



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: October 25, 2012

Subject: SECTION 8 VOUCHER NONDISCRIMINATION, FILE CAM12-01309

RECOMMENDATION

Staff recommends that the City Council adopts the enclosed ordinance amending the Kirkland Municipal Code to prohibit 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 a portion of the rent. Enforcement would be handled through the Code Enforcement process administered by the Planning Department. Kirkland is also a member of A Regional Coalition for Housing (ARCH). The ARCH Board has recommended that all member jurisdictions adopt such a non-discrimination ordinance as one strategy to help preserve affordable housing tools.

Alternatively, the Council may choose to hold a public hearing at a future meeting prior to considering the ordinance.

BACKGROUND DISCUSSION

In the fall of 2008, the Kirkland City Council first considered a similar ordinance. There was some negative response from property owners and the Council chose to delay action on the ordinance. Staff presented a background report at the January 20, 2009 City Council meeting which can be found at this [link](#). The Council decided to defer action to see if statewide legislation addressing the issue would be adopted. State legislation on this issue has not yet been adopted.

The background information on the Section 8 program and regulations in surrounding jurisdictions in the January 2009 staff memo is still valid. One thing that has changed is that the City of Redmond, on February 7, 2012, unanimously adopted an ordinance similar to that being proposed. Redmond was prompted to act because two companies owning rental properties in Redmond had sent letters to tenants using Section 8 vouchers saying that they would not extend their leases under the same terms. While both companies had decided prior to the City's action 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 and we have not been informed of any intent to not honor Section 8 vouchers.

One of the benefits of being a member of ARCH is the sharing of information. As a result of the Redmond process, ARCH staff prepared the information found in Attachment 1. It includes the staff memo to the City Council outlining the background on the issue and staff's outreach efforts prior to the public hearing. It also includes a transcript of the public testimony and council comments at the hearing.

Exceptions

The ordinance also makes clear that the legislation does not prohibit:

- 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;
- any person from making a choice among prospective tenants on the basis of factors other than participation in a Section 8 program;
- 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;
- treating disabled persons more favorably than persons who are not disabled;
- 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.

The ordinance also includes language that it cannot be construed to protect criminal conduct.

The Council Housing Committee provided direction for staff to bring this issue back to the City Council. Kirkland staff has not had any public outreach related to the proposed ordinance. If the Council would like staff to pursue that before considering the ordinance, staff will contact a variety of landlord and tenant groups to get their input.

Attachments

1. ARCH Memo – Prohibiting Discrimination Against Residents with Section 8



Together Center Campus
16225 NE 87th Street, Suite A-3 ♦ Redmond, Washington 98052
(425) 861-3677 ♦ Fax: (425) 861-4553 ♦ WEBSITE: www.archhousing.org

SUBJECT: Prohibiting discrimination against residents with Section 8.

FROM: Arthur Sullivan, Program Manager, ARCH

DATE: June 12, 2012

Earlier this year Redmond council approved an ordinance prohibiting discrimination against residents with Section 8 Vouchers. This issue was initiated last year when a local apartment complex notified existing residents with Section 8 Vouchers that their leases would not be renewed (and in some cases, residents urged to move prior to their lease expiring). The property owner, which is a national company, had not had bad experiences with these residents, but said their new policy was due only to a business decision at corporate level. State law allows cities to adopt ordinances making it illegal to discriminate based on a resident having Section 8 vouchers. Bellevue, Seattle, King County and now Redmond, currently have such ordinances.

The Redmond council unanimously approved adopting this ordinance, even after several members expressed some reservation with taking action that could be interpreted as additional regulation on private business (a summary of their individual testimony is included in the enclosed material). Because of what has occurred locally, the public input was quite extensive. As a result the information and testimony provided at the Redmond Council provides a full overview of the issue. One of ARCH's purposes is to help cities learn from the experiences of others. Along those lines ARCH staff has gathered a variety of information that came out of this process as background information for others. The attached packet includes the following materials:

- City staff report to council with background information
- Public and council member testimony
- Written and oral comments from the Rental Housing Association (RHA) with responses from King County Housing Authority and others
- Final ordinance adopted by the City of Redmond

Please feel free to contact us if you have any questions on this material.



MEMO TO: City Council

FROM: John Marchione, Mayor

DATE: ~~January 17, 2012~~ February 7, 2012

SUBJECT: PUBLIC HEARING: PROPOSED ORDINANCE PROHIBITING REFUSAL TO RENT BASED ON SECTION 8 PAYMENT

I. RECOMMENDED ACTION

Adopt the proposed ordinance prohibiting refusal to rent based solely on use of Section 8 Vouchers as a form of payment.

II. DEPARTMENT CONTACTS

Rob Odle, Director, Planning and Community Development, 425-556-2417
Colleen Kelly, Human Services Manager, 425-556-2423
Arthur Sullivan, Program Manager, ARCH, 425-861-3677

III. DESCRIPTION/BACKGROUND

About Section 8 Vouchers

Section 8 Vouchers are also referred to as housing choice vouchers. The housing choice voucher program is a program of the federal government which assists very low-income families, the elderly, and the disabled, to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

Housing choice vouchers are administered locally by the King County Housing Authority (KCHA) which receives funds from the U.S. Department of Housing and Urban Development (HUD) to operate the voucher program. A family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. The voucher holder is advised of the unit size for which it is eligible based on family size and composition. Rental units must meet minimum standards of health and safety, as determined by the KCHA.

Housing Vouchers - How Do They Function?

The KCHA determines a payment standard that is the amount generally needed to rent a moderately-priced dwelling unit in the local housing market and that is used to calculate the amount of housing assistance a family will receive; however, the payment standard does not limit and does not affect the amount of rent a landlord may charge or the family

may pay. A family which receives a housing voucher can select a unit with a rent that is below or above the payment standard.

