

CITY OF RENTON, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING CHAPTER 6-32 OF THE RENTON MUNICIPAL CODE, EXPANDING FAIR HOUSING REGULATIONS PROHIBITING PROPERTY OWNERS AND PROPERTY MANAGERS FROM DISCRIMINATING AGAINST TENANTS OR POTENTIAL TENANTS ON THE BASIS OF PARTICIPATION IN ANY FEDERAL, STATE OR LOCAL GOVERNMENT, PRIVATE NONPROFIT, OR OTHER HOUSING ASSISTANCE PROGRAMS, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Renton recognizes that discrimination in housing adversely and seriously affects the health, safety and welfare of the community; and

WHEREAS, there are several government and non-profit organization programs that assist very low income families, the elderly, veterans, people with disabilities, and others with financial subsidies that allow them to afford decent, safe, and sanitary housing in the private market; and

WHEREAS, a significant number of people have difficulty securing adequate rental housing without financial assistance, and it is essential to ensure that housing is available to those people; and

WHEREAS, the average cost of renting a housing unit is rapidly rising in the Puget Sound region, and the number of affordable units is decreasing as rents increase, which, in turn, disfavors low-income tenants and those receiving financial assistance; and

WHEREAS, when families lose their homes because of income source based discrimination, they often lack funds to move, risk being unable to find replacement housing close to their workplace, risk becoming homeless, and risk disruption to their children's education and social development by being forced to move away from their friends and schools; and

WHEREAS, citywide and countywide planning policies seek to promote fairness in housing for residents of all abilities, ages, races, and incomes; and

WHEREAS, landlords who participate in these housing assistance programs and accept lawful, verifiable alternative sources of income are provided a reliable, steady source of rental income; and

WHEREAS, the Renton City Council has determined that prohibiting landlords from withholding or denying tenants the opportunity to rent housing, or otherwise discriminating or retaliating solely because the tenant proposes to use housing subsidies or alternative sources of income will promote the health, safety, and welfare of the community;

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

SECTION I. Chapter 6-32 of the Renton Municipal Code is amended as follows:

**CHAPTER 32
FAIR HOUSING REGULATIONS**

SECTION:

- 6-32-1** Income Source Discrimination Prohibited
- 6-32-2** Definitions
- ~~**6-32-32** Applicability To Housing Choice Vouchers And Certificates~~
- ~~**6-32-43** Exceptions~~
- ~~**6-32-54** Penalties~~
- ~~**6-32-65** Appeals~~
- ~~**6-32-76** Civil Remedy~~

6-32-1 INCOME SOURCE DISCRIMINATION PROHIBITED:

Property owners, property managers, landlords, and their agents, who rent or lease dwelling units shall not refuse to rent, ~~or lease~~ or otherwise withhold from any person or group of persons such housing accommodations, or segregate the

use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, expel or evict an occupant from a dwelling unit, a dwelling unit to any tenant or potential tenant or otherwise discriminate or retaliate against such person solely on the basis that the person proposes to pay all or a portion of the rent using an "alternative source of income" or "Section 8 or other subsidy program," as defined in this Section. Section 8 housing choice voucher or certificate issued under the Housing and Community Development Act of 1974 (42 U.S.C. 1437f). "Dwelling unit" shall have the meaning set forth in RMC 4-11-040.

6-32-2 DEFINITIONS

A. "Alternative source of income" means lawful, verifiable income derived from sources other than wages, salaries, or other compensation for employment. It includes but is not limited to monies derived from Social Security benefits, supplemental security income, unemployment benefits, other retirement programs, child support, the Aged, Blind or Disabled Cash Assistance Program, Refugee Cash Assistance, and any federal, state, local government, private, or nonprofit-administered benefit program.

B. "Dwelling unit" shall have the meaning set forth in RMC 4-11-040.

C. "Section 8 or other subsidy program" means a housing choice voucher or certificate issued under the Housing and Community Development Act of 1974 (42 U.S.C. 1437f) or any other federal, state or local government, private nonprofit, or other assistance programs in which a tenant's rent is paid either

partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant, or completely by the program. Other subsidy programs include but are not limited to HUD-Veteran Affairs Supportive Housing (VASH) vouchers, and Housing and Essential Needs (HEN) funds.

D. "Verifiable" means the source of income can be confirmed as well as its amount or receipt.

~~6-32-32~~ APPLICABILITY TO HOUSING CHOICE VOUCHERS AND CERTIFICATES:

A. The prohibition in RMC Section 6-32-1 does not apply with respect to the use of a Section 8 housing choice voucher or certificate if the dwelling unit does not qualify for participation in the person's ~~such~~ Section 8 or other subsidy program according to applicable public housing authority guidelines. This may include disqualification due to monthly lease amounts or other lease terms. However, refusal to allow a health and safety inspection of the property by ~~the a~~ public housing authority or subsidy program inspector shall not serve as a basis for denying the use of a Section 8 ~~voucher~~ or other subsidy program, as defined herein certificate. Any property owner or manager that refuses to rent a dwelling unit to a person based upon the proposed use of a Section 8 or other subsidy program ~~Section 8 housing choice voucher or certificate~~ shall notify such person in writing of the reasons why the dwelling unit is ineligible for participation in the ~~Section 8 housing choice voucher or certificate~~ subsidy program. The written notice shall specify the specific condition of the property or lease terms that

disqualify the dwelling unit from participation in the ~~Section 8 housing choice or certificate-particular subsidy~~ program. Such condition or terms are not a defense to the application of ~~Chapter RMC 6-32-1~~ RMC if the dwelling unit is offered to others with terms and conditions that would make the dwelling unit eligible for the Section 8 or other subsidy program.

B. It is an unfair practice for an owner or lessor of real property, when determining tenant eligibility for purposes of leasing, subleasing, or renting real property, to apply income screening criteria (such as an income-to-rent ratio) in a manner inconsistent with the following:

1. Any payment from a Section 8 or other subsidy program that reduces the amount of rent for which the tenant is responsible must be subtracted from the total of the monthly rent, provided that such subsidies with a definitive sunset date occurring within the lease term may be excluded.

2. All sources of income must be included as a part of the tenant's total income except that income sources with a definitive sunset date occurring within the lease term may be excluded, and in situations where the rental housing unit is subject to income and/or rent restrictions in a housing regulatory agreement or subsidy agreement and income is determined pursuant to the agreement.

C. It is a code violation for a person to fail to cooperate with a potential or current occupant in completing and submitting required information and documentation for the potential or current occupant to be eligible for or to receive rental assistance from Section 8 or other subsidy program.

6-32-~~43~~ EXCEPTIONS:

Nothing in this chapter shall:

A. Apply to the renting, subrenting, leasing, or subleasing a portion of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home or abode therein;

B. 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;

C. Be construed to prohibit treating people with disabilities more favorably than people who do not have disabilities; or

D. Be construed to protect criminal conduct.

6-32-~~54~~ PENALTIES:

A. A violation of this Chapter is punishable by an order imposing a civil penalty in the amount of one thousand dollars (\$1,000). A second violation of this Chapter by the same person within a two (2) year period is punishable by a civil penalty in the amount of two thousand five hundred dollars (\$2,500). Any order imposing a civil penalty pursuant to this section shall summarize the factual and

legal basis for the violation and notify the recipient of the right to appeal the fine pursuant to RMC Section 6-32-~~65~~.

B. A third violation of this Chapter by the same person within a three (3) year period is punishable as a gross misdemeanor with a jail sentence of up to three hundred sixty-four (364) days and up to a five thousand dollar (\$5,000) fine, plus restitution.

6-32-~~65~~ APPEALS:

A. Any person ordered to pay a civil penalty pursuant to RMC Section 6-32-~~54~~ may appeal the penalty by filing with the City Clerk a written appeal setting forth the legal and factual basis for the appeal and identifying the City order in which the penalty is assessed. Such identification may be done by referencing a City tracking number that was included on the order and/or providing a copy of the order with the appeal. To be considered, the appeal must be received and date stamped by the City Clerk's office no later than fourteen (14) days after the fine was issued. The City Clerk will forward all timely appeals to the Community and Economic Development Administrator, or designee.

B. The Administrator, or designee, will review the appeal and either affirm or repeal the order imposing the civil penalty based upon written findings of fact and conclusions of law. The Administrator, or designee, may reduce the amount of the civil penalty upon a finding that the violation did not occur in bad faith and any known victims of the violation have been fully compensated for damages suffered as a result of the violation. The Administrator, or designee, may request

additional information necessary to make the decision and/or choose to hold an informal hearing to solicit evidence.

C. If the penalty is not repealed, the person who has been ordered to pay the civil penalty may appeal the Administrator's decision to the Hearing Examiner pursuant to the process in RMC 4-8-110.E. The City shall have the burden of proof to establish the violation by a preponderance of the evidence. No appeal fee shall be required.

6-32-76 CIVIL REMEDY:

Any person who has been damaged by a violation of RMC Section 6-32-1 may seek to recover civil damages in a court of competent jurisdiction to the extent such action is allowed by law.

SECTION II. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court or competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION III. This ordinance shall be in full force and effect thirty (30) days after publication of a summary of this ordinance in the City's official newspaper. The summary shall consist of this ordinance's title.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2018.

Jason A. Seth, City Clerk

ORDINANCE NO. _____

APPROVED BY THE MAYOR this _____ day of _____, 2018.

Denis Law, Mayor

Approved as to form:

Shane Moloney, City Attorney

Date of Publication: _____

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