

ORDINANCE NO. 1144

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, DEFINING AND PROHIBITING UNFAIR HOUSING PRACTICES IN 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 FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

WHEREAS, the City of Kirkland lies within and is a part of a large metropolitan area, the population of which consists of people of every race, color, religion, ancestry and natural 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, and

WHEREAS, these conditions have caused increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fires, inter-group tensions and other evils, thereby resulting in great injury to the public safety, public health and general welfare of the entire metropolitan area, including the City of Kirkland, and reduces its productive capacity, and

WHEREAS, the harmful effects produced by this 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 and affects the continued redevelopment, renewal growth and progress of the City of Kirkland,

NOW, THEREFORE,

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 Kirkland which is used, intended to be used,

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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.

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(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.

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 Kirkland 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 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.

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(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.

Section 4. Exclusions. Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of single family dwellings, 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.

Section 5 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 6. Alternative Enforcement Procedures.

(1) A statement alleging a violation of this ordinance may be made by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the City Council within ninety (90) days after the alleged dis-

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criminy act, and shall contain such particulars as the Council, by regulation, may require. The Council shall promptly furnish a copy of such statement to the party charged.

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

(3) If the Council 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 Council finds that the respondent has engaged in any unfair practice, it shall forward its file to the City Manager for appropriate enforcement action, including prosecution for a violation of this ordinance in the Court having competent jurisdiction over violations of City of Kirkland ordinances.

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

(6) The Council, may adopt such rules and regulations as it deems necessary not inconsistent with the provisions of this ordinance.

Section 7. 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 or 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 8. This ordinance shall be in force and take effect five (5) days from and after its passage by the Council and publication as required by law.

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PASSED by the City Council at regular meeting on the 20th day  
of May, 1968.

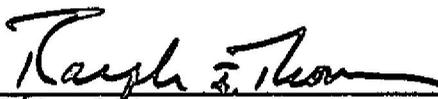
SIGNED in authentication thereof on the 20th day of  
May, 1968.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

  
\_\_\_\_\_  
City Attorney