

Chapter 8.44

UNFAIR HOUSING PRACTICES

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Section 8.44.010 Declaration of policy.

It is hereby declared to be the policy of the city of Vancouver in the exercise of its police power, in the interest of safety, public health, and general welfare, and for the maintenance of business and good government and for the promotion of the city's trade, commerce and manufacturers, and to forward the cause of brotherhood, and to secure a reduction of all tensions arising out of discrimination because of race, color, religion or national origin, that all persons should be assured equal opportunity to live in decent housing facilities regardless of their race, color, religion, ancestry or national origin, and to that end to prohibit discrimination in housing by any person, including real estate brokers, real estate salesmen and agents, owners of real property and lending institutions. (Ord. M-1006 § 1, 1968)

Section 8.44.020 Definitions.

Definitions as used in this chapter, unless additional or other meanings clearly appear from the context, shall mean as follows:

1. "Housing accommodations" includes any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city of Vancouver which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.
2. "Dwelling" includes any building containing one or more dwelling units.
3. "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities.
4. "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.
5. "Person" includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.
6. "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their own behalf or on behalf of another.

7. "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.
8. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.
9. "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.
10. "Real estate agent, salesman, or employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.
11. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.
12. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.
13. "Unfair housing practice" means any act prohibited by this ordinance.
14. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed.
15. "Respondent" means any person who is alleged to have committed an unfair housing practice.
16. "Commission" means the Vancouver human relations commission established by Resolution M-1092, as amended. (Ord. M-1006 § 2, 1968)

Section 8.44.030 Unlawful.

Unfair housing practices as hereinafter defined in the sale and/or offering for sale and in the rental and/or offering for rent of housing accommodations are contrary to the public peace, health, safety and general welfare, and are hereby prohibited by the city of Vancouver in the exercise of its police power. (Ord. M-1006 § 3, 1968)

Section 8.44.040 Unfair housing practices forbidden.

1. No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they

are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin of such person or persons, or discriminate against or segregate any person because of his race, color, religion, ancestry or national origin, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

2. A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, ancestry, or national origin of an occupant, purchaser, prospective occupant, or prospective purchaser.

a. Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease or sublease.

b. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease, or sublease.

c. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation.

d. Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.

e. Induce or attempt to induce any person to sell, rent or lease any real property by representation that the neighborhood in which the property is located is coming to have residents of any particular race, color, religion or ancestral origin.

3. No person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation shall:

a. Discriminate against any person or group of persons because of race, color, religion, ancestry, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or in the extension of services in connection therewith; or

b. Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry, or national origin.

4. An owner, person, real estate broker, agent, salesman, employee, or lender shall not:

a. Require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, or national origin in connection with the sale, rental, lease, or sublease of any housing accommodation.

b. Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, or

national origin.

c. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair housing practice; or obstruct or discriminate against a person in any manner because he has complied or proposed to comply with the provisions of this chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter.

5. No employer or other person shall discriminate in the employment or continued employment of any person on the grounds that such person has chosen a particular residence or has made use of the provisions of this chapter. (Ord. M-1006 § 4, 1968)

Section 8.44.050 Human relations commission.

Among the duties of the human relations commission, heretofore established by Resolution M-1092 as amended, shall be: to carry on a public education program and solicit the cooperation of individuals and organizations in the city of Vancouver in promoting equality and understanding among all citizens; to study and investigate problems arising in the city of Vancouver which may result in tensions or discrimination because of race, color, religion or national origin; to report periodically to the mayor and city government on such studies and investigations, and to make recommendations for appropriate remedial action when indicated; and the commission may establish and supervise a municipal listing service to assist minority members of the community in finding a home of their choice within their ability to pay; and shall administer the other provisions of this chapter as hereinafter specified. (Ord. M-1006 § 5, 1968)

Section 8.44.060 Enforcement procedures.

1. A statement alleging a violation of this chapter may be made by the commission itself or by any aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the commission within ninety days after the alleged discriminatory act, and shall contain such particulars as the commission, by regulation, may require. The commission shall promptly furnish a copy of such statement to the party charged.

2. The commission shall investigate all charges filed with it, proceeding in each case in such manner as it deems appropriate. If, after such inquiry and hearings as the commission considers proper, the commission determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

3. If the commission determines, after such investigation, that probable cause exists to believe that an unfair housing practice has occurred it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

4. In case of failure to reach an agreement under (3) for the elimination of an alleged unfair practice, the commission shall refer the complaint to the "board of review," hereinafter created. Said board shall within five days of such referral set a date for a formal hearing into the facts of the alleged violation. Said date for hearing shall be not more than fourteen days from the referral of the complaint to the board. The respondent shall be promptly notified by certified mail of the time and place of such hearing and shall be furnished with a copy of the complaint. He may within five days file a written answer to the complaint. At

the hearing the board of review shall hear from witnesses produced for the complainant and/or respondent. All testimony shall be given under oath and shall be subject to cross-examination. All hearings shall be conducted so as to conform to procedural due process, but technical rules of evidence need not be followed. All hearings shall be recorded so that a verbatim transcript thereof could be made if later needed for any purpose. At the conclusion of the hearing, or within five days thereof, the board shall prepare and issue official findings of fact and shall forward such findings to the human relations commission together with the board's recommendation as to what disposition should be made of the complaint. The commission shall consider such findings and recommendation and then decide whether (1) to dismiss the complaint as unfounded and so inform the person who had filed the complaint and the respondent, or (2) that the matter did involve unlawful discrimination in violation of this chapter, but that the matter had been satisfactorily resolved and that no further action was required, and so inform the person who had filed the complaint and the respondent; or (3) that the matter involved unlawful discrimination and had not been resolved and to refer the complaint and all files concerning the same to the city attorney as the basis for the issuance of a criminal complaint against the respondent and prosecution thereunder in the same manner as violations of other criminal ordinances are prosecuted. Prior to such referral to the city attorney the commission shall inform the respondent of the findings of the board of review and attempt to gain voluntary compliance with this chapter.

The board of review above-referred to shall be composed of five persons appointed for two year terms by the mayor with the approval of the city council. Three of the original appointees shall serve one year terms. Appointments shall be made from the following groups and must be Vancouver residents; one appointed from a local civil rights organization, one appointee associated with the real estate industry; one appointee associated with a local labor union, one appointee to be a local clergyman and one appointee to be a local attorney. Such members shall receive no compensation and may be removed for cause by the mayor with the approval of the city council. The sole function of the board shall be to act as a factfinding board under this chapter. Three of its members shall constitute a quorum. It shall select a chairman and for each hearing shall also select a hearing officer, who may be the chairman to preside at the hearing.

5. The commission and the board, in the performance of its functions, may enlist the aid of any of the departments of the city government and all said departments are hereby directed to fully cooperate with the commission.

6. The commission, in carrying out the specific duties imposed by this chapter, may request the aid of the city council in the conduct of any further investigation, and may issue subpoenas to compel the attendance of witnesses and to demand the production and inspection of documents.

7. The city council may make arrangements for staffing and budgeting of the commission as it finds is needed to carry out the commission's work.

8. If the commission, after the investigation set out in subsection (3) has found that there is probable cause to believe that an unfair housing practice has occurred, the property owner or his duly authorized agent shall be asked to agree voluntarily to withhold from the market the subject housing accommodations for a period of ten days from the date of the finding of probable cause, in order for the hearing contemplated in (4) to proceed. If the property owner or his duly authorized agent will not agree to this, then the commission may cause to be posted for a period of ten days from the date of the finding, on the door of said housing accommodations, a notice stating that the accommodations are the subject of a complaint before the commission.

9. All complaints and all human relations commission records relating thereto shall be private and confidential records until the board of review has fixed a date for a hearing on the complaint as above provided. During such preliminary period none of such records shall be examined by any person except

members of the human relations commission and no member thereof shall divulge any information so gained to any other person. The hearing of the review board, however, shall be open to the public and its findings and recommendation may be publicized as contemplated in RCW Ch. 42.32. (Ord. M-1006 § 6, 1968)

Section 8.44.070 Rules.

The commission may adopt such rules and regulations as it deems necessary and which are consistent with the provisions of this chapter and with the City Charter. (Ord. M-1006 § 7, 1968)

Section 8.44.080 Exclusions.

Nothing in this chapter shall be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than race, color, religion, ancestry or national origin. (Ord. M-1006 § 8, 1968)

Section 8.44.090 Penalty for violations.

Upon conviction of violation of this chapter, the guilty party or parties shall be subject to a fine of not to exceed five hundred dollars. (Ord. M-1006 § 9, 1968)