

Amendment 1 Version 1 to CB 121259 – Do Not Solicit ORD

Sponsor: Councilmember Foster

Create an unfair housing practice when someone who solicits a residential property owner who does not want to sell or be solicited fails to disclose their contact information.

Effect: This amendment would add an unfair practice related to failure to disclose contact and other identifying information. It would only apply when a residential property owner who does not want to sell or be solicited has been solicited. As a result, someone who solicits when a homeowner does not want to be solicited and fails to disclose their contact information could be issued a citation for two violations—one for unwanted solicitation and another for failure to disclose contact information.

Amend Section 2 of CB 121259 and renumber subsequent sections and subsections as follows:

14.08.042 Unfair practices — Solicitation

A.

1. It is an unfair practice for any person, including but not limited to, any real estate broker or real estate agent, salesperson, or employee, to solicit at any time after such person has notice that any residential property owner does not desire to sell such residential property, or does not desire to be solicited.

2. The Director is authorized to create and maintain a public Do Not Solicit List of residential property owners who have expressed a desire not to be solicited. Any residential property owner who has been solicited and does not desire to be solicited may request to have their name and address put on the Do Not Solicit List. Any residential property owner who appears on the Do Not Solicit List may request in writing that the Director remove their name and address from the Do Not Solicit List. The Director will then update the Do Not Solicit List with requested inclusions and removals within 30 days of such a request. The Director may remove entries from the

Do Not Solicit List if the person listed is no longer the residential property owner of the listed address. The Do Not Solicit List shall be used solely to determine whether solicitation is prohibited under this Section 14.08.042. Using the Do Not Solicit List, or any information derived from it for commercial purposes is an unfair practice under this Section 14.08.042.

3. Publication of a residential property owner's name and address on the Do Not Solicit List constitutes notice to all persons, effective 30 days after the name and address first appear on the List, that the residential property owner does not desire to sell the residential property and does not desire to be solicited.

4. Notice of a residential property owner's desire not to sell their residential property or be solicited includes but is not limited to being on the Do Not Solicit List. Residential property owners may notify any person of their desire not to sell their residential property or be solicited in writing or orally.

B. It is a separate unfair practice for any person who violates subsection 14.08.042.A.1 to fail to plainly disclose the full legal name of the person making the solicitation and of any person on whose behalf the solicitation is made; and a valid physical mailing address and working telephone number.

* * *