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City of Pittsburgh

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Title: Ordinance supplementing the Pittsburgh Code of Ordinances, Title Six: Conduct, Article Five: Discrimination, Chapter 659: Unlawful Practices, Section 659.03: Unlawful Housing Practices by adding a new protected class, "Source of Income."

Sponsors: Reverend Ricky V. Burgess, R. Daniel Lavelle

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10/7/2015	1	Standing Committee	Held for Post Agenda	Pass
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Ordinance supplementing the Pittsburgh Code of Ordinances, Title Six: Conduct, Article Five: Discrimination, Chapter 659: Unlawful Practices, Section 659.03: Unlawful Housing Practices by adding a new protected class, "Source of Income."

WHEREAS, A City For All Agenda strives to make Pittsburgh a livable and affordable city for all residents; and

WHEREAS, A City For All Agenda includes affordable housing for all Pittsburgh families; and

WHEREAS, in many housing markets, one of the key ways housing is provided to low-income tenants living on Social Security, disability retirement, income assistance, or other similar forms of income is through a housing subsidy, the most well-known of which is the Housing Choice Voucher Program (also referred to as the "Section 8" voucher program); and,

WHEREAS, voucher holders often face blatant discrimination when searching for housing. According to the Housing Authority of the City of Pittsburgh, 41% of low-income people who were issued vouchers had to return them unused, in part due to landlords unwilling to accept them; and.

WHEREAS, discrimination against voucher holders, in many cases, is a pretext for illegal discrimination based on race, national origin and familial status; and,

WHEREAS, individuals seeking to use housing choice vouchers are often limited to housing in low income

neighborhoods, which contributes to the clustering of housing choice tenants that violates the program's goal of providing economically mixed housing, with an analysis of data from the Housing Authority of the City of Pittsburgh revealing most housing choice units in Pittsburgh located in high-poverty, majority-minority neighborhoods; and,

WHEREAS, the City's Fair Housing law makes it illegal to discriminate based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, handicap or disability or use of support animals because of the handicap or disability of the user, it does not protect people based on the "source of income" they will use to pay rent. This loophole leaves many voucher-holders vulnerable to discriminatory practices; and,

WHEREAS, source of income discrimination makes it increasingly difficult for voucher recipients to actually use their vouchers; and,

WHEREAS, the City of Pittsburgh has a direct interest in ensuring that voucher holders can use their vouchers within the City of Pittsburgh.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title Six: Conduct, Article Five: Discrimination, Section 651.04: Definitions, is hereby amended to add a new definition for "source of income" as follows:

§ 651.04 - DEFINITIONS.

(jj) SOURCE OF INCOME. All lawful sources of income or rental assistance program, including, but not limited to, earned income, child support, alimony, insurance and pension proceeds, and all forms of public assistance including federal, state and local housing assistance programs. This includes the Section 8 Housing Choice Voucher Program.

Section 2. The Pittsburgh Code of Ordinances, Title Six: Conduct, Article Five: Discrimination, Section 659.03: Unlawful Housing Practices, is hereby amended to include "source of income" as a protected class:

§ 659.03 - UNLAWFUL HOUSING PRACTICES.

It shall be an unlawful housing practice, except as otherwise provided in this section:

(a)

For any owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of, the title, leasehold or other interest in any dwelling to any person, or to represent that any dwelling is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise to deny or withhold any dwelling from any person because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income**, handicap or disability or use of support animals because of the handicap or disability of the user, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the

sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any dwelling or dwellings.

(b)

For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any dwelling any clause, condition or restriction discriminating against or requiring any other person to discriminate against, any person in the use or occupancy of such dwelling because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user.

(c)

For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any dwelling because of race, color, religion, ancestry, national origin, place of birth, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user.

(d)

For any person, including any owner or real estate broker, to 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 dwelling or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user.

(e)

For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee thereof, engaged in whole or in part in the business of providing or arranging for appraisals and/or for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any dwelling or dwellings:

(1)

To discriminate against any person or group of persons because of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user, of such person or group of persons or of the prospective occupants or tenants of such dwelling in the granting, withholding, extending, modifying or in the rates, terms, conditions or privileges of any such financial assistance in connection therewith; or

(2)

To use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user, or any intent to make any such limitation, specification or discrimination.

(Ord. 23-1992, eff. 5-28-92)

(f)

For any real estate broker or real estate salesperson or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of any dwelling by representing that a change has occurred or will or may occur regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, ancestry, national origin, sex, sexual orientation, familial status**, source of income** or handicap status of the street, block, neighborhood or area in which such dwelling is located.

(g)

For any real estate broker, agent, sales representative or other person to solicit any property for sale or rental or the listing of any property for sale or rental at any time after such real estate broker, agent, sales representative or other person shall have written notice that any owner or occupant of such real estate does not desire to sell such real estate, or does not desire to be solicited either by such real estate broker, agent, sales representative or other person, or by any and all brokers, agents, sales representatives or other persons. The word "solicit" means any printed matter mailed or delivered to the owner or occupant of a residential property by any real estate broker, agent, sales representative or other person or any oral communication made either in person or by telephone to the owner or occupant of a residential property by any real estate broker, agent, sales representative or other person which advertises the accomplishments and/or abilities of the real estate broker, agent, sales representative or other person to sell homes or rent apartments or which requests or suggests that the owner or occupant list his house for sale or rent with the real estate broker, agent, sales representative or other person or which offers to purchase or rent the. owner's house or apartment.

(1)

All written correspondence hereunder shall be by certified mail, return receipt requested. The owner or occupant shall provide the Commission a true and correct copy of the written notice to the real estate broker, agent, sales representative or other person at the time such notice is given. The notice may be by individual letter or by petition. The notice is eff. upon receipt by the real estate broker, agent, sales representative or other person.

(2)

The Commission on its own motion or on appeal by the broker, agent, sales representative or other person after notice and public hearing, may declare any notice null and void if it finds such notice discriminates against any such real estate broker, agent, sales representative or other person.

(3)

All notices are void after one (1) year unless renewed within thirty (30) days of the expiration date.

(4)

The provisions of this division (g) shall not be applicable to any person who has placed his/her home for sale.

(h)

For any real estate broker, agent, sales representative or other person to solicit the owner or occupant of a dwelling located within a nonsolicitation area. The Commission may designate an area as a nonsolicitation

area for a period of up to one (1) year upon making written findings based on substantial evidence introduced at a public hearing that practices made unlawful by division (f) hereof are causing or are likely to cause blockbusting or panic selling within the area.

(1)

The Commission may extend one (1) or more times the designation of a nonsolicitation area for a period of one (1) year upon making written findings based on substantial evidence introduced at a public hearing that practices made unlawful by division (f) hereof are continuing to occur. The public hearing on any extension shall be held not more than thirty (30) days before the day on which the designation or earlier extension is scheduled to expire. The Commission may by this same procedure, at any time, terminate the designation of a nonsolicitation area, or extension of any such designation made pursuant to this subsection (h).

(2)

The Commission shall promptly announce by legal notice each designation or extension made pursuant to this division (h), describing the area to which it applies by reference to named streets and/or landmarks. Any designation or extension shall take effect upon completion of the publication required for legal notice.

(3)

The Commission shall maintain and make available to all interested persons a listing of designated nonsolicitation areas.

(4)

The Commission may, in accordance with the provisions of this Article, attempt to reach a nonsolicitation agreement with real estate brokers, agents, sales representatives or other persons doing business within a specified geographical area.

(5)

The word "solicit" shall have the same meaning as set forth in division (g) hereof.

(Ord. 15-1979, eff. 5-29-79)

(i)

For any person to deny access, membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate in the terms or conditions of such access, membership or participation, on account of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, **source of income,** handicap or disability or use of support animals because of the handicap or disability of the user.

(j)

Nothing in this Article shall bar any religious or sectarian institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious or sectarian organization, or any bona fide private or fraternal organization from limiting admission to or giving preference with respect to the sale, rental, or occupancy of any dwelling which the subject organization or entity owns or operates for other than commercial purposes to persons of the same religion or sect, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious or sectarian principles or the aims, purposes or fraternal principles for which it is established or maintained, unless membership in such religion is

restricted on account of race, color or national origin.

(k)

For purposes of this section only, discrimination on the basis of handicap or disability also includes:

(1)

A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2)

A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling; or

(3)

In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:

A.

The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

B.

All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage to handicapped persons in wheelchairs; and

C.

All premises within the dwelling contained the following features of adaptive design:

1.

An accessible route into and through the dwelling;

2.

Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3.

Reinforcements in bathroom walls to allow later installation of grab bars; and

4.

Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

D.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1-1996" satisfies the requirements of Chapter 659.03 <https://www.municode.com/library/>(k)3(C) above.

E.

Discriminatory housing practices filed pursuant to division (k)(3) hereof but occurring prior to the effective date of division (k)(3) hereof shall be referred to the U.S. Department of Housing and Urban Development for processing and disposition.

F.

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(l)

For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise of enjoyment of, any right granted or protected by under this section or any rule or regular of the Human Relations Commission.

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