



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: October 24, 2008

Subject: Fair Housing

RECOMMENDATION:

The City Council pass the attached ordinance which would add a Section 11.72.035 to Chapter 11.72 of the Kirkland Municipal Code, "Unfair Housing Practices." Section 11.72.035 specifically prohibits landlords from refusing to rent based solely on a request by a rental applicant to use a Section 8 rental certificate or voucher to cover a portion of the rent.

BACKGROUND:

The Section 8 Rental Certificate program is authorized by the U.S. Housing Act of 1937 Section 8(b). The Section 8 Rental Certificate program increases affordable housing choices for very low-income households by allowing families to choose privately owned rental housing. Families apply to a local public housing authority for a Section 8 Certificate. The local public housing authority pays the landlord the difference between 30 percent of the household's adjusted income and the rent for the dwelling unit. In order to participate in the program, landlords must agree to accept no more than the fair market rent established by the U.S. Department of Housing and Urban Development (HUD).

Please do not hesitate to contact me with any questions.

ORDINANCE NO. 4153

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FAIR HOUSING; PROHIBITING THE REFUSAL TO RENT A DWELLING UNIT SOLELY ON THE BASIS OF A SECTION 8 VOUCHER OR CERTIFICATE RENTAL REQUEST; AND ADDING A NEW SECTION 11.72.035 TO THE KIRKLAND MUNICIPAL CODE.

WHEREAS, the City Council has determined that there is a significant need for low-income rental housing within the City; and

WHEREAS, the City Council has further determined that a significant number of persons are not able to secure adequate rental housing without financial assistance, such as that provided under Section 8 of the Housing Act of 1937; 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 Housing Act of 1937, 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. A new Section 11.72.035 is added to the Kirkland Municipal Code to read as follows:

11.72.035 Dwelling Units – Refusal to Rent Based Solely on Section 8 Voucher or Certificate Request Prohibited.

No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing Act of 1937; provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the fair market rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in Kirkland Municipal Code Section 11.72.010(2).

Section 2. 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 _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney