



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 28, 2006

Ordinance 15399

Proposed No. 2006-0125.2

Sponsors Phillips, Constantine, Ferguson,
Gossett and Patterson

1 AN ORDINANCE relating to civil rights; amending the
2 county's definition of sexual orientation, amending the
3 private right of action for employment and public
4 accommodations to be consistent with parallel sections of
5 King County Code, amending the office of civil rights
6 subpoena power for employment and public
7 accommodations investigations to be consistent with King
8 County Code, increasing civil penalties and making
9 technical corrections; amending Ordinance 13981, Section
10 1, Ordinance 13981, Section 2, and K.C.C. 12.17.010,
11 Ordinance 13981, Section 4, and K.C.C. 12.17.030,
12 Ordinance 13981, Section 5, and K.C.C. 12.17.040,
13 Ordinance 13981, Section 6, and K.C.C. 12.17.050,
14 Ordinance 13981, Section 7, and K.C.C. 12.17.060,
15 Ordinance 13981, Section 8, and K.C.C. 12.17.070,
16 Ordinance 13981, Section 9, and K.C.C. 12.17.080,
17 Ordinance 13981, Section 10, and K.C.C.

18 12.17.090, Ordinance 7430, Section 1, and K.C.C.
19 12.18.010, Ordinance 7430, Section 2, and K.C.C.
20 12.18.020, Ordinance 7430, Section 3, as amended, and
21 K.C.C. 12.18.030, Ordinance 7430, Section 4, and K.C.C.
22 12.18.040, Ordinance 7430, Section 5, and K.C.C.
23 12.18.050, Ordinance 7430, Section 6, and K.C.C.
24 12.18.060, Ordinance 7430, Section 7, and K.C.C.
25 12.18.070, Ordinance 7430, Section 8, and K.C.C.
26 12.18.080, Ordinance 7430, Section 9, and K.C.C.
27 12.18.090, Ordinance 13263, Section 52, and K.C.C.
28 12.18.097, Ordinance 7430, Section 10, and K.C.C.
29 12.18.100, Ordinance 5280, Section 1, as amended, and
30 K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended,
31 and K.C.C. 12.20.020, Ordinance 5280, Section 3.A, as
32 amended, and K.C.C. 12.20.040, Ordinance 5280, Section
33 3.B, as amended, and K.C.C. 12.20.050, Ordinance 5280,
34 Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance
35 5280, Section 4, as amended, and K.C.C. 12.20.070,
36 Ordinance 5280, Section 5, as amended, and K.C.C.
37 12.20.080, Ordinance 5280, Section 6, as amended, and
38 K.C.C. 12.20.090, Ordinance 10469, Section 11, and
39 K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended,
40 and K.C.C. 12.20.100, Ordinance 5280, Section 9, as

41 amended, and K.C.C. 12.20.120, Ordinance 10469, Section
42 13, and K.C.C. 12.20.122, Ordinance 10469, Section 14,
43 and K.C.C. 12.20.124, Ordinance 5280, Section 10, as
44 amended, and K.C.C. 12.20.130, Ordinance 10469, Section
45 16, and K.C.C. 12.20.133, Ordinance 5280, Section 11, as
46 amended, and K.C.C. 12.20.140, Ordinance 13263, Section
47 53, as amended, and K.C.C. 12.20.150, Ordinance 8625,
48 Section 1, and K.C.C. 12.22.010, Ordinance 8625, Section
49 2, as amended, and K.C.C. 12.22.020, Ordinance 8625,
50 Section 3, and K.C.C. 12.22.030, Ordinance 8625, Section
51 4, and K.C.C. 12.22.040, Ordinance 8625, Section 5, and
52 K.C.C. 12.22.050, Ordinance 8625, Section 6, and K.C.C.
53 12.22.060, Ordinance 8625, Section 7, and
54 K.C.C. 12.22.070, Ordinance 8625, Section 8, and K.C.C.
55 12.22.080, Ordinance 8625, Section 9, and K.C.C.
56 12.22.090, Ordinance 13263, Section 54, and K.C.C.
57 12.22.095 and Ordinance 8625, Section 10, and K.C.C.
58 12.22.100, adding new sections to K.C.C. chapter 12.17,
59 adding new sections to K.C.C. chapter 12.18, adding new
60 sections to K.C.C. chapter 12.20, adding new sections to
61 K.C.C. chapter 12.22, decodifying K.C.C. 12.20.145,
62 repealing Ordinance 7816, Section 4, and K.C.C. 12.20.135
63 and prescribing penalties.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. It has been the long-standing policy of King County to prohibit discrimination in employment, housing and public accommodations on the grounds of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin and disability. King County has also prohibited discrimination in public accommodations and housing on the additional ground of parental status, and in housing on the basis of participation in the federal Section 8 program. Beginning in 2001, King County has prohibited discrimination in contracting based on race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability and use of a service or assistive animal by an individual with a disability.

B. The written materials submitted and the testimony heard in the public hearing identify discrimination that continues to occur in King County.

C. State law currently expressly includes "gender identity" in its definition of "sexual orientation."

D. The King County council finds reasonable cause to believe that discrimination on these grounds continues to occur, and that the provision of a private right of action will likely deter the discrimination.

SECTION 2. Ordinance 13981, Section 1, is hereby amended to read as follows:

Statement of purpose -- findings. ((This ordinance)) K.C.C. chapter 12.17 is an exercise of the police power of King County for the protection of the public welfare,

87 health, peace and safety of the residents of King County and in fulfillment of the
88 provisions of the constitution of this state. The King County council hereby finds and
89 declares that practices of discrimination in contracting by business ~~((entities))~~ enterprises
90 against any person on the basis of race, color, age, gender, marital status, sexual
91 orientation, religion, ancestry, national origin, disability or ~~((the))~~ use of a service or
92 assistive animal by an individual with a disability constitute matters of local concern and
93 are contrary to the public welfare, health, peace and safety of the residents of King
94 County. ~~((This ordinance applies to: King County when King County is acting as a
95 contractor or is awarding a contract; to other contractors, subcontractors, suppliers,
96 materialmen, bonding agencies, contract agencies and other business entities and parties
97 doing business in unincorporated King County, and shall be liberally construed for
98 accomplishment of its policies and purposes. Nothing in this ordinance shall be deemed
99 to deny any persons the right to institute any action or to pursue any civil or criminal
100 remedy for the violation of those persons' civil rights. Nothing in this ordinance is
101 intended to be nor shall be construed to create or form the basis for any liability on the
102 part of King County, or its officers or agents, for any injury or damage resulting from or
103 by reason of any act or omission in connection with the implementation or enforcement
104 of this chapter on the part of King County by its officers, employees or agents. Nothing
105 in this ordinance shall be presumed to toll the statute of limitations for any claims under
106 federal or state statute. Nothing in this ordinance shall be construed to prohibit or apply
107 to actions taken in good faith against any person by a contractor based solely upon their
108 performance, qualifications, or ability to perform in accordance with the terms of a
109 contract or for other nondiscriminatory reasons.))~~

110 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 12.17 a
111 new section to read as follows:

112 **Application of chapter.** This chapter applies to: King County when King
113 County is acting as a contractor or is awarding a contract; business enterprises having an
114 agreement with King County; and other contractors, subcontractors, suppliers,
115 materialmen, bonding agencies, trade associations, contracting agencies and other
116 business enterprises and persons doing business in unincorporated King County.

117 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 12.17 a
118 new section to read as follows:

119 **Liberal construction of chapter.** This chapter shall be liberally construed for
120 accomplishment of its policies and purposes. This chapter shall not be construed to
121 endorse any specific belief, practice, behavior or orientation. Nothing in this chapter
122 relating to gender-based discrimination affects the ability of an employer to require an
123 employee to adhere to reasonable workplace appearance, grooming and dress standards
124 not precluded by other provisions of state or federal law, though an employer shall allow
125 an employee to appear or dress consistently with the employee's gender identity.

126 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 12.17 a
127 new section to read as follows:

128 **Affect of chapter on right to actions or pursuit of remedies.** Nothing in this
129 chapter shall be deemed to deny any persons the right to institute any action or to pursue
130 any other available civil or criminal remedy for the violation of those persons' civil rights.

131 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 12.17 a
132 new section to read as follows:

133 **Affect of chapter on liability.** Nothing in this chapter is intended to be nor shall
134 be construed to create or form the basis for any liability on the part of King County, or its
135 officers or agents, for any injury or damage resulting from or by reason of any act or
136 omission in connection with the implementation or enforcement of this chapter on the
137 part of King County by its officers, employees or agents.

138 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 12.17 a
139 new section to read as follows:

140 **Affect of chapter on statutes of limitation.** Nothing in this chapter shall be
141 construed to toll the statute of limitations for any claims under federal or state statute.

142 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 12.17 a
143 new section to read as follows:

144 **Affect of chapter on actions by contractor based solely upon job**
145 **performance.** Nothing in this chapter shall be construed to prohibit or apply to actions
146 taken in good faith against any person by a contractor based solely upon their
147 performance, qualifications or ability to perform in accordance with the terms of a
148 contract or for other nondiscriminatory reasons.

149 SECTION 9. Ordinance 13981, Section 2, and K.C.C. 12.17.010 are each hereby
150 amended to read as follows:

151 **Definitions.** The definitions in this section apply throughout this chapter unless the
152 context clearly requires otherwise.

153 A. "Business enterprise" means a licensed business organization located in or
154 doing business in unincorporated King County or that is required to comply with this
155 chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

156 B. "Charging party" means the person aggrieved by an alleged unfair contracting
157 practice or the person making a ~~((charge))~~ complaint on another person's behalf, or the
158 office of civil rights ~~((enforcement))~~ when the office of civil rights ~~((enforcement))~~ files a
159 ~~((charge))~~ complaint.

160 C. "Commercially significant contract" means a contract for the provision of
161 services, including, but not limited to, construction services, consulting services or bonding
162 or other financial services, or the sale of goods that exceeds five thousand dollars.

163 D. "Contract" means an agreement to perform a service or provide goods that
164 entails a legally binding obligation and that is performed or intended to be wholly or partly
165 performed within ~~((,))~~ unincorporated King County or that includes King County as a party.
166 "Contract" does not include the following: a contract for the purchase and sale of
167 residential real estate; a contract for employment; and a collective bargaining agreement.

168 E. "Contracting agency" means a person who for compensation engages in
169 recruiting, procuring, referral or placement of contracts with a contractor, and that is doing
170 business in King ~~((e))~~County.

171 F. "Contractor" means a business enterprise, including, but not limited to, a
172 company, partnership, corporation or other legal entity, excluding real property lessors and
173 lessees, contracting to do business within the county. "Contractor" includes, but is not
174 limited to, a public works contractor, a consultant contractor, a provider of professional
175 services, a service agency, a vendor, and a supplier selling or furnishing materials,
176 equipment, goods or services, but does not include a governmental agency other than King
177 County.

178 G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other
179 than an action taken in accordance with a lawful affirmative action program, or failure to
180 act, whether by itself or as part of a practice, the effect of which is to adversely affect or
181 differentiate between or among individuals or groups of individuals, by reasons of race,
182 color, age, gender, marital status, sexual orientation, religion, ancestry, national origin,
183 disability or ~~((the))~~ use of a service or assistive animal by an individual with a disability,
184 unless based upon a bona fide contractual qualification.

185 H. "Marital status" means the presence or absence of a marital relationship and
186 includes the status of married, separated, divorced, engaged, widowed, single or
187 cohabitating.

188 I. "Party" includes the person making a ~~((charge))~~ complaint alleging an unfair
189 contracting practice and the person alleged to have committed an unfair contracting
190 practice.

191 ~~((I.))~~ J. "Person" includes one or more individuals, partnerships, business
192 enterprises, associations, organizations, corporations, cooperatives, legal representatives,
193 trustees, trustees in bankruptcy, receivers or group of persons and includes King County.

194 ~~((J.))~~ K. "Respondent" means a person who has been alleged or found to have
195 committed an unfair contracting practice prohibited by this chapter.

196 L. "Retaliate" means to take action against any person because that person has:

197 1. Opposed any practice forbidden by this chapter;

198 2. Complied or proposed to comply with this chapter or any order issued under
199 this chapter; or

200 3. Filed a complaint, testified or assisted in any manner in any investigation,
201 proceeding or hearing initiated under this chapter.

202 ~~((K-))~~ M. "Sexual orientation" means ~~((male or female heterosexuality, bisexuality~~
203 ~~or homosexuality, and includes a person's attitudes, preferences, beliefs and practices~~
204 ~~pertaining to sex))~~ heterosexuality, homosexuality, bisexuality and gender identity. As
205 used in this definition, "gender identity" means having or being perceived as having a
206 gender identity different from that traditionally associated with the sex assigned to that
207 person at birth. Protection associated with "gender identity" includes self-image,
208 appearance, behavior or expression.

209 ~~((L-))~~ N. "Trade association" means an association of businesses organizations
210 engaged in similar fields of business that is formed for mutual protection, the interchange
211 of ideas, information and statistics or the maintenance of standards within their industry.

212 SECTION 10. Ordinance 13981, Section 4, and K.C.C. 12.17.030 are each
213 hereby amended to read as follows:

214 **Complaint – filing – investigation – order – amendment – notice.**

215 A. An individual complaint alleging an unfair contracting practice in connection
216 with a commercially significant contract may be filed with the office of civil rights by or
217 on behalf of any person who claims to be aggrieved by that unfair contracting practice
218 ~~((with the office of civil rights enforcement)).~~

219 B. A complaint alleging that a group is being subjected to an unfair contracting
220 practice in connection with a commercially significant contract may be filed by:

- 221 1. ~~((a))~~ Any member of the group;
- 222 2. ~~((t))~~ The office of civil rights ~~((enforcement));~~

223 3. ((a))A state or federal agency concerned with discrimination in contracting
224 whenever the agency has reason to believe that an unfair contracting practice has been or
225 is being committed; or

226 4. ((a))A trade association that has reason to believe that an unfair contracting
227 practice has been or is being committed against any of its members.

228 C. A complaint alleging an unfair contracting practice shall be in writing on a
229 form or in a format determined by the office of civil rights ((enforcement)), shall be
230 signed by the charging party, shall describe with particularity the unfair contracting
231 practice complained of and shall include a statement of the dates, places and
232 circumstances and the persons responsible for the acts and practices. The complaint must
233 be filed within one hundred eighty days of the time of the alleged unfair contracting
234 practice or within one hundred eighty days of when the charging party, through exercise
235 of due diligence, should have had notice or been aware of the occurrence. However, the
236 office of civil rights shall not reject a complaint ((shall not be rejected)) as insufficient
237 because of failure to include all required information, if ((#)) the office of civil rights
238 determines that the complaint substantially meets the informational requirements
239 necessary for processing.

240 D. If a complaint has been filed in accordance with this chapter, the office of civil
241 rights ((enforcement)) shall initiate an investigation under this chapter. If the office of
242 civil rights ((enforcement)) determines that a violation of this chapter or a rule or
243 regulation adopted under this chapter has occurred, the office shall issue an order in
244 accordance with this chapter. With respect to violations of this chapter, the notice,
245 service and hearings provisions in this chapter control over K.C.C. Title 23.

246 E. The charging party or the office of civil rights ((enforcement)) may amend a
247 ((charge)) complaint: to cure technical defects or omissions; ((or)) to clarify and amplify
248 allegations made in the ((charge)) complaint; or to add allegations related to or arising out
249 of the subject matter set forth, or attempted to be set forth, in the original((charge))
250 complaint. For jurisdictional purposes, the amendments shall relate back to the date the
251 original ((charge)) complaint was first filed. Either the charging party or the office of civil
252 rights, or both, may amend a complaint for these reasons as a matter of right before service
253 of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and thereafter may
254 amend a complaint only with permission of the hearing examiner, which permission shall
255 be granted if justice will be served by the permission. All parties must be allowed time to
256 prepare their cases with respect to additional or expanded allegations that the parties did not
257 and could not have reasonably foreseen would be an issue at the hearing.

258 F. The charging party may also amend a ((charge)) complaint to include
259 allegations of additional unrelated ((discriminatory acts or retaliation, or both,)) unfair
260 contracting practices that arose after filing of the original ((charge)) complaint. The
261 amendment must be filed within one hundred eighty days after the occurrence of the
262 additional ((discriminatory act or retaliation, or both,)) alleged unfair contracting practice
263 and before the issuance of findings of fact and a determination with respect to the original
264 ((charge)) complaint by the office of civil rights ((enforcement)). The amendments may
265 be made at any time during the investigation of the original ((charge)) complaint if the
266 office of civil rights ((enforcement)) will have adequate time to investigate the additional
267 allegations and the parties will have adequate time to present the office of civil rights

268 ((enforcement)) with evidence concerning the allegations before the issuance of findings
269 of fact and a determination.

270 ((F-)) G. Upon the receipt of a complaint, the office of civil rights
271 ((enforcement)) shall serve notice upon the charging party acknowledging the filing.

272 SECTION 11. Ordinance 13981, Section 5, and K.C.C. 12.17.040 are each
273 hereby amended to read as follows:

274 **Complaint – investigation – notice – prefinding settlement agreement –**
275 **discovery – subpoenas – enforcement – findings – reconsideration.**

276 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030,
277 the office of civil rights ((enforcement)) shall, within twenty days, cause to be served or
278 mailed to the respondent by certified mail, return receipt requested, a copy of the
279 complaint along with a notice advising of procedural rights and obligations of
280 respondents under this ordinance, and shall promptly make an investigation ((thereof)) of
281 the complaint. Each respondent may file an answer to the complaint, not later than
282 twenty days after receipt of notice from the office of civil rights ((enforcement)). If the
283 respondent is unable to file a response within twenty days, the respondent may request an
284 extension of time from the office of civil rights ((enforcement)). The extension may be
285 granted if good cause is shown.

286 B. The investigation shall be commenced promptly. It shall be directed to
287 ascertain the facts concerning the discriminatory practice alleged in the complaint and
288 shall be conducted in an objective and impartial manner.

289 C. During the investigation, the office of civil rights ((enforcement)) shall
290 consider any statement of position or evidence with respect to the allegations of the

291 complaint which the charging party or the respondent wishes to submit. A person who is
292 not named as a respondent in a complaint, but who is identified as a respondent in the
293 course of the investigation, may be joined as an additional or substitute respondent upon
294 written notice to the person from the office of civil rights ((enforcement)). The notice, in
295 addition to meeting the requirements of subsection A₂ of this section, shall explain the
296 basis for the belief of the office of civil rights ((enforcement)) that the person to whom
297 the notice is addressed is properly joined as a respondent.

298 D. During the period beginning with the filing of the complaint and ending with
299 the issuance of the findings of fact, the office of civil rights ((enforcement)) shall, to the
300 extent feasible, engage in settlement discussions with respect to the complaint. Nothing
301 said or done in the course of the settlement discussions may be used as evidence in a
302 subsequent proceeding under this ordinance without the written consent of the persons
303 concerned. A prefinding settlement agreement arising out of the settlement discussions
304 shall be an agreement between the respondent and the charging party, and is subject to
305 approval by the office of civil rights ((enforcement)). Failure to comply with the
306 prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

307 E. The office of civil rights ((enforcement)) shall seek the voluntary cooperation
308 of all persons: to obtain access to premises, records, documents, individuals and other
309 possible sources of information; to examine, record and copy necessary materials; and to
310 take and record testimony or statements of persons reasonably necessary for the
311 furtherance of the investigation. The office of civil rights ((enforcement)) may conduct
312 discovery in aid of the investigation by the following methods or others: deposition upon
313 oral examination or written questions; written interrogatories; requests for the production

314 of documents or evidence; inspection and physical and mental examinations; and requests
315 for admissions. The office of civil rights ((enforcement)) may sign and issue subpoenas
316 requiring the attendance and testimony of witnesses, the production of evidence
317 including, but not limited to, books, records, correspondence, e-mail or documents in the
318 possession or under the control of the person subpoenaed, access to evidence for the
319 purpose of examination and copying as are necessary for the investigation. The office of
320 civil rights ((enforcement)) shall consult with the prosecuting attorney before issuing any
321 subpoena under this section.

322 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
323 testify when requested concerning any matter under investigation, the office of civil
324 rights ((enforcement)) may invoke the aid of the King County prosecuting attorney who
325 may petition the King County superior court for an order or other appropriate action
326 necessary to secure enforcement of the subpoena. The petition shall:

327 1. ((b))Be accompanied by a copy of the subpoena and proof of service((, shall))

328 2. ((s))Set forth in what specific manner the subpoena has not been complied
329 with; and ((shall))

330 3. ((a))Ask an order of the court to compel the witness to appear and testify or
331 cooperate in the investigation of the unfair contracting practice.

332 G. If the office of civil rights ((enforcement)) concludes after the filing of a
333 complaint that prompt judicial action is necessary to carry out the purposes of this
334 chapter, the office of civil rights ((enforcement)) may invoke the aid of the prosecuting
335 attorney who may file a civil action for appropriate temporary, injunctive or preliminary
336 relief pending final disposition of the complaint.

337 H. The results of the investigation shall be reduced to written findings of fact and
338 a finding shall be made that there either is or is not reasonable cause for believing that an
339 unfair contracting practice has been or is being committed.

340 I. If a finding is made that there is no reasonable cause, the finding shall be
341 served on the charging party and respondent. Within thirty days after service of the
342 negative finding, the charging party may file a written request with the office of civil
343 rights ~~((enforcement))~~ asking for reconsideration of the finding. The office of civil rights
344 shall furnish the charging party with information regarding how to request reconsideration.
345 The office of civil rights ~~((enforcement))~~ shall respond in writing within a reasonable
346 time by granting or denying the request.

347 SECTION 12. Ordinance 13981, Section 6, and K.C.C. 12.17.050 are each
348 hereby amended to read as follows:

349 **Settlement – order without settlement – compliance – penalties.**

350 A.1. If the finding is made initially or on request for reconsideration that
351 reasonable cause exists to believe that an unfair contracting practice ~~((has))~~ occurred, the
352 office of civil rights ~~((enforcement))~~ shall endeavor to eliminate the unfair practice by
353 conference, conciliation and persuasion, which may include as a condition of settlement
354 ~~((the))~~;

355 a. elimination of the unfair contracting practice~~((;))~~;

356 b. payment of actual damages including payment of lost profits not in excess
357 of the amount of monetary damage actually incurred ~~((and))~~;

358 c. payment of damages caused by emotional distress, humiliation and
359 embarrassment~~((;))~~;

360 d. payment of attorneys' fees ((or)) and costs; and
361 e. such other requirements as may be agreed upon by the parties and the office
362 of civil rights ((enforcement)).

363 2. A settlement agreement shall be reduced to writing and signed by the
364 respondent and the charging party and shall be approved by the office of civil rights
365 ((enforcement)). An order shall then be entered by the office of civil rights
366 ((enforcement)) setting forth the terms of the agreement. Copies of the order shall be
367 delivered to all affected parties and the original of the order filed with the division of
368 records and elections. Failure to comply with the postfinding settlement agreement or
369 order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement
370 is a public record.

371 B.1. If ((an)) the parties cannot reach agreement ((cannot be reached)), ((a finding
372 to that effect shall be made by the office of civil rights enforcement and incorporated)) the
373 office of civil rights shall make a finding to that effect, incorporate the finding in the order
374 ((,with the)) and furnish a copy ((thereof furnished)) of the order to ((the complainant and
375 the respondent)) all affected parties. The order shall also include:

- 376 ((1-)) a. a finding that an unfair contracting practice has occurred;
377 ((2-)) b. the basis for the finding; and
378 ((3-)) c. an order requiring the respondent to cease and desist from the unfair
379 practice and to take appropriate affirmative measures, ((including but not limited to,))
380 which may include:

381 (1) payment of actual damages including payment of lost profits not in excess
382 of the amount of monetary damages actually incurred ((and));

383 (2) payment of damages caused by emotional distress, humiliation and
384 embarrassment((:));

385 (3) payment of attorneys' fees ((or to take)) and costs; and

386 (4) such other action as in the judgment of the office of civil rights
387 ((enforcement)) will effectuate the purposes of this chapter, which may include the
388 requirement for a report on the matter of compliance.

389 2. If the office of civil rights ((enforcement)) finds the respondent willfully or
390 knowingly committed any unfair contracting practice, the office of civil rights
391 ((enforcement)) may further order the respondent to pay a civil penalty of up to one
392 thousand dollars per violation, which penalty shall be paid to the King County treasury
393 ((division)) for deposit in the county general fund.

394 C. If there is a failure to reach an agreement for the elimination of any unfair
395 contracting practice where the respondent is an executive department, division or office
396 of the county, the office of civil rights ((enforcement)) may compel compliance by the
397 executive department, division or office with any settlement agreement agreed to between
398 the complainant and the office of civil rights ((enforcement)).

399 SECTION 13. Ordinance 13981, Section 7, and K.C.C. 12.17.060 are each
400 hereby amended to read as follows:

401 **Hearing – order finality – appeal.**

402 A.1. A party aggrieved by an order of the office of civil rights ((enforcement))
403 may request in writing within ((ten)) thirty days of the service of the ((notice and)) order
404 an appeal hearing before the county office of the hearing examiner. The request for
405 hearing shall ((cite the notice and order appealed from and contain a brief statement of

406 ~~the reasons for seeking the appeal hearing))~~ be filed with the office of civil rights. The
407 request for hearing must identify clearly and specifically:

- 408 a. the errors that the appellant believes were made in the action or decision that
409 is being appealed, or the procedural irregularities associated with that action or decision;
410 b. specific reasons why the county's action should be reversed or modified; and
411 c. the desired outcome of the appeal.

412 2. Unless the hearing examiner authorizes an amendment to the statement of
413 appeal, the identification of errors and the statement of reasons for reversal or
414 modification defines and limits the issues that the examiner may consider.

415 B. An order issued by the office of civil rights (~~enforcement~~) in accordance
416 with procedures (~~contained~~) in this chapter becomes final (~~ten~~) thirty days after
417 service of the (~~notice and the~~) order unless a written request for hearing is (~~received by~~
418 ~~the hearing examiner~~) filed with the office of civil rights within the (~~ten~~) thirty-day
419 period.

420 C. If the order of the office of civil rights (~~enforcement~~) is appealed, the office
421 of the hearing examiner shall conduct a hearing for the purpose of affirming, denying or
422 modifying the order. There shall be a verbatim record kept of the hearing and the hearing
423 examiner shall have such rule-making and other power necessary for the conduct of the
424 hearing as are specified by K.C.C. 20.24.170. The order of the office of civil rights
425 (~~enforcement~~) shall not be (~~accorded the presumption of correctness~~) presumed
426 correct. The hearing examiner's decision shall be based upon a preponderance of the
427 evidence. The hearing shall be conducted within a reasonable time after receipt of the
428 request for appeal. Written notice of the time and place of the hearing shall be given at

429 least ten days before the date of the hearing to each affected party and to the office of
430 civil rights ((enforcement)).

431 D. Each party has the following rights, among others:

432 1. ((~~t~~))To call and examine witnesses on any matter relevant to the issues of the
433 complaint;

434 2. ((~~t~~))To introduce documentary and physical evidence;

435 3. ((~~t~~))To cross-examine opposing witnesses on any matter relevant to the issues
436 of the complaint;

437 4. ((~~t~~))To impeach any witness regardless of which party first called the witness
438 to testify;

439 5. ((~~t~~))To rebut evidence against the party;

440 6. ((~~t~~))To represent himself or herself or to be represented by anyone of the
441 party's choice who is lawfully permitted to do so.

442 E. Following review of the evidence submitted, the hearing examiner presiding at
443 the hearing shall enter written findings and conclusions and shall affirm or modify the
444 order previously issued if the hearing examiner finds that a violation has occurred. The
445 hearing examiner shall reverse the order if the hearing examiner finds ((~~no~~)) that a
446 violation ((~~occurred~~)) did not occur. The hearing examiner may grant any relief that the
447 office of civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing
448 examiner's decision shall be delivered to all affected parties. The order of the hearing
449 examiner is final unless reviewed by a court under K.C.C. 20.24.240.B.

450 SECTION 14. Ordinance 13981, Section 8, and K.C.C. 12.17.070 are each
451 hereby amended to read as follows:

452 **Enforcement – by office of civil rights ((enforcement)).**

453 A. ~~((If the respondent refuses or fails to comply with an order of the office of~~
454 ~~civil rights enforcement that has not been appealed under K.C.C. 12.17.060, the office of~~
455 ~~civil rights enforcement may enforce the order against the person utilizing civil penalties~~
456 ~~of K.C.C. Title 23. If a civil penalty is assessed, notwithstanding the monetary amount~~
457 ~~provided in K.C.C. Title 23, the penalty shall be two hundred dollars per day for each day~~
458 ~~the respondent refuses or fails to comply with an order of the office of civil rights~~
459 ~~enforcement.~~

460 B.)) If the office of civil rights ((enforcement)) has reasonable cause to believe
461 that a respondent has breached a prefinding or postfinding settlement agreement executed
462 under K.C.C. 12.17.040 or 12.17.050 or ((has)) violated an order of the office of civil
463 rights ((enforcement)) issued under K.C.C. 12.17.050 or an order of the hearing examiner
464 issued under K.C.C.12.17.060, the office of civil rights ((enforcement)) shall refer the
465 matter to the prosecuting attorney for the filing of a civil action under subsection ((C)) B.
466 of this section for the enforcement of the agreement.

467 ((C.)) B. The prosecuting attorney may commence a civil action in King County
468 superior court for appropriate relief with respect to a breach of a prefinding or postfinding
469 settlement agreement or violation of an order of the office of civil rights ((enforcement))
470 issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C.
471 12.17.060. The action may be commenced no later than ninety days after the referral of
472 the alleged breach underlying the referral under subsection A. of this section.

473 SECTION 15. Ordinance 13981, Section 9, and K.C.C. 12.17.080 are each
474 hereby amended to read as follows:

475 **Enforcement by private ~~((parties))~~ persons.**

476 A. An aggrieved person may commence a civil action in King County superior
477 court not later than one year after the occurrence or the termination of an alleged unfair
478 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the
479 unfair contracting practice.

480 B. The computation of the one-year period does not include time during which an
481 administrative proceeding under this chapter was pending with respect to a complaint or
482 charge under this chapter based upon the discriminatory contracting practices.

483 C. An aggrieved person may commence a civil action under this section whether
484 or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status
485 of any such a complaint, except as provided in subsection D. of this section, but if a
486 settlement or conciliation agreement has been reached with the consent of an aggrieved
487 person, an action may not be filed under this subsection by the aggrieved person with
488 respect to the alleged unfair contracting practice that forms the basis for the complaint
489 except for the purpose of enforcing the terms of the agreement.

490 D. An aggrieved person may not commence a civil action under this section with
491 respect to an alleged unfair contracting practice which forms the basis of a complaint if a
492 hearing on the complaint has been convened by the office of the King County hearing
493 examiner.

494 E. In a civil action under this section, if the court finds that an unfair contracting
495 practice has occurred or is about to occur, the court may grant as relief ~~((, as the court~~
496 ~~deems appropriate, any permanent or temporary injunction, temporary restraining order,~~
497 ~~or other order, including an order enjoining the defendant from engaging in such a~~

498 ~~practice or ordering such affirmative measures as might be appropriate. The court may~~
499 ~~also allow reasonable attorneys' fees and costs to the prevailing party)) any relief that the~~
500 ~~office of civil rights could grant under K.C.C. 12.17.050.B.~~

501 F. Relief granted under this section does not affect any contract, sale,
502 encumbrance or lease consummated before the granting of the relief and involving a bona
503 fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint
504 with the office of civil rights ((~~enforcement~~)) or civil action under this title.

505 G. Upon timely application, the prosecuting attorney may intervene in the civil
506 action if the prosecuting attorney ((~~certifies~~)) determines that the case is of general public
507 importance.

508 H. This section is intended to provide private judicial remedies for violations of
509 this chapter that are as expansive as the powers granted by the Constitution and laws of
510 the state of Washington.

511 SECTION 16. Ordinance 13981, Section 10, and K.C.C. 12.17.090 are each
512 hereby amended to read as follows:

513 **Authorization to implement procedures.** ((~~The office of civil rights~~
514 ~~enforcement: shall receive, investigate and issue findings and orders with respect to~~
515 ~~charges alleging unfair practices as defined by this chapter, conciliate and settle the~~
516 ~~charges by agreement and monitor and enforce any agreement or order resulting~~
517 ~~therefrom or from a subsequent hearing on the charges under this chapter; and has such~~
518 ~~powers and duties in the performance of these functions as are defined in this chapter and~~
519 ~~otherwise necessary and proper in the performance of the powers and duties and provided~~
520 ~~by law.)) The office of civil rights ((~~enforcement~~)) may implement such forms,~~

521 administrative processes and operational procedures as are necessary to implement this
522 chapter(~~(, but)~~). ~~((t))~~The forms, processes and procedures shall be adopted in compliance
523 with K.C.C. chapter 2.98. The office of civil rights (~~(enforcement)~~) shall further assist
524 other county agencies and departments upon request in effectuating and promoting the
525 purposes of this chapter.

526 NEW SECTION. SECTION 17. There is hereby added to the K.C.C. chapter
527 12.18 a new section to read as follows:

528 **Enforcement by private persons.**

529 A. An aggrieved person may commence a civil action in superior court not later
530 than three years after the occurrence or termination of an alleged unfair employment
531 practice or ninety days after a determination of reasonable cause is issued by the office of
532 civil rights, whichever occurs last, to obtain appropriate relief with respect to the unfair
533 employment practice.

534 B. A civil action may be filed under this section whether or not an administrative
535 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such
536 a complaint. However, if the office of civil rights obtained a prefinding or postfinding
537 settlement or conciliation agreement with the consent of the aggrieved person, an action
538 may not be filed under this section by the aggrieved person with respect to the alleged
539 unfair employment practice that forms the basis for the complaint except for the purpose
540 of enforcing the agreement. To preclude such a filing, the prefinding or postfinding
541 settlement or conciliation agreement must include language that the aggrieved person
542 knowingly waives any right to file a civil action based on the same alleged unfair
543 employment practice.

544 C. Subject to subsection D. of this section, after the filing of a civil action
545 involving the same claim or arising from the same facts and circumstances, whether
546 under this chapter or similar law, the office of civil rights may administratively close a
547 complaint of an unfair employment practice.

548 D. If a court dismisses a private cause of action without reaching the merits and
549 on grounds that would not preclude pursuit of a complaint under this chapter, the
550 charging party may request, within ninety days of the entry of the court's order of
551 dismissal, that the office of civil rights reopen a previously filed case. Upon such a
552 request, the office of civil rights may reopen a case that was administratively closed upon
553 the filing of a civil action. If the office of civil rights closes a case based on a "no
554 reasonable cause" finding, the case shall not be reopened except as provided through
555 reconsideration under K.C.C. 12.18.050.

556 E. A charging party or aggrieved person may not secure relief from more than
557 one governmental agency, instrumentality or tribunal for the same harm or injury.

558 F. An aggrieved person may not commence a civil action under this section with
559 respect to an alleged unfair employment practice that forms the basis of a complaint if a
560 hearing on the complaint has been convened under K.C.C. 12.18.070.

561 G. In a civil action under this section, if the court finds that a unfair practice
562 occurred, the court may grant such relief as is available for violations of the Washington
563 state Law Against Discrimination, chapter 49.60 RCW.

564 H. Upon timely application, the prosecuting attorney may intervene in the civil
565 action if the prosecuting attorney determines that the case is of general public importance.

566 I. This section is intended to provide private judicial remedies for violations of
567 this chapter that are as expansive as the powers granted by the Constitution and laws of
568 the state of Washington.

569 SECTION 18. Ordinance 7430, Section 1, and K.C.C. 12.18.010 are each hereby
570 amended to read as follows:

571 **Statement of purpose -- findings.** This chapter is an exercise of the police power
572 of King County for the protection of the public welfare, health, peace and safety of the
573 residents of King County and in fulfillment of the ~~((provisions of the constitution of this))~~
574 state Constitution. The King County council hereby finds and declares that practices of
575 employment discrimination against any person on the basis of race, color, age, ~~((sex))~~
576 gender, marital status, sexual orientation, religion, ancestry, national origin, disability or
577 ~~((the presence of any sensory, mental or physical handicap))~~ use of a service or assistive
578 animal by an individual with a disability constitute matters of local concern and are
579 contrary to the public welfare, health, peace and safety of the residents of King County.

580 ~~((The provisions of this chapter shall apply to King County when acting as an~~
581 ~~employer and to other employers, labor organizations, and employment agencies in~~
582 ~~unincorporated King County and shall be liberally construed for accomplishment of its~~
583 ~~policies and purposes.~~

584 ~~Nothing in this chapter shall be deemed to deny any persons the right to institute~~
585 ~~any action or to pursue any civil or criminal remedy for the violation of such person's civil~~
586 ~~rights.~~

587 ~~Nothing contained in this chapter is intended to be nor shall be construed to create~~
588 ~~or form the basis for any liability on the part of King County, or its officers or agents, for~~

589 any injury or damage resulting from or by reason of any act or omission in connection with
590 the implementation or enforcement of this chapter on the part of King County by its
591 officers, employees or agents.

592 Nothing in this chapter shall be presumed to toll the statute of limitations for any
593 claims under federal or state statute.

594 Nothing in this chapter shall be construed to prohibit or apply to actions directed
595 against an employee taken in good faith by an employer based solely upon the job
596 performance of such employee.))

597 NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 12.18 a
598 new section to read as follows:

599 **Application of chapter.** This chapter applies to King County if the county is
600 acting as an employer. This chapter also applies to other employers, labor organizations
601 and employment agencies acting in unincorporated King County.

602 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 12.18 a
603 new section to read as follows:

604 **Liberal construction of chapter.** This chapter shall be liberally construed for
605 accomplishment of this chapter's policies and purposes. This chapter shall not be
606 construed to endorse any specific belief, practice, behavior, or orientation. Nothing in
607 this chapter relating to gender-based discrimination affects the ability of an employer to
608 require an employee to adhere to reasonable workplace appearance, grooming and dress
609 standards not precluded by other provisions of state or federal law, though an employer
610 shall allow an employee to appear or dress consistently with the employee's gender
611 identity.

612 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 12.18 a
613 new section to read as follows:

614 **Affect of chapter on right to actions or pursuit of remedies.** Nothing in this
615 chapter shall be deemed to deny any persons the right to institute any action or to pursue
616 any other available civil or criminal remedy for the violation of the person's civil rights.

617 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 12.18 a
618 new section to read as follows:

619 **Affect of chapter on liability.** Nothing in this chapter is intended to be nor shall
620 be construed to create or form the basis for any liability on the part of King County, or its
621 officers or agents, for any injury or damage resulting from or by reason of any act or
622 omission in connection with the implementation or enforcement of this chapter on the part
623 of King County by its officers, employees or agents.

624 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 12.18 a
625 new section to read as follows:

626 **Affect of chapter on statutes of limitation.** Nothing in this chapter shall be
627 construed to toll the statute of limitations for any claims under federal or state statute.

628 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 12.18 a
629 new section to read as follows:

630 **Affect of chapter on actions by employer based solely upon job performance.**
631 Nothing in this chapter may be construed to prohibit or apply to actions directed against an
632 employee taken in good faith by an employer based solely upon the job performance of the
633 employee.

634 SECTION 25. Ordinance 7430, Section 2, and K.C.C. 12.18.020 are each hereby
635 amended to read as follows:

636 **Definitions.** ~~((When used in))~~ The definitions in this section apply throughout this
637 chapter((;)) unless the context clearly requires otherwise ((requires:)).

638 A. ~~(("Executive" means the King County Executive or his or her designee))~~ "Age"
639 means being eighteen years old or older.

640 B. "Aggrieved person" includes a person who claims to have been injured by an
641 unfair employment practice.

642 C. "Charging party" means any person alleging an unfair employment practice
643 under this chapter by filing a complaint with the office of civil rights.

644 D.1. "Disability" means:

645 a. a physical or mental impairment that substantially limits one or more of a
646 person's major life activities, either temporarily or permanently;

647 b. a person has a record of having such an impairment;

648 c. a person is regarded as having such an impairment; or

649 d. a person has any other condition that is a disability under the Washington state
650 Law Against Discrimination, chapter 49.60 RCW, as it pertains to employment.

651 2. "Disability" does not include current, illegal use of a controlled substance, as
652 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on the effective date of this section.

653 E. "Discrimination(("),," "discriminate((" , and/) or "discriminatory act"((;)) means
654 any action or failure to act, whether by itself or as part of a practice, the effect of which is
655 to adversely affect or differentiate between((;)) or among, individuals or groups of
656 individuals, by reasons of race, color, age, ((sex)) gender, marital status, sexual orientation,

657 religion, ancestry, national origin, disability or ~~((the presence of any sensory, mental or~~
658 ~~physical handicap))~~ use of a service or assistive animal by an individual with a disability,
659 unless based upon a bona fide occupational qualification.

660 ~~((C-))~~ F. "Employee" means any person who works for another in return for
661 financial or other compensation, and does not include any individual employed by ~~((his or~~
662 ~~her))~~ the individual's parents, spouse~~((;))~~ or child, or in the domestic service of any person.

663 ~~((D-))~~ G. "Employer" means King County or any person acting in the interest of an
664 employer, directly or indirectly, who employs eight or more persons in unincorporated
665 King County, and ~~((does not))~~ includes neither any religious or sectarian organization not
666 organized for private profit~~((;))~~ nor ~~((shall the term include))~~ any governmental body other
667 than King County.

668 ~~((E-))~~ H. "Employment agency" means any person who for compensation engages
669 in recruiting, procuring, referral or placement of employees with an employer.

670 ~~((F-))~~ I. "Labor organization" means any organization existing for the purpose of:

671 1. ~~((d))~~ Dealing with employers concerning grievances, terms or conditions of
672 employment~~((;))~~; or

673 2. ~~((p))~~ Providing other mutual aid or protection in connection with employment.

674 ~~((G-))~~ J. "Marital status" means the presence or absence of a marital relationship
675 and includes the status of married, separated, divorced, engaged, widowed, single or
676 cohabitating.

677 K. "Party" ~~((shall))~~ includes the person making a complaint or upon whose behalf a
678 complaint is made alleging an unfair employment practice, ~~((and))~~ the person alleged or
679 found to have committed an unfair employment practice and the office of civil rights.

680 ~~((H.))~~ L. "Person" ~~((shall))~~ includes one or more individuals, partnerships,
681 associations, organizations, corporations, cooperatives, legal representatives, trustees,
682 trustees in bankruptcy, receivers~~((;))~~ or ~~((any))~~ groups of persons and ~~((shall))~~ includes
683 King County.

684 ~~((I.))~~ M. "Respondent" means any person who ~~((has been))~~ is alleged to or found to
685 have committed an unfair employment practice prohibited by this chapter.

686 ~~((J.))~~ N. "Service or assistive animal" means a dog guide, signal or hearing dog,
687 seizure response dog, therapeutic companion animal or other animal that does work,
688 performs tasks or provides medically necessary support for the benefit of an individual
689 with a disability.

690 O. "Settlement discussions" or "conference, conciliation and persuasion" means the
691 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,
692 through informal negotiations involving the charging party, the respondent and the office of
693 civil rights.

694 P. "Sexual orientation" means ~~((male or female heterosexuality, bisexuality or~~
695 ~~homosexuality, and includes a person's attitudes, preferences, beliefs and practices~~
696 ~~pertaining to sex))~~ heterosexuality, homosexuality, bisexuality and gender identity. As
697 used in this definition, "gender identity" means having or being perceived as having a
698 gender identity different from that traditionally associated with the sex assigned to that
699 person at birth. Protection associated with "gender identity" includes self-image,
700 appearance, behavior or expression.

701 SECTION 26. Ordinance 7430, Section 3, as amended, and K.C.C. 12.18.030 are
702 each hereby amended to read as follows:

703 **Unfair employment practices prohibited.** It is an unfair employment practice and
704 unlawful for any:

705 A. ~~((e))~~Employer or labor organization to discriminate against any person with
706 respect to referral, hiring, tenure, promotion, terms, conditions, wages or other privileges of
707 employment;

708 B. ~~((e))~~Employment agency or labor organization to discriminate against any
709 person with respect to membership rights and privileges, admission to or participation in
710 any guidance program, apprenticeship training program~~((;))~~ or other occupational training
711 program;

712 C. ~~((e))~~Employer, employment agency~~((;))~~ or labor organization to print,
713 circulate~~((;))~~ or cause to be printed, published~~((;))~~ or circulated, any statement,
714 advertisement~~((;))~~ or publication relating to employment or membership, or to use any form
715 of application therefor, ~~((which))~~ that indicates any discrimination unless based upon a
716 bona fide occupational qualification;

717 D. ~~((e))~~Employment agency to discriminate against any person with respect to any
718 reference for employment or assignment to a particular job classification;

719 E. ~~((e))~~Employer, employment agency or a labor organization to retaliate by taking
720 action against any person because that person ~~((has))~~:

721 1. ~~((e))~~Opposed any practice forbidden by this chapter ~~((or because that person~~
722 ~~has-made))~~;

723 2. Complied or proposed to comply with this chapter or any order issued under
724 this chapter; or

725 3. Filed a ((charge)) complaint, testified or assisted in any manner in any
726 investigation, proceeding or hearing initiated under ~~((the provisions of))~~ this chapter;
727 F. ~~((p))~~ Publisher, firm, corporation, organization or association printing, publishing
728 or circulating any newspaper, magazine or other written publication to print or cause to be
729 printed or circulated any advertisement with knowledge that the ~~((same))~~ action is in
730 violation of K.C.C. 12.18.030~~C((-))~~, or to segregate and separately designate
731 advertisements as applying only to men or women unless ~~((such))~~ the discrimination is
732 based upon a bona fide occupational qualification reasonably necessary to the normal
733 operation of the particular business, enterprise or employment ~~((, or unless the~~
734 ~~discrimination is based upon a bona fide occupational qualification.))~~; and

735 G. ~~((e))~~ Employer to prohibit any person from speaking in a language other than
736 English in the workplace unless:

- 737 1. ~~((t))~~ The employer can show that requiring employees speak only English at
738 certain times is justified by business necessity~~((;))~~; and
739 2. ~~((t))~~ The employer informs employees of the requirement and the consequences
740 of violating the ~~((rule))~~ requirement.

741 SECTION 27. Ordinance 7430, Section 4, and K.C.C. 12.18.040 are each hereby
742 amended to read as follows:

743 **Filing of a complaint.**

744 A. ~~((An individual))~~ A complaint alleging an unfair employment practice may be
745 filed by:

- 746 1. ~~((a))~~ Any aggrieved person ~~((who claims to be aggrieved by an unfair~~
747 ~~employment practice.~~

748 ~~B. A complaint alleging that a group is being subjected to an unfair employment~~
749 ~~practice may be filed by:~~

750 ~~1. Any member of the class;~~

751 ~~2. The executive;~~

752 ~~3.);~~

753 ~~2. A state, local or federal agency concerned with discrimination in employment~~
754 ~~((whenever such an)), including the office of civil rights, if the agency has reason to believe~~
755 ~~that an unfair employment practice has been or is being committed; or~~

756 ~~((4.)) 3. Any labor organization ((which)) that has reason to believe that an unfair~~
757 ~~employment practice has been or is being committed.~~

758 ~~((C.)) B. A complaint alleging an unfair employment practice shall be in writing((;~~
759 ~~verified)) and signed by the charging party, and shall describe with particularity the unfair~~
760 ~~employment practice complained of, the location of the practice and the person alleged to~~
761 ~~have committed ((it)) the unfair employment practice. The complaint must be filed with~~
762 ~~the office of civil rights within ((180)) one hundred eighty days of the time of the alleged~~
763 ~~unfair employment practice or within ((180)) one hundred eighty days of when the~~
764 ~~charging party, through exercise of due diligence, should have had notice or been aware of~~
765 ~~((such)) the occurrence. However, the office of civil rights shall not reject a complaint as~~
766 ~~insufficient because of failure to include all required information, if the office of civil rights~~
767 ~~determines that the complaint substantially meets the informational requirements necessary~~
768 ~~for processing.~~

769 ~~C. Upon the receipt of a complaint, the office of civil rights shall serve upon the~~
770 ~~charging party notice acknowledging the filing.~~

771 D. The charging party or the office of civil rights may amend a complaint: to cure
772 technical defects or omissions; to clarify and amplify allegations made in the complaint;
773 or to add allegations related to or arising out of the subject matter set forth, or attempted
774 to be set forth, in the original complaint. For jurisdictional purposes, the amendments
775 relate back to the date the original complaint was first filed. Either the charging party or
776 the office of civil rights, or both, may amend a complaint for these reasons as a matter of
777 right before service of notice of hearing on the matter, as provided under K.C.C. 12.18.070,
778 and thereafter may amend a complaint only with permission of the hearing examiner,
779 which permission shall be granted if justice will be served by the permission. All parties
780 must be allowed time to prepare their cases with respect to additional or expanded
781 allegations that the parties did not and could not have reasonably foreseen would be an
782 issue at the hearing.

783 E. The charging party may also amend a complaint to include allegations of
784 additional unrelated unfair employment practices that arose after filing of the original
785 complaint. The charging party must file any amendments adding the allegations within
786 one hundred eighty days of the time of the additional unfair employment practice or within
787 one hundred eighty days of when the charging party, through exercise of due diligence,
788 should have had notice or been aware of the additional discriminatory act, and before the
789 issuance of findings of fact and a determination with respect to the original complaint by
790 the office of civil rights. The amendments may be made at any time during the
791 investigation of the original complaint if the office of civil rights will have adequate time
792 to investigate the additional allegations and the parties will have adequate time to present

793 the office of civil rights with evidence concerning the allegations before the issuance of
794 findings of fact and a determination.

795 SECTION 28. Ordinance 7430, Section 5, and K.C.C. 12.18.050 are each hereby
796 amended to read as follows:

797 **Investigation of ((C))complaint ((-investigation)).**

798 A. Upon receipt of a complaint meeting the requirements of K.C.C.
799 12.18.040_C((-)), the ((executive)) office of civil rights shall cause to be served or mailed,
800 by certified mail, return receipt requested, a copy of the complaint to the respondent within
801 twenty days after the filing of ((said charge)) the complaint and shall promptly make an
802 investigation ((thereof)) of the complaint. Each respondent may file an answer to the
803 complaint not later than twenty days after receipt of notice from the office of civil rights. If
804 a respondent is unable to file a response within twenty days, the respondent may request an
805 extension of time from the office of civil rights. The office of civil rights may grant the
806 extension if good cause is shown.

807 B. The ((investigation)) office of civil rights shall ((be directed)) direct the
808 investigation to ascertain the facts concerning the unfair employment practice alleged in the
809 complaint and shall ((be conducted)) conduct the investigation in an objective and impartial
810 manner.

811 C. During the investigation, the ((executive)) office of civil rights shall consider
812 any statement of position or evidence with respect to the allegations of the complaint,
813 which the charging party or the respondent wishes to submit. A person who is not named
814 as a respondent in a complaint, but who is identified as a respondent in the course of
815 investigation, may be joined as an additional or substitute respondent upon written notice,

816 under subsection A. of this section, to the person from the office of civil rights. The notice,
817 in addition to meeting the requirements of subsection A. of this section, must explain the
818 basis for the office of civil rights' belief that the person to whom the notice is addressed is
819 properly joined as a respondent.

820 D. During the period beginning with the filing of the complaint and ending with
821 the issuance of the findings of fact, the office of civil rights shall, to the extent feasible,
822 engage in settlement discussions with respect to the complaint. Anything said or done in
823 the course of the settlement discussions may not be made public or used as evidence in a
824 subsequent proceeding under this chapter without the written consent of the persons
825 concerned. A prefinding settlement agreement arising out of the settlement discussions
826 must be an agreement between the respondent and the charging party and is subject to
827 approval by the office of civil rights. Each prefinding settlement agreement is a public
828 record. Failure to comply with the prefinding settlement agreement may be enforced under
829 K.C.C. 12.18.080.

830 E. The office of civil rights shall seek the voluntary cooperation of all persons: to
831 obtain access to premises, records, documents, individuals and other possible sources of
832 information; to examine, record and copy necessary materials; and to take and record
833 testimony or statements of persons reasonably necessary for the furtherance of the
834 investigation. The office of civil rights may conduct discovery in aid of the investigation
835 by the following methods or others: deposition upon oral examination or written questions;
836 written interrogatories; requests for the production of documents or other evidence, for
837 inspection and other purposes; physical and mental examinations; and requests for
838 admissions. The office of civil rights may sign and issue subpoenas requiring the

839 attendance and testimony of witnesses and the production of or access to evidence
840 including books, records, correspondence, e-mail or documents in the possession or under
841 the control of the person subpoenaed as are necessary for the investigation. The office of
842 civil rights shall consult with the prosecuting attorney before issuing a subpoena under this
843 section.

844 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
845 testify if requested concerning any matter under investigation, the office of civil rights may
846 invoke the aid of the prosecuting attorney, who may petition to the superior court for an
847 order or other appropriate action necessary to secure enforcement of the subpoena. The
848 petition shall:

- 849 1. Be accompanied by a copy of the subpoena and proof of service;
850 2. Set forth in what specific manner the subpoena has not been complied with;
851 and
852 3. Ask for an order of the court to compel the witness to appear and testify or
853 cooperate in the investigation of the unfair employment practice.

854 G. If the office of civil rights concludes at any time after the filing of a complaint
855 that prompt judicial action is necessary to carry out the purposes of this chapter, the office
856 of civil rights may invoke the aid of the prosecuting attorney, who may file a civil action
857 for appropriate temporary, injunctive or preliminary relief pending final disposition of the
858 case.

859 H. The office of civil rights shall reduce the results of the investigation ((shall be
860 reduced)) to written findings of fact and make a finding ((shall be made)) that there either is

861 or is not reasonable cause for believing that an unfair employment practice has been or is
862 being committed.

863 ~~((E-))~~ I. If a finding is made that there is no reasonable cause, ~~((said))~~ the finding
864 shall be served on the charging party and respondent. Within thirty days after service of
865 such a negative finding, the charging party ~~((shall have the right to))~~ may file a written
866 request with the ~~((executive))~~ office of civil rights asking for reconsideration of the finding.
867 The office of civil rights shall furnish the charging party with information regarding how to
868 request reconsideration. The ~~((executive))~~ office of civil rights shall respond in writing
869 within a reasonable time by granting or denying the request.

870 SECTION 29. Ordinance 7430, Section 6, and K.C.C. 12.18.060 are each hereby
871 amended to read as follows:

872 ~~((Settlement))~~ **Conference, conciliation and persuasion – orders.**

873 A.1. If the office of civil rights makes the finding ~~((is made))~~ initially or on request
874 for reconsideration that reasonable cause exists to believe that an unfair employment
875 practice ~~((has))~~ occurred, the ~~((executive))~~ office of civil rights shall endeavor to eliminate
876 the unfair practice by conference, conciliation and persuasion, which may include as a
877 condition of settlement~~((, the))~~:

878 a. elimination of the unfair employment practice~~((, backpay))~~;

879 b. payment of back pay not in excess of the amount of monetary damages
880 actually incurred ~~((,))~~;

881 c. payment of other actual damages, including damages caused by emotional
882 distress, humiliation and embarrassment;

883 d. reinstatement~~((,))~~;

884 e. payment of attorneys' fees ((or)) and costs;
885 f. participation in training on fair employment laws; and
886 g. such other requirements as may lawfully be agreed upon by the parties and the
887 ((executive)) office of civil rights.

888 2. Any postfinding settlement agreement shall be reduced to writing and signed
889 by ((the respondent and the charging party)) all parties, with the approval of the office of
890 civil rights. The office of civil rights shall then enter ((A))an order ((shall then be entered
891 by the executive)) setting forth the ((terms of the)) agreement((-)) and furnish ((C))copies
892 of ((such)) the order ((shall be delivered)) to all affected parties ((and the original thereof
893 filed with the division of records and elections)). Each postfinding settlement agreement is
894 a public record. Failure to comply with the postfinding agreement or order may be
895 enforced under K.C.C. 12.18.080.

896 B.1. If ((no)) the parties cannot reach agreement ((can be reached)), ((a finding to
897 that effect shall be made by the executive and incorporated)) the office of civil rights shall
898 make a finding to that effect, incorporate the finding in the order ((, with the)) and furnish a
899 copy ((thereof furnished)) of the order to ((the complainant and the respondent)) all
900 affected parties. The order shall also include:

901 ((1-)) a. ((A))a finding that an unfair employment practice ((has)) occurred;
902 ((2-)) b. ((F))the basis for ((such)) the finding; and
903 ((3-)) c. ((A))an order requiring the respondent to cease and desist from ((such))
904 the unfair practice and to take appropriate affirmative measures ((action)), ((including but
905 not limited to, backpay)) which may include:

- 906 (1) payment of back pay not in excess of the amount of monetary damage
907 actually incurred((;));
- 908 (2) payment of other actual damages, including damages caused by emotional
909 distress, humiliation and embarrassment;
- 910 (3) reinstatement((;));
- 911 (4) payment of attorneys' fees ((or to take)) and costs;
- 912 (5) participation in training on fair employment laws; and
- 913 (6) such other action as in the judgment of the ((executive)) office of civil
914 rights will effectuate the purposes of this chapter, which may include the requirement for a
915 report on the matter of compliance.

916 2. ((In the event the executive)) If the office of civil rights finds the respondent
917 willfully or knowingly committed any unfair employment practice, the ((executive)) office
918 of civil rights may further order the respondent to pay a civil penalty of up to ((five
919 hundred)) one thousand dollars ((((\$500.00))) per violation, which penalty shall be paid to
920 the ((office of finance)) King County treasury for deposit in the ((€))county ((G))general
921 ((F))fund.

922 C. ((In the case of a failure)) If the parties fail to reach an agreement for the
923 elimination of any unfair employment practice ((where)) in which the respondent is an
924 executive department, division or office of the county, the King County executive ((shall
925 have the power to)) may compel compliance by the executive department, division or
926 office with any settlement agreement agreed to between ((the complainant)) any charging
927 party and the ((executive)) office of civil rights.

928 SECTION 30. Ordinance 7430, Section 7, and K.C.C. 12.18.070 are each hereby
929 amended to read as follows:

930 **Hearing - appeal.**

931 A.1. Any respondent ~~((aggrieved by))~~ or charging party, after an order of the
932 ~~((executive))~~ office of civil rights is made in accordance with K.C.C. 12.18.060.B, may
933 request ~~((in writing))~~ an appeal hearing before the hearing examiner by filing a written
934 request for hearing within ~~((ten))~~ thirty days of the service of the ~~((notice and))~~ order ~~((an~~
935 ~~appeal hearing before the King County zoning and subdivision examiner))~~. The request for
936 hearing shall ~~((cite the notice and order appealed from and contain a brief statement of the~~
937 ~~reasons for seeking the appeal hearing))~~ be filed with the office of civil rights. The request
938 for hearing must identify clearly and specifically:

- 939 a. the errors that the appellant believes were made in the action or decision that
940 is being appealed, or the procedural irregularities associated with that action or decision;
941 b. specific reasons why the county's action should be reversed or modified; and
942 c. the desired outcome of the appeal.

943 2. Unless the hearing examiner authorizes an amendment to the statement of
944 appeal, the identification of errors and the statement of reasons for reversal or
945 modification defines and limits the issues the examiner may consider.

946 B. Any order issued by the ~~((executive pursuant to))~~ office of civil rights in
947 accordance with procedures ~~((contained))~~ in this chapter ~~((shall))~~ becomes final ~~((ten))~~
948 thirty days after service of the ~~((notice and the))~~ order unless a written request for hearing is
949 ~~((received by))~~ filed with the ~~((hearing examiner))~~ office of civil rights within the ~~((ten))~~
950 thirty-day period.

951 C. If the order of the ~~((executive))~~ office of civil rights is appealed, the hearing
952 examiner shall conduct a hearing ~~((shall be conducted))~~ for the purpose of affirming,
953 denying or modifying the order. There shall be a verbatim record kept of the hearing
954 ~~((and)). ((t))~~The ~~((zoning and subdivision))~~ hearing examiner ~~((shall have))~~ has such rule-
955 making and other powers necessary for the conduct of the hearing as are specified by
956 K.C.C. 20.24.170. The ~~((executive's))~~ order of the office of civil rights shall not be
957 ~~((accorded the presumption of correctness))~~ presumed correct. The ~~((zoning and~~
958 ~~subdivision))~~ hearing examiner's decision shall be based upon a preponderance of the
959 evidence. ~~((Such))~~ The hearing shall be conducted within a reasonable time after receipt of
960 the request for appeal. Written notice of the time and place of the hearing shall be given at
961 least ten days ~~((prior to))~~ before the date of the hearing to each affected party and to the
962 ~~((executive))~~ office of civil rights.

963 D. Each party ~~((shall have the following rights))~~ may, among exercising other~~((s))~~
964 rights:

- 965 1. ~~((To e))~~Call and examine witnesses on any matter relevant to the issues of the
966 complaint;
- 967 2. ~~((To i))~~Introduce documentary and physical evidence;
- 968 3. ~~((To e))~~Cross-examine opposing witnesses on any matter relevant to the issues
969 of the complaint;
- 970 4. ~~((To i))~~Impeach any witness regardless of which party first called the witness
971 to testify;
- 972 5. ~~((To r))~~Rebut evidence against him or her; and

973 6. ~~((To a))~~ Represent himself or herself or ~~((to))~~ be represented by anyone of
974 his~~((/))~~ or her choice who is lawfully permitted to do so.

975 E. Following review of the evidence submitted, the ~~((zoning and subdivision))~~
976 hearing examiner presiding at the hearing shall enter written findings and conclusions and
977 shall affirm or modify the order previously issued if the hearing examiner finds that a
978 violation ~~((has))~~ occurred. The hearing examiner shall reverse the order if ~~((he))~~ the
979 hearing examiner finds ~~((no))~~ that a violation ~~((occurred))~~ did not occur. The hearing
980 examiner may grant as relief any relief that the office of civil rights could grant under
981 K.C.C. 12.18.060.B. A copy of the hearing examiner's decision shall be delivered to all
982 affected parties. The order of the hearing examiner is final unless reviewed by a court
983 under K.C.C. 20.24.240.B.

984 SECTION 31. Ordinance 7430, Section 8, and K.C.C. 12.18.080 are each hereby
985 amended to read as follows:

986 **Enforcement.** ~~((In the event the respondent refuses or fails to comply with any
987 order of the executive, the executive is authorized to enforce the order against such person
988 utilizing civil penalties of the K.C.C. Title 23. If a civil penalty is assessed,
989 notwithstanding the monetary amount provided in K.C.C. Title 23, the penalty shall be two
990 hundred dollars (\$200.00) per day for each day the respondent refuses or fails to comply
991 with any order of the executive.))~~

992 A. If the office of civil rights has reasonable cause to believe that a respondent
993 breached a prefinding or postfinding settlement agreement executed under K.C.C.
994 12.18.050 or 12.18.060, or violated an order of the office of civil rights issued under
995 K.C.C. 12.18.060 or an order of the hearing examiner issued in accordance with K.C.C.

996 12.18.070, the office of civil rights shall refer the matter to the prosecuting attorney for
997 the filing of a civil action under subsection B. of this section for the enforcement of the
998 agreement.

999 B. The prosecuting attorney may commence a civil action in superior court for
1000 appropriate relief with respect to a breach of a prefinding or postfinding settlement
1001 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the
1002 office of civil rights issued under K.C.C. 12.18.060 or an order of the hearing examiner
1003 issued under K.C.C. 12.18.070. This action may be commenced no later than ninety days
1004 after the referral of the alleged breach under subsection A. of this section.

1005 SECTION 32. Ordinance 7430, Section 9, and K.C.C. 12.18.090 are each hereby
1006 amended to read as follows:

1007 **Authorization to implement procedures.** The ~~((executive is authorized to))~~ office
1008 of civil rights may implement such forms, administrative processes((;)) and operational
1009 procedures as are necessary to comply with ~~((the provisions of))~~ this chapter~~((; provided~~
1010 ~~that such)).~~ The forms, processes and procedures shall be ~~((promulgated))~~ adopted in
1011 compliance with K.C.C. chapter 2.98 ~~((, Rules of County Agencies)).~~

1012 SECTION 33. Ordinance 13263, Section 52, and K.C.C. 12.18.097 are each
1013 hereby amended to read as follows:

1014 **Fair employment code compliance.**

1015 ~~((Whenever))~~ A. If a complaint ~~((has been))~~ is filed ~~((pursuant to the provisions~~
1016 ~~of K.C.C. chapter 12.18))~~ under this chapter, the ~~((director of the department of~~
1017 ~~information and administrative services, or his or her designee,))~~ office of civil rights
1018 shall initiate an investigation under ~~((the provisions of the))~~ this chapter.

1019 ~~((Whenever a director has determined))~~ B. If the office of civil rights determines
1020 that a violation of ~~((the fair employment ordinance))~~ this chapter or any rules and
1021 regulations adopted ~~((thereunder is about to occur or has))~~ under this chapter occurred,
1022 ~~((he or she))~~ the office of civil rights shall issue an order ~~((pursuant to the provisions of~~
1023 ~~K.C.C. chapter 12.18))~~ in accordance with this chapter. ~~((With respect to violations))~~ For
1024 the enforcement of ~~((K.C.C. chapter 12.18, the notice, service and hearings provisions~~
1025 ~~contained in K.C.C. chapter 12.18 shall))~~ this chapter, if a conflict exists between this
1026 chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

1027 SECTION 34. Ordinance 7430, Section 10, and K.C.C. 12.18.100 are each
1028 hereby amended to read as follows:

1029 Severability. ~~((The provisions of this chapter are declared to be separate and~~
1030 ~~severable. The invalidity of any clause, sentence, paragraph, subdivision, section or~~
1031 ~~portion of this chapter, or the invalidity of the))~~ If any provision of this chapter or its
1032 application ~~((thereof))~~ to any person or circumstance ~~((shall not affect the validity of))~~ is
1033 held invalid, the remainder of this chapter~~((, or the validity of its))~~ or the application of the
1034 provision to other persons or circumstances is not affected.

1035 SECTION 35. Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010 are
1036 each hereby amended to read as follows:

1037 Statement of ((P))purpose -- findings. This chapter is an exercise of the police
1038 power of King County for the protection of the public welfare, health, peace and safety of
1039 the ~~((citizens))~~ residents of King County and in fulfillment of the ~~((provisions of the~~
1040 ~~Constitution of this))~~ state Constitution. The King County council finds and declares that
1041 practices of housing discrimination against any persons on the basis of race, color,

1042 religion, national origin, ancestry, age, ~~((sex))~~ gender, marital status, parental status,
1043 participation in the Section 8 program, sexual orientation, disability~~((;))~~ or ~~((the))~~ use of a
1044 ~~((trained dog guide))~~ service or assistive animal by ~~((a person))~~ an individual with a
1045 disability constitute matters of local concern and are contrary to the public welfare,
1046 health, peace and safety of the ~~((citizens))~~ residents of King County. ~~((The provisions of~~
1047 ~~this chapter shall be liberally construed for accomplishment of its policies and purposes.))~~

1048 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter 12.20
1049 a new section to read as follows:

1050 **Application of chapter.** This chapter applies to actions occurring in and to
1051 property located in unincorporated King County.

1052 NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 12.20
1053 a new section to read as follows:

1054 **Liberal construction of chapter.** This chapter shall be liberally construed for
1055 accomplishment of its policies and purposes. This chapter shall not be construed to
1056 endorse any specific belief, practice, behavior or orientation. Nothing in this chapter
1057 relating to gender-based discrimination affects the ability of an employer to require an
1058 employee to adhere to reasonable workplace appearance, grooming and dress standards
1059 not precluded by other provisions of state or federal law, though an employer shall allow
1060 an employee to appear or dress consistently with the employee's gender identity.

1061 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 12.20
1062 a new section to read as follows:

1063 **Affect of chapter on right to actions or pursuit of remedies.** Nothing in this
1064 chapter shall be deemed to deny any persons the right to institute any action or to pursue
1065 any other available civil or criminal remedy for the violation of the person's civil rights.

1066 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 12.20
1067 a new section to read as follows:

1068 **Affect of chapter on liability.** Nothing in this chapter is intended to be nor shall
1069 be construed to create or form the basis for any liability on the part of King County, or its
1070 officers or agents, for any injury or damage resulting from or by reason of any act or
1071 omission in connection with the implementation or enforcement of this chapter on the
1072 part of King County by its officers, employees or agents.

1073 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 12.20
1074 a new section to read as follows:

1075 **Affect of chapter on statutes of limitation.** Nothing in this chapter shall be
1076 construed to toll the statute of limitations for any claims under federal or state statute.

1077 SECTION 41. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are
1078 each hereby amended to read as follows:

1079 **Definitions.** The ((D))definitions ((as used in this chapter, unless additional
1080 meaning clearly appears from the context, shall have the meanings subscribed:)) in this
1081 section apply throughout this chapter unless the context clearly requires otherwise.

1082 A. "Aggrieved person" includes a person who:

1083 1. Claims to have been injured by an unfair housing practice; or

1084 2. Believes that he or she will be injured by an unfair housing practice that is

1085 about to occur.

1086 B. "Charging party" means any person alleging an unfair housing practice under
1087 this chapter by filing a complaint with the office of civil rights.

1088 ~~((B. "Real estate related transaction" means any of the following:~~

1089 ~~1. The making or purchasing of loans or providing other financial assistance:~~

1090 ~~a. for purchasing, construction, improving, repairing, or maintaining real~~

1091 ~~property; or~~

1092 ~~b. secured by real property.~~

1093 ~~2. The selling, brokering, or appraising of real property.))~~

1094 C.1. ("Director" means the director of the county department of executive services
1095 or his or her designee.)) "Disability" means:

1096 a. a physical or mental impairment that substantially limits one or more of a

1097 person's major life activities, either temporarily or permanently;

1098 b. a person has a record of having such an impairment;

1099 c. a person is regarded as having such an impairment; or

1100 d. a person has any other condition that is a disability under the Washington state

1101 Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

1102 2. "Disability" does not include current, illegal use of a controlled substance, as
1103 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on the effective date of this section.

1104 D. "Discriminate" means any action or failure to act, whether by single act or as
1105 part of a practice, the effect of which is to adversely affect or differentiate between or
1106 among individuals or groups of individuals, because of race, color, religion, national origin,
1107 ancestry, age, ((sex)) gender, marital status, parental status, participation in the Section 8

1108 program, sexual orientation, disability or ~~((the))~~ use of a ~~((trained dog guide))~~ service or
1109 assistive animal by ~~((a person))~~ an individual with a disability.

1110 E. "Dwelling" ~~((and))~~ or "dwelling unit" mean any building, structure~~((;))~~ or
1111 portion ~~((thereof which))~~ of a building or structure that is occupied as, or designed or
1112 intended for occupancy as, a residence by one or more families or individuals, and any
1113 vacant land ~~((which))~~ that is offered for sale or lease for the construction or location
1114 thereon of any such a building, structure~~((;))~~ or portion ~~((thereof))~~ of a building or structure.

1115 F. ~~((("Senior citizens" means persons who are sixty two years of age or older.~~

1116 ~~G.))~~ "Housing accommodations" means any dwelling or dwelling unit, rooming
1117 unit, rooming house, lot or parcel of land in unincorporated King County ~~((which))~~ that is
1118 used, intended to be used~~((;))~~ or arranged or designed to be used as, or improved with, a
1119 residential structure for one or more human beings.

1120 ~~((H.))~~ G. "Marital status" means the presence or absence of a marital relationship
1121 and includes the status of married, separated, divorced, engaged, widowed, single or
1122 cohabiting.

1123 ~~((I. "National origin" shall be interpreted to include ancestry.~~

1124 ~~J. "Party" means the person charging or making a complaint or upon whose behalf~~
1125 ~~a complaint is made alleging an unfair practice, the person alleged or found to have~~
1126 ~~committed an unfair practice, or the department of executive services.))~~

1127 ~~K.))~~ H.I. "Parental status" means ~~((being a parent, stepparent, adoptive parent,~~
1128 ~~guardian, foster parent or other designated custodian of a minor child or children, which~~
1129 ~~child or children shall permanently or temporarily occupy the real estate, and includes any~~
1130 ~~person who is pregnant or has initiated the legal process of securing custody of any~~

1131 ~~individual who has not attained the age of 18 years))~~ one or more individuals, who have not
1132 attained the age of eighteen years, being domiciled with:

1133 a. a parent or another person having legal custody of the individual or
1134 individuals; or

1135 b. the designee of such a parent or other person having the custody, with the
1136 written permission of the parent or other person.

1137 2. The protections afforded against discrimination on the basis of familial status
1138 apply to a person who is pregnant or is in the process of securing legal custody of an
1139 individual who has not attained the age of eighteen years.

1140 ~~((L.))~~ I. "Participation in the Section 8 program" means participating in a federal,
1141 state or local government program in which a tenant's rent is paid partially by the
1142 government, through a direct contract between the government program and the owner or
1143 lessor of the real property, and partially by the tenant.

1144 J. "Party" includes the person charging or making a complaint or upon whose
1145 behalf a complaint is made alleging an unfair practice, the person alleged or found to have
1146 committed an unfair practice and the office of civil rights.

1147 K. "Person" means one or more individuals, partnerships, associations,
1148 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
1149 any group of persons; ~~((it includes))~~ including any owner, lessee, proprietor, housing
1150 manager, agent or employee whether one or more natural persons~~((; and further))~~.

1151 "Person" also includes any political or civil subdivisions of the state and any agency or
1152 instrumentality of the state or of any political or civil subdivision ~~((thereof))~~ of the state.

1153 ~~((M. "Aggrieved person" includes any person who:~~

- 1154 1. ~~Claims to have been injured by a discriminatory housing practice;~~
1155 2. ~~Believes that he or she will be injured by a discriminatory housing practice that~~
1156 ~~is about to occur.))~~ L. "Real estate transaction" includes, but is not limited to, the sale,
1157 conveyance, exchange, purchase, rental, lease or sublease of real property.
- 1158 M. "Real estate-related transaction" means any of the following:
- 1159 1. The making or purchasing of loans or providing other financial assistance:
- 1160 a. for purchasing, constructing, improving, repairing or maintaining real
1161 property; or
- 1162 b. secured by real property; or
- 1163 2. The selling, brokering or appraising of real property.
- 1164 N. "Real property" includes, but is not limited to, buildings, structures, real estate,
1165 lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and
1166 hereditaments, corporeal and incorporeal or any interest therein.
- 1167 O. (~~"Real estate transaction" includes but is not limited to the sale, conveyance,~~
1168 ~~exchange, purchase, rental, lease or sublease of real property.~~
- 1169 P.)) "Respondent" means any person who is alleged or found to have committed an
1170 unfair practice prohibited by this chapter.
- 1171 P. "Senior citizens" means persons who are sixty-two years of age or older.
- 1172 Q. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure
1173 response dog, therapeutic companion animal or other animal that does work, performs tasks
1174 or provides medically necessary support for the benefit of an individual with a disability.
- 1175 R. "Settlement discussions" and "conference, conciliation and persuasion" mean
1176 the attempted resolution of issues raised by a complaint, or by the investigation of a

1177 complaint, through informal negotiations involving the charging party, the respondent and
1178 the office of civil rights.

1179 ~~((Q.))~~ S. "Sexual orientation" means ((male or female heterosexuality, bisexuality
1180 or homosexuality, and includes a person's attitudes, preferences, belief and practices
1181 pertaining to sex, but shall not include conduct which is a public or private nuisance or is
1182 unlawful under county, state or federal law)) heterosexuality, homosexuality, bisexuality

1183 and gender identity. As used in this definition, "gender identity" means having or being
1184 perceived as having a gender identity different from that traditionally associated with the
1185 sex assigned to that person at birth. Protection associated with "gender identity" includes
1186 self-image, appearance, behavior or expression.

1187 ~~((R. "Settlement discussions" and "conference, conciliation and persuasion" mean~~
1188 ~~the attempted resolution of issues raised by a complaint, or by the investigation of such~~
1189 ~~complaint, through informal negotiations involving the charging party, the respondent, and~~
1190 ~~the director.~~

1191 ~~S. "Disability" means, with respect to a person:~~

1192 ~~1. A physical or mental impairment which substantially limits one or more of~~
1193 ~~such person's major life activities, either temporarily or permanently,~~

1194 ~~2. A record of having such an impairment, or~~

1195 ~~3. Being regarded as having such an impairment, but such term does not include~~
1196 ~~current, illegal use of a controlled substance (as defined in section 102 of the Controlled~~
1197 ~~Substances Act as of the date of passage of this section (21 U.S.C. 802)),~~

1198 ~~4. Any other condition which is a disability under the Washington State Law~~
1199 ~~Against Discrimination as it pertains to real estate (chapter 49.60 RCW.);)~~

1200 T. ~~"Use of a trained dog guide by a person with a disability" means the use of a~~
1201 ~~"guide dog" as defined in RCW 70.84.020 by a blind or hearing impaired person and/or~~
1202 ~~the use of a "service dog" as defined in RCW 70.84.021 by a person with a physical~~
1203 ~~disability.~~

1204 U. ~~"Participation in the Section 8 program" means participating in a federal, state,~~
1205 ~~or local government program in which a tenant's rent is paid partially by the government~~
1206 ~~(through a direct contract between the government program and the owner or lessor of the~~
1207 ~~real property), and partially by the tenant.)~~

1208 SECTION 42. Ordinance 5280, Section 3.A, as amended, and K.C.C. 12.20.040
1209 are each hereby amended to read as follows:

1210 **Unfair housing practices – ~~((D))~~designated.**

1211 A. It is a discriminatory practice and unlawful for any person, whether acting for
1212 himself or herself or another, because of race, color, religion, national origin, ancestry, age,
1213 ~~((sex))~~ gender, marital status, parental status, participation in the Section 8 program, sexual
1214 orientation, disability~~((;))~~ or ~~((the))~~ use of a ~~((trained dog guide))~~ service or assistive animal
1215 by ~~((a person))~~ an individual with a disability:

1216 1. To refuse to engage in a real estate transaction with a person or to otherwise
1217 make unavailable or deny a dwelling to any person;

1218 2. To discriminate against a person in the terms, conditions or privileges of a real
1219 estate transaction, including ~~((but not limited to))~~ financial terms and conditions such as the
1220 setting of rents or damage deposits, or in the furnishing of facilities or services in
1221 connection with any real estate transaction; however, rents and damage deposits may be
1222 adjusted to recognize the number of persons utilizing the property except insofar as such

1223 adjustment might discriminate based on race, color, religion, national origin, ancestry, age,
1224 ~~((sex))~~ gender, marital status, parental status, participation in the Section 8 program, sexual
1225 orientation, disability~~((;))~~ or ~~((the))~~ use of a ~~((trained assistance dog))~~ service or assistive
1226 animal by ~~((a person))~~ an individual with a disability;

1227 3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real
1228 estate transaction from a person;

1229 4. To refuse to negotiate for a real estate transaction with a person;

1230 5. To represent to a person that real property is not available for inspection, sale,
1231 rental or lease when in fact it is so available, ~~((or))~~ to fail to bring a property listing to
1232 ~~((his))~~ the person's attention~~((;))~~ or to refuse to permit ~~((him))~~ the person to inspect real
1233 property;

1234 6. To make, print, circulate, publish, post or mail or cause to be ~~((so))~~ made
1235 ~~((or))~~, printed, circulated, published, posted or mailed a statement, notice, advertisement
1236 or sign, ~~((or to use a form of application for))~~ pertaining to a real estate transaction~~((;))~~ or
1237 ~~((to make a record of inquiry in connection with a prospective real estate transaction,~~
1238 ~~which))~~ a real estate related transaction that indicates, directly or indirectly, an intent to
1239 make a limitation, preference or discrimination with respect ~~((thereto))~~ to the transaction;

1240 7. To use a form of application or to make a record of inquiry regarding a real
1241 estate transaction or a real estate related transaction that indicates, directly or indirectly,
1242 an intent to make a limitation, preference or discrimination with respect to the
1243 transaction;

1244 8. To offer, solicit, accept, use or retain a listing of real property with the
1245 understanding that a person ~~((may))~~ might be discriminated against in a real estate

1246 transaction or in the furnishing of facilities or services in connection ~~((therewith))~~ with the
1247 transaction;

1248 ~~((8-))~~ 9. To expel a person from occupancy of real property;

1249 ~~((9-))~~ 10. To discriminate against in the course of negotiating~~((;))~~ or executing ~~((or~~
1250 ~~finaneing))~~ a real estate transaction whether by mortgage, deed of trust, contract or other
1251 instrument imposing a lien or other security in real property or in negotiating or executing
1252 any item or service related thereto including issuance of title insurance, mortgage
1253 insurance, loan guarantee or other aspect of the transaction~~((;))~~; or

1254 ~~((10-))~~ 11. To deny any person access to or membership or participation in any
1255 multiple-listing service, real estate brokers' organization or other service, organization~~((;))~~
1256 or facility relating to the business of selling or renting dwellings, or to discriminate against
1257 any person in the terms or conditions of such access, membership~~((;))~~ or participation~~((;))~~.

1258 B. It is a discriminatory practice and unlawful for any person, whether acting for
1259 himself or herself or for another, to coerce, intimidate, threaten~~((;))~~ or interfere with any
1260 other person in the exercise or enjoyment of, ~~((or))~~ on account of ~~((his))~~ the other person
1261 having exercised or enjoyed, or on account of ~~((his))~~ the other person having aided or
1262 encouraged any ~~((other))~~ person in the exercise or enjoyment of, any right granted or
1263 protected by this chapter~~((;))~~.

1264 C. It is a discriminatory practice and unlawful for any person, whether acting for
1265 himself or herself or for another, to discriminate against in the sale or rental of, or to
1266 otherwise make unavailable or deny, a dwelling to any buyer or renter because of a
1267 disability of any one or more of:

1268 1. That buyer or renter~~((, and/or))~~;

1269 2. A person residing in or intending to reside in that dwelling after it is so sold,
1270 rented or made available; ~~((and/))~~or

1271 3. Any person associated with that buyer or renter.

1272 D. It is a discriminatory practice and unlawful for any person, whether acting for
1273 himself or herself or another, to discriminate against any person in the terms, conditions~~((,))~~
1274 or privileges of sale or rental of a dwelling, or in the provision of services or facilities in
1275 connection with ~~((such))~~ a dwelling, because of a disability of any one or more of:

1276 1. That ~~((person))~~ buyer or renter~~((, and/or))~~;

1277 2. A person residing in or intending to reside in that dwelling after it is so sold,
1278 rented or made available~~((, and/))~~; or

1279 3. Any person associated with that buyer or renter.

1280 E. For the purposes of this chapter, ~~((discrimination))~~ discriminatory practices
1281 based on either disability ~~((and/))~~or ~~((the))~~ use of a ~~((trained dog guide))~~ service or assistive
1282 animal by an individual with a disability are unlawful and include((s)):

1283 1. ~~((To refuse))~~ Refusal to permit, at the expense of ~~((a person))~~ an individual
1284 with a disability, reasonable modifications of existing premises occupied or to be occupied
1285 by ~~((such))~~ the person if ~~((such))~~ the modifications ~~((may))~~ might be necessary to afford
1286 ~~((such))~~ the person full enjoyment of the premises~~((, except that, in the case of))~~. However,
1287 for a rental, the landlord may, ~~((where))~~ if it is reasonable to do so, condition permission for
1288 a modification on the renter agreeing to restore the interior and exterior of the premises to
1289 the condition that existed before the modification, reasonable wear and tear excepted;

1290 2. ~~((To refuse))~~ Refusal to make reasonable accommodations in rules, policies,
1291 practices~~((,))~~ or services, ~~((when such))~~ if the accommodations ~~((may))~~ might be necessary

1292 to afford ~~((a person or persons))~~ an individual or individuals with disabilities equal
1293 opportunity to use and enjoy a dwelling; or

1294 3. ~~((To fail))~~ Failure to design, construct and alter dwellings in conformance with
1295 ~~((the Federal Fair Housing Act as amended ()))~~ 42 U.S.C. ~~((3601))~~ 3604 ~~((et seq.))~~, as of the
1296 ~~date of passage of this section))~~ as it exists on the effective date of this section, the
1297 Washington State Barrier Free Regulations ~~((C))~~ chapter ~~((51.20 of the W.A.C.))~~ 51-
1298 50WAC, ~~((as required by RCW))~~ pursuant to chapters 19.27 and 70.92 RCW, other
1299 regulations ~~((promulgated))~~ adopted under ~~((these statutes))~~ 42 U.S.C. 3604 and chapters
1300 19.27 and 70.92 RCW, and all other applicable laws pertaining to access ~~((by persons))~~ to
1301 individuals with disabilities~~((; whenever))~~. If the requirements of applicable laws differ,
1302 the requirements ~~((which))~~ that require greater accessibility ~~((for persons))~~ to individuals
1303 with disabilities ~~((will))~~ govern.

1304 F. It is a discriminatory practice and unlawful for any person, whether acting on
1305 her or her own behalf or for another, to retaliate by taking action against another person
1306 because the other person:

- 1307 1. Opposed any practice forbidden by this chapter;
- 1308 2. Complied or proposed to comply with this chapter or any order issued under
1309 this chapter; or
- 1310 3. Filed a complaint, testified or assisted in any manner in any investigation,
1311 proceeding or hearing initiated under this chapter.

1312 SECTION 43. Ordinance 5280, Section 3.B, as amended, and K.C.C. 12.20.050
1313 are each hereby amended to read as follows:

1314 **Unfair housing practices – ((R))real estate-related transactions.** It is a
1315 discriminatory practice and unlawful for any person, whether acting for himself or herself
1316 or another in connection with any real estate-related transaction, whose business includes
1317 engaging in real estate-related transactions to discriminate against any person in making
1318 available such a transaction, or in the terms or conditions of such a transaction, because of
1319 race, color, religion, national origin, ancestry, age, ~~((sex))~~ gender, marital status, parental
1320 status, participation in Section 8 program, sexual orientation, disability~~((;))~~ or ~~((the))~~ use of
1321 a ~~((trained dog guide))~~ service or assistive animal by ~~((a person))~~ an individual with a
1322 disability~~((; provided that, nothing in this subsection shall prohibit any party to a real estate~~
1323 ~~transaction or real estate-related transaction from considering the capacity to pay and credit~~
1324 ~~history of any individual applicant; provided further, that nothing in Section 12.20.040,~~
1325 ~~12.20.050, 12.20.060 and 12.20.135 shall prohibit any party to a real estate transaction or~~
1326 ~~real estate-related transaction from considering the application of the community property~~
1327 ~~law to the individual case or from taking reasonable action thereon)).~~

1328 SECTION 44. Ordinance 5280, Section 3.C, as amended, and K.C.C. 12.20.060
1329 are each hereby amended to read as follows:

1330 **Unfair housing practices – ((B))blockbusting and steering.** It is a discriminatory
1331 practice and unlawful for any person acting for monetary gain, whether acting for himself
1332 or herself or others, ~~((whether or not acting for monetary gain,))~~ directly or indirectly, to
1333 engage in the practices of blockbusting or steering, including~~((, but not limited to,))~~ the
1334 commission of any one or more of the following acts:

1335 A. Inducing or attempting to induce any person to sell or rent any real property by
1336 representation regarding the entry or prospective entry into the neighborhood or area of a

1337 person or persons of a particular race, color, religion, national origin, ancestry, age, ~~((sex))~~
1338 gender, marital status, participation in the Section 8 program, sexual orientation, parental
1339 status, disability~~((;))~~ or ~~((the))~~ use of a ~~((trained dog guide))~~ service or assistive animal by
1340 ~~((a person))~~ an individual with a disability; or

1341 B. Showing or otherwise taking any action, the intention or effect of which is to
1342 steer a person or persons to any section of the county or to particular real property in a
1343 manner tending to segregate or maintain segregation on the basis of race, color, religion,
1344 national origin, ancestry, age, ~~((sex))~~ gender, marital status, sexual orientation, parental
1345 status, participation in Section 8 program, disability~~((;))~~ or ~~((the))~~ use of a ~~((trained dog~~
1346 ~~guide))~~ service or assistive animal by ~~((a person))~~ an individual with a disability.

1347 SECTION 45. Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070 are
1348 each hereby amended to read as follows:

1349 **Filing of a complaint.**

1350 A. A complaint alleging an unfair housing practice may be filed by:

1351 1. Any aggrieved person ~~((who has reason to believe that an unfair housing~~
1352 ~~practice is about to be or has been committed against him or her))~~; or

1353 2. Any state, local or federal agency concerned with discrimination in housing,
1354 including the ~~((director, whenever it or he or she))~~ office of civil rights, if the agency has
1355 reason to believe that an unfair housing practice has been or is being committed.

1356 B. A complaint alleging an unfair housing practice shall be in writing and signed
1357 by the charging party. The complaint must be filed by the charging party with the office of
1358 civil rights ~~((and compliance))~~ within ~~((one hundred and eighty))~~ three hundred sixty-five
1359 days after the occurrence or termination of the alleged unfair housing practice. The

1360 complaint must describe with particularity the practice complained of and the location of
1361 the practice and must identify the person being charged with committing an unfair housing
1362 practice(~~(; provided, that)~~). However, the office of civil rights shall not reject a complaint
1363 ((shall not be rejected)) as insufficient because of failure to include all required
1364 information, ((so long as it)) if the office of civil rights determines that the complaint
1365 substantially meets the informational requirements necessary for processing.

1366 C. Upon the ((filing)) receipt of ((such)) a complaint alleging an unfair housing
1367 practice, the ((director)) office of civil rights shall serve notice upon the charging party
1368 acknowledging ((such)) the filing and advising the charging party of the time limits
1369 provided under this chapter and of the choice of forums provided by this chapter.

1370 D. The charging party or the office of civil rights may amend a complaint: to
1371 cure technical defects or omissions; to clarify and amplify allegations made in the
1372 complaint; or to add allegations related to or arising out of the subject matter set forth, or
1373 attempted to be set forth, in the original complaint. For jurisdictional purposes, the
1374 amendments relate back to the date the original complaint was first filed. Either ((F))the
1375 charging party ((and/)) or the ((director)) office of civil rights, or both, may amend a
1376 complaint ((in any respect)) for these reasons as a matter of right before service of notice
1377 of hearing on the matter, as provided under ((Section)) K.C.C. 12.20.100, and thereafter
1378 may amend a complaint only with permission of the hearing examiner, which permission
1379 shall be granted ((when)) if justice will be served ((thereby)) by the permission, and all
1380 parties shall be allowed time to prepare their case with respect to additional or expanded
1381 ((charges which)) allegations they did not and could not have reasonably foreseen would
1382 be an issue at the hearing.

1383 E. The charging party may also amend a complaint to include allegations of
1384 additional unrelated discriminatory practices that arose after the filing of the original
1385 complaint. The charging party must file any amendments adding the allegations within
1386 three hundred sixty-five days after the occurrence or termination of the additional
1387 discriminatory practices and before the issuance of findings of fact and a determination
1388 with respect to the original complaint by the office of civil rights. The amendments may
1389 be made at any time during the investigation of the original complaint if the office of civil
1390 rights will have adequate time to investigate the additional allegations and the parties will
1391 have adequate time to present the office of civil rights with evidence concerning the
1392 allegations before the issuance of findings of fact and a determination.

1393 SECTION 46. Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080 are
1394 each hereby amended to read as follows:

1395 **Investigation of complaint.**

1396 A. After the filing of a complaint, the ~~((director))~~ office of civil rights shall cause
1397 to be served on or mailed to the respondent, by certified mail, return receipt requested, a
1398 copy of the complaint, along with a notice advising of procedural rights and obligations of
1399 respondents under this ~~((title))~~ chapter promptly and in no case longer than twenty days
1400 after the filing of ~~((said charge))~~ the complaint. Each respondent may file an answer to
1401 ~~((such))~~ the complaint, not later than ~~((10))~~ ten days after receipt of notice from the
1402 ~~((director))~~ office of civil rights. If the respondent is unable to file a response within ~~((10))~~
1403 ten days, he or she may request an extension of time from the ~~((director))~~ office of civil
1404 rights, not to exceed ~~((5))~~ five days. The office of civil rights may grant the extension
1405 ~~((may be granted))~~ if good cause is shown.

1406 B. The investigation shall be commenced promptly and in no event later than ~~((30))~~
1407 thirty days after receipt of the complaint. It shall be directed to ascertain the facts
1408 concerning the unfair practice alleged in the complaint and shall be conducted in an
1409 objective and impartial manner. The investigation shall be completed within ~~((400))~~ one
1410 hundred days after the filing of the complaint, unless it is impracticable to do so. If the
1411 ~~((director))~~ office of civil rights is unable to complete the investigation within ~~((100))~~ the
1412 one hundred days ~~((after the filing of the complaint))~~, the ~~((director))~~ office of civil rights
1413 shall notify the charging party and respondent, in writing, of the reasons for not doing so.
1414 The ~~((director))~~ office of civil rights shall make final administrative disposition of a
1415 complaint within one year of the date of receipt of the complaint, unless it is impracticable
1416 to do so. If the ~~((director))~~ office of civil rights is unable to do so, ~~((he or she))~~ the office of
1417 civil rights shall notify the charging party and respondent, in writing, of the reasons for not
1418 doing so.

1419 C. During the investigation, the ~~((director))~~ office of civil rights shall consider any
1420 statement of position or evidence with respect to the allegations of the complaint ~~((which))~~
1421 that the charging party or the respondent wishes to submit.

1422 D. A person who is not named as a respondent in a complaint, but who is identified
1423 as a respondent in the course of investigation, may be joined as an additional or substitute
1424 respondent upon written notice, under ~~((Paragraph))~~ subsection A. of this section, to
1425 ~~((such))~~ the person from the ~~((director))~~ office of civil rights. ~~((Such))~~ The notice, in
1426 addition to meeting the requirements of ~~((paragraph))~~ subsection A. of this section, shall
1427 explain the basis for the ~~((director's))~~ belief of the office of civil rights that the person to
1428 whom the notice is addressed is properly joined as a respondent.

1429 E. During the period beginning with the filing of the complaint and ending with the
1430 issuance of the findings of fact, the ~~((director))~~ office of civil rights shall, to the extent
1431 feasible, engage in settlement discussions with respect to the complaint. Nothing said or
1432 done in the course of ~~((such))~~ the settlement discussions may be made public or used as
1433 evidence in a subsequent proceeding under this chapter without the written consent of the
1434 persons concerned. A pre~~((-))~~finding settlement agreement arising out of ~~((such))~~ the
1435 settlement discussions shall be an agreement between the respondent and the charging
1436 party, and ~~((shall be))~~ is subject to approval by the ~~((director))~~ office of civil rights. Each
1437 pre~~((-))~~finding settlement agreement ~~((shall be made))~~ is a public ~~((unless the charging~~
1438 ~~party and respondent otherwise agree and the director determines that disclosure is not~~
1439 ~~required to further the purposes of this title))~~ record. Failure to comply with ~~((the terms~~
1440 ~~of))~~ the pre~~((-))~~finding settlement agreement may be enforced under ~~((the provisions of~~
1441 ~~Section))~~ K.C.C. 12.20.120(B).

1442 F. The ~~((director))~~ office of civil rights shall seek the voluntary cooperation of all
1443 persons to: obtain access to premises, records, documents, individuals~~((;))~~ and other
1444 possible sources of information; ~~((to))~~ examine, record~~((;))~~ and copy necessary materials;
1445 and ~~((to))~~ take and record testimony or statements of persons reasonably necessary for the
1446 furtherance of the investigation. The ~~((director))~~ office of civil rights may conduct
1447 discovery in aid of the investigation by the following methods or others: deposition upon
1448 oral examination or written questions; written interrogatories; requests for the production of
1449 documents or evidence~~((;))~~, for inspection and other purposes~~((, and))~~; physical and mental
1450 examinations; and requests for admissions. ~~((The director shall have authority to))~~ The
1451 office of civil rights may sign and issue subpoenas requiring the attendance and testimony

1452 of witnesses, the production of evidence including ~~((but not limited to))~~ books, records,
1453 correspondence, e-mail or documents in the possession or under the control of the person
1454 subpoenaed~~((s))~~ and access to evidence for the purpose of examination and copying as are
1455 necessary for the investigation. The ~~((director))~~ office of civil rights shall consult with the
1456 prosecuting attorney before issuing any subpoena under this section.

1457 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1458 testify when requested concerning any matter under investigation, the ~~((director))~~ office of
1459 civil rights may invoke the aid of the ~~((King County))~~ prosecuting attorney, who shall
1460 petition to the ~~((S))~~superior ~~((C))~~court ~~((for King County))~~ for an order or other appropriate
1461 action necessary to secure enforcement of the subpoena. The petition shall:

1462 1. ~~((b))~~Be accompanied by a copy of the subpoena and proof of service~~((, and~~
1463 ~~shall))~~

1464 2. ~~((s))~~Set forth in what specific manner the subpoena has not been complied
1465 with~~((s))~~; and ~~((shall))~~

1466 3. ~~((a))~~Ask for an order of the court to compel the witness to appear and testify or
1467 cooperate in the investigation of the unfair housing practice.

1468 H. If the ~~((director))~~ office of civil rights concludes at any time after the filing of a
1469 complaint that prompt judicial action is necessary to carry out the purposes of this ~~((title))~~
1470 chapter, the ~~((director))~~ office of civil rights may invoke the aid of the prosecuting attorney,
1471 who shall file a civil action for appropriate temporary, injunctive or preliminary relief
1472 pending final disposition of the ~~((complaint))~~ case.

1473 I. The office of civil rights shall reduce the results of the investigation ~~((shall be~~
1474 ~~reduced))~~ to written findings of fact and make a finding ~~((shall be made))~~ that there either is

1475 or is not reasonable cause for believing that an unfair housing practice has been or is being
1476 committed.

1477 J. If a finding is made that there is no reasonable cause, ~~((said))~~ the finding shall be
1478 served on the charging party and respondent. Within thirty days after service of such a
1479 negative finding, the charging party ~~((shall have the right to))~~ may file a written request
1480 with the ~~((director))~~ office of civil rights asking for reconsideration of the finding. The
1481 office of civil rights shall furnish the charging party ~~((will be furnished))~~ with information
1482 regarding how to request reconsideration. The ~~((director))~~ office of civil rights shall
1483 respond in writing within a reasonable time by granting or denying the request.

1484 SECTION 47. Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090 are
1485 each hereby amended to read as follows:

1486 **Conference ~~((and))~~, conciliation and persuasion – orders.**

1487 A.1. If the office of civil rights makes the finding ~~((is made))~~ initially or on request
1488 for reconsideration that reasonable cause exists to believe that an unfair housing practice
1489 ~~((has))~~ occurred~~((;))~~ or is about to occur, the ~~((director))~~ office of civil rights shall endeavor
1490 to eliminate the unfair practice by conference, conciliation and persuasion, which may
1491 include as a condition of settlement ~~((the))~~:

1492 a. elimination of the unfair housing practice~~((;))~~;

1493 b. payment of actual damages, including damages caused by emotional distress,
1494 humiliation and embarrassment;

1495 c. reinstatement to tenancy~~((, the))~~;

1496 d. payment of attorneys' fees and costs;

1497 e. payment of a civil penalty to vindicate the public interest up to the limits ((set
1498 out)) in ((the Federal Fair Housing Act, as amended in 1988, at)) 42 U.S.C. Sec. 3612(g)(3)
1499 and 24 C.F.R. 180.671 (2003), as they exist on the effective date of this section, ((as of the
1500 date of passage of this section (July 13, 1992),)) which penalty shall be paid to ((the finance
1501 division)) King County for deposit in the county general fund ((~~of~~));

1502 f. participation in training on fair housing laws; and

1503 g. such other requirements as may lawfully be agreed upon by the parties and the
1504 ((director)) office of civil rights.

1505 2. Any post((-)finding settlement agreement shall be reduced to writing and
1506 signed by all parties, with the approval of the ((director)) office of civil rights. The office
1507 of civil rights shall then enter ((A))an order ((shall then be entered by the director)) setting
1508 forth the ((terms of the)) agreement ((-) and furnish copies of the order to all affected
1509 parties. Failure to comply with ((the terms of)) the post((-)finding agreement or order may
1510 be enforced under ((the provisions of Section)) K.C.C. 12.20.120((B)). ((Copies of such
1511 order shall be delivered to all affected parties and the original thereof filed with the division
1512 of records and elections.)) Each post((-)finding settlement agreement ((shall be made)) is a
1513 public ((unless the charging party and respondent otherwise agree and the director concurs
1514 and determines that disclosure is not required to further the purposes of this title)) record.

1515 B.1. If ((no)) the parties cannot reach agreement ((can be reached)), ((a finding to
1516 that effect shall be made by the director and incorporated)) the office of civil rights shall
1517 make a finding to that effect, incorporate the finding in an order ((-,with)) and furnish a
1518 copy ((thereof furnished)) of the order to ((the charging party and the respondent)) all
1519 affected parties. The order shall also include:

1520 ~~((1-))~~ a. A finding that an unfair housing practice is about to occur or has
1521 occurred;

1522 ~~((2-))~~ b. The basis for ~~((such))~~ the finding; and

1523 ~~((3-))~~ c. An order requiring the respondent to cease and desist from such unfair
1524 practice and to take appropriate affirmative action, including ~~((but not limited to,))~~:

1525 (1) payment of actual damages, ~~((f))~~including damages caused by emotional
1526 distress, humiliation and embarrassment~~((,))~~;

1527 (2) reinstatement to tenancy ~~((or to take))~~;

1528 (3) payment of attorneys' fees and costs;

1529 (4) participation in training on fair housing laws; and

1530 (5) such other action as in the ~~((judgement))~~ judgment of the ~~((director))~~ office
1531 of civil rights will effectuate the purposes of this chapter, which may include the
1532 requirement for report on the matter of compliance, injunctive relief and the payment of a
1533 civil penalty to vindicate the public interest up to the limits set out in ~~((the Federal Fair~~
1534 ~~Housing Act, as amended in 1988, at))~~ 42 U.S.C. Sec. 3612(g)(3)~~((, as of the date of~~
1535 ~~passage of this section (July 13, 1992))~~) as it exists on the effective date of this section.

1536 SECTION 48. Ordinance 10469, Section 11, and K.C.C. 12.20.095 are each
1537 hereby amended to read as follows:

1538 **Notification of governmental agencies.**

1539 ~~((A-))~~ In the case of an order with respect to a discriminatory housing practice that
1540 occurred in the course of a business subject to a licensing or regulation by a governmental
1541 agency, the ~~((director))~~ office of civil rights shall, not later than ~~((30))~~ thirty days after the
1542 date of the issuance of ~~((such))~~ the order ~~((f))~~or, if ~~((such))~~ the order is ~~((judicially~~

1543 reviewed)) appealed pursuant to K.C.C. 12.20.100, ((30)) thirty days after ((such)) the
1544 order is in substance affirmed upon ((such)) the review((?)):

1545 ((1-)) A. Send copies of the findings of fact, conclusions of law((;)) and the order,
1546 to that governmental agency; and

1547 ((2-)) B. Recommend to that governmental agency appropriate disciplinary action
1548 ((f))including, ((where)) if appropriate, the suspension or revocation of the license of the
1549 respondent((?)).

1550 SECTION 49. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are
1551 each hereby amended to read as follows:

1552 **Hearing - appeal.**

1553 A.1. Any charging party, respondent((;)) or aggrieved person on whose behalf the
1554 finding was made, after an order of the ((director)) office of civil rights is made ((pursuant
1555 to Section)) in accordance with K.C.C. 12.20.090.B, may ((elect)) appeal the order by
1556 electing to have the claims on which reasonable cause was found decided in a civil action
1557 under ((Section 14)) K.C.C. 12.20.124 or in a hearing before the hearing examiner. The
1558 office of civil rights shall provide the charging party, respondent and aggrieved person on
1559 whose behalf the finding was made ((shall be provided)) with information regarding how to
1560 make the election. This election must be made not later than ((30)) thirty days after the
1561 receipt by the electing person of service of the order. The person making ((such)) the
1562 election shall give notice of the election stating which forum is elected to the ((director))
1563 office of civil rights and to all other charging parties and respondents to whom the
1564 ((charge)) complaint relates. The notice of election should identify clearly and
1565 specifically:

- 1566 a. the errors that the appellant believes were made in the action or decision that
1567 is being appealed, or the procedural irregularities associated with that action or decision;
1568 b. specific reasons why the county's action should be reversed or modified; and
1569 c. the desired outcome of the appeal.

1570 2. Any order issued by the ((director pursuant to Section)) office of civil rights
1571 under K.C.C. 12.20.090_B ((shall)) becomes final thirty days after service of the order
1572 unless a written notice of election is ((received by)) filed with the ((director)) office of civil
1573 rights within the ((30)) thirty-day period. If the order becomes final, parties violating the
1574 order are subject to the ((penalty)) enforcement provisions of ((Section)) K.C.C.
1575 12.20.120((, including fines allowed by that section)).

1576 B. If no election of civil action is made, and an election for hearing is made, the
1577 complaint, any and all findings made and either affirmative action measures ~~((and/))~~ or civil
1578 penalties, or both, required shall be certified by the ((director)) office of civil rights to the
1579 office of the ((King County)) hearing examiner for hearing.

1580 C. A hearing shall be conducted by the office of the hearing examiner for the
1581 purpose of affirming, denying((;)) or modifying the order. There shall be a verbatim
1582 record kept of the hearing ~~((and))~~. ~~((†))~~The hearing examiner shall have such rule-making
1583 and other powers necessary for conduct of the hearing as are specified by ((Section))
1584 K.C.C. 20.24.170. The office of civil rights ((and compliance will)) shall maintain the
1585 action and the ((director's)) order of the office of civil rights shall not be ((accorded the
1586 presumption of correctness)) presumed correct. ((Such)) The hearing examiner's decision
1587 shall be based upon a preponderance of the evidence. The hearing shall be conducted
1588 within a reasonable time after receipt of the certification. Written notice of the time and

1589 place of the hearing shall be given at least ten days ~~((prior to))~~ before the date of the
1590 hearing to each affected party and to the ~~((director))~~ office of civil rights.

1591 D. Each party ~~((shall have the following rights))~~ may, among exercising other~~((s))~~
1592 rights:

1593 1. ~~((To-e))~~Call and examine witnesses on any matter relevant to the issues of the
1594 complaint;

1595 2. ~~((To-i))~~Introduce documentary and physical evidence;

1596 3. ~~((To-e))~~Cross-examine opposing witnesses on any matter relevant to the issues
1597 of the complaint;

1598 4. ~~((To-i))~~Impeach any witness regardless of which party first called him or her to
1599 testify;

1600 5. ~~((To-r))~~Rebut evidence against him or her; and

1601 6. ~~((To-r))~~Represent himself or herself or to be represented by anyone of his or
1602 her choice who is lawfully permitted to do so.

1603 E. Following review of the evidence submitted, the hearing examiner presiding at
1604 the hearing shall enter written findings and conclusions and shall affirm or modify the order
1605 previously issued if the hearing examiner finds that a violation is about to occur or ~~((has))~~
1606 occurred. The hearing examiner shall reverse the order if ~~((he))~~ the hearing examiner finds
1607 ~~((no))~~ that a violation ~~((occurred))~~ is not about to occur or did not occur. The hearing
1608 examiner may grant as relief any relief ~~((which))~~ that the ~~((director))~~ office of civil rights
1609 could grant under ~~((section))~~ K.C.C. 12.20.090~~((f))~~.B~~((j))~~. A copy of the hearing
1610 examiner's findings, conclusions and decision shall be served on all affected parties. The

1611 order of the hearing examiner ~~((shall be))~~ is final unless reviewed by a court ~~((of competent~~
1612 ~~jurisdiction))~~ under ~~((the provisions of Section))~~ K.C.C. 20.24.240.B.

1613 SECTION 50. Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120 are
1614 each hereby amended to read as follows:

1615 **Enforcement.**

1616 A. ~~((In the event that the respondent refuses or fails to comply with any order of~~
1617 ~~the director and the order has not been appealed pursuant to the provisions of Section~~
1618 ~~12.20.100, the director is authorized to enforce the order against such person utilizing the~~
1619 ~~misdemeanor, civil penalty and other enforcement provisions of Title 23. Notwithstanding~~
1620 ~~the monetary amount provided in K.C.C. Title 23, the penalty shall be up to five hundred~~
1621 ~~dollars (\$500.00) per day for each day the respondent refuses or fails to comply with any~~
1622 ~~order of the director if an appeal is not pending.~~

1623 ~~B. Whenever))~~ If the ((director)) office of civil rights has reasonable cause to
1624 believe that a respondent ~~((has))~~ breached a pre~~((--))~~finding or post~~((--))~~finding settlement
1625 agreement executed under K.C.C. 12.20.080 or 12.20.090, or ~~((has))~~ violated an order of
1626 the office of civil rights issued under K.C.C. 12.20.090 or an order of the hearing examiner
1627 issued ~~((pursuant to Section))~~ under K.C.C. 12.20.100, the ~~((director))~~ office of civil rights
1628 shall refer the matter to the prosecuting attorney for the filing of a civil action under
1629 subsection ~~((C))~~ B. of this section for the enforcement of ~~((such))~~ the agreement.

1630 ~~((C.))~~ B. The prosecuting attorney may commence a civil action in ~~((King County~~
1631 ~~S))~~superior ((C))court for appropriate relief with respect to breach of a pre~~((--))~~finding or
1632 post~~((--))~~finding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090, or
1633 violation of an order of the office of civil rights issued under K.C.C. 12.20.090 or an order

1634 of the hearing examiner issued ~~((pursuant to section))~~ under K.C.C. 12.20.100. This action
1635 may be commenced no later than ~~((90))~~ ninety days after the referral of the alleged breach
1636 under subsection ~~((B))~~ A. of this section.

1637 SECTION 51. Ordinance 10469, Section 13, and K.C.C. 12.20.122 are each
1638 hereby amended to read as follows:

1639 **Enforcement by private persons.**

1640 A. An aggrieved person may commence a civil action in ~~((King County S))~~ superior
1641 ~~((C))~~ court not later than one year after the occurrence or the termination of an alleged
1642 discriminatory housing practice, whichever occurs last, to obtain appropriate relief with
1643 respect to ~~((such))~~ the discriminatory housing practice.

1644 B. The computation of ~~((such))~~ the one-year period shall not include any time
1645 during which an administrative proceeding under this chapter was pending with respect to a
1646 complaint or charge under this chapter based upon ~~((such))~~ the discriminatory housing
1647 practices.

1648 C. An aggrieved person may commence a civil action under this ~~((sub))~~ section
1649 whether or not a complaint has been filed under ~~((Section))~~ K.C.C. 12.20.070 and without
1650 regard to the status of any such a complaint ~~((, but))~~. However, if the ~~((county))~~ office of
1651 civil rights ~~((and compliance))~~ or the ~~((U.S.))~~ United States Department of Housing and
1652 Urban Development has obtained a pre~~((-))~~ finding or post~~((-))~~ finding settlement or
1653 conciliation agreement with the consent of an aggrieved person, ~~((no))~~ an action may not be
1654 filed under this ~~((sub))~~ section by ~~((such))~~ the aggrieved person with respect to the alleged
1655 discriminatory housing practice ~~((which))~~ that forms the basis for ~~((such))~~ the complaint
1656 except for the purpose of enforcing the ~~((terms of such))~~ agreement. To preclude such a

1657 filing, the prefinding or postfinding settlement or conciliation agreement must include
1658 language that the charging party knowingly waives any right to file a civil action based on
1659 the same alleged unfair housing practice.

1660 D. Subject to subsection E. of this section, after the filing of a civil action
1661 involving the same claim or arising from the same facts and circumstances, whether
1662 under this chapter or similar law, the office of civil rights may administratively close a
1663 complaint of an unfair housing practice.

1664 E. If a court dismisses a private cause of action without reaching the merits and
1665 on grounds that would not preclude pursuit of a complaint under this chapter, the
1666 charging party may request, within ninety days of the entry of the court's order of
1667 dismissal, that the office of civil rights reopen a previously filed case. Upon such a
1668 request, the office of civil rights may reopen a case that was administratively closed upon
1669 the filing of a civil action. If the office of civil rights closes a case based on a "no
1670 reasonable cause" finding, the case shall not be reopened except as provided through
1671 reconsideration under K.C.C. 12.20.080. A charging party or aggrieved person may not
1672 secure relief from more than one governmental agency, instrumentality or tribunal for the
1673 same harm or injury.

1674 F. An aggrieved person may not commence a civil action under this ~~((sub))~~section
1675 with respect to an alleged discriminatory housing practice ~~((which))~~ that forms the basis of
1676 a complaint if a hearing on the complaint has been convened by the office of the ~~((King~~
1677 ~~County))~~ hearing examiner.

1678 ~~((E-))~~ G. In a civil action under subsection A. of this section, if the court or jury
1679 finds that a discriminatory practice ~~((has))~~ occurred or is about to occur, the court may

1680 order remedies as allowed by ~~((the federal Fair Housing Act, as amended in 1988, at))~~ 42
1681 U.S.C. 3613 (c) ~~((as of the date of passage (July 13, 1992) of this section))~~ as it exists on
1682 the effective date of this section, including punitive damages as provided in 42 U.S.C. 3613
1683 (c), and, subject to the restrictions of subsection ~~((F-))~~ H. of this section, may grant as relief,
1684 as the court deems appropriate, any permanent or temporary injunction, temporary
1685 restraining order~~((;))~~ or other order, ~~((f))~~including an order enjoining the defendant from
1686 engaging in ~~((such))~~ the practice or ordering such affirmative action as ~~((may))~~ might be
1687 appropriate~~((;))~~. The court may also allow reasonable attorney~~(('))~~'s' fees and costs to the
1688 prevailing party.

1689 ~~((F-))~~ H. Relief granted under this section shall not affect any contract, sale,
1690 encumbrance~~((;))~~ or lease consummated before the granting of ~~((such))~~ the relief and
1691 involving a bona fide purchaser, encumbrances~~((;))~~ or tenant, without actual notice of the
1692 filing of a complaint with the ~~((director))~~ office of civil rights or civil action under this
1693 ~~((title))~~ chapter.

1694 ~~((G-))~~ I. Upon timely application, the prosecuting attorney may intervene in
1695 ~~((such))~~ the civil action~~((;))~~ if the prosecuting attorney ~~((certifies))~~ determines that the case
1696 is of general public importance.

1697 J. This section is intended to provide private judicial remedies for violations of
1698 this chapter that are as expansive as the powers granted by the Constitution and laws of
1699 the state of Washington.

1700 SECTION 52. Ordinance 10469, Section 14, and K.C.C. 12.20.124 are each
1701 hereby amended to read as follows:

1702 **Civil enforcement when election is made for ~~((such))~~ a civil action.**

1703 A. If an election is made under ~~((Section))~~ K.C.C. 12.20.100 for the claims to be
1704 decided in a civil action, the ~~((director))~~ office of civil rights shall authorize~~((;))~~ and, not
1705 later than ~~((30))~~ thirty days after the election is made, shall commence, on behalf of the
1706 charging party, a civil action ~~((on behalf of the charging party in King County))~~ in
1707 ~~((S))~~superior ~~((C))~~court ~~((seeking relief under this chapter))~~ to affirm or modify the order of
1708 the office of civil rights issued under K.C.C. 12.20.090.

1709 B. Any aggrieved person with respect to the issues to be determined in a civil
1710 action under this ~~((sub))~~section may intervene as of right in that civil action.

1711 C. In a civil action under this ~~((sub))~~section, if the court finds that a discriminatory
1712 housing practice has occurred, or is about to occur, the court may grant as relief any relief
1713 which a court could grant with respect to such a discriminatory housing practice in a civil
1714 action under ~~((section))~~ K.C.C. 12.20.122. Any relief so granted that would accrue to an
1715 aggrieved person in a civil action commenced by that aggrieved person under ~~((section))~~
1716 K.C.C. 12.20.122 ~~((shall))~~ also accrues to that aggrieved person in a civil action under this
1717 ~~((sub))~~section. If monetary relief is sought for the benefit of an aggrieved person who does
1718 not intervene in that civil action, the court shall not award ~~((such))~~ the monetary relief if
1719 that aggrieved person has not complied with discovery orders entered by the court.

1720 SECTION 53. Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130
1721 are each hereby amended to read as follows:

1722 **Exceptions.**

1723 A. Nothing in this chapter ~~((shall))~~:

1724 1. Prohibits treating any person or persons meeting the definition of parental
1725 status or any ~~((person or persons))~~ individual with a disability or individuals with

1726 disabilities more favorably than others ~~((providing that such))~~ if the favorable treatment
1727 does not discriminate against persons on the basis of race, color, religion, national origin,
1728 ancestry, age, ~~((sex))~~ gender, marital status, parental status, participation in the Section 8
1729 program, sexual orientation, disability~~((;))~~ or ~~((the))~~ use of a ~~((trained dog guide))~~ service
1730 or assistive animal by ~~((a person))~~ an individual with a disability;

1731 2. Prohibits a religious organization, association or society, or any nonprofit
1732 institution or organization operated, supervised or controlled by or in conjunction with a
1733 religious organization, association~~((;))~~ or society, from limiting the sale, rental or
1734 occupancy of dwellings ~~((which))~~ that it owns or operates for other than a commercial
1735 purpose~~((;))~~ to persons of the same religion~~((;))~~ or from giving preference to ~~((such))~~
1736 persons of the same religion, ~~((PROVIDED THAT)), but only if:~~

1737 a. ~~((M))~~ membership in ~~((such))~~ the religion is not restricted on account of race,
1738 color, ancestry or national origin; and

1739 b. ~~((Such))~~ the limitation or preference is reasonably in the furtherance of a
1740 religious purpose or activity~~((, as of the date of passage of this section.));~~

1741 3. Prohibits any person from limiting the rental or occupancy of housing
1742 accommodations in any ~~((YWCA, YMCA,))~~ sorority, fraternity, school dormitory or
1743 similar residential facility to persons of one ~~((sex where))~~ gender if considerations of
1744 personal privacy exist~~((;));~~

1745 4. Prohibits any person from limiting, on the basis of age or parental status, the
1746 sale, rental or occupancy of housing accommodations ~~((which))~~ that fully qualify as
1747 housing for older persons age ~~((55))~~ fifty-five and over under ~~((the requirements of the~~

1748 Federal Housing Amendments Act of 1988,) 42 U.S.C. ((§§) Sec. 3607 ((b)(2)(C) and
1749 (b)(3) as subsequently amended.) as it exists on the effective date of this section;

1750 5. Prohibits any person from limiting the sale, rental or occupancy of housing
1751 accommodations to:

1752 a. ~~((persons))~~ individuals with disabilities in any housing facility operated for
1753 ~~((persons))~~ individuals with disabilities ~~((or to))~~;

1754 b. senior citizens in any housing facility operated exclusively for senior
1755 citizens~~((:))~~; or

1756 c. elderly persons in any housing provided under any state or federal program
1757 that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on the effective
1758 date of this section;

1759 6. Requires any person to rent or lease a housing accommodation to a minor;

1760 7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

1761 8. May ~~((B))~~ be interpreted to prohibit any person from making a choice among
1762 prospective purchasers or tenants of real property on the basis of factors other than race,
1763 color, religion, ancestry, national origin, age, ~~((sex))~~ gender, marital status, parental status,
1764 sexual orientation, participation in the Section 8 program, disability~~((:))~~ or ~~((the))~~ use of a
1765 ~~((trained dog guide))~~ service or assistive animal by ~~((a person))~~ an individual with a
1766 disability; or

1767 9. Prohibits any person from placing limitations on the maximum number of
1768 tenants permitted per unit on account of reasonable space limitations or requirements of
1769 law.

1770 B. Nothing in this chapter, except ~~((Section))~~ K.C.C. 12.20.040~~((f))~~.A.6, ~~((shall~~
1771 ~~apply))~~ 12.20.040.A.7, 12.20.040.A.8, 12.20.040.B and 12.20.050, applies to the renting,
1772 subrenting, leasing or subleasing of a single-family or duplex dwelling unit ~~((wherein))~~ in
1773 which the owner or person entitled to possession ~~((thereof))~~ of the dwelling unit normally
1774 maintains ~~((, or intends to maintain,))~~ a permanent residence, home or abode.

1775 C. Nothing in this chapter prohibits any party to a real estate transaction or real
1776 estate-related transaction from considering the capacity to pay and credit history of any
1777 individual applicant.

1778 D. Nothing in this chapter prohibits any party to a real estate transaction or real
1779 estate related transaction from considering or taking reasonable action based on the
1780 application of the community property law to the individual case.

1781 SECTION 54. Ordinance 10469, Section 16, and K.C.C. 12.20.133 are each
1782 hereby amended to read as follows:

1783 **Authorization to implement procedures.** The ~~((director is authorized to))~~ office
1784 of civil rights may implement such forms, administrative processes~~((;))~~ and operational
1785 procedures as are necessary to comply with ~~((the provisions of))~~ this chapter~~((; provided~~
1786 ~~that such))~~. The forms, processes and procedures shall be ~~((promulgated))~~ adopted in
1787 compliance with K.C.C. chapter 2.98 ~~((, Rules of County Agencies))~~.

1788 SECTION 55. Ordinance 7816, Section 4, and K.C.C. 12.20.135 are each hereby
1789 repealed.

1790 SECTION 56. Ordinance 5280, Section 11, as amended, and K.C.C. 12.20.140
1791 are each hereby amended to read as follows:

1792 **Severability.** ~~((Should))~~ If any ~~((section, subsection, paragraph, sentence, clause~~
1793 ~~or phrase))~~ provision of this chapter ~~((be declared unconstitutional))~~ or its application to
1794 any person or circumstance is held invalid ~~((for any reason, such decision shall not affect~~
1795 ~~the validity of the remaining portions of the chapter or the validity of its)),~~ the remainder
1796 of the chapter or the application of the provision to other persons or circumstances is not
1797 affected.

1798 SECTION 57. K.C.C. 12.20.145 is hereby decodified.

1799 SECTION 58. Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150
1800 are each hereby amended to read as follows:

1801 **Fair housing code compliance.**

1802 ~~((Whenever))~~ A. If a complaint has been filed ~~((pursuant to the provisions of~~
1803 ~~K.C.C. chapter 12.20, the director of the department of executive services, or his or her~~
1804 ~~designee,))~~ under this chapter, the office of civil rights shall initiate an investigation under
1805 ~~((the provisions of that))~~ this chapter.

1806 ~~((Whenever a director has determined))~~ B. If the office of civil rights determines
1807 that a violation of ~~((the fair housing ordinance))~~ this chapter or any rules and regulations
1808 adopted ~~((thereunder))~~ under this chapter is about to occur or has occurred, ~~((he or she))~~ the
1809 office of civil rights shall issue an order ~~((pursuant to the provisions of K.C.C.))~~ in
1810 accordance with this chapter ~~((12.20)).~~ ~~((With respect to violations))~~ For enforcement of
1811 ~~((K.C.C.))~~ this chapter ~~((12.20)),~~ ~~((the notice, service and hearing provisions contained in~~
1812 ~~K.C.C.))~~ if a conflict exists between this chapter and K.C.C. Title 23, this chapter ~~((12.20~~
1813 ~~shall))~~ controls over K.C.C. Title 23.

1814 NEW SECTION. SECTION 59. There is hereby added to the K.C.C. chapter
1815 12.22 a new section to read as follows:

1816 **Enforcement by private persons.**

1817 A. An aggrieved person may commence a civil action in superior court not later
1818 than one year after the occurrence or termination of alleged discrimination in a place of
1819 public accommodation or ninety days after a determination of reasonable cause is issued
1820 by the office of civil rights, whichever occurs last, to obtain appropriate relief with
1821 respect to the discrimination in public accommodations.

1822 B. A civil action may be filed under this section whether or not an administrative
1823 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the
1824 complaint. However, if the office of civil rights obtained a prefinding or postfinding
1825 settlement or conciliation agreement with the consent of the aggrieved person, an action
1826 may not be filed by the aggrieved person with respect to the alleged discrimination in
1827 public accommodations that forms the basis for the complaint except for the purpose of
1828 enforcing the agreement. To preclude such a filing, the prefinding or postfinding
1829 settlement or conciliation agreement must include language that the aggrieved person
1830 knowingly waives any right to file a civil action under this section based on the same
1831 alleged discrimination in public accommodations.

1832 C. Subject to subsection D. of this section, after the filing of a civil action
1833 involving the same claim or arising from the same facts and circumstances, whether
1834 under this chapter or similar law, the office of civil rights may administratively close a
1835 complaint of discrimination in public accommodations.

1836 D. If a court dismisses a private cause of action without reaching the merits and
1837 on grounds that would not preclude pursuit of a complaint under this chapter, the
1838 charging party may request, within ninety days of the entry of the court's order of
1839 dismissal, that the office of civil rights reopen a previously filed case. Upon such a
1840 request, the office of civil rights may reopen a case that was administratively closed upon
1841 the filing of a civil action. If the office of civil rights closes a case based on a "no
1842 reasonable cause" finding, the case may not be reopened except as provided through
1843 reconsideration under K.C.C. 12.22.050.

1844 E. A charging party or aggrieved person may not secure relief from more than
1845 one governmental agency, instrumentality or tribunal for the same harm or injury.

1846 F. An aggrieved person may not commence a civil action under this section with
1847 respect to an alleged discrimination in public accommodations practice that forms the
1848 basis of a complaint if a hearing on the complaint has been convened under K.C.C.
1849 12.22.070.

1850 G. In a civil action under this section, if the court finds that discrimination in
1851 public accommodations occurred, the court may grant such relief as is available for
1852 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

1853 H. Upon timely application, the prosecuting attorney may intervene in the civil
1854 action, if the prosecuting attorney determines that the case is of general public
1855 importance.

1856 I. This section is intended to provide private judicial remedies for violations of
1857 this chapter that are as expansive as the powers granted by the Constitution and laws of
1858 the state of Washington.

1859 SECTION 60. Ordinance 8625, Section 1, and K.C.C. 12.22.010 are each hereby
1860 amended to read as follows:

1861 **Statement of purpose – findings.** This chapter is an exercise of the police power
1862 of King County for the protection of the public welfare, health, peace and safety of the
1863 residents of King County and in fulfillment of the ~~((provisions of the constitution of this))~~
1864 state Constitution. The King County council hereby finds and declares that the practice
1865 of discrimination against any person on the basis of race, color, ~~((sex))~~ gender, marital
1866 status, parental status, sexual orientation, religion, ancestry, age, national origin, ~~((or the~~
1867 ~~presence of any sensory, mental or physical handicap))~~ disability or use of a service or
1868 assistive animal by an individual with a disability in places of public accommodation
1869 constitute matters of local concern and are contrary to the public welfare, health, peace
1870 and safety of the residents of King County.

1871 NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 12.22
1872 a new section to read as follows:

1873 **Application of chapter.** This chapter applies to places of public accommodation
1874 operated by King County and applies to actions involving places of public
1875 accommodation located in unincorporated King County.

1876 NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 12.22
1877 a new section to read as follows:

1878 **Liberal construction of chapter.** This chapter shall be liberally construed for
1879 accomplishment of its policies and purposes. This chapter shall not be construed to
1880 endorse any specific belief, practice, behavior or orientation. Nothing in this chapter
1881 relating to gender-based discrimination affects the ability of an employer to require an

1882 employee to adhere to reasonable workplace appearance, grooming and dress standards
1883 not precluded by other provisions of state or federal law, though an employer shall allow
1884 an employee to appear or dress consistently with the employee's gender identity.

1885 NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter 12.22
1886 a new section to read as follows:

1887 **Affect of chapter on right to actions or pursuit of remedies.** Nothing in this
1888 chapter shall be deemed to deny any person the right to institute any action or to pursue
1889 any other available civil or criminal remedy for the violation of the person's civil rights.

1890 NEW SECTION. SECTION 64. There is hereby added to K.C.C. chapter 12.22
1891 a new section to read as follows:

1892 **Affect of chapter on liability.** Nothing in this chapter is intended to be nor shall
1893 be construed to create or form the basis for any liability on the part of King County, or its
1894 officers or agents, for any injury or damage resulting from or by reason of any act or
1895 omission in connection with the implementation or enforcement of this chapter on the
1896 part of King County by its officers, employees or agents.

1897 NEW SECTION. SECTION 65. There is hereby added to K.C.C. chapter 12.22
1898 a new section to read as follows:

1899 **Affect of chapter on statutes of limitation.** Nothing in this chapter shall be
1900 construed to toll the statute of limitations for any claims under federal or state statute.

1901 SECTION 66. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are
1902 each hereby amended to read as follows:

1903 **Definitions.** ~~((When used in))~~ The definitions in this section apply throughout this
1904 chapter~~((;))~~ unless the context clearly requires otherwise ~~((requires:)).~~

1905 A. "Aggrieved person" includes any person who claims to have been injured by
1906 an act of discrimination in a place of public accommodation;

1907 B. "Charging party" means any person alleging an act of discrimination in a place
1908 of public accommodation under this chapter by filing a complaint with the office of civil
1909 rights.

1910 C.1. "Disability" means:

1911 a. a physical or mental impairment that substantially limits one or more of a
1912 person's major life activities, either temporarily or permanently;

1913 b. a person has a record of having such an impairment;

1914 c. a person is regarded as having such an impairment; or

1915 d. a person has any other condition that is a disability under the Washington state
1916 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

1917 2. "Disability" does not include current, illegal use of a controlled substance, as
1918 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on the effective date of this section.

1919 ~~((B-))~~ D. "Discrimination" or "discriminatory practice or act" means any action or
1920 failure to act, whether by a single act or part of a practice, the effect of which is to
1921 adversely affect or differentiate between or among individuals, because of race, color,
1922 religion, national origin, ancestry, age, ~~((sex))~~ gender, marital status, parental status, sexual
1923 orientation, ~~((the presence of any sensory, mental or physical handicap,))~~ disability or
1924 ~~((the))~~ use of a ((trained dog guide)) service or assistive animal by ~~((a blind, deaf or~~
1925 physically disabled person)) an individual with a disability.

1926 ~~((C. "National origin" shall be interpreted to include ancestry.~~

1927 ~~D.))~~ E. "Marital status" means the presence or absence of a marital relationship and
1928 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1929 F. "Owner" includes a person who owns, leases, subleases, rents, operates,
1930 manages, has charge of, controls or has the right of ownership, possession, management,
1931 charge or control of real property on his or her own behalf or on behalf of another.

1932 G. "Parental status" means being a parent, step-parent, adoptive parent, guardian,
1933 foster parent or custodian of a minor child or children~~((, which child or children shall enter~~
1934 ~~a place of public accommodation)).~~

1935 ~~((E.))~~ H. "Party" includes a person making a complaint or upon whose behalf a
1936 complaint is made alleging an unfair public accommodations practice, a person alleged or
1937 found to have committed an unfair public accommodations practice and the office of civil
1938 rights.

1939 I. "Person" means one or more individuals, partnerships, associations,
1940 organizations, corporations, cooperatives, legal representatives, trustees, ~~((and))~~ trustees in
1941 bankruptcy, receivers or any group of persons~~((; it)), and includes King County but no~~
1942 governmental body other than King County. "Person" also includes any owner, lessee,
1943 proprietor, manager, agent or employee whether one or more natural persons~~((, or of any~~
1944 ~~political or civil subdivision thereof)).~~

1945 ~~((F. "Respondent" means any person who is alleged to have discriminated in a~~
1946 ~~place of public accommodation.~~

1947 G. ~~"Sexual orientation" means male or female heterosexuality, bi-sexuality or~~
1948 ~~homosexuality, and includes a person's attitudes, preferences, beliefs and practices~~

1949 ~~pertaining to sex, but shall not include overt conduct which is a public or private nuisance~~
1950 ~~or is unlawful under county, state or federal law.~~

1951 H. ~~"Owner" includes persons who own, lease, sublease, rent, operate, manage,~~
1952 ~~have charge of, control or have the right of ownership, possession, management, charge or~~
1953 ~~control of real property on their own behalf or on behalf of another.~~

1954 I.) J. "Place of public accommodation((s))" ((shall)) means ~~((and include))~~ any
1955 place, store or other establishment, either licensed or unlicensed ~~((which)), that~~ supplies
1956 goods or services to the general public ~~((and shall))~~. "Place of public accommodation"
1957 includes, but is not ~~((be))~~ limited to, the following types of services or facilities~~((, to wit))~~:
1958 hotels, or other establishments ~~((which)) that~~ provide lodging to transient guests~~((;))~~;
1959 restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities
1960 principally engaged in selling or offering for sale food for consumption upon the
1961 premises~~((;))~~; motion picture houses, theatres, concert halls, convention halls, sport arenas,
1962 stadiums or other places of exhibition or entertainment~~((;))~~; bowling alleys and amusement
1963 parks~~((, all))~~; retail establishments~~((, all))~~; transportation carriers ~~((and mobile home~~
1964 ~~parks,))~~; barber shops~~((;))~~; beauty shops~~((, and))~~; bars or taverns or other facilities engaged
1965 in selling or offering for sale alcoholic beverages for consumption upon the premises~~((;))~~;
1966 food banks, senior citizens centers and other social service organizations and
1967 establishments; places of public accommodation operated by King County; and ((shall
1968 ~~include))~~ public burial facilities ~~((when such))~~ if the facilities are owned and operated by
1969 any cemetery corporation or burial association.

1970 ~~((J. "Director" means the director of the department of executive services.~~

1971 K. "Administrator" means the administrator of the office of civil rights in the
1972 department of executive services.))

1973 K. "Respondent" means a person who is alleged or found to have discriminated in
1974 a place of public accommodation.

1975 L. "Senior citizen" means ((, for purpose of this chapter,)) an individual((s)) as old
1976 or older than an age set for a senior category. The minimum age for the senior category
1977 ((may be set at 55)) is fifty-five years ((or higher)).

1978 M. "Service or assistive animal" means a dog guide, signal or hearing dog,
1979 seizure response dog, therapeutic companion animal or other animal that does work,
1980 performs tasks or provides medically necessary support for the benefit of an individual
1981 with a disability.

1982 N. "Settlement discussions" or "conference, conciliation and persuasion" means the
1983 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,
1984 through informal negotiations involving the charging party, the respondent and the office of
1985 civil rights.

1986 O. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and
1987 gender identity. As used in this definition, "gender identity" means having or being
1988 perceived as having a gender identity different from that traditionally associated with the
1989 sex assigned to that person at birth. Protection associated with "gender identity" includes
1990 self-image, appearance, behavior or expression.

1991 SECTION 67. Ordinance 8625, Section 3, and K.C.C. 12.22.030 are each hereby
1992 amended to read as follows:

1993 **Discrimination in places of public accommodation.** It is unlawful for any person
1994 to engage in, or cause or allow another to engage in, any of the ~~((following prohibited))~~ acts
1995 listed in this section, which are hereby designated as discrimination, in places of public
1996 accommodation located in unincorporated King County~~((:))~~ or operated by King County
1997 wherever located.

1998 A. It is a discriminatory practice for any person, whether acting for himself or
1999 herself or another, because of race, color, religion, national origin, ancestry, age, ~~((sex))~~
2000 gender, marital status, parental status, sexual orientation, ~~((the presence of any sensory,~~
2001 ~~mental, or physical handicap,))~~ disability or ~~((the))~~ use of a ~~((trained dog guide by a blind,~~
2002 ~~deaf or physically disabled person))~~ service or assistive animal by an individual with a
2003 disability:

2004 1. As owner, custodial agent or employee of a place of public accommodation, to
2005 discriminate in denying, refusing, rejecting or granting any privilege, service, goods,
2006 merchandise, commodity or accommodation~~((:))~~;

2007 2. As owner, custodial agent or employee of a ~~((public))~~ place of public
2008 accommodation, to discriminate by segregating or requiring the placing of any person in
2009 any separate section or area of the premises or facilities of ~~((such))~~ the place of public
2010 accommodation~~((:))~~; or

2011 3. To place, post, maintain or display any written or printed advertisement, notice
2012 or sign to the effect that any of the accommodations, advantages, facilities, privileges,
2013 goods or merchandise of any place of public accommodation, will or ~~((may))~~ might be
2014 refused, withheld from or denied to any person.

2015 B. It is a discriminatory practice and unlawful for any person , whether acting on
2016 her or her own behalf or for another, to retaliate by taking action against another person
2017 because the other person:

2018 1. Opposed any practice forbidden by this chapter;
2019 2. Complied or proposed to comply with this chapter or any order issued under
2020 this chapter; or

2021 3. Filed a complaint, testified or assisted in any manner in any investigation,
2022 proceeding or hearing initiated under this chapter.

2023 C. (~~Exemptions~~) Nothing in this section (~~shall~~):

2024 1. (~~Apply~~) ~~Applies~~ to any non(~~-~~)commercial facility operated or maintained by
2025 a bona fide religious institution(~~-~~);

2026 2. ~~May~~ (~~B~~)~~be~~ construed to prohibit treating (~~handicapped persons~~) individuals
2027 with disabilities more favorably than (~~non-handicapped persons~~) individuals without
2028 disabilities or to prohibit treating senior citizens more favorably than non(~~-~~)senior
2029 citizens(~~-~~); or

2030 3. ~~May~~ (~~B~~)~~be~~ construed to prohibit offering discounts, special prices(~~-~~) or
2031 other special arrangements to children or families or imposing age limits for individuals up
2032 to (~~21~~) twenty-one years old.

2033 SECTION 68. Ordinance 8625, Section 4, and K.C.C. 12.22.040 are each hereby
2034 amended to read as follows:

2035 **Filing of a complaint.**

2036 A. A complaint alleging discrimination in a place of public accommodation may be
2037 filed by:

2038 1. Any aggrieved person (~~((when the person claims to be directly aggrieved by~~
2039 ~~discrimination in a place of public accommodation))~~); or

2040 2. Any state, local or federal agency concerned with discrimination in places of
2041 public accommodation, (~~((whenever it believes))~~) including the office of civil rights, if the
2042 agency has reason to believe that a discriminatory act or practice has been or is being
2043 committed.

2044 B. A complaint alleging discrimination in a place of public accommodation shall
2045 be in writing and signed by the charging party. (~~((Notice of intent to file such complaint~~
2046 ~~must be filed within sixty (60) days of the occurrence of the alleged discrimination or~~
2047 ~~within sixty (60) days of when the charging party, through exercise of due diligence,~~
2048 ~~should have had notice or been aware of such occurrence.))~~) The complaint must be filed
2049 with the office of civil rights within (~~((thirty (30) days after the expiration of the sixty-day~~
2050 ~~period provided in this subsection))~~) one hundred eighty days of the occurrence of the
2051 alleged discrimination or within one hundred eighty days of when the charging party,
2052 through exercise of due diligence, should have had notice or been aware of the occurrence.
2053 The complaint must describe with particularity the practice complained of and the location
2054 of the practice and must identify the person being charged with committing the
2055 discrimination. (~~((PROVIDED THAT:))~~) However, the office of civil rights shall not reject
2056 a complaint ((shall not be rejected)) as insufficient because of failure to include all required
2057 information, ((so long as it)) if the office of civil rights determines that the complaint
2058 substantially meets the informational requirements necessary for processing.

2059 C. Upon the receipt of a complaint, the office of civil rights shall serve notice upon
2060 the charging party acknowledging the filing.

2061 D. The charging party or the office of civil rights may amend a complaint: to
2062 cure technical defects or omissions; to clarify and amplify allegations made in the
2063 complaint; or to add allegations related to or arising out of the subject matter set forth, or
2064 attempted to be set forth, in the original complaint. For jurisdictional purposes, the
2065 amendments relate back to the date the original complaint was first filed. Either ((F))the
2066 charging party or the office of civil rights, or both, may amend a complaint ((in any
2067 respect)) for these reasons as a matter of right before service of notice of hearing on the
2068 matter as provided under K.C.C. 12.22.070, and thereafter may amend a complaint only
2069 with permission of the ((King County zoning and subdivision)) hearing examiner, which
2070 permission shall be granted ((when)) if justice will be served ((thereby)) by the
2071 permission, and all parties shall be allowed time to prepare their cases with respect to
2072 additional or expanded ((charges which they)) allegations that the parties did not and
2073 could not have reasonably foreseen would be an issue at the hearing.

2074 E. The charging party may also amend a complaint to include allegations of
2075 additional unrelated discriminatory acts that arose after filing of the original complaint.
2076 The charging party must file any amendments adding the allegations within one hundred
2077 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
2078 days of when the charging party, through exercise of due diligence, should have had notice
2079 or been aware of the additional discriminatory act, and before the issuance of findings of
2080 fact and a determination with respect to the original complaint by the office of civil
2081 rights. The amendments may be made at any time during the investigation of the original
2082 complaint if the office of civil rights will have adequate time to investigate the additional
2083 allegations and the parties will have adequate time to present the office of civil rights

2084 with evidence concerning the allegations before the issuance of findings of fact and a
2085 determination.

2086 SECTION 69. Ordinance 8625, Section 5, and K.C.C. 12.22.050 are each hereby
2087 amended to read as follows:

2088 **Investigation of complaint.**

2089 A. After the filing of a complaint, the ((director, or the administrator acting for the
2090 director,)) office of civil rights shall serve notice of the complaint and a copy ((thereof)) of
2091 the complaint on the respondent within twenty days after the filing of the complaint. Each
2092 respondent may file an answer to the complaint not later than twenty days after receipt of
2093 notice from the office of civil rights. If a respondent is unable to file a response within
2094 twenty days, the respondent may request an extension of time from the office of civil
2095 rights. The extension may be granted by the office of civil rights if good cause is shown.
2096 The office of civil rights shall commence the investigation of the complaint promptly.

2097 B. The office of civil rights shall direct the investigation to ascertain the facts
2098 concerning the discrimination in public accommodations alleged in the complaint and
2099 shall conduct the investigation in an objective and impartial manner. During the
2100 investigation, the office of civil rights shall consider any statement of position or
2101 evidence with respect to the allegations of the complaint that the charging party or the
2102 respondent wishes to submit. A person who is not named as a respondent in a complaint,
2103 but who is identified as a respondent in the course of the investigation, may be joined as an
2104 additional or substitute respondent upon written notice, as provided under subsection A. of
2105 this section, to the person from the office of civil rights. The notice, in addition to meeting
2106 the requirements of subsection A. of this section, must explain the basis for the belief of the

2107 office of civil rights that the person to whom the notice is addressed is properly joined as a
2108 respondent.

2109 C. During the period beginning with the filing of the complaint and ending with the
2110 issuance of the findings of fact, the office of civil rights shall, to the extent feasible, engage
2111 in settlement discussions with respect to the complaint. Anything said or done in the
2112 course of the settlement discussions may not be made public or used as evidence in a
2113 subsequent proceeding under this chapter without the written consent of the persons
2114 concerned. A prefinding settlement agreement arising out of the settlement discussions
2115 must be an agreement between the respondent and the charging party, and is subject to
2116 approval by the office of civil rights. Each prefinding settlement agreement is a public
2117 record. Failure to comply with the prefinding settlement agreement may be enforced under
2118 K.C.C. 12.22.080.

2119 D. The office of civil rights shall seek the voluntary cooperation of all persons to
2120 obtain access to premises, records, documents, individuals and other possible sources of
2121 information; to examine, record and copy necessary materials; and to take and record
2122 testimony or statements of persons reasonably necessary for the furtherance of the
2123 investigation. The office of civil rights may conduct discovery in aid of the investigation
2124 by the following methods or others: deposition upon oral examination or written questions;
2125 written interrogatories; requests for the production of documents or other evidence,
2126 inspection and other purposes; physical and mental examinations; and requests for
2127 admissions. The office of civil rights may sign and issue subpoenas requiring the
2128 attendance and testimony of witnesses and the production of or access to evidence
2129 including books, records, correspondence, e-mail or documents in the possession or under

2130 the control of the person subpoenaed as are necessary for the investigation. The office of
2131 civil rights shall consult with the prosecuting attorney before issuing a subpoena under this
2132 section.

2133 E. If an individual fails to obey a subpoena issued under this section, or obeys the
2134 subpoena but refuses to testify if requested concerning a matter under investigation under
2135 this section, the office of civil rights may invoke the aid of the prosecuting attorney who
2136 may petition to the superior court for an order or other appropriate action necessary to
2137 secure enforcement of the subpoena. The petition shall:

- 2138 1. Be accompanied by a copy of the subpoena and proof of service;
2139 2. Set forth in what specific manner the subpoena has not been complied with;
2140 and
2141 3. Ask for an order of the court to compel the witness to appear and testify or
2142 cooperate in the investigation of the discrimination in public accommodations.

2143 F. If the office of civil rights concludes at any time after the filing of a complaint
2144 that prompt judicial action is necessary to carry out the purposes of this chapter, the office
2145 of civil rights may invoke the aid of the prosecuting attorney who may file a civil action for
2146 appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

2147 G. The office of civil rights shall reduce the results of the investigation ((shall be
2148 reduced)) to written findings of fact and make a finding ((shall be made)) that there either is
2149 or is not reasonable cause for believing that discrimination in public accommodations has
2150 been or is being committed.

2151 ((B-)) H. If a finding is made that there is no reasonable cause, ((said)) the finding
2152 shall be served on the charging party and respondent. Within thirty (((30))) days after

2153 service of such a negative finding, the charging party ~~((shall have the right to))~~ may file a
2154 written request with the ~~((director))~~ office of civil rights asking for reconsideration of the
2155 finding. The office of civil rights shall furnish the charging party with information
2156 regarding how to request reconsideration. The ~~((director))~~ office of civil rights shall
2157 respond in writing within a reasonable time by granting or denying the request.

2158 SECTION 70. Ordinance 8625, Section 6, and K.C.C. 12.22.060 are each hereby
2159 amended to read as follows:

2160 **Conference ~~((and)), conciliation and persuasion – orders.~~**

2161 A.1. If the office of civil rights makes the finding ~~((is made))~~ initially or on request
2162 for reconsideration that reasonable cause exists to believe that discrimination in a place of
2163 public accommodation ~~((has))~~ occurred, the ~~((director, acting through the administrator,))~~
2164 office of civil rights shall endeavor to eliminate the discriminatory practice by conference,
2165 conciliation and persuasion, which may include as a condition of settlement ~~((the))~~:

2166 a. elimination of the discriminatory practice~~((;))~~;

2167 b. payment of refunds or credits not in excess of the amount of monetary
2168 damage actually incurred ~~((, reinstatement of occupancy or other))~~;

2169 c. payment of other actual damages, including damages caused by emotional
2170 distress, humiliation and embarrassment;

2171 d. payment of attorneys' fees and costs;

2172 e. participation in training on public accommodations laws; and

2173 f. such other requirements as may lawfully be agreed upon by the parties and the
2174 ~~((director))~~ office of civil rights.

2175 2. Any postfinding settlement agreement shall be reduced to writing and signed
2176 by ~~((the respondent))~~ all parties, with the approval of the office of civil rights. The office
2177 of civil rights shall then enter ~~((A))~~an order ~~((shall then be entered by the director))~~ setting
2178 forth the ~~((terms of the))~~ agreement ~~((:))~~ and furnish ~~((C))~~copies of ~~((such))~~ the order ~~((shall~~
2179 ~~be delivered))~~ to all affected parties ~~((and the original thereof filed with the division of~~
2180 ~~records and elections))~~. Each postfinding settlement agreement is a public record. Failure
2181 to comply with the postfinding settlement agreement or order may be enforced under
2182 K.C.C. 12.22.080.

2183 B.1. If ~~((no))~~ the parties cannot reach agreement ~~((can be reached))~~, ~~((a finding to~~
2184 ~~that effect shall be made by the director and incorporated))~~ the office of civil rights shall
2185 make a finding to that effect, incorporate the finding in the order~~((, with the))~~ and furnish a
2186 copy ~~((thereof furnished))~~ of the order to ~~((the complainant and the respondent))~~ all
2187 affected parties. The order shall also include:

2188 ~~((1-))~~ a. ~~((A))~~a finding that discrimination in a place of public accommodation
2189 ~~((has))~~ occurred;

2190 ~~((2-))~~ b. ~~((F))~~the basis for ~~((such))~~ the finding;

2191 ~~((3-))~~ c. ~~((A))~~an order requiring the respondent to cease and desist from such
2192 discriminatory practice and to take appropriate affirmative measures ~~((action, including but~~
2193 ~~not limited to))~~, which may include:

2194 (1) payment of refunds or credit or other damages not to exceed monetary
2195 damage actually incurred~~((, attorney's))~~;

2196 (2) payment of other actual damages, including damages caused by emotional
2197 distress, humiliation and embarrassment;

2198 (3) payment of attorneys' fees(~~(, or to take))~~ and costs;
2199 (4) participation in training in public accommodations laws; or
2200 (5) such other action as in the judgment of the (~~(director))~~ office of civil rights
2201 will effectuate the purposes of this chapter, which may include the requirement for a report
2202 on the matter of compliance.

2203 (~~(In the event the director))~~ 2. If the office of civil rights finds the respondent
2204 willfully or knowingly committed any discrimination in a place of public accommodation,
2205 the (~~(director))~~ office of civil rights may further order the respondent to pay a civil penalty
2206 of up to (~~(five hundred))~~ one thousand dollars (~~(((\$500.00)))~~) per violation, which penalty
2207 shall be paid to the (~~(office of finance))~~ King County treasury for deposit in the (~~(C))~~county
2208 (~~(G))~~general (~~(F))~~fund.

2209 SECTION 71. Ordinance 8625, Section 7, and K.C.C. 12.22.070 are each hereby
2210 amended to read as follows:

2211 **Hearing – (~~(A))~~appeal.**

2212 A.1. Any respondent (~~(aggrieved by))~~ or charging party, after an order of the
2213 (~~(director))~~ office of civil rights is made in accordance with K.C.C. 12.22.060.B, may
2214 request (~~(in writing))~~ an appeal hearing before the hearing examiner by filing a written
2215 request for hearing within (~~(ten))~~ thirty days of the service of the (~~(notice and))~~ order (~~(an~~
2216 ~~appeal hearing before the King County zoning and subdivision examiner))~~). The request for
2217 hearing shall (~~(cite the notice and order appealed from and contain a brief statement of the~~
2218 ~~reasons for seeking the appeal hearing))~~ be filed with the office of civil rights. The request
2219 for hearing must identify clearly and specifically:

- 2220 a. the errors that the appellant believes were made in the action or decision that
2221 is being appealed, or the procedural irregularities associated with that action or decision;
2222 b. specific reasons why the county's action should be reversed or modified; and
2223 c. the desired outcome of the appeal.

2224 2. Unless the hearing examiner authorizes an amendment to the statement of
2225 appeal, the identification of errors and the statement of reasons for reversal or
2226 modification defines and limits the issues that the examiner may consider.

2227 B. Any order issued by the ~~((director pursuant to))~~ office of civil rights in
2228 accordance with procedures ~~((contained))~~ in this chapter ~~((shall))~~ becomes final ~~((ten))~~
2229 thirty days after service of the ~~((notice and the))~~ order unless a written request for hearing is
2230 ~~((received by))~~ filed with the ~~((zoning and subdivision examiner))~~ office of civil rights
2231 within the ~~((ten))~~ thirty-day period.

2232 C. If the order of the ~~((director))~~ office of civil rights is appealed, the hearing
2233 examiner shall conduct a hearing ~~shall be conducted~~ for the purpose of affirming, denying
2234 or modifying the order. There shall be a verbatim record kept of the hearing ~~((and)),~~
2235 ~~((t))~~The ~~((zoning and subdivision))~~ hearing examiner ~~((shall have))~~ has such rule-making
2236 and other powers necessary for the conduct of the hearing as are specified by K.C.C.
2237 20.24.170. The ~~((director's))~~ order of the office of civil rights shall not be ~~((accorded the~~
2238 presumption of correctness)) presumed correct. The ~~((zoning and subdivision))~~ hearing
2239 examiner's decision shall be based upon a preponderance of the evidence. ~~((Such))~~ The
2240 hearing shall be conducted within a reasonable time after receipt of the request for appeal.
2241 Written notice of the time and place of the hearing shall be given at least ten days ~~((prior~~

2242 ~~to~~) before the date of the hearing to each affected party and to the ~~((director))~~ office of
2243 civil rights.

2244 D. Each party ~~((shall have the following rights))~~ may, among exercising other~~((s))~~
2245 rights:

2246 1. ~~((To e))~~Call and examine witnesses on any matter relevant to the issues of the
2247 complaint;

2248 2. ~~((To i))~~Introduce documentary and physical evidence;

2249 3. ~~((To e))~~Cross-examine opposing witnesses on any matter relevant to the issues
2250 of the complaint;

2251 4. ~~((To i))~~Impeach any witness regardless of which party first called the witness
2252 to testify;

2253 5. ~~((To r))~~Rebut evidence against him or her; and

2254 6. ~~((To r))~~Represent himself or herself or ~~((to))~~ be represented by anyone of
2255 his~~((/))~~ or her choice who is lawfully permitted to do so.

2256 E. Following review of the evidence submitted, the ~~((zoning and subdivision))~~
2257 hearing examiner presiding at the hearing shall enter written findings and conclusions and
2258 shall affirm or modify the order previously issued if the hearing examiner finds that a
2259 violation ~~((has))~~ occurred. The hearing examiner shall reverse the order if ~~((he))~~ the
2260 hearing examiner finds ~~((no))~~ that a violation ~~((occurred))~~ did not occur. The hearing
2261 examiner may grant as relief any relief that the office of civil rights could grant under
2262 K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all
2263 affected parties. The order of the hearing examiner is final unless reviewed by a court
2264 under K.C.C. 20.24.240.B.

2265 SECTION 72. Ordinance 8625, Section 8 as amended, and K.C.C. 12.22.080 are
2266 each hereby amended to read as follows:

2267 **Enforcement.** ~~((In the event the respondent refuses or fails to comply with any
2268 order of the director, the director is authorized to enforce the order against such person
2269 utilizing civil penalties of K.C.C. Title 23. If a civil penalty is assessed, notwithstanding
2270 the monetary amount provided in K.C.C. Title 23, the penalty shall be two hundred dollars
2271 \$200) per day for each day the respondent refuses or fails to comply with any order of the
2272 director.))~~

2273 A. If the office of civil rights has reasonable cause to believe that a respondent
2274 breached a prefinding or postfinding settlement agreement executed under K.C.C.
2275 12.22.050 or 12.22.060, or violated an order of the office of civil rights issued under
2276 K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070, the
2277 office of civil rights shall refer the matter to the prosecuting attorney for the filing of a
2278 civil action under subsection B. of this section for the enforcement of the agreement.

2279 B. The prosecuting attorney may commence a civil action in superior court for
2280 appropriate relief with respect to a breach of a prefinding or postfinding settlement
2281 agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the
2282 office of civil rights issued under K.C.C. 12.22.060 or an order of the hearing examiner
2283 issued under K.C.C. 12.22.070. The action may be commenced no later than ninety days
2284 after the referral of the alleged breach underlying the referral under subsection A. of this
2285 section.

2286 SECTION 73. Ordinance 8625, Section 9, and K.C.C. 12.22.090 are each hereby
2287 amended to read as follows:

2288 **Authorization to implement procedures.** The ~~((director is authorized to))~~ office
2289 of civil rights may implement such forms, administrative processes~~((,))~~ and operational
2290 procedures as are necessary to comply with ~~((the provisions of))~~ this chapter~~((; provided~~
2291 ~~that such))~~. The forms, processes and procedures shall be ((promulgated)) adopted in
2292 compliance with K.C.C. chapter 2.98 ~~((, Rules of County Agencies))~~.

2293 SECTION 74. Ordinance 13263, Section 54, and K.C.C. 12.22.095 are each
2294 hereby amended to read as follows:

2295 **Public accommodations code compliance.**

2296 ~~((Whenever))~~ A. If a complaint has been filed ~~((pursuant to the provisions of~~
2297 ~~K.C.C. chapter 12.22))~~ under this chapter, the ~~((director of the department of information~~
2298 ~~and administrative services, or his or her designee))~~ office of civil rights shall initiate an
2299 investigation under ~~((the provisions of the))~~ this chapter.

2300 ~~((Whenever a director has determined))~~ B. If the office of civil rights determines
2301 that a violation of the ~~((fair housing ordinance))~~ this chapter or any rules and regulations
2302 adopted ~~((thereunder is about to occur or has))~~ under this chapter occurred, ~~((he or she))~~
2303 the office shall issue an order ~~((pursuant to the provisions of K.C.C.))~~ under this chapter
2304 ~~((12.22. With respect to))~~. For violations of ((K.C.C.)) this chapter ((12.22)), if a
2305 conflict exists between this chapter and K.C.C. Title 23, ((the notice, service and hearings
2306 provisions contained in K.C.C.)) this chapter ((12.22 shall)) controls over K.C.C. Title
2307 23.

2308 SECTION 75. Ordinance 8625, Section 10, and K.C.C. 12.22.100 are each
2309 hereby amended to read as follows:

2310 **Severability.** ~~((The provisions of this chapter are declared to be separate and~~
2311 ~~severable. The invalidity of any clause, sentence, paragraph, subdivision, section or~~
2312 ~~portion of this chapter, or the invalidity of the)) If any provision of this chapter or its~~
2313 ~~application ((thereof)) to any person or circumstance ((shall not affect the validity of)) is~~

Ordinance 15399

2314 held invalid, the remainder of this chapter((, or the validity of its)) or the application of the
2315 provision to other persons or circumstances is not affected.

2316

2317

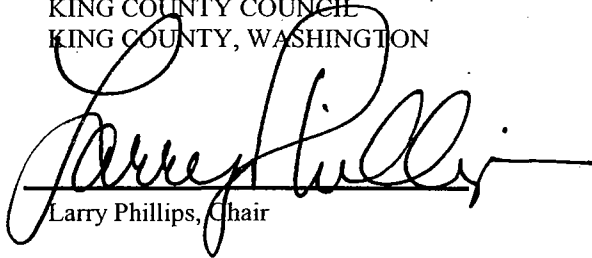
Ordinance 15399 was introduced on 3/6/2006 and passed as amended by the Metropolitan King County Council on 3/27/2006, by the following vote:

Yes: 5 - Mr. Phillips, Mr. Ferguson, Mr. Gossett, Ms. Patterson and Mr. Constantine


No: 4 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn and Ms. Hague

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

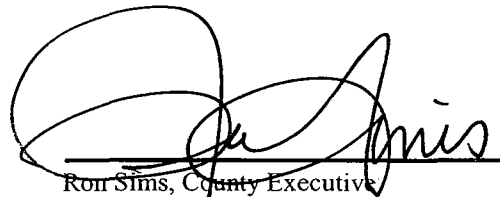

Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 6 day of April, 2006.


Ron Sims, County Executive

Attachments None

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2006 APR 10 PM 3:50
CLERK
KING COUNTY COUNCIL