: Proposal to Make Section 8 a Protected Class – Ord #0-4384

The Washington Multi-Family Housing Association is made up of owners and managers of multi-family properties together with suppliers who provide goods and services to the multifamily industry. Most of our members own or operate large multi-family properties. Our members operate more than 600 properties and house more than 110,000 families in Washington. 21 of our members' properties are in the Kirkland area.

WMFHA believes in and supports the federal Section 8 program. The program can be one of the most effective means of addressing the need for affordable housing. It allows families to choose their housing and helps reduce the concentration of poverty. But the program has been plagued with inefficiencies and onerous bureaucratic requirements that increase the cost to rent to a Section 8 voucher holder and discourage private owners from accepting Section 8 vouchers. Owners who participate in the program must sign a three-way lease with the resident and the housing authority, and they are subject to (often cumbersome) program restrictions, such as repetitive unit inspections, resident eligibility certification and other regulatory paperwork.

The program has also been plagued with a flawed and volatile funding system, which has undermined private sector confidence in it. With Congress focused on austerity measures, deficit reduction and a fiscal cliff insufficient funding is expected to be worse in the near-term budget cycles.

We are very concerned that Kirkland is considering making Section 8 voucher holders a protected class. This proposal will not add a single additional unit to the amount of affordable housing available in Kirkland. There is no verifiable evidence that Kirkland needs to provide protection for Section 8 voucher holders. Nor is any verifiable evidence that Section 8 voucher holders who seek housing in Kirkland cannot find housing that they desire. Members of the council may hear anecdotal evidence that landlords have rejected some people who have Section 8 vouchers. While such rejections may have happened, the rejections were not based solely on the fact that the applicant had a Section 8 voucher.

Private landlords make legitimate, difficult business decisions every day. They decide which property to acquire, what the rental amount should be for a unit, which supplier to hire and which applicant to accept as a resident. Private landlords also make a decision whether to participate in the federal Section 8 program. Some landlords participate and some do not. These decisions are based on a variety of factors.

The Section 8 program is a federal funded and federally controlled program. Local housing authorities are responsible for implementing the program. Neither the local housing authority nor a local government can modify or change the regulations imposed by the federal government. Some private landlords object to these regulations and because of these regulations choose not to participate in the program. A local government should not force private landlords to participate in a program that is optional at the federal level and that has requirements and obligations to which some landlords have legitimate objections.

1. Some private landlords require a resident that has a pet to pay an additional monthly fee for that privilege. Section 8 regulations do not allow this.
2. Some private landlords require residents to pay for and maintain renter's insurance. Section 8 regulations do not allow this.
3. Some require payment of an administrative fee at the time of move-in to recoup administrative and advertising costs. Section 8 does not allow administrative fees.
4. Some private landlords charge a monthly fee to those residents who choose to be on a month-to-month arrangement rather than a fixed term tenancy. Section 8 does not allow this.
5. Some landlords want to have the flexibility to set rental rates without having to seek approval from the government. Section 8 regulations require the landlord to obtain government approval before changing rental rates.
6. Some landlords want the flexibility to terminate a tenancy without having to face an increased legal burden. A recent Washington state appellate court decision held that a landlord must meet a higher legal burden when seeking to terminate a Section 8 tenant.

Each of these is a legitimate, valid business reason why some private landlords choose not to participate in the Section 8 program. A local government that has no

control over the rules and regulations that affect the program should not take this choice away.

We ask that the council either reject this proposal or defer consideration of it for a reasonable period of time to allow landlords to present documentation that demonstrates that making Section 8 a protected class will not accomplish the results that the proponents suggest.

We thank you for the opportunity to present our position on this important issue and look forward to sharing vital information with you on this subject.

Joseph D. Puckett
Government Affairs Director
Washington Multi-Family Housing Association
Joseph.puckett@comcast.net
206-853-9514

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Paul Stewart](#); [Dawn Nelson](#)
Subject: FW: Why I've stayed until the end of your recent meetings
Date: Thursday, December 06, 2012 5:09:35 PM

Council: Ms. Grogan is aware that we have received her correspondence, that the topic will be on a future 2013 Council meeting agenda, and that it is being forwarded to staff who can keep her apprised of the date. Thank you. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Suzanne Grogan [mailto:suzannegrogan99@yahoo.com]
Sent: Thursday, December 06, 2012 4:15 PM
To: Joan McBride; Doreen Marchione; Bob Sternoff; Penny Sweet; Toby Nixon; Amy Walen; Dave Asher
Subject: Why I've stayed until the end of your recent meetings

Dear Kirkland City Council members,

I have enjoyed seeing our local government in action and *didn't want to miss anything by leaving early*. I'm impressed with the level of commitment, wisdom, and understanding of complex issues that I've seen in the Council sessions.

After 20+ years of medical problems, in the past two years I have finally been able to actively participate in community affairs again, and I've found the process interesting and thought-provoking.

My recent interest in particular has involved two issues. I have been working with [Kirkland Move to Amend in support of a Constitutional amendment](#) to overturn the Supreme Court's Citizens United, and have gathered signatures on petitions and left voice mails with each of you and gratefully spoken in person to those who returned my call.

My second interest is in your most recent [consideration of the prohibition of discrimination against potential tenants solely on the ground that they have a Section 8 voucher](#).

I learned *first hand* of this type of prejudice, despite the fact that I have two master's degrees, taught at the college level, and was co-director of a United Way agency before my medical problems led to disability and left me virtually home bound for many years.

Because of my long-standing medical expenses, I have qualified for Section 8 Subsidized Housing, and I moved to Kirkland almost 6 years ago when the funds for subsidized housing were substantially reduced and my previous apartment in Bellevue exceeded the new "fair market rate." I could have remained in that unit if I agreed to pay an additional \$250 per month over and above the voucher payment.

Based on previous frustrating and demeaning experiences when seeking appropriate housing, I've learned not to *initially* identify myself as having a Section 8 voucher, but to simply present myself as a potential tenant. Only after they expressed an interest in renting to me have I asked if they would consider accepting my Section 8 voucher.

Although my current and previous landlords had never previously participated in the program, they were pleased to learn about the reasonableness of the King County Housing Authority guidelines, and my landlords and I have had happy relationships wherever I have lived. They are free to charge any amount they choose, but if I am to remain a tenant, it must be within the "fair market rate" for units eligible for a Section 8 voucher. Annual inspections are focused on safe living conditions that any tenant should be guaranteed, and are not burdensome on landlords.

As a Section 8 tenant in your community, I have volunteered for 2 years at the Wednesday Farmer's Market at the Manager's Booth, participated in two interfaith organizations and their local events, informally done trash patrol on my street, and shopped almost entirely in the Kirkland area. As co-chair of the Social Justice Committee my Kirkland church, I have

- contacted several local social service organizations because each month we donate \$1000 to help end homelessness
- helped organize volunteers for food drives
- collected donations and delivered them to Tent City 4
- helped coordinate local and regional workshops in Kirkland facilities
- produced local screenings of documentaries to educate the congregation & the local community about critical issues
- maintained regular email contacts with our congregation about matters of community interest

I think I would qualify as the type of community resident that helps rather than hurts the area, but first someone had to be willing to rent to me *even though* I had a Section 8 voucher..

If landlords have other reasons for denying occupancy to a prospective tenant, they might choose to not sign a lease, but in my opinion, *merely* having a Section 8 voucher should not be a valid reason to reject someone's request to rent an apartment.

This issue speaks to the "content of a person's character" and recognizes that worthwhile community residents need not all be financially well-off to qualify as desirable members of the community. Diversity in many arenas strengthens the quality of community life and enhances the sensitivity of local residents, and should

be encouraged and protected.

I was surprised and impressed that Councilman Toby Nixon shared his early life experience with various governmental programs in the social safety net, and the importance they held in permitting him to grow up in a stable environment to become the individual he is today and enabling him to now make significant contributions to his community and church.

I respectfully urge you each to consider the value of ensuring affordable housing and protecting the financially vulnerable from discrimination solely because they qualify for subsidized housing, and to pass the local resolution in support of diversity and fairness, two key values in our American culture.

Yours truly,

Suzanne Grogan, MA, MSW (photo attached)
411 5th Ave. South, Apt. 1
Kirkland, WA 98033
425-803-9570

From: [Janet Jonson](#)
To: [Dawn Nelson](#)
Subject: FW: YIKES !!! URGENT !! Sect 8 Kirkland Council and Planning Commissioners
Date: Monday, January 28, 2013 3:03:03 PM

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: Janet Jonson On Behalf Of Joan McBride
Sent: Tuesday, January 22, 2013 3:11 PM
To: Kurt Triplett; Marilynne Beard; Eric Shields; Paul Stewart; Teresa Swan
Subject: FW: YIKES !!! URGENT !! Sect 8 Kirkland Council and Planning Commissioners

Staff: Karen is aware that her email has been received and forwarded to staff. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Tuesday, January 22, 2013 2:18 PM
To: Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allhouse; Glenn Peterson; Joan McBride; Doreen Marchione; Amy Walen; Penny Sweet; Bob Sternoff; Dave Asher; Toby Nixon
Cc: Uwkkg@aol.com; neighboringproperties@gmail.com
Subject: YIKES !!! URGENT !! Sect 8 Kirkland Council and Planning Commissioners

Dear City Council:

I just received (Jan 22nd at 1:45pm) a first email about a meeting re:
a Section 8 housing Ordinance. This meeting is to be held just 26 hours from now!!!!

Apparently staff was asked in November to conduct outreach and invite potential Landlords and Renters and this request was made in November of 2012. To just hear about this now is inappropriate!!! I cannot arrange to leave my job in San Francisco and be there for a meeting that is happening the very next day. I cannot distribute the email that was just sent to other condo owners and renters that would be interested and get this to them for a next day meeting.

As far as the idea of an Ordinance is concerned, it is wrong for all the reasons mentioned by Rick Whitney and the others opposing the ordinance as demonstrated in the emails attached that were sent to the city of Kirkland in 2009 and on other occasions over the years. it is wrong for all the reasons

that this did not move forward in the state legislature.

1) If you are considering this it must be noticed broadly to the entire Kirkland community. you cannot possibly know all of the landlords and renters and hope to

give them the opportunity to participate unless you are very very attentive to getting the information out into the newspapers, posted around the city and given wide email and snail ail distribution

2) There could be many unintended consequences of this action which may actually decrease reasonably priced rentals.

3) There may be numerous homeowner or landlord rights that are being harmed with this Ordinance

4) I see no evidence of the city doing any research into how the existing "Condominium Declarations" filed as legal documents with the state of Washington and establishing the rules for the management and use of each condo might conflict and cause legal issues for HOA Boards and unit owners.

This is hastily put together and wreckless. It is once again thwarting the public's right to be involved in the decision making of the city by providing worthless public notice.

Thank you for correcting this issue and for NOT SUPPORTING the Ordinance.
(the email with 28 hours of notice is below my signature)

Karen Levenson
President
The Park, A Condominium

-----Original Message-----

From: City of Kirkland <kirkland@service.govdelivery.com>

To: uwkkg <uwkkg@aol.com>

Sent: Tue, Jan 22, 2013 1:15 pm

Subject: Kirkland Neighborhood News: Kirkland Landlords and Renters invited to Section 8 conversation

Tuesday, January 22, 2013 January 23, 2013 Meeting Announcement:

Kirkland landlords and renters invited to conversation about proposed Section 8 rental ordinance
In November 2012, the Kirkland City Council considered a proposed ordinance prohibiting landlords from refusing to rent residential units based solely on a request by a rental applicant to use a Section 8 rental voucher to cover part of the rent. The background materials provided to the Council for that meeting can be found at November 7, 2012 meeting.

The Council asked staff to conduct further public outreach before bringing the issue back to them in early 2013.

You are invited to a public meeting at 7 p.m. on Wednesday, January 23, 2013 to discuss the proposed ordinance. The goal of the meeting is to share feedback the City has received and to hear if there are additional concerns that can be addressed in the ordinance before it is considered by the City Council in February. Section 8 Nondiscrimination Stakeholders Meeting Wednesday, January 23, 2013 7:00 –

8:30 pm Kirkland City Hall, Peter Kirk Room, 123 5th Avenue, Kirkland, WA 98033 Please send your questions and comments to: Dawn Nelson, Planning Supervisor City of Kirkland Planning and Community Development dnelson@kirklandwa.gov Phone: 425-587-3230 FAX: 425-587-3232

City of Kirkland - Neighborhood Services
123 5th Ave
Kirkland, WA, 98033
(425) 587-3011

e-mail the Neighborhood Services Coordinator at: kpage@kirklandwa.gov

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This service is provided to you at no charge by the City of Kirkland.

