



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119316

Record No.: CB 119316

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125639

In Control: City Clerk

File Created: 07/12/2018

Final Action: 08/07/2018

**Title:** AN ORDINANCE relating to the Human Rights Code; adding Section 8 or other subsidy program administrator to the definition of person; clarifying the difference between reasonable accommodation and reasonable modification; broadening coverage of unfair practices related to reasonable accommodations and reasonable modifications to any person; and amending Sections 14.08.020 and 14.08.040 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/17/2018	sent for review	Council President's Office			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office						
	<b>Notes:</b>						
1	Council President's Office	07/19/2018	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	<b>Action Text:</b> The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	<b>Notes:</b>						

**Legislative Summary Continued (CB 119316)**

---

- 1 City Council 07/23/2018 referred Civil Rights,  
Utilities,  
Economic  
Development, and  
Arts Committee  
**Action Text:** The Council Bill (CB) was referred. to the Civil Rights, Utilities, Economic Development, and Arts  
Committee  
**Notes:**
- 1 Civil Rights, Utilities, 07/24/2018 pass as amended Pass  
Economic Development,  
and Arts Committee  
**Action Text:** The Committee recommends that City Council pass as amended the Council Bill (CB).  
In Favor: 2 Chair Herbold, Vice Chair Sawant  
Opposed: 0
- 2 City Council 07/30/2018 passed Pass  
**Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:  
**Notes:**  
In Favor: 8 Councilmember Bagshaw, Council President Harrell, Councilmember  
Herbold, Councilmember Johnson, Councilmember Juarez,  
Councilmember Mosqueda, Councilmember O'Brien, Councilmember  
Sawant  
Opposed: 0
- 2 City Clerk 08/02/2018 submitted for Mayor  
Mayor's signature
- 2 Mayor 08/06/2018 Signed  
**Action Text:** The Council Bill (CB) was Signed.  
**Notes:**
- 2 Mayor 08/07/2018 returned City Clerk  
**Action Text:** The Council Bill (CB) was returned. to the City Clerk  
**Notes:**
- 2 City Clerk 08/07/2018 attested by City Clerk  
**Action Text:** The Ordinance (Ord) was attested by City Clerk.  
**Notes:**
-

CITY OF SEATTLE

ORDINANCE 125639

COUNCIL BILL 119316

AN ORDINANCE relating to the Human Rights Code; adding Section 8 or other subsidy program administrator to the definition of person; clarifying the difference between reasonable accommodation and reasonable modification; broadening coverage of unfair practices related to reasonable accommodations and reasonable modifications to any person; and amending Sections 14.08.020 and 14.08.040 of the Seattle Municipal Code.

WHEREAS, subsection 14.08.040.D of the Seattle Municipal Code (SMC) makes it an unfair practice to deny reasonable accommodations to persons with disabilities; and

WHEREAS, on Monday, March 5, 2018, the Court of Appeals for the State of Washington, Division I, issued its decision in *Seattle Hous. Auth. v. City of Seattle*, 416 P.3d 1280 (2018), holding that SMC 14.08.040.D does not apply to the Seattle Housing Authority when acting in its capacity as a voucher administrator; and

WHEREAS, the Court of Appeals' opinion noted that "if the City wishes to extend the unfair practice requirement of SMC 14.08.040.D to include a requirement that Section 8 program administrators like SHA make reasonable accommodation...it can amend the SMC accordingly." (*Seattle Hous. Auth. v. City of Seattle*, 416 P.3d at 1286); and

WHEREAS, this legislation is in direct response to the *Seattle Hous. Auth. v. City of Seattle* case to clarify the classes of persons required to make reasonable accommodations to Section 8 or other subsidy program recipients under the SMC; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 125576, is amended by amending a definition and adding a new definition as follows:

**14.08.020 Definitions**

1 Definitions as used in this Chapter 14.08, unless additional meaning clearly appears from the  
2 context, shall have the meanings subscribed:

3 \* \* \*

4 "Person" means one or more individuals, partnerships, organizations, trade or  
5 professional associations, corporations, municipal corporations, legal representatives, trustees,  
6 trustees in bankruptcy and receivers. It includes any owner, lessee, proprietor, manager, agent or  
7 employee, Section 8 or other subsidy program administrator, whether one or more natural  
8 persons, and any political or civil subdivision or agency or instrumentality of the City.

9 \* \* \*

10 "Section 8 or other subsidy program administrator" means any person or entity that  
11 administers Section 8 or other subsidy programs, including but not limited to issuance,  
12 management, modification or denial of program benefits.

13 \* \* \*

14 Section 2. Section 14.08.040 of the Seattle Municipal Code, last amended by Ordinance  
15 125114, is amended as follows:

16 **14.08.040 Unfair practices – Generally**

17 \* \* \*

18 D. It is an unfair practice for a person to:

19 1. Refuse to make reasonable accommodations in rules, policies, practices, or  
20 services, when such accommodations may be necessary to afford a disabled person equal  
21 opportunity to use and enjoy any dwelling.

22 2. ((It is an unfair practice to p))Prohibit reasonable modifications needed by a  
23 current or prospective disabled tenant. Whether or not ((the landlord)) a person permits current

1 or prospective tenants in general to make alterations or additions to a structure or fixtures, it is an  
2 unfair practice ((for a landlord to refuse to make reasonable accommodations in rules, policies,  
3 practices, or services, when such accommodations may be necessary to afford a disabled person  
4 equal opportunity to use and enjoy any dwelling, or)) to refuse to allow alterations or additions to  
5 existing premises occupied or to be occupied by a disabled person which are necessary to make  
6 the rental property accessible by disabled persons, under the following conditions:

7 ((1-)) a. The ((landlord)) person allowing the alterations or additions is not  
8 required to pay for the alterations, additions, or restoration unless otherwise required by federal  
9 law;

10 ((2-)) b. The ((landlord)) person has the right to demand assurances that all  
11 modifications will be performed pursuant to local permit requirements, in a professional manner,  
12 and in accordance with applicable building codes;

13 ((3-)) c. The ((landlord)) person may, where it is reasonable to do so, condition  
14 permission for modification on the current or prospective tenant's agreement to restore the  
15 interior of the premises to its pre-existing condition, reasonable wear and tear excepted.

16 \* \* \*

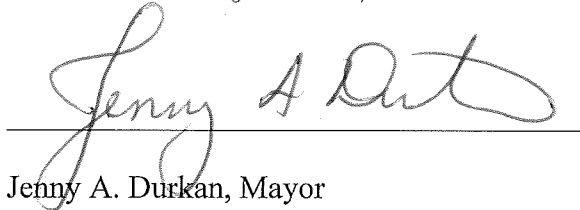
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 30<sup>th</sup> day of July, 2018,  
5 and signed by me in open session in authentication of its passage this 30<sup>th</sup> day of  
6 July, 2018.

7 

8 President \_\_\_\_\_ of the City Council

9 Approved by me this 6<sup>th</sup> day of August, 2018.

10   
11 Jenny A. Durkan, Mayor

12 Filed by me this 6<sup>th</sup> day of AUGUST, 2018.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)