



SEATTLE CITY COUNCIL

Legislative Summary

CB 119316

Record No.: CB 119316

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125639

In Control: City Clerk

File Created: 07/12/2018

Final Action: 08/07/2018

Title: AN ORDINANCE relating to the Human Rights Code; adding Section 8 or other subsidy program administrator to the definition of person; clarifying the difference between reasonable accommodation and reasonable modification; broadening coverage of unfair practices related to reasonable accommodations and reasonable modifications to any person; and amending Sections 14.08.020 and 14.08.040 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/17/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/19/2018	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						

Legislative Summary Continued (CB 119316)

- 1 City Council 07/23/2018 referred Civil Rights,
Utilities,
Economic
Development, and
Arts Committee
- Action Text:** The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee
- Notes:**
- 1 Civil Rights, Utilities, 07/24/2018 pass as amended Pass
Economic Development,
and Arts Committee
- Action Text:** The Committee recommends that City Council pass as amended the Council Bill (CB).
In Favor: 2 Chair Herbold, Vice Chair Sawant
Opposed: 0
- 2 City Council 07/30/2018 passed Pass
- Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- Notes:**
- In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember
Herbold, Councilmember Johnson, Councilmember Juarez,
Councilmember Mosqueda, Councilmember O'Brien, Councilmember
Sawant
- Opposed: 0
- 2 City Clerk 08/02/2018 submitted for Mayor
Mayor's signature
- 2 Mayor 08/06/2018 Signed
- Action Text:** The Council Bill (CB) was Signed.
- Notes:**
- 2 Mayor 08/07/2018 returned City Clerk
- Action Text:** The Council Bill (CB) was returned. to the City Clerk
- Notes:**
- 2 City Clerk 08/07/2018 attested by City Clerk
- Action Text:** The Ordinance (Ord) was attested by City Clerk.
- Notes:**
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CITY OF SEATTLE
ORDINANCE 125639
COUNCIL BILL 119316

AN ORDINANCE relating to the Human Rights Code; adding Section 8 or other subsidy program administrator to the definition of person; clarifying the difference between reasonable accommodation and reasonable modification; broadening coverage of unfair practices related to reasonable accommodations and reasonable modifications to any person; and amending Sections 14.08.020 and 14.08.040 of the Seattle Municipal Code.

WHEREAS, subsection 14.08.040.D of the Seattle Municipal Code (SMC) makes it an unfair practice to deny reasonable accommodations to persons with disabilities; and

WHEREAS, on Monday, March 5, 2018, the Court of Appeals for the State of Washington, Division I, issued its decision in *Seattle Hous. Auth. v. City of Seattle*, 416 P.3d 1280 (2018), holding that SMC 14.08.040.D does not apply to the Seattle Housing Authority when acting in its capacity as a voucher administrator; and

WHEREAS, the Court of Appeals' opinion noted that "if the City wishes to extend the unfair practice requirement of SMC 14.08.040.D to include a requirement that Section 8 program administrators like SHA make reasonable accommodation....it can amend the SMC accordingly." (*Seattle Hous. Auth. v. City of Seattle*, 416 P.3d at 1286); and

WHEREAS, this legislation is in direct response to the *Seattle Hous. Auth. v. City of Seattle* case to clarify the classes of persons required to make reasonable accommodations to Section 8 or other subsidy program recipients under the SMC; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 125576, is amended by amending a definition and adding a new definition as follows:

14.08.020 Definitions

Definitions as used in this Chapter 14.08, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

* * *

"Person" means one or more individuals, partnerships, organizations, trade or professional associations, corporations, municipal corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It includes any owner, lessee, proprietor, manager, agent or employee, Section 8 or other subsidy program administrator, whether one or more natural persons, and any political or civil subdivision or agency or instrumentality of the City.

* * *

"Section 8 or other subsidy program administrator" means any person or entity that administers Section 8 or other subsidy programs, including but not limited to issuance, management, modification or denial of program benefits.

* * *

Section 2. Section 14.08.040 of the Seattle Municipal Code, last amended by Ordinance 125114, is amended as follows:

14.08.040 Unfair practices – Generally

* * *

D. It is an unfair practice for a person to:

1. Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy any dwelling.

