



April 30, 2020

Hon. Seth Fleetwood, Mayor  
City of Bellingham  
210 Lottie Street  
Bellingham, WA 98225

RE: Landlord/Tenant Relations  
Bellingham "Rule of Three"

Dear Mayor Fleetwood:

April is traditionally "Fair Housing Month" for REALTOR® associations across the United States, a month when all REALTORS® review and rededicate themselves to uphold both the spirit and practice of providing housing without regard to discriminatory factors. Denying housing on familial status, or even inquiring into familial relationships, is just one discriminatory factor that is not only morally repugnant, but violates federal Fair Housing laws.

Bellingham's "Rule of Three" is just such an ordinance. Bellingham Municipal Code § 20.08.020 defines a "family" in part as "one or more persons related by blood, marriage, or adoption, or not more than three unrelated persons, living together within a single dwelling unit." (Emphasis added.) The ordinance contains exceptions for guardians, disabled group living, adult care homes, and rehabilitative housing. The City of Bellingham has routinely defended this definition and, until recently, attempted enforcement against households alleged to have been in violation. The REALTORS® write to encourage a higher priority for amending this provision of the Bellingham City Code.

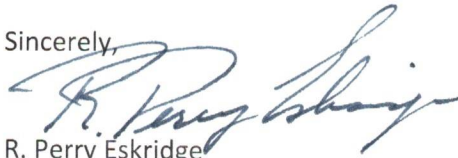
While many people equate this provision with Landlord/Tenant issues, it must be realized that this section also relates to housing sales. Washington REALTORS® are required to uphold the laws of our state including local ordinances. The reality is that REALTORS® showing homes in Bellingham must make prospective purchasers aware of the definition so as to encourage compliance with the ordinance while simultaneously attempting to avoid the appearance of discriminatory "steering;" we must describe what is a family in Bellingham but not in a manner that might imply that prospective purchasers or renters might not be a "family." It hints of historic racism and bigotry and is just not the impression our members want for this community.

Bellingham's definition is also contrary to recent efforts with respect to fair housing. A federal district court recently enjoined the city of Bowling Green, OH from enforcing a very similar restriction against homeowners and tenants finding that the restriction neither advanced the city's stated goal of regulating neighborhood density nor mitigated common nuisance complaints. *Yoder et al. v. City of Bowling Green*, 3:17 CV 2321, U.S. Dist. Ct., N.D. Ohio, Western Div., February 1, 2019. Likewise, 10 Washington State Senators, including 40<sup>th</sup> Dist. Senator Liz Lovelett, introduced senate bill 6302 entitled, "An ACT Relating to prohibiting local governments from limiting the number of unrelated persons occupying a home." While the bill failed to meet time limits imposed on the legislature's short session, the message was clear that jurisdictions may no longer utilize ordinances relying on familial relationships in housing decisions.

REALTORS® appreciate that the City Council directed the Bellingham Planning Director to address this issue but are concerned that Council provided no definite deadline for a proposed ordinance. To that end, the REALTORS® are offering to draft a proposed ordinance to remedy the discriminatory effect of Bellingham's definition by replacing the definition with an objective standard based on occupancy for prioritized review by City staff, the Planning Commission, and ultimately the City Council.

REALTORS® understand that these are difficult times and that City staff's attention is required on other issues. We stand ready to assist in any manner you deem necessary recognizing, of course, that housing issues (affordability, inventory, financing, etc.) will likely be the next casualty of this pandemic. It is our hope that archaic definitions will not stand in our way as we work to solve our local housing crisis.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Perry Eskridge", written over a horizontal line.

R. Perry Eskridge  
Executive Officer/Gov't Affairs Dir.

cc: City Council  
Board of Directors  
Gov't Affairs Cmte  
40<sup>th</sup> Leg. Delegation  
42<sup>nd</sup> Leg. Delegation



June 22, 2020

To: Bellingham City Council Members

Cc: City of Bellingham Mayor Seth Fleetwood and Rick Sepler, Planning & Community Development Director

From: Whatcom Housing Alliance Steering Committee\*

Re: City Council Agenda Bill 22671 and updating the Bellingham Municipal Code

We are writing you today to express the support from the Whatcom Housing Alliance for changing the "Rule of Three" in the Bellingham Municipal Code Section 20.08 and elsewhere in City policy.

The Whatcom Housing Alliance is a broad alliance of 36 organizations including public health proponents, economic development agencies, for-profit and non-profit housing developers, smart growth enthusiasts, private business owners, and others all united to build an affordable, healthy, equitable, thriving, and inclusive community. We believe more housing choices will help us be a more sustainable region by improving our environment, the social fabric and health of our people, and creating a stronger economy.

The current City of Bellingham definition of family is antiquated and discriminatory. Currently the BMC code cites "Family" means one or more persons related by blood, marriage, or adoption, or not more than three unrelated persons, living together within a single dwelling unit." It is inappropriate for our zoning code to define family and limit the opportunity for people to share a home if they choose.

This policy is also contrary to the recent efforts with respect to fair housing, a stated goal in the Assessment of Fair Housing completed in 2017, calling for actions such as, "Examine where the City may want to surpass State and Federal laws in protecting additional classes of people who face housing discrimination."

The Whatcom Housing Alliance is encouraged to see this issue come before the Council as a part of the efforts being made to ensure our local policies are inclusive of everyone in our community.

Sincerely,  
The Whatcom Housing Alliance Steering Committee