

ORDINANCE NO. 1998-08-067

AN ORDINANCE RELATING TO FAIR HOUSING PRACTICES AND AMENDING SECTIONS 10.48.010 AND 10.48.040 OF THE BELLINGHAM MUNICIPAL CODE TO ADD TWO NEW SUBSECTIONS TO 10.48.010 TO DEFINE "DISABILITY" AND "FAMILIAL STATUS", TO ADD FAMILIAL STATUS AND DISABILITY AS IMPERMISSIBLE GROUNDS FOR UNFAIR HOUSING PRACTICES, AND TO ADD A NEW SUBSECTION PERMITTING DISABLED PERSONS TO MAKE REASONABLE MODIFICATIONS TO A RESIDENCE.

WHEREAS, when Chapter 10.48 Fair Housing Practices was originally adopted it did not specify that familial status and disability are impermissible grounds for unfair housing practices; and

WHEREAS, the Fair Housing Act (42 U.S.C. 3601) prohibits discrimination in housing practices based on familial status or disability; and

WHEREAS, the City of Bellingham in its efforts to prevent discrimination in housing practices complies with those standards set forth in the Fair Housing Act; and

WHEREAS, the definition of "disability" should be added to the definition section of the Fair Housing Chapter (BMC 10.48) as it is a term used in more than one section of this chapter; and

WHEREAS, the definition of "familial status" should be added to the definition section of the Fair Housing Chapter (BMC 10.48) as it is a term used in more than one section of this chapter; and

WHEREAS, when the Fair Housing Chapter (BMC 10.48) was originally adopted it did not contain a provision allowing disabled persons to make reasonable modifications to a residence; and

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WHEREAS, the Fair Housing Act (42 U.S.C. 3601) does contain such a provision (Section 804(f)(3)(A));

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code section 10.48.030 is amended to read as follows:

A. No owner, lessor, lessee, sublessee, subtenant assignee, occupant, 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 expel or evict an occupant from a housing accommodation, or discriminate in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such housing accommodation or in the furnishing of facilities or services in the connection therewith because of the race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex

B. It shall be unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability.

1. For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modification of existing premises occupied or to be occupied by such person, including common use areas, if such modification may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises as the condition that existed before the modification, reasonable wear and tear excepted.

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

2. Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

BC. A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex of an occupant, purchaser, prospective occupant, or prospective purchaser do any of the following:

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- (1) Refuse to list 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.

CD. 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 do any of the following:

- (1) Discriminate against any persons or group of persons because of race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex of such person or group of persons or of the prospective occupants or tenants of such 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 for such financial assistance, or make any record of inquiry in connection with application for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination on the ground of race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex.

DE. An owner, person, occupant, real estate broker, agent, salesman, employee, or lender shall not do anything of the following:

- (1) Require any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex 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 accommodation which indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex;

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(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 any order issued thereunder; or attempt, either directly or indirectly, to commit any act defined in this section to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this section.

Section 2: Bellingham Municipal Code section 10.48.040 is hereby amended to read as follows:

A. Nothing in this chapter shall apply to the renting, leasing, or subleasing of the following:

(1) A single-family dwelling wherein the owner or person entitled to possession thereof normally maintains or intends to maintain his residence, home or abode;

(2) A rooming unit within a dwelling, wherein the owner thereof normally maintains, or intends to maintain, his residence, home or abode;

B. Nothing in this chapter shall be interpreted to prohibit any person from making a choice from among prospective occupants of any housing accommodation on the basis of factors other than race, color, religion, ancestry, national origin, marital status, age, familial status, disability, or sex.

C. Nothing in this chapter shall be interpreted to prohibit or restrict the renting, leasing, subleasing, or sale of units to a particular age group in a multi-residential development, or portion thereof, where the ownership, rental or lease of dwelling units is uniformly restricted.

Section 3. Section 10.48.010 shall be amended to read as follows:

A. [No change].

B. [No change].

C. "Disability" means, with respect to a person:

(1) A physical or mental impairment which substantially limits one or more of a person's major life activities;

(2) A record of such impairment; or

(3) Being regarded as having such an impairment.

Such term does not include current, illegal use of or addiction to a controlled substance.

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D. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or another person having legal custody of such individual(s); or
- (2) The designee of such parent or other person having such custody, with the written permission of such person or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody or any individual who has not attained the age of 18 years.

EE. "Housing accommodations" includes any dwelling, or dwelling units, rooming units, rooming house, lot or parcel of land in the city which is used, intended to be used, or arranged or deigned to be used as, or improved with, a residential structure for one or more human beings.

EF. "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.

EG. "Occupant" includes any person who has established residence or has the right to occupancy of a housing accommodation.

FH. "Owners" includes 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.

GI. "Person" includes one or more individuals, partnerships, association, or other organizations, trade or professional association, corporation, legal representatives, trustee, trustees in bankruptcy, and receivers; it includes owner, occupants, real estate brokers, agents, salesmen, employees, and lenders as defined in subsection D of this section.

HJ. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed.

IK. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.

JL. "Prospective occupant: includes any person who seeks to purchase, lease, sublease, or rent a housing accommodation.

KM. "Real estate agent," "salesman," or "employees" 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 function of a real estate broker.

EN. "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 who holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or who collects the rent for the use of a housing accommodation of another.

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

NP. "Unfair housing practice" means any act prohibited by this chapter.

PASSED by Council this 24th day of AUGUST, 1998.

Bob Ryan
Council President

APPROVED this 3rd day of September, 1998.

Mark Haun
Mayor

ATTEST: Jayne Carpenter
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

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