This email was sent to uwkkg@aol.com using GovDelivery, on behalf of the City of Kirkland · 123 Fifth Avenue · Kirkland, WA 98033 · 425-587-3000

From: [Jill Haakenstad](#)
To: [Dawn Nelson](#)
Subject: proposed section 8 discussion
Date: Wednesday, January 23, 2013 1:47:40 PM

Hello,

I am unable to attend the meeting tonight but so wish that I could come, listen and participate.

I have been a landlord for 31 years mostly in King County and currently have 3 rentals in the downtown Kirkland core, but have had additional rentals in Kirkland and have personally managed these homers for at least 20 years. I also have two low income rentals in Mason County. My tenants have included the full range of incomes from very small incomes, agency support systems, mid-range income earners, and all the way to the highest income earner. I treat all the tenants with respect, maintain good housing for them and expect the same from the tenants.

Under current laws I believe I can only turn down a potential tenant due to the following items: smokers, financial, and animals. Legally, I can not say no to a household for any other reason. What I see with this potential ordinance is messy, for lack of a better word.

If a person is going to rent a home with section 8, that person might have to provide a supplemental income to cover the balance of rent needed of which the landlord can assess if the potential occupant can financially manage the rental. If several people are interested in one of my rentals I do not make decisions on a section 8 applicant vs another applicant, but rather first in line, their approach to the application process: are they timely and cooperative? Can the applicant financially afford the rental? I do not want a tenant to move into a rental and then find that the total cost of living in that unit is more than the applicant can manage. I look at all income including food stamps, medical coupons, ssi, etc along with monthly rent, utilities, auto insurance and maintenance, food, etc. I also look at the credit report. If that applicant has lots of outstanding debt will that person be able to or be willing to pay the rent.

Would the city of Kirkland need an ordinance regarding legality of Section 8 applicants since there are state rulings regarding financial decisions in the landlord/tenant rules. How would this ordinance be enforced?

Section 8 rentals need to be approved by the authorities and the landlord needs to provide certain documents to the authorities in order to meet the agency's requirements. If there is a timing issue and the landlord needs to keep the property vacant during this process, then this is an additional cost to the landlord that he/she may not need to have if renting to a non-section 8 applicant.

I look at section 8 situations as a financial support to the tenant, not an additional requirement for the landlord.

If I had to make a recommendation on this potential ordinance, I would say, "no ordinance is necessary" since there are RCW rulings that landlords and tenants already follow.

Please feel free to contact me if you wish.

Regards,

Jill Haakenstad
425.444.5345
534 10th Ave West
Kirkland, WA 98033

From: [Bill](#)
To: [Dawn Nelson](#)
Cc: [Joan McBride](#)
Subject: support for Sec. 8
Date: Wednesday, January 23, 2013 5:11:23 PM

I support the Kirkland City Council's consideration of a proposed ordinance prohibiting landlords from refusing to rent residential units based solely on a request by a rental applicant to use a Section 8 rental voucher to cover part of the rent.

I am unable to come testify on January 23rd. I hope the City advances the good work it has been doing toward being a safe and fair place for all to live.

The Rev. Bill Kirlin-Hackett

Director, **The Interfaith Task Force on Homelessness**
In residence at St. Luke's Lutheran Church
3030 Bellevue Way NE, Bellevue WA 98004
425.442.5418 www.itfhomeless.org
[ITFH on Facebook](#)

*Ring the bell that still can ring! Forget your perfect offering!
There is a crack, a crack in everything.
That's how the light gets in.*

Leonard Cohen

From: [Richard Johnson](#)
To: [Dawn Nelson](#)
Subject: Jan. 23 hearing re Section 8 housing
Date: Wednesday, January 23, 2013 4:34:04 PM

Please forward to city council members.

From Sarah Johnson
740 14th Ave W, Kirkland

I strongly support legislation to outlaw discrimination based on a renter's source of income. I believe time has proven that the Section 8 housing voucher program is successful in helping citizens of limited income obtain decent housing. No one should be denied housing because they need this program!

I understand that all landlord rights will continue to be protected. I am sure that our community will benefit from the cultural diversity that Section 8 users often contribute. I hope that Kirkland is ready to be a leader by passing this important anti-discriminatory legislation.

Thank you

From: [Jennifer](#)
To: [Dawn Nelson](#)
Cc: ElizabethW@kcha.org
Date: Wednesday, January 23, 2013 1:28:02 PM
Attachments: [image001.png](#)

1-23-2013

To Our Council Members,

As the Executive Director of Kirkland Interfaith Transitions in Housing (KITH), I wish to express our support of the proposal ordinance prohibiting the refusal to rent based on the Section 8 subsidy. KITH's provides time limited housing and support to homeless families of King County, while they work on barriers that are preventing them from successfully gaining and/or maintaining a permanent residence.

We have worked alongside the KCHA for years and our families benefit greatly from their help and support. Many times families need the aide of Section 8 housing to enable them to find a market rate apartment that provides long term stability for their family. One of the benefits of the section 8 program is that families are able to transition to permanent housing in their community, allowing children to stay in their schools.

KITH case managers work with the family to develop resources and good communication with their local schools. We do not want families to experience the disruption of moving to a new community and having to build these foundations all over again. We want to build strong families. Kirkland needs to ensure that their families are getting this support by helping us to break down barriers for these families when searching to find permanent housing.

Again, KITH recommends that the city council adopts the proposal ordinance prohibiting refusal to rent based solely on the use of section 8 vouchers as the form of payment. Thanks for taking the time to build a community that embraces our homeless and lets them know we are not discriminating against them.

Sincerely,

Jennifer Barron
Executive Director



125 State Street South, Kirkland, WA 98033

425.576.9531 x 101

www.kithcares.org

www.7hillskirkland.org

[Be a KITH Fan on Facebook](#)

[Follow KITH on Twitter](#)

Contact KITH about how to leave a legacy to bridge the gap for the homeless through the next generation.

Barbara Langdon – Executive Director of LifeWire – I am also a Kirkland resident.

According to the National Center for Children in Poverty, 80% of homeless mothers are victims of domestic violence. LifeWire housing programs focus on helping domestic violence survivors obtain stable, permanent housing.

LifeWire has a unique *Housing Stability* program that focuses on helping survivors retain or access safe permanent housing quickly – we support clients in their journey to remain in safe permanent housing. Participants receive tailored services to help them maintain that housing based on their unique needs, including such supports as transportation subsidies, career training, job related expenses, and child care. This program, partnered with stable housing such as section 8, assures the ongoing support survivors need to live independently. Our clients are a good risk not a poor one!

This ordinance is really an affirmation of how Kirkland believes in the people that live and work here and the wonderful diversity of our community. Non discrimination support of section 8 vouchers can literally mean life, death or homelessness for our clients. "My LifeWire housing advocate has been my family's bridge to get through to the other side and out of the homelessness cycle we have been in for the last several years."

LifeWire encourages the Kirkland city council to join many other local jurisdictions including Redmond, Bellevue, Seattle, and unincorporated King County that have already enacted source of income discrimination protections. Best said by our client "It's not just housing, it's a sense of identity"

Barbara Langdon
Executive Director
LifeWire
425-562-8840 ext
barbarasL @ Lifewire 228
.org

From: [NYC Renter's Alliance For Housing Choice](#)
To: [Dawn Nelson](#)
Subject: Proposed Section 8 ordinance
Date: Wednesday, January 23, 2013 12:05:24 PM

Ms. Nelson,

With regards to the proposed Section 8 ordinance in Kirkland:

While we're unable to attend the Kirkland Council's hearing tonight, we'd like to present the experience of market rate tenants here in NYC under similar laws.

First of all, not all landlords are equally able to fulfill the requirements of being a section 8 landlord. While section 8 can pay more than market-rate, many landlords simply don't have the resources, time, capital cushion, systems, or sophistication to navigate the Section 8 program requirements. Our contacts with landlords in NYC, Boston, and Baltimore suggest that certain landlords choose to specialize in Section 8 tenancies ("always get a check"), while many owner-occupiers are concerned that payment delays can endanger their own ability to pay their mortgages.

However, the imposition of such a rule leads to a breakdown in the rental market that affects **all** tenants as follows:

- Landlords attempt to filter out section 8 tenants by either not advertising at all, or by advertising in publications/websites catering to an upmarket demographic
- Landlords impose costly "application" fees, or require the use of an apartment broker, both of which dramatically increase the up-front cost of renting an apartment
- Landlords ask for increased security deposits, several months of rent upfront, or other rent demands that Section 8 will not allow.
- Landlords build a section 8 blacklist of **past** section 8 tenants.
- Landlords move rentals into 'short stay' apartments, and don't give out leases
- Landlords with section 8 tenants refuse to renew leases.
- Landlords convert buildings to condos.

Put simply, laws such as these are likely to have a significant effect on middle-class market-rate tenants, and will not increase accessibility for section 8 tenants.

We feel that the best approach to ensuring section 8 access would be to:

- reach out to landlords to educate them on the program
- ensure sufficient apartment supply through zoning and expedited permitting
- offer delayed property tax payments for owners if their section 8 checks have not arrived.

Best,

Gregory R. Bronner on behalf of the NYC Renters' Alliance for Housing Choice

[646 381 2253](tel:6463812253)

From: [Glenn Peterson](#)
To: [Dawn Nelson](#)
Subject: Kirkland Landlords and Renters invited to Section 8 conversation
Date: Wednesday, January 23, 2013 3:23:42 PM

I will not attend tonight's meeting, but I'd like to make some comments.

As a small scale landlord for over 25 years, I have dealt with the issue of Section 8 rentals. My thoughts can be summarized simply.

I can accept a Kirkland ordinance prohibiting landlords from refusing to rent residential units using Section 8 rental vouchers. However, single family residences should be exempt from this ordinance.

Most single family housing providers are small scale landlords. It is already a burden to keep up with regulations, and Section 8 is a significant burden. For talking to landlords I have known, the ones who could most easily work with the system were landlords with on site managers at larger multi-unit properties with rents within the Section 8 limitations. They could learn the system and deal with the inspections and regulations more easily through experience. However, more than one small landlord with a house or two has lost both time and money trying to deal with Section 8. It may sound easy when presented, but the bureaucracy and delays can be painful. These landlords typically have full time jobs and are trying to do rentals as a small sideline.

In any case, I would doubt that even 1% of the rental units in Kirkland are SFR's within the Section 8 rent ceiling. Leaving those out of the Section 8 rental pool via this exemption would be insignificant. All of the multi-family units would still be available.

There is another compelling reason to exempt single family residences from rental regulations whenever possible. Adding to the requirements for those landlords mean that they sell these homes, and the buyers are almost inevitably owner occupants, so that unit is removed from the rental pool.

In the City of Berkeley, California, their tenant-friendly regulations limit the rise in rents each year. However, after many years, Berkeley eliminated rent control for single family residences in 1996. They were losing so many rental units by sale to owner occupants that this was done to reduce the attrition. Again, Berkeley is extremely tenant-oriented, yet their city officials took this step.

Section 8 tenants will still have plenty of eligible units in Kirkland to choose from if single family units are exempted. I urge the City Council to insert this exemption in any ordinance of this type.

Thank you,
Glenn Peterson

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Dawn Nelson](#)
Subject: FW: Ordinance O-4384
Date: Wednesday, January 23, 2013 3:44:52 PM

Council: Ms. Tennyson is aware that her correspondence has been received and forwarded to Council and staff. She is also aware that this topic is scheduled to come before Council on February 19th. Dawn Nelson will follow up with her. Thank you. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: Karen Tennyson [<mailto:karen.tennyson@gmail.com>]
Sent: Wednesday, January 23, 2013 10:51 AM
To: City Council
Subject: Ordinance O-4384

Mayor McBride and Council:

Thank you for holding this special hearing to consider Ordinance O-4384 prohibiting discrimination of Section 8 participants. It is important that people who work in Kirkland have the opportunity to live in Kirkland. As we continue to add more jobs to our economy that do not pay a family living wage, providing another option to help families have a safe, secure, affordable home is well worth your effort. Also, we have wonderful schools in Kirkland and giving children, who normally wouldn't have access to this education, the opportunity to go to our schools will give them the chance for a better life. I came from a large family and we had more kids than money, but I also went to a public school that was economically and socially diverse. This allowed me to see how other people lived and to know that I could make different choices in my life. Thank you again for considering this ordinance and I hope you will go along with Bellevue and Redmond to pass it for Kirkland.

Regards,
Karen Tennyson
12617 N. E. 87th Place

I appreciate your

From: [Brian Tucker](#)
To: [Dawn Nelson](#)
Subject: Proposed Section 8 Rental Ordinance Meeting follow-up
Date: Thursday, January 24, 2013 4:02:46 PM

Hi Dawn, and thank you for hosting last night's meeting.

