



## City Council

### Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include “Source of Income” as a Protected Class

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.C  
**File Number:** 16-0420

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**Type:** ordinance **Version:** 2 **Status:** Passed

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#### **Title**

Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include “Source of Income” as a Protected Class

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the proposed ordinance amending Olympia Municipal Code (OMC) Chapter 5.80 to include “source of income” as a protected class on second reading.

#### **Report**

##### **Issue:**

Whether the City should amend OMC Chapter 5.80, Unfair Housing Practices, to prevent housing discrimination and reduce homelessness by adding “source of income” as a protected class.

##### **Staff Contact:**

M. Anna Schlecht, Housing Programming Manager, Community Planning & Development  
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Mark Barber, City Attorney, 360.753.8338

##### **Presenter(s):**

M. Anna Schlecht, Housing Programming Manager  
Mark Barber, City Attorney

##### **Background and Analysis:**

The background and analysis have not changed from first to second reading.

Since 1967, communities across the United States have used local, state and federal laws to address housing discrimination. Typically codified under the title of “Unfair Housing Practices,” such laws

protect residents from discrimination that would unfairly limit their housing choices.

**History:** The federal **Fair Housing Act** was enacted as Title VIII of the Civil Rights Act of 1968. This law provided a tool to stop discrimination against buyers or renters of housing based on specific protected classes. Olympia enacted Ordinance No. 3456 in 1968, which created OMC Chapter 5.80, Unfair Housing Practices, and prohibited housing discrimination on the basis of “race, color, religion, ancestry, or national origin.”

Since that time, OMC Chapter 5.80 has been amended numerous times to include other classes of people who have experienced housing discrimination based on real or perceived characteristics. The current version states, “It is declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare, for the maintenance of business and good government, and to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, . . .”

**Tumwater’s Ordinance:** In 1993, the City of Tumwater amended their “Unfair Housing Practices” ordinance to include “use of federal housing assistance” in order to be compliant with a federal grant. Since this amendment, Tumwater has not received any complaints.

**Intent of Amendment:** Discrimination against the use of public housing assistance severely limits the effectiveness of a key housing and homeless prevention strategy. Publicly funded housing subsidies allow low income people to secure housing in the neighborhood of their choosing. These housing subsidies also support the local housing industry. This form of housing strategy replaced an older strategy called “public housing” in which local governments owned the housing, often creating a concentrated and economically depressed neighborhood of very low income people. Housing subsidies provide support for a greater number of people, offer housing choice and keep more housing stock on local tax rolls.

However, some rental property owners refuse to rent to people with public housing subsidies. In fact, the recent homeless census conducted in January 2016, found a number of homeless people who possessed rental subsidy vouchers but could not find a landlord who would accept them.

Amending Olympia’s Unfair Housing Practices code (Attachment #1 - Proposed Amendment to OMC 5.80 - Unfair Housing Practices) would provide another useful tool to support affordable housing and prevent homelessness.

**Enforcement:** The current listing of protected classes is also included in county and state laws and therefore falls under the jurisdiction of the State Human Rights Commission’s Fair Housing Unit. The City would need to evaluate the potential burden of local enforcement for such an amendment, which could potentially include receiving, investigating and adjudicating complaints. However, based on Tumwater’s experience, there may be little to no impact.

**Neighborhood/Community Interests (if known):**

All neighborhoods have a compelling interest in stabilizing residents and preventing housing discrimination.

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**Options:**

1. Approve the proposed ordinance.
2. Do not approve the proposed ordinance.

**Financial Impact:**

Not known

**Attachment:**

Ordinance