



**GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE**  
**SEPTEMBER 14, 2015**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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1. **HOUSEKEEPING AMENDMENTS: HUMAN RIGHTS COMMISSION**  
*SCOTT SPENCE, CITY MANAGER*  
(ATTACHMENT)



**GENERAL GOVERNMENT &  
PUBLIC SAFETY COMMITTEE**  
September 14, 2015

**SUBJECT:** Housekeeping Amendments relating to Lacey Municipal Code Chapter 9.48 – Unfair Housing Practices

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**RECOMMENDATION:** Forward proposed housekeeping amendments to Lacey Municipal Code Chapter 9.48 to the full City Council for approval.

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**STAFF CONTACT:** Scott Spence, City Manager 

**ORIGINATED BY:** City Manager's Department

**ATTACHMENTS:** 1. [Proposed Amendments to LMC 9.48 – Unfair Housing Practices](#)

**FISCAL NOTE:** No impact expected.

**PRIOR REVIEW:** This is the first review of the proposed amendments.

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**BACKGROUND:**

In March of this year, the city repealed Lacey Municipal Code (LMC) Chapter 2.36 (Human Rights Commission) as a housekeeping item to reflect Thurston County's disbandment of the commission in the early-1980s. (Historical Note: In the early-1990s, the county formed the Thurston Council on Cultural Diversity and Human Rights, with a mission of (a) promoting multicultural diversity education, (b) supporting diverse cultural activities, and (c) providing a forum for interaction between diverse cultural groups. The council, which lacked enforcement authority, lost public funding in 2009 as a result of county budget restructuring. It has since reorganized as an independent non-profit organization.)

The proposed revisions to LMC Chapter 9.48 (Unfair Housing Practices) will:

- Repeal 9.48.050 (Human Rights Commission), which references both the Thurston County Human Rights Commission and the Thurston Council on Cultural Diversity and Human Rights.

- Revise 9.48.060 (Enforcement Proceedings) to reflect that all complaints or allegations of violations received at the City of Lacey shall be referred to the Washington State Human Rights Commission for investigation and enforcement.

The state Human Rights Commission accepts human rights complaints relating to employment, housing and real estate, public accommodation, credit, and insurance for the following protected classes:

- Race/Color
- National Origin
- Creed
- Sex/Pregnancy
- Sexual Orientation/Gender Identity
- Veteran/Military Status
- The presence of any sensory, mental, or physical actual disability or perceived disability
- Use of a Service Animal
- HIV or Hepatitis C
- Marital Status (except in public accommodation)
- Breastfeeding (in public accommodation)
- Age (40+ for employment only)
- Families with Children (housing only)
- State Employee Whistleblower

The state commission is also charged with public education and training.

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**ADVANTAGES:**

1. The proposed LMC amendments more accurately reflect the procedure of reporting, investigating, and enforcing human rights complaints and violations.

**DISADVANTAGES:**

1. No disadvantages are foreseen.

## CHAPTER 9.48 UNFAIR HOUSING PRACTICES

### Sections:

- 9.48.010 Declaration of policy
- 9.48.020 Definitions
- 9.48.030 Unfair housing practices prohibited
- 9.48.040 Forbidden unfair housing practices designated
- 9.48.050 ~~Human rights commission~~ Repealed
- 9.48.060 Enforcement proceedings
- 9.48.070 Exclusions
- 9.48.080 Penalty for violation

### **9.48.010 Declaration of policy**

It is hereby declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare, for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacturers, to assure equal opportunity to all persons to live in decent housing facilities regardless of the presence of any sensory, mental, or physical disability, or the use of a trained ~~guide-dog~~ guide or service-~~dog~~ animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation, and to that end to prohibit discrimination in housing by any person, including real estate brokers, real estate salesmen and agents, owners of real property and lending institutions, to forward the cause of brotherhood, and to secure a reduction of all tensions and discriminations because of the presence of any sensory, mental, or physical disability, or the use of a trained ~~guide-dog~~ guide or service-~~dog~~ animal by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation. (Ord. 1050 §1, 1997; Ord. 383 §2, 1975; Ord. 89 §1, 1968).

### **9.48.020 Definitions**

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

~~A.—“Council” means the Thurston Council on Cultural Diversity and Human Rights which body is the successor to the Thurston County human rights commission established by Chapter 2.36 LMC;~~

~~BA~~. “Dwelling” includes any building containing one or more dwelling units;

~~CB~~. “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;

~~DC~~. “Housing accommodations” include any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city 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;

~~ED~~. “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 financing or acquisition, construction, repair, or maintenance of a housing accommodation;

~~FE~~. “Occupant” includes any person who has established resident or has the right to occupancy in a housing accommodation;

~~GF~~. “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;

~~HG~~. “Person” includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers;

~~IH~~. “Person aggrieved” means any person against whom any alleged unfair housing practice has been committed;

~~JL~~. “Prospective borrower” includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation;

~~KJ~~. “Prospective occupant” includes any person who seeks to purchase, lease, sublease or rent a housing accommodation;

~~LK~~. “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;

**ML.** “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;

**NM.** “Respondent” means any person who is alleged to have committed an unfair housing practice;

**ON.** “Rooming unit” includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping;

**PO.** “Unfair housing practice” means any act prohibited by this chapter. (Ord. 1050 §2, 1997; Ord. 89 §2, 1968).

#### **9.48.030 Unfair housing practices prohibited.**

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 and are hereby prohibited by the city in the exercise of its police power. (Ord. 89 §3, 1968).

#### **9.48.040 Forbidden unfair housing practices designated.**

A. 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 presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or the race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation of such person or persons, or discriminate against or segregate any person because of the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or such person’s race, color, religion, ancestry or national origin, sex, marital status, families with children status, sexual orientation, 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.

B. A real estate broker, agent, salesman, or employee shall not, because of the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation of an occupant, purchaser, prospective occupant, or prospective purchaser:

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

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

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

4. Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.

C. 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:

1. Discriminate against any person or group of persons because of the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation 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

2. 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 the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation.

D. An owner, person, real estate broker, agent, salesman, employee, or lender shall not:

1. Require any information, make, or keep any record, or use any form of application containing questions or entries concerning the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation in connection with the sale, rental, lease, or sublease of any housing accommodation;
2. Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification, or discrimination based on the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation;
3. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter 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 chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter. (Ord. 1050 §3, 1997; Ord. 383 §3, 1975; Ord. 89 §4, 1968).

#### **~~9.48.050 Human rights commission. Repealed~~**

~~Pursuant to authority contained in Chapter 35.63 RCW, the city of Lacey has joined with Thurston County, the city of Tumwater and the city of Olympia in an agreement to create a human rights commission to serve the area within the jurisdiction of the municipalities, the commission to be known as the "Thurston County Human Rights Commission." The name of the Thurston County Human Rights Commission has been changed to the Thurston Council on Cultural Diversity and Human Rights which body is referred to in this chapter as the "Council." (Ord. 1050 §4, 1997; Ord. 89 §5, 1968).~~

#### **9.48.060 Enforcement proceedings.**

All complaints or allegations of violations of this chapter shall be referred to the ~~council~~ Washington State Human Rights Commission for such assistance as may be rendered by the ~~council commission~~; provided, however, that the referral of complaints or allegations to the ~~council commission~~ shall not be by deemed

to be a waiver of the city's right or obligation to prosecute an alleged violation pursuant to the terms of this chapter. (Ord. 1050 §5, 1997; Ord. 518 §3, 1979; Ord. 89 §5, 1968).

#### **9.48.070 Exclusions.**

Nothing in this chapter shall:

- A. Apply to the renting, subrenting, leasing or subleasing of a single family dwelling, wherein the owners or persons entitled to possession thereof normally maintain, or intend to maintain, their residences, homes or abodes;
- B. Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, marital status, families with children status or sexual orientation.
- C. Make it an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the base of marital or families with children status;
- D. Apply the provisions of this chapter prohibiting discrimination based on families with children status to housing for older persons as defined by the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3607(B)(1) through (3) or authorize requirements for housing for older persons different than the requirements of such amendments.
- E. Require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. However, such exception shall not permit discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person under the conditions or for the reasons set forth in RCW 49.60.222(2) as the same exists or may hereafter be amended. (Ord. 1050 §6, 1997; Ord. 383 §4, 1975; Ord. 89 §7, 1968).

#### **9.48.080 Penalty for violation.**

Upon conviction of violation of this chapter, the guilty party, or parties, shall be subject to a fine of not more than \$500.00. (Ord. 1050 §7, 1997; Ord. 89 §8, 1968).