

ORDINANCE O-4384

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

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

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

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

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

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

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

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

No person shall refuse to rent a dwelling unit to any rental applicant solely on the basis that the applicant proposes to rent such unit pursuant to a Section 8 voucher or certificate issued under the Housing and Community Development Act of 1974 (42 USC 1437f); provided this section shall only apply with respect to a Section 8 certificate if the monthly rent on such residential unit is within the allowable rent as established by the Department of Housing and Urban Development. "Dwelling unit" shall have the meaning set forth in Kirkland Municipal Code Section 23.5.250.

**7.74.020 Exceptions.**

(A) Nothing in this chapter shall:

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

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

(3) prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on the basis of race, color, national origin or other illegal discriminatory basis;

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

(5) be construed to protect criminal conduct; or

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

#### **7.74.030 Enforcement.**

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

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

#### **1.12.020 Definitions.**

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

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

"Act" means doing or performing something.

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

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

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

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

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

"Omission" means a failure to act.

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

"Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

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

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

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

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

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

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of November, 2012.

Signed in authentication thereof this 7th day of November, 2012.

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MAYOR

Attest:

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City Clerk

Approved as to Form:

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