

ORDINANCE 1050

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO UNFAIR HOUSING PRACTICES IN THE CITY, AMENDING PORTIONS OF CHAPTER 9.48 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 9.48.010 of the Lacey Municipal Code is hereby amended to read as follows:

**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 or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, ~~or~~ 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 or service dog by a disabled person, or race, color, religion, ancestry or national origin, sex, ~~or~~ marital status, families with children status or sexual orientation.

Section 2. Section 9.48.020A of the Lacey Municipal Code is hereby amended to read as follows:

**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 ~~"Commission"~~ means the Thurston County human rights commission established by Chapter 2.36 of this code;

Section 3. Section 9.48.040 of the Lacey Municipal Code is hereby amended to read as follows:

**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, ~~or~~ 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 his such person's race, color, religion, ancestry or national origin, sex, ~~or~~ 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, ~~or~~ 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, or 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, or 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, or 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, or 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.

Section 3. Section 9.48.050 of the Lacey Municipal Code is hereby amended to read as follows:

**9.48.050 Human rights commission.** Pursuant to authority contained in RCW 35.63, 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. ~~and is referred to in this chapter as the "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."

Section 4. Section 9.48.060 of the Lacey Municipal Code is hereby amended to read as follows:

**9.48.060 Enforcement proceedings.** All complaints or allegations of violations of this chapter shall be referred to the ~~commission council~~ for such assistance as may be rendered by the ~~commission council~~; provided, however, that the referral of complaints or allegations to the ~~commission council~~ 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.

Section 5. Section 9.48.070 of the Lacey Municipal Code is hereby amended to read as follows:

**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, or 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.

Section 6. Section 9.48.080 of the Lacey Municipal Code is hereby amended to read as follows:

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 ~~\$100.00~~ 500.00.

Section 7. The summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 23rd day of January, 1997.

CITY COUNCIL

By: Rancy Teleson  
Mayor

Attest:

Approved as to form:

Charfotte M. Taylor  
City Clerk

[Signature]  
City Attorney

Published: January 27, 1997  
Summary  
Monday

SUMMARY FOR PUBLICATION

ORDINANCE 1050

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on JANUARY 23, 1997, Ordinance No. 1050 entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, RELATING TO UNFAIR HOUSING PRACTICES IN THE CITY, AMENDING PORTIONS OF CHAPTER 9.48 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION"

The main points of the ordinance are described as follows:

The ordinance amends Chapter 9.48 of the Lacey Municipal Code to prohibit discrimination not only on the basis of race, color, religion, ancestry or national original, sex or marital status, but also to prohibit such discrimination on the basis of families with children status, sexual orientation, the presence of any sensory, mental or physical disability, or the use of a trained guide dog or service dog by a disabled person.

The ordinance also references the Thurston Council on Cultural Diversity and Human Rights as the successor to the Thurston County Human Rights Commission.

In addition, the amendatory ordinance makes the existing chapter consistent with the provisions and exemptions of state law regarding discrimination in real estate transactions, facilities and services.

Finally, the ordinance increases the penalty for its violation from a fine of not more than \$100.00 to a fine of not more than \$500.00.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: JANUARY 27, 1997.  
*Monday*

*Charlotte M. Taylor*  
*City Clerk*

**RCW 49.60.222 Unfair practices with respect to real estate transactions, facilities, or services**

(2) For the purposes of this chapter 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 includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, 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 dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

(b) To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person equal opportunity to use and enjoy a dwelling; or

(c) To fail to design and construct covered multifamily dwellings and premises in conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained guide dog or service dog. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

**For Council information; the reference in LMC Section 9.48.070E is the portion of the statute set forth above.**