



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19047

**Proposed No.** 2019-0477.3

**Sponsors** Gossett and Dembowski

1 AN ORDINANCE related to the establishment of a King  
2 County human and civil rights commission and making  
3 other technical corrections; amending Ordinance 18665,  
4 Section 8, as amended, and K.C.C. 2.15.100, Ordinance  
5 14199, Section 11, as amended, and K.C.C. 2.16.035,  
6 Ordinance 15548, Section 1, as amended, and K.C.C.  
7 2.28.0015, Ordinance 12058, Section 9, as amended, and  
8 K.C.C. 2.55.010, Ordinance 18757, Section 4, and K.C.C.  
9 3.12D.020, Ordinance 10159, Section 14, and K.C.C.  
10 6.27A.120, Ordinance 15399, Section 4, as amended, and  
11 K.C.C. 12.17.004, Ordinance 13981, Section 2, as amended,  
12 and K.C.C. 12.17.010, Ordinance 13981, Section 4, as  
13 amended, and K.C.C. 12.17.030, Ordinance 13981, Section  
14 5, as amended, and K.C.C. 12.17.040, Ordinance 13981,  
15 Section 6, as amended, and K.C.C. 12.17.050, Ordinance  
16 13981, Section 7, as amended, and K.C.C. 12.17.060,  
17 Ordinance 13981, Section 8, as amended, and K.C.C.  
18 12.17.070, Ordinance 13981, Section 9, as amended, and  
19 K.C.C. 12.17.080, Ordinance 13981, Section 11, and K.C.C.

20 12.17.090, Ordinance 15399, Section 20, and K.C.C.  
21 12.18.014, Ordinance 7430, Section 2, as amended, and  
22 K.C.C. 12.18.020, Ordinance 7430, Section 4, as amended,  
23 and K.C.C. 12.18.040, Ordinance 7430, Section 5, as  
24 amended, and K.C.C. 12.18.050, Ordinance 7430, Section 6,  
25 as amended, and K.C.C. 12.18.060, Ordinance 7430, Section  
26 7, as amended, and K.C.C. 12.18.070, Ordinance 7430,  
27 Section 8, as amended, and K.C.C. 12.18.080, Ordinance  
28 15399, Section 17, and K.C.C. 12.18.085, Ordinance 7439,  
29 Section 9, as amended, and K.C.C. 12.18.090, Ordinance  
30 13263, Section 52, as amended, and K.C.C. 12.18.097,  
31 Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020,  
32 Ordinance 5280, Section 4, as amended, K.C.C. 12.20.070,  
33 Ordinance 5280, Section 5, as amended, K.C.C. 12.20.080,  
34 Ordinance 5280, Section 6, as amended, K.C.C. 12.20.090,  
35 Ordinance 10469, Section 11, as amended, K.C.C.  
36 12.20.095, Ordinance 5280, Section 7, as amended, K.C.C.  
37 12.20.100, Ordinance 5280, Section 9, as amended, K.C.C.  
38 12.20.120, Ordinance 10469, Section 13, as amended,  
39 K.C.C. 12.20.122, Ordinance 10469, Section 14, as  
40 amended, K.C.C. 12.20.124, Ordinance 10469, Section 16,  
41 as amended, K.C.C. 12.20.133, Ordinance 13263, Section  
42 53, as amended, K.C.C. 12.20.150, Ordinance 15399,

43 Section 62, K.C.C. 12.22.014, Ordinance 8625, Section 2,  
44 as amended, and K.C.C. 12.22.020, Ordinance 8625, Section  
45 4, as amended, and K.C.C. 12.22.040, Ordinance 8625,  
46 Section 5, as amended, and K.C.C. 12.22.050, Ordinance  
47 8625, Section 6, as amended, and K.C.C. 12.22.060,  
48 Ordinance 8625, Section 7, as amended, and K.C.C.  
49 12.22.070, Ordinance 8625, Section 8, as amended, and  
50 K.C.C. 12.22.080, Ordinance 15399, Section 59, and K.C.C.  
51 12.22.085, Ordinance 8625, Section 9, as amended, and  
52 K.C.C. 12.22.090, Ordinance 13263, Section 54, as  
53 amended, and K.C.C. 12.22.095 and Ordinance 4461,  
54 Section 2, as amended, and K.C.C. 20.22.040, adding a new  
55 section to K.C.C. chapter 4A.200, adding a new chapter to  
56 K.C.C. Title 2 and repealing Ordinance 2647, Section 3, as  
57 amended, and K.C.C. 3.10.010, Ordinance 2647, Section 4,  
58 as amended, and K.C.C. 3.10.020, Ordinance 2647, Section  
59 5, as amended, and K.C.C. 3.10.030, Ordinance 12058,  
60 Section 4, and K.C.C. 3.10.040, Ordinance 2647, Section 7,  
61 as amended, and K.C.C. 3.10.050, Ordinance 2647, Section  
62 8, as amended, and K.C.C. 3.10.060 and Ordinance 6891,  
63 Section 4, as amended, and K.C.C. 3.10.070.

64 STATEMENT OF FACTS:

65 1. In 1976, the King County affirmative action committee was

66 established, and was replaced in November 1995 by the King County civil  
67 rights commission by Ordinance 12058.

68 2. The civil rights commission was established to serve in an advisory  
69 capacity to the executive and the council on matters concerning  
70 affirmative action, disability access, equal employment opportunity,  
71 contract compliance, fair housing, minority and woman owned businesses,  
72 and access to public accommodations to ensure the consistent application  
73 of all county ordinances, rules, and regulations concerning these programs.

74 3. The scope of work and activities of the civil rights commission have  
75 diminished over the years due to various factors. Currently, only two of  
76 the twelve commission positions are filled and the last civil rights  
77 commission briefing received by the council was on June 2010 where the  
78 council was briefed on the commission's 2009 annual report.

79 4. For many years, the commission was the primary advisory body on  
80 county activities relating to equity and social justice, in particular the  
81 efforts to adopt the county's "Equity and Social Justice Ordinance," which  
82 is Ordinance 16948, efforts to establish the office of law enforcement and  
83 oversight, efforts to change the county name to the Martin Luther King,  
84 Jr., County and to establish the Martin Luther King, Jr., County logos, and  
85 efforts to establish the immigrant and refugee task force. However, as  
86 these activities have become a priority for the county, they have been  
87 delegated to newly established county entities such as the office of law  
88 enforcement oversight community advisory committee, the immigrant and

89           refugee commission, and the office of equity and social justice.

90           5. The commission was also tasked with reviewing and conducting  
91           informal investigations of complaints alleging violations of county  
92           antidiscrimination ordinances that apply to King County as an employer  
93           and in unincorporated King County. However, the number of cases has  
94           decreased over time, in part, due to annexations and incorporations that  
95           have occurred in the county over the years reducing the area over which  
96           the county has jurisdictional responsibility.

97           6. The commission has historically been active in community engagement  
98           by establishing relationships with other regional human and civil rights  
99           commissions, meeting and networking with community organizations, and  
100           educating communities and the public at large on the work of the  
101           commission. The commission included such activities in its annual work  
102           plans from 2014 through 2017; however, it is unclear whether the  
103           commission conducted such activities during those years or whether it  
104           continues to do so currently. If the commission failed to undertake these  
105           activities, the lack of community engagement activities may also have  
106           contributed to the decrease in the number of complaints that relate to  
107           violations of county ordinances related to discrimination.

108           7. The office of civil rights under the county executive is authorized to  
109           enforce county ordinances related to discrimination and provide staff  
110           support to the commission. However, through the 2017-2018 Biennial  
111           Budget Ordinance, Ordinance 18409, the council moved the functions of

112 the office of civil rights to the office of equity and social justice, which  
113 administratively changed the office of civil rights to a civil rights program.

114 8. In 2018, the county executive approached some members of the council  
115 to consider replacing the civil rights commission with an equity, civil  
116 rights and social justice commission. In response, King County  
117 Councilmembers Larry Gossett and Rod Dembowski engaged with Seattle  
118 University's Fred T. Korematsu Center for Law and Equality ("the  
119 Korematsu Center") to assist in conducting research on leading practices  
120 on civil rights commissions in local jurisdictions across the United States.

121 9. At the September 24, 2019, law and justice committee meeting, the  
122 Korematsu Center provided a briefing, Briefing 2019-B0149, on its final  
123 report, which included research findings and the following eleven  
124 recommendations:

- 125 a. grant greater authority to the civil rights commission to implement  
126 the county's civil rights laws;
- 127 b. include language in the enabling law of the commission that  
128 explicitly establishes the independence and objectivity of the work of the  
129 commission and its staff;
- 130 c. establish the commission's permanence through a new provision in  
131 the county charter;
- 132 d. to ensure independence and representation, create a balanced process  
133 for appointment of commissioners that takes into account the  
134 representation and input of protected classes;

135 e. to ensure independence, create a new position of executive director  
136 of the commission who would be responsible for the day-to-day operations  
137 of the commission and for the appointment and supervision of staff;

138 f. reestablish an independent staff, led by the executive director and  
139 separate from other offices in the executive branch, supported by  
140 sufficient funding and resources to accomplish the goals and workload  
141 contemplated by the ordinances;

142 g. consider whether renaming the commission to incorporate both civil  
143 rights and human rights into the name will enhance community  
144 engagement and inclusion in the work of the commission by indicating the  
145 county's commitment to protecting the rights of all residents;

146 h. engage in a robust stakeholder process to determine the need for new  
147 policies to address inequity proactively and propose related legislation;

148 i. consider expanding protections to additional classes of people to  
149 ensure equal treatment for broader segments of the population;

150 j. update affirmative action policy based on the scope of the new state  
151 law; and

152 k. explore interlocal agreements with municipalities located within the  
153 county that do not have the resources to enact or enforce their own civil  
154 rights laws.

155 10. The Universal Declaration of Human Rights ("the UDHR") was  
156 proclaimed by the United Nations General Assembly on December 1948,  
157 by General Assembly Resolution 217 A. The UDHR includes thirty

158 articles that proclaims fundamental human rights to be universally  
159 protected for all peoples and all nations.

160 11. Historically, bodies established to address racial conflict, inequality,  
161 and discrimination in local governments across the United States often  
162 included "human relations" in their names. That label was so widely  
163 accepted that in the late 1990s, the United States Department of Justice,  
164 Community Relations Service issued Guidelines for Effective Human  
165 Relations Commissions. More recently, however, most jurisdictions have  
166 moved away from the language of "human relations," and have moved  
167 toward incorporating either a human rights or a civil rights emphasis, or  
168 both, into the name of commissions focused on discrimination and  
169 equality. Some local governments have also made an explicit  
170 commitment to refer to the UDHR to inform their work. The field of  
171 human rights is broader, but encompasses civil rights, and including a  
172 commitment to human rights would expand advancing the rights of its  
173 residents. Including "human rights" acknowledges the changing nature of  
174 the county's community, and its local government's commitment to  
175 including and promoting the rights of all, as stated in the UDHR, and  
176 serve to communicate to the community the broad vision King County  
177 would take in protecting the rights of its residents.

178 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

179 SECTION 1. Sections 2 through 9 of this ordinance should constitute a new  
180 chapter in K.C.C. Title 2.



181           NEW SECTION. SECTION 2. The definitions in this section apply throughout  
182 this chapter unless the context clearly requires otherwise.

183           A. "Antidiscrimination ordinances" means K.C.C. chapters 2.15, 3.12D, 12.17,  
184 12.18, 12.20 and 12.22 and K.C.C. 6.27A.120 and 7.08.080.

185           B. "Commission" means the King County human and civil rights commission.

186           C. "Protected class" means sex, race, color, age, gender, marital status, sexual  
187 orientation, religion, ancestry, national origin, disability or use of a service or assistive  
188 animal by an individual with a disability.

189           NEW SECTION. SECTION 3.

190           A. The King County human and civil rights commission is hereby established.

191           B. The organization and administration of the commission shall be sufficiently  
192 independent to assure that no interference or influence external to the commission  
193 adversely affects the independence and objectivity of the commission.

194           C. The commission is established to advance the human rights, including civil  
195 rights, of all county residents by representing the resident's interests and to ensure the  
196 principles of the United Nations Universal Declaration of Human Rights are applied in all  
197 the county does in order to achieve equity and protect county residents from  
198 discrimination.

