



NORTHWEST FAIR HOUSING ALLIANCE

"Working to Ensure Equal Housing Opportunity for All"

SPOKANE MUNICIPAL CODE, HUMAN RIGHTS ORDINANCE, TITLE 18 SOURCE OF INCOME / SUBSIDY DISCRIMINATION INVESTIGATION OVERVIEW

In handling a complaint, the NWFHA investigator will conduct an impartial investigation of claims that Spokane Municipal Code chapter 18.03 has been violated.

During the investigation, NWFHA will:

1. Review the complaint to determine whether the allegations stated on the face of the complaint, if true, would be a prohibited practice as stated in Spokane Municipal Code (SMC) chapter [18.03 SMC](#);
2. If NWFHA determines that the complaint does not state a violation of [18.03 SMC](#), the complaint shall be dismissed immediately.
3. Complaints that claim a violation of state or federal law shall be referred to the appropriate state or federal agency.
4. Review the factual allegations of the Complaint, interview the Complainant, and take a statement from the Complainant.
5. Interview the person accused of discrimination (Respondent) and document that interview in a writing.
6. If applicable, interview all participants and witnesses having relevant information regarding the allegation of discrimination, and document those interviews in writing.

At the Conclusion of the Investigation:

1. If the investigation indicates that there is no evidence establishing jurisdiction, the case will be dismissed.
2. If, as the result of the investigative interviews, NWFHA determines that the complaint states a violation of SMC chapter 18.03, NWFHA shall communicate that determination in writing to the Complainant and the Spokane City Attorney's Office.
3. Complaints that claim a violation of a prohibited practice established only in this Title 18 shall be referred to a Washington State Dispute Resolution Center established under chapter 7.75, RCW, or by a mediator agreed upon by all parties, within thirty days of the filing of the complaint. Mediation sessions are not open to the public. If the mediation resolves the complaint, the mediator will notify the City of the resolution and the complaint file will be closed.

4. Complaints that are not resolved through mediation shall be submitted to the City Prosecutor for a determination as to the filing of a civil infraction pursuant to chapter [1.05 SMC](#).

Administrative Appeal and Judicial Review:

Any person whose complaint has been dismissed pursuant to SMC 18.01.050 B(5) may appeal the dismissal to the hearing examiner, who shall review the complaint and the decision to dismiss the complaint under an abuse of discretion standard of review. The hearing examiner may affirm the dismissal, reverse the dismissal, or remand the complaint to be processed as set forth in SMC 18.01.050(B).

Judicial review. Any person who is aggrieved by the decision of the hearing examiner on administrative appeal under this section may institute an action for judicial review in the Superior Court pursuant to RCW 49.60.330.

Penalty for Violation:

The commission of an act of discrimination as defined in this Title 18 is punishable as a Class 1 civil infraction pursuant to [chapter 01.05, SMC](#).

Other Possible Statutes and Remedies:

Remedies for discrimination may be sought from other agencies and courts, as well as from the City of Spokane. There may be other applicable federal state or local statutes under which you and/or the respondent(s) may initiate court action. You may consult a private attorney in this regard.

Spokane Municipal Code – Excerpts

[Title 18](#) Human Rights

[Chapter 18.01](#) Law Against Discrimination

[Section 18.01.010](#) Findings

The City of Spokane finds that discrimination based on race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical disability as defined by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq, and/or the Washington State Law Against Discrimination, Chapter 49.60 RCW, or the receipt of, or eligibility for the receipt of, funds from any housing choice or other subsidy program or alternative source of income poses a substantial threat to the health, safety and general welfare of the citizens of Spokane. The City deems it necessary and proper to enact a local ordinance to address these issues.

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ORD C35485 Section 2

[Section 18.01.020](#) Purpose and Intent

- A. The City values the dignity and worth of all human beings and is committed to promoting justice, equity and an inclusive environment for all by respecting cultural and individual diversity and fostering mutual understanding among all people regardless of race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical disability as defined by the Americans with Disabilities Act and/or the Washington State Law Against Discrimination, or the receipt of, or eligibility for the receipt of, funds from any housing choice or other subsidy program or alternative source of income.
- B. It is the intent of the City that all people have an equal opportunity to participate fully in the life of the City and that discriminatory barriers to equal participation in employment, housing, and public accommodations be removed. The City has a compelling interest in eradicating and preventing such discrimination and in ensuring equal opportunity in employment, housing, and public accommodations. This [Title 18](#) represents the least restrictive means of achieving the City's objectives.
- C. The provisions of this [Title 18](#) are to be broadly and liberally construed to effectuate this Title's remedial purpose and the City's legislative intent.
- D. These sections are not intended to establish or require affirmative action or quotas of any kind, or to infringe upon the authority vested in the civil service commission and City departments pursuant to the City Charter.
- E. By enacting this title, the City expresses its intent to ensure that Spokane generally, as well as the City itself, is free from bias or discrimination on the basis of race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical

disability as defined by the Americans with Disabilities Act and/or the Washington State Law Against Discrimination, and free from sexual harassment.

- F. Nothing in this chapter shall constitute a cause of action under state law or form a basis for relief in the state courts. It is the intent of this chapter that all causes of action for violations of the chapter shall lie with the City of Spokane's Hearing Examiner, Municipal Court, or Superior Court, as specified in this [Title 18](#).
- G. Nothing in this [Title 18](#) shall be deemed to deny any person the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights. Nothing in this [Title 18](#) shall limit or expand any cause of action available to any person under federal or state law.

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ORD C35485 Section 2

[Section 18.01.030](#) Definitions

- A. "Commission" means the Spokane Human Rights Commission.
- B. ...
- C. "Disability" means the presence of a sensory, mental, or physical impairment that, whether temporary or permanent, common or uncommon, mitigated or unmitigated, a limitation or not on the ability to work generally or work at a particular job, or a limitation or not on the ability to engage in any other activity within the scope of this Title 18:
 - 1. is medically cognizable or diagnosable; or
 - 2. exists as a record or history; or
 - 3. Is perceived to exist whether or not it exists in fact.
 - 4. For the purposes of reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:
 - a. The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions or employment; or
 - b. The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.
 - 5. For purposes of this definition, a limitation is not substantial if it has only a trivial effect.
 - 6. For purposes of housing, a "reasonable accommodation" is an adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces, where there is an identifiable relationship or nexus between the requested accommodation and the person's disability.
- D. "Discrimination" means different or unequal treatment because of race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or

military status, refugee status, disability, the use of a guide dog or service animal, or the use or eligibility for the use of housing choice or other subsidy program or alternative source of income. "Discriminate" means to treat differently or unequally because of race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, the presence of any sensory, mental or physical disability as defined by the Americans with Disabilities Act and/or the Washington State Law Against Discrimination, or the use or eligibility for the use of housing choice or other subsidy program or alternative source of income. For purposes of this definition, it is discriminatory to fail to offer reasonable accommodation in housing or employment to an otherwise qualified applicant or employee with a disability, absent a showing that the accommodation would impose an undue hardship.

- E. "Dog guide" means a dog that is specifically trained for the purpose of guiding persons who are blind or a dog trained for the purpose of assisting persons with disabilities.
- F. "Domestic Violence Victim Status" means a family or household member, as defined in RCW 10.99.020 (3), who has been subjected to domestic violence as defined in RCW 10.99.020 (5) or who is a victim of sexual assault as defined in RCW 70.125.030.
- G. ...
- H. ...
- I. "Entities under common ownership" means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like which are: owned by the same person(s); in which the same person(s) serve as officers and/or directors; or the majority of one of which is owned by one or more of the others. For example, if a single person owns controlling interests in several limited liability companies, all of those limited liability companies are entities under common ownership.
- J. "Family with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.
- K. "Federally-recognized tribe" means an entity listed on the Department of the Interior's list under the Federally Recognized Indian Tribe List Act of 1994, which the Secretary currently acknowledges as an Indian tribe and with which the United States maintains a government-to-government relationship.
- L. "Gender Identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- M. "Housing choice or other subsidy program((or alternative source of income))" means, without limitation: (i) any short or long term federal, state or local government, private nonprofit, or other assistance program in which a tenant's rent is paid either partially by the program (through a direct arrangement between the program and the owner or lessor of the real property), and partially by the tenant or completely by the program; or

(ii) HUD-Veteran Affairs Supportive Housing (VASH) vouchers, Housing and Essential Needs (HEN) funds, and short-term rental assistance provided by Rapid Rehousing subsidies.

- N. "Impairment" includes, without limitation, any:
1. physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin and endocrine; or
 2. mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- O. "Income" means lawful, verifiable income derived from all sources, including without limitation wages, salaries or other compensation for employment; Social Security benefits; supplemental security income; unemployment benefits; retirement programs; child support; payments from the Aged, Blind or Disabled Cash Assistance Program; Refugee Cash Assistance; any federal, state, local government, private, or nonprofit-administered benefit program, including without limitation payments from any housing choice or other subsidy program as defined in this chapter; financial aid for college students; and per capita payments or distributions received from a federally-recognized tribe.
- P. ...
- Q. "Marital status" means the status of being married, single, separated, divorced or widowed.
- R. "National origin" includes ancestry.
- S. ...
- T. "Person" includes:
1. A natural individual, partnership, association, organization, corporation, cooperative, legal representative, trustee and receiver, and any group of persons acting in concert;
 2. an owner, lessee, proprietor, manager, agent or employee, of a person, whether consisting of one or more natural persons;
 3. entities under common ownership; and
 4. Any political or civil subdivisions of the City and any agency or instrumentality of the City or of any political or civil subdivision thereof.
- This definition does not include the federal government or any federally-recognized tribe.
- U. "Place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or

beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps, provided that nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this section; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

V. ...

W. "Refugee status" means the status of a person who, under the provisions of 8 USC 1101(a)(42), is outside a country of that person's nationality or, in the case of a person having no nationality, is outside any country in which that person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

X. "Service animal" means an animal that is trained for the purposes of assisting or accommodating a person with a disability.

Y. "Sex" means gender.

Z. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

AA. ...

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ORD C35537 Section 1

[Section 18.01.040](#) Reprisal or Retaliation

It is a violation of this chapter for any person to engage in discrimination as defined in this [Title 18](#), engage in a reprisal or retaliation against an individual because that individual has in good faith opposed the use of a practice forbidden by this [Title 18](#), or has filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under this [Title 18](#) or has attempted to do so.

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ORD C35485 Section 2

Section 18.01.050 Administration

A. Initiation.

An individual claiming to be aggrieved by a practice prohibited by [SMC 18.01.040](#), chapter [18.02 SMC](#), or chapter [18.03 SMC](#) may, within the time limit of [SMC 18.01.070](#), file a complaint with the commission on forms made available for the purpose by commission staff.

B. Complaint.

A complaint filed by a person claiming to be aggrieved by a practice prohibited by [SMC 18.01.040](#), chapter [18.02 SMC](#), or chapter [18.03 SMC](#), shall be immediately forwarded by the commission for review by the City or an agency or organization with which the City maintains a contractual relationship for the purpose of reviewing such complaints (referred to in this section as the “reviewing agency”), to determine whether the allegations stated on the face of the complaint, if true, would be a prohibited practice as stated in [SMC 18.01.040](#), chapter [18.02 SMC](#) or chapter [18.03 SMC](#).

Complaints shall be processed as follows:

1. The reviewing agency shall review the factual allegations of the complaint, interview the complainant, and take a statement from the complainant.
2. The reviewing agency then interviews the person accused of discrimination and documents that interview in a writing.
3. The reviewing agency shall also, if applicable, interview all participants and witnesses having relevant information regarding the allegation of discrimination, and document those interviews in writing.
4. If, as the result of the interviews described in subsections 1-3 of this paragraph B, the reviewing agency determines that the complaint states a violation of this chapter, the reviewing agency shall communicate that determination in writing to the complainant and the city attorney’s office, with a copy to the commission.
5. If the reviewing agency determines that the complaint does not state a violation of [SMC 18.01.040](#), chapter [18.02 SMC](#), or chapter [18.03 SMC](#) shall be dismissed immediately.
6. Complaints that claim a violation of state or federal law shall be referred to the appropriate state or federal agency.
7. Complaints that claim a violation of a prohibited practice established only in this Title 18 shall be referred to a Washington State Dispute Resolution Center established under chapter 7.75, RCW, or by a mediator agreed upon by all parties, within thirty days of the filing of the complaint. Mediation sessions are not open to the public. If the mediation resolves the complaint, the mediator will notify the City of the resolution and the complaint file will be closed.
8. Complaints that are not resolved through mediation shall be submitted to the City Prosecutor for a determination as to the filing of a civil infraction pursuant to chapter [1.05 SMC](#).

C. Administrative appeal.

Any person whose complaint has been dismissed pursuant to SMC 18.01.050 B(5) may appeal the dismissal to the hearing examiner, who shall review the complaint and the decision to dismiss the complaint under an abuse of discretion standard of review. The hearing examiner may affirm the dismissal, reverse the dismissal, or remand the complaint to be processed as set forth in SMC 18.01.050(B).

- D. Judicial review.
Any person who is aggrieved by the decision of the hearing examiner on administrative appeal under this section may institute an action for judicial review in the Superior Court pursuant to RCW 49.60.330.
- E. The commission and its staff shall prioritize its resources to focus on resolving complaints which are not within the jurisdiction of government or non-profit agencies other than the commission.
- F. The City shall not take any enforcement action based on discrimination due to the use of "housing choice or other subsidy program or alternative source of income" as defined in this [Title 18](#) before September 1, 2017. The City Council shall name an ad hoc stakeholder group to make recommendations to the City Council for amendments to [Chapter 18.03 SMC](#), concerning the use of housing choice or other subsidy programs or alternative sources of income.

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ORD C35537 Section 2

[Section 18.01.060](#) Penalty for Violation

The commission of an act of discrimination as defined in this Title 18 is punishable as a Class 1 civil infraction pursuant to [chapter 01.05, SMC](#).

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ORD C35485 Section 2

[Section 18.01.070](#) Period of Limitation

No complaint shall be accepted nor action taken unless the complaint is filed within six months from the date of the occurrence of the alleged unlawful practice. When the alleged unlawful practice is of a continuing nature, the limitation period will not commence to run until the unlawful practice has ceased or when the aggrieved party discovered the practice, whichever is later.

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ORD C35485 Section 2

[Section 18.01.080](#) Criminality

Nothing in this chapter shall be construed to protect criminal conduct.

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ORD C35485 Section 2

...

[Chapter 18.03](#) Nondiscrimination in Housing Practices

[Section 18.03.010](#) Prohibited Practices

- A. It is a violation of this chapter for any person to discriminate by:
1. refusing to sell, lease, rent or otherwise make available any offered real property;
 2. expelling a purchaser, lessee or renter from any real property;
 3. altering the price, terms, conditions or privileges relating to the sale, rental, lease or occupancy of real property, or in the furnishing of any facilities or services in connection with real property;
 4. attempting to discourage the sale, rental or lease of any real property to a purchaser, lessee or renter;
 5. publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental or lease of real property which indicates any preference, limitation or specification with respect thereto;
 6. assisting, inducing, compelling or coercing another person to commit an act or engage in a practice that violates this subsection;
 7. coercing, intimidating, threatening or interfering with any person in the exercise or enjoyment of, or on account of having aided or encouraged any other person in the exercise of, any right granted or protected by this subsection.
- B. No person whose business includes engaging in residential real estate related transactions may discriminate in making available or in the terms and conditions of such a transaction. "Residential real estate related transaction" means the making or purchasing of loans or providing other financial assistance for purchasing, construction, improving, repairing or maintaining a dwelling or securing residential real estate, or the selling, brokering or appraising of residential real property.
- C. No real estate licensee may accept or retain a listing of real property for sale, lease or rental with an understanding that a purchaser may be discriminated against with respect to the sale, rental or lease.
- D. No person may for profit induce or attempt to induce any other person to sell or rent any dwelling by representations regarding entry or prospective entry into the neighborhood of a person or person of a particular race, religion, creed, color, sex, national origin, marital status, familial status, domestic violence victim status, age, sexual orientation, gender identity, honorably discharged veteran or military status, refugee status, or the presence of any sensory, mental or physical disability as defined by the American with Disabilities Act and/or the Washington State Law Against Discrimination, Chapter 49.60 RCW.

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ORD C35485 Section 2

[Section 18.03.020](#) Exemptions from Housing Discrimination

The provisions of this chapter do not apply to the owner of a single-family house rented or leased by the owner if: (i) the owner does not own or have an interest in the proceeds of the rental or lease of more than one single-family house at one time; and (ii) the owner also occupies the single-family house rented or leased.

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ORD C35537 Section 3

Section 18.03.025 Rental Housing Business Practices Unaffected

- A. Nothing in this Title 18 prohibits the use of reasonable, non-discriminatory factors in housing decisions, including, without limitation, criminal background or rental history.
- B. Nothing in this chapter mandates that leases shall be of any particular duration.
- C. Nothing in this chapter prohibits the use of income screening for rental applicants, provided that all sources of income defined in this Title 18 are included.

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ORD C35537 Section 4