



ORDINANCE NO. 28558

1 AN ORDINANCE relating to human rights and housing discrimination; amending
2 Chapter 1.29 of the Tacoma Municipal Code, Human Rights Commission, to
add source of income as a protected class.

3 WHEREAS the rental market is drastically changing in the City, which has
4 made it harder for low-income people to access housing, and

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6 WHEREAS source of income discrimination has been documented by
7 researchers, and appears to create barriers for people struggling to find housing
8 within the City, and

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10 WHEREAS, in 2017, in an effort to address this issue, the City Council
11 requested the City Manager, through the Office of Equity and Human Rights
12 ("OEHR"), to research whether source of income could be added to Tacoma
13 Municipal Code ("TMC") 1.29, Human Rights Commission, as a protected class,
14 and

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16 WHEREAS, on September 30, 2018, state law went into effect to prohibit
17 source of income discrimination; however, there is no enforcement mechanism,
18 and

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20 WHEREAS adding source of income as a protected class would prohibit
21 discrimination against renters who use subsidies or alternative sources of income
22 to pay housing costs, such as social security, veteran's benefits; retirement; rent
23 subsidies from federal, state or local housing programs; or short-term rental
24 assistance, and

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26 WHEREAS state law provides that the following actions cannot be taken
against a renter based on the renter's use of a subsidy or alternative source of



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income: denying an application for housing; refusing to show a unit to a prospective tenant; expelling or evicting a tenant; applying different terms and conditions; harassing or retaliating against a tenant; or using preferences or limitations in advertising, and

WHEREAS the proposed TMC amendment will make housing more accessible for low-income people, and by making source of income a protected class, will allow for enforcement action; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 1.29 of the Tacoma Municipal Code, Human Rights Commission, is hereby amended as set forth in Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 1.29

HUMAN RIGHTS COMMISSION

* * *

1.29.010 Findings.

In response to the problem of unlawful discrimination, the City Council of the City of Tacoma hereby finds that unlawful discrimination on the basis of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, ~~or~~ disability, or source of income is inimical to the public welfare and good order of the City of Tacoma. The City Council accordingly finds it necessary, in the exercise of its police powers for the protection of the public health, safety, and welfare, to prohibit such discrimination and to initiate action for the remedy and prevention of unlawful discriminatory acts. Pursuant to this finding, and in accordance with the City of Tacoma's policy of providing and assuring equal opportunity for all Tacoma residents in the areas of employment, education, credit, insurance, access to public accommodations, and the acquisition of real property, the City Council, in order to effect this policy and to achieve the City's goal of eliminating unlawful discrimination, hereby creates and empowers a commission to study and investigate problems of prejudice, bigotry, and discrimination, and to encourage and coordinate the implementation of programs consistent with the needs and the rights of all residents of the City of Tacoma. The Council also hereby establishes an administrative agency to support and assist this commission and to be responsible for the monitoring and enforcement of anti-discrimination ordinances and resolutions within the City.

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1.29.030 Commission Responsibilities of the Office of Equity and Human Rights.

A. In accordance with all appropriate local, state, and federal laws, and within the legal geographic boundaries of the City of Tacoma, the Office of Equity and Human Rights staff shall:

1. Receive and conduct impartial investigations of complaints that have been filed by individuals who believe they have been discriminated against due to their race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, ~~or~~ disability, or source of income; and seek the satisfactory adjustment of such complaints; provided, that no such action shall be taken with respect to any complaint within the exclusive jurisdiction of any state or federal agency.
2. Conduct fact-finding conferences through the City Attorney, subpoenaing witnesses and such books, papers, records, files, etc., as are deemed necessary during an investigation, and requiring and compelling the attendance and testimony of such witnesses and the production of such books, papers, records, files, etc., for examination and reproduction; making findings of fact; publishing such findings as appropriate; and doing all things necessary and proper for the enforcement of this chapter.
3. Notify all appropriate parties to the charge of the decisions rendered as a result of the staff's investigation.
4. Make recommended findings to the Commission based upon its finding of fact as discovered through investigation. If it is discovered that an unlawful violation has occurred and efforts to conciliate the matter fail, it may be necessary to forward the case to the City's Hearing Examiner for a public hearing.
5. Prepare and disseminate educational and informational material relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination.
6. Cooperate with and provide information, guidance, and technical assistance to other public agencies and to private persons, organizations, and institutions engaged in activities and programs intended to eliminate prejudice and discrimination.
7. Consult with, and maintain contact with, other public agencies, civil rights organizations, representatives of employers, labor unions, property owners, associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations concerned with



interracial, interreligious and intercultural understanding, social welfare organizations, and any other such organizations and institutions as directed by the City Council or as the Commission shall deem advisable to further the objectives of this chapter.

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1.29.040 Definitions.

