



CITY OF KIRKLAND
Department of Planning and Community Development
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MEMORANDUM

To: David Ramsay, City Manager

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

Date: January 13, 2009

Subject: Fair Housing, File MIS09-00006

RECOMMENDATION

Because new statewide legislation prohibiting discrimination in rental of housing based on source of income will likely be considered this year, staff recommends that the City Council defer action on any amendments to the Kirkland Municipal Code related to this issue until after the 2009 State Legislative Session. The City Council may wish to direct staff to write a letter in support of such legislation.

If source of income legislation is not adopted in 2009, the City Council could consider an amendment to the Municipal Code that establishes refusal to rent a dwelling unit based solely on the applicant's use of a Section 8 Housing Choice Voucher as an unfair housing practice. In that eventuality, staff will prepare a recommendation to the City Council regarding additional Municipal Code amendments needed to establish appropriate enforcement procedures and outcomes.

BACKGROUND DISCUSSION

A proposed ordinance to add a section to the Kirkland Municipal Code making it illegal to refuse to rent a dwelling unit based solely on the applicant's use of a Section 8 voucher or certificate was removed from the Consent Calendar at the November 4, 2008 City Council meeting. The City Council requested that additional information be provided for their review, which is the purpose of this memo. The first section, below, discusses action that may be taken by the State Legislature in the 2009 session. The subsequent sections provide additional information about the Section 8 Housing Choice Voucher program and fair housing regulations in Kirkland and other municipalities.

Potential State Legislation Prohibiting Source of Income Discrimination

Engrossed House Bill 1956, prohibiting discrimination based on lawful source of income in rental housing transactions and creating specific civil penalties for violating this prohibition, was approved

by the Washington State House of Representatives in both 2007 and 2008 (see Attachment 1 for text of EHB 1956). The same text was reviewed by the Senate as Senate Bill 6533. A hearing was held in 2008 by the Senate Judiciary Committee but no action was taken. (See Attachments 2 and 3 for the House Bill and Senate Bill Reports.)

The bill seeks to provide broader protection regarding rental of dwelling units than is currently offered in any local regulation. It defines lawful source of income as verifiable, legal income including income derived from any of the following sources:

- Employment;
- Social Security;
- Supplemental Security Income;
- Other retirement programs;
- Child support;
- Alimony; and
- Federal, state, local or non-profit administered benefit or subsidy programs, including rental assistance, public assistance, and general assistance.

Complaints of discrimination would be filed with the Washington State Human Rights Commission, who would have the responsibility of investigating the complaint and attempting to eliminate any unfair practice. If an agreement to end an alleged unfair practice cannot be reached, an administrative law judge would hear and resolve the complaint.

Since the proposed legislation did not make it out of the Senate Judiciary Committee in 2008, it will need to be reintroduced in both the House and the Senate if it is to be considered. The Washington Low Income Housing Alliance has identified this legislation as one of four key items that it intends to bring back to Olympia in 2009 (<http://www.wshfc.org/newsletter/#wliha>). The Tenants Union of Washington State provided the information sheet about the proposed legislation that is included as Attachment 4 to this packet.

Section 8 Program Information

The Section 8 Housing Choice Voucher program is authorized by the U.S. Housing Act of 1937 Section 8(b). The Housing Choice Voucher 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 Housing Choice Voucher. The family pays 30 percent of the household's adjusted income as rent. The local public housing authority pays the landlord the difference between what the family pays 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). In Kirkland and other east King County communities, the established fair market rent levels range from \$950 for a studio unit to \$1,800 for a three bedroom unit.

The King County Housing Authority (KCHA) administers the Section 8 program. The following requirements apply in order for a unit to be registered for Section 8:

- 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.

Section 8 Fair Housing Regulations in Surrounding Communities

The cities of Seattle and Bellevue and unincorporated King County are the only jurisdictions in Washington that have regulations making discrimination of a person based on participation in the Section 8 program an unfair housing practice. Complaints in Seattle and unincorporated King County are filed with their respective Office of Civil Rights and the investigation and resolution processes are well established in their municipal codes. Both jurisdictions report that they investigate a small number of Section 8 cases each year and work towards settlement in each case. Conditions of settlement, or correction orders if no settlement can be reached, usually include:

- Elimination of the unfair housing practice;
- Payment of actual damages, including damages caused by emotional distress;
- Payment of attorneys' fees and costs;
- Payment of a civil penalty; and
- Participation in training on fair housing laws.

Violations of settlement agreements or correction orders of the Office of Civil Rights are referred to the prosecuting attorney for enforcement through filing of a civil action.

Bellevue reports having investigated a few claims of Section 8 unfair housing practice over the 18 years that their regulation has been in place. Investigations are handled by the Code Compliance staff in the Development Services Division. Settlement conditions spelled out in the Bellevue Municipal Code are similar to Seattle and King County, but no specific allowance for monetary

damages or penalties are identified. In cases where a voluntary resolution cannot be reached, the city attorney may institute legal proceedings.

Unfair Housing Practices in Kirkland Municipal Code

[Chapter 11.72 of the Kirkland Municipal Code](#) establishes and prohibits Unfair Housing Practices. The ordinance prepared for the City Council in November would have added the following section to the KMC:

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).

This language would make Kirkland’s prohibition on unfair housing practices equal to the cities of Seattle, Bellevue and unincorporated King County. However, the enforcement provisions in KMC 11.72.050 are poorly defined. Where the City of Seattle and King County refer complaints to their Office of Civil Rights and Bellevue refers them to its Code Compliance staff, Kirkland’s regulations direct complaints to the City Council for investigation. In addition, no specific settlement process or conditions are identified. Prosecution as a misdemeanor is possible (see [KMC11.72.050\(d\)](#) and [KMC 1.04.010](#)).

Public Comment

The City has received several letters and e-mails regarding the issue of prohibiting landlords from refusing to rent based solely on a request by a rental applicant to use a Section 8 Housing Choice Voucher. They are included as Attachments 5 through 11 to this packet.

ATTACHMENTS

- Attachment 1 – Engrossed House Bill 1956
- Attachment 2 – House Bill Report EHB 1956
- Attachment 3 – Senate Bill Report SB 6533
- Attachment 4 – “Enact Fair Rental Opportunity” Information Sheet
- Attachment 5 – Letter from Rick Whitney
- Attachment 6 – Letter from Julie Johnson, Rental Housing Association of Puget Sound
- Attachment 7 – Letter from Tim Seth, Washington Landlord Association
- Attachment 8 – E-mail from Tyler Eckel
- Attachment 9 – E-mail from Robin Vogel
- Attachment 10 – E-mail from Melora Hiller, St. Andrews Housing Group
- Attachment 11 – E-mail from Pat Tassoni, Thurston County Tenants Union
- Attachment 12 – E-mail from Rachael Myers, Washington Low Income Housing Alliance

ENGROSSED HOUSE BILL 1956

State of Washington **60th Legislature** **2007 Regular Session**

By Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa

Read first time 02/01/2007. Referred to Committee on Housing.

1 AN ACT Relating to discrimination based on lawful source of income;
2 reenacting and amending RCW 49.60.250; adding a new section to chapter
3 49.60 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW
6 to read as follows:

7 (1) It is an unfair practice for any person, whether acting for
8 himself, herself, or another, to discriminate in the rental of a
9 dwelling to, or to refuse to negotiate or enter into a rental agreement
10 with, a person because of the person's lawful source of income.

11 (2)(a) When a finding has been made under RCW 49.60.250 that the
12 respondent has engaged in an unfair practice under this section, the
13 administrative law judge shall promptly issue an order for appropriate
14 relief for the aggrieved party, which may include actual damages and
15 injunctive or other equitable relief. The order may, to further the
16 public interest, assess a civil penalty against the respondent:

17 (i) In an amount up to two thousand five hundred dollars if the
18 respondent is determined not to have committed any prior unfair
19 practices under this section;

1 (ii) In an amount up to seven thousand five hundred dollars if the
2 respondent is determined to have committed one other unfair practice
3 under this section during the five-year period ending on the date of
4 the filing of this charge; or

5 (iii) In an amount up to ten thousand dollars if the respondent is
6 determined to have committed two or more unfair practices under this
7 section during the seven-year period ending on the date of the filing
8 of this charge.

9 (b) Civil penalties assessed under this section shall be paid into
10 the state treasury and credited to the general fund.

11 (3) This section does not:

12 (a) Apply to rental transactions involving the sharing of a
13 dwelling unit as defined in RCW 59.18.030, or the rental or subleasing
14 of a portion of a dwelling unit, when the dwelling unit is to be
15 occupied by the owner or sublessor;

16 (b) Affect the rights, responsibilities, and remedies of landlords
17 and tenants under chapter 59.18 or 59.20 RCW, except to the extent of
18 inconsistencies with the nondiscrimination requirements of this
19 section; or

20 (c) Limit the applicability of RCW 49.60.215 relating to unfair
21 practices in places of public accommodation or RCW 49.60.222 through
22 49.60.227 relating to unfair practices in real estate transactions.

23 (4) For the purposes of this section, "lawful source of income"
24 means verifiable legal income, including income derived from
25 employment, social security, supplemental security income, other
26 retirement programs, child support, alimony, and any federal, state, or
27 local government or nonprofit-administered benefit or subsidy program,
28 including rental assistance programs, public assistance, and general
29 assistance programs.

30 **Sec. 2.** RCW 49.60.250 and 1993 c 510 s 23 and 1993 c 69 s 14 are
31 each reenacted and amended to read as follows:

32 (1) In case of failure to reach an agreement for the elimination of
33 such unfair practice, and upon the entry of findings to that effect,
34 the entire file, including the complaint and any and all findings made,
35 shall be certified to the chairperson of the commission. The
36 chairperson of the commission shall thereupon request the appointment
37 of an administrative law judge under Title 34 RCW to hear the complaint

1 and shall cause to be issued and served in the name of the commission
2 a written notice, together with a copy of the complaint, as the same
3 may have been amended, requiring the respondent to answer the charges
4 of the complaint at a hearing before the administrative law judge, at
5 a time and place to be specified in such notice.

6 (2) The place of any such hearing may be the office of the
7 commission or another place designated by it. The case in support of
8 the complaint shall be presented at the hearing by counsel for the
9 commission: PROVIDED, That the complainant may retain independent
10 counsel and submit testimony and be fully heard. No member or employee
11 of the commission who previously made the investigation or caused the
12 notice to be issued shall participate in the hearing except as a
13 witness, nor shall the member or employee participate in the
14 deliberations of the administrative law judge in such case. Any
15 endeavors or negotiations for conciliation shall not be received in
16 evidence.

17 (3) The respondent shall file a written answer to the complaint and
18 appear at the hearing in person or otherwise, with or without counsel,
19 and submit testimony and be fully heard. The respondent has the right
20 to cross-examine the complainant.

21 (4) The administrative law judge conducting any hearing may permit
22 reasonable amendment to any complaint or answer. Testimony taken at
23 the hearing shall be under oath and recorded.

24 (5) If, upon all the evidence, the administrative law judge finds
25 that the respondent has engaged in any unfair practice, the
26 administrative law judge shall state findings of fact and shall issue
27 and file with the commission and cause to be served on such respondent
28 an order requiring such respondent to cease and desist from such unfair
29 practice and to take such affirmative action, including, (but not
30 limited to) hiring, reinstatement or upgrading of employees, with or
31 without back pay, an admission or restoration to full membership rights
32 in any respondent organization, or to take such other action as, in the
33 judgment of the administrative law judge, will effectuate the purposes
34 of this chapter, including action that could be ordered by a court,
35 except that damages for humiliation and mental suffering shall not
36 exceed ten thousand dollars, and including a requirement for report of
37 the matter on compliance. Relief available for violations of RCW
38 49.60.222 through 49.60.224 shall be limited to the relief specified in

1 RCW 49.60.225. Relief available for violations of section 1 of this
2 act shall be limited to the relief specified in section 1(2) of this
3 act.

4 (6) If a determination is made that retaliatory action, as defined
5 in RCW 42.40.050, has been taken against a whistleblower, as defined in
6 RCW 42.40.020, the administrative law judge may, in addition to any
7 other remedy, impose a civil penalty upon the retaliator of up to three
8 thousand dollars and issue an order to the state employer to suspend
9 the retaliator for up to thirty days without pay. At a minimum, the
10 administrative law judge shall require that a letter of reprimand be
11 placed in the retaliator's personnel file. All penalties recovered
12 shall be paid into the state treasury and credited to the general fund.

13 (7) The final order of the administrative law judge shall include
14 a notice to the parties of the right to obtain judicial review of the
15 order by appeal in accordance with the provisions of RCW 34.05.510
16 through 34.05.598, and that such appeal must be served and filed within
17 thirty days after the service of the order on the parties.

18 (8) If, upon all the evidence, the administrative law judge finds
19 that the respondent has not engaged in any alleged unfair practice, the
20 administrative law judge shall state findings of fact and shall
21 similarly issue and file an order dismissing the complaint.

22 (9) An order dismissing a complaint may include an award of
23 reasonable attorneys' fees in favor of the respondent if the
24 administrative law judge concludes that the complaint was frivolous,
25 unreasonable, or groundless.

26 (10) The commission shall establish rules of practice to govern,
27 expedite, and effectuate the foregoing procedure.

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HOUSE BILL REPORT

EHB 1956

As Passed House:

January 18, 2008

Title: An act relating to discrimination based on lawful source of income.

Brief Description: Prohibiting discrimination based on lawful source of income.

Sponsors: By Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa.

Brief History:

Committee Activity:

Housing: 2/12/07, 2/19/07 [DP].

Floor Activity:

Passed House: 3/9/07, 72-25.

Floor Activity:

Passed House: 1/18/08, 63-34.

Brief Summary of Engrossed Bill
<ul style="list-style-type: none"> • Prohibits discrimination based on a person's lawful source of income in rental housing transactions and creates specific civil penalties for violating this prohibition.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass. Signed by 4 members: Representatives Miloscia, Chair; Springer, Vice Chair; Kelley and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Dunn, Ranking Minority Member; McCune and Schindler.

Staff: Robyn Dupuis (786-7166).

Background:

Under the Human Rights Commission (Commission) statutes, known as the "Law Against Discrimination," the Legislature declares that the right to be free from discrimination because of race, creed, color, national origin, sex, sexual orientation, or the presence of any sensory,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

mental, or physical disability or the use of a trained dog guide or service animal by a disabled person is a civil right.

In certain real estate transactions, the practice of discrimination because of certain characteristics is illegal. These characteristics include race, creed, color, sex, marital status, national origin, sexual orientation, families with children status, and the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability.

The Human Rights Commission is charged with eliminating and preventing such discrimination in: employment; credit and insurance transactions; places of public resort, accommodation, or amusement; and in real estate transactions.

Complaints of discrimination must be filed with the Commission within six months after the alleged act of discrimination or, in the case of certain real estate transactions, within one year after the alleged unfair practice. The Commission must investigate the complaint and, if there is reasonable cause to believe that an unfair practice has or is being committed, the Commission will attempt to eliminate the unfair practice with conciliation.

If an agreement to end the alleged unfair practice cannot be reached, the complaint is heard before an administrative law judge. On finding that the respondent has engaged in an unfair practice, the administrative law judge must issue an order requiring the practice to cease and ordering other action, including action that could be ordered by a court, to effectuate the purposes of the Law Against Discrimination. However, damages awarded to a plaintiff may not exceed \$10,000 for humiliation and mental suffering. In cases involving real estate transactions, penalties are specified and include fines up to \$50,000 depending upon the recent existence of any prior unfair practice violations.

A number of other states include language in their statutes to prohibit discrimination in real estate transactions due to an individual's lawful source of income. These states include California, Connecticut, District of Columbia, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oregon, Utah, Vermont and Wisconsin.

Summary of Engrossed Bill:

Discrimination against a person in a rental housing transaction because of the person's lawful source of income is declared to be an unfair practice. This unfair practice does not apply if the rental transactions involves the sharing, rental, or subleasing of a portion of a dwelling unit when the dwelling unit is also to be occupied by the dwelling owner or sublessor. For this exemption, a dwelling unit is a residence used by one person or by two or more persons maintaining a common household.

Penalties are specified for occurrences of this unfair practice. If an administrative law judge finds that discrimination has occurred against a person in a rental housing transaction because

of the person's lawful source of income, the administrative law judge may award actual damages and injunctive relief, and may assess the violator a civil penalty of:

- a maximum of \$2,500 for a first violation;
- a maximum of \$7,500 for a violation if the violator has committed a prior unfair practice within a five-year period; and
- a maximum of \$10,000 if the violator has committed two or more violations within a seven-year period.

"Lawful Source of Income" is defined as verifiable, legal income including income derived from any of the following sources:

- employment;
- Social Security;
- Supplemental Security Income;
- other retirement programs;
- child support;
- alimony; and
- federal, state, local or non-profit administered benefit or subsidy programs, including rental assistance, public assistance, and general assistance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) It is difficult for individuals and families to find apartments that accept Section 8 vouchers and often the waiting lists are just too long. There is a clear pattern of unfair landlord practices in this area. Discriminating on the basis of an individual's source of income could be an underhanded way of discriminating against people of protected class status, as many persons utilizing Section 8 vouchers are also members of at least one of the existing protected classes under the Washington discrimination laws. The bill has nothing to do with rent control; it just requires that landlords consider potential tenants on an equal basis. Discrimination in this area makes it difficult for low-income people to transition from shelters and other supportive housing programs.

(With concerns) Lawful source of income should be limited somehow so it doesn't include income like gambling debts or gifts.

(Opposed) Accepting vouchers should be a voluntary choice on the part of landlords. The federal Section 8 program specifically states that landlords may participate voluntarily.

Persons Testifying: (In support) Chris Jussero, Lynn Sereda and Michele Thomas, Tenants Union of Washington; Pat Tassoni and Janet Blanding, Thurston County Tenants Union; and Mark Foutch, City of Olympia.

(With concerns) Tim Seth, Olympic Rental Association.

(Opposed) John Woodring, Rental Housing Association of Puget Sound.

Persons Signed In To Testify But Not Testifying: None.

SENATE BILL REPORT

SB 6533

As of March 7, 2008

Title: An act relating to discrimination based on lawful source of income.

Brief Description: Prohibiting discrimination based on lawful source of income.

Sponsors: Senators Kline, Fairley, Kohl-Welles, Weinstein, Kauffman and McDermott.

Brief History:

Committee Activity: Judiciary: 1/23/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Dawn Noel (786-7472)

Background: Under the Washington Law Against Discrimination (WLAD), it is an unfair practice to discriminate in the rental of a dwelling based on sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability.

Any person claiming to be aggrieved by an alleged unfair practice may file a complaint with the Human Rights Commission (Commission). If the Commission finds that reasonable cause exists that an unfair practice has been or is being committed, the Commission's staff must attempt to eliminate the unfair practice by conference, conciliation, or persuasion. If the parties do not reach agreement, the Commission must enter findings to that effect and request the appointment of an administrative law judge (ALJ) to hear the complaint.

If an ALJ determines that the respondent engaged in discrimination in the rental of a dwelling, the ALJ may award damages and injunctive relief. In addition, the ALJ may, to further the public interest, assess a civil penalty against the respondent up to 50,000 dollars depending on whether the respondent has committed any unfair practices in the past.

Summary of Bill: It is an unfair practice for any person to discriminate in the rental of a dwelling to, or refuse to negotiate or enter into a rental agreement with, a person because of the person's lawful source of income. "Lawful source of income" means verifiable legal income, including:

- income derived from employment;
- social security;
- supplemental security income;
- other retirement programs;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- child support;
- alimony; and
- any federal, state, local government, or nonprofit-administered benefit or subsidy program, including rental assistance programs, public assistance, and general assistance programs.

If an ALJ finds that the respondent has engaged in this unfair practice, the ALJ is limited to providing the following relief. The ALJ must issue an order for appropriate relief, which may include actual damages and injunctive or other equitable relief. The order may, to further the public interest, assess certain civil penalties against the respondent, not to exceed 10,000 dollars, depending on whether the respondent has committed any unfair practices under this section in the past five to seven years. The civil penalties must be paid into the state treasury and credited to the general fund.

This section does not apply to transactions involving the sharing of a dwelling, or the rental or sublease of a portion of a dwelling, when the dwelling is occupied by the owner or sublesor. This section also does not limit the applicability of current laws relating to unfair practices in real estate transactions.

Appropriation: None.

Fiscal Note: Requested on January 19, 2008.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is not based on whether one can afford the rent, but based on the source of income. This bill becomes all the more important in the wake of floods and the housing market crash as more people rely on public assistance to make ends meet. Federal and local housing authorities have made it easier to participate in the Section 8 housing voucher program. Section 8 tenants have difficulty securing housing, and many housing ads state that they won't take Section 8 applicants. This bill will help people lift themselves out of homelessness. Section 8 does not require a landlord to reduce a tenant's rent. Washington should be a leader in disallowing discrimination based on source of income.

CON: The Section 8 program makes onerous requirements on landlords. Landlords shouldn't be forced to accept these circumstances. Section 8 is a voluntary program. This bill would create conflicts between state and federal law. It creates another protected class, which will lead to more litigation. The evidence demonstrating that people are turned down due to their Section 8 participation is anecdotal; they offer no studies to support their claims. Some people are probably turned down for other reasons such as criminal backgrounds or heavy collections' histories. Landlords need to be able to protect themselves.

Persons Testifying: PRO: Senator Kline, prime sponsor; Representative Pettigrew, prime sponsor of companion bill (EHB 1956); Eric Dunn, Northwest Justice Project; Marc Brenman, Washington State Human Rights Commission; Ann Levine, citizen; Chris Jussero, Michele Thomas, Tenant's Union of Washington State; Zoe Bermet, landlord; Ben Gitenstein; Washington Low-Income Housing Alliance.

CON: Chris Benis, John Woodring, Doug Neyhart, Karen Kuever, Rental Housing Association; Mark Paulsen, Washington Apartment Association.

**Enact Fair Rental Opportunity:
Outlaw Discrimination based on a renter’s source of income
And put up the welcome sign for all renters.**

“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 Fancey, our Pomeranian, but not us.” -

Reba Masterjohn, section 8 renter as quoted in the 5-7-07 Seattle Times.

<p>It All Starts At Home</p> <p>Prejudice and discrimination are unfair roadblocks to safe, decent and affordable housing for too many Washington residents.</p> <p>Everyone deserves the opportunity to compete for rental housing and to be treated fairly. Close the civil rights loophole: Outlaw discrimination today.</p> <p>Housing vouchers are at least 4 times more likely to be used by a person of color, families with children, a person with a disability or an elderly person.</p> <p>Public benefits are at least three times more likely to be used and needed by people of color in Washington State: While African Americans comprise 3.2% of the state’s population, they represent 14.2% of TANF recipients. While Hispanics comprise 7.5% of the state’s population, they represent 20.5% of TANF.</p>	<p>Tenant-based rental assistance is Washington’s largest source of affordable housing. Renters from across the state rely on this support to stabilize their lives, raise families and engage in their communities. We should ensure that people in need of housing assistance are able to effectively utilize section 8 vouchers and other forms of assistance that help them pay the rent and to stabilize their lives.</p> <hr style="width: 20%; margin: 10px auto;"/> <p>Discrimination against renters exacerbates housing and community instability: Discrimination against renters based on verifiable and legitimate sources of income is an unfair and irresponsible practice. Tenants who attempt to legally utilize a subsidy frequently hear comments like, “I don’t rent to people like you”. Some landlords advertise “No section 8” or will refuse an application for tenancy, regardless of the tenant’s rental and credit history, simply because of their lawful source of income.</p> <p>Many of Washington’s most vulnerable residents are impacted: Washington State has already recognized the need to protect residents from housing discrimination based on their race, disability, sex, familial status and others. But a gaping loophole exists that leaves many people in these categories, such as single parents, the disabled and the elderly open to discrimination based on their source of income. Policies like “no section 8” are a pretext for illegal discrimination and have a disparate impact on Washington’s most vulnerable families.</p> <p>Renters who use assistance should not be stereotyped or shamed: Renters who receive a verifiable source of legal income, such as social security, child support, SSI and section 8 vouchers (or any other governmental or non-profit subsidy) should not be automatically assumed to be unacceptable or undesirable renters. Stereotypes about recipients of either temporary or long-term assistance are unfair grounds to determine an applicant’s suitability as a renter: every renter should be given an equal opportunity to apply.</p> <p>12 other states have implemented a form of Source of Income Protection: States with some form of protections for source of income include: California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont and Wisconsin and Washington DC, as well as Seattle, WA where landlords and the real estate market are thriving.</p>
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EHB 1956 is sponsored by Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa.

SB 6533 is sponsored by Senators Kline, Fairley, Kohl-Welles, Weinstein, Kauffman, and McDermott.

This is a lead policy priority for the Washington Low Income Housing Alliance, Tenants Union of Washington State and the Thurston County Tenants Union.

The following organizations have endorsed this legislation:

Washington State Coalition for the Homeless, Washington State Labor Council, Seattle King County Coalition on Homelessness, Washington CAN, The Children’s Alliance, The Statewide Poverty Action Network, Real Change, POWER—Parents Organizing for Welfare & Economic Rights, LELO, The Low Income Housing Institute, Voices—Spokane, and the King County Housing Authority.

Questions and Answers About *this bill*

“Won’t landlords have to rent to any person using a Section 8 Voucher?”

Landlords will not be required to rent their unit to every applicant using a housing choice voucher. All landlords will still have the right to screen all applicants to assure that they are renting to good tenants. Landlord references, credit checks, income verification, and other methods are will still be legal tools for a landlord to use in screening and denying potential tenants, regardless of their source of income. Further, the Seattle Office for Civil Rights has found in several cases that landlords have had legitimate business reasons for turning down section 8 applicants.

“Aren’t all tenants using housing choice vouchers bad tenants?”

Tenants with housing choice vouchers are some of the most highly scrutinized tenants in the nation. Such tenants have been screened for criminal background, rental history, household verification, and income verification. The vast majority of tenants with Section 8 vouchers are good tenants and should not be discriminated against based on unfair stereotypes.

“But discrimination based on source of income does not occur in Washington State.”

Countless tenants experience discrimination on a daily basis. Advertising forums for rentals, such as Craigslist, show many landlords who boldly state, “No Section 8 accepted”. **However, after Craigslist was involved in a lawsuit claiming discriminatory postings, Craigslist has self-elected to pull all ads that exclude section 8 renters.*

“Isn’t source of income protection the same thing as rent control?”

Landlords with section 8 renters can set and change their rents like all other landlords. If the landlord’s rent level for the apartment is above the housing authority’s rent limit, the landlord would not be required to lower it to the housing authority’s rent levels. Source of Income protection will simply require landlords to give equal consideration to all applications.

“Won’t protection against source of income discrimination conflict with Federal guidelines?”

Over twelve other states already protect renters from discrimination based on their source of income. Moreover, the courts in these states have held that source of income protection is in line with the federal intent for the Housing Choice Voucher program.

Who will be impacted by this bill? People like Chris :

“For the past several months I had been homeless. When my name came up early on the wait list for a King County Housing Authority section 8 voucher, I enthusiastically began to search for a home. I needed to live near the Bothell/Kenmore area where my support groups of family, church and friends live.”

“With limited energy because of a hidden disability, my search soon became a nightmare. For 10 weeks, I spent many hours per day, almost 7 days per week, searching for apartments. I drove around using up expensive fuel, and made over 70 phone calls to landlords in Bothell, Kenmore, Redmond, Kirkland, Bellevue, and Shoreline.”

“I found that there are far too few apartments that are accepting Housing Vouchers and was only able to find housing far South from my church, family and friends. “ - Chris Jussero, section 8 renter

RICK WHITNEY
5009 112TH AVE N.E.
KIRKLAND, WA 98033

425-827-2680

Kirkland City Council
123 Fifth Avenue
Kirkland, WA 98033

RE: Ordinance No. 4153 Refusal to Rent Based upon Section 8 Voucher

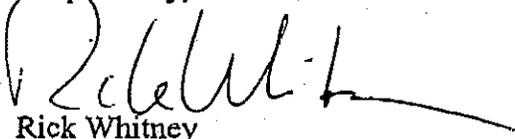
Dear Council Member,

I am writing to ask you to delay action on Ordinance 4153 until there is reasonable opportunity for input from representatives of the rental housing owners and managers in Kirkland. I was just informed of this ordinance this afternoon and have prior commitments which prevent me from speaking at tonight's meeting. I suspect that there are many more rental housing owners in similar situations.

As you know, I sincerely support the council's efforts to provide affordable housing in Kirkland. I have demonstrated it with my sale of Plum Court Apartments to ARCH to preserve that property as a vital part of our affordable housing supply. However, this ordinance could have a very negative impact on affordable housing in Kirkland. At face value, it seems like a fair and reasonable requirement. But in my 30 years of managing apartments I have encountered a very disproportionate level of problems from Section 8 tenants versus non-Section 8 tenants. Unfortunately, the people who tend to suffer most from those problems are the immediate neighbors of the Section 8 tenants. I can honestly say that if you had enacted this ordinance during the early years of my ownership of Plum Court, it would have forced me to undergo a repositioning of the property from being the most affordable place to live in downtown Kirkland to an upscale (and not very affordable) apartment community. That is how negative my experience has been with Section 8 tenants. I will add that not all of the Section 8 tenants I've dealt with have been problems, but the good ones are in the minority.

I would like to provide more information than is possible on such short notice, and I think that others should have a similar opportunity. This ordinance deserves to be given a fair discussion with public input. Please defer action until that can happen.

Respectfully,


Rick Whitney



Representing Rental Housing Owners

Single Family Homes to Multi-Family Communities

ATTACHMENT 6

RECEIVED

Council Meeting: 11/04/2008

NOV 04 2008 Agenda: Other Business

Item #: 8. h. (1)

CITY OF KIRKLAND
CITY MANAGER'S OFFICE

The Honorable Bob Sternoff
123 5th Avenue
Kirkland WA, 98033

RE: Council Ordinance #4153; Section 8 as a protected class.

Dear Council Member Sternoff,

The 4,400 members of the Rental Housing Association (RHA) strongly support vouchers for rental assistance as a tool for assisting those with help in finding housing. RHA has for years vocally lobbied 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. It is unfortunate that rental voucher programs are currently underfunded, creating long waiting lists.

However, RHA strongly 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.

RHA wants to ensure that rental housing is an attractive option to people no matter what their current financial situation is. Many of our members cater to Section 8 tenants. The proposed ordinance 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; more vouchers are needed to address the needs of the most vulnerable.

RHA's primary reason for opposition to this ordinance is the fact that there is not a problem with availability of private and public rental housing for persons receiving rental income assistance. The Washington Human Rights Commission conducted a study in 1996 and determined there was no need for source of income as a protected class. The housing availability needs of low income persons were being met and they were not being discriminated against in housing. It should also be noted that the staff memo attached to Ordinance #4153 does not make any reference to an actual need for such legislation to be passed in the City of Kirkland.

RHA has also conducted independent research in the past two months, 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 Section 8.

Secondly, 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 ordinance #4153.

Sincerely,

Julie Johnson
President

Washington Landlord Association™

"The Largest State-Wide Landlord Association in Washington...Serving over 21,000 Subscriber Members"

Founded 1996 as Olympic Rental Association; registered with IRS and Washington Secretary of State as a tax-exempt service corporation.
 Phone 360-753-9150 Toll Free 1-888-753-9150 920 Franklin St SE
 Web: WaLandlord.com E-mail: timseth@juno.com Olympia WA 98501

Aberdeen, Bremerton, Centralia, Ellensburg, Everett, Kent, Olympia, Redmond, Seattle, Spokane, Tacoma, Vancouver
 November 12, 2008

Dawn Nelson, Planning & Community Development
 City of Kirkland
 123 5th Ave
 Kirkland WA 98033

Dear Ms Nelson:

In behalf of our Kirkland and surrounding landlord/manager members, we thank you for the chance to comment on a trial attempt to protect renting applicants against categorical rejections due to source of income, specifically Section 8.

The vast majority of our WLA mainstream landlords knowledgeable with the Section 8 program gladly volunteer to participate (as another option to fill vacancies while meeting community disbursement goals). This was recently verified with the recent HUD report that less than 4% of their 2000 funded vouchers positions are currently not filled. Those few that experience difficulties (typically due to criminal, substance abuse, references, or other cause factors) have, understandably, the toughest time to get rentals on the open market regardless of any remedial actions.

For the mainstream Section 8 applicant, easy sign-up, reasonably modest inspections, guaranteed market rents with annual up-dates, and long-lasting tenancies are a few of the incentives for landlords to participate. More still, WLA provides state-wide training to help participating landlords avoid unnecessary program pitfalls and misunderstandings. Above all, the federally fostered voluntary nature of the program leads to the on-going success of section 8, with state-wide HUD records again showing that volunteering landlords are currently filling over 96% of available Section 8 vouchers.

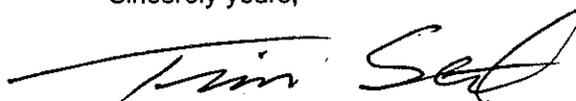
Housing authorities understand the basic federal importance that Section 8 and other government housing participation be voluntary on the landlord's part (the same as for processing bloc-grant money for renovations). Landlords are being asked to rent to a higher risk clientele typically without employment, credit, or personal records showing evidence of meeting basic screening standards. Passing government over-call legislation carries the risk of alienating majority participating landlords including those that currently choose to waive their screening standards to accommodate a hard-luck case. As such, there is the probable chance of a net loss of City rental options for the poor if any mandatory legislation passes.

A cruel hoax on hopeful applicants, legislative attempts to try to force landlords to rent to the poor proves, at best, a no gain wash. Is the City of Kirkland willing to take this roll of the dice at the expense of further alienating important local housing providers...*to both the city and the poor?* We suggest you call Seattle with a similar law to see if their results are better than the HUD 96% fulfillment figures (or Thurston County's 98% with no law).

WLA is certainly sensitive to the community value and goal of fostering basic housing for all citizens. The problem, as landlords understandably see it, **is lack of job options...not lack of housing options**. For example, we do not see anywhere where Washington cities, or the State itself, target employment recruiting to those on welfare or other marginally economic situations. Just as the State could establish an employment register system one cut above the "open competitive" (to give government-assisted people a leg-up over the "off-the-street" recruits), the City of Kirkland could follow the same idea to include employment counseling services along with "education" of their appointment management on hiring the poor. *(Back to housing, the City could even adopt WLA's on-going bloc grant proposal to conduct tenant preparation and credit training at local high schools in Kirkland, which could include public forums for the rental poor.)*

In any event, we appreciate the helpful tone of your staff's proposal (limiting to Section 8), and regret that our comments do not necessarily match some preconceived notions. As such, we thank you for listening to our side and would be please for the chance to speak further at any follow-through meetings. Thank you for the opportunity for being part of the government-making process.

Sincerely yours,



Tim Seth, WLA

cc: Mayor James L Lauinger, Deputy Mayor Joan McBride, & Council Members Doug

From: Jan D'Arcy [mailto:jantdarcy@gmail.com]
Sent: Thursday, December 04, 2008 6:29 PM
To: David Ramsay
Subject: City Manager, Mr. David Ramsey, Section 8 housing in Kirkland

Mr. David Ramsey, City Manager
Dear Mr. Ramsey,

I am a disabled individual living in Kirkland. I am on the Section 8 housing program. I support that you vote for free housing because those of us who are on section 8 can choose where we want to live rather just move into the designated complexes. The designated complexes might be in an area without the things we need; for example, clothing, food, bank, health care, bus line, just to name a few. I strongly ask you to support the fair housing act and vote yes so that all apartment houses in incorporated and unincorporated Kirkland are obligated to honor section 8. It's tough being turned down when you want to live in a certain area. Thank you.

Sincerely, Tyler Eckel

11023 NE 125th Lane V203
Kirkland 98034
(425) 823-8923

tje51@verizon.net

From: Robin Vogel [mailto:robin@robinvogel.com]
Sent: Saturday, December 06, 2008 11:40 AM
To: KirklandCouncil
Subject: re opposition to ordinance 4153-Section 8 tenants as "protected class"

Dear Council Members,

It has recently come to my attention the council is considering an ordinance (4153) that would make Section 8 rental tenants a "protected class" and would make it illegal for a rental housing owner to consider the tenant's source of income as a screening criteria.

Have we not learned anything from the subprime mortgage mess??

As a rental property owner, I screen tenants carefully while following fair housing laws. The religion, race, ethnicity, marital status, etc. etc. of any prospective tenant (in addition to the other protected classes now defined by fair housing laws) are of no concern to me. My primary concerns are that a tenant has the financial ability to pay the rent each and every month and on time and that they will take care of the property that I've put my hard work into building and maintaining. That's it. City, county, state and federal laws and ordinances have made the paperwork on a rental contract packet approximately 32 pages in length (about 10 pages longer than a purchase and sale contract to buy a home!! And approx 25 pages of that thanks to Gov Gregoire's required Mold Brochure) I think it's time for some common sense to be introduced into the mix. Part of the screening process for a prospective tenant involves verifying employment and source of income. I seriously doubt that anyone on this council would turn over their car to a total stranger without verifying income or ability to pay, much less a building potentially worth thousands of dollars!

As a property owner responsible for paying property taxes, maintaining the property and staying current on any mortgages owing, whether my tenant has paid the rent or not, I find the proposal of this ordinance to be extremely irresponsible especially in light of current economic circumstances.

Rental Housing Association of Puget Sound has found no evidence of Section 8 tenants being unfairly refused opportunities to submit rental applications in the local area, nor is there any evidence of a lack of housing available for section 8 applicants.

I would suggest that instead of spending time and money creating more headaches where they are not needed for those providing housing in the area, the council table this ordinance permanently and focus on more pressing issues such as looking for ways to cut costs at city hall.

Sincerely,

Robin Vogel
229 18th Avenue
Kirkland, WA 98033
Cellular: 206-406-2752
Email: robin@robinvogel.com

From: Melora Hiller [MeloraH@sahg.org]
Sent: Tuesday, November 25, 2008 11:21 AM
To: Dawn Nelson
Subject: Proposed Source of Income Discrimination Ordinance

Hi Dawn,

I understand that the City of Kirkland is considering an ordinance that would make it unlawful for landlords to refuse to rent to an otherwise eligible tenant simply because the Section 8 program would be paying a portion of the rent. You are probably already aware of this but the Tenants Union of Washington has been working for the past several years to get this protection in place statewide. The legislation has broad support in the legislature and will hopefully pass this year.

This is an extremely important issue for all of us that work with lower income people in an environment where there is clearly a lack of affordable housing. Many individuals and families with Section 8 vouchers find it extremely difficult to find landlords that will even consider them as tenants once they know they are recipients of the Section 8 program. Such an ordinance would NOT (as the landlords will tell you) force them to rent to people with bad credit, poor rental history or a criminal background. Any such criteria that landlords currently have in place would still be in place—the only difference is that prospective tenants would have the right to be evaluated based on those criteria rather than simply that they will be using Section 8 to pay a portion of their rent.

I am interested in knowing more about the status of this proposed ordinance—is there a public hearing before the council scheduled? Do you need any additional information for your staff report?

Thanks,

Melora

Melora Hiller
Interim Executive Director
St. Andrews Housing Group
1775 12th Avenue NW, Suite 102
Issaquah, WA 98027
(425) 391-2300 X16
melorah@sahg.org

From: tc.tenants@gmail.com on behalf of TC Tenants Union [tctu@tenantsunion.org]
Sent: Wednesday, January 07, 2009 2:04 PM
To: Dawn Nelson
Cc: Michele Thomas
Subject: Re: Kirkland Fair Housing

Hello,
City of Kirkland Council,
Dawn Nelson, Planning and Community Development

I'm writing to urge your support for adopting an ordinance or otherwise supporting legislation to protect tenants from Source of Income Discrimination. For the record, I have some comments to add.

First, my home town of Olympia is also considering a local ordinance. Recently I spoke on a panel about Fair Housing with Tim Seth of the Washington Landlord Association, who I see has weighed in on your city's efforts. In his letter to you, he mentions that Thurston County does not have any laws relating to Source of Income, which is false.

The city of Tumwater, adjacent to the city of Olympia, has protections for "Section 8 Recipients" in their local fair housing ordinance. It is scary to think that a man such as him representing an organization that is responsible for educating landlords can so easily ignore existing laws. It also underscores the need for additional local laws and fair housing education.

What follows under my signature below is the bulk of my presentation on the city of Olympia's Fair Housing Panel Discussion last month which highlights the benefits of local ordinances and the importance of Source of Income Discrimination protections.

Sincerely,

--

Pat Tassoni
Thurston County Tenants Union
203 E. 4th Ave #412
Olympia, WA 98501
(360) 943-3036
tctu@tenantsunion.org

Residential tenants are a consistent part of the population - they make up about ½ of a city's households.

The Washington State Landlord-Tenant Act is not enforced by any government agency, leaving tenants to assert their rights alone. Without information about the laws, or an agency to enforce them, renters are vulnerable to abuses. Tenants can feel powerless to respond to discrimination. Often tenants do not even know discrimination is occurring as their primary concern when contacting us is the immediacy of an eviction notice, rent increase, etc.

Since my beginnings with the Tenants Union, I have heard complaints about discrimination which is a separate law that does have enforcement. I have worked to expand fair housing protections on the city and state level including sexual orientation and military status.

ATTACHMENT 11

I believe there are landlords who are extremely bigoted and exercise their power over tenants to that end. I think over the past 40 years a lot of education has happened and landlords know fair housing as an issue. I'm not confident that landlords know fair housing as a practice. Those bigoted landlords who have preconceived ideas of certain people, especially single parents and the disabled, know they can't actively practice discrimination. So they have devised sneaky backdoor ways to achieve their end. If landlords don't like or respect single moms [a protected status], then they won't rent to them because they are on welfare. Welfare like other state programs are only offered to certain people who are also in protected class statuses, including single parents, natives, the disabled and immigrants.

Fair housing laws are there to protect the rights and the honor of tenants in dealing with bad landlords. For lawmakers and law enforcers to put an emphasis on the landlord's perspective is like asking an abuser what is the best solution for his victim or asking the master if he thinks it's time to free his slave. It's more than a little backwards. I think bad landlords are in the minority and are most likely not involved with organized landlord associations. Which is why it is all that more frustrating that landlord associations work to limit the reaches of fair housing laws. Good landlords have nothing to fear from fair housing laws, but their criticisms only protects those bad actors that give all landlords a bad name. But landlord associations are the biggest proponents I have found that spread misleading and derogatory information about fair housing laws as well as housing authorities.

One place fair housing needs to be extended is age. I think that it is self-evident with the population of baby boomers becoming seniors, protections need to be added to protect them as a vulnerable population that may not have the financial or the physical resources to move often or far. There has been a federal level of history as well as some local jurisdictional work for it.

Another place that fair housing needs to be extended is Source of Income. I and others here have been working on the issue for a while -- while others here have been working against it. But we all agree that Source of Income discrimination happens, the question is should it remain legal to do such discrimination.

Source of Income discrimination is when a landlord refuses to accept or consider lawful money as rental payment or in calculating income.

It includes from the examples I mentioned above Section 8 vouchers or other governmental housing vouchers, Disability or Social Security benefits, TANF, Tribal benefits, as well as community and church grants.

If you are wondering how can this be when disability, families with children, religion and tribal rights are already protected. The grey area is: is their money protected too because landlords would get in trouble if they refused out of hand to rent to someone with a disability. But when landlords say "No Section 8" housing subsidies, they automatically cut out families with children, people of color and the disabled. Saying "No Section 8" is a pretext for what is already illegal discrimination.

To be crude if a bigoted landlord did not want to rent to any hispanics and he knows that, although it's not necessarily consistent but there is some cultural truth to it, that latinos prefer to drive Chevy's rather than Fords, he institutes a 'No Chevy' policy. On the face of it, it seems okay but if the motivation is one of racial/ethnic exclusion then that's discrimination. This is also what a pretext is -- it's not what it says it is, it is about something else. Something illegal. Something discriminatory.

Housing subsidies are designed for and targeted at vulnerable populations. Here in Olympia 35% of voucher holders are single parents which is over 5 times their proportion in the city population; 47% of voucher holders are disabled; 23% of voucher holders are non-white. While African-Americans comprise 2% of Olympia's population, they represent 8% of the Section 8 waitlist. Similarly, while American Indians or Alaskan natives represent 1% of Olympia's

residents, they represent 4% of the Section 8 waitlist. When landlords cut out accepting Section 8 vouchers, they are disproportionately cutting out certain people.

The housing authority's program is the country's, this state's and this city's largest and most successful affordable housing program.

About 2,000 units are subsidized locally with a near 100% fill rate.

It does not mean that the program success is an individual success or that discrimination does not happen. To be crude: it's like saying since black people in this town are housed, discrimination does not exist and the housing programs work. But when you focus on the individual, many of those black folks have a story to tell about a unnecessary barrier or illegal obstacle that was in their way.

Discrimination is individual, let's not lose site of that. The cases of discrimination that have been talked about are very real. They are acts committed against someone, they're not just feelings, opinions or thoughts.

When tenants cannot find a landlord to accept their Section 8 voucher, they lose it. I talk to tenants who have faced that reality. The voucher doesn't go away, the housing authority program doesn't disappear or grind to a halt - the voucher moves to the next tenant who hopefully will have better luck with it. And the program is successful. But that first individual is not able to access assistance that has been designed for them. In fact, with landlord refusals, an internalization of self loathing happens to tenants who feel unwanted and feel ashamed for their station in life. This is the most insidious result of discrimination where someone is shamed for their disability or their family or their race or religion. Or trying to utilize a government approved housing subsidy. Discrimination hurts people.

In my mind, non-discrimination means making the most efficient use of an individuals resources, especially vouchers. It sickens me that disabled and veteran homeless people and families leaving domestic violence have vouchers that they are unable to use. It's almost an empty promise to them from the community and government that they can better their circumstances - all because the private market doesn't cooperate with the community.

Market place decisions of landlords should not be able to trump or negate government and community responses to poverty and lack of housing and blame the victims for it. Vouchers are a valuable commodity and have improved the lives of many -- including enriching landlords because it is guaranteed money, guaranteed rental payments.

But until vouchers are fully embraced, people will still be shamed and suffer when they are denied affordable housing. And people will not be able to live where they want to as the voucher program was envisioned to deal with desegregation and not ghettoizing.

A couple of the other arguments landlord associations make is the paperwork requirement and the inspections for vouchers. Simply put, when cornered, they have to admit the paperwork is not onerous at all and the housing quality inspections are minimal. A good landlord should have nothing to fear from having a third party of the housing authority to their rental agreement as it's for the common good.

Landlords are supposed to have an agreement in writing when they take a tenants deposit -- and how many people have a landlord or are a landlord that doesn't take a deposit? It's already supposed to be in writing for the common good. Also the housing authority inspections are not all encompassing and a good landlord should have nothing to fear from them. A landlord is already required to maintain their rentals to minimum code requirements for the common good which is much higher than what the housing authority wants.

Seattle and other cities as well as a dozen states around the nation already have some form of Source of Income discrimination prohibitions. For 20 years, has the restrictions forced all landlords out of Seattle? No. Has such laws put landlords out of business in 12 states? No. A good landlord has no argument to make against Source of Income discrimination laws.

ATTACHMENT 11

Finally, there are other ways to improve the enforcement and education of fair housing laws in the city and throughout the state. In terms of professionalizing the completely unregulated business of landlording, if the State Attorney General would start enforcing the Landlord-Tenant Act again as a consumer protection issue for the common good, there would be spin off benefits for fair housing.

Especially if the tenant screening process was mandated to be fully in writing following a transparent and open neutral selection policy based on first-come, first-served. If the city would enforce landlord licensing and pre-emptive code inspections for the common good, there would be spin off benefits for fair housing. If the feds would enforce income tax evasion of landlords, there would be spin off benefits for fair housing.

Thank you.

From: Rachael Myers [rachael@wliha.org]
Sent: Thursday, January 08, 2009 4:48 PM
To: Dawn Nelson
Subject: Source of Income Discrimination
Attachments: WLIHA Final Agenda.pdf; ATT73850.htm

To: Kirkland City Council

January 8, 2009

Dear Councilmembers,

I am the Executive Director of the Washington Low Income Housing Alliance. We are a statewide membership organization that works to ensure that everyone in Washington has a safe, decent, and affordable home. Our members include non-profit housing providers, low-income housing developers, banks and lending institutions, faith based organizations, among others who care about housing. (You can see our current member list [here.](#))

Each year we craft a consensus agenda with our members. Ending source of income discrimination is one of our top four priorities for the 2009 legislative session, and has been on our agenda for each of the past two sessions. Our 2009 agenda is attached.

Ending this type of discrimination, that we believe is generally based on stereotypes about low-income people and people of color, is one way the state can ensure that more people have access housing, without a budget impact. This is especially important in the current budget climate. We may not be able to afford to provide more people with housing help, but we can make it easier for people already receiving support to keep a roof over their heads.

I'm thrilled that the City of Kirkland is considering a local ordinance, and providing support for this important legislation at the state level. Thank you for considering this issue.

If you have any questions, please contact me at 206-442-9455.

Sincerely,

Rachael Myers
Washington Low Income Housing Alliance
1402 Third Avenue, Suite 709
Seattle, WA 98101
tel 206/442.9455
fax 206/623.4669
www.wliha.org



2009 Legislative Agenda

The Washington Low Income Housing Alliance is committed to ensuring a safe, affordable home for every family and individual in Washington. In a time of economic crisis, more families are struggling to keep a roof over their heads than ever before. An investment in affordable housing not only addresses this need, but it creates jobs and stimulates the local economy. Priorities for the 2009 legislative session are:

1. Maintain the Housing Trust Fund at \$200 million for the 2009-2011 biennium and ensure that housing supported by the fund is well maintained and able to serve our most vulnerable residents, by:

- Increasing funding for the operations and maintenance account that enables the Trust Fund to support housing for homeless and extremely low-income individuals and families;
- Protecting the State's valuable investment of over \$600 million in more than 36,000 housing units since 1989 by allowing some capital dollars to be used for administering the Trust Fund.
- Reauthorizing the use of interest on Realtor Trust Accounts for investment in the Housing Trust Fund, as is currently done; and
- Requiring the interest on tenant deposits to be invested in housing programs.

2. Improve access to housing for low-income individuals and families by prohibiting source of income discrimination and ensuring accuracy and fairness in tenant screening.

3. Increase homeownership opportunities and provide foreclosure relief for low-income families through:

- A Real Estate Excise Tax exemption on homes sold to low-income first-time homebuyers; and
- Expanding foreclosure prevention assistance and creating protections for renters impacted by foreclosures.

4. Ensure that transit-oriented communities include housing affordable for low-income individuals and families through tools such as incentive zoning, creation of the HEFT affordable housing growth fund, and providing infrastructure funding to support mixed-income residential development.

The Washington Low Income Housing Alliance supports our partners on the following:

Budget:

1. Maintain biennial funding levels of \$10 million for THOR and \$10 million for emergency shelter assistance. *Lead organization: WA State Coalition for the Homeless*
2. Maintain local King County taxes for expiring stadium bonds and utilize a portion of the revenue to developing low-income housing in King County. *Lead organization: Seattle – King County Housing Development Consortium*

Policy:

3. Increase notice provided to mobile homeowners being evicted because of redevelopment. *Lead organization: Columbia Legal Services*
4. Amend the Mobile Home Landlord Tenant Act to provide homeowners and community owners with clarity regarding compliance with the law. *Lead organization: Columbia Legal Services*
5. Require community owners to notify mobile homeowners if their community is to be sold so that homeowners have the opportunity to respond in order to preserve the manufactured housing community. *Lead organization: Columbia Legal Services*
6. Increase in the debt limit of the Washington State Housing Finance Commission from \$5 billion to \$7 billion. *Lead organization: Washington State Housing Finance Commission*
7. Require that state agencies develop plans to stop discharging people from state care into homelessness by 2011. *Lead organization: Washington State Coalition for the Homeless.*
8. Eliminate the requirement for local jurisdictions to identify alternative public fund sources when waiving impact fees for affordable housing development. *Lead organization: Association of Washington Cities.*
9. Create an incentive for employers to provide housing assistance to their employees through a State B&O tax credit. *Lead organization: City of Seattle / Washington State Housing Finance Commission*
10. Expand Tenant Relocation Act to hotels and motels closed due to health and safety violations. *Lead organization: Columbia Legal Services*
11. Ensure that residential month-to-month tenants who are evicted without cause have at least 45 days to find replacement housing (90 days in some instances.) *Lead organization: Columbia Legal Services.*
12. Prevent cuts and expand availability of vital housing and survival services such as Medicaid, Basic Health Plan, General Assistance, TANF, and food programs. *Lead organization: Multiple coalitions*