

ORDINANCE NO. 6 6 5 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING A NEW SECTION 5.22.045 OF THE AUBURN CITY CODE, RELATED TO ADDITIONAL RENTAL HOUSING BUSINESS LICENSE CRITERIA FOR MULTI-FAMILY DWELLING UNITS

WHEREAS, the City of Auburn recognizes that discrimination in housing adversely and seriously affects the health, safety, and welfare of the community.

WHEREAS, there are several government programs that assist very low income families, the elderly, veterans, and people with disabilities with financial subsidies that allow them to afford decent, safe, and sanitary housing in the private market.

WHEREAS, a significant number of people have difficulty securing adequate rental housing without financial assistance, and it is essential to assure that housing is available to those people.

WHEREAS, housing rental rates are rapidly rising in the Puget Sound region, and the number of affordable units is decreasing as rents increase, which, in turn, disfavors low-income tenants and those receiving government assistance.

WHEREAS, when families lose their homes because of income source based discrimination, they often lack funds to move, risk being unable to find replacement housing close to their workplace, risk becoming homeless, and risk disruption to their children's education and social development by being forced to move away from their friends and schools.

WHEREAS, citywide and countywide planning policies seek to promote fairness in housing for residents of all abilities, ages, races, and incomes.

WHEREAS, participation by landlords in these housing assistance programs provides a reliable, steady source of rental income.

WHEREAS, some state financial assistance programs are only available to landlords in cities that have passed ordinances that prohibit denying tenancy based solely on the applicant's source of income.

WHEREAS, the Auburn City Council has determined that prohibiting landlords from denying tenants the opportunity to rent housing solely because the tenant proposes to use government financial assistance will promote the health, safety, and welfare of the community; and

WHEREAS, it would be advantageous for the City of Auburn to add source of income discrimination concerns as criteria applicable to multi-family rental housing as a part of the City's Rental housing business license program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New Section to City Code. A new Section 5.22.045 to the Auburn City Code, entitled "Additional rental housing business license criteria for multi-family dwelling units," is created to read as follows:

5.22.045 Additional rental housing business license criteria for multi-family dwelling units.

In addition to the business license criteria set forth in section 5.20 2.040 of this chapter, rental housing businesses consisting of multi-family dwelling units shall comply with the following license requirements:

A. Property owners, property managers, landlords, and their agents, who offer for rent or lease "multi-family dwelling units" as defined in this section may not refuse to rent or lease a such a dwelling unit to any residential tenant or prospective residential tenant or otherwise discriminate or retaliate against any residential tenant or prospective residential tenant solely on the basis that the person proposes to pay a portion of the rent from a "source of income" as defined in this section.

B. If property owners, property managers, landlords, and/or their agents elect to use a rent to income ratio in the rent calculation process any form of income, such as a rent voucher or subsidy, shall be deducted from the total monthly rent calculation for meeting income criteria in the rental screening process.

C. For the purposes hereof, the following definitions shall apply:

1. "Multi-family dwelling units" means housing where two or more separate housing units for residential inhabitants are contained within one building or several buildings within one complex.

2. "Source of income" includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local subsidy programs, including housing assistance, public assistance, and general assistance programs.

D. The provisions of this section shall not apply if the dwelling unit does not qualify for participation in the tenant's "source of income" program. However, any property owner, manager or agent that refuses to rent a dwelling unit to a person based upon the proposed use of funds from a "source of income" must notify that person in writing of the reasons why the dwelling unit is ineligible for participation in the particular "source of income" program. Refusal to allow a health and safety inspection of the property by a public housing authority or subsidy program inspector shall not be considered a legitimate basis for refusing to rent due to program ineligibility.

E. The provisions of this section shall not apply where one portion of a duplex unit is owner occupied.

Section 3. Implementation. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 4. Severability. That the provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law.

INTRODUCED: MAY 15 2017
PASSED: MAY 15 2017
APPROVED: MAY 15 2017


CITY OF AUBURN

Nancy Backus
NANCY BACKUS, MAYOR

ATTEST:


Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:


Daniel B. Heid, City Attorney

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