As used in this chapter:

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“Sexual orientation” shall mean actual or perceived homosexuality, bisexuality, or heterosexuality.

“Source of income” shall mean benefits or subsidy programs, including housing assistance, public assistance, emergency rental assistance, veterans benefits, social security, supplemental security income or other retirement programs, and other programs administered by any federal, state, local, or nonprofit entity.

“Source of income” does not include income derived in an illegal manner.

“Student,” for purposes of appointment to the Tacoma Human Rights Commission, shall mean an individual who is at least 15 years of age and under 24 years of age at the time of his or her appointment and who is an enrolled student at the high school or college level.

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1.29.100 Unlawful discriminatory housing practices.

The exclusion of a person from, or failure or refusal to extend to a person, equal opportunities because of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, honorably discharged veteran or military status, ~~or~~ disability, or source of income is hereby declared to be an unlawful discriminatory housing practice. Unlawful housing discriminatory practices shall include, but are not limited to, the following:

(1) Refusal to sell or rent a dwelling after a bona fide offer has been made, or to negotiate for the sale or rental of a dwelling, because of race, color, religion, sex, gender identity, sexual orientation, familial status, honorably discharged veteran or military status, marital status, age, ~~or~~ national origin, or source of income, or discrimination in the sale or rental of a dwelling because of disability;

(2) Discrimination in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with sales or rentals, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income;

(3) Engaging in any conduct relating to the provision of housing which otherwise makes unavailable or denies dwellings to persons because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income;

(4) Making, printing or publishing, or causing to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, source of income, or an intention to make any such preference, limitation or discrimination;

(5) Representing to any person, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income, that a dwelling is not available for sale or rental when such dwelling is in fact available;

(6) Engaging in blockbusting practices in connection with the sale or rental of dwellings because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income; and/or

(7) Denying access to or membership or participation in, or discriminating against any person in his or her access to or membership or participation in, any multiple-listing service, real estate brokers' association, or other service organization or facility relating to the business of selling or renting a dwelling or in the terms or conditions of membership or participation, because of race, color, religion, sex, gender identity, sexual



orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

1 Application of Chapter 1.29 of the City of Tacoma Law Against Discrimination, as amended, with respect to persons with disabilities is discussed in Section 1.29.060K.

2 A. Exemptions. Nothing in this chapter shall:

3 1. Apply to the renting, subrenting, leasing, or subleasing of a single-family dwelling, wherein the owner or person entitled to possession thereof maintains a permanent residence, home, or abode; or

4 2. Prohibit a nonprofit religious or sectarian organization, or any nonprofit organization operated, supervised or controlled by or in conjunction with a nonprofit religious or sectarian organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, ~~or~~ national origin, or source of income; or

5 3. Prohibit any person from limiting the rental or occupancy of housing accommodations in any YMCA, YWCA, fraternity, sorority, school dormitory, emergency or transitional shelter, group home, or similar residential hall to persons of one sex where privacy is a concern; or

6 4. Be construed to protect criminal conduct.

7 B. Unlawful to Sell or Rent or to Negotiate for the Sale or Rental.

8 1. It shall be unlawful for a person to refuse to sell or rent a dwelling to a person who has made a bona fide offer, because of race, color, religion, sex, gender identity, sexual orientation, familial status, marital status, age, ~~or~~ national origin ~~or~~, source of income, or to refuse to negotiate with a person for the sale or rental of a dwelling because of race, color, religion, sex, gender identity, sexual orientation, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income, or to discriminate against any person in the sale or rental of a dwelling because of disability.

9 2. Prohibited actions under this section include, but are not limited to:

10 a. Failing to accept or consider a bona fide offer because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

11 b. Refusing to sell or rent a dwelling to, or to negotiate for the sale or rental of a dwelling with, any person because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

12 3. Because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income, imposing upon any person different sales prices or rental charges for the sale or rental of a dwelling.

13 4. Using different qualification criteria or applications, or sale or rental standards or procedures, such as income standards or procedures, application requirements, application fees, credit analysis, sale or rental approval procedures, or other requirements, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

14 5. Evicting tenants because of their race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, age, ~~or~~ national origin, or source of income, or because of the race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income of a tenant's guest.

15 C. Discrimination in Terms, Conditions and Privileges, and in Services and Facilities.

16 1. It shall be unlawful, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income to impose different terms, conditions or privileges relating to the sale or rental of a dwelling or to deny or limit services or facilities in connection with the sale or rental of a dwelling.

17 2. Prohibited actions under this section include, but are not limited to:

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1 a. Using different provisions in leases or contracts of sale, such as those relating to rental charges, security
deposits and the terms of a lease and those relating to down payment and closing requirements, because of
2 race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status,
3 honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

4 b. Failing or delaying maintenance or repairs of sale or rental dwellings because of race, color, religion, sex,
5 gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or
6 military status, age, ~~or~~ national origin, or source of income.

7 c. Failing to process an offer for the sale or rental of a dwelling or to communicate an offer accurately
8 because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status, marital
9 status, honorably discharged veteran or military status, age, ~~or~~ national origin, or source of income.

10 d. Limiting privileges or the use of services or facilities associated with a dwelling because of race, color,
11 religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably
12 discharged veteran or military status, age, ~~or~~ national origin, or source of income of an owner, tenant or a
13 person associated with him or her.

14 e. Denying or limiting services or facilities in connection with the sale or rental of a dwelling, because a
15 person failed or refused to provide sexual favors.

16 D. Other Prohibited Sale and Rental Conduct.

17 1. It shall be unlawful, because of race, color, religion, sex, gender identity, sexual orientation, disability,
18 familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or
19 source of income, to restrict or attempt to restrict, by word or conduct, the choices of a person in connection
20 with seeking, negotiating for, buying or renting a dwelling so as to perpetuate, or tend to perpetuate,
21 segregated housing patterns, or to discourage or obstruct choices in a community, neighborhood or
22 development.

23 2. It shall be unlawful, because of race, color, religion, sex, gender identity, sexual orientation, disability,
24 familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or
25 source of income, to engage in any conduct relating to the provision of housing, or of services and facilities in
26 connection therewith, that otherwise makes unavailable or denies dwellings to persons.

1 a. Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion,
2 sex, gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran
3 or military status, age, ~~or~~ national origin, or source of income, or because of the race, color, religion, sex,
4 gender identity, sexual orientation, disability, familial status, marital status, age, ~~or~~ national origin, or source
5 of income of persons in a community, neighborhood or development.

6 b. By exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or a
7 community, neighborhood, or development, discouraging the purchase or rental of a dwelling because of race,
8 color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, age, ~~or~~
9 national origin, or source of income.

10 c. Communicating to any prospective purchaser that he or she would not be comfortable or compatible with
11 existing residents of a community, neighborhood or development because of race, color, religion, sex, gender
12 identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military
13 status, age, ~~or~~ national origin, or source of income.

14 d. Assigning any person to a particular section of a community, neighborhood or development, or to a
15 particular floor of a building, because of race, color, religion, sex, gender identity, sexual orientation,
16 disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national
17 origin, or source of income.

18 4. Prohibited activities relating to dwellings under paragraph 2 of this subsection include, but are not limited
19 to:
20 a. Discharging or taking other adverse action against an employee, broker or agent because he or she refused
21 to participate in a discriminatory housing practice.

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1 b. Employing codes or other devices to segregate or reject applicants, purchasers or renters; refusing to take
2 or to show listings of dwellings in certain areas because of race, color, religion, sex, gender identity, sexual
3 orientation, disability, familial status, marital status, age, ~~or~~ national origin, or source of income; or refusing
4 to deal with certain brokers or agents because they, or one or more of their clients, are of a particular race,
5 color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably
6 discharged veteran or military status, age, ~~or~~ national origin, or receive a source of income.

7 c. Denying or delaying the processing of an application made by a purchaser or renter or refusing to approve
8 such a person for occupancy in a cooperative or condominium dwelling because of race, color, religion, sex,
9 gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or
10 military status, age, ~~or~~ national origin, or source of income.

11 d. Refusing to provide municipal services or property or hazard insurance for dwellings, or providing such
12 services or insurance differently because of race, color, religion, sex, gender identity, sexual orientation,
13 disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national
14 origin, or source of income.

15 E. Discriminatory Advertisements, Statements and Notices.

16 1. It shall be unlawful to make, print or publish, or cause to be made, printed or published, any notice,
17 statement or advertisement with respect to the sale or rental of a dwelling which indicates any preference,
18 limitation or discrimination because of race, color, religion, sex, gender identity, sexual orientation, disability,
19 familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or
20 source of income, or an intention to make any such preference limitation or discrimination.

21 2. The prohibitions in this section shall apply to all written or oral notices or statements by a person engaged
22 in the sale or rental of a dwelling. Written notices and statements include any applications, flyers, brochures,
23 deeds, signs, banners, posters, billboards or any documents used with respect to the sale or rental of a
24 dwelling.

25 3. Discriminatory notices, statements and advertisements include, but are not limited to:

26 a. Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are
available or not available to a particular group of persons because of race, color, religion, sex, gender identity,
sexual orientation, disability, familial status, marital status, age, ~~or~~ national origin, or source of income of
such persons.

b. Expressing to agents, brokers, employees, prospective sellers or renters, or any other persons, a preference
for or limitation on any purchaser or renter because of race, color, religion, sex, gender identity, sexual
orientation, disability, familial status, marital status, honorably discharged veteran or military status, age, ~~or~~
national origin, or source of income of such persons.

c. Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments
of the housing market information about housing opportunities because of race, color, religion, sex, gender
identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military
status, age, ~~or~~ national origin, or source of income.

d. Refusing to publish advertising for the sale or rental of dwellings, or requiring different charges or terms
for such advertising, because of race, color, religion, sex, gender identity, sexual orientation, disability,
familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or
source of income.

F. Discriminatory Representations on the Availability of Dwellings.

1. It shall be unlawful, because of race, color, religion, sex, gender identity, sexual orientation, disability,
familial status, marital status, honorably discharged veteran or military status, age, ~~or~~ national origin, or
source of income, to provide inaccurate or untrue information about the availability of dwellings for sale or
rent.

2. Prohibited actions under this section include, but are not limited to:

a. Indicating through words or conduct that a dwelling which is available for inspection, sale, or rent has been
sold or rented, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial



status, marital status, honorably discharged veteran or military status, age, ~~or~~national origin, or source of income.

1 b. Representing that covenants or other deed, trust or lease provisions which purport to restrict the sale or
2 rental of dwellings because of race, color, religion, sex, gender identity, sexual orientation, disability, familial
3 status, marital status, honorably discharged veteran or military status, age, ~~or~~national origin, or source of
4 income preclude the sale or rental of a dwelling to a person.

5 c. Enforcing covenants or other deed, trust, or lease provisions which preclude the sale or rental of a dwelling
6 to any person because of race, color, religion, sex, gender identity, sexual orientation, disability, familial
7 status, marital status, honorably discharged veteran or military status, age, ~~or~~national origin, or source of
8 income.

9 d. Limiting information, by word or conduct, regarding suitably priced dwellings available for inspection,
10 sale or rental, because of race, color, religion, sex, gender identity, sexual orientation, disability, familial
11 status, marital status, honorably discharged veteran or military status, age, ~~or~~national origin, or source of
12 income.

13 e. Providing false or inaccurate information regarding the availability of a dwelling for sale or rental to any
14 person, including testers, regardless of whether such person is actually seeking housing, because of race,
15 color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably
16 discharged veteran or military status, age, ~~or~~national origin, or source of income.

17 G. Blockbusting.

18 1. It shall be unlawful, for profit, to induce or attempt to induce a person to sell or rent a dwelling by
19 representations regarding the entry or prospective entry into the neighborhood of a person or persons of a
20 particular race, color, religion, sex, gender identity, sexual orientation, familial status, marital status,
21 honorably discharged veteran or military status, age, ~~or~~national origin, or source of income, or with a
22 disability.

23 2. In establishing a discriminatory housing practice under this section it is not necessary that there was in fact
24 profit as long as profit was a factor for engaging in the blockbusting activity.

25 3. Prohibited actions under this section include, but are not limited to:

26 a. Engaging, for profit, in conduct (including uninvited solicitations for listings) which conveys to a person
that a neighborhood is undergoing, or is about to undergo, a change in the race, color, religion, sex, gender
identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or military
status, age, ~~or~~national origin, or source of income of persons residing in it, in order to encourage the person
to offer a dwelling for sale or rental.

b. Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or
prospective entry of persons of a particular race, color, religion, sex, gender identity, sexual orientation,
familial status, marital status, honorably discharged veteran or military status, age, ~~or~~national origin, source
of income, or with disabilities, can or will result in undesirable consequences for the project, neighborhood or
community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline
in the quality of schools or other services or facilities.

1.29.140 Interference, coercion or intimidation.

A. Prohibited Interference, Coercion or Intimidation.

1. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment
of, or on account of that person having exercised or enjoyed, or on account of that person having aided or
encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section.

2. Conduct made unlawful under this section includes, but is not limited to, the following:

a. Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits; provided, that
person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related
transaction because of race, color, religion, sex, gender identity, sexual orientation, disability, familial status,
marital status, honorably discharged veteran or military status, age, ~~or~~national origin, or source of income.



1 b. Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of the race,
2 color, religion, sex, gender identity, sexual orientation, disability, familial status, marital status, honorably
3 discharged veteran or military status, age, ~~or~~ national origin, or source of income of such persons, or of
4 visitors or associates of such persons.

5 c. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse
6 employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or
7 seeking access to any residential real estate-related transaction, because of the race, color, religion, sex,
8 gender identity, sexual orientation, disability, familial status, marital status, honorably discharged veteran or
9 military status, age, ~~or~~ national origin, or source of income of that person or any person associated with that
10 person.

11 d. Intimidating or threatening any person because that person is engaging in activities designed to make other
12 persons aware of, or encouraging such other persons to exercise, rights granted or protected by this section.

13 e. Retaliating against any person because that person has made a complaint, testified, assisted, or participated
14 in any manner in a proceeding under Chapter 1.29 of the City of Tacoma Law Against Discrimination, as
15 amended.

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