ORDINANCE NO. 4233

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting Chapter 10.01 of the Kent City Code, enacting “Source of Income Discrimination” residential rental regulations prohibiting discrimination on the basis of government subsidies, imposing penalties, and establishing an appeal process.

RECITALS

A. The City of Kent recognizes that discrimination in housing adversely and seriously affects the health, safety, and welfare of the community.

B. There are several government programs that assist very low-income families, the elderly, veterans, and people with disabilities with financial subsidies that allow them to afford decent, safe, and sanitary housing in the private market.

C. A significant number of people have difficulty securing adequate rental housing without financial assistance, and it is essential to assure that housing is available to those people.

D. Rental rates are rapidly rising in the Puget Sound region, and the number of affordable units is decreasing as rents increase. This provides landlords with an opportunity to disfavor rentals to those receiving government assistance.

Adopt KCC 10.01 - Re: Unfair Housing Practices
E. When families lose their homes as a result 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.

F. City and countywide planning policies seek to promote fairness in housing for residents of all abilities, ages, races, and incomes.

G. Participation by landlords in these housing assistance programs provides a reliable, steady source of rental income.

H. Some state financial assistance programs are only available to landlords in cities that have passed ordinances that prohibit denying tenancy based solely on the applicant’s source of income.

I. The Kent City Council has determined that prohibiting landlords from denying tenants the opportunity to rent housing solely because the tenant proposes to use government financial assistance will promote the health, safety, and welfare of the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - New Chapter. Title 10 of the Kent City Code is amended by adding a new chapter 10.01, entitled “Unfair Housing Practices,” to read as follows:
CHAPTER 10.01
UNFAIR HOUSING PRACTICES

Sec. 10.01.010. Source of Income Discrimination Prohibited.
Property owners, property managers, landlords, and their agents, who rent or lease dwelling units may not refuse to rent or lease a dwelling unit to any tenant or prospective tenant or otherwise discriminate or retaliate against that person solely on the basis that the person proposes to pay a portion of the rent from a “source of income” as defined in this Chapter.

Sec. 10.01.020. Definitions.

A. “Source of income” includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local, or nonprofit-administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance programs. “Source of income” does not include income derived in an illegal manner;

B. Other terms used in this Chapter shall be defined as set forth in the Residential Landlord Tenant Act, Chapter 59.18 RCW.

Sec. 10.01.030. Applicability. Nothing in this chapter will apply if the dwelling unit does not qualify for participation in the tenant’s “source of income” program. However, any property owner or manager that refuses to rent a dwelling unit to a person based upon the proposed use of funds from a “source of income” must notify that person in writing of the reasons why the dwelling unit is ineligible for participation in the particular “source of income” program. Refusal to allow a health and safety inspection of the property by a public housing authority will not be considered a legitimate basis for refusing to rent due to program ineligibility.
Sec. 10.01.040. Exceptions. This Chapter shall not:

A. Apply to the renting, leasing, or subleasing of a portion of a single-family dwelling, where the owner or person entitled to possession maintains a permanent residence, home or abode in the same dwelling, or an accessory dwelling unit; or

B. Deny any person from making a choice among prospective tenants on the basis of factors other than the source of income.

Sec. 10.01.050. Penalties.

A. Civil violation.

1. The violation of any provision of this chapter is a civil violation as provided for in Chapter 1.04 KCC, for which a monetary penalty may be assessed and abatement may be required.

2. Any penalty due and unpaid and delinquent under this chapter will constitute a debt of the city. The city may, pursuant to Chapter 19.16 RCW, use a collection agency to collect unpaid license fees, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

Sec. 10.01.060. Appeals.

A. Any person ordered to pay a civil penalty pursuant to KCC 10.01.050 may appeal the penalty by filing with the City Clerk a written appeal. Appeals shall be in writing and contain the following information:

1. Appellant’s name, address, phone number, and email address;
2. Appellant's statement describing his or her standing to appeal;

3. Identification of the summary of decision which is the subject of the appeal;

4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

5. The relief sought, including the specific nature and extent; and

6. A statement affirming that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

B. To be valid, the appeal must be received and date stamped by the City Clerk's office no later than fourteen (14) calendar days after the penalty was issued. The City Clerk will forward all timely appeals to the Economic and Community Development Director or designee.

C. The Director, 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 Director, 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 Director, or designee, may request additional information necessary to make the decision and/or choose to hold an informal hearing to solicit evidence.

D. If the penalty is not repealed, the person who has been ordered to pay the civil penalty may appeal the Director's decision to the Hearing Examiner pursuant to the process set forth in KCC Chapter 1.04. Appeals
must be accompanied by an appeal fee as set by the city council. The City shall have the burden of proof to establish the violation by a preponderance of the evidence.

**SECTION 2.** – *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 3.** – *Corrections by City Clerk or Code Reviser.* Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

**SECTION 4.** – *Effective Date.* This ordinance shall take effect and be in force thirty (30) days from and after its passage, as provided by law.

Suzette Cooke, Mayor

ATTEST:

Kimberley A. Komoto, City Clerk

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

Arthur Fitzpatrick, Deputy City Attorney

Adopt KCC 10.01 - Re: Unfair Housing Practices


I hereby certify that this is a true copy of Ordinance No. 4233 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Kimberley A. Komoto (Seal)
KIMBERLEY A. KOMOTO, CITY CLERK