



Legislation Text

File #: CB 119316, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

* * *

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

* * *

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

* * *

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

14.08.040 Unfair practices - Generally

* * *

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

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

2. ~~((It is an unfair practice to p))~~ Prohibit reasonable modifications needed by a current or

~~prospective disabled tenant. Whether or not ((the landlord)) a person permits current or prospective tenants in general to make alterations or additions to a structure or fixtures, it is an unfair practice ((for a landlord to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy any dwelling, or)) to refuse to allow alterations or additions to existing premises occupied or to be occupied by a disabled person which are necessary to make the rental property accessible by disabled persons, under the following conditions:~~

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

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

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

* * *

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

Passed by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)