AN ORDINANCE of the City of Kent, Washington defining and prohibiting unfair housing practices in the sale and offering for sale and in the rental and offering for rent and in the financing of housing accommodations within the City of Kent, Washington, defining offenses and prescribing penalties and providing for the enforcement thereof under the provisions of RCW 49.60.010, et al, and through the facilities of the "Washington State Board Against Discrimination".

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Declaration of Policy. Recognizing that discrimination in housing adversely and seriously affects the public health, safety and welfare and in the belief that it is a fundamental human right that all persons, regardless of race, color, religion, ancestry or national origin should be assured an equal opportunity to acquire, use and possess housing facilities within the City of Kent, this Ordinance is enacted and certain practices described as unfair housing practices are prohibited as an exercise of the police power of the City of Kent.

Section 2. Definitions. Definitions as used in this Ordinance, unless additional meaning clearly appears, from the context, shall have the meaning subscribed:

(1) "Housing Accommodations" shall include any dwelling, dwelling unit, rooming unit, rooming house, lot or parcel of land in the City of Kent which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.

(2) "Dwelling" includes any building containing one or more dwelling units.

(3) "Dwelling Unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping and preparation of food, and containing toilet and bathing facilities.

(4) "Rooming Unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.

(5) "Person" includes one or more individuals, partnerships, or other organization, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.
(6) "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their own behalf or on behalf of another.

(7) "Occupant" includes any person who has the right to occupancy in a housing accommodation.

(8) "Prospective Occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.

(9) "Real Estate Broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.

(10) "Real Estate Agent, Salesman, or Employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

(11) "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.

(12) "Prospective Borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.

(13) "Unfair Housing Practice" means any act prohibited by this ordinance.
(14) "Persons Aggrieved" means any person against whom any alleged unfair housing practice has been committed.

(15) "Respondent" means any person who is alleged to have committed an unfair housing practice.

(16) "Commission" means the "Washington State Board Against Discrimination" as established by RCW 49.60.050 of the Laws of the State of Washington.

Section 3. Unfair Housing Practices as hereinafter defined in the sale and offering for sale and in the rental and offering for rent of housing accommodations are contrary to the public peace, health, safety and general welfare are hereby prohibited by the City of Kent in the exercise of its police power.

Section 4. Unfair Housing Practices Forbidden.

(1) No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or 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, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin, of such person or persons, or discriminate against or segregate any person because of his race, color, religion, ancestry or national origin, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

(2) A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, ancestry, or national origin of an occupant, purchaser, prospective occupant, or prospective purchaser:

(a) Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease, or sublease.

(b) Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease or sublease.

(c) Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation.

(d) Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.

(3) No person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation shall:

(a) discriminate against any person or group of persons because of race, color, religion, ancestry, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or in the extension of services in connection therewith, or

(b) use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry or national origin.

(4) An owner, person, real estate broker, agent, salesman, employee, or lender shall not:

(a) require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, or national origin in connection with the sale, rental, lease, or sublease of any housing accommodation.
(c) aid, abet, incite, compel or coerce the doing of any act defined in this ordinance as an unfair housing practice; or obstruct or discriminate against a person in any manner because he has complied or proposes to comply with the provisions of this ordinance or has filed a complaint, testified, or assisted in any proceeding under the ordinance, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this ordinance to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this ordinance.

Section 5. Enforcement Procedures.

(1) Any person claiming to be aggrieved by a violation of any provision of this ordinance may, by himself or his attorney, make, sign and file with the commission a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof and contain such other information as may be required by the commission.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice the commission may issue a complaint.

(3) Any employer or principal whose employees or agents or any of them refuse or threaten to refuse to comply with the provisions of this ordinance may file with the commission a written complaint under oath asking for assistance by conciliation or other remedial action.

(4) Any complaint filed pursuant to this section must be filed with the commission within fifteen (15) days after the alleged act of discrimination.

(5) The procedures to be followed upon the filing of any such complaint shall be those as set forth in RCW Chapter 49.60 of the Laws of the State of Washington.

Section 6.

Upon the filing of a complaint with the commission as provided for in this ordinance and after a preliminary investigation by said commission during which said commission shall determine that there is probable cause to credit the allegation of the complaint, or if the chairman of said commission after such review shall determine that there is probable cause and if in complaints of discrimination in housing, the property owner or his duly authorized agent will not agree voluntarily to withhold from the market the subject housing accommodations for a period of ten (10) days from the date of said findings of probable cause, the commission may cause to be posted for a period of ten (10) days from the date of said finding on the door of said housing accommodations a notice advising that said accommodations are the subject of a complaint before the commission and that prospective transferees will take said accommodations at their peril. Any destruction, defacement, alteration or removal of said notice shall be punishable on conviction thereof by a fine of Three Hundred Dollars ($300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Section 7. Exclusions. Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of a single family dwelling wherein the owner or owners or persons entitled to the possession and occupancy thereof normally maintain or intend to maintain his or their residence, home or abode, and intends to occupy the same.

(2) Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors or considerations other than race, color, religion, ancestry or national origin.

Section 8. Penalty. Any person or persons violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not more than Three Hundred Dollars ($300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, provided, however, that this penalty provision shall be in addition to any other penalties imposed by the commission after a hearing on any alleged violation of this ordinance.
Section 9. Severability. The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, illegality, invalidity, unconstitutionality or inapplicability, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the intent of the City Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Section 10. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

[Signature]

ALEX THORNTON, Mayor

Approved as to form:

[Signature]

JONN BEREITER, City Attorney

Passed the 1st day of JULY, 1968

Approved the 2nd day of JULY, 1968

Published the 10th day of JULY, 1968

I hereby certify that this is a true copy of Ordinance No. 1521, passed by the City Council of the City of Kent and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]

MARIE JENSEN, City Clerk