The housing voucher family must pay 30 percent of its monthly adjusted gross income for rent and utilities; and if the unit rent is greater than the payment standard, the family is required also to pay the additional amount. A housing subsidy is paid to the landlord directly by the KCHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program.

Recent Activity Locally

Earlier this year, it came to the attention of staff that the Archstone Company had notified all tenants utilizing Section 8 vouchers as part of their payment that those leases would not be extended under the same terms. This meant that tenants unable to pay market rate rent on their own would be forced to move when their leases expired. At the time that Archstone adopted their new policy, their Redmond property had 19 units rented to households receiving assistance through Section 8 Vouchers. Over the past few years there have been approximately 250 households in Redmond using Section 8 Vouchers at any given time.

Upon investigating further, staff was informed that this was a business decision being applied throughout the company, except for its buildings in jurisdictions that explicitly prohibit discrimination by landlords based solely on source of income. Bellevue, Seattle and King County (for unincorporated areas) have such ordinances in place. Subsequently, Archstone modified its position slightly by agreeing to extend the leases of existing tenants using housing choice vouchers, but continuing to decline to enter into any new leases using that program.

The Archstone action prompted staff to begin exploring the question of whether Redmond should introduce an ordinance similar to the one on record in Bellevue, and on October 4, 2011, ARCH staff and City staff presented a draft ordinance to the Parks and Human Services Committee for initial conversation. Direction at that time was to schedule the topic for a study session, which was subsequently held on November 29, 2011.

In late October 2011 staff learned that another company, Avalon Bay, had also sent a letter informing its tenants that Section 8 Vouchers will no longer be accepted as a form of payment, and tenants relying on that assistance would need to move when their leases expire. It now appears that there was only one current tenant likely to be affected by this new policy and that tenant has since been informed that she will not be forced to move. It does appear, however, that like Archstone, Avalon Bay intends to deny consideration to future tenants who need to pay a portion of their rent using Section 8 Vouchers.

Key Issues and Considerations

Access to affordable housing is consistently identified as the greatest barrier to families and individuals being able to build or rebuild a solid foundation. In many cases, this assistance allows individuals to maintain employment, though often not at a wage sufficient to fully afford market rate housing. In addition to work the City is doing to expand affordable housing options, it is critical that we work to maintain those options already in place.

Another consideration in establishing such an ordinance is whether private property owners are unduly constrained in the use of their properties if they are required to consider applicants with Section 8 Vouchers. There may be differing perspectives on this question, but staff notes that in King County (outside Seattle); over 8,000 households are using Section 8 assistance, mostly in privately-owned housing. Also, during interviews of managers of Redmond properties that changed their policies regarding Section 8, they noted there were no particular difficulties with the residents that had the Section 8 assistance, and the decision was more based on corporate direction and not specific experiences with residents at their property.

The following is taken from the *Landlord Participation Manual*: "Depending on the complexity of situation (i.e., level of rent, unit failing inspections, contract return delayed by the owner, etc.) total time for lease up and payment could take as little time as a week to as much as six weeks. Each situation is different. The only extra cost to a landlord for participation on the program is if the landlord chooses to lower the rent or pay to fix deficiencies found through the inspection in order to have their unit qualify. There is no fee for participating on the Section 8 program."

Finally, having such an ordinance will lead to a certain amount of staff time being needed to follow up if there are complaints of discrimination. Bellevue staff noted that investigation of such complaints often reveal other factors contributed to households being denied housing.

The City Council will be holding a public hearing regarding the proposed ordinance at its meeting on January 17, 2012. In addition to having been invited to submit comments in writing, individuals wishing to directly address the Council on this topic will have the opportunity to do so at this hearing. At the conclusion of the testimony and any additional discussion, the Council may choose to close the hearing or to keep the hearing open for additional information. If the hearing is closed, the Council has the option to take action on the proposed ordinance immediately.

Outreach Efforts

Based on the assumption that both landlords and tenant groups might be particularly interested in this issue in general and the draft ordinance in particular, staff made significant efforts to ensure awareness of the City's actions and the scheduled public hearing. Of course, the notice of public hearing was published as required. In addition, the following groups were contacted directly:

- National Association of Residential Property Managers, King County Chapter (several representatives)
- King County Housing Authority
- Tenant's Union of Washington
- Washington Multi-Family Housing Association
- Housing Development Consortium
- Affordable Housing Manager's Association
- Hopelink Housing Programs

IV. IMPACT

There are no direct fiscal impacts to the City should this ordinance be adopted, though there may be some impact on staff time as noted above. There are service delivery impacts for residents in terms of ensuring greater access to housing options for those enrolled in the Section 8 Program.

V. ALTERNATIVES

- A. The Council may adopt the proposed ordinance which would then go into effect five days after publication of the ordinance title in the City's newspaper of record.
- B. The Council may choose to amend the ordinance and then adopt the ordinance which would then go into effect five days after publication of the ordinance title in the City's newspaper of record.
- C. The Council may choose to continue the public hearing and take action on the proposed ordinance at a later date.
- D. The Council may reject the proposed ordinance.

VI. TIME CONSTRAINTS

There are no particular time constraints, although prompt action may prevent additional attempts to prohibit units being rented to participants in the Section 8 Program.

VII. LIST OF ATTACHMENTS:

Attachment A: Proposed Ordinance

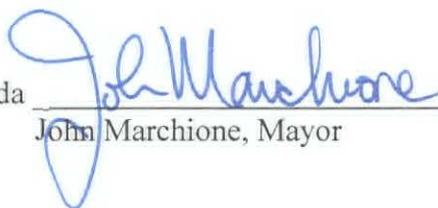


Robert G. Odle, Director, Planning and Community Development

1/6/2012

Date

Approved for Council Agenda



John Marchione, Mayor

1/9/12

Date

PROHIBITING REFUSAL TO RENT BASED ON HAVING SECTION 8 REDMOND PUBLIC HEARING SUMMARY

Comments from Rental Housing Association (private landlords opposed to ordinance) are presented in a separate document.

