

The background of the slide is a photograph of the Seattle City Hall building, featuring its iconic stone facade and the words "SEATTLE CITY HALL" carved into it. The image is overlaid with a solid blue filter.

# Fair Housing Disability Issues

## Presentation for Seattle Renter's Commission

05/02/2022

Seattle Office for Civil Rights







City of Seattle



# What is Fair Housing?

Fair housing is the right of everyone to have equitable access to housing and housing services

-  Rental and sales
-  Mortgages and appraisals
-  Insurance
-  Advertising





# Fair Housing Protections

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



Dwellings include



Applies to

- Property owners
- Property managers
- Leasing agents
- Real estate agents
- Mortgage lenders
- HOA board members
- Contractors
- Marketing reps
- Maintenance staff



# Protected Classes

Can have multiple reasons and protected classes

Association with someone of a protected class

Retaliation for exercising fair housing rights

Criminal history is not a protected class but covered by Seattle law



- Race
- Color
- National Origin
- Citizenship / Immigration Status
- Religion
- Sex
- Disability
- Familial Status
- Marital Status
- Sexual Orientation
- Gender Identity
- Veteran/Military Status
- Age
- Ancestry
- Housing Choice Voucher (Section 8)
- Subsidies
- Alternative Source of Income
- Political Ideology
- Creed



# Types of Discrimination



- Different treatment
- Disparate impact
- Reasonable accommodation or modification
- Harassment
- Retaliation



# Different Treatment



To show different treatment, the following must be met:

- A tenant is a member of a protected class
- The tenant is treated differently because of their protected class
- Similar tenants are not subject to the same treatment



# Disparate Impact

A neutral practice that has a discriminatory effect on certain protected classes



# Harassment

1. Unwelcome or offensive behavior due to protected class
2. The behavior was severe or pervasive
3. The housing provider knew or should have known
4. The housing provider failed to act

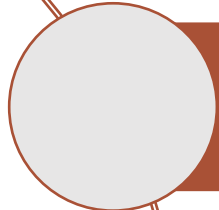
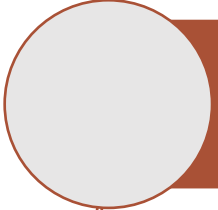
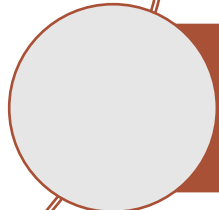






# Retaliation

Any conduct or action which adversely affects an individual who asserts a fair housing right. Covered activities include:

-  **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**



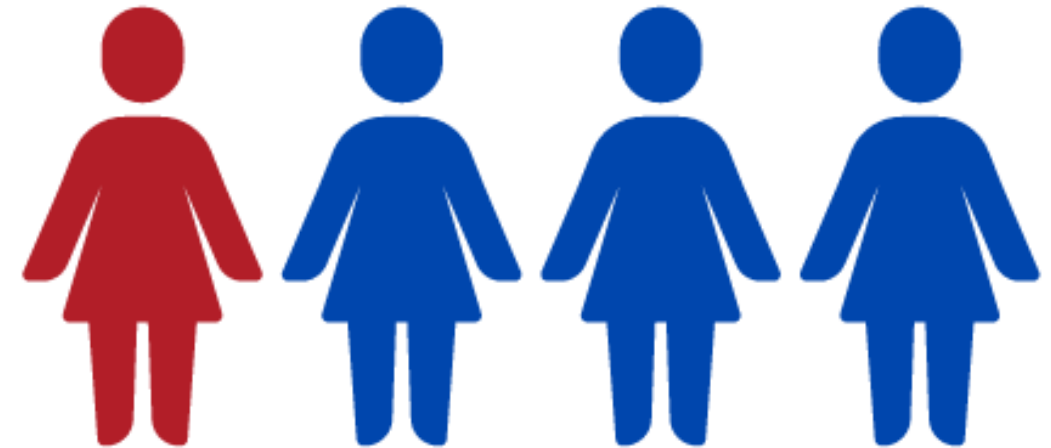
# Reasonable Accommodation and Modification





# Definition of Disability

- Sensory, mental or physical impairment
- Common or uncommon
- Mitigated or unmitigated

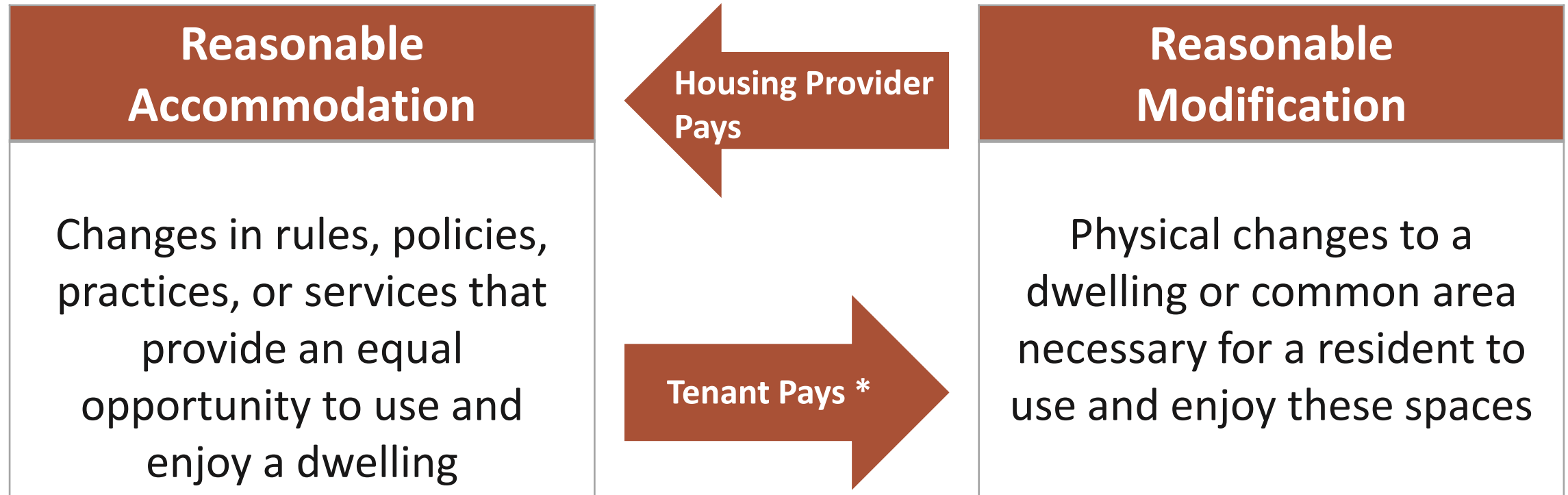


**1 in 4 people  
have a disability**





# Accommodations and Modifications



\*Except when the housing is federally funded





# Verification Process

The diagram illustrates a three-step verification process. Step 1, 'When can verification be requested?', is represented by a cluster of blue circles of varying sizes. A large blue chevron arrow points from Step 1 to Step 2, 'What can be requested?'. Another large blue chevron arrow points from Step 2 to Step 3, 'Who can provide verification?', which is enclosed in a solid blue circle.

When can verification be requested?

What can be requested?

Who can provide verification?

- 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





# Accommodation and Modification Process

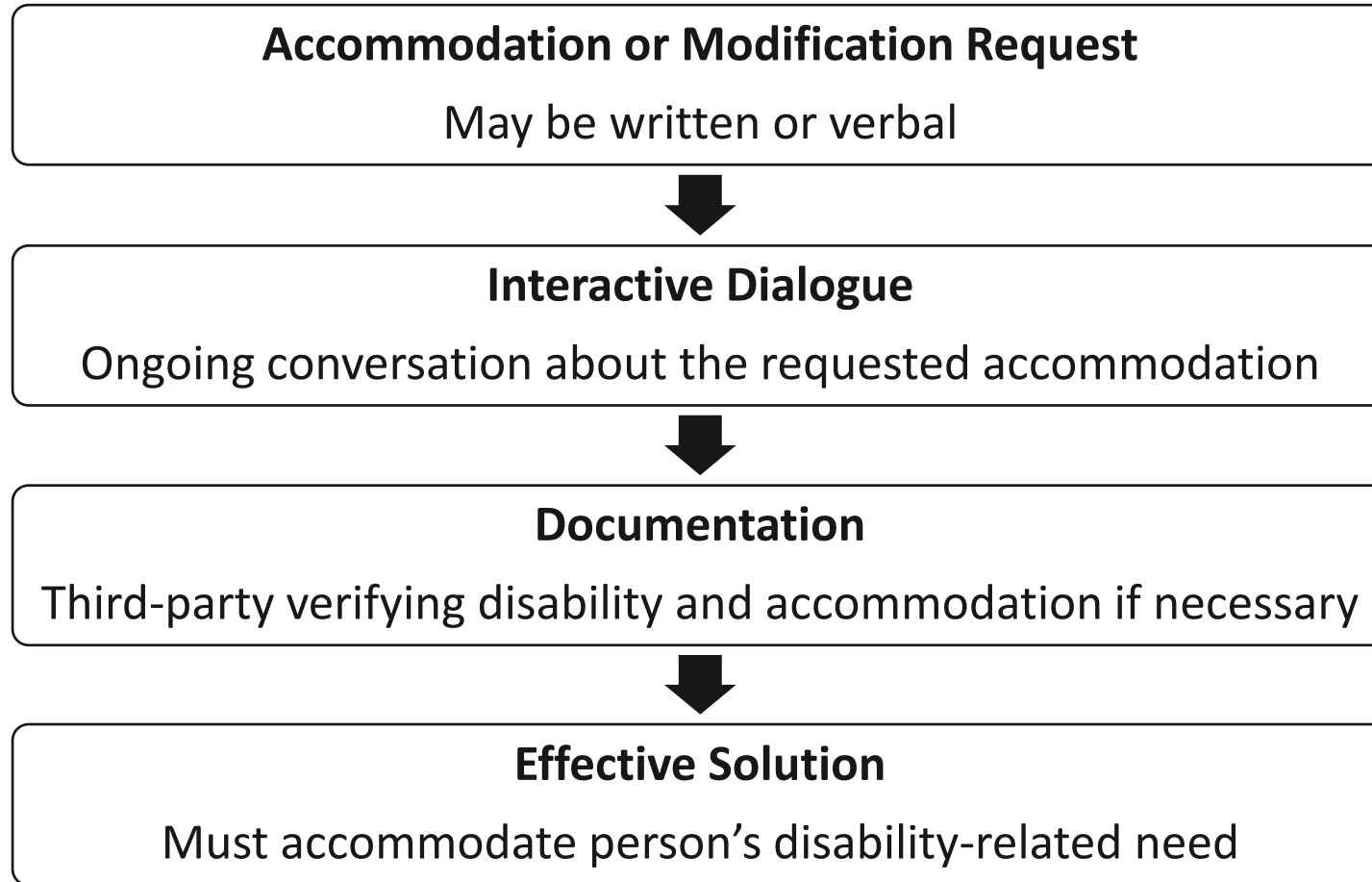
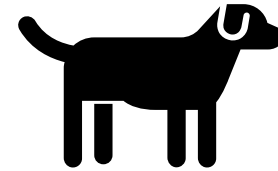


Image: cdn.pixabay.com



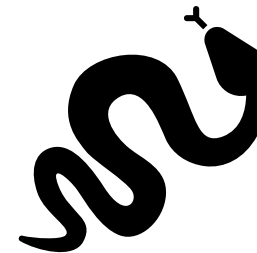
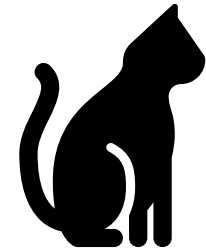
# Service Animals

Therapy  
Emotional  
Service  
Assistance  
Comfort  
Companion



The definition of service animal is broad

No training or certification required



“No pet” policies do not apply





# Other Housing Laws

Alternative Source of Income and Subsidies, First-in-Time, Fair Chance Housing and Eviction Records





**Alternative source of income** is verifiable income that is not from employment.

**Subsidies** may include short- or long-term subsidies from a government, non-profit, or other assistance programs.

OVERVIEW
Prohibits discrimination against renters using alternative sources of income to pay for housing
Requires landlord cooperation with subsidy programs
Requires landlord acceptance of written pledges of payments from subsidy programs to settle bills
Sets income screening requirements
Prohibits preferred employer programs



# First-in-Time

## LANDLORDS MUST PROVIDE WRITTEN NOTICE OF:

Criteria used to screen applicants + minimum standard a person needs to move forward in the application process

All information or documentation needed for the landlord to determine if an applicant meets the criteria

Written notice of how to request additional time to complete an application for meaningful access or reasonable accommodation for a disability

If a unit is set aside for vulnerable populations



Image: freepngimg.com





# Fair Chance Housing Overview

- **Advertising:** Prohibits housing providers from excluding applicants with criminal history.
- **Notice:** Requires housing providers to provide notice of the law on applications.
- **Screening:** Prohibits people from requiring disclosure, inquiring, or using criminal history information EXCEPT for the sex offender registry that has a juvenile exception.
  - **Sex Offender Registry:** If a housing provider takes an adverse action against an applicant with criminal history, they must have a legitimate business reason.
- **Retaliation:** Protections for asserting rights under this law.

Everyone deserves a  
**Fair Chance** at housing

*If you've been denied housing because of criminal history,  
call **206.684.4500** or visit [seattle.gov/fairhousing](https://seattle.gov/fairhousing)*





# 2020 Eviction Records Protections

- Amends Fair Chance Housing Ordinance (SMC 14.09)
- Landlords cannot take adverse actions against a tenant or potential tenant, such as rejecting a potential tenant based on their COVID-19 related eviction history.
- This history includes any eviction related records from the start of the civil emergency and for six months after the emergency is declared over.
- Requires written notice that landlord is prohibited from taking an adverse action against a tenant based on eviction history occurring during or within 6 months after the end of the civil emergency proclaimed by Mayor Durkan on **March 3, 2020**.
- Prohibits retaliation



# Thank You!

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