199           NEW SECTION. SECTION 4. The commission shall have the following powers  
200 and duties:

201           A. Enforce antidiscrimination ordinances and assist departments in complying  
202 with antidiscrimination ordinances;

203           B. Assist departments in complying with the federal Americans with Disabilities

204 Act of 1990, Section 504 of the federal Rehabilitation Act of 1973 and other laws and  
205 rules regarding access to county programs, facilities and services for people with  
206 disabilities;

207 C. Serve as the county Americans with Disabilities Act coordinator relating to  
208 public access and process and respond to Americans with Disabilities Act grievances  
209 under the federal Americans with Disabilities Act of 1990;

210 D. Serve as the county federal Civil Rights Act Title VI coordinator and  
211 investigate and coordinate responses to complaints filed under Title VI of the Civil  
212 Rights Act of 1964;

213 E. Propose ordinances to the council to implement and carry out the purposes and  
214 provisions of this chapter which may include, but are not limited to, additional human  
215 and civil rights protections that strengthen county antidiscrimination ordinances,  
216 additional human and civil rights protections to address issues of concern to county  
217 residents, new policies to proactively prevent discrimination and address inequalities at  
218 the front end that would benefit communities who have historically lacked power in the  
219 community, policies related to affirmative action and updates to the county's list of  
220 protected class based on robust community and stakeholder engagement. Community  
221 engagement shall be prioritized for communities most disproportionately impacted by  
222 inequities and discrimination such as the African American, Native American and Alaska  
223 Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and  
224 disability communities. Stakeholders should include, but not be limited to, the immigrant  
225 and refugee commission, the women's advisory board, Section 504/ADA advisory  
226 committee, the office of equity and social justice and the various King County

227 Unincorporated Area Councils;

228 F. Promulgate, amend and rescind rules and regulations as may be necessary to  
229 implement its authority under this chapter, including but not limited to, the investigation  
230 and enforcement of antidiscrimination ordinances and implementation of affirmative  
231 action policies;

232 G. Conduct and prioritize a robust and ongoing community and stakeholder  
233 engagement process to ensure community input to implement and carry out the purposes  
234 and provisions of this chapter. Community engagement shall be prioritized for  
235 communities most disproportionately impacted by inequities and discrimination such as  
236 the African American, Native American and Alaska Native, Asian/Pacific Islander,  
237 Latinx, lesbian, gay, bisexual, transgender and queer and disability communities.  
238 Stakeholders should include, but not be limited to, the office of law enforcement  
239 oversight, the community advisory committee for law enforcement oversight, the  
240 immigrant and refugee commission, the women's advisory board, Section 504/ADA  
241 advisory committee, the office of equity and social justice, the county auditor, the hearing  
242 examiner, and the office of citizen complaints;

243 H.1. Conduct research, public forums and educational programs on social stresses  
244 that impact the cohesion between groups in the county to support building of alliances;

245 2. Conduct public hearings to ascertain the status and treatment of county  
246 residents based on their protected class;

247 3. Evaluate means of alleviating discrimination and bias and of improving  
248 human relations within the county; and

249 4. Issue such publications as may assist in enhancing the human and civil rights

250 of all county residents;

251 I. Upon approval of the council, enter into a written agreement with any  
252 governmental entity within King County, or any state or federal agency, whereby the  
253 commission and the entity may agree to jointly process, transfer, or refer from one to the  
254 other for processing and investigation an individual's complaint alleging unlawful  
255 discrimination, sexual harassment or other human and civil rights violation;

256 J. Whenever practical, coordinate with any governmental entity within King  
257 County, or any state or federal agency charged with investigating discrimination to avoid  
258 duplication of effort and create effective working relationships;

259 K. Monitor and review the implementation of antidiscrimination ordinances and  
260 affirmative action policies to determine compliance and effectiveness;

261 L. Lead county efforts in raising community awareness, conducting education,  
262 assistance and information programs on human and civil rights issues and on the purpose  
263 and work of the commission;

264 M. Advise the county executive, the council and the public on the following:

265 1. The county's equal employment opportunity affirmative action plan;  
266 2. County policies, programs and other initiatives related to human and civil  
267 rights or that impact communities most disproportionately impacted by inequities and  
268 discrimination such as the African American, Native American and Alaska Native,  
269 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and  
270 disability communities; and

271 3. Equitable allocation of county resources, with investments that are consistent  
272 with human and civil rights values, focused on people and places with the greatest needs;

273 N. Adopt bylaws to support the powers and duties as required by this chapter for  
274 the executive director, staff and its own conduct; and

275 O. Beginning in 2021, deliver an annual report to the county executive and  
276 council that shall include, but not be limited to, a quantitative and qualitative summary of  
277 completed and ongoing commission activities as required in this chapter, progress on the  
278 work program outlined in the prior calendar year annual report and a work program for  
279 the following calendar year. The commission shall file the report by April 15 of each  
280 year, in the form of a paper original and an electronic copy with the clerk of the council,  
281 who shall retain the original and provide an electronic copy to all councilmembers,  
282 county executive and the council chief of staff. The report shall be available on the  
283 county website, distributed widely to the communities most impacted by inequities and  
284 shared with the media. The commission shall provide annual briefings to media and  
285 elected officials representing cities, the county and the state to ensure that the  
286 commission's lessons learned and achievements are shared with the public and policy  
287 makers.

288 NEW SECTION. SECTION 5.

289 A. The commission shall be composed of eleven regular members and up to five  
290 special members with the following requirements:

291 1. Membership shall reflect representation from a broad range of protected  
292 classes to reflect the diversity of the county's communities, with an emphasis on those  
293 most disproportionately impacted by inequities and discrimination such as the African  
294 American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian,  
295 gay, bisexual, transgender and queer and disability communities;

296           2. All members shall demonstrate active and engaged civic participation in  
297 human and civil rights and be well-versed on the issues affecting the county's  
298 communities;

299           3. Membership shall reflect gender diversity;

300           4. Membership shall represent a diverse range of age groups;

301           5. At least one regular member shall have experience with investigations and  
302 enforcement of human and/or civil rights or both;

303           6. At least one regular member shall have experience with the federal  
304 Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of  
305 1973 or other laws, regulations and rules related to individuals with disabilities;

306           7. At least one regular member shall have familiarity with King County  
307 government, systems and agencies;

308           8. All members must be residents of King County; and

309           9. A member shall not hold or campaign for elective office.

310           B. One special member shall be appointed from each governmental entity within  
311 King County that has entered into an interlocal agreement with King County for the  
312 county to provide the services of investigating and enforcing antidiscrimination laws  
313 adopted by that governmental entity, in accordance with the terms of the interlocal  
314 agreement and this chapter. Appointment of a special member shall be in accordance  
315 with the procedures of the appointing governmental entity. Except as otherwise provided  
316 in this section, the term of any special member position for a governmental entity under  
317 this section shall be coterminous with the term of the governmental entity's interlocal  
318 agreement with the county. If there are six or more governmental entities that have

319 entered into an interlocal agreement with King County for the county to provide services  
320 of investigating and enforcing antidiscrimination laws, then those governmental entities  
321 shall convene to select individuals to the five special member positions, the term of each  
322 shall be determined by the convening governmental entities but shall not exceed the term  
323 of the interlocal agreement of the governmental entity appointing the individual.

324 C. For the initial selection of regular members and for vacancies of regular  
325 members thereafter, the county executive and council shall jointly announce a call for  
326 applications to seek candidates for appointment. The county executive and council shall  
327 work collaboratively to ensure that the announcement is publicized widely, in particular  
328 to those communities that are disproportionately impacted by inequities and  
329 discrimination such as the African American, Native American and Alaska Native,  
330 Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and  
331 disability communities. Publicity methods shall include, but not be limited to, non-  
332 English language newspapers and periodicals, community-based organizations and  
333 community leaders with expertise and focus on human and civil rights and the county's  
334 website.

335 D.1. For initial appointments of regular members to the commission, a  
336 recommending committee, comprised of two council representatives appointed by the  
337 council chair and two representatives selected by the executive, shall review the  
338 applications submitted in response to the call for applications set forth in subsection C. of  
339 this section. The committee shall prepare a list of applicants recommended as candidates  
340 for the executive's consideration. In making its recommendations, the committee shall  
341 ensure that the candidates recommended for appointment meet the requirements as

342 outlined in this section.

343           2. For vacancies of regular members of the commission, a recommending  
344 committee, comprised of two council representatives appointed by the council chair, two  
345 representatives selected by the executive and up to three former members of the human  
346 and civil rights commission recommended by the chair of the commission, shall review  
347 the applications submitted in response to the call for applications set forth in subsection  
348 C. of this section. The committee shall prepare a list of applicants recommended as  
349 candidates for the executive's consideration. In making its recommendations, the  
350 committee shall ensure that the candidates recommended for appointment meet the  
351 requirements as outlined in this section.

352           E. Ten regular members of the commission shall be appointed by the county  
353 executive and confirmed by the council. The eleventh member shall be appointed by the  
354 other ten regular members and confirmed by the council. The commission shall ensure  
355 that the eleventh member shall meet the requirements as outlined in this section.

356           F. For the initial commission formation, five regular commission positions shall  
357 have initial terms of three years, three positions shall have initial terms of two years and  
358 the remainder of the positions shall have initial terms of one year. The commission shall  
359 determine by lot the initial term for each regular commission position.

360           G. At the conclusion of the initial term of each appointment for regular members,  
361 all subsequent terms of each regular position shall be for three years. A commission  
362 member whose term has expired may continue to serve into the following term until a  
363 successor has been appointed to complete the term. A regular member shall not serve  
364 more than two consecutive terms. A vacancy for an unexpired term of a regular member



365 shall be filled by the appointment process provided for in this section.

366 H. At its first meeting after January 1 of each year, the commission shall elect  
367 from its membership a chairperson and a vice-chairperson. The chairperson shall preside  
368 at all meetings of the commission. In the absence of the chairperson, the vice-  
369 chairperson shall preside.

370 I. Regular members of the commission may remove a regular member for cause  
371 with eight regular members voting in favor of the removal, subject to approval by the  
372 council.

373 NEW SECTION. SECTION 6.

374 A. The commission may issue a subpoena to compel any individual to appear,  
375 give sworn testimony or produce documentary or other evidence reasonable in scope and  
376 relevant to the matter under inquiry and limited to the matters associated with the  
377 authority granted under the county's antidiscrimination ordinances.

378 B. An individual required by the commission to provide information shall be paid  
379 the same fees and allowances, in the same manner and under the same conditions, as are  
380 extended to witnesses whose attendance has been required in the courts of this state,  
381 excepting that city or county employees who are receiving compensation for the time that  
382 they are witnesses shall not be paid the set fees and allowances.

383 C. An individual who, with or without service of compulsory process, provides  
384 oral or documentary information requested by the commission shall be accorded the same  
385 privileges and immunities as are extended to witnesses in the courts of this state.

386 D. Any witness in a proceeding before the commission shall have the right to be  
387 represented by counsel.

388 E. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to  
389 testify when requested concerning any matter under examination or investigation at the  
390 hearing, the commission may petition the superior court of King County for enforcement  
391 of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof  
392 of service, and shall set forth in what specific manner the subpoena has not been  
393 complied with, and shall ask an order of the court to compel the witness to appear and  
394 testify before the commission. The court, upon such a petition, shall enter an order  
395 directing the witness to appear before the court at a time and place to be fixed in the  
396 order, and then and there to show cause why the witness has not responded to the  
397 subpoena or has refused to testify. A copy of the order shall be served upon the witness.  
398 If it appears to the court that the subpoena was properly issued and that the particular  
399 questions that the witness refuses to answer are reasonable and relevant, the court shall  
400 enter an order that the witness appear at the time and place fixed in the order and testify  
401 or produce the required papers and on failing to obey the order the witness shall be dealt  
402 with as for a contempt of court.

403 NEW SECTION. SECTION 7.

404 A. The commission shall appoint an executive director, who shall be confirmed  
405 by the council by motion. The commission shall commit to affirmative action practices  
406 and consider principles of racial justice and equity in appointing an executive director.

407 B. Under the supervision of the commission, the executive director shall:

408 1. Perform the duties included in sections 4 and 6 of this ordinance, as delegated  
409 by the commission;

410 2. Upon approval by the commission, make and enforce contracts;

411           3. Propose to the commission a recommended budget; and  
412           4. coordinate with county departments, governmental entities within King  
413 County, any state or federal agency and any other stakeholders that would support the  
414 work of the commission;

415           5. Disburse funds as authorized by the commission's budget and by county  
416 ordinances; accept funds due to the county on account of the work of the commission;  
417 and deposit funds received to be deposited to the county;

418           6. Upon approval by the commission, develop job descriptions, appoint and  
419 remove staff, manage the work of the staff and delegate authority to staff as appropriate;  
420 and

421           7. Perform other duties as assigned by the commission.

422           C. Neither the executive director nor staff to the commission may hold or  
423 campaign for elective office.

424           D. The commission may remove its executive director for cause upon a two-  
425 thirds majority vote of its membership and notice of that vote to the council and shall be  
426 effective thirty days after the notice to the council unless the council, within that thirty  
427 day period, by a six vote majority passes a motion rejecting the removal of the executive  
428 director.

429           E. The commission shall adopt rules that specify those duties and responsibilities  
430 that may be delegated to the executive director and staff, and those duties and  
431 responsibilities that shall remain with the members of the commission.

432           F. An employee from the office of equity and social justice shall staff the  
433 commission until the initial executive director is appointed by the commission.

434           NEW SECTION. SECTION 8.

435           A. The council shall appropriate available moneys to support the activities of the  
436 commission as required by this chapter.

437           B. The council shall delegate to the commission to transmit a biennial budget to  
438 the executive and comply with budgeting and reporting requirements as outlined in  
439 K.C.C. chapter 4A.100.

440           C. Commission members shall receive per diem compensation of fifty dollars for  
441 attendance at one commission meeting per month. The purpose of the compensation is to  
442 alleviate financial burden as a barrier to serving as a commission member and ensure  
443 representation from communities that are most impacted by inequities and discrimination.  
444 Commission members also may receive reimbursements as authorized in subsection D. of  
445 this section. The per diem amount shall be automatically adjusted annually, beginning  
446 January 1, 2021, and every year thereafter, using the U.S. Department of Labor, Bureau  
447 of Labor Statistics Consumer January through December Price Index for All Urban  
448 Consumers for the Seattle-Tacoma-Bremerton Statistical Metropolitan Area, which is  
449 known as "the CPI-U". However, if the CPI-U is negative, there shall not be an  
450 adjustment.

451           D. Commission members shall be reimbursed for mileage at the standard county  
452 reimbursement rate for travel to and from scheduled commission meetings, workgroup  
453 meetings and community meetings, and for parking at meetings.

454           NEW SECTION. SECTION 9. All boards and commissions, county departments  
455 or agencies and the officers, employees and agents of those departments and agencies  
456 shall cooperate fully and in good faith with the commission to support the powers and

457 duties of the commission as required by this chapter.

458         SECTION 10. Ordinance 18665, Section 8, and K.C.C. 2.15.100 are hereby  
459 amended to read as follows:

460         A person who has been injured or otherwise sustained damages as a result of a  
461 violation of this chapter may file a complaint with the ~~((King County office of))~~ human  
462 and civil rights commission in accordance with K.C.C. 12.22.040.

463         SECTION 11. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are  
464 hereby amended to read as follows:

465         A. The county administrative officer shall be the director of the department of  
466 executive services. The department shall include the records and licensing services  
467 division, the finance and business operations division, the facilities management division,  
468 the fleet services division, the airport division, the administrative office of risk  
469 management, the administrative office of emergency management~~((;))~~ and the  
470 administrative office of the business resource center ~~((and the administrative office of~~  
471 ~~civil rights))~~. In addition, the county administrative officer shall be responsible for  
472 providing staff support for the board of ethics.

473         ~~((A.))~~ B. The duties of the records and licensing services division shall include  
474 the following:

475                 1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and  
476 pet licenses, collecting license fee revenues and providing licensing services for the  
477 public;

478                 2. Enforcing county and state laws relating to animal control;

479                 3. Managing the recording, processing, filing, storing, retrieval and certification

480 of copies of all public documents filed with the division as required;

481 4. Processing all real estate tax affidavits; and

482 5. Acting as the official custodian of all county records, as required by general  
483 law, except as otherwise provided by ordinance.

484 ~~((B-))~~ C. The duties of the finance and business operations division shall include  
485 the following:

486 1. Monitoring revenue and expenditures for the county. The collection and  
487 reporting of revenue and expenditure data shall provide sufficient information to the  
488 executive and to the council. The division shall be ultimately responsible for maintaining  
489 the county's official revenue and expenditure data;

490 2. Performing the functions of the county treasurer;

491 3. Billing and collecting real and personal property taxes, local improvement  
492 district assessments and gambling taxes;

493 4. Processing transit revenue;

494 5. Receiving and investing all county and political subjurisdiction moneys;

495 6. Managing the issuance and payment of the county's debt instruments;

496 7. Managing the accounting systems and procedures;

497 8. Managing the fixed assets system and procedures;

498 9. Formulating and implementing financial policies for other than revenues and  
499 expenditures for the county and other applicable agencies;

500 10. Administering the accounts payable and accounts receivable functions;

501 11. Collecting fines and monetary penalties imposed by district courts;

502 12. Developing and administering procedures for the procurement of and

503 awarding of contracts for tangible personal property, services, professional or technical  
504 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal  
505 and state laws and regulations;

506           13. Establishing and administering procurement and contracting methods, and  
507 bid and proposal processes, to obtain such procurements;

508           14. In consultation with the prosecuting attorney's office and office of risk  
509 management, developing and overseeing the use of standard procurement and contract  
510 documents for such procurements;

511           15. Administering contracts for goods and services that are provided to more  
512 than one department;

513           16. Providing comment and assistance to departments on the development of  
514 specifications and scopes of work, in negotiations for such procurements, and in the  
515 administration of contracts;

516           17. Assisting departments to perform cost or price analyses for the procurement  
517 of tangible personal property, services and professional or technical services, and price  
518 analysis for public work procurements;

519           18. Developing, maintaining and revising as may be necessary from time to  
520 time the county's general terms and conditions for contracts for the procurement of  
521 tangible personal property, services, professional or technical services and public work;

522           19. Managing the payroll system and procedures, including processing benefits  
523 transactions in the payroll system and administering the employer responsibilities for the  
524 retirement and the deferred compensation plans;

525           20. Managing and developing financial policies for borrowing of funds,

526 financial systems and other financial operations for the county and other applicable  
527 agencies;

528           21. Managing the contracting opportunities program to increase opportunities  
529 for small contractors and suppliers to participate on county-funded contracts. Submit an  
530 annual report as required by K.C.C. 2.97.090;

531           22. Managing the apprenticeship program to optimize the number of apprentices  
532 working on county construction projects. Submit an annual report as required by K.C.C.  
533 12.16.175; and

534           23. Serving as the disadvantaged business enterprise liaison officer for federal  
535 Department of Transportation and other federal grant program purposes. The  
536 disadvantaged business enterprise liaison officer shall have direct, independent access to  
537 the executive on disadvantaged business enterprise program matters consistent with 49  
538 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison  
539 officer shall report to the manager of the finance and business operations division.

540           ~~((C:))~~ D. The duties of the facilities management division shall include the  
541 following:

542           1. Overseeing space planning for county agencies;

543           2. Administering and maintaining in good general condition the county's  
544 buildings except for those managed and maintained by the department of natural  
545 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;

546           3. Operating security programs for county facilities except as otherwise  
547 determined by the council;

548           4. Administering all county facility parking programs except for public



549 transportation facility parking;

550           5. Administering the supported employment program;

551           6. Managing all real property owned or leased by the county, except as provided  
552 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues  
553 closely approximating fair market value;

554           7. Maintaining a current inventory of all county-owned or leased real property;

555           8. Functioning as the sole agent for the disposal of real properties deemed  
556 surplus to the needs of the county;

557           9. In accordance with K.C.C. chapter 4A.100, providing support services to  
558 county agencies in the acquisition of real properties, except as otherwise specified by  
559 ordinance;

560           10. Issuing oversized vehicle permits, franchises and permits and easements for  
561 the use of county property except franchises for cable television and telecommunications;

562           11. Overseeing the development of capital projects for all county agencies  
563 except for specialized roads, solid waste, public transportation, airport, water pollution  
564 abatement, surface water management projects and parks and recreation;

565           12. Being responsible for all general projects, such as office buildings or  
566 warehouses, for any county department including, but not limited to, the following:

567           a. administering professional services and construction contracts;

568           b. acting as the county's representative during site master plan, design and  
569 construction activities;

570           c. managing county funds and project budgets related to capital projects;

571           d. assisting county agencies in the acquisition of appropriate facility sites;

- 572 e. formulating guidelines for the development of operational and capital  
573 project plans;
- 574 f. assisting user agencies in the development of capital projects and project  
575 plans, as defined and provided for in K.C.C. chapter 4A.100;
- 576 g. formulating guidelines for the use of life cycle cost analysis and applying  
577 these guidelines in all appropriate phases of the capital process;
- 578 h. ensuring the conformity of capital project plans with the adopted space plan  
579 and agency business plans;
- 580 i. developing project cost estimates that are included in capital project plans,  
581 site master plans, capital projects and biennial project budget requests;
- 582 j. providing advisory services, feasibility studies or both services and studies to  
583 projects as required and for which there is budgetary authority;
- 584 k. coordinating with user agencies to assure user program requirements are  
585 addressed through the capital development process as set forth in this chapter and in  
586 K.C.C. chapter 4A.100;
- 587 l. providing engineering support on capital projects to user agencies as  
588 requested and for which there is budgetary authority; and
- 589 m. providing assistance in developing the executive budget for capital projects;  
590 and
- 591 13. Providing for the operation of a downtown winter shelter for homeless  
592 persons between October 15 and April 30 each year.
- 593 ~~(D.)~~ E. The duties of the fleet services division shall include the following:
- 594 1. Acquiring, maintaining and managing the motor pool equipment rental and

595 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund  
596 and the wastewater equipment rental and revolving fund. Metro transit department  
597 vehicles determined by the Metro transit department director to be intricately involved in  
598 or related to providing public transportation services shall not be part of the motor pool;

599         2. Establishing rates for the rental of equipment and vehicles;

600         3. Establishing terms and charges for the sale of any material or supplies that  
601 have been purchased, maintained or manufactured with money from the motor pool and  
602 equipment revolving fund, the equipment rental and revolving fund and the wastewater  
603 equipment rental and revolving fund;

604         4. Managing fleet and equipment training programs, stores function and vehicle  
605 repair facilities;

606         5. Administering the county alternative fuel program and take-home assignment  
607 of county vehicles policy; and

608         6. Inventorying, monitoring losses and disposing of county personal property in  
609 accordance with K.C.C. chapter 4.56.

610         ~~(E.)~~ F. The duties of the airport division shall include managing the  
611 maintenance and operations of the King County international airport, and shall include  
612 the following:

613         1. Developing and implementing airport programs under state and federal law  
614 including preparing policy recommendations and service models;

615         2. Managing and maintaining the airport system infrastructure;

616         3. Managing, or securing services from other divisions, departments or entities  
617 to perform, the design, engineering and construction management functions related to the

618 airport capital program, including new facilities development and maintenance of  
619 existing infrastructure; providing support services such as project management,  
620 environmental review, permit and right-of-way acquisitions, schedule and project control  
621 functions; and

622 4. Preparing and administering airport service and supporting capital facility  
623 plans and periodic updates.

624 ~~((F.))~~ G. The duties of the administrative office of risk management shall include  
625 the management of the county's insurance and risk management programs consistent with  
626 K.C.C. chapter 2.21.

627 ~~((G.))~~ H. The duties of the administrative office of emergency management shall  
628 include the following:

629 1. Planning for and providing effective direction, control and coordinated  
630 response to emergencies; and

631 2. Being responsible for the emergency management functions defined in  
632 K.C.C. chapter 2.56.

633 ~~((H. The duties of the administrative office of civil rights shall include the  
634 following:~~

635 ~~1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,  
636 12.18, 12.20 and 12.22;~~

637 ~~2. Assisting departments in complying with the federal Americans with  
638 Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other  
639 legislation and rules regarding access to county programs, facilities and services for  
640 people with disabilities;~~

- 641           ~~3. Serving as the county Americans with Disabilities Act coordinator relating to~~  
642 ~~public access;~~
- 643           ~~4. Providing staff support to the county civil rights commission;~~
- 644           ~~5. Serving as the county federal Civil Rights Act Title VI coordinator; and~~
- 645           ~~6. Coordinating county responses to federal Civil Rights Act Title VI issues and~~  
646 ~~investigating complaints filed under Title VI.)~~

647           I. The duties of the administrative office of the business resource center shall  
648 include the following:

649           1. The implementation and maintenance of those systems necessary to generate  
650 a regular and predictable payroll through the finance and business operations division;

651           2. The implementation and maintenance of those systems necessary to provide  
652 regular and predictable financial accounting and procedures through the finance and  
653 business operations division;

654           3. The implementation and maintenance of those systems necessary to generate  
655 regular and predictable county budgets, budget reports and budget management tools for  
656 the county; and

657           4. The implementation and maintenance of the human resources systems of  
658 record for all human resources data for county employment purposes.

659           SECTION 12. Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015 are  
660 hereby amended to read as follows:

661           A. Each councilmember must provide the executive with a nomination to  
662 represent the councilmember's council district. If the executive does not appoint the  
663 person nominated by the councilmember, the executive shall request that the

664 councilmember nominate another person.

665           B. At-large positions designated for the council shall be appointed by the  
666 executive after receiving nominations from the council. When notified of a vacancy in  
667 one of these four at-large positions, the council chair shall inform the council at an open  
668 public meeting of the vacancy and seek nominations from councilmembers. At a  
669 subsequent council meeting, the chair shall inform the council of the names of all  
670 nominees received from councilmembers and that all nominations have been forwarded  
671 to the executive. If the executive does not appoint a person who has been nominated by  
672 the council, the executive must request that the council nominate other candidates for  
673 appointment.

674           C. When appointing and confirming members to boards, commissions and  
675 committees it shall be the goal to have geographical diversity and balance. The women's  
676 advisory board created under K.C.C. 2.30.010, the conservation futures advisory  
677 committee established under K.C.C. 2.36.070~~((5))~~ and the Harborview Medical Center  
678 board of trustees established under K.C.C. 2.42.030 ~~((and the civil rights commission  
679 created under K.C.C. 3.10.010))~~, should not have more than two members from a single  
680 council district. This subsection does not apply to a board, commission or committee  
681 until the board, commission or committee attains the council district and at-large  
682 membership as specified in Ordinance 15548, Section 7.

683           SECTION 13. Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010 are  
684 hereby amended to read as follows:

685           A. ~~((Creation:))~~ There is hereby created a King County Section 504/Americans  
686 with Disabilities Act ~~((hereinafter referred to as the ADA) A))~~ advisory ~~((C))~~ committee,

687 ~~((hereinafter referred to as)),~~ referred to in this section as the 504/ADA committee.

688 B. ~~((Composition.))~~ The 504/ADA committee shall be composed of not less than  
689 three individuals, subject to confirmation by the county council, including the chair. The  
690 executive shall appoint the chair ~~((who will also serve on the civil rights commission to  
691 ensure coordination of efforts)).~~

692 C. ~~((Purpose.))~~ The 504/ADA committee shall serve in an advisory capacity to  
693 the executive in developing strategies, systems and guidelines in implementing the  
694 504/ADA Compliance Workplan. The functions of the 504/ADA committee shall  
695 include, but not be limited to, the following:

696 1. Review the ~~((504/ADA))~~ Section 504 of the Americans with Disabilities Act  
697 compliance workplan and make recommendations towards improving its effectiveness;

698 2. Review and monitor the progress of the ~~((504/ADA))~~ Section 504 of the  
699 Americans with Disabilities Act compliance workplan; and

700 3. Review and monitor the affirmative action progress made in the employment  
701 of persons with disabilities in the county's workforce.

702 D. ~~((Staffing.))~~ Appropriate staff to the 504/ADA committee shall be provided  
703 by the executive, including the Section 504~~((/ADA))~~ 504 of the Americans with  
704 Disabilities Act compliance specialist in such department of information and  
705 administrative services.

706 E. ~~((Designation of Americans with Disabilities Act coordinator.))~~ The Section  
707 504~~((/ADA))~~ of the Americans with Disabilities Act compliance specialist in the  
708 department of information and administrative services is the designated county employee  
709 to coordinate the county's effort to comply with and carry out its responsibilities under

710 the ~~((ADA))~~ Americans with Disabilities Act and its implementing regulations.

711 SECTION 14. The following are hereby repealed:

712 A. Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010;

713 B. Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020;

714 C. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030;

715 D. Ordinance 12058, Section 4, and K.C.C. 3.10.040;

716 E. Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050;

717 F. Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060; and

718 G. Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

719 SECTION 15. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby

720 amended to read as follows:

721 The executive, assessor, director of elections, sheriff, council and prosecuting  
722 attorney shall report biennially on the number of workplace discrimination and  
723 harassment complaints, including sexual harassment, and inappropriate conduct  
724 complaints and, when possible, informal inquiries, received by each department each  
725 year. The report shall indicate the basis or bases of the complaint, which may be race,  
726 color, gender, age, creed, disability, marital status, national origin, religion, pregnancy,  
727 gender identity or expression, domestic violence victimization, sexual orientation,  
728 honorably discharged veteran or military status, use of service or assistive animal by a  
729 person with a disability or any other status protected by federal, state or local law. The  
730 ~~((office of))~~ human and civil rights commission shall report on the number of unfair  
731 employment practice complaints filed, the basis or bases of the complaint, the number of  
732 investigations of unfair employment practices in the reporting year and the number of



733 findings that reasonable cause exists to believe that an unfair employment practice  
734 occurred. The first report shall be transmitted to the council by December 31, 2019. All  
735 reports under this section shall be in the form of a paper original and an electronic copy  
736 filed with the clerk of the council who, who shall retain the original and provide an  
737 electronic copy to all councilmembers, the council chief of staff and the policy staff  
738 director.

739 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 4A.200  
740 a new section to read as follows:

741 A. There is hereby created the human and civil rights commission fund to assure  
742 the independence of the commission.

743 B. The fund shall be a second tier fund. It is a subfund of the general fund.

744 C. The executive director of the human and civil rights commission shall be the  
745 manager of the fund.

746 D. The fund shall be used to support the activities of the human and civil rights  
747 commission.

748 SECTION 17. Ordinance 10159, Section 14, and K.C.C. 6.27A.120 are hereby  
749 amended to read as follows:

750 A. A franchisee or applicant for a franchise shall not deny cable service, or  
751 otherwise discriminate against any subscriber, access programmer or resident on the basis  
752 of race, color, religion, national origin, physical or mental disability, age, political  
753 affiliation, marital status, sexual orientation, gender identity or expression, sex or  
754 income of the residents of the area in which the person resides. The franchisee shall  
755 comply at all times with all other applicable federal, state and local laws, rules and

756 regulations relating to ~~((nondiscrimination))~~ antidiscrimination.

757           B. A franchisee shall not refuse to employ, nor discharge from employment, nor  
758 discriminate against any ~~((person))~~ individual in compensation or in terms, conditions or  
759 privileges of employment because of race, color, religion, national origin, physical  
760 disability, age, political affiliation, marital status, sexual orientation, gender identity or  
761 expression, sex or income.

762           C. A franchisee shall comply with all applicable federal, state and local equal  
763 employment opportunity requirements.

764           D. The franchisee shall establish, maintain and execute an equal employment  
765 opportunity plan and a minority/women's business procurement program, which shall be  
766 consistent with the intent of the county's affirmative action and minority/women's business  
767 procurement policies. Upon request, the franchisee shall file with the cable office a copy of  
768 their equal employment opportunity report submitted annually to the FCC and shall file  
769 with King County ~~((office of))~~ human and civil rights commission and compliance an  
770 annual compliance report detailing its progress with its minority/women's business  
771 procurement program during the previous year. The franchisee must also provide the cable  
772 office, upon request, copies of all other reports and information filed with federal, state or  
773 local agencies concerning equal employment opportunity or employment discrimination  
774 laws. This subsection shall apply only to franchise agreements entered into after December  
775 2, 1991.

776           E. Despite the other provisions of this section, no provision of this section shall  
777 invalidate any other section of this chapter.

778           SECTION 18. Ordinance 15399, Section 4, as amended, and K.C.C. 12.17.004

779 are hereby amended to read as follows:

780           This chapter shall be liberally construed for accomplishment of its policies and  
781 purposes. This chapter shall not be construed to endorse any specific belief, practice,  
782 behavior or orientation. Nothing in this chapter relating to gender identity or expression-  
783 based discrimination affects the ability of an employer to require an employee to adhere  
784 to reasonable workplace appearance, grooming and dress standards not precluded by  
785 other provisions of state or federal law, though an employer shall allow an employee to  
786 appear or dress consistently with the employee's gender identity or expression.

787           SECTION 19. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are  
788 hereby amended to read as follows:

789           The definitions in this section apply throughout this chapter unless the context  
790 clearly requires otherwise.

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

794           B. "Charging party" means the person aggrieved by an alleged unfair contracting  
795 practice or the person making a complaint on another person's behalf, or the ~~((office of))~~  
796 human and civil rights commission when the ~~((office of))~~ human and civil rights  
797 commission files a complaint.

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

801           D. "Contract" means an agreement to perform a service or provide goods that

802 entails a legally binding obligation and that is performed or intended to be wholly or partly  
803 performed within unincorporated King County or that includes King County as a party.

804 "Contract" does not include the following: a contract for the purchase and sale of  
805 residential real estate; a contract for employment; and a collective bargaining agreement.

806 E. "Contracting agency" means a person who for compensation engages in  
807 recruiting, procuring, referral or placement of contracts with a contractor, and that is doing  
808 business in King County.

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

816 G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other  
817 than an action taken in accordance with a lawful affirmative action program, or failure to  
818 act, whether by itself or as part of a practice, the effect of which is to adversely affect or  
819 differentiate between or among individuals or groups of individuals, by reasons of race,  
820 color, age, gender, marital status, sexual orientation, gender orientation or expression,  
821 religion, ancestry, national origin, disability or use of a service or assistive animal by an  
822 individual with a disability, unless based upon a bona fide contractual qualification.

823 H. "Gender identity or expression" means an individual's gender-related identity,  
824 appearance or expression, whether or not associated with the individual's sex assigned at

825 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
826 the individual's own gender identity or expression.

827 I. "Marital status" means the presence or absence of a marital relationship and  
828 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

829 J. "Party" includes the person making a complaint alleging an unfair contracting  
830 practice and the person alleged to have committed an unfair contracting practice.

831 K. "Person" includes one or more individuals, partnerships, business enterprises,  
832 associations, organizations, corporations, cooperatives, legal representatives, trustees,  
833 trustees in bankruptcy, receivers or group of persons and includes King County.

834 L. "Respondent" means a person who has been alleged or found to have committed  
835 an unfair contracting practice prohibited by this chapter.

836 M. "Retaliate" means to take action against any person because that person has:

- 837 1. Opposed any practice forbidden by this chapter;  
838 2. Complied or proposed to comply with this chapter or any order issued under  
839 this chapter; or  
840 3. Filed a complaint, testified or assisted in any manner in any investigation,  
841 proceeding or hearing initiated under this chapter.

842 N. "Service or assistive animal" means any dog guide, signal or hearing dog,  
843 seizure response dog, therapeutic companion animal or other animal that does work,  
844 perform tasks or provides medically necessary support for the benefit of an individual with  
845 a disability.

846 O. "Sexual orientation" means an individual's attitudes, preferences, beliefs and  
847 practices pertaining to the individual's own sexual orientation including, but not limited to,

848 actual or perceived heterosexuality, homosexuality and bisexuality.

849 P. "Trade association" means an association of businesses organizations engaged in  
850 similar fields of business that is formed for mutual protection, the interchange of ideas,  
851 information and statistics or the maintenance of standards within their industry.

852 SECTION 20. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030 are  
853 hereby amended to read as follows:

854 A. An individual complaint alleging an unfair contracting practice in connection  
855 with a commercially significant contract may be filed with the ~~((office of))~~ human and civil  
856 rights commission by or on behalf of any person who claims to be aggrieved by that unfair  
857 contracting practice.

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

- 860 1. Any member of the group;
- 861 2. The ~~((office of))~~ human and civil rights commission;
- 862 3. A state or federal agency concerned with discrimination in contracting  
863 whenever the agency has reason to believe that an unfair contracting practice has been or is  
864 being committed; or
- 865 4. A trade association that has reason to believe that an unfair contracting practice  
866 has been or is being committed against any of its members.

867 C. A complaint alleging an unfair contracting practice shall be in writing on a form  
868 or in a format determined by the ~~((office of))~~ human and civil rights commission, shall be  
869 signed by the charging party, shall describe with particularity the unfair contracting practice  
870 complained of and shall include a statement of the dates, places and circumstances and the

871 persons responsible for the acts and practices. The complaint must be filed within one  
872 hundred eighty days of the time of the alleged unfair contracting practice or within one  
873 hundred eighty days of when the charging party, through exercise of due diligence, should  
874 have had notice or been aware of the occurrence. However, the ~~((office of))~~ human and  
875 civil rights commission shall not reject a complaint as insufficient because of failure to  
876 include all required information, if the ~~((office of))~~ human and civil rights commission  
877 determines that the complaint substantially meets the informational requirements necessary  
878 for processing.

879 D. If a complaint has been filed in accordance with this chapter, the ~~((office of))~~  
880 human and civil rights commission shall initiate an investigation under this chapter. If the  
881 ~~((office of))~~ human and civil rights commission determines that a violation of this chapter  
882 or a rule or regulation adopted under this chapter has occurred, the ~~((office))~~ commission  
883 shall issue an order in accordance with this chapter. With respect to violations of this  
884 chapter, the notice, service and hearings provisions in this chapter control over K.C.C. Title  
885 23.

886 E. The charging party or the ~~((office of))~~ human and civil rights commission may  
887 amend a complaint: to cure technical defects or omissions; to clarify and amplify  
888 allegations made in the complaint; or to add allegations related to or arising out of the  
889 subject matter set forth, or attempted to be set forth, in the original complaint. For  
890 jurisdictional purposes, the amendments shall relate back to the date the original complaint  
891 was first filed. Either the charging party or the ~~((office of))~~ human and civil rights  
892 commission, or both, may amend a complaint for these reasons as a matter of right before  
893 service of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and

894 thereafter may amend a complaint only with permission of the hearing examiner, which  
895 permission shall be granted if justice will be served by the permission. All parties must be  
896 allowed time to prepare their cases with respect to additional or expanded allegations that  
897 the parties did not and could not have reasonably foreseen would be an issue at the hearing.

898 F. The charging party may also amend a complaint to include allegations of  
899 additional unrelated unfair contracting practices that arose after filing of the original  
900 complaint. The amendment must be filed within one hundred eighty days after the  
901 occurrence of the additional alleged unfair contracting practices and before the issuance of  
902 findings of fact and a determination with respect to the original complaint by the ~~((office of))~~  
903 human and civil rights commission. The amendments may be made at any time during  
904 the investigation of the original complaint if the ~~((office of))~~ human and civil rights  
905 commission will have adequate time to investigate the additional allegations and the parties  
906 will have adequate time to present the ~~((office of))~~ human and civil rights commission with  
907 evidence concerning the allegations before the issuance of findings of fact and a  
908 determination.

909 G. Upon the receipt of a complaint, the ~~((office of))~~ human and civil rights  
910 commission shall serve notice upon the charging party acknowledging the filing.

911 SECTION 21. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are  
912 hereby amended to read as follows:

913 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the  
914 ~~((office of))~~ human and civil rights commission shall, within twenty days, cause to be  
915 served or mailed to the respondent by certified mail, return receipt requested, a copy of the  
916 complaint along with a notice advising of procedural rights and obligations of respondents



917 under this ordinance, and shall promptly make an investigation of the complaint. Each  
918 respondent may file an answer to the complaint, not later than twenty days after receipt of  
919 notice from the ~~((office of))~~ human and civil rights commission. If the respondent is unable  
920 to file a response within twenty days, the respondent may request an extension of time from  
921 the ~~((office of))~~ human and civil rights commission. The extension may be granted if good  
922 cause is shown.

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

926 C. During the investigation, the ~~((office of))~~ human and civil rights commission  
927 shall consider any statement of position or evidence with respect to the allegations of the  
928 complaint which the charging party or the respondent wishes to submit. A person who is  
929 not named as a respondent in a complaint, but who is identified as a respondent in the  
930 course of the investigation, may be joined as an additional or substitute respondent upon  
931 written notice to the person from the ~~((office of))~~ human and civil rights commission. The  
932 notice, in addition to meeting the requirements of subsection A. of this section, shall  
933 explain the basis for the belief of the ~~((office of))~~ human and civil rights commission that  
934 the person to whom the notice is addressed is properly joined as a respondent.

935 D. During the period beginning with the filing of the complaint and ending with  
936 the issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission  
937 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.  
938 Nothing said or done in the course of the settlement discussions may be used as evidence in  
939 a subsequent proceeding under this ordinance without the written consent of the persons

940 concerned. A prefinding settlement agreement arising out of the settlement discussions  
941 shall be an agreement between the respondent and the charging party, and is subject to  
942 approval by the ((office of)) human and civil rights commission. Failure to comply with  
943 the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

944 E. The ((office of)) human and civil rights commission shall seek the voluntary  
945 cooperation of all persons: to obtain access to premises, records, documents, individuals  
946 and other possible sources of information; to examine, record and copy necessary  
947 materials; and to take and record testimony or statements of persons reasonably necessary  
948 for the furtherance of the investigation. The ((office of)) human and civil rights  
949 commission may conduct discovery in aid of the investigation by the following methods or  
950 others: deposition upon oral examination or written questions; written interrogatories;  
951 requests for the production of documents or evidence; inspection and physical and mental  
952 examinations; and requests for admissions. The ((office of)) human and civil rights  
953 commission may sign and issue subpoenas requiring the attendance and testimony of  
954 witnesses, the production of evidence including, but not limited to, books, records,  
955 correspondence, e-mail or documents in the possession or under the control of the person  
956 subpoenaed, access to evidence for the purpose of examination and copying as are  
957 necessary for the investigation. The ((office of)) human and civil rights commission shall  
958 consult with the prosecuting attorney before issuing any subpoena under this section.

959 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to  
960 testify when requested concerning any matter under investigation, the ((office of)) human  
961 and civil rights commission may invoke the aid of the King County prosecuting attorney  
962 who may petition the King County superior court for an order or other appropriate action

963 necessary to secure enforcement of the subpoena. The petition shall:

- 964           1. Be accompanied by a copy of the subpoena and proof of service;
- 965           2. Set forth in what specific manner the subpoena has not been complied with;
- 966 and
- 967           3. Ask an order of the court to compel the witness to appear and testify or
- 968 cooperate in the investigation of the unfair contracting practice.

969           G. If the ~~((office of))~~ human and civil rights commission concludes after the filing

970 of a complaint that prompt judicial action is necessary to carry out the purposes of this

971 chapter, the ~~((office of))~~ human and civil rights commission may invoke the aid of the

972 prosecuting attorney who may file a civil action for appropriate temporary, injunctive or

973 preliminary relief pending final disposition of the complaint.

974           H. The results of the investigation shall be reduced to written findings of fact and a

975 finding shall be made that there either is or is not reasonable cause for believing that an

976 unfair contracting practice has been or is being committed.

977           I. If a finding is made that there is no reasonable cause, the finding shall be served

978 on the charging party and respondent. Within thirty days after service of the negative

979 finding, the charging party may file a written request with the ~~((office of))~~ human and civil

980 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and

981 civil rights commission shall furnish the charging party with information regarding how to

982 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond

983 in writing within a reasonable time by granting or denying the request.

984           SECTION 22. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are

985 hereby amended to read as follows:

986           A.1. If the finding is made initially or on request for reconsideration that  
987 reasonable cause exists to believe that an unfair contracting practice occurred, the ((office  
988 of)) human and civil rights commission shall endeavor to eliminate the unfair practice by  
989 conference, conciliation and persuasion, which may include as a condition of settlement:  
990           a. elimination of the unfair contracting practice;  
991           b. payment of actual damages including payment of lost profits not in excess of  
992 the amount of monetary damage actually incurred;  
993           c. payment of damages caused by emotional distress, humiliation and  
994 embarrassment;  
995           d. payment of attorneys' fees and costs; and  
996           e. such other requirements as may be agreed upon by the parties and the ((office  
997 of)) human and civil rights commission.

998           2. A settlement agreement shall be reduced to writing and signed by the  
999 respondent and the charging party and shall be approved by the ((office of)) human and  
1000 civil rights commission. An order shall then be entered by the ((office of)) human and civil  
1001 rights commission setting forth the terms of the agreement. Copies of the order shall be  
1002 delivered to all affected parties and the original of the order filed with the records and  
1003 licensing services division. Failure to comply with the postfinding settlement agreement or  
1004 order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement is  
1005 a public record.

1006           B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights  
1007 commission shall make a finding to that effect, incorporate the findings in the order and  
1008 furnish a copy of the order to all affected parties. The order shall also include:

1009 a. a finding that an unfair contracting practice has occurred;  
1010 b. the basis for the finding; and  
1011 c. an order requiring the respondent to cease and desist from the unfair practice  
1012 and to take appropriate affirmative measures, which may include:

1013 (1) payment of actual damages including payment of lost profits not in excess  
1014 of the amount of monetary damages actually incurred;

1015 (2) payment of damages caused by emotional distress, humiliation and  
1016 embarrassment;

1017 (3) payment of attorneys' fees and costs; and

1018 (4) such other action as in the judgment of the ~~((office of))~~ human and civil  
1019 rights commission will effectuate the purposes of this chapter, which may include the  
1020 requirement for a report on the matter of compliance.

1021 2. If the ~~((office of))~~ human and civil rights commission finds the respondent  
1022 willfully or knowingly committed any unfair contracting practice, the ~~((office of))~~ human  
1023 and civil rights commission may further order the respondent to pay a civil penalty of up to  
1024 one thousand dollars per violation, which penalty shall be paid to the King County treasury  
1025 for deposit in the county general fund.

1026 C. If there is a failure to reach an agreement for the elimination of any unfair  
1027 contracting practice where the respondent is an executive department, division or office of  
1028 the county, the ~~((office of))~~ human and civil rights commission may compel compliance by  
1029 the executive department, division or office with any settlement agreement agreed to  
1030 between the complainant and the ~~((office of))~~ human and civil rights commission.

1031 SECTION 23. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are

1032 hereby amended to read as follows:

1033           A. A party aggrieved by an order of the ((office of)) human and civil rights  
1034 commission may appeal in accordance with K.C.C. 20.22.080.

1035           B. If the order of the ((office of)) human and civil rights commission is appealed,  
1036 the ((office of the)) hearing examiner shall conduct a hearing for the purpose of affirming,  
1037 denying or modifying the order. There shall be a verbatim record kept of the hearing and  
1038 the hearing examiner shall have such rule-making and other power necessary for the  
1039 conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ((office  
1040 of)) human and civil rights commission shall not be presumed correct. The hearing  
1041 examiner's decision shall be based upon a preponderance of the evidence. The hearing  
1042 shall be conducted within a reasonable time after receipt of the request for appeal. Written  
1043 notice of the time and place of the hearing shall be given at least ten days before the date of  
1044 the hearing to each affected party and to the ((office of)) human and civil rights  
1045 commission.

1046           C. Each party has the following rights, among others:

- 1047           1. To call and examine witnesses on any matter relevant to the issues of the  
1048 complaint;
- 1049           2. To introduce documentary and physical evidence;
- 1050           3. To cross-examine opposing witnesses on any matter relevant to the issues of  
1051 the complaint;
- 1052           4. To impeach any witness regardless of which party first called the witness to  
1053 testify;
- 1054           5. To rebut evidence against the party; and

1055           6. To self-represent or to be represented by anyone of the party's choice who is  
1056 lawfully permitted to do so.

1057           D. Following review of the evidence submitted, the hearing examiner presiding at  
1058 the hearing shall enter written findings and conclusions and shall affirm or modify the order  
1059 previously issued if the hearing examiner finds that a violation has occurred. The hearing  
1060 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.  
1061 The hearing examiner may grant any relief that the ~~((office of))~~ human and civil rights  
1062 commission could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's  
1063 decision shall be delivered to all affected parties. The order of the hearing examiner is final  
1064 unless reviewed by a court under K.C.C. 20.22.270.B.

1065           SECTION 24. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070 are  
1066 hereby amended to read as follows:

1067           A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to  
1068 believe that a respondent has breached a prefinding or postfinding settlement agreement  
1069 executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the ~~((office of))~~  
1070 human and civil rights commission issued under K.C.C. 12.17.050 or an order of the  
1071 hearing examiner issued under K.C.C. 12.17.060, the ~~((office of))~~ human and civil rights  
1072 commission shall refer the matter to the prosecuting attorney for the filing of a civil action  
1073 under subsection B. of this section for the enforcement of the agreement.

1074           B. The prosecuting attorney may commence a civil action in King County superior  
1075 court for appropriate relief with respect to a breach of a prefinding or postfinding  
1076 settlement agreement or violation of an order of the ~~((office of))~~ human and civil rights  
1077 commission issued under K.C.C. 12.17.050 or an order of the hearing examiner issued

1078 under K.C.C. 12.17.060. The action may be commenced no later than ninety days after the  
1079 referral of the alleged break underlying the referral under subsection A. of this section.

1080 SECTION 25. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080 are  
1081 hereby amended to read as follows:

1082 A. An aggrieved person may commence a civil action in King County superior  
1083 court not later than one year after the occurrence or the termination of an alleged unfair  
1084 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the  
1085 unfair contracting practice.

1086 B. The computation of the one-year period does not include time during which an  
1087 administrative proceeding under this chapter was pending with respect to a complaint or  
1088 charge under this chapter based upon the discriminatory contracting practices.

1089 C. An aggrieved person may commence a civil action under this section whether or  
1090 not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of  
1091 any such a complaint, except as provided in subsection D. of this section, but if a settlement  
1092 or conciliation agreement has been reached with the consent of an aggrieved person, an  
1093 action may not be filed under this subsection by the aggrieved person with respect to the  
1094 alleged unfair contracting practice that forms the basis for the complaint except for the  
1095 purpose of enforcing the terms of the agreement.

1096 D. An aggrieved person may not commence a civil action under this section with  
1097 respect to an alleged unfair contracting practice which forms the basis of a complaint if a  
1098 hearing on the complaint has been convened by the office of the King County hearing  
1099 examiner.

1100 E. In a civil action under this section, if the court finds that an unfair contracting



1101 practice has occurred or is about to occur, the court may grant as relief any relief that the  
1102 ((office of)) human and civil rights commission could grant under K.C.C. 12.17.050.B.

1103 F. Relief granted under this section does not affect any contract, sale, encumbrance  
1104 or lease consummated before the granting of the relief and involving a bona fide purchaser,  
1105 encumbrances or tenant, without actual notice of the filing of a complaint with the ((office  
1106 of)) human and civil rights commission or civil action under this title.

1107 G. Upon timely application, the prosecuting attorney may intervene in the civil  
1108 action if the prosecuting attorney determines that the case is of general public importance.

1109 H. This section is intended to provide private judicial remedies for violations of  
1110 this chapter that are expansive as the powers granted by the Constitution and laws of the  
1111 state of Washington.

1112 SECTION 26. Ordinance 13981, Section 11, and K.C.C. 12.17.090 are hereby  
1113 amended to read as follows:

1114 The ((office of)) human and civil rights commission may implement such forms,  
1115 administrative processes and operational procedures as are necessary to implement this  
1116 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.  
1117 chapter 2.98. The ((office of)) human and civil rights commission shall further assist other  
1118 county agencies and departments upon request in effectuating and promoting the purposes  
1119 of this chapter.

1120 SECTION 27. Ordinance 15399, Section 20, and K.C.C. 12.18.014 are hereby  
1121 amended to read as follows:

1122 This chapter shall be liberally construed for accomplishment of this chapter's  
1123 policies and purposes. This chapter shall not be construed to endorse any specific belief,

1124 practice, behavior, or orientation. Nothing in this chapter relating to gender-based  
1125 discrimination affects the ability of an employer to require an employee to adhere to  
1126 reasonable workplace appearance, grooming and dress standards not precluded by other  
1127 provisions of state or federal law, though an employer shall allow an employee to appear  
1128 or dress consistently with the employee's gender identity or expression.

1129 SECTION 28. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are  
1130 hereby amended to read as follows:

1131 The definitions in this section apply throughout this chapter unless the context  
1132 clearly requires otherwise:

1133 A. "Age" means being eighteen years old or older.

1134 B. "Aggrieved person" includes a person who claims to have been injured by an  
1135 unfair employment practice.

1136 C. "Charging party" means any person alleging an unfair employment practice  
1137 under this chapter by filing a complaint with the ~~((office of))~~ human and civil rights  
1138 commission.

1139 D.1. "Disability" means:

1140 a. a physical or mental impairment that substantially limits one or more of a  
1141 person's major life activities, either temporarily or permanently;

1142 b. a person has a record of having such an impairment;

1143 c. a person is regarded as having such an impairment; or

1144 d. a person has any other condition that is a disability under the Washington state  
1145 Law Against Discrimination, chapter 49.60 RCW, as it pertains to employment.

1146 2. "Disability" does not include current, illegal use of a controlled substance, as

1147 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1148 E. "Discrimination," (~~"discriminate" or "discriminatory act"~~) or "discriminatory  
1149 practice or act" means any action or failure to act, whether by ~~((itself))~~ a single act or ~~((as))~~  
1150 part of a practice, the effect of which is to adversely affect or differentiate between or  
1151 among, individuals (~~((or groups of individuals))~~), by reasons of race, color, age, gender,  
1152 marital status, sexual orientation, gender identity or expression, religion, ancestry, national  
1153 origin, disability or use of a service or assistive animal by an individual with a disability,  
1154 unless based upon a bona fide occupational qualification.

1155 F. "Employee" means any person who works for another in return for financial or  
1156 other compensation, and does not include any individual employed by the individual's  
1157 parents, spouse or child, or in the domestic service of any person.

1158 G. "Employer" means King County or any person acting in the interest of an  
1159 employer, directly or indirectly, who employs eight or more persons in unincorporated  
1160 King County, and includes neither any religious or sectarian organization not organized for  
1161 private profit nor any governmental body other than King County.

1162 H. "Employment agency" means any person who for compensation engages in  
1163 recruiting, procuring, referral or placement of employees with an employer.

1164 I. "Gender identity or expression" means an individual's gender-related identity,  
1165 appearance, or expression, whether or not associated with the individual's sex assigned at  
1166 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
1167 the individual's own gender identity or expression.

1168 J. "Labor organization" means any organization existing for the purpose of:

1169 1. Dealing with employers concerning grievances, terms or conditions of

1170 employment; or

1171 2. Providing other mutual aid or protection in connection with employment.

1172 K. "Marital status" means the presence or absence of a marital relationship and  
1173 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1174 L. "Party" includes the person making a complaint or upon whose behalf a  
1175 complaint is made alleging an unfair employment practice, the person alleged or found to  
1176 have committed an unfair employment practice and the ~~((office of))~~ human and civil rights  
1177 commission.

1178 M. "Person" includes one or more individuals, partnerships, associations,  
1179 organizations, corporations, cooperatives, legal representatives, trustees, trustees in  
1180 bankruptcy, receivers or groups of persons and includes King County.

1181 N. "Respondent" means any person who is alleged to or found to have committed  
1182 an unfair employment practice prohibited by this chapter.

1183 O. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure  
1184 response dog, therapeutic companion animal or other animal that does work, performs tasks  
1185 or provides medically necessary support for the benefit of an individual with a disability.

1186 P. "Settlement discussions" or "conference, conciliation and persuasion" means the  
1187 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,  
1188 through informal negotiations involving the charging party, the respondent and the ~~((office~~  
1189 ~~of))~~ human and civil rights commission.

1190 Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs and  
1191 practices pertaining to the individual's own sexual orientation including, but not limited to,  
1192 actual or perceived heterosexuality, homosexuality and bisexuality.

1193            SECTION 29. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are  
1194 hereby amended to read as follows:

1195            A. A complaint alleging an unfair employment practice may be filed by:

1196                1. Any aggrieved person;

1197                2. A state, local or federal agency concerned with discrimination in employment,  
1198 including the ~~((office of))~~ human and civil rights commission, if the agency has reason to  
1199 believe that an unfair employment practice has been or is being committed; or

1200                3. Any labor organization that has reason to believe that an unfair employment  
1201 practice has been or is being committed.

1202            B. A complaint alleging an unfair employment practice shall be in writing and  
1203 signed by the charging party, and shall describe with particularity the unfair employment  
1204 practice complained of, the location of the practice and the person alleged to have  
1205 committed the unfair employment practice. The complaint must be filed with the ~~((office of))~~  
1206 human and civil rights commission within two years of the time of the alleged unfair  
1207 employment practice or within two years of when the charging party, through exercise of  
1208 due diligence, should have had notice or been aware of the occurrence. However, the  
1209 ~~((office of))~~ human and civil rights commission shall not reject a complaint as insufficient  
1210 because of failure to include all required information, if the ~~((office of))~~ human and civil  
1211 rights commission determines that the complaint substantially meets the informational  
1212 requirements necessary for processing.

1213            C. Upon the receipt of a complaint, the ~~((office of))~~ human and civil rights  
1214 commission shall serve upon the charging party notice acknowledging the filing.

1215            D. The charging party or the ~~((office of))~~ human and civil rights commission may

1216 amend a complaint: to cure technical defects or omissions; to clarify and amplify  
1217 allegations made in the complaint; or to add allegations related to or arising out of the  
1218 subject matter set forth, or attempted to be set forth, in the original complaint. For  
1219 jurisdictional purposes, the amendments relate back to the date the original complaint was  
1220 first filed. Either the charging party or the ((office of)) human and civil rights commission,  
1221 or both, may amend a complaint for these reasons as a matter of right before service of  
1222 notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may  
1223 amend a complaint only with permission of the hearing examiner, which permission shall  
1224 be granted if justice will be served by the permission. All parties must be allowed time to  
1225 prepare their cases with respect to additional or expanded allegations that the parties did not  
1226 and could not have reasonably foreseen would be an issue at the hearing.

1227 E. The charging party may also amend a complaint to include allegations of  
1228 additional unrelated unfair employment practices that arose after filing of the original  
1229 complaint. The charging party must file any amendments adding the allegations within two  
1230 years of the time of the additional unfair employment practice or within two years of when  
1231 the charging party, through exercise of due diligence, should have had notice or been aware  
1232 of the additional discriminatory act, and before the issuance of findings of fact and a  
1233 determination with respect to the original complaint by the ((office of)) human and civil  
1234 rights commission. The amendments may be made at any time during the investigation of  
1235 the original complaint if the ((office of)) human and civil rights commission will have  
1236 adequate time to investigate the additional allegations and the parties will have adequate  
1237 time to present the ((office of)) human and civil rights commission with evidence  
1238 concerning the allegations before the issuance of findings of fact and a determination.

1239            SECTION 30. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are  
1240 hereby amended to read as follows:

1241            A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C.,  
1242 the ~~((office of))~~ human and civil rights commission shall cause to be served or mailed, by  
1243 certified mail, return receipt requested, a copy of the complaint to the respondent within  
1244 twenty days after the filing of the complaint and shall promptly make an investigation of  
1245 the complaint. Each respondent may file an answer to the complaint not later than twenty  
1246 days after receipt of notice from the ~~((office of))~~ human and civil rights commission. If a  
1247 respondent is unable to file a response within twenty days, the respondent may request an  
1248 extension of time from the ~~((office of))~~ human and civil rights commission. The ~~((office~~  
1249 ~~of))~~ human and civil rights commission may grant the extension if good cause is shown.

1250            B. The ~~((office of))~~ human and civil rights commission shall direct the  
1251 investigation to ascertain the facts concerning the unfair employment practice alleged in the  
1252 complaint and shall conduct the investigation in an objective and impartial manner.

1253            C. During the investigation, the ~~((office of))~~ human and civil rights commission  
1254 shall consider any statement of position or evidence with respect to the allegations of the  
1255 complaint which the charging party or the respondent wishes to submit. A person who is  
1256 not named as a respondent in a complaint, but who is identified as a respondent in the  
1257 course of investigation, may be joined as an additional or substitute respondent upon  
1258 written notice, under subsection A. of this section, to the person from the ~~((office of))~~  
1259 human and civil rights commission. The notice, in addition to meeting the requirements of  
1260 subsection A. of this section, must explain the basis for the ~~((office of))~~ human and civil  
1261 rights commission' belief that the person to whom the notice is addressed is properly joined

1262 as a respondent.

1263 D. During the period beginning with the filing of the complaint and ending with  
1264 the issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission  
1265 shall, to the extent feasible, engage in settlement discussions with respect to the complaint.  
1266 Anything said or done in the course of the settlement discussions may not be made public  
1267 or used as evidence in a subsequent proceeding under this chapter without the written  
1268 consent of the persons concerned. A prefinding settlement agreement arising out of the  
1269 settlement discussions must be an agreement between the respondent and the charging  
1270 party and is subject to approval by the ~~((office of))~~ human and civil rights commission.  
1271 Each prefinding settlement agreement is a public record. Failure to comply with the  
1272 prefinding settlement agreement may be enforced under K.C.C. 12.18.080.

1273 E. The ~~((office of))~~ human and civil rights commission shall seek the voluntary  
1274 cooperation of all persons: to obtain access to premises, records, documents, individuals  
1275 and other possible sources of information; to examine, record and copy necessary  
1276 materials; and to take and record testimony or statements of persons reasonably necessary  
1277 for the furtherance of the investigation. The ~~((office of))~~ human and civil rights  
1278 commission may conduct discovery in aid of the investigation by the following methods or  
1279 others: deposition upon oral examination or written questions; written interrogatories;  
1280 requests for the production of documents or other evidence, for inspection and other  
1281 purposes; physical and mental examinations; and requests for admissions. The ~~((office of))~~  
1282 human and civil rights commission may sign and issue subpoenas requiring the attendance  
1283 and testimony of witnesses and the production of or access to evidence including books,  
1284 records, correspondence, e-mail or documents in the possession or under the control of the



1285 person subpoenaed as are necessary for the investigation. The ((office of)) human and civil  
1286 rights commission shall consult with the prosecuting attorney before issuing a subpoena  
1287 under this section.

1288 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to  
1289 testify if requested concerning any matter under investigation, the ((office of)) human and  
1290 civil rights commission may invoke the aid of the prosecuting attorney, who may petition  
1291 to the superior court for an order or other appropriate action necessary to secure  
1292 enforcement of the subpoena. The petition shall:

- 1293 1. Be accompanied by a copy of the subpoena and proof of service;  
1294 2. Set forth in what specific manner the subpoena has not been complied with;  
1295 and  
1296 3. Ask for an order of the court to compel the witness to appear and testify or  
1297 cooperate in the investigation of the unfair employment practice.

1298 G. If the ((office of)) human and civil rights commission concludes at any time  
1299 after the filing of a complaint that prompt judicial action is necessary to carry out the  
1300 purposes of this chapter, the ((office of)) human and civil rights commission may invoke  
1301 the aid of the prosecuting attorney, who may file a civil action for appropriate temporary,  
1302 injunctive or preliminary relief pending final disposition of the case.

1303 H. The ((office of)) human and civil rights commission shall reduce the results of  
1304 the investigation to written findings of fact and make a finding that there either is or is not  
1305 reasonable cause for believing that an unfair employment practice has been or is being  
1306 committed.

1307 I. If a finding is made that there is no reasonable cause, the finding shall be served

1308 on the charging party and respondent. Within thirty days after service of such a negative  
1309 finding, the charging party may file a written request with the ~~((office of))~~ human and civil  
1310 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and  
1311 civil rights commission shall furnish the charging party with information regarding how to  
1312 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond  
1313 in writing within a reasonable time by granting or denying the request.

1314 SECTION 31. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are  
1315 hereby amended to read as follows:

1316 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding  
1317 initially or on request for reconsideration that reasonable cause exists to believe that an  
1318 unfair employment practice occurred, the ~~((office of))~~ human and civil rights commission  
1319 shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion  
1320 which may include as a condition of settlement:

- 1321 a. elimination of the unfair employment practice;
- 1322 b. payment of back pay not in excess of the amount of monetary damage  
1323 actually incurred;
- 1324 c. payment of other actual damages, including damages caused by emotional  
1325 distress, humiliation and embarrassment;
- 1326 d. reinstatement;
- 1327 e. payment of attorneys' fees and costs;
- 1328 f. participation in training on fair employment laws; and
- 1329 g. such other requirements as may lawfully be agreed upon by the parties and the  
1330 ~~((office of))~~ human and civil rights commission.

1331           2. Any postfinding settlement agreement shall be reduced to writing and signed  
1332 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.  
1333 The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth  
1334 the agreement and furnish copies of the order to all affected parties. Each postfinding  
1335 settlement agreement is a public record. Failure to comply with the postfinding agreement  
1336 or order may be enforced under K.C.C. 12.18.080.

1337           B.1. If the parties cannot reach agreement, the ~~((office of))~~ human and civil rights  
1338 commission shall make a finding to that effect, incorporate the finding in the order and  
1339 furnish a copy of the order to all affected parties. The order shall also include:

- 1340           a. a finding that an unfair employment practice occurred;
  - 1341           b. the basis for the finding; and
  - 1342           c. an order requiring the respondent to cease and desist from the unfair practice
- 1343 and to take appropriate affirmative measures, which may include:

- 1344           (1) payment of back pay not in excess of the amount of monetary damage
- 1345 actually incurred;
- 1346           (2) payment of other actual damages, including damages caused by emotional
- 1347 distress, humiliation and embarrassment;
- 1348           (3) reinstatement;
- 1349           (4) payment of attorneys' fees and costs;
- 1350           (5) participation in training on fair employment laws; and
- 1351           (6) such other action as in the judgment of the ~~((office of))~~ human and civil  
1352 rights commission will effectuate the purposes of this chapter, which may include the  
1353 requirement for a report on the matter of compliance.

1354           2. If the ((office of)) human and civil rights commission finds the respondent  
1355 willfully or knowingly committed any unfair employment practice, the ((office of)) human  
1356 and civil rights commission may further order the respondent to pay a civil penalty of up to  
1357 s one thousand dollars per violation, which penalty shall be paid to the King County  
1358 treasury for deposit in the county general fund.

1359           C. If the parties fail to reach an agreement for the elimination of any unfair  
1360 employment practice in which the respondent is an executive department, division or office  
1361 of the county, the King County executive may compel compliance by the executive  
1362 department, division or office with any settlement agreement agreed to between any  
1363 charging party and the ((office of)) human and civil rights commission.

1364           SECTION 32. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are  
1365 hereby amended to read as follows:

1366           A. Any respondent or charging party, after by an order of the ((office of)) human  
1367 and civil rights commission is made in accordance with K.C.C. 12.18.060.B., may appeal  
1368 that order in accordance with K.C.C. 20.22.080.

1369           B. If the order of the ((office of)) human and civil rights commission is appealed,  
1370 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or  
1371 modifying the order. There shall be a verbatim record kept of the hearing. The hearing  
1372 examiner has such rule-making and other powers necessary for the conduct of the hearing  
1373 as are specified by K.C.C. chapter 20.22. The order of the ((office of)) human and civil  
1374 rights commission shall not be presumed correct. The hearing examiner's decision shall be  
1375 based upon a preponderance of the evidence. The hearing shall be conducted within a  
1376 reasonable time after receipt of the request for appeal. Written notice of the time and place

1377 of the hearing shall be given at least ten days before the date of the hearing to each affected  
1378 party and to the ((office of)) human and civil rights commission.

1379 C. Each party may, among exercising other rights:

1380 1. Call and examine witnesses on any matter relevant to the issues of the  
1381 complaint;

1382 2. Introduce documentary and physical evidence;

1383 3. Cross-examine opposing witnesses on any matter relevant to the issues of the  
1384 complaint;

1385 4. Impeach any witness regardless of which party first called the witness to  
1386 testify;

1387 5. Rebut evidence against the party; and

1388 6. Self-represent or be represented by anyone of the party's choice who is lawfully  
1389 permitted to do so.

1390 D. Following review of the evidence submitted, the hearing examiner presiding at  
1391 the hearing shall enter written findings and conclusions and shall affirm or modify the order  
1392 previously issued if the hearing examiner finds that a violation occurred. The hearing  
1393 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.  
1394 The hearing examiner may grant as relief any relief that the ((office of)) human and civil  
1395 rights commission could grant under K.C.C. 12.18.060.B. A copy of the hearing  
1396 examiner's decision shall be delivered to all affected parties. The order of the hearing  
1397 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

1398 SECTION 33. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are  
1399 hereby amended to read as follows:

1400           A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to  
1401 believe that a respondent breached a prefinding or postfinding settlement agreement  
1402 executed under K.C.C. 12.18.050 or 12.18.060, or violated an order of the ~~((office of))~~  
1403 human and civil rights commission issued under K.C.C. 12.18.060 or an order of the  
1404 hearing examiner issued in accordance with K.C.C. 12.18.070, the ~~((office of))~~ human and  
1405 civil rights commission shall refer the matter to the prosecuting attorney for the filing of a  
1406 civil action under subsection B. of this section for the enforcement of the agreement.

1407           B. The prosecuting attorney may commence a civil action in superior court for  
1408 appropriate relief with respect to a breach of a prefinding or postfinding settlement  
1409 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the  
1410 ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.18.060 or an order  
1411 of the hearing examiner issued under K.C.C. 12.18.070. This action may be commenced  
1412 no later than ninety days after the referral of the alleged breach under subsection A. of this  
1413 section.

1414           SECTION 34. Ordinance 15399, Section 17, and K.C.C. 12.18.085 are hereby  
1415 amended to read as follows:

1416           A. An aggrieved person may commence a civil action in superior court not later  
1417 than three years after the occurrence or termination of an alleged unfair employment  
1418 practice or ninety days after a determination of reasonable cause is issued by the ~~((office~~  
1419 ~~of))~~ human and civil rights commission, whichever occurs last, to obtain appropriate  
1420 relief with respect to the unfair employment practice.

1421           B. A civil action may be filed under this section whether or not an administrative  
1422 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such

1423 a complaint. However, if the ~~((office of))~~ human and civil rights commission obtained a  
1424 prefinding or postfinding settlement or conciliation agreement with the consent of the  
1425 aggrieved person, an action may not be filed under this section by the aggrieved person  
1426 with respect to the alleged unfair employment practice that forms the basis for the  
1427 complaint except for the purpose of enforcing the agreement. To preclude such a filing,  
1428 the prefinding or postfinding settlement or conciliation agreement must include language  
1429 that the aggrieved person knowingly waives any right to file a civil action based on the  
1430 same alleged unfair employment practice.

1431 C. Subject to subsection D. of this section, after the filing of a civil action  
1432 involving the same claim or arising from the same facts and circumstances, whether  
1433 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may  
1434 administratively close a complaint of an unfair employment practice.

1435 D. If a court dismisses a private cause of action without reaching the merits and  
1436 on grounds that would not preclude pursuit of a complaint under this chapter, the  
1437 charging party may request, within ninety days of the entry of the court's order of  
1438 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously  
1439 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may  
1440 reopen a case that was administratively closed upon the filing of a civil action. If the  
1441 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable  
1442 cause" finding, the case shall not be reopened except as provided through reconsideration  
1443 under K.C.C. 12.18.050.

1444 E. A charging party or aggrieved person may not secure relief from more than  
1445 one governmental agency, instrumentality or tribunal for the same harm or injury.

1446 F. An aggrieved person may not commence a civil action under this section with  
1447 respect to an alleged unfair employment practice that forms the basis of a complaint if a  
1448 hearing on the complaint has been convened under K.C.C. 12.18.070.

1449 G. In a civil action under this section, if the court finds that a unfair practice  
1450 occurred, the court may grant such relief as is available for violations of the Washington  
1451 state Law Against Discrimination, chapter 49.60 RCW.

1452 H. Upon timely application, the prosecuting attorney may intervene in the civil  
1453 action if the prosecuting attorney determines that the case is of general public importance.

1454 I. This section is intended to provide private judicial remedies for violations of  
1455 this chapter that are as expansive as the powers granted by the Constitution and laws of  
1456 the state of Washington.

1457 SECTION 35. Ordinance 7439, Section 9, as amended, and K.C.C. 12.18.090 are  
1458 hereby amended to read as follows:

1459 The ~~((office of))~~ human and civil rights commission may implement such forms,  
1460 administrative processes and operational procedures as are necessary to comply with this  
1461 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.  
1462 chapter 2.98.

1463 SECTION 36. Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097  
1464 are hereby amended to read as follows:

1465 A. If a complaint filed under this chapter, ~~((office of))~~ human and civil rights  
1466 commission shall initiate an investigation under this chapter.

1467 B. If the ~~((office of))~~ human and civil rights commission determines that a  
1468 violation of this chapter or any rules and regulations adopted under this chapter occurred,



1469 the (~~office of~~) human and civil rights commission shall issue an order in accordance  
1470 with this chapter. For the enforcement of this chapter, if a conflict exists between this  
1471 chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

1472 SECTION 37. Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020 are  
1473 hereby amended to read as follows:

1474 The definitions in this section apply throughout this chapter unless the context  
1475 clearly requires otherwise.

1476 A. "Aggrieved person" includes a person who:

- 1477 1. Claims to have been injured by an unfair housing practice; or  
1478 2. Believes that the person will be injured by an unfair housing practice that is  
1479 about to occur.

1480 B. "Alternative source of income" means lawful, verifiable income derived from  
1481 sources other than wages, salaries, or other compensation for employment. It includes but  
1482 is not limited to moneys derived from Social Security benefits, other retirement programs,  
1483 supplemental security income, unemployment benefits, child support, the state Aged, Blind  
1484 or Disabled Cash Assistance Program, state Refugee Cash Assistance and any other  
1485 federal, state, local government, private or nonprofit-administered cash benefit program.

1486 C. "Charging party" means any person alleging an (~~unfair housing practice~~) act of  
1487 discrimination in a place of public accommodation under this chapter by filing a complaint  
1488 with the (~~office of~~) human and civil rights commission.

1489 D.1. "Disability" means:

- 1490 a. a physical or mental impairment that substantially limits one or more of a  
1491 person's major life activities, either temporarily or permanently;

1492           b. a person has a record of having such an impairment;  
1493           c. a person is regarded as having such an impairment; or  
1494           d. a person has any other condition that is a disability under the Washington state  
1495 Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

1496           2. "Disability" does not include current, illegal use of a controlled substance, as  
1497 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1498           E. "Discriminate" or "discriminatory practice or act" means any action or failure  
1499 to act, whether by a single act or as part of a practice, the effect of which is to adversely  
1500 affect or differentiate between or among individuals or groups of individuals, because of  
1501 race, color, religion, national origin, ancestry, age, gender, marital status, parental status,  
1502 participation in the Section 8 program or other housing subsidy program, alternative  
1503 source of income, sexual orientation, gender identity or expression, disability, or use of a  
1504 service or assistive animal by an individual with a disability.

1505           F. "Dwelling" or "dwelling unit" mean any building, structure or portion of a  
1506 building or structure that is occupied as, or designed or intended for occupancy as, a  
1507 residence by one or more families or individuals, and any vacant land that is offered for  
1508 sale or lease for the construction or location thereon of any such a building, structure or  
1509 portion of a building or structure.

1510           G. "Gender identity or expression" means an individual's gender-related identity,  
1511 appearance, or expression, whether or not associated with the individual's sex assigned at  
1512 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to  
1513 the individual's own gender identity or expression.

1514           H. "Housing accommodations" means any dwelling or dwelling unit, rooming unit,

1515 rooming house, lot or parcel of land in unincorporated King County that is used, intended  
1516 to be used or arranged or designed to be used as, or improved with, a residential structure  
1517 for one or more human beings.

1518 I. "Marital status" means the presence or absence of a marital relationship and  
1519 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1520 J.1. "Parental status" means one or more individuals, who have not attained the  
1521 age of eighteen years, being domiciled with:

1522 a. a parent or another person having legal custody of the individual or  
1523 individuals; or

1524 b. the designee of such a parent or other person having the custody, with the  
1525 written permission of the parent or other person.

1526 2. The protections afforded against discrimination on the basis of familial status  
1527 apply to a person who is pregnant or is in the process of securing legal custody of an  
1528 individual who has not attained the age of eighteen years.

1529 K. "Participation in the Section 8 program (~~or other housing subsidy program~~)"  
1530 means participating in a (~~short or long term~~) federal, state or local government(~~, private,~~  
1531 ~~nonprofit or other assistance~~) program in which a tenant's rent is paid either partially (~~or~~  
1532 ~~completely~~) by the program(~~, through a direct arrangement between the program~~) and the  
1533 owner or lessor of the real property(~~. Other housing subsidy programs include, but are not~~  
1534 ~~limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and~~  
1535 ~~Essential Needs funds and short term rental assistance provided by rapid rehousing~~  
1536 ~~subsidies~~), and partially by the tenant.

1537 L. "Party" includes the person charging or making a complaint or upon whose

1538 behalf a complaint is made alleging an unfair practice, the person alleged or found to have  
1539 committed an unfair practice and the ~~((office of))~~ human and civil rights commission.

1540 M. "Person" means one or more individuals, partnerships, associations,  
1541 organizations, corporations, cooperatives, legal representatives, trustees and receivers or  
1542 any group of persons; including any owner, lessee, proprietor, housing manager, agent or  
1543 employee whether one or more natural persons. "Person" also includes any political or  
1544 civil subdivisions of the state and any agency or instrumentality of the state or of any  
1545 political or civil subdivision of the state.

1546 N. "Real estate transaction" includes, but is not limited to, the sale, conveyance,  
1547 exchange, purchase, rental, lease or sublease of real property.

1548 O. "Real estate-related transaction" means any of the following:

1549 1. The making or purchasing of loans or providing other financial assistance:

1550 a. for purchasing, constructing, improving, repairing or maintaining real  
1551 property; or

1552 b. secured by real property; or

1553 2. The selling, brokering or appraising of real property.

1554 P. "Real property" includes, but is not limited to, buildings, structures, real estate,  
1555 lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and  
1556 hereditaments, corporeal and incorporeal, or any interest therein.

1557 Q. "Respondent" means any person who is alleged or found to have committed an  
1558 unfair practice prohibited by this chapter.

1559 R. "Senior citizens" means persons who are sixty-two years of age or older.

1560 S. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure

1561 response dog, therapeutic companion animal or other animal that does work, performs tasks  
1562 or provides medically necessary support for the benefit of an individual with a disability.

1563 T. "Settlement discussions" and "conference, conciliation and persuasion" mean  
1564 the attempted resolution of issues raised by a complaint, or by the investigation of a  
1565 complaint, through informal negotiations involving the charging party, the respondent and  
1566 the ~~((office of))~~ human and civil rights commission.

1567 U. "Sexual orientation" means an individual's attitudes, preferences, belief and  
1568 practices pertaining to the individual's own sexual orientation including, but not limited  
1569 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1570 V. "Verifiable" means the source of income can be confirmed as to its amount or  
1571 receipt.

1572 SECTION 38. Ordinance 5280, Section 4, as amended, K.C.C. 12.20.070 are  
1573 hereby amended to read as follows:

1574 A. A complaint alleging an unfair housing practice may be filed by:

1575 1. Any aggrieved person; or

1576 2. Any state, local or federal agency concerned with discrimination in housing,  
1577 including the ~~((office of))~~ human and civil rights commission has reason to believe that an  
1578 unfair housing practice has been or is being committed.

1579 B. A complaint alleging an unfair housing practice shall be in writing and signed  
1580 by the charging party. The complaint must be filed by the charging party with the ~~((office~~  
1581 ~~of))~~ human and civil rights commission within three hundred sixty-five days after the  
1582 occurrence or termination of the alleged unfair housing practice. The complaint must  
1583 describe with particularity the practice complained of and the location of the practice and

1584 must identify the person being charged with committing an unfair housing practice.  
1585 However, the ~~((office of))~~ human and civil rights commission shall not reject a complaint  
1586 as insufficient because of failure to include all required information, if the ~~((office of))~~  
1587 human and civil rights commission determines that the complaint substantially meets the  
1588 informational requirements necessary for processing.

1589 C. Upon the receipt of a complaint alleging an unfair housing practice, the ~~((office of))~~  
1590 ~~ef))~~ human and civil rights commission shall serve notice upon the charging party  
1591 acknowledging the filing and advising the charging party of the time limits provided under  
1592 this chapter and of the choice of forums provided by this chapter.

1593 D. The charging party or the ~~((office of))~~ human and civil rights commission may  
1594 amend a complaint: to cure technical defects or omissions; to clarify and amplify  
1595 allegations made in the complaint; or to add allegations related to or arising out of the  
1596 subject matter set forth, or attempted to be set for, in the original complaint. For  
1597 jurisdictional purposes, the amendments relate back to the date the original complaint was  
1598 first filed. Either the charging party or the ~~((office of))~~ human and civil rights commission,  
1599 or both, may amend a complaint for these reasons as a matter of right before service of  
1600 notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may  
1601 amend a complaint only with permission of the hearing examiner, which permission shall  
1602 be granted if justice will be served by the permission, and all parties shall be allowed time  
1603 to prepare their case with respect to additional or expanded allegations they did not and  
1604 could not have reasonably foreseen would be an issue at the hearing.

1605 E. The charging party may also amend a complaint to include allegations of  
1606 additional unrelated discriminatory practices that arose after the filing of the original

1607 complaint. The charging party must file any amendments adding the allegations within  
1608 three hundred sixty-five days after the occurrence or termination of the additional  
1609 discriminatory practices and before the issuance of findings of fact and a determination  
1610 with respect to the original complaint by the ~~((office of))~~ human and civil rights  
1611 commission. The amendments may be made at any time during the investigation of the  
1612 original complaint if the ~~((office of))~~ human and civil rights commission will have  
1613 adequate time to investigate the additional allegations and the parties will have adequate  
1614 time to present the ~~((office of))~~ human and civil rights commission with evidence  
1615 concerning the allegations before the issuance of findings of fact and a determination.

1616 SECTION 39. Ordinance 5280, Section 5, as amended, K.C.C. 12.20.080 are  
1617 hereby amended to read as follows:

1618 A. After the filing of a complaint, the ~~((office of))~~ human and civil rights  
1619 commission shall cause to be served on or mailed to the respondent, by certified mail,  
1620 return receipt requested, a copy of the complaint, along with a notice advising of procedural  
1621 rights and obligations of respondents under this chapter promptly and in no case longer  
1622 than twenty days after the filing the complaint. Each respondent may file an answer to the  
1623 complaint, not later than ten days after receipt of notice from the ~~((office of))~~ human and  
1624 civil rights commission. If the respondent is unable to file a response within ten days, the  
1625 respondent may request an extension of time from the ~~((office of))~~ human and civil rights  
1626 commission, not to exceed five days. The ~~((office of))~~ human and civil rights commission  
1627 may grant the extension if good cause is shown.

1628 B. The investigation shall be commenced promptly and in no event later than thirty  
1629 days after receipt of the complaint. It shall be directed to ascertain the facts concerning the

1630 unfair practice alleged in the complaint and shall be conducted in an objective and impartial  
1631 manner. The investigation shall be completed within one hundred days after the filing of  
1632 the complaint, unless it is impracticable to do so. If the ~~((office of))~~ human and civil rights  
1633 commission is unable to complete the investigation within the one hundred days, the  
1634 ~~((office of))~~ human and civil rights commission shall notify the charging party and  
1635 respondent, in writing, of the reasons for not doing so. The ~~((office of))~~ human and civil  
1636 rights commission shall make final administrative disposition of a complaint within one  
1637 year of the date of receipt of the complaint, unless it is impracticable to do so. If the  
1638 ~~((office of))~~ human and civil rights commission is unable to do so, the ~~((office of))~~ human  
1639 and civil rights commission shall notify the charging party and respondent, in writing, of  
1640 the reasons for not doing so.

1641 C. During the investigation, the ~~((office of))~~ human and civil rights commission  
1642 shall consider any statement of position or evidence with respect to the allegations of the  
1643 complaint that the charging party or the respondent wishes to submit.

1644 D. A person who is not named as a respondent in a complaint, but who is identified  
1645 as a respondent in the course of investigation, may be joined as an additional or substitute  
1646 respondent upon written notice, under subsection A. of this section, to the person from the  
1647 ~~((office of))~~ human and civil rights commission. The notice, in addition to meeting the  
1648 requirements of subsection A. of this section, shall explain the basis for the belief of the  
1649 ~~((office of))~~ human and civil rights commission that the person to whom the notice is  
1650 addressed is properly joined as a respondent.

1651 E. During the period beginning with the filing of the complaint and ending with the  
1652 issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to



1653 the extent feasible, engage in settlement discussions with respect to the complaint. Nothing  
1654 said or done in the course of the settlement discussions may be made public or used as  
1655 evidence in a subsequent proceeding under this chapter without the written consent of the  
1656 persons concerned. A prefinding settlement agreement arising out of the settlement  
1657 discussions shall be an agreement between the respondent and the charging party, and is  
1658 subject to approval by the ~~((office of))~~ human and civil rights commission. Each  
1659 prefinding settlement agreement is a public record. Failure to comply with the prefinding  
1660 settlement agreement may be enforced under K.C.C. 12.20.120.

1661 F. The ~~((office of))~~ human and civil rights commission shall seek the voluntary  
1662 cooperation of all persons to: obtain access to premises, records, documents, individuals  
1663 and other possible sources of information; examine, record and copy necessary materials;  
1664 and take and record testimony or statements of persons reasonably necessary for the  
1665 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may  
1666 conduct discovery in aid of the investigation by the following methods or others:  
1667 deposition upon oral examination or written questions; written interrogatories; requests for  
1668 the production of documents or evidence, for inspection and other purposes; physical and  
1669 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights  
1670 commission may sign and issue subpoenas requiring the attendance and testimony of  
1671 witnesses, the production of evidence including books, records, correspondence, e-mail or  
1672 documents in the possession or under the control of the person subpoenaed and access to  
1673 evidence for the purpose of examination and copying as are necessary for the investigation.  
1674 The ~~((office of))~~ human and civil rights commission shall consult with the prosecuting  
1675 attorney before issuing any subpoena under this section.

1676 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to  
1677 testify when requested concerning any matter under investigation, the ~~((office of))~~ human  
1678 and civil rights commission may invoke the aid of the prosecuting attorney, who shall  
1679 petition to the superior court for an order or other appropriate action necessary to secure  
1680 enforcement of the subpoena. The petition shall:

- 1681 1. Be accompanied by a copy of the subpoena and proof of service;
- 1682 2. Set forth in what specific manner the subpoena has not been complied with;
- 1683 and
- 1684 3. Ask for an order of the court to compel the witness to appear and testify or  
1685 cooperate in the investigation of the unfair housing practice.

1686 H. If the ~~((office of))~~ human and civil rights commission concludes at any time  
1687 after the filing of a complaint that prompt judicial action is necessary to carry out the  
1688 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke  
1689 the aid of the prosecuting attorney, who shall file a civil action for appropriate temporary,  
1690 injunctive or preliminary relief pending final disposition of the case.

1691 I. The ~~((office of))~~ human and civil rights commission shall reduce the results of  
1692 the investigation to written findings of fact and make a finding that there either is or is not  
1693 reasonable cause for believing that an unfair housing practice has been or is being  
1694 committed.

1695 J. If a finding is made that there is no reasonable cause, the finding shall be served  
1696 on the charging party and respondent. Within thirty days after service of such a negative  
1697 finding, the charging party may file a written request with the ~~((office of))~~ human and civil  
1698 rights commission asking for reconsideration of the finding. The ~~((office of))~~ human and

1699 civil rights commission shall furnish the charging party with information regarding how to  
1700 request reconsideration. The ~~((office of))~~ human and civil rights commission shall respond  
1701 in writing within a reasonable time by granting or denying the request.

1702 SECTION 40. Ordinance 5280, Section 6, as amended, K.C.C. 12.20.090 are  
1703 hereby amended to read as follows:

1704 A.1. If the ~~((office of))~~ human and civil rights commission makes the finding  
1705 initially or on request for reconsideration that reasonable cause exists to believe that an  
1706 unfair housing practice occurred or is about to occur, the ~~((office of))~~ human and civil  
1707 rights commission shall endeavor to eliminate the unfair practice by conference,  
1708 conciliation and persuasion, which may include as a condition of settlement the:

- 1709 a. elimination of the unfair housing practice;
- 1710 b. payment of actual damages, including damages caused by emotional distress,  
1711 humiliation and embarrassment;
- 1712 c. reinstatement to tenancy;
- 1713 d. payment of attorneys' fees and costs;
- 1714 e. payment of a civil penalty to vindicate the public interest up to the limits in 42  
1715 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006,  
1716 which penalty shall be paid to King County for deposit in the county general fund;
- 1717 f. participation in training on fair housing laws; and
- 1718 g. such other requirements as may lawfully be agreed upon by the parties and the  
1719 ~~((office of))~~ human and civil rights commission.

1720 2. Any postfinding settlement agreement shall be reduced to writing and signed  
1721 by all parties, with the approval of the ~~((office of))~~ human and civil rights commission.

1722 The ((office of)) human and civil rights commission shall then enter an order setting forth  
1723 the agreement and furnish copies of the order to all affected parties. Failure to comply with  
1724 the postfinding agreement or order may be enforced under K.C.C. 12.20.120. Each  
1725 postfinding settlement agreement is a public record.

1726 B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights  
1727 commission shall make a finding to that effect, incorporate the finding in an order, and  
1728 furnish a copy of the order to all affected parties. The order shall also include:

- 1729 a. a finding that an unfair housing practice is about to occur or has occurred;  
1730 b. the basis for the finding; and  
1731 c. an order requiring the respondent to cease and desist from such unfair practice  
1732 and to take appropriate affirmative action, including:

1733 (1) payment of actual damages, including damages caused by emotional  
1734 distress, humiliation and embarrassment;

1735 (2) reinstatement to tenancy;

1736 (3) payment of attorneys' fees and costs;

1737 (4) participation in training on fair housing laws; and

1738 (5) such other action as in the judgment of the ((office of)) human and civil  
1739 rights commission will effectuate the purposes of this chapter, which may include the

1740 requirement for report on the matter of compliance, injunctive relief and the payment of a  
1741 civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec.

1742 3612(g)(3) as it exists on April 16, 2006.

1743 SECTION 41. Ordinance 10469, Section 11, as amended, K.C.C. 12.20.095 are  
1744 hereby amended to read as follows:

1745 In the case of an order with respect to a discriminatory housing practice that  
1746 occurred in the course of a business subject to a licensing or regulation by a governmental  
1747 agency, the ~~((office of))~~ human and civil rights commission shall, not later than thirty days  
1748 after the date of the issuance of the order or, if the order is appealed pursuant to K.C.C.  
1749 12.20.100, thirty days after the order is in substance affirmed upon the review:

1750 A. Send copies of the findings of fact, conclusions of law and the order, to that  
1751 governmental agency; and

1752 B. Recommend to that governmental agency appropriate disciplinary action  
1753 including, if appropriate, the suspension or revocation of the license of the respondent.

1754 SECTION 42. Ordinance 5280, Section 7, as amended, K.C.C. 12.20.100 are  
1755 hereby amended to read as follows:

1756 A.1. Any charging party, respondent or aggrieved person on whose behalf the  
1757 finding was made, after an order of the ~~((office of))~~ human and civil rights commission is  
1758 made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the  
1759 claims on which reasonable cause was found decided in a civil action under K.C.C.  
1760 12.20.124 or in a hearing before the hearing examiner. The ~~((office of))~~ human and civil  
1761 rights commission shall provide the charging party, respondent and aggrieved person on  
1762 whose behalf the finding was made with information regarding how to make the election.  
1763 This election must be made not later than thirty days after the receipt by the electing person  
1764 of service of the order. The person making the election shall give notice of the election  
1765 stating which forum is elected to the ~~((office of))~~ human and civil rights commission and to  
1766 all other charging parties and respondents to whom the complaint relates. The notice of  
1767 election should identify clearly and specifically:

- 1768           a. the errors that the appellant believes were made in the action or decision that  
1769 is being appealed, or the procedural irregularities associated with that action or decision;  
1770           b. specific reasons by the county's action should be reversed or modified; and  
1771           c. the desired outcome of the appeal.

1772           2. Any order issued by the ~~((office of))~~ human and civil rights commission under  
1773 K.C.C. 12.20.090.B. becomes final thirty days after service of the order unless a written  
1774 notice of election is filed with the ~~((office of))~~ human and civil rights commission within  
1775 the thirty-day period. If the order becomes final, parties violating the order are subject to  
1776 the enforcement provisions of K.C.C. 12.20.120.

1777           B. If no election of civil action is made, and an election for hearing is made, the  
1778 complaint, any and all findings made and either affirmative action measures or civil  
1779 penalties, or both, required shall be certified by the ~~((office of))~~ human and civil rights  
1780 commission to the ~~((office of the))~~ hearing examiner for hearing.

1781           C. A hearing shall be conducted by the ~~((office of the))~~ hearing examiner for the  
1782 purpose of affirming, denying or modifying the order. There shall be a verbatim record  
1783 kept of the hearing. The hearing examiner shall have such rule-making and other powers  
1784 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The ~~((office~~  
1785 ~~of))~~ human and civil rights commission shall maintain the action and the order of the  
1786 ~~((office of))~~ human and civil rights commission shall not be presumed correct. The hearing  
1787 examiner's decision shall be based upon a preponderance of the evidence. The hearing  
1788 shall be conducted within a reasonable time after receipt of the certification. Written notice  
1789 of the time and place of the hearing shall be given at least ten days before the date of the  
1790 hearing to each affected party and to the ~~((office of))~~ human and civil rights commission.

- 1791 D. Each party may, among exercising other rights:
- 1792 1. Call and examine witnesses on any matter relevant to the issues of the
- 1793 complaint;
- 1794 2. Introduce documentary and physical evidence;
- 1795 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
- 1796 complaint;
- 1797 4. Impeach any witness regardless of which party first called the witness to
- 1798 testify;
- 1799 5. Rebut evidence against the party; and
- 1800 6. Self-represent or be represented by anyone of the party's choice who is lawfully
- 1801 permitted to do so.

1802 E. Following review of the evidence submitted, the hearing examiner presiding at

1803 the hearing shall enter written findings and conclusions and shall affirm or modify the order

1804 previously issued if the hearing examiner finds that a violation is about to occur or

1805 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a

1806 violation is not about to occur or did not occur. The hearing examiner may grant as relief

1807 any relief that the ~~((office of))~~ human and civil rights commission could grant under K.C.C.

1808 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be

1809 served on all affected parties. The order of the hearing examiner is final unless reviewed

1810 by a court under K.C.C. 20.22.270.B.

1811 SECTION 43. Ordinance 5280, Section 9, as amended, K.C.C. 12.20.120 are

1812 hereby amended to read as follows:

1813 A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to

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1814 believe that a respondent breached a prefinding or postfinding settlement agreement  
1815 executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the ((office of))  
1816 human and civil rights commission issued under K.C.C. 12.20.090 or an order of the  
1817 hearing examiner issued under K.C.C. 12.20.100, the ((office of)) human and civil rights  
1818 commission shall refer the matter to the prosecuting attorney for the filing of a civil action  
1819 under subsection B. of this section for the enforcement of the agreement.

1820           B. The prosecuting attorney may commence a civil action in superior court for  
1821 appropriate relief with respect to breach of a prefinding or postfinding settlement  
1822 agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the  
1823 ((office of)) human and civil rights commission issued under K.C.C. 12.20.090 or an order  
1824 of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced  
1825 no later than ninety days after the referral of the alleged breach under subsection A. of this  
1826 section.

1827           SECTION 44. Ordinance 10469, Section 13, as amended, K.C.C. 12.20.122 are  
1828 hereby amended to read as follows:

1829           A. An aggrieved person may commence a civil action in superior court not later  
1830 than one year after the occurrence or the termination of an alleged discriminatory housing  
1831 practice, whichever occurs last, to obtain appropriate relief with respect to such  
1832 discriminatory housing practice.

1833           B. The computation of the one-year period shall not include any time during which  
1834 an administrative proceeding under this chapter was pending with respect to a complaint or  
1835 charge under this chapter based upon the discriminatory housing practices.

1836           C. An aggrieved person may commence a civil action under this section whether or



1837 not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of  
1838 any such complaint. However, if the ~~((office of))~~ human and civil rights commission or the  
1839 United States Department of Housing and Urban Development has obtained a prefinding or  
1840 postfