

Renting in Seattle: Fair Housing



Seattle
Office for Civil Rights

Seattle Office for Civil Rights



OUR TEAMS

- Race & Social Justice
- Administrative
- Policy
- Enforcement

Fair Housing Overview

Workshop Objectives

Learn about illegal discrimination and responsibilities under the law

Understand how unconscious bias and micro-aggressions can lead to different treatment

Discuss best practices to promote fair housing and achieve equity

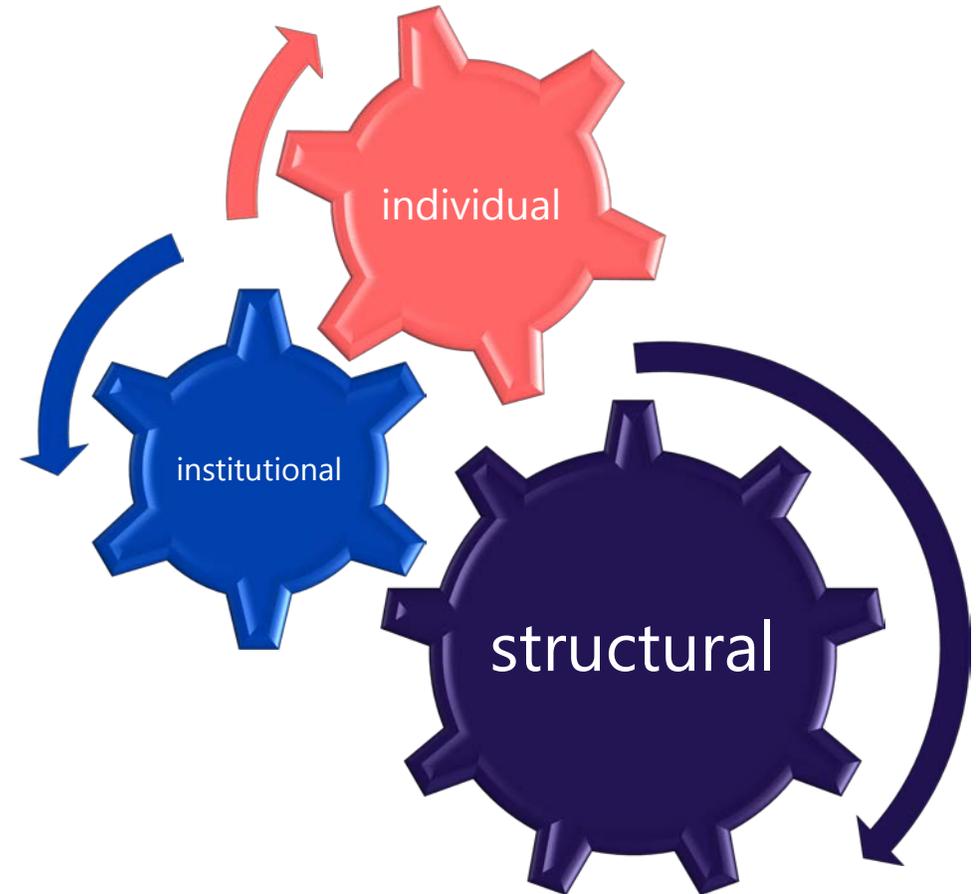
Why Equity?



Photo Credit: Seattle Municipal Archives

Why Fair Housing?

- Prohibit individual acts of discrimination
- Break down neighborhood segregation and the concentration of poverty
- Eliminate institutional acts of discrimination and segregation to “affirmatively further fair housing”



What is Fair Housing?

Fair housing is the right of everyone to have equitable access to housing and housing services. It applies to:

- Rentals and sales
 - Mortgages and appraisals
 - Insurance
 - Advertising
-

Fair Housing Coverage

Dwellings include:

- Apartments
- Houses
- Condos
- Rooming houses
- Transitional housing
- Mobile home parks
- Cooperatives



Applies to:

- Property owners
- Property managers
- Leasing agents
- Real estate agents
- Mortgage lenders
- Homeowner associations (HOA)
- Contractors (plumbing, cleaners, electricians)
- Advertising media
- Maintenance staff
- Other residents

Protected Classes

Can include:

- Multiple issues and bases
- Association with a member of a protected class
- Retaliation



Classes

- | | |
|--|---|
| <ul style="list-style-type: none">• Race• Color• National Origin• Religion• Sex• Disability• Familial Status• Marital Status• Sexual Orientation | <ul style="list-style-type: none">• Gender Identity• Veteran/Military Status• Age• Ancestry• Housing Choice Voucher (Section 8)• Political Ideology• Creed• Alternative Source of Income• Other Subsidies |
|--|---|

Unconscious Bias and Micro Aggressions

Video: Up in the Air



Unconscious Bias

- Learned positive and negative stereotypes
- Bias is pervasive
- Most people are unaware of their biases
- Bias levels vary and can change
- Biases predict behavior



Micro-Aggressions

Verbal and non-verbal behaviors, whether intentional or unintentional, that communicate a hostile, derogatory, or negative insults aimed at a protected class

- Micro-assault
 - Micro-insult
 - Micro-invalidation
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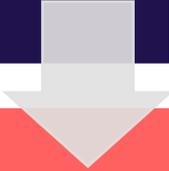
Types of Discrimination

Different Treatment

A person experiences different treatment in housing



The different treatment is because of the person's protected class



Similar people do not receive the different treatment

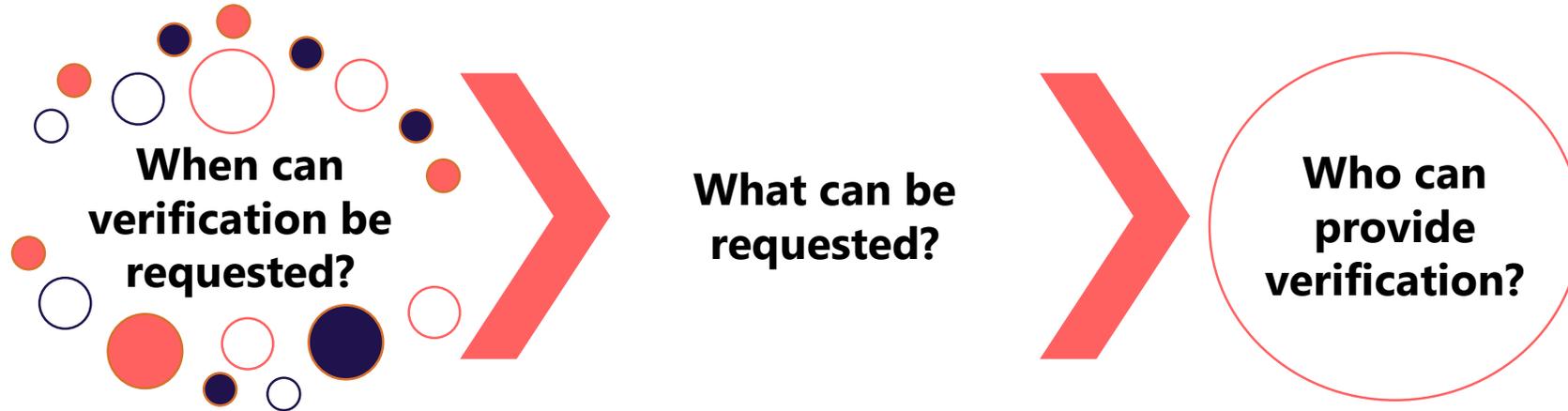
Reasonable Accommodation & Modification

DEFINITION OF DISABILITY

Sensory, mental, or physical impairment that is:

- Medically identifiable or diagnosable
 - Exists as a record or history
 - Is perceived to exist, whether it does or not
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Verification Process

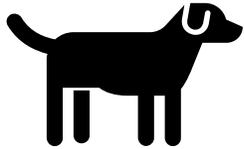


- When the disability is not known or obvious
- When the need for accommodation is not known or obvious

- Verification of disability
- Verification of disability-related need for accommodation

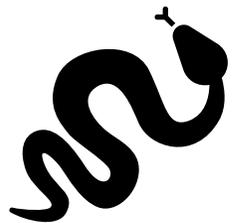
- Qualified third-party with knowledge of the disability and/or need for accommodation

Service Animals



The definition of service animal is broad

No training or certification required



"No pet" policies do not apply

Therapy
Emotional
Service
Assistance
Comfort
Companion

Accommodation and Modification Process

Accommodation or Modification Request

- May be written or verbal



Interactive Dialogue

- Ongoing conversation about the requested accommodation



Documentation

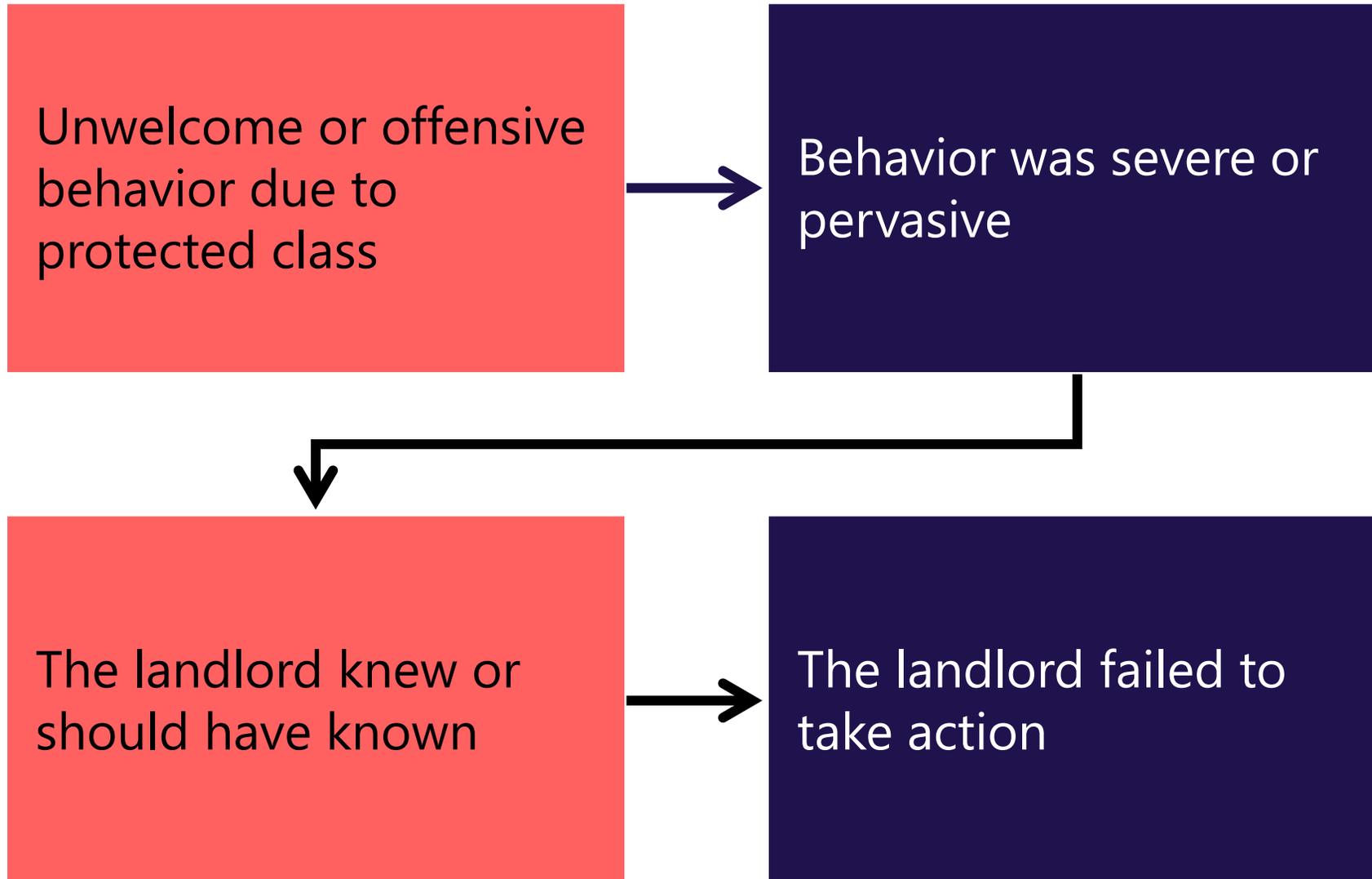
- Third-party verifying disability and accommodation if necessary



Effective Solution

- Must accommodate person's disability need

Harassment



BIAS HURTS

discriminatory harassment is illegal in seattle

REPORT DISCRIMINATORY HARASSMENT TO SOCR BY CALLING 206.233.7100

REPORT BIAS-RELATED CRIME TO THE POLICE BY CALLING 911

Retaliation

Action is taken because someone objected to discriminatory practices

- Tenant is evicted after telling the manager they believe they were discriminated against
- Tenant is written up because they helped another tenant file a discrimination claim
- Tenant's rent is raised after testifying in a discrimination case

Alternative Source of Income & First-in-Time

Amendments to SMC Chapter 14.08

Overview of Amendments

- 1) Prohibits discrimination against renters who use alternative sources of income to pay for housing costs
- 2) Requires landlords to cooperate with subsidy programs
- 3) Requires landlords to accept written pledges of payments from subsidy programs to settle bills
- 4) Sets new requirements for income screening
- 5) Prohibits preferred employer programs
- 6) Sets new first-in-time rules



INCOME SCREENING REQUIREMENTS



SCREENING CRITERIA MUST . . .

1 Subtract any payment from a subsidy program from the total of the monthly rent

- AND -

2 Include all sources of income, including alternative sources, as a part of tenant's total monthly income.

EXCEPTION - Housing units subject to income and/or rent restrictions in a housing or subsidy agreement and where income is determined according to the agreement, are not subject to including all alternative sources of income as part of a tenant's total monthly income.

Landlords must provide written notice of:

- Criteria used to screen tenants and the minimum standard a person will need to meet to move forward
- All information, documentation, or submissions necessary for the landlord to determine if the tenant meets those criteria
- Written notice about how to request additional time to complete the application if additional time is needed to ensure meaningful access or for a reasonable accommodation for a disability
- If legally required to or voluntarily setting aside the unit for vulnerable populations

FIRST IN TIME

2

CHRONOLOGY REQUIREMENTS

Landlords must:

- note the date and time of when a completed application is submitted
- screen completed rental applications in chronological order
- offer tenancy to the first person who meets the screening criteria
- provide 48 hours to the tenant to accept

* If the first applicant does not accept within 48 hours, the landlord can move to the next tenant who completed and application.

COMPLETED APPLICATIONS



A rental application is complete when the tenant has provided all information and documentation listed in the landlord's notice.



If after the initial screening, the landlord needs more information to make a decision, the application is not automatically considered incomplete.



Landlords must give tenants 72 hours to provide additional information.



If information is not provided, the application can be considered incomplete.

MEANINGFUL ACCESS NEEDS



Some tenants may require language services or assistance to successfully complete an application. Tenants who require extra time for this purpose must request the additional time from the landlord.



The tenant and landlord must agree on the amount of additional time.

Landlord may:

1. deny the request if the requested amount of time is unreasonable.
 2. require reasonable documentation of the need for additional time.
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MEANINGFUL ACCESS & CHRONOLOGY

1

Landlord must document the date & time of the request.

- if request is accepted, this date & time will serve as the date & time of receipt for determining chronological order.
- if request is denied, the date & time of the completed application is the date & time of receipt for determining chronological order.

2

Request is accepted, but landlord requires documentation of need for additional time.

- landlord must notify the tenant at time of granting a request
 - if the tenant does not provide requested documentation, landlord may change the date & time from when the request was made to when the complete application is submitted.
-

Fair Chance Housing

SMC 14.09, effective February 19, 2018

Overview

Advertising

Prohibits housing providers from excluding applicants with a criminal record.

Notice

Requires housing providers to provide notice of the law on applications.

Screening

Prohibits persons from requiring disclosure, inquiring, or using criminal record information except for sex offender registry information (juvenile exception).

Sex Offender Registry

If a housing provider takes an adverse action against an applicant based on criminal record, landlord must have a legitimate business reason.

Retaliation Protection

Prohibits retaliation for participating in asserting rights under the law.

Exclusions

- **Federally assisted housing subject to federal regulations that require denial of tenancy for:**
 - lifetime sex offender registration; or
 - conviction of methamphetamine production in public housing
- **Rental housing where owner occupies part of the unit**
- **Accessory dwelling unit or detached accessory dwelling unit where owner maintains permanent residence on same lot**

Notice and Advertisements

- **Notice of this law** must be included on the rental application
- **Prohibits language in advertisements** that categorically exclude people with arrest records, conviction records, or criminal history

RENTAL APPLICATION

Under Seattle's Fair Chance Housing Ordinance, SMC 14.09, landlords are prohibited from requiring disclosure, asking about, rejecting an applicant, or taking an adverse action based on any arrest record, conviction record, or criminal history, except for registry information (SMC 14.09.025 (A)(3)), or exclusions and other legal requirements in SMC 14.09.115.

Applicant Information		
Name:		
Date of birth:	SSN:	Phone:
Current address:		
City:	State:	ZIP Code:

YES, you need to do this

Great studio for rent!
\$1200 per month. Credit
and background check
\$40 per adult. No
criminal records allowed.

NO, you cannot do this

Screening

It is unfair practice for persons to require disclosure, inquire about, or take an adverse action based on:

- Arrest records
- Conviction records
- Criminal history (includes pending charges, juvenile records, deferred sentences, and dismissals)

 Adverse action = denying tenancy, eviction, failing or refusing to add an individual to a lease, applying different terms or conditions

Legitimate Business Reason

If a housing provider uses sex offender registry information for prospective adult occupant if the conviction occurred when the person was an adult, they must:

1. **Demonstrate a nexus** between the policy/practice and resident safety and/or protecting property; and
2. **Consider the following factors:**
 - Nature and severity
 - Number and type
 - Time elapsed since date of conviction
 - Age of individual at the time of conviction
 - Evidence of good tenant history
 - Supplemental information

Additional Details

If an applicant or tenant is denied, the landlord:

- Must provide written notice and state specific registry information that was the basis for denial
- Must provide name and address of consumer reporting agency to address incorrect records
- Is prohibited from retaliating against the applicant or tenant

Retaliation

Landlords cannot take any adverse action against a person because they exercised rights protected under the Fair Chance Housing Ordinance, including the filing of a civil rights complaint.

If an adverse action is taken against a person within **90 days** of the exercise of a right protected under this ordinance, it will be presumed to be retaliatory. Anyone accused of retaliation may disprove the presumption by showing that the adverse action was taken for a non-retaliatory reason.

First-in-Time

Landlords must offer tenancy to the first person with a completed application who meets their screening criteria

Landlords must provide notice of:	If a landlord needs more information to make a decision:
<ul style="list-style-type: none">• Screening criteria: including criminal history criteria	<ul style="list-style-type: none">• The landlord must give the applicant 72 hours to provide additional information
<ul style="list-style-type: none">• Meaningful access: how to request additional time to complete an application	<ul style="list-style-type: none">• If the applicant does not provide the information in 72 hours, the landlord can move to the next applicant

Resources

Seattle Open Housing Ordinance, SMC Chapter 14.08

https://library.municode.com/wa/seattle/codes/municipal_code

Fair Housing page

<http://www.seattle.gov/civilrights/civil-rights/fair-housing>

Source of Income page

<http://www.seattle.gov/civilrights/civil-rights/fair-housing/source-of-income-protections-and-first-in-time>

Bias Hurts page

<http://www.seattle.gov/civilrights/civil-rights/bias-hurts>

Fair Chance Housing page

<http://www.seattle.gov/civilrights/civil-rights/fair-housing/fair-chance-housing-legislation>

Ask a Question or File a Complaint



Seattle Office for Civil Rights

Phone: (206) 684-4500
Fax: (206) 684-0332
TTY: (206) 684-4503
Web: seattle.gov/civilrights

For landlords: discriminationquestions@seattle.gov

For tenants: discrimination@seattle.gov