PERSPECTIVE OF LANDLORDS WHO SUPPORTED ORDINANCE

Meghan Altimore, Hopelink (non-profit services and housing agency)

Here in Redmond we rent 51 apartments to homeless families and we receive Section 8 subsidies for 43 of those.

- The families we serve are one and two parent families who are striving to pay their bills, raise their children, and make ends meet. They go to work and school and they are good neighbors. They are able to exit homelessness and this wouldn't be possible without the Section 8 subsidy that they receive.
- Participating in the Section 8 program is not onerous. It is not costly or a challenge. The paperwork is reasonable and the inspections are timely and effective.

Helen Leuzzi, Executive Director of The Sophia Way (a shelter and housing program in East King County and also a board member of the Alliance of Eastside Agencies).

- Landlords have many tools to aid them in selecting candidates to their properties. Landlords will maintain their ability to screen applicants for poor credit and rental history. In addition, the King County Housing Authority includes a rigid process for qualification of benefits providing for additional assurances.
- The use of a Section 8 voucher says nothing about the tenant's personal history that would suggest the person applying for residency would not be a quality tenant. Discrimination based only on income source marginalizes people from all walks of life due to financial status.

Faouzi Serfrioui. I have been a private landlord since the early 80's. I think that the previous speakers have said it all and they have said enough for you to approve this resolution.

Jill Richardson, Redmond resident. I am a private landlord for 31 years in the city of Redmond and I have rented to Section 8 people. I'm embarrassed that we have to have it.

Linda Hall, YWCA, non-profit housing organization. In my professional capacity, I have also been a landlord for twelve years and I have experience working with housing authorities and accepting residents holding Section 8 vouchers. We've evaluated residents based on a full set of screening criteria. Applicants holding Section 8 vouchers have been accepted and denied. But denials were not based upon having a voucher, it was based on the applicant themselves and the screening criteria. It in no way prevented me in either terminating a lease if I needed to in those unfortunate circumstances, but also in renewing leases for some absolutely wonderful residents that I have met over the years.

Leslie Leber I currently work for Providence Health and Services managing Section 8 subsidized supportive housing for seniors and people with disabilities.

They will be able to use the same screening criteria for an applicant with a Section 8 voucher as one without. But what they won't be able to do is reject an applicant just because part of their rent is paid a Section 8 subsidy.

Let me tell you a little bit about the residents in the Section 8 subsidized housing programs at Providence. They are seniors who spent their working years as teachers, truck drivers, and store clerks. They are people with disabilities that keep them from working full time or at livable waged jobs. Many of our residents are living on social security income of less than a thousand dollars per month. The reason they are receiving a housing subsidy, they are poor, that's all. Without the subsidy, the Section 8 subsidy, they could not afford to live in decent housing. Without it many would be homeless.

The ordinance you are considering tonight will help ensure that low income households receive the same opportunity to live in Redmond as any other persons seeking to live in this city.

Philip Nored, (HNN Associates, private property manager). Written Testimony. Our ownership group and management company has worked closely with King County Housing Authority and affordable housing programs for many years. Their efforts benefit the residents and communities of King County. We encourage others to recognize the community benefits of working with King County Housing Authority and the affordable housing programs.

PERSPECTIVES RELATED TO SECTION 8 RESIDENTS

Yezenia Hernandez I live here in Redmond. We had a leak from our upstairs neighbor. So we had to go and move out of our apartment and go to a hotel because the leak was so extensive. One of the times when we were dealing with the office with the leak, they said, "oh by the way this is a good time to tell you that you we're no longer taking Section 8. This would be a good time for you to move. I don't think we should wait until your end of your lease." We had just moved in. I have three daughters. One of them is hearing impaired. How do you all of a sudden tell her we have twenty days to move? We are on a limited income. When we need to move we start saving because we know we have to give some deposits. But if they come and tell you you have twenty days to move we don't have the money.

Jonathan Grant, Executive Director of the Tenants Union of Washington State. The Tenants Union was contacted by a number of Section 8 voucher holders living in the city of Redmond who had their tenancies not renewed by Archstone Properties. Letter here from "Arisca Cordellian" who had to relocate and moved to another Archstone Properties. The building that she moved into was just across the street from Redmond on 148th Avenue in Bellevue. Because the city of Bellevue has passed source of income discrimination protections, she was allowed to stay there.

Joe Ingram I have the contract with the Homeless Outreach with the city. I lived in Archstone and they gave me twenty day notice to go. Only because I was on Section 8. When I went to a place a couple blocks away they said, "Oh no we don't talk to you guys" you know 'we do not take Section 8'. I had to move all the way down to Cougar Mountain (Issaquah) because I had to find an ADA unit. So now when I get calls in the middle of the night from the police or fire department to help a homeless person I'm twenty minutes away when before I was five minutes away.

There are a lot of tenants out there that have issues past eviction, bad credit and so forth that aren't on Section 8 and are still accepted. And to discriminate just because we're too poor or we have a disability. It's just like back in the 50's and 60's, "no, you are the wrong color or you were this or you were that and they would redline people and that is what they are doing with Section 8 recipients is redlining people.

Paula Matthyias, The Eastside Community Network. I watched a friend struggle to find housing when Archstone changed their policies. This grandparent who was the stabilizing safety net for a daughter-in-law and two young children who were survivors of domestic violence received a letter that said, "you have to move". So during the time when this family was working to heal after something very traumatizing they were traumatized again. They could not find housing in the city of Redmond and they moved farther south, away from their jobs and away from their safety net within the community.

Latonya Kemp If it weren't for Section 8 I wouldn't be able to live anywhere. I only receive \$600 a month. There is nowhere that you can live for \$600 a month and have heat and food. Because without a place to live with my diabetes, my other health conditions, I would either end up in assisted living, a nursing home, or probably dead. And I just have to say thank you for the fighting chance this ordinance would give me.

Omar Barraza I am an attorney and a member of the board of directors of the Tenants Union of Washington.

One of my previous employment positions I was the administrator of the Section 8 program for the Seattle Housing Authority in Seattle. I am here to tell you that I have seen with my own eyes hundreds of families who are unable to use their Section 8 vouchers within the allotted window to find housing because in large part they couldn't find landlords who would take Section 8. And it's nothing more depressing than having to see families who make it to the top of the wait list unable to find housing because the market is so resistant, I talked to people and consistently refusal to take Section 8 was the number one issue

I have also worked for the king county office of civil rights where I have trained hundreds of landlords and I have found many landlords who found the program to work quite well for them

OTHER PERSPECTIVES

Doris Townsend, Redmond Resident. Redmond has grown and changed in the 35 years that I have lived here. We now have a more diverse population. By enacting a source of income discrimination ordinance we are protecting our most vulnerable citizens: families fleeing domestic violence, veterans, people with disabilities, senior citizens. I heard this evening that 245 households in Redmond currently use Section 8 vouchers this will keep them from the disruption of having to move as we have heard this evening. I volunteer here in Redmond for Faith Lutheran Church. Redmond is a generous community. I live here, I work here, and I volunteer here. I urge the city council to help these families with your support of a source of income discrimination ordinance.

Maria Williams, Eastside Domestic Violence Program. According to the National Center for Children in Poverty, 80% of homeless mothers are victims of domestic violence. In our housing programs we focus on helping families obtain stable, permanent housing. By acquiring this, families can experience safety and security in a way that they may never have had before. When one of our families is awarded a Section 8 voucher they know that they have the ability to live in a location that is best for their family at a price that they can afford. Recently a resident of our transitional living facility was awarded a Section 8 voucher. She had developed a network of supportive services and friends. When she began looking for housing many landlords would not agree to work with her. Many landlords turned her down simply based on having a history of homelessness and now having a Section 8 voucher. Had this ordinance been in place the women like the one in this story could have had the confidence and assurance that after all their family has been through renting a property with a Section 8 voucher would not be a problem. It would be a solution to ending the cycle of domestic violence and homelessness.

Elizabeth Hendren, Northwest Justice Project, civil legal aide provider. We frequently here from families who after spending years on the waiting list to receive a voucher tragically forfeit the voucher solely because they can't find a landlord who will rent to them. A family usually only has between 60-120 days to find housing after they are given a voucher. The reluctance of some landlords to accept Section 8 is based more on misinformation and prejudice than realities of complying with the Section 8 program. No significance additional burdens are imposed on landlords that don't already exist within their landlord tenant relationship. The most common complaint we here from landlords is that Section 8 imposes onerous cost and burden on landlords. This is simply not true. The duties that are included within the Section 8 program include are deciding if the family is suitable for tenancy, maintaining the unit, complying with Equal Opportunities requirements, preparing a rental agreement, collecting rent, enforcing tenant obligations, and paying for utilities and services. Normal duties for any rental units. The only additional duty imposed on landlords is to have an inspection to make sure they are complying with federal and local law.

Kelly Rider, Housing Development Consortium of King County (HDC). HDC is a non-profit membership organization working to develop affordable housing here in King County. Currently 14% of households are paying more than half of their income for their housing needs.

Renters across the eastside rely on tenant based rental assistance to ensure that they can afford housing and still have enough money for basic expenses like gas, groceries, and childcare. As we've heard here tonight, voucher holders are being turned away from apartments here in Redmond in which they are otherwise qualified to rent solely because they plan to use vouchers. The proposed ordinance protects the rights of the landlords to screen all potential residents, to ensure they are renting to good tenants while also protecting the ability of renters to utilize the Section 8 program to help stabilize their lives.

Debbie Miller Murphy, Redmond Resident, Board of Directors, Imagine Housing. Imagine housing provides affordable housing units here in five different cities on the eastside. We in this area are very fortunate in many ways but one of the ways we aren't is we live in an expensive housing market. We're not talking about Microsofties like me. We're talking about the people that do our coffee, the people that teach our children that literally cannot afford to live in this community that they work in. These are the people we are asking to help support and vouchers and supporting this ordinance is just one way to do it.

Steve Daschle, Redmond Human Services Commission. We encourage you to join Bellevue, King County, and Seattle in working to maintain housing affordability for very low income residents in Redmond. Over the past year the Human Services Commission has been investigating Human Services needs in Redmond. And consistently the greatest challenge facing many families is finding affordable housing. We should be encouraging more use of vouchers rather than less. As Redmond continues to grow and as more workers seek to live near the places of employment please do not take this critical option off the table.

COUNCIL DELIBERATION

Councilmember Vache. It would be hard to imagine coming up with more reasons to do this than nineteen people who took time out of their busy schedule to come and talk to us tonight. I don't think I could add to that, but I would like to remind us that there was a reason that this is before us and that is because last spring, we had a landlord who began to refuse to renew leases for people that were on Section 8 vouchers and the only reason they were refusing to renew the leases was because they were on Section 8 vouchers. Hearing all the testimony it is hard to imagine a negative impact of this ordinance yet it is pretty easy to see a lot of positive reasons for doing it. One, it does, it helps us meet our community goals about affordable housing and it is but one simple tool that we can add to the vast number of tools that we have, and it takes a lot of tools in a place like Redmond to create a supply of affordable housing. I think you need to consider that many of us went out and counted homeless folks on probably one of the coldest nights of the year and on the eastside alone we found 138 families that were living without housing. I think have enough information to deal with here, but some 15% of the people that do have Section 8 vouchers are unable to use them because they simply cannot find housing that will accept their vouchers. I think we need to consider that we are working with King County Housing Authority which has been nationally recognized for their ability to help people with their housing issues. Finally it really is an affirmation of how our community believes in the people that live here and the diversity of our community. So I fully support this ordinance.

Councilmember Allen. I'm going to join with Mr. Vache in supporting this. It really hit me kind of close to home because one of the landlords that are refusing to rent to Section 8 tenants is my own and frankly I am appalled at that. So this ordinance comes in just the nick of time. In this economy where so many people are facing such financial struggle to put one more impediment in their way after they finally work their way through years of being on the waiting list and get the voucher and then to find out that they can take it to someone who can on that one basis say, "sorry, not going to rent to you". I just don't think that's the kind of community we want to be. I also think there are few among us that can say affirmatively that neither mine or mine own will ever be in a position where they might need that kind of assistance as well. I think that the impediments to the landlords have been, especially in King County, largely overcome. The process has become efficient in terms of inspecting the units, which has really been the major complaint from what I understand. The money goes right into the landlord's bank account. Finally our neighbors, King County, Seattle, and Bellevue, all bar this type of discrimination that this ordinance would forbid and I guess the question we have to ask ourselves is do we want to be a haven for discrimination that our neighbors are not allowing? We talk a good deal here about caring for our neighbors and being a community of good neighbors. So I'm going to support this ordinance wholeheartedly.

Councilmember Myers. First of all I have to say that years ago when my kids were in college I was asked to co-sign their rent and if the landlords knew that that was probably more shaky than refusing government subsidies. I'm glad we got through it. Having said that, it's a reasonable request to avoid regulation when:

There is no clear purpose for the regulation;
If there is onerous or burdensome requirements; or
If there is experience that contradicts the stated purpose of the regulation.

In this case there are benefits for all parties including the tenants, human service agencies, and property owners. The key question is whether if the landlords should be required to accept Section 8 tenants on an equal basis with other tenants. I believe the significant practical benefits of the program outweigh the philosophical opposition to the proposed ordinance. Early on I contacted property managers and the Rental Housing Association to find out if there was actual experience with Section 8 tenants that indicated a greater risk or generated more problems as a group and was told there was no such experience. I also checked the experience of surrounding communities to see if their requirements were burdensome or onerous or affected the market dynamics and found no problems. I appreciate the desire of owners to protect the value of their properties. If there was real evidence of Section 8 tenants creating problems I'd might vote differently, but I can find no reason to single out this specific group for different treatment and I will support the ordinance.

Councilmember Stillin. Well, I think I took a very similar journey. Because when this first came up what was on my mind was, is to weigh the rights of different parties. In this case it was weighing the rights of people that own property and the rights of people that want to rent property. And up until a couple of weeks ago I hadn't really heard much from the owners of property. And I did some research and I pretty much found out that you're probably in better shape if you are renting to somebody with a Section 8 voucher as a property owner. The King County Housing Authority provides a lot of protections for property owners. They talked about how they became efficient at doing their inspections. Well I think what happens, in what I've learned, is the King County Housing Authority has taken away every objection that a property owner could have and it leaves you with one last assumption about why they wouldn't want to rent. This weekend I received a letter from a realtor that ends, "don't take away my freedom to choose who I rent or don't rent to otherwise I will send all of the Section 8 applicants to your house and tell them you love welfare queens and they can sleep in your house." And when somebody writes something like that, that tells me what's left out there. It's not a matter of where they are getting the money from, it's just you are discriminating, and we are not going to tolerate that in Redmond. And even if I would had voted against this, I would had said to the people renting property in this city, "look, you've got enough property here, I think you can share it with some people that are a little less fortunate than others". It's the quality of our community that allows you to charge the rents you charge and make a profit and if you don't want to share in our community, maybe you don't belong in our community." So I'm voting to support this.

Councilmember Margeson. I too am emphatically supporting this. But I want to start off by saying I want to thank everybody, including Mr. Martin, for testifying before us. It was quite overwhelming as we listened to folks talk- 19 in support, and one against. We all received that same email, and I think it all struck us the same way, which is to say, do we want to support a position that allows discrimination just because someone has a job that doesn't pay very much? You go back to one of the speakers, who was talking about in the 50's and 60's we

discriminated based on the basis of the color of a person's skin. Eventually we got through that and I'm hoping eventually we get through this stigma of folks who may earn a little less, that they just need a little help and that's what we are trying to do here. Redmond is a welcoming community and we want people to live here of all types, income levels. That is why we try to build houses that suit all different income levels. This in my mind fills a gap for a segment of our community who had seemed to have fallen through the cracks in getting some protections. And I just want to share one thing. A couple of folks that testified before us mentioned the homeless count. I'll never forget the first time that I went out on the homeless count. And the first time I encountered someone sleeping outside on a very, very cold January evening. It shook me to my core and for that very reason alone I want to make sure that we find something for those folks to live in and get out of the cold and get back on their feet and start earning some income and contributing to society.

Councilmember Carson. This issue is a difficult issue for me because the property owner has rights that they enjoy or should enjoy from owning their property. Obviously renters and lease holders should be given a fair shake. I'm glad to hear some of things that the King County Housing Authority has mentioned. I think it's important that we understand that most folks are, in a transitional period and it's a time for them to move into something eventually bigger and better. So given information provided tonight, I am set to support this. I am concerned that it does kind of tip toe on landlords' rights to do as they see fit with their business, which is a concern, but we can always undo this if we find it to be particularly burdensome and not appropriate.

Councilmember Flynn. When I started looking at this, I wanted I think about what is the vision we have for Redmond and last year spending a lot of time going through a comp plan and updating that for 2030. A big portion of that was making sure that we had affordable housing throughout our community. And to me that's a high value and I believe it's a high value for the city of Redmond. I agree that I think part of our responsibility is weighing the rights of business owners and others as well as the renters who are in our community. And I feel like the benefits of this ordinance far outweigh some of the additional work that's required by the landlords and so for that reason I am also in support of this. And I won't tread over some of the other ground that has already been spoken of. But I would agree with the general consensus of the council.

COMMENTS FROM RENTAL HOUSING ASSOCIATION WITH RESPONSES FROM KING COUNTY HOUSING AUTHORITY ET AL

RENTAL HOUSING ASSOCIATION COMMENTS (with responses indented)

Opposed to the Redmond ordinance and other efforts to require property owners to accept residents who receive Section 8 voucher. If Redmond makes Section 8 a protected class, landlords will be required accept Section 8 tenants even though there are valid and legitimate business reasons that have led some landlords to choose not to participate

WRITTEN COMMENTS

The Section 8 or Housing Voucher Program is a creature of the federal government. As such, it comes with rules and regulations set by Congress and HUD. None of the rules or regulations can be changed or modified by any state or local government. .

The Section 8 Housing Voucher Program is governed and funded by HUD. However, in 2003, the King County Housing Authority was chosen by HUD, because of its 'high-performing' status, to participate in a program called Moving to Work (MTW). As a participant of MTW, KCHA is allowed to change the vast majority of regulations in the Housing Act of 1937, which governs the Section 8 program. To date, KCHA has made many changes which have improved the program's overall effectiveness and efficiency for both landlords and tenants. One example of this is that KCHA now allows landlords to self-certify that minor inspection issues have been addressed rather than requiring a re-inspection.

Congress has always recognized that some landlords may choose not to participate in the Section 8 program and has never made such participation mandatory. There are no compelling reasons for Redmond to require landlords to participate in the Section 8 program

The compelling reason for Redmond to consider adopting this ordinance is the recent announcement by two local apartment complexes that renters with Section 8 vouchers as a source of income would no longer be allowed to rent in their buildings and current tenants paying with Section 8 would be evicted upon the expiration of their current leases. In addition, the Redmond City attorney researched .the legality of local jurisdictions ordinances prohibiting discrimination against households with Section 8. No restrictions against such ordinances were identified. Nine states, and three other jurisdictions within King County (King County, Seattle and Bellevue), currently have such ordinances.

The Section 8 program has policies and procedures to which some landlords object. For these reasons, some landlords choose not to participate in the program. Some of the reasons cited by landlords for not participating include the following:

1. Since Section 8 is funded by the federal government, there are uncertainties about the amount of such funding from year to year.

Almost all of KCHA's 3,000 landlords – 90% -- receive their payments through direct deposit, and landlords frequently cite the reliability of payments as one of the benefits of renting to a tenant with a Section 8 voucher.

While Section 8 is funded by the federal government, it is the local housing authority that administers funding to landlords with Section 8 tenants. If funding for the Section 8 program were to be severely cut, policy changes would be made which may affect the residents, but not the landlords during the term of a lease. For example, a housing authority facing a severe funding cut to their Section 8 program may choose to decrease the size of the program (the number of vouchers leased up at any given time), or decrease the payment standards (which would increase the amount of rent that the Section 8 resident is required to pay). While it has not occurred in the past, it is theoretically possible that program cuts could ultimately result in decreased assistance to individual households. However, such an event would not occur during the term of a lease, and if a resident were not able to afford future rents, their lease would not be extended and they would need to move. This risk is no different than a situation where a resident has a loss of employment, which can occur at any point in time.

2. If the landlord wants to increase the fair market rent it can only be done on the annual renewal date and only with the approval of the local housing authority that administers the program.

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 the Housing Authority and the tenant. After the landlord requests an increase, the housing authority 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 increase in rent, they would then need to move.

3. If a landlord accepts a tenant that has a Section 8 voucher, the rental cannot begin until the property has been inspected and approved by the local housing authority. These inspections can take between 2 and 4 weeks to complete and the landlord receives no rent while waiting for the inspection process to be completed.

To ensure that public dollars are spent on units of reasonable quality, KCHA does require that each apartment is inspected before the tenant moves in. When a tenant finds a suitable unit the tenant brings with them paperwork that they give to the landlord and the process is initiated through that. The landlord fills out the paperwork (one page) and then schedules an inspection. It usually takes 2 to 10 days for an inspection to be scheduled and completed. Rent payments can begin as soon as the unit passes the inspection. (see attached schedule). If a property owner is not willing to

make repairs identified in the inspection then the unit will not be eligible for the Section 8 voucher program.

4. The property is inspected annually by the housing authority and if there are repair issues caused by the behavior of the tenant or the tenant's family, the landlord is required to make the repairs or the subsidy checks are withheld.

KCHA does inspect Section 8 units annually. If a unit fails the inspection and the damage was caused by the tenant, the Housing Authority 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.

5. By definition, a Section 8 tenant is low income and it would be difficult to collect a monetary claim. Normally, if a tenant is deemed to be a financial risk, the landlord would charge a higher deposit. However, a landlord may not charge a higher deposit to a Section 8 tenant and, as a result, runs a financial risk if damage is done to the property.

While Section 8 residents do have low incomes, this does not mean they are more likely to damage a unit than other non-Section 8 tenants. Families with a Section 8 voucher may actually be less likely to damage a unit since they will lose their Section 8 voucher if they are evicted. As such, landlords should not base the amount of deposit on Section 8 status. Landlords should charge tenants with or without a Section 8 voucher the same amount of damage deposit in accordance with their written policies. That said, a landlord may charge a higher deposit for Section 8 and non-Section 8 residents deemed to be a financial risk.

6. A Section 8 tenancy can only be terminated "for cause" and this will generally lead to an eviction lawsuit and the increased costs and delays that go with it.

Section 8 tenants have no greater protection against eviction than non-Section 8 tenants. By signing a lease, the landlord agrees that if the tenant, Section 8 or not, does not violate that lease, then they have no "cause" to terminate the lease. According to state law, a lease, while it is in effect, can only be terminated for "cause" —such as non-payment of rent or repeated violation of the lease. Following the initial term of the lease, a landlord then has the choice of renewing or not renewing the lease with the tenant and can ask the tenant to leave without going through eviction proceedings. There is no difference between Section 8 and ordinary private (i.e., non-Section 8) tenancies.

ADDITIONAL RHA COMMENTS AT HEARING. (Sean Martin, RHA)

Would create a protective class in the city of Redmond for Section 8 rental voucher recipients.

A landlord can refuse to rent to a Section 8 voucher holder for cause – in other words apply the same standards they do to any other applicant. The acceptance of one

Section 8 tenant by a landlord does not change the rules for subsequent applicants. If source of income is not protected from discrimination, a landlord can reject a Section 8 voucher holder due solely to their participation in the program regardless of whether that landlord had previously accepted a Section 8 tenant. If there is a source of income protection statute, then the landlord would need to justify each rejection for a reason other than simply that they were a Section 8 voucher holder.

This comment may have its origins in an old rule that if a landlord accepted one voucher holder they would have to accept all voucher holders (barring rejection for cause). This Federal requirement was eliminated almost a decade ago.

Federal regulations that govern Section 8 programs require that owners enter into one year leases for initial term with new Section 8 residents. Some owners may not want to bind themselves to such a term. Our members report to us that most owners manage their lease expirations so that there are certain number of floor plans which exist each month that come up so that there is an availability of stock to new perspectives renters. If an owner is required to always have twelve month leases they lose the ability to effectively manage that aspect of their business.

If a landlord chooses not to offer annual leases to any tenants and offers only short-term or month-to-month leases, the ordinance would not apply because it only prohibits a landlord from refusing to rent to a tenant “solely” because the tenant proposes to do so using a Section 8 voucher. If the landlord has made a business decision not to offer long-term leases to anyone, Section 8 and non-Section 8 tenants alike, then the refusal to rent is not solely based on Section 8.

I think there is another big factor. If a tenant holding a Section 8 voucher is denied residency, it is not due to the Section 8 voucher. It is due to criminal, credit, or rental history.

Under the proposed ordinance, landlords will maintain their ability to screen applicants for poor credit and rental history. They will be able to use the same screening criteria for an applicant with a Section 8 voucher as one without. What they won't be able to do is reject an applicant just because their rent is paid in part by a Section 8 subsidy.

Section 8 tenants must go through suitability background checks and can lose their vouchers for things like failure to pay rent, if they have their utilities disconnected, if they engage in illegal activity or if they commit serious violations of their lease agreements.

It is not something that is going to fit every landlord business model. It fits for some, but for many individual landlords the extra restrictions and burdens don't fit with those business models.

Based on the previous responses to issues raised above, the Section 8 program does not appear to dictate the business model used by landlords. Its purpose is to prevent landlords from using Section 8 as a sole basis for screening potential residents.

Some of our members say that have been told by Section 8 that they are not allowed to require renters insurance of Section 8 voucher recipients.

Section 8 has no written rules governing a requirement or non-requirement to have renters insurance. As long as an owner's policy regarding renters insurance is applied equally to both Section 8 and non-Section 8 residents, there should be no cause for concern by the Section 8 staff.

There is no shortage of landlords who accept tenants who receive Section 8 vouchers. The Washington Human Rights Commission has previously conducted studies and has determined there was not a need for source of income as a protected class as there is housing availability. Needs of low income persons were being met and not being discriminated against on the basis of their source of income.

Based on communication with staff at the Washington Human Rights Commission, they are unaware of any current report that makes such a statement. At the hearing the Tenants Union referred to a 2007 the Washington State Human Rights Commission report that listed several of the most common legal form of discrimination included source of income discrimination. The Tenants Union also cited a pre-2000 Commission report that states renters experience discrimination for reasons not protected by fair housing laws, especially refusal to rent because of source of income such as Section 8 rent certificates, or welfare. The statements in these reports appear to be more general statements that were not based on extensive research. The Washington State Human Rights Commission staff indicated that they have not researched this issue in recent years and therefore do not have a position on the topic.

We've also contacted many of the local housing authorities throughout the Sound area. Not one offered any opinion or evidence that Section 8 tenants were being unfairly refused the opportunity to submit an application because of the Section 8 voucher nor did any state there was an actual shortage or unavailability of units for those people to find.

Not sure which housing authorities they contacted. The King County Housing Authority testified to the City of Redmond on this ordinance, strongly encouraging them to adopt this ordinance.

Ordinance appears to be a result of primarily of two apartment companies adopting policies which would discontinue accepting future Section 8 applicants.

It is true that the city staff report highlighted the experience of the two companies that notified residents of their intent to discontinue accepting future Section 8 applicants. There are a couple reasons these companies were highlighted. First, they are both national companies that have a large number of rental units in Redmond and the region. Second, in the letter sent by one company to its current Section 8 residents, they stated they had been a good resident, and referred them to other properties they owned located in Bellevue and Seattle, cities with Section 8 discrimination ordinances. This indicates both that they were individually good residents and that the Section 8 program was not so onerous that they would be willing to have them live in other communities they manage.

Apparent outreach made by the city to the rental housing industry which unfortunately did not include RHA and our 4600 members.

City Staff indicated in their report to the City Council that in addition to the required public notice, based on the assumption that both landlords and tenant groups might be particularly interested in this issue staff directly contacted the following groups:

- National Association of Residential Property Managers, King County Chapter (Several representatives)
- King County Housing Authority
- Tenant's Union of Washington
- Washington Multi-Family Housing Association
- Housing Development Consortium
- Affordable Housing Manager's Association
- Hopelink Housing Programs

RHA is a huge supporter of voluntary voucher programs. It's something we've pushed through the state legislature for at least ten years and just haven't gotten traction with the legislature down there for voluntary voucher funding.

The general philosophy of voucher programs is to offer choice of residents to select housing based on the needs of the households (e.g. locating near family or employment) One concern with the proposed voluntary voucher funding has been supporting a program that is designed to potentially limit its ability to be used broadly. May be difficult for legislators to support a program in which members of the sponsoring association say they would not participate.

KING COUNTY HOUSING AUTHORITY COMMENTS

Elizabeth Westburg: King County Housing Authority.

The King County Housing Authority provides homes to over 47,000 people on any given night this includes over 10,000 households utilizing Section 8. Currently Redmond is home to 245 households who use Section 8 vouchers. Here is a snapshot of these households:

- 28% are elderly / 47% are living with a disability
- The remaining households are families with children including over 200 school aged children.
- The average income of these families is just over \$12,000 a year and many are on fixed incomes or working for minimum wage. Section 8 vouchers fill the gaps for these families between 30% of their income and their rent, making housing affordable to them.

According to a recently commissioned report by Dupree & Scott there were only three market rate apartments affordable to a person earning minimum wage in Redmond. The Section 8 program helps make rental housing more affordable to Redmond residents who would otherwise be priced out of the Redmond rental housing market. With the high cost of housing in this region and particularly here on the Eastside demand for this program is at an all-time high.

The King County Housing Authority 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 a program called Moving to Work or MTW. As a participant of MTW the Housing Authority is allowed to change the vast majority of federal housing regulations that govern the Section 8 programs to be more responsive to local needs. To date the Housing Authority has made many changes which have improved the program's overall efficiency and effectiveness for both tenants and landlords. For example

- We have simplified our Section 8 inspections so that landlords can self-certify that they have fixed certain deficiencies.
- We have raised the local maximum rent allowable on the Eastside including Redmond as a reflection of more expensive rents here and
- We have clustered our annual inspections for landlords which saves time by only scheduling one or two inspections per year even if they have many tenants with Section 8 vouchers.

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

Estimated Timeline for Leasing on Section 8

Submittal of Request for Tenancy Approval	1 day
Review of Rent amount	1 - 2 days
Schedule inspection	1-2 days
Perform inspection	2 – 10 days as long as unit is ready
If it passes tenant can move in and contract process can begin.	
If unit fails, a follow-up inspection is scheduled	1 – 10 days (once repairs have been made)
Once unit passes and KCHA receives a copy of the lease, the Housing Assistance Payments Contract is drawn up and sent to the owner for signature	2 – 10 days
Owner must send signed contract back to the Section 8 office	
Once received, entered into computer for payment	(Return time up to owner)
Payments made to owner twice per month, usually via direct deposit	1 – 21 days (depending on timing of return of contracts and twice monthly check run)

Depending on the complexity of situation (i.e., level of rent, unit failing inspections, contract return delayed by the owner, etc.) total time for lease up and payment could take as little time as a week to as much as 6 weeks. Each situation is different. The only extra cost to a landlord for participation on the program is if the landlord chooses to lower the rent or pay to fix deficiencies found through the inspection in order to have their unit qualify. There is no fee for participating on the Section 8 program.

CODE

**CITY OF REDMOND
ORDINANCE NO. 2645 (AM)**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING RMC CHAPTER 6.38, PROHIBITING THE REFUSAL TO RENT A DWELLING UNIT SOLELY ON THE BASIS THAT A TENANT PROPOSES TO RENT PURSUANT TO A SECTION 8 HOUSING VOUCHER OR CERTIFICATE, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, access to affordable housing is consistently identified as the greatest barrier to families and individuals being able to build or rebuild a solid foundation; and

WHEREAS, the Section 8 voucher program is a program of the federal government which assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market; and

WHEREAS, it has come to the attention of the Redmond City Council that some property owners in Redmond may refuse to rent to tenants proposing to utilize a Section 8 voucher or certificate; and

WHEREAS, after holding a public hearing, the Redmond City Council has determined that prohibiting the refusal to rent a dwelling unit solely because the tenant proposes to do so using a Section 8 voucher or certificate will further the City's policies on affordable housing and promote the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Chapter. RMC Chapter 6.38,
Refusal to Rent Based Solely on Section 8 Voucher or Certificate Request Prohibited, is hereby adopted to read as follows:

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

Sections:

6.38.010 Purpose.
6.38.020 Prohibitions.
6.38.030 Exceptions.

6.38.010 Purpose.

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

6.38.020 Prohibitions.

(A) No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437(F)); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent

on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in RZC 21.78.

6.38.030 Exceptions.

(A) Nothing in this chapter shall:

(1) apply to the renting, sub-renting, leasing, or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode;

(2) be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than participation in a Section 8 program;

(3) prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such

religion is restricted on the basis of race, color, or national origin;

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

(5) be construed to protect criminal conduct; and

(6) prohibit any person from limiting the rental or occupancy of a dwelling based on the use of force or violent behavior by an occupant or prospective occupant, including behavior intended to produce or incite imminent force or violence to the person or property of the owner, manager, or other agent of the owner.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary consisting of the title, or as otherwise provided by law.

ADOPTED by the Redmond City Council this 7th day of
February, 2012.

CITY OF REDMOND



JOHN MARCHIONE, MAYOR

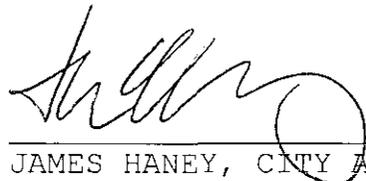
ATTEST:



MICHELLE M. MCGEHEE, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



JAMES HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK: February 1, 2012
PASSED BY THE CITY COUNCIL: February 7, 2012
SIGNED BY THE MAYOR: February 7, 2012
PUBLISHED: February 13, 2012
EFFECTIVE DATE: February 18, 2012
ORDINANCE NO. 2645 (AM)

ADOPTED 7-0: Allen, Carson, Flynn, Margeson, Myers, Stilin and Vache

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 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 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 disabled persons more favorably than persons who are not disabled;

(5) be construed to protect criminal conduct; and

(6) prohibit any person from limiting the rental or occupancy of a dwelling based on the use of force or violent behavior by an occupant or prospective occupant, including behavior intended to produce 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 _____, 2012.

Signed in authentication thereof this _____ day of _____, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney