

Council Bill 118755: Proposed Amendment for August 8, 2016 Full Council

Sponsor: Councilmember Herbold – Amendment 4

Section 2. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 124829, is amended as follows:

14.08.020 Definitions ((-))

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“Ensuring meaningful access” means the ability of a person with limited English proficiency to use or obtain language assistance services or resources to understand and communicate effectively, including, but not limited to, translation or interpretation services.

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Section 5. A new Section 14.08.050 is added to the Seattle Municipal Code as follows:

14.08.050 First-in-time

A. Effective January 1, 2017, it is an unfair practice for a person to fail to:

1. provide notice to a prospective occupant, in writing or by posting in the office of the person leasing the unit or in the building where the unit is physically located and, if existing, on the website advertising rental of the unit, in addition to and at the same time as providing the information required by RCW 59.18.257(1), of:

a. the criteria the owner will use to screen prospective occupants and the minimum threshold for each criterion that the potential occupant must meet to move forward in the application process; including, ~~to the extent reasonably foreseeable,~~ any different or additional criteria that will be used if the owner chooses to conduct an individualized assessment related to criminal records.

b. all information, documentation, and other submissions necessary for the owner to conduct screening using the criteria stated in the notice required in subsection 14.08.050.A.1.a. A rental application is considered complete when it includes all the information, documentation, and other submissions stated in the notice required in this subsection 14.08.050.A.1.b. Lack of a material omission in the application by a prospective occupant will not render the application incomplete.

c. information explaining how to request additional time to complete an application to either ensure meaningful access to the application or a reasonable accommodation and how fulfilling the request impacts the application receipt date, pursuant to subsection 14.08.050.B and C.

d. the applicability to the available unit of the exceptions stated in subsections 14.08.050.A.4.a and b.

2. note the date and time of when the owner receives a completed rental application, whether submitted through the mail, electronically, or in person.

3. screen completed rental applications in chronological order as required in subsection 14.08.050.A.2 to determine whether a prospective occupant meets all the screening criteria that are necessary for approval of the application. If, after conducting the screening, the owner needs more information than was stated in the notice required in subsection 14.08.050.A.1.b to determine whether to approve the application or takes an adverse action as described in RCW 59.18.257(1)(c) ~~and or~~ decides to conduct an individualized assessment, the application shall not be rendered incomplete. The owner shall notify the prospective occupant in writing, by phone, or in person of what additional information is needed, and the specified period of time (at least 72 hours) that the prospective occupant has to provide the additional

information. The owner's failure to provide the notice required in this subsection 14.08.050.A.3 does not affect the prospective occupant's right to 72 hours to provide additional information. If the additional information is provided within the specified period of time, the original submission date of the completed application for purposes of determining the chronological order of receipt will not be affected. If the information is not provided by the end of the specified period of time, the owner may consider the application incomplete or reject the application.

4. offer tenancy of the available unit to the first prospective occupant meeting all the screening criteria necessary for approval of the application. If the first approved prospective occupant does not accept the offer of tenancy for the available unit within 48 hours of when the offer is made, the owner shall review the next completed rental application in chronological order until a prospective occupant accepts the owner's offer of tenancy. This subsection 14.08.050.A.4 does not apply when the owner:

a. is legally obligated to set aside the available unit to serve specific vulnerable populations;

b. voluntarily agrees to set aside the available unit to serve specific vulnerable populations, including but not limited to homeless persons, survivors of domestic violence, persons with low income, and persons referred to the owner by non-profit organizations or social service agencies.

B. If a prospective occupant requires additional time to submit a complete rental application because of the need to ensure meaningful access to the application, ~~including but not limited to the need for a translator or an application in a different language,~~ or for a reasonable accommodation, the prospective occupant must make a request to the owner. The owner shall document the date and time of the request and it will serve as the date and time of receipt for

purposes of determining the chronological order of receipt pursuant to subsection 14.08.050.A.2. The owner shall not unreasonably deny a request for additional time. If the request for additional time is denied, the date and time of receipt of the complete application shall serve as the date and time of receipt pursuant to subsection 14.08.050.A.2. This subsection 14.08.050.B does not diminish or otherwise affect any duty of an owner under local, state, or federal law to grant a reasonable accommodation to an individual with a disability.

C. To maintain the prospective occupant's chronological position noted at the time of notice, the owner may require that the prospective occupant provide reasonable documentation of the need for additional time to ensure meaningful access along with the completed application. The owner must notify the prospective occupant at the time the owner grants any request for additional time if the owner will require submission of reasonable documentation. If such notice is given and reasonable documentation is not provided with the completed application, the owner may change the date and time of receipt from when the request was made to the date and time the complete application is submitted. This subsection 14.08.050.C applies only to requests for additional time based on the need to ensure meaningful access to the application. It does not apply to requests for reasonable accommodation.