2. ~~((It is an unfair practice to p))~~ Prohibit reasonable modifications needed by a current or prospective disabled tenant. Whether or not ~~((the landlord))~~ a person permits current

1 or prospective tenants in general to make alterations or additions to a structure or fixtures, it is an
2 unfair practice (~~((for a landlord to refuse to make reasonable accommodations in rules, policies,~~
3 ~~practices, or services, when such accommodations may be necessary to afford a disabled person~~
4 ~~equal opportunity to use and enjoy any dwelling, or))~~ to refuse to allow alterations or additions to
5 existing premises occupied or to be occupied by a disabled person which are necessary to make
6 the rental property accessible by disabled persons, under the following conditions:

7 ((1-)) a. The ((landlord)) person allowing the alterations or additions is not
8 required to pay for the alterations, additions, or restoration unless otherwise required by federal
9 law;

10 ((2-)) b. The ((landlord)) person has the right to demand assurances that all
11 modifications will be performed pursuant to local permit requirements, in a professional manner,
12 and in accordance with applicable building codes;

13 ((3-)) c. The ((landlord)) person may, where it is reasonable to do so, condition
14 permission for modification on the current or prospective tenant's agreement to restore the
15 interior of the premises to its pre-existing condition, reasonable wear and tear excepted.

16 * * *

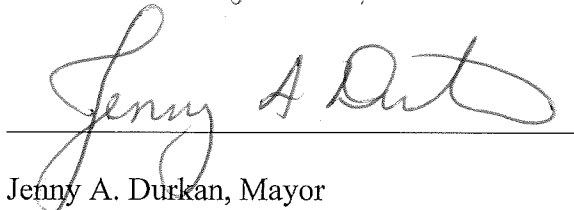
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 30th day of July, 2018,
and signed by me in open session in authentication of its passage this 30th day of
July, 2018.



President _____ of the City Council

Approved by me this 6th day of August, 2018.


Jenny A. Durkan, Mayor

Filed by me this 6th day of AUGUST, 2018.



Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

365020

No. 34,35,36,37,38,39

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

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

CT:ORDINANCE 125632.33

was published on

08/16/18

The amount of the fee charged for the foregoing publication is the sum of \$161.64 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

08/16/2018

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on July 30, 2018, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125632

Council Bill 119303

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 159 of the Official Land Use Map to rezone property located at 5201 Rainier Avenue South from Neighborhood Commercial 2 with 40-foot height limit (NC2-40) to Neighborhood Commercial 3 with a 65-foot height limit and a M1 suffix (NC3-65(M1)), and accepting a Property Use and Development Agreement as a condition of rezoning approval. (Petition by Hugh Schaeffer, S+H Works, LLC, C.F. 314311, SDCI Project 3018378)

Ordinance 125633

Council Bill 119320

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125634

Council Bill 119305

AN ORDINANCE relating to street and sidewalk use fees; adopting a Free-Floating Bike Share Program Fee Schedule; and amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475), by increasing appropriations to the Seattle Department of Transportation; all by a 3/4 vote of the City Council.

Ordinance 125635

Council Bill 119306

AN ORDINANCE relating to appropriations for the Seattle Department of Transportation's Delridge Multimodal Corridor Project; amending Ordinance 125475, which adopted the 2018 Budget; and lifting a proviso.

Ordinance 125636

Council Bill 119298

AN ORDINANCE relating to the Municipal Art Fund; amending Section 20.32.030 of the Seattle Municipal Code to remove the timing limitation on the use of funding.

Ordinance 125637

Council Bill 119309

AN ORDINANCE related to appropriations for the Office for Civil Rights; amending Ordinance 125493, which amended the 2018 Budget (Ordinance 125475); and lifting a proviso imposed on the Office for Civil Rights for funding a comprehensive community-based youth diversion program by Green Sheet 97-1-B-1.

Ordinance 125638

Council Bill 119314

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights to be surplus to the needs of Seattle Public Utilities; and authorizing the General Manager and CEO of Seattle Public Utilities to grant a water utility easement to the Ryan-GHC Two, LLC, a limited liability company of the state of Delaware to use certain City of Seattle property in the Northeast Quarter of Section 25, Township 23 North, Range 4 East, W.M., in King County, Washington for the purpose of constructing, operating, and maintaining a storm drain pipeline crossing the City of Seattle's Bow Lake Pipeline right-of-way.

Ordinance 125639

Council Bill 119316

AN ORDINANCE relating to the Human Rights Code; adding Section 8 or other subsidy program administrator to the definition of person; clarifying the difference between reasonable accommodation and reasonable modification; broadening coverage of unfair practices related to reasonable accommodations and reasonable modifications to any person; and amending Sections 14.08.020 and 14.08.040 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, August 16, 2018.

8/16(365020)