

Ordinance No. 96619

AN ORDINANCE 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, and defining offenses and prescribing penalties, and declaring an emergency therefor.

Council Bill No. 88150

INTRODUCED: APRIL 6, 1968	BY: BEST, CARROLL, EDWARDS, HILL, LAMPHERE, SMITH
REFERRED: APR 9 1968	TO: COMMITTEE OF WHOLE
REFERRED:	
REPORTED: APR 19 1968	SECOND READING: APR 19 1968
THIRD READING: APR 19 1968	SIGNED: APR 19 1968
PRESENTED TO MAYOR: APR 19 1968	APPROVED: APR 19 1968
RETD. TO CITY CLERK APR 19 1968	PUBLISHED: APR 20 1968
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ENGROSSED:	BY:
VOL. _____ PAGE _____	

96619

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

*Repealed
102843* Section 1. Definitions. Definitions as used in this ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- (1) "Housing Accommodations" shall include any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the City of Seattle 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 organizations, 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 established residence or 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) "Person 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 Seattle Human Rights Commission established by Ordinance 92191.

*Repealed
102843*

Section 2. 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 of Seattle in the exercise of its police power.

*Repealed
102843*

Section 3. 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.

(b) 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 indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, or national origin.

(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 this 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.

Repealed
102843

Section 4. Enforcement Procedures.

(1) A statement alleging a violation of this ordinance may be made by the Commission itself or by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the Commission within ninety (90) days after the alleged discriminatory act, and shall contain such particulars as the Commission, by regulation, may require. The Commission shall promptly furnish a copy of such statement to the party charged.

(2) The Commission shall investigate all charges filed with it, proceeding in each case in such manner as it deems appropriate. If, after such inquiry and hearings as the Commission considers proper, the Commission determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

(3) If the Commission determines, after such investigation that probable cause exists to believe that an unfair housing practice has occurred, it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

(4) If, upon all the evidence, the Commission finds that the respondent has engaged in any unfair practice, it shall forward its file to the Mayor who shall see that this ordinance is enforced as provided in Seattle Charter Article V, Sec. 2.

(5) The Commission, in the performance of its functions, may enlist the aid of all the departments of the City government, and all said departments are hereby directed to fully cooperate with the Commission.

(6) The Commission, in carrying out the specific duties imposed by this ordinance, may request the aid of said City Council through its proper committees in the conduct of any further investigation, including the use of its subpoena powers.

*Repealed
162843* Section 5. Rules. The Commission may adopt such rules and regulations as it deems necessary not inconsistent with the provisions of this ordinance.

*Repealed
162843* Section 6. Exclusions. Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of single family dwelling, wherein the owner or person entitled to possession thereof normally maintains, or intends to maintain his residence, home or abode.

(2) 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 race, color, religion, ancestry or national origin.

*Repealed
162843* Section 7. Penalty. Upon conviction of violation of this ordinance, the guilty party or parties shall be subject to a fine of not more than \$500.00

Section 8. 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 9. Findings of Fact and Emergency Clause:

(1) The population of the City of Seattle consists of people of every race, color, religion, ancestry, and national origin, many of whom are compelled to live in circumscribed and segregated areas, under substandard, unhealthful, unsafe, unsanitary, and overcrowded living conditions, because of discrimination in the sale, lease, rental, and financing of housing;

(2) These conditions have caused increased mortality, disease, crime, vice, and juvenile delinquency, fires and risk of fires, intergroup tensions and other evils, thereby resulting in great injury to the public safety, public health, and general welfare of the City of Seattle, and reducing its productive capacity;

(3) The harmful effects produced by discrimination in housing also increase the cost of government and reduce the public revenues, thus imposing financial burdens upon the public for the relief and amelioration of the conditions so created;

(4) Discrimination in housing results in other forms of discrimination and segregation, including racial segregation in the public schools and other public facilities, which are prohibited by the Constitution of the United States of America, and are against the laws and policy of the State of Washington and the City of Seattle;

(5) Discrimination in housing adversely affects the continued redevelopment, renewal, growth, and progress of the City of Seattle;

(6) Recent and current increases in racial tensions, which are caused in large part by discrimination in housing, have interfered and threaten to continue to interfere with the orderly business of the City and its citizens, all of which require immediate corrective measures.

Therefore, in accordance with Article IV, Section 1, of the Charter of the City of Seattle, it is declared that it is necessary for the immediate preservation of the public peace, health and safety, that this ordinance shall be effective without delay, and that an emergency exists. This ordinance shall, therefore, become effective immediately upon its adoption and approval by the Mayor, or passage over his veto, if any, or when it shall become law without his approval.

PASSED by the City Council the 19 day of April 1968, and signed by me in open session in authentication of its passage this 19 day of April 1968.

G. L. C. Miller
President of the City Council

Approved by me this 19 day of April, 1968.

J. Branaman
Mayor

Filed by me this 19 day of April, 1968.

ATTEST:

C. J. Anderson
City Comptroller and City Clerk

By:

M. A. Paine
Deputy Clerk

(SEAL)

Published APR 20 1968

STATE OF WASHINGTON,
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO. 96619

was published on April 20, 1968



Subscribed and sworn to before me on

April 20, 1968



Notary Public for the State of Washington,
residing in Seattle.

(Note: RCW 42.38.060 states—"It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal.")

AN Ordinance 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, and defining offenses and prescribing penalties, and declaring an emergency therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DEFINITIONS. Definitions as used in this ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

(1) "Housing Accommodations" shall include any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the City of Seattle 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 organizations, 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 established residence or has the right to occupy 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 or 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) "Person 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 Seattle Human Rights Commission established by Ordinance 21281.

Section 2. 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 of Seattle in the exercise of its police power.

Section 3. UNFAIR HOUSING PRACTICES FORBIDDEN.

(1) No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent 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 exact or omit or withhold from a

callor for such financial assistance, or make any record of inquiry in connection with applications for such 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 of entries concerning race, color, religion, ancestry, or national origin in connection with the sale, rental, lease, or sublease of any housing accommodation.

(b) 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 indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, or national origin.

(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 this 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 4. ENFORCEMENT PROCEDURES.

(1) A statement alleging a violation of this ordinance may be made by the Commission itself or by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the Commission within ninety (90) days after the alleged discriminatory act, and shall contain such particulars as the Commission, by regulation, may require. The Commission shall promptly furnish a copy of such statement to the party charged.

(2) The Commission shall investigate all charges filed with it, proceeding in such case in such manner as it deems appropriate. If, after such inquiry and hearings as the Commission considers proper, the Commission determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

(3) If the Commission determines, after such investigation that probable cause exists to believe that an unfair housing practice has occurred, it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

(4) If, upon all the evidence, the commission finds that the respondent has engaged in any unfair practice, it shall forward its file to the Mayor who shall see that this ordinance is enforced as provided in Seattle Charter Article V, Sec. 2.

(5) The Commission in the performance of its functions, may enlist the aid of all the departments of the City government, and all said departments are hereby directed to fully cooperate with the Commission.

(6) The Commission, in carrying out the specific duties imposed by this ordinance, may request the aid of said City Council through its proper committees in the conduct of any further investigation, including the use of its subpoena powers.

Section 5. RULES. The Commission may adopt such rules and regulations as it deems necessary not inconsistent with the provisions of this ordinance.

Section 6. EXCLUSIONS. Nothing in this ordinance shall:

(1) Apply to the renting, sub-renting, leasing or subleasing of single family dwellings, wherein the owner or persons entitled to possession thereof actually maintain, or intend to maintain his residence, home or abode.

(2) 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 race, color, religion, ancestry or national origin.

Section 7. PENALTY. Upon conviction of violation of this ordinance, the guilty party or parties shall be subject to a fine of not more than \$100.00.

Section 8. SEVERABILITY. The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, void 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

legislature that it is necessary for the immediate preservation of the public peace, health and safety that this ordinance shall be effective without delay, and that an emergency exists. This ordinance shall, therefore, become effective immediately upon its adoption and approval by the Mayor, or passage over his veto, if any, or when it shall become law without his approval.

PASSED BY THE City Council the 15th day of April, 1968, and signed by me in open session in authentication of its passage this 15th day of April, 1968.

FLOYD C. MILLER, President of the City Council.

Approved by me this 15th day of April, 1968.

J. D. BRAMAN, Mayor.

Filed by me this 15th day of April, 1968.

Attest: C. G. ERLANDSON, City Comptroller and City Clerk.

(Seal) By W. A. PERINE, Deputy Clerk.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, April 20, 1968. (7-197)

to its subscribers during annexed notice, a

O. 96619

April 20, 1968

M. E. Brown

Subscribed and sworn to before

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D. J. [Signature]

Notary Public for the State of Washington residing in Seattle.

It shall not be necessary for a notary public to appear in this office, to appear on