

ORDINANCE NO. 89

CITY OF LACEY

AN ORDINANCE DEFINING AND PROHIBITING UNFAIR HOUSING PRACTICES IN THE SALE AND OFFERING FOR SALE, IN THE RENTAL AND OFFERING FOR RENT AND IN THE FINANCING OF HOUSING ACCOMMODATIONS AND DEFINING OFFENSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LACEY:

Section 1. Declaration of Policy.

It is hereby declared to be the policy of the City of Lacey 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 race, color, religion, ancestry or national origin, 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 race, color, religion or national origin.

Section 2. 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 Lacey 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 resident 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 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 Thurston County Human Rights Commission established by Ordinance No. _____.

Section 3. 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 Lacey in the exercise of its police power.

Section 4. 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.

Section 5. Human Rights Commission.

Pursuant to authority contained in Chapter 239 of the Laws of 1967, 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 said municipalities, said commission to be known as the "Thurston County Human Rights Commission" and is referred to in this ordinance as the "commission."

Section 6. Enforcement Proceedings.

All complaints or allegations of violations of this ordinance shall be referred to the commission and processed in the manner prescribed in Ordinance No. 90 of the City of Lacey.

Section 7. Exclusions.

Noting in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of single family dwelling, wherein the owners or persons entitled to possession thereof normally maintain, or intend to maintain, their residences, homes or abodes.

(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 8. Penalty.

Upon conviction of violation of this ordinance, the guilty party, or parties, shall be subject to a fine of not more than one hundred dollars (\$100.00).

Section 9. 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, such 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 that this ordinance would have been adopted if such

illegla, 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 10. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED this 23rd day of may, 1968.

E. B. Hermann
MAYOR

APPROVED AS TO FORM:

Conrad Berquell
CITY ATTORNEY

ATTEST:

Maureen Drien
CITY CLERK

PASSED: 5-23-68

POSTED: _____

PUBLISHED: ✓