As you consider all the information put forward by the attendees, please consider:

1. Owners of a small number of rental units have greater risk in this program because of fewer overall tenancies over which to spread the costs of the initial administration, wait times for inspections and approvals, and possible shortfalls in rental income if a tenant's situation changes for the worse.
2. Judging by the varied opinions on the single issue of what must be done for pre-1978 built homes and possible lead-based paints, I'm concerned that an inspector who doesn't fully understand what is required by Codes and Landlord-Tenant Law vs. what they may *think* is required, or is *desired* by them, will put an owner of a small number of units through a process of having to fight and prove that repairs aren't actually required. That will further delay rental of a property. Kirkland has many older homes which meet the Codes they are required to meet as of their as-built date, but possibly don't meet the Housing Authority's 2013 criteria; that doesn't mean they are unsafe or are unfit for habitation, though. A landlord with a small number of properties shouldn't be made subject to inspections which will lead to delayed rental income as they dispute an inspection's findings.
3. A common practice for an owner with a financially risky tenant is to have a cosigner tenant *with* assets; that won't be possible with a Section 8 rental. The program doesn't cosign the lease with the landlord. With a small number of units, any shortfall in rental income can be significant in a landlord's overall rental cash flow. As well, the landlord has no likely recourse, even if successful in Small Claims Court, of recovering the rents owed since the likely reason for shortfall will be lack of resources of the tenant. Again, a small number of units makes this risk more significant for the small rental owner.
4. Many owners of one or a small number of units self-manage their properties and leases/rental agreements. They already have to comply with the Landlord-Tenant Law; it's not hard to do and doing so protects the tenants and the landlord. However, when they have a dispute with a tenant, small owners likely don't have an attorney on staff or plan for legal expenses. If they get into a dispute with a financially risky tenant, which by definition is what a Section 8 Tenant would be, they will incur expenses which won't be recovered from the program's administrator. With a cosigned lease, they would have had recourse, but they won't with Section 8 tenants.

Overall, I understand the motivations for considering this Ordinance. I ask that the Planning Department and the Council consider that the actions of two large, corporate landlords in Redmond are what drove that City to implement their version, and now Kirkland to consider its version. Those large corporations can likely assume the risks of the Section 8 program since they have many sources of income from each of many units they own and manage.

Please limit the application of Kirkland's version to rental owners with some minimum number of

units and/or who self-manage their properties.

Better, I would encourage the City to think about how to make this program attractive, perhaps with some sort of incentive for the landlord. If the societal gains from it are important to the City as a whole, then the costs of it should be borne by all, not just the owners of rental properties.

Finally, addressing a late comment made at the meeting, objections to this are not all about discrimination. In my case, it's about having the ability to mitigate the risks of renting to a small number of tenants. I do it well and in a professional, legal, and fair manner for all parties already.

Please share these comments as-written with the appropriate Staff, and also with the Council.

Thank you.

Brian Tucker

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: "uwkkg@aol.com"
Cc: [Dawn Nelson](#); [Janet Jonson](#)
Subject: RE: Kirkland Section 8 Mandates - HCC Says NO, Says Process severely flawed
Date: Friday, February 01, 2013 12:04:32 PM

Karen, thank you for your correspondence to the Kirkland City Council, Planning Commission, and City staff. I'm also including Dawn Nelson in this reply. Thank you again. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Friday, February 01, 2013 7:38 AM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Mike Miller; Jon Pascal; Jay Arnold; Andrew Held; Byron Katsuyama; C Ray Allshouse; Glenn Peterson
Cc: Kurt Triplett; Robin Jenkinson; Eric Shields; Jeremy McMahan
Subject: Kirkland Section 8 Mandates - HCC Says NO, Says Process severely flawed

Dear Council-members, Commissioners and Staff:

I would really like to stop emailing, however, the improper process continues to run rampant in Kirkland. Citizens property rights (or right to conduct their business as they see fit) seems to be on the chopping block without any "NOTICE" or "PROCESS" continually. Let me comment on the most recent - Section 8 Voucher mandates.

Last night, I listened to 45 minutes of very distressed Houghton Community Council. They were distressed over the flagrant lack of notice and public involvement. Concerned that there seemed to be severe process issues. Concerned that the attendance at the "input gathering" meeting was just two people who owned property or did business in Kirkland but the room was stacked with those from organizations supporting the Section 8 voucher program. (The meeting was announced by an email that went to a very small number of our 81,000 residents and only 26 hours prior to the meeting. The two Kirkland citizens had actually learned about the meeting through me and not through the city). There was also concern that the city did not have information on some of the fatal flaws of the Section 8 voucher system and their impact on landlords, HOAs etc.

Houghton VOTED last night to recommend that you NOT support the Ordinance, and certainly they do not want the ordinance in Houghton.

They also VOTED to recommend that, at a minimum this should not apply to small landlords (they quickly grabbed onto the number of 4 units or less, but that was just a quick example). They reiterated that they are sending a strong recommendation that you not support the ordinance at all. That it is bad idea.

So we need to see that you are leaders, particularly if you are wanting support for re-election.

You asked your staff for broad public outreach and input from the citizens. That has not yet happened and you need to insist that it does. Now insist upon it. Show us that we did, in fact, elect leaders. Show us that you value our trust and that you have our cities best interests in mind - including the interests of its citizens and business owners.

STOP. Rewind. Give broad notice. Run the newspaper articles. Send out community wide notices. Make sure to include this information when you meet with the neighborhood groups. Once the ideas are out there, please have community meetings on this subject. Gather input. Make smart, well informed decisions once you know the facts and public sentiment.

Again - Please be leaders. Please make sure to insist on the outreach that you directed staff to accomplish.

Best,
Karen Levenson

From: [Karen](#)
To: [Dawn Nelson](#)
Cc: uwkkg@aol.com
Subject: Section 8 Public Outreach
Date: Friday, February 01, 2013 4:38:51 PM

Hi Dawn:

I have learned that this new Ordinance can have a VERY significant impact on Landlords, on the willingness of developers or housing industry suppliers to provide rental units, to neighbors and to HOAs. (As well as to those who are renting).

It seems that as a community we have a lot of discussing to do and we need to somehow get the information to a very large group of folks.

Can you tell me what efforts the city is going to take so that as many of our 81,000 residents as possible will hear about this new law and have the opportunity to do something more constructive than just provide a knee-jerk reaction. Our city needs time to introduce the idea and see if we get "buy-in" from our community.

Is this going to be run in the papers? Introduced at Neighborhood meetings? Etc? I recognize that we just had some meetings of neighborhoods and this was not discussed. That would have been a perfect time.

Anyway, please let me know how the city intends to spread the word so that we inform more than a few hundred citizens. We owe it to all those who don't read Kirkland views or subscribe to listserv. This is their community. These are their houses and apartments and condos or the residences that they rent.

I am curious what the city has in mind. I cannot possibly see this being sufficiently noticed and having sufficient time for thorough review by mid-February. What kind of alternatives might we have?

Thanks,
Karen Levenson

From: [Linda Tappan](#)
To: [Dawn Nelson](#)
Subject: Section 8 Comments
Date: Friday, February 01, 2013 2:35:37 PM

Kirkland City Council Members:

My name is Linda Tappan. As a resident of Kirkland and a housing case manager at Hopelink, I urge you to adopt Ordinance O-4384. I would like to advocate on behalf of many of the low income families that I have served over the last 5 ½ years. They work hard to be strong and contributing members of the community and do not bring high crime to our area. My clients are one and two parent households who are simply striving to pay their bills, raise their children and make ends meet. They go to our schools and often are employed in our city yet find it very difficult to secure housing here due to low vacancy rates and high rents.

One of the causes of homelessness is the inability to secure affordable housing. According to Family Housing Connection, King County's coordinated entry system for homeless families, there are 2,000 families who need permanent housing tonight. This ordinance is a crucial step in the process of moving families as quickly as possible into affordable housing. Your approval of the proposed ordinance against income source discrimination for renters would provide a necessary protection to help ensure that more families are able to live healthy and productive lives in Kirkland, free from stereotype and shame. I want this for my city and therefore ask that you vote to approve Ordinance O-4384.

Linda Tappan, MS
Case Manager, Hopelink Redmond Shelter
425-869-3926 www.hope-link.org

hopelink
Helping People. Changing Lives.



Tenants Union of Washington State

5425 B Rainier Avenue South • Seattle, WA 98118
Admin: 206-722-6848 • Fax: 206-725-3527
www.tenantsunion.org • Tenant Hotline: 206-723-0500

February 1st, 2013

Dawn Nelson
Planning Supervisor
City of Kirkland Planning & Community Development
123 Fifth Avenue Kirkland, WA 98033

RE: Kirkland Source of Income Discrimination Ordinance – Clarification on “Just Cause”

Dear Ms. Neslon,

Thank you for convening the public meeting on January 24th, 2013 at Kirkland City Hall to solicit feedback from stakeholders on the latest civil rights legislation concerning Section 8 Housing Choice Voucher participants.

I am writing to clarify and correct statements made by industry attorneys at the public meeting, as there was considerable misrepresentation and obfuscation concerning a landlord's legal obligations under the Section 8 Housing Choice Voucher Program. In particular, whether or not a landlord is required to show “good cause” to terminate a tenancy, and whether recent case law imposed a new obligation on landlords under Indigo Real Estate v. Wadsworth, 169 Wn. App. 412, 280 P.3d 506 (2012).

In *Wadsworth*, the lease violation at issue was that the tenant had some piece of plywood attached to his balcony that the landlord wanted him to remove. This was during the first year of tenancy while the tenant was still under a lease, when federal law requires “good cause” to evict a tenant. The court said that plywood on the balcony might be a violation of his lease, but is not necessarily “good cause” to terminate a federally-subsidized tenancy.

It was implied at the stakeholder meeting by the rental industry that *Wadsworth* established that good cause is now required to terminate any tenancy, that even month-to-month tenants are protected from landlords terminating a tenancy for no cause “just like in Seattle”.

This is not the case. Landlords do not need cause after the first year of tenancy to remove a tenant. The case has little practical effect even for tenants in the first year of their lease, as landlords cannot unilaterally terminate a lease contract when there are no violations present until it has expired anyway.

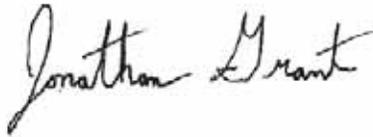
It has been your impression that in order to terminate a Section 8 tenancy a landlord would have to go through the exact same legal process as they would for a non-Section 8 tenant. This is still the case. A landlord could never, and still cannot, end a term lease for no cause. When the lease goes month-to-month after the first year, the landlord can still terminate the tenancy for no cause. *Wadsworth* did not change that.

On a separate note, it was discussed at the meeting that small rental properties should be exempted. We strongly implore you not to make any exemption. Discrimination is still discrimination, regardless

of who is perpetuating it. All property owners must be covered by this ordinance in order for the City of Kirkland to foster an equal, diverse and affordable community for all of its citizens.

If there are any Council Members that have questions concerning this issue I am available to discuss the nuances of this issue in person, or please share my letter with interested parties.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Grant". The signature is written in a cursive style with a large initial 'J' and 'G'.

Jonathan Grant
Executive Director
Tenants Union of Washington State
5425 Rainier Ave S. Ste B
Seattle WA, 98118
jonathang@tenantsunion.org
206-722-6848 x112
206-725-3527 (fax)

From: [Marv Scott](#)
To: [Dawn Nelson](#)
Subject: Section 8 Ordinance
Date: Sunday, February 03, 2013 10:59:20 AM

I support the Section 8 program and have rented to persons in the program in the past. However, this is a federal program and the City should not be involved. In fact, other local governments have tried similar ordinances and have been struck down by the courts as superseding federal law and congressional intent.

Let's work on balancing the budget and fixing the roads.

Thanks

Marv Scott
425-827-7300
Cell 425-444-6278
marv@scocon.net
www.scocon.net

From: [Carol](#)
To: [Dawn Nelson](#)
Subject: Fw: Posted on 02/06/2013
Date: Wednesday, February 06, 2013 2:48:43 PM
Importance: High

Here are my comments on this issue, Dawn.

Carol Tucker, MA

bc:

----- Original Message -----

From: [Carol](#)
To: ctuck622@gmail.com
Sent: Wednesday, February 06, 2013 2:40 PM
Subject: Posted on 02/06/2013

http://www.kirklandviews.com/archives/34518/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+KirklandViews+%28Kirkland+Views%29

Here's how this whole thing started...I'm a very nice retired lady on Social Security Disability with a Section 8 housing voucher. I live alone, no pets, don't smoke, drink, or do drugs, and have an impeccable rental history (until I was slandered by SHAG's Arrowhead Gardens in Seattle, as I suffer from asthma and was promised a non-smoking property, then after I moved in, they populated the place with smokers to fill the vacancies, with no regard whatsoever for the health and welfare of the seniors and disabled who live there, and Seattle Housing, which is a VERY corrupt housing authority,) SHAG has a VERY nasty, abusive attorney, who lost his court case against me, as when SHAG refused to release me from my lease when I needed to move because of the smoking, I posted it on the Internet, which is my 1st Amendment Right to Free Speech, he took me to court, and of course, lost and was yelled at by the judge for being disrespectful in the courtroom, which apparently is his standard modus operandi.

After being forced to live in that smoke-filled hellhole for a year-and-a-half, I applied to live at Luna Sol in Kirkland, who were all set to rent to me until, lo and behold, it turns out has the same abusive thug, Robert Henry, as their attorney, so as soon as he caught wind of their renting to me, he ordered them not to, so they renege on the deal, falsely claiming they were no longer participating in the Section 8 program, which was a large crock. (Complaints to ARCH and HUD, of course, yielded nothing, because as is common knowledge in this country now, govt agencies are all corrupted by corporate campaign contributions.)

So THEN, I met with Dave Asher, of ALL people, to rent his wife's condo. He showed me the unit, we sat at Starbuck's and talked for about an hour, during which time I explained to him everything that had transpired, and even though I provided him with impeccable rental references from previous landlords prior to my ill-fated move to SHAG's Arrowhead Gardens, he falsely claimed he wasn't renting to me because of my "credit," which I knew was, yet again, a large crock, because as everyone knows, a person's credit score is a moving target and changes daily and is effected by all manner of things beyond my control, such as credit inquiries, etc. I showed Dave proof that my credit cards monthly payments are always paid on time, yet he still wouldn't rent to me, which was abundantly clear, had nothing to do with my credit whatsoever.

Clearly, I was discriminated against and my civil rights violated, especially as I'm protected under ADA, by SHAG, SHAG's attorney, Luna Sol/ETICO, and Dave Asher, which in my case, boiled down to the fact that I was slandered by SHAG and SHAG's attorney, Robert Henry, who had NO business whatsoever, advising a client to commit acts of discrimination.

Therefore, prohibiting landlords from refusing to rent to Section 8 voucher-holders is clearly insufficient safeguards to prevent discrimination. When I advised ARCH and the City of Kirkland what happened, they should have taken legal action against Luna Sol/ETICO, as well as Robert Henry and his firm, for advising a Kirkland property to commit blatant acts of discrimination. When discrimination occurs in any community, it sullies the reputation of that community, and the City of Kirkland, like other communities, has an ethical responsibility to take action to ensure that such acts of discrimination and false refusals to rent to a citizen do not occur, and if they do, are dealt with quickly and heavy fines imposed.

And as far as Dave Asher is concerned, I threatened to sue him, but lucky for him, shortly thereafter I found a condo owner in a nearby community who is more than happy to accept the Section 8 monthly direct-deposit from King Co Housing Authority (who has treated me with the respect Seattle Housing Authority is clearly incapable of).

I want to point out one final thing about inspections, which from some of the comments posted thus far, there is confusion about. The inspection is to ensure that the property is livable and merely checks to make sure that the toilets flush, there is no mold, doors lock, etc., as anyone else would when viewing a place in which they consider living. It is not an invasive inspection and is designed to make sure the property is not a filthy rat-trap or something.

I think what the "elephant in the room" here is the fact that--and as has been admitted to me by many property owners--they are "anti-government" and though they want to rent their properties, prefer to "shoot themselves in the foot" by refusing to accept money from the government on behalf of a tenant, and what I have to say to those of you who feel that way, GET OVER IT!!! If you're "anti-government," then you're living in the wrong country. This is America, and every citizen, regardless of income, disability, race, gender, religion, or sexual orientation, should be free to live where they choose and not be denied housing for any of those reasons--or again--due to clearly false slanderous statements by a retaliatory landlord such as SHAG.

Carol Tucker, MA

From: [Shayne Burgess](#)
To: [City Council](#)
Subject: Section 8 Rental Vouchers
Date: Wednesday, February 20, 2013 8:57:18 AM

Dear City Council,

I opposes any efforts which restrict a landlords' right to choose to rent to Section 8 tenants as the private market has already been shown to provide a more than adequate supply of units for Section 8 applicants to find housing. Section 8 is a Federally voluntary program for the simple reason that participating in the program does not fit with all landlords' business models.

The federal regulations that govern the Section 8 program require owners to enter into a one year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Many owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.

Landlords seeking to preserve affordable units at their property will often times hold rents below market rate for long-time tenants. Section 8 can use the rent amounts charged for other units as a basis for limiting rents charged to Section 8 tenants. This creates a situation where landlords are punished for not raising rents on other tenants who may be low-income, elderly, or have other factors which the landlord takes in to consideration and wants to help that person out.

It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class the housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords when issues arise than are those where Section 8 is not protected.

The City of Kirkland has not articulated one instance where a tenant receiving a Section 8 rental voucher could not find housing because of a lack of landlords willing to rent to them. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

Thank you for your consideration.

Sincerely,

Shayne Burgess

Kirkland Landlord

From: [Keri Dutton](#)
To: [City Council](#)
Subject: Section 8 proposal
Date: Tuesday, February 19, 2013 5:01:45 PM

Dear City Council,

I oppose any efforts which restrict a landlords' right to choose to rent to Section 8 tenants as the private market has already been shown to provide a more than adequate supply of units for Section 8 applicants to find housing. Section 8 is a Federally voluntary program for the simple reason that participating in the program does not fit with all landlords' business models.

The federal regulations that govern the Section 8 program require owners to enter into a one year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Many owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.

Landlords seeking to preserve affordable units at their property will often times hold rents below market rate for long-time tenants. Section 8 can use the rent amounts charged for other units as a basis for limiting rents charged to Section 8 tenants. This creates a situation where landlords are punished for not raising rents on other tenants who may be low-income, elderly, or have other factors which the landlord takes in to consideration and wants to help that person out.

It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class the housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords when issues arise than are those where Section 8 is not protected.

The City of Kirkland has not articulated one instance where a tenant receiving a Section 8 rental voucher could not find housing because of a lack of landlords willing to rent to them. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

Thank you for your consideration.

Thank you,

Keri Dutton | General Manager

Windermere Property Management
Lori Gill & Associates
700 112th Ave NE Ste 203
Bellevue WA 98004-5106

OFFICE 425.455.5515
DIRECT 206.394.6605
FAX 425.623.1429

www.wpmnorthwest.com

Email Signature NEW (2)



From: [Sarah Laidler](#)
To: [City Council](#)
Subject: Section 8 Tenants
Date: Wednesday, February 20, 2013 6:28:32 AM

Dear City Council,

I opposes any efforts which restrict a landlords' right to choose to rent to Section 8 tenants as the private market has already been shown to provide a more than adequate supply of units for Section 8 applicants to find housing. Section 8 is a Federally voluntary program for the simple reason that participating in the program does not fit with all landlords' business models.

The federal regulations that govern the Section 8 program require owners to enter into a one year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Many owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.

Landlords seeking to preserve affordable units at their property will often times hold rents below market rate for long-time tenants. Section 8 can use the rent amounts charged for other units as a basis for limiting rents charged to Section 8 tenants. This creates a situation where landlords are punished for not raising rents on other tenants who may be low-income, elderly, or have other factors which the landlord takes in to consideration and wants to help that person out.

It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class the housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords when issues arise than are those where Section 8 is not protected.

The City of Kirkland has not articulated one instance where a tenant receiving a Section 8 rental voucher could not find housing because of a lack of landlords willing to rent to them. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

Thank you for your consideration.

Sincerely,

Sarah Laidler

Sarah Laidler
Managing Broker



www.AccoladeManagementGroup.com

*****WARNING: CONFIDENTIAL AND PRIVILEGED INFORMATION*****

The information accompanying this Email transmission contains information belonging to the offices of Accolade Property Management Group, Inc., which is confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution of the taking of any action in reliance of the contents of this information is strictly prohibited. If you received this transmission in error, please immediately notify us by telephone to arrange for the return of the original documents.

February 22, 2013

Kirkland City Council
123 Fifth Ave
Kirkland, WA 98033

RE: Proposed ordinance prohibiting refusal to rent based on Section 8 payment

Dear Councilmembers,

RHA and its 4,900 members strongly support vouchers for rental assistance as a tool for assisting those needing help finding affordable housing. RHA has for years vocally lobbied in Olympia for more State funding of rental voucher assistance, and in 2012 was successful in passing HB 2048 aimed at making available more low-income rental voucher assistance for private market rental housing. RHA also has many members who cater exclusively towards providing low-income housing and operating on thin margins. Vouchers enable more housing choices for tenants and an opportunity to find housing which best fits an individual's needs.

However, RHA strongly opposes any efforts which restrict a landlords' right to choose to rent to Section 8 tenants. Section 8 is a federally funded and VOLUNTARY program. Congress chose to make landlord participation in the Section 8 program voluntary because it recognized that the rules and regulations imposed, such as limits on rent, requiring good cause for termination of a tenancy, and maintenance requirements, could be overly burdensome for many landlords.

There is also no shortage of private market units available for Section 8 applicants to find housing. Additionally, Kirkland City Staff has not produced any evidence of Section 8 applicants reporting being denied tenancy in Kirkland strictly due to the use of a Section 8 rental voucher.

RHA is sensitive to this discussion and the concerns from Council and Section 8 advocates emanating from a previous incident in the City of Redmond. In that case, new management of two properties made the business decision that renting to Section 8 voucher recipients did not fit their business model. It is important that Council understand that the Section 8 program does not fit the business model of all rental housing owners.

There are several reasons for this, including:

- Property owners wishing to increase rent to Section 8 tenants may only raise the rent to the least amount of rent being charged for the same unit no matter what the circumstances may be for other tenants living in a property. This means that landlords who choose to hold rents below market rate for elderly, long-term, and

- disabled tenants are punished and prevented from charging market rate as a result of seeking to preserve affordable units at their property.
- Many property owners require residents to carry renters insurance because it provides liability protection and personal property coverage for residents in the event of an emergency or disaster. Some of our members report that they have been told they cannot require Section 8 residents to have renters insurance.
 - Federal regulations governing the Section 8 program require owners to enter into a one-year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Our members report that most owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.
 - Some landlords have experienced significant administrative and financial burdens with the program and should not be forced to participate in it.

Protected class status for Section 8 voucher recipients does nothing to promote actual housing affordability. Rents do not decrease when Section 8 is made a protected class. It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class the housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords when issues arise than are those housing authorities where Section 8 is not a protected class.

There is no shortage of landlords who will accept tenants who receive Section 8 vouchers. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

Sincerely,

Sean Martin
RHA Director of External Affairs

From: [Janet Jonson](#)
To: [City Council](#)
Cc: [Kurt Triplett](#); [Marilynne Beard](#); [Eric Shields](#); [Paul Stewart](#); [Dawn Nelson](#)
Subject: FW: Section 8 Proposal
Date: Friday, February 22, 2013 10:40:10 AM

Council: Mr. Boone is aware that the Section 8 voucher topic is currently scheduled to be discussed by Council at the March 19th Council meeting and that he can confirm that schedule by referring to the City's web page for the Council meeting agenda on March 15th. Thank you.

JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Lawrance Boone [mailto:tiawahfred@gmail.com]
Sent: Friday, February 22, 2013 10:22 AM
To: City Council
Subject: Section 8 Proposal

I urge you not circumvent the original mandate of Section 8. Otherwise I will support any all efforts to remove those who voted for it and join any class action suit of Home Owners.

Lawrance D. Boone
9830 NE 122nd St, S-101
Kirkland, WA 98034

Esplanade

From: rwhit5009@aol.com
To: [Dawn Nelson](#)
Cc: [Nancy Cox](#)
Subject: HCC recommendation on Section 8 ordinance
Date: Monday, February 25, 2013 10:31:27 AM

Dawn,

As you know, the Houghton Community Council voted to recommend against adoption of the proposed Section 8 ordinance. The HCC members asked me to summarize the rationale for our recommendation and have you forward it to the Kirkland City Council. I should note that our recommendation also stated that if the city council felt compelled to pass such an ordinance, it should at least exclude all properties of less than five units (i.e. single family homes, duplexes, triplexes and fourplexes).

The proposed ordinance would prohibit landlords from rejecting prospective renters based solely on their participation in the Section 8 Housing Program. I have owned and managed residential rental property for over 30 years. Over that time, I have had literally thousands of renters including many Section 8 program participants. Accepting Section 8 participants does increase the pool of prospective renters for any property, and has the added benefit of guaranteed rental payments. The program used to also guarantee to pay for damages and cleaning costs that exceed the security deposit paid (up to an amount equal to two months rent). That Section 8 program guarantee was discontinued years ago, presumably because it was costing the program too much money. Now the landlord's only recourse is to try to recover the damages from the Section 8 tenant. However, those tenants typically do not have the income or credit capabilities to pay for excess damages. In essence, the economic status that qualifies them for the Section 8 program makes them a greater credit risk to the landlord should they damage their apartment. There is an additional management risk with Section 8 tenants due to a recent Washington State court case that makes eviction of Section 8 tenants more restrictive than for non-Section 8 tenants. If a problem tenant causes a landlord to lose good tenants, it can be very costly. There are also some additional regulatory procedures associated with the Section 8 Program, which are very manageable for any experienced landlord. However, they can be troublesome for unsophisticated landlords, which is why we recommend excluding small properties if such an ordinance is adopted.

We oppose adopting any Section 8 ordinance because a landlord's rental criteria is a business decision that factors in all the economic pros and cons associated with the criteria, as well as each landlord's personal risk tolerance. Unless the city is prepared to indemnify its landlords for the increased economic risk from unreimbursed damages to their property from Section 8 tenants, they should not be forced to accept those tenants. I believe that the vast majority of landlords will voluntarily choose to accept the Section 8 tenants. But it should be their choice.

At our last meeting, we asked Eric Shields if he was aware of any problems with landlords rejecting Section 8 tenants in Kirkland. We also asked if he had any idea how many rental units in Kirkland did not allow Section 8 tenants. His answer was no to both questions. If there are no reported problems in Kirkland, and if we have no idea of how many rental properties do not accept Section 8 tenants, why is the council compelled to pass this ordinance?

If you have any questions about the points that I have made, or my personal experience with the Section 8 program, please call me at your convenience. If not, I hope that you will be rejecting this ill-advised legislation.

Sincerely,

Rick Whitney
HCC Chair
425-827-2680

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: [Dawn Nelson](#)
Subject: FW: Section 8 Mtg - Sample of citizens shows still not NOTICED
Date: Friday, March 01, 2013 10:14:09 AM

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Monday, February 25, 2013 5:29 PM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Robin Jenkinson; Eric Shields
Subject: Section 8 Mtg - Sample of citizens shows still not NOTICED

Dear Council Members and Staff:

I have sent out emails to check and see how well the city did in getting the word out about tomorrow night's meeting regarding Section 8 vouchers.

Sadly we've done miserably and most folks have no clue again this time. Folks say that they've received nothing from the city and did not know. The only folks that seem to know are the few that I've reached.

I asked KAN participants if this was mentioned at their last meeting - NO

I asked KAN neighborhood representatives if they received communication from the city asking for them to disseminate information to their neighborhood groups - NO

One neighborhood coordinator stated that she could not find receipt of the notice of 2nd meeting.

One neighborhood coordinator stated that she did get the notice but that neighborhood has only a few names on their email list and as coordinator she feels it is the city's responsibility to properly notice people and not her responsibility to provide "due process" notice

One neighborhood coordinator said that she made the conscious decision to NOT notify neighbors because she works with the subsidized housing groups personally (so she essentially filtered the information to her advantage) rather than being used as a conduit to get information out to impacted parties.

Turning away from neighborhood coordinators, I have checked with numerous other citizens. The only ones that are aware of this issue are those who have been reading the blogs. A couple saw Eric Shield's comments in the Kirkland Reporter and figured that it only applies to homes, condos, or apartments that rent for very low \$\$ per month (which is not true).

The city is continuing to fail in providing property owners with due process and notice that the right of how they use and/or lease their land may be changing.

I would imagine that tomorrow night's meeting will again be stacked with those that are out of town supporters of subsidized housing and only a very few "real" residents of Kirkland or those who supply

housing in Kirkland.

Any suggestions on how we fix the notice provisions? We cannot be a representative government if we are not informing folks and soliciting their feedback. We cannot make good decisions if we are not considering all sides of an issue.

We should not be depending on citizens to "blog" about what is being considered. Factual notice with pros and cons should arrive to the homes of those who will potentially be impacted. We mail property tax bills and jury duty notices so we owe it to folks to mail them notice when their property rights might change. Other cities do.

Finally, those I've spoken to feel that this should be the subject of a public hearing in front of the City Council. You will notice that the city of Redmond had a public hearing in front of council (notes provided by Kirkland staff show this to be the case). I hope that we will make the effort to have you listen to both sides of this issue.

Thank you for your time.

Karen Levenson

From: [Susan Musi](#)
To: [Dawn Nelson](#)
Cc: [Toby Nixon](#)
Subject: Section 8 Draft Ordinance
Date: Monday, February 25, 2013 11:57:05 AM

To: Dawn Nelson, Eric Shields, Kirkland City Council, Toby Nixon,

I opposes any efforts which restrict a landlords' right to choose to rent to Section 8 tenants as the private market has already been shown to provide a more than adequate supply of units for Section 8 applicants to find housing. Section 8 is a Federally voluntary program for the simple reason that participating in the program does not fit with all landlords' business models.

The federal regulations that govern the Section 8 program require owners to enter into a one year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Many owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.

Landlords seeking to preserve affordable units at their property will often times hold rents below market rate for long-time tenants. Section 8 can use the rent amounts charged for other units as a basis for limiting rents charged to Section 8 tenants. This creates a situation where landlords are punished for not raising rents on other tenants who may be low-income, elderly, or have other factors which the landlord takes in to consideration and wants to help that person out.

It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class the housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords when issues arise than are those where Section 8 is not protected.

The City of Kirkland has not articulated one instance where a tenant receiving a Section 8 rental voucher could not find housing because of a lack of landlords willing to rent to them. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

Thank you for your consideration.

Sincerely,
Susan Musi

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: "uwkkg@aol.com"
Cc: [Dawn Nelson](#); [Janet Jonson](#)
Subject: RE: Kirkland Council: From a Neighborhood Chairperson
Date: Tuesday, February 26, 2013 9:47:20 AM

Thank you Karen. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Tuesday, February 26, 2013 7:19 AM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Toby Nixon; Dave Asher; Kurt Triplett; Eric Shields
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: Kirkland Council: From a Neighborhood Chairperson

-----Original Message-----

From: Debra T Sinick CRS GRI <debbie@debrasinick.com>
To: Karen <uwkkg@aol.com>
Sent: Mon, Feb 25, 2013 7:39 pm
Subject: Re: URGENT re Kirkland: Your Neighborhood and City Communications

Hi all:

This is pretty much the type of response that I got yesterday when I asked neighborhood chairs about Section 8 meeting and the Ordinance that is being considered.

Pretty sad commentary on how we run our "representative" government in Kirkland. We sure know how to alert folks to Parks and Road Taxes to get their vote, but don't really do anything substantial to support citizens in return and make sure they are informed of property rights that might be changing.

-----Original Message-----

From: Debra T Sinick CRS GRI <debbie@debrasinick.com>
To: Karen <uwkkg@aol.com>
Sent: Mon, Feb 25, 2013 7:39 pm
Subject: Re: URGENT re Kirkland: Your Neighborhood and City Communications

Hi Karen,

Thanks for your email. KAN was not informed of this as we meet bi-monthly, except for the summer, and our last meeting was in January. I do not recall seeing an email about this.

I have one rental in Kirkland and I first heard about this from Windermere Property Management. I later saw a post in Kirkland Views, but I never heard anything official from the City about this. I didn't realize there was a problem getting communication out to people about this.

Who from the city was supposed to notify KAN members?

I will pass this along to Karen Story, who is our president and ask her if she heard anything about this.

Thanks,

Debbie

From: [Janet Jonson](#) on behalf of [Joan McBride](#)
To: "uwkkg@aol.com"
Cc: [Dawn Nelson](#); [Janet Jonson](#)
Subject: RE: City Council - Another Neighborhood Chair & Response
Date: Tuesday, February 26, 2013 12:29:38 PM

Thank you again, Karen. JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Tuesday, February 26, 2013 11:28 AM
To: Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Kurt Triplett; Eric Shields
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: City Council - Another Neighborhood Chair & Response

Below you'll see that Julie Meeter shows her 1st notice of Section 8 discussion was the Feb 1 email stating that the January 23rd meeting had already happened.

I asked about other email contacts and whether she'd heard about tonight's meeting and it seems like she didn't since that wasn't covered in the notice she received (below).

This is really bad way to operate and really bad for the citizen perception of our staff and what our council allows to go on.

Karen Levenson

-----Original Message-----

From: Julie Metteer <julie@metteer.com>
To: [uwkkg <uwkkg@aol.com>](mailto:uwkkg@aol.com)
Sent: Tue, Feb 26, 2013 9:54 am
Subject: FW: Kirkland Neighborhood [News:Section](#) 8 Meeting follow-up (from January 23, 2012)

First notice

From: City of Kirkland [<mailto:kirkland@service.govdelivery.com>]
Sent: Friday, February 1, 2013 3:57 PM
To: julie@metteer.com
Subject: Kirkland Neighborhood [News:Section](#) 8 Meeting follow-up (from January 23, 2012)

Friday, February 1, 2013 January 23, 2012 Section 8 Meeting follow-up On January 23, 2013, City of Kirkland staff held a public meeting to share information about and gather input on a proposed ordinance that would make it illegal to refuse to rent a residential unit based solely on the renter's use of a Section 8 voucher to cover a portion of the rent. The meeting was attended by 25 individuals. The notes from the meeting, along with the a copy of the proposed ordinance and a question and answer document about the program administration, are available at the Section 8 Nondiscrimination page on the Planning Departments portion of the City of Kirkland website. The City is still considering putting this

item on the February 19, 2013 City Council agenda, at which time interested parties will have an opportunity to speak to the Council. However, we want to make sure that all who wish to share comments or ideas with staff have an opportunity to do so prior to the Council's consideration of the item. Please contact Dawn Nelson, Planning Supervisor, DNelson@kirklandwa.gov 425-587-3230 if you were unable to attend the meeting on January 23rd and would like an opportunity to meet with staff and share your comments or ideas.

City of Kirkland - Neighborhood Services
123 5th Ave
Kirkland, WA, 98033
(425) 587-3011
e-mail the Neighborhood Services Coordinator at: kpage@kirklandwa.gov

Update your subscriptions, modify your password or e-mail address, or stop subscriptions at any time on your Subscriber Preferences Page. You will need to use your e-mail address to log in. If you have questions or problems with the subscription service, please contact support@govdelivery.com. This service is provided to you at no charge by the City of Kirkland.

This email was sent to julie@metteer.com using GovDelivery, on behalf of the City of Kirkland · 123 Fifth Avenue · Kirkland, WA 98033 · 425-587-3000

February 27, 2013

Kirkland City Council
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

RECEIVED
FEB 27 2013
CITY OF KIRKLAND
CITY MANAGER'S OFFICE

Subject: Proposed Ordinance for Section 8 Voucher Recipients

At both recent informational meetings representatives from housing advocacy groups have presented general, anecdotal information about the rental housing market in East King County, and one specific story about the situation which prompted the City of Redmond to adopt their similar Ordinance. One Kirkland couple using vouchers attended both meetings and told stories of how they were turned away as potential tenants because they wanted to use their voucher, but they also were successful later in finding a rental in Kirkland without the help of this Proposed Ordinance. One other situation has been described on a local internet blog site, but without any input from the landlord in that situation it isn't possible to ascertain the entire story about what happened then. As in most situations, both sides of a story are crucial to figure out what happened, but that tenant also found housing elsewhere in the area without the help of this Proposed Ordinance.

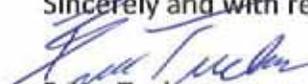
With the above in mind, and prior to consideration and voting for this Proposed Ordinance, please research and determine if a problem for this proposed solution actually exists within Kirkland. No objective evidence of a problem specifically pertaining to Kirkland has been presented so far by any advocating parties even though the three "WHEREAS" statements in the Proposed Ordinance imply a problem exists.

There are many potential negative impacts this Proposed Ordinance, if passed, could have, including removal of single family homes from the City's rental market. As the market for new housing currently swings upward, owners of older, single family homes may decide to sell to developers to "cash out" and avoid dealing with the Section 8 program.

This Proposed Ordinance also creates a new, protected class of persons based on income. This is not a protected class in federal or state law. While mandatory Section 8 participation has been created in other states, counties, and cities, the overall nature of this HUD program is marketed and intended to be attractive to and voluntary for landlords. I urge the Council to allow that intent to continue, and instead of creating this new Ordinance, publicize the advantages of it to landlords so they can decide if they want to take advantage of its benefits on their own.

Thank you for your service to our City.

Sincerely and with respect,


Brian Tucker

442 13th Avenue West
Kirkland, WA

From: [Janet Jonson](#)
To: [Dawn Nelson](#); [Janet Jonson](#)
Subject: FW: Section 8
Date: Thursday, February 28, 2013 8:32:30 AM

From: Janet Jonson **On Behalf Of** Joan McBride
Sent: Thursday, February 28, 2013 8:32 AM
To: 'Standal'
Subject: RE: Section 8

Mr. Standal, good morning: Thank you for your correspondence to Mayor Joan McBride.

The Section 8 voucher topic is currently scheduled to be discussed by the Kirkland City Council at the March 19th Council meeting and that you can confirm that schedule by referring to the City's web page for the Council meeting agenda on March 15th. For additional information, please contact the project manager Dawn Nelson at dnelson@kirklandwa.gov.

Thank you.

JJ

Janet Jonson
City Manager's Office
City of Kirkland
123 5th Avenue
Kirkland, WA 98033
425-587-3007
425-587-3019 fax
jjonson@kirklandwa.gov

From: Standal [<mailto:standal@frontier.com>]
Sent: Wednesday, February 27, 2013 2:35 PM
To: Joan McBride
Subject: Section 8

I attended the Kirkland City Hall meeting 2/26/2013 re: Section 8.

After listening to both sides it is my opinion, the ordinance should NOT be adopted. I urge you to avoid approving an unnecessary ordinance by voting against it until such time it becomes a federally mandated 'protected class' requirement.

What I see is a sledge hammer prevention technique being proposed for a non-existent problem in our city. There have been no formal complaints re: this issue in our city. It makes our city vulnerable to abuse by over-zealous housing advocates without considering the consequences to those who provide affordable housing. It makes a false assumption that landlords are unwilling to provide adequate housing to its less fortunate people.

Having such an ordinance would likely lead to our city being targeted by those seeking Section 8 funds to descend upon our city from other nearby communities that do not have such ordinances. Is that really the goal of the city council in this matter—to increase the number of potential people coming into our city needing such assistance? The 'create it and they will come' syndrome.

It creates a new city responsibility for Code Enforcement at a time when pennies count for other more

important things on Kirkland's agenda and adds another unnecessary layer of government intervention into people's lives as if they already don't have enough to deal with.

The original federal statute calls for 'voluntary' compliance only, not 'mandating' it. Our city taking it beyond voluntary to required is an unnecessary government intrusion and abusive to citizens of Kirkland and not the intent of the original federal program.

One person at the meeting pointed out how abusive such authority can be when he was threatened by a Section 8 representative with 'reporting him to the EPA' in an attempt to coerce him into fixing a chipping paint issue on his property which he decided he did not want to do in order to house a Section 8 tenant because of the cost of testing, the cost of fixing the problem and the cost of waiting for re-inspection and final approval for a Section 8 tenant to move in, resulting in prohibitive costs in the thousands of \$\$ to an individual property owner without deep pockets. Maybe such requirements are okay for the 'big' boys in the rental business who have 24-hour staff to deal with such issues, but not so for the 'little' guys who provide at least half of all rentals in our city. Also, it highlights the great lengths to which some housing advocates will go to insure homes for their clients by infringing upon unsuspecting property owners/landlords rights, costing them money they wouldn't otherwise spend, putting them at legal risk and the need to hire an attorney to represent them and many more \$\$\$. Under such nightmare circumstances why would anyone want to be bothered with a rental, thus creating a shortage of rentals that didn't previously exist?

I don't think the time is right for Kirkland to adopt such a draconian policy. I don't think it should be adopted until/unless it is a federally 'mandated' program instead of a 'voluntary' one that covers ALL locations instead of those few that put their communities at risk for invasion. There are already enough federal, state, county and city housing ordinances on the books that adding additional ones are not justifiable at this time.

That being said, I think Section 8 provides a very helpful service to those in need and applaud their efforts as long as they remain voluntary, but I don't think mandating others who provide housing to bankrupt themselves by doing so does no one any good either.

Best Regards.

Sammie Standal
6009 104th Ave NE
Kirkland, WA 98033

From: [Margaret Bull](#)
To: [Dawn Nelson](#)
Subject: RE: Section 8 Project Update
Date: Friday, March 01, 2013 4:09:35 PM

March 1, 2013

Hi Dawn,

I was out of town and unable to attend the meeting.

I support the ordinance because it gives guidance to landlords on how they should respond to a Section 8 voucher situation if it becomes an issue.

Even so, it would be hard to prove that someone was turned down *solely* on the fact that they have such a voucher. If you have rental property I think you do need to discriminate in some way. How else are you going to pick tenants? My brother is flipping crazy. I think someone should discriminate and not rent to him---I wouldn't want him to be my neighbor if I was living in an apartment.

Landlords can decide to not rent to individuals because of their rental history and credit history. Landlords can use that reason if they can find someone with a better credit history. My brother moves around a lot and thereby gives a landlord a good reason to not rent to him even if the real reason was a Section 8 voucher or a disability. The other thing to note is that those that are at a disadvantage and need to use the vouchers may not be able to afford a lawyer to dispute whether their application for apartment rentals was turned down for any particular reason. Of course, at a time when there are many vacancies it might be more obvious when a landlord rejects an application than at a time where the housing market is tight and there is an increase in competition for certain apartments.

Kirkland has many well-meaning ordinances but many of them are virtually unenforceable. I think this may be one of them.

Sincerely,
Margaret Bull
Houghton

From: Dawn Nelson [mailto:DNelson@kirklandwa.gov]
Sent: Wednesday, February 13, 2013 2:36 PM
To: Dawn Nelson
Subject: Section 8 Project Update

To allow time for additional education and community input, the draft ordinance has been moved from the February 19 to March 19 City Council meeting and the City will host a second community meeting on February 26, 7 to 8:30 p.m., City Hall, Peter Kirk Room. Project information is available at the [Section 8 Voucher Nondiscrimination](#) page on the City of Kirkland website.

*Dawn Nelson
Planning Supervisor
City of Kirkland Planning and Community Development
Phone: 425-587-3230
FAX: 425-587-3232*

Helping People. Changing Lives.

March 1, 2013

Kirkland City Council
Kirkland City Hall
123 5th Avenue
Kirkland, WA 98033

RE: Ordinance O-4384, Prohibiting discrimination on the basis of participation in the Section 8 voucher program

Dear Council Member,

As members of EHAC (the Eastside Homelessness Advisory Committee) and as the homeless housing and service providers of your community, we urge you to adopt Ordinance O-4384 to prohibit the refusal to rent available housing based solely on a tenant's use of a Section 8 voucher to pay a portion of their rent. The Section 8 program plays a vital role in giving low-income families access to safe, healthy, market-rate housing they can afford. If enacted, Kirkland would join 13 states and 38 local jurisdictions that have enacted Source of Income Discrimination laws to ensure that vulnerable populations, such as veterans, families fleeing domestic violence, children, seniors, and people with disabilities, have an equal chance of renting a home.

This ordinance supports one of the main ways to prevent homelessness and keep housing available to vulnerable populations in the City of Kirkland since Section 8 vouchers make housing affordable to residents who would normally be priced out of the private housing market. Specifically, this ordinance would:

1. Protect the 400 households in Kirkland currently using Section 8 vouchers from the disruption of moving, should the landlord discriminate against them based on their use of a voucher.
2. Protect Kirkland households who will be issued a Section 8 voucher from discrimination and from possibly having to leave the city in order to find safe, healthy, affordable housing.
3. Close a loophole for landlords who use the Section 8 program as a proxy for discriminating against other protected classes, such as race or family status.

The Section 8 program cannot be fully effective so long as landlords are allowed to refuse to rent to people solely because they are using a Section 8 voucher to pay part of their rent. In communities where rents are low and vacancies are high, private landlords are more than willing to accept vouchers and even lobby for new public funding for vouchers. But in communities like Kirkland, where vacancy rates are low and rents are highest, landlords are suddenly quick to judge voucher programs and reticent to accept the vouchers they so strongly supported for other markets. As our programs continue the hard fight to end homelessness, we find this unacceptable. People at-risk of homelessness should not depend on a weak rental market to find housing. Low-income people in strong rental markets rely even more so on programs like Section 8 to access safe, healthy, affordable housing.

10675 Willows Road NE
Suite 275
Redmond, WA 98052

425.869.6000
www.hope-link.org

A community action agency.

Hopelink programs
Emergency Services
Bellevue
Redmond
Kirkland/Northshore
Sno-Valley
Shoreline
Family Development
Housing
Transportation
Adult Education

Helping People. Changing Lives.

We understand that landlords have concerns about the Section 8 voucher program. Given that many of our organizations are landlords who rent to households with Section 8 vouchers, we can say with certainty that these concerns are unfounded. Landlords would not be unduly burdened by this ordinance. Over the past 22 years, landlords in the cities of Seattle and Bellevue have operated under a similar ordinance with minimal disruption, despite initial widespread concern. Local landlords have voiced similar fears, but they rest on inaccurate information. Here are the facts:

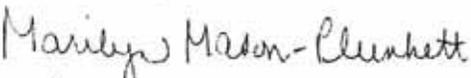
- **Great benefits to landlords:** Under the Section 8 voucher program, the King County Housing Authority (KCHA) pays their share of the rent on time every month. KCHA adjusts payments to compensate for changes in tenants' incomes, so tenants can stay in units, creating longer and more successful tenancies for all parties.
- **Ability to charge market rent:** KCHA looks at whether rent is reasonable and whether the tenant will have to pay more than 40% of income toward rent. If the rent is unreasonable or too high for that tenant, that apartment is simply not rented under the voucher program. The landlord is not forced to lower the rent or alter their terms.
- **Effective screening for tenants who can afford to pay the rent each month:** This ordinance does not alter landlords' ability to use legitimate screening criteria to find good tenants.

Landlords may still choose non-Section 8 tenants over Section 8 tenants for many reasons, including having a criminal record, the lack of a security deposit, or a questionable rental history. Under the proposed ordinance, a landlord may also rent to a non-Section 8 tenant over a Section 8 tenant because they are ready to move in (and pay rent) sooner than the Section 8 tenant is. In these cases, the choice is made not solely because the tenant proposes to use a Section 8 voucher but because of other factors landlords use to run their businesses.

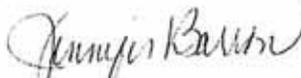
Ultimately, the proposed ordinance merely levels the playing field for the vulnerable populations that rely on Section 8 vouchers to pay a portion of their rent, including seniors, veterans, people with disabilities, and parents trying to move their kids out of situations of domestic violence. These households have waited for years for waiting lists to open, and then have waited for many more years to actually receive their vouchers.

As your eastside partners in the fight to end homelessness, we applaud you for your diligent work to ensure all people have access to safe, healthy, affordable housing. Through your support of the ARCH Housing Trust Fund, the eastside winter shelters, and many human services programs, we have worked together to prevent and end homelessness for countless families on the eastside, but we cannot solve the problem alone. This year's One Night Count of homeless individuals identified 197 unsheltered people on the eastside, a 42% increase from 2012. Please ensure Section 8 participants have the opportunity to find a safe, healthy, affordable home in Kirkland. Vote to approve Ordinance O-4384.

In Partnership,


Marilyn Mason-Plunkett
Chief Executive Officer
Hopelink


Karina O'Malley
Executive Director
The Sophia Way


Jennifer Barron
Executive Director
KITH

Helping People. Changing Lives.



Terry Pottmeyer
Chief Executive Officer
Friends of Youth



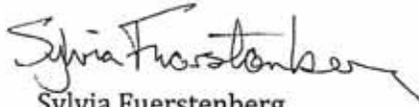
Barbara Langdon
Executive Director
LifeWire



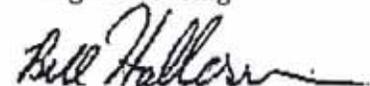
Ann Levine
Executive Director
Imagine Housing



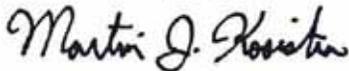
Sue Sherbrooke
Chief Executive Officer
YWCA Seattle|King|Snohomish



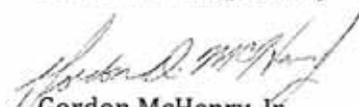
Sylvia Fuerstenberg
Executive Director
The ARC of King County



Bill Hallerman
Agency Director
Catholic Community Services of



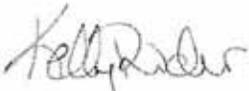
Marty Kooistra
Sr. Advisor, Strategy & Advocacy
Habitat for Humanity Seattle-King County



Gordon McHenry, Jr.
President & CEO
Solid Ground



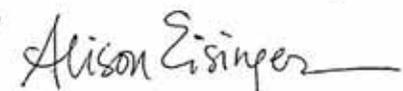
Helen E. Nilon
Executive Director
Mental Health Action King County



Kelly Rider
Policy Director
Housing Development Consortium of
King County



Rev. Bill Kirlin-Hackett
Executive Director
Interfaith Task Force
on Homelessness



Alison Eisinger
Executive Director
Seattle-King County Coalition
on Homelessness (SKCCH)

March 7, 2013

Kirkland City Council
123 Fifth Ave
Kirkland, WA 98033

RE: Section 8 rent controls as evidenced by new Seattle Housing Authority restrictions

Dear Councilmembers,

RHA and its 4,900 members strongly support vouchers for rental assistance as a tool for assisting those needing help finding affordable housing. However, RHA strongly opposes any efforts which restrict a landlords' right to choose to rent to Section 8 tenants. Section 8 is a federally funded and **voluntary** program. Congress chose to make landlord participation in the Section 8 program voluntary because it recognized that the rules and regulations imposed, such as limits on rent, requiring good cause for termination of a tenancy, and maintenance requirements, could be overly burdensome for many landlords.

A recent decision by Seattle Housing Authority (SHA) to no longer allow Seattle landlords to issue rent increases effective March 15, 2013 highlights one of RHA's previous concerns it has expressed to Kirkland City Council. Further details of this decision can be found in the attached copy of SHA's letter to Section 8 landlords.

Not only does this decision ban rent increases for current Section 8 tenancies, it also prevents a landlord from renting the same unit at a higher amount to a future Section 8 tenant should the unit become available for rent. SHA's decision effectively means one of two scenarios are likely to occur with Seattle Section 8 tenancies:

- Landlords rent their unit(s) at below-market rents indefinitely as dictated by SHA's policy decision, and at the risk of insufficient rental income to pay the mortgage while also investing in the rental unit(s).
- Landlords are forced to terminate the tenancies of Section 8 applicants in order to ensure units can be rented at market rate in the future.

This decision by SHA has been implemented in the past and subsequently emulated by other County housing authorities, and should not be considered an issue restricted to a single municipality.

SHA's new policy is in addition to previous Section 8 rent control issues RHA has articulated in writing and at public forum when discussing this issue with the City of Kirkland. Those include:

- Property owners wishing to increase rent to Section 8 tenants may only raise the rent to the least amount of rent being charged for the same unit no matter what the

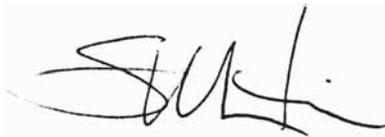
- circumstances may be for other tenants living in a property. This means that landlords who choose to hold rents below market rate for elderly, long-term, and disabled tenants are punished and prevented from charging market rate as a result of seeking to preserve affordable units at their property.
- Federal regulations governing the Section 8 program require owners to enter into a one-year lease for the initial term of tenancy with a new Section 8 resident. Some owners may not want to bind themselves or their property for a one year term. Our members report that most owners manage their lease expirations so there are a certain number of each floor plan expiring each month. These caps are based on traffic and other conditions. If an owner is required to always have 12 month leases they lose their ability to effectively manage their business.

Protected class status for Section 8 voucher recipients does not impact housing affordability. Rents do not decrease when Section 8 is made a protected class. It has also been the experience of RHA and its membership that in municipalities where Section 8 is a protected class, those housing authorities which oversee the use of vouchers are less cooperative and willing to work with landlords than are those housing authorities where Section 8 is not a protected class. This is directly evidenced by SHA's decision to unduly restrict rents.

There is no shortage of landlords who will accept tenants who receive Section 8 vouchers. Tenants that are denied residency is usually due to criminal, credit or rental history. Rarely does a landlord deny tenancy solely because the tenant is a recipient of Section 8. Landlords should not be forced to participate in the Section 8 program.

RHA asks that Kirkland City Council not adopt legislation which would make Section 8 recipients a protected class within the City of Kirkland.

Sincerely,



Sean Martin
RHA Director of External Affairs

Enclosure: Notification of Freeze on Rent Increases



Housing Choice Voucher Program

Address 190 Queen Anne Ave N
PO Box 19028
Seattle, WA 98109
Telephone 206-239-1728
FAX 206-239-1770
Website www.seattlehousing.org

February 27, 2013

Notification of Freeze on Rent Increases

Dear Landlord:

This letter is to inform you of a policy change in Seattle Housing Authority's Housing Choice Voucher Program. Due to impending federal budget cuts, as of March 15, 2013 we regret that we cannot accept any rent increase requests from landlords until further notice.

As part of continuing budget negotiations in Washington DC, Congress attempted to reduce the \$4 trillion deficit by adopting the Budget Control Act (BCA) in August 2011. This Act requires a series of cuts totaling \$2.2 trillion over several years to all non-defense, discretionary programs such as low-income housing assistance. These massive funding cuts, known as "sequestration," are scheduled to take effect on March 1, 2013 unless Congress reaches a compromise on the budget. However, this date is fast approaching and there is still no legislation that will solve the nation's deficit problem without putting funding for affordable housing at significant risk.

These federal budget cuts will have a significant effect on our ability to serve low-income families in our community. We are currently exploring the best options to immediately control our costs. Unfortunately, this means we will not be authorizing rent increases for the Housing Choice Voucher Program, effective March 15, 2013. In addition, rent increase requests with an effective date after May 1, 2013 will not be approved. If you have already submitted a rent increase, we will process the request as long as the effective date is prior to May 1, 2013.

Please be reminded that you are not permitted to raise the contract rent on your assisted unit above the amount that has been approved by Seattle Housing Authority. In order to comply with the HAP contract that you have signed with the Housing Authority, there may be no additional

Commissioners John Littel *Chair* Nora Gibson *Vice Chair*
Aser Ashkir Juan Martinez Kollin Min Doug Morrison Deborah Thiele

Executive Director
Andrew Lofton

rent payments between the tenant and landlord outside the terms of the lease and the contract. Accepting additional payments from tenants is considered a breach of contract that will jeopardize your continued participation in the Housing Choice Voucher Program.

We value your participation as a Housing Choice Voucher landlord, and understand that these economic times are difficult for everyone. We look forward to continuing our relationship with you. If you wish to discuss this further, please contact Mike Jung, Owner Liaison, at 206-239-1672 or mjung@seattlehousing.org.

Sincerely,

A handwritten signature in black ink that reads "Lisa H. Wolters". The signature is written in a cursive, flowing style.

Lisa Wolters
Director of Housing Advocacy
and Rental Assistance Programs



FREQUENTLY ASKED QUESTIONS

Freeze on Housing Choice Voucher Rent Increases

Effective March 15, 2013

Why is Seattle Housing Authority implementing a freeze on rent increases?

The United States government currently has a deficit of more than \$2 trillion dollars. Congress has been unable to agree on a solution to this budget crisis, and as a result there are a series of very large budget cuts that will automatically begin to take effect on March 1, 2013. We are expecting significant cuts to our funding levels for the foreseeable future. As a result, we are taking some immediate cost-cutting measures that will allow us to continue to serve low-income residents in our community.

When is this policy effective?

The freeze on rent increases will become effective March 15, 2013 and remain in effect until further notice. All rent increase requests with effective dates after May 1, 2013 will not be approved.

Do I need to do anything as a result of this policy change?

No, we will simply follow the terms of the contract and lease agreement that was in effect prior to this policy change.

What if I already sent SHA a request to increase rent, and have sent a notice to my tenant?

If the rent increase you requested will be effective prior to May 1, 2013 we will process that request. Any request that would have an effective date after May 1 will not be approved.

When will I be able to increase rent again?

We do not know when Congress will come to an agreement on a debt reduction plan for the budget, but are hopeful that there will be a compromise in the next six months. However, at this time, we do not have an end date for the freeze on rent increases.

What if I am renting below market already?

Even though your rent may be lower than what SHA considers "rent reasonable" based on market comparisons, we will still not approve an increase.

What happens if I send a request anyway?

If you submit a rent increase request, we will send you a denial letter. You will need to wait to apply for a rent increase when the policy is no longer effective, or terminate your HAP contract.

If a voucher holder moves out of a unit, can I rent the unit at a higher rate?

No, we *will not* approve a new Housing Choice Voucher tenant living in the same unit at a higher rent.

Can tenants cover any extra cost?

No, a tenant's total housing cost must remain the same, including rent and utilities. There may not be any additional rent payments between the tenant and landlord outside the terms of the lease and contract. Accepting any additional payment from tenants is considered a breach of contract, and can jeopardize continued participation in the program for both landlord and tenant.

Can I make other changes to the lease?

Yes, you may sign a longer lease term when your current lease expires. You may also add additional language to the lease requirements, so long as the total required housing costs remain the same for the tenant.

We cannot allow a lease agreement to circumvent this policy by imposing any new fees for services or amenities that are currently covered by the existing rental agreement.

Will tenants be shouldering any of this financial burden?

Given the current funding landscape, we are analyzing all options for cost-cutting measures in order to keep serving low-income residents of Seattle. These options include such possibilities as tenants paying a higher portion of their rent in the future.

If I cannot continue renting my unit at the current amount, what can I do?

The freeze on rent increases does not mean that your tenant needs to move immediately. If you choose to terminate the tenancy you must notify your tenant and send a copy of the notification to SHA. The Housing Assistance Payment contract and rental subsidy will be terminated and the tenants will need to be issued a new voucher to move to a new unit.

In accordance with Seattle Landlord Tenant laws, you are required to give a minimum of 30 days' notice to your tenant when terminating a lease for good cause. Information about Seattle landlord tenant law can be found at: http://www.seattle.gov/dpd/Publications/Landlord_Tenant/default.asp

From: [Ross Woods](#)
To: [Dawn Nelson](#)
Subject: No on Section 8 housing voucher ordinance
Date: Thursday, March 07, 2013 6:11:21 PM

I am a landlord in Kirkland and do not support this ordinance. Landlords should have the choice whether to accept this or not.

Thank you,

Ross Woods
(206) 949-2105

From: [Bob Weisenbach](#)
To: [Dawn Nelson](#)
Subject: Section 8 housing
Date: Monday, March 11, 2013 4:59:48 PM

I have been a strong proponent of Section 8 Housing as long as it is elective. The problem is that the Landlord does not actually get market rate rent from HUD regardless of what HUD says. Then there are times like this where HUD freezes increases and if the landlord has a whole bunch of Section 8 tenants then the income falls below expenses and the landlord has to subsidize the rent loss. Bad idea to make acceptance of all section 8 tenants mandatory. Bob Weisenbach

EASTSIDE COMMUNITY NETWORK

March 11, 2013

Kirkland City Council

Dear Mayor McBride:

The Eastside Community Network serves the eastside encompassing the school districts of Lake Washington, Bellevue and Mercer Island. The Eastside Community Network engages and advocates for systems that; serve, protect and provide for healthy development of children through the prevention of Adverse Childhood Experiences, build resilience of individuals and increase community capacity around strategies that strengthen healthy communities. I advocate for your adoption of Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, affordable homes in Kirkland.

According to the East King County Plan to End Homelessness, one of the primary causes of homelessness is lack of affordable housing. More than 1/3 of eastside residents are paying 30% of their income for housing costs (the federal standard of affordability). And the latest data from the U.S. Department of Housing & Urban Development (HUD) shows more than 3,000 Kirkland households are paying more than 50% of their income for housing, placing them at great risk for homelessness.

Systems (such as Section 8 and other fair housing programs) that create access to safe neighborhoods and quality schools increase the ability for families to afford the costs of rental, childcare and live closer to their places of employment. This ordinance can help prevent homelessness by supporting low-income renters in their efforts to find a home they can afford on the eastside. The Ordinance supports the ability of the Section 8 program to help relieve participants of this rent burden while also protecting the rights of landlords to set rent levels and screen potential residents.

Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Sincerely,
Paula Matthyse



Outreach Director



PO BOX 399
FALL CITY, WA 98024

PHONE (425) 681-8180
E-MAIL paulamatthyse@gmail.com

From: [Joan McBride](#)
To: [Janet Jonson](#)
Subject: Fwd: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 9:24:19 AM

Please forward to council
Thanks

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Degale Cooper <dcooper@ywcaworks.org>
Date: March 11, 2013 5:18:13 PM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <dcooper@ywcaworks.org>

As a former Kirkland resident and landlord, I urge you to adopt Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, healthy, affordable homes in Kirkland.

According to the East King County Plan to End Homelessness, one of the primary causes of homelessness is not being able to find a home you can afford. More than 1/3 of eastside residents are paying 30% of their income for housing costs (the federal standard of affordability). And the latest data from the U.S. Department of Housing & Urban Development (HUD) shows more than 3,000 Kirkland households are paying more than 50% of their income for housing, placing them at great risk for homelessness.

This ordinance can help prevent homelessness by supporting low-income renters in their efforts to find a home they can afford here on the eastside. The Ordinance supports the ability of the Section 8 program to help relieve participants of this rent burden while also protecting the rights of landlords to set rent levels and screen potential residents.

Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Degale Cooper

930 NE High Street, Ste. 100
Issaquah, WA 98029

From: [Joan McBride](#)
To: [Janet Jonson](#)
Subject: Fwd: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 9:23:03 AM

Please forward to city council

Thanks

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Deirdre Staudt <deirdre.staudt@comcast.net>
Date: March 12, 2013 6:33:10 AM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <deirdre.staudt@comcast.net>

As a Kirkland resident, I urge you to adopt Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, healthy, affordable homes in Kirkland.

Why should where the money is coming from make any difference to a landlord. If the applicant meets the landlord's requirements otherwise, why discriminate?

According to the East King County Plan to End Homelessness, one of the primary causes of homelessness is not being able to find a home you can afford. More than 1/3 of eastside residents are paying 30% of their income for housing costs (the federal standard of affordability). And the latest data from the U.S. Department of Housing & Urban Development (HUD) shows more than 3,000 Kirkland households are paying more than 50% of their income for housing, placing them at great risk for homelessness.

This ordinance can help prevent homelessness by supporting low-income renters in their efforts to find a home they can afford here on the eastside. The Ordinance supports the ability of the Section 8 program to help relieve participants of this rent burden while also protecting the rights of landlords to set rent levels and screen potential residents.

Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Deirdre Staudt
12728 102nd Ave ne
kirkland, WA 98034

From: [Joan McBride](#)
To: [Janet Jonson](#)
Subject: Fwd: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 9:22:14 AM

Please forward to council

Thanks

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Julie McFarland <juliemf@ccsww.org>
Date: March 11, 2013 11:13:32 PM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <juliemf@ccsww.org>

As a homeless housing and service provider on the eastside, I urge you to adopt Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, healthy, affordable homes in Kirkland.

According to the East King County Plan to End Homelessness, one of the primary causes of homelessness is not being able to find a home you can afford. More than 1/3 of eastside residents are paying 30% of their income for housing costs (the federal standard of affordability). And the latest data from the U.S. Department of Housing & Urban Development (HUD) shows more than 3,000 Kirkland households are paying more than 50% of their income for housing, placing them at great risk for homelessness.

This ordinance can help prevent homelessness by supporting low-income renters in their efforts to find a home they can afford here on the eastside. The Ordinance supports the ability of the Section 8 program to help relieve participants of this rent burden while also protecting the rights of landlords to set rent levels and screen potential residents.

Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Julie McFarland
CCS

From: [Joan McBride](#)
To: [Janet Jonson](#)
Subject: Fwd: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 9:21:32 AM

Please forward to council

Thanks

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Kelly West <kellyaw@lifewire.org>
Date: March 11, 2013 6:19:23 PM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <kellyaw@lifewire.org>

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Kelly West
LifeWire (Formerly Eastside Domestic Violence Program)

From: [Joan McBride](#)
To: [Janet Jonson](#)
Subject: Fwd: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 9:20:41 AM

Please forward to council.
Thanks

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Kelly McNemee <kellyann@mcnemee.com>
Date: March 11, 2013 6:18:00 PM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <kellyann@mcnemee.com>

As a Kirkland resident, I urge you to adopt Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, healthy, affordable homes in Kirkland.

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Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Kelly McNemee

13335 119th Ave NE
Kirkland, WA 98034

From: [Eric Shields](#)
To: [Dawn Nelson](#)
Subject: FW: Ban Discrimination Against Section 8 Participants
Date: Tuesday, March 12, 2013 11:58:25 AM

[Eric Shields](#)

From: Joan McBride
Sent: Tuesday, March 12, 2013 11:41 AM
To: City Council
Cc: Kurt Triplett; Janet Jonson; Eric Shields
Subject: Fwd: Ban Discrimination Against Section 8 Participants

Joan McBride
Mayor
City of Kirkland
425.698.7556

Sent from iPhone

Begin forwarded message:

From: Deepa Abraham <deepalabraham@gmail.com>
Date: March 12, 2013 10:30:05 AM PDT
To: <jmcbride@kirklandwa.gov>
Subject: Ban Discrimination Against Section 8 Participants
Reply-To: <deepalabraham@gmail.com>

As a Kirkland resident, I urge you to adopt Ordinance O-4384 to ensure Section 8 participants have the opportunity to find safe, healthy, affordable homes in Kirkland.

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Please adopt Ordinance O-4384 to ensure that Kirkland can be a diverse, inclusive and affordable community.

Deepa Abraham
9037 NE 117th pl
Kirkland, WA 98034

From: [Sue](#)
To: [City Council](#)
Subject: Oppose the creation of a protected class for Section 8 vouchers
Date: Monday, March 11, 2013 9:28:10 PM

Dear Sirs,

I have had a Section 8 property next door to my rental for many years. I have had many problems with the tenants. Please do not require that one must rent to Section 8 tenants.

Sue Schauss

From: [sally bigger](#)
To: [City Council](#)
Subject: Oppose the creation of a protected class for Section 8 vouchers
Date: Monday, March 11, 2013 7:28:28 PM

Dear City council members,

There are many, many reasons why I feel Section 8 vouchers should not be a protected class. I will not list them here as I know you are too busy to read them and have probably heard them all before. Let me say that as a property owner I feel I should have some rights too. My "rights" are being eroded . Please think of the landlord and do not make Section 8 a protected class.

Sally Bigger

From: [Debb Rhyce](#)
To: [City Council](#)
Subject: Oppose the creation of a protected class for Section 8 vouchers
Date: Monday, March 11, 2013 6:07:20 PM

To all Kirkland City council members, I am an an owner of a rental home in the Houghton area and am writing to voice my opposition to mandating the acceptance of section 8 vouchers for rental property. My reasons for my opposition are 1. There is no shortage of rental housing that can accommodate section 8 tenants and 2. I require my tenant to maintain rental insurance and this is prohibited by the program by my understanding. Please vote against requiring rental property owners to accept section 8 vouchers. Thank you,

Debbie Rhyce

Sent from my HTC EVO 4G LTE exclusively from Sprint

Board of Commissioners
DOUG BARNES, *Chair*
MICHAEL BROWN, *Vice-Chair*
TERRY MCLLARKY
RICHARD MITCHELL
SUSAN PALMER

Executive Director
STEPHEN J. NORMAN



KING COUNTY
HOUSING AUTHORITY

March 12, 2013

Kirkland City Councilmembers
123 5th Avenue
Kirkland, WA 98

RE: Ordinance O-4384, Section 8 Discrimination

Dear Councilmembers:

I am writing in hopes of clarifying inaccurate information which has been circulated about the Section 8 program as it relates to Ordinance O-4384, which prohibits discrimination against housing applicants and tenants based solely on their use of a Section 8 voucher.

The Section 8 program is federally funded and Congress has deferred to state and local jurisdictions to enact source of income discrimination legislation. In thirteen states and 39 local jurisdictions discrimination against Section 8 households is illegal. These laws ensure that vulnerable populations, such as veterans, families fleeing domestic violence, children, seniors, and people with disabilities, will not face discrimination based solely on the way they pay their rent. Similar to cities that enact mandatory building inspection programs, these jurisdictions believe they have a responsibility to protect the well-being of all their residents. HUD has strongly endorsed these types of ordinances because racial discrimination is often perpetrated through the denial of housing to Section 8 voucher holders.

Over the past 22 years landlords in the cities of Seattle and Bellevue have successfully operated under a similar source of income discrimination ordinance. Anti-discrimination ordinances are also in place in all areas of unincorporated King County and most recently, in Redmond. Under Kirkland's proposed ordinance, if a landlord has a legitimate business policy that precludes an applicant from renting their unit using a Section 8 voucher, the landlord would not be in violation of the ordinance. For example, the Section 8 program requires that tenants cannot pay more than 40 percent of their income for rent in the first year. If a landlord's rent is too expensive, then the tenant would have to find a different unit. The landlord would have a legitimate business reason not to rent to the tenant because they cannot afford the rent.

Under the proposed ordinance, landlords would continue to be free to charge rent at whatever level they chose. ***KCHA limits the amount of rent a tenant may pay, not the amount that a landlord can charge.*** If the landlord charges more than the tenant may pay, the tenant will need to find another home – just like non-Section 8 tenants faced with an unaffordable rent increase. Due to sequestration funding cuts, Section 8 tenants in Seattle are not able to pay more for their units than they currently are, but this does not limit the landlord from increasing their rents – it just means that the tenants will have to find a new home. This action by the Seattle Housing Authority has no impact on the Section 8 program in Kirkland.

As a responsible steward of taxpayer monies, KCHA requires that the rents charged to Section 8 tenants are similar to those without Section 8 – a landlord can not seek to charge more for one unit in a building just because a government program is paying part of the bill. In the rare case where a landlord is holding rents below market rate for elderly, long-term, or disabled tenants KCHA would allow a rent review of units with similar amenities outside of that landlord's property to assess whether the landlord was proposing a fair market rent.

Affordable housing in Kirkland is scarce and many residents are struggling to keep a roof overhead. When KCHA opened its Section 8 waitlist in 2011 we received over 260 applications from families in Kirkland. Since then, demand has only grown. Even those who are fortunate enough to receive a voucher may not be able to use it. Over the last three years, approximately ten percent of households who were issued Section 8 vouchers were not able to find housing suitable to meet their needs – largely because there is not an adequate supply of units for Section 8 applicants. While almost 3,000 landlords currently rent to households using Section 8 vouchers, many of these landlords are located in South King County, leaving low income Kirkland residents limited opportunities to find and maintain residency in Kirkland.

While this ordinance would not increase the affordable housing supply, neighboring communities, such as Bellevue and Redmond, have prevented the loss of access to housing in their community by low income, elderly and disabled households because they have enacted a Source of Income Discrimination ordinance. The enactment of this statute also prevents the termination of existing tenants in a building for no other reason than the fact that they are participating in the Section 8 program. This almost happened recently in the Redmond, where 23 households, including elderly and disabled individuals and children, many long term residents, were told that their leases were not being renewed because the landlord, a national property management company, had decided on the national corporate level to terminate all Section 8 leases across the country. The enactment of a similar ordinance by Redmond prevented this from occurring.

I wish you the best as you consider this ordinance and the needs of the Kirkland community. If you have any questions, please contact Megan Hyla, Director of Policy, at (206) 574-1155.

Sincerely,



Stephen J. Norman
Executive Director

Cc: Sean Martin, Rental Housing Association
Joe Puckett, Rental Housing Association

ORDINANCE O-4384

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AMENDING THE KIRKLAND MUNICIPAL CODE TO ENACT A NEW CHAPTER 7.74 FAIR HOUSING REGULATIONS; PROHIBITING THE REFUSAL TO RENT A DWELLING UNIT SOLELY ON THE BASIS OF A SECTION 8 VOUCHER OR CERTIFICATE RENTAL REQUEST; AND PROVIDING FOR THE ENFORCEMENT THEREOF BY AMENDING KIRKLAND MUNICIPAL CODE SECTION 1.12.020.

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

WHEREAS, the City Council has also determined that it is essential to assure that housing is available to persons who need financial assistance to secure decent housing; and

WHEREAS, the City Council has therefore determined that it is necessary and appropriate that the City prohibit the refusal to rent a dwelling unit to any rental applicant solely on the basis that the applicant has made such application pursuant to a Section 8 voucher or certificate under the Act, in order to assure that sufficient amounts of financially assisted housing are available to those persons needing such housing;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to prohibit the refusal to rent a dwelling unit to any rental applicant solely on the basis that the applicant has made such application pursuant to a Section 8 voucher or certificate under the Housing and Community Development Act of 1974 (42 USC) 1437f, in order to assure that sufficient amounts of financially assisted housing are available to those persons needing such housing.

Section 2. The City of Kirkland adopts a new chapter to the Kirkland Municipal Code, 7.74 "Fair Housing Regulations," which is set forth as follows:

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 USC 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 Kirkland Municipal Code Section 23.5.250.

7.74.020 Exceptions.

(A) Nothing in this chapter shall:

(1) apply to the renting, sub-renting, 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.

7.74.030 Enforcement.

The prohibitions of this Chapter shall be enforced using the processes provided in Chapter 1.12 of this Code.

Section 3. Section 1.12.020 is hereby amended to read as follows:

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

"Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

"Act" means doing or performing something.

"Applicable department director" means the director of the department or his or her designee.

"Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 11 are specifically excluded from the application of this chapter.

"Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.

"Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

"Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34.

"Omission" means a failure to act.

"Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

"Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to

owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

“Regulation” means and includes the following, as they now exist or are hereafter amended:

- (1) Title 23 (Kirkland Zoning Code);
- (2) Title 21, Buildings and Construction (including codes adopted by reference);
- (3) Chapter 15.52 (Surface Water Management);
- (4) Title 29 (Land Surface Modification);
- (5) Chapter 19.04 (Obstructing Streets or Sidewalks);
- (6) Chapter 11.76 (Junk Vehicles);
- (7) Chapter 11.24 (Nuisances);
- (8) The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city;
- (9) Chapter 7.74 (Fair Housing Regulation).

“Repeat violation” means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

“Violation” means an act or omission contrary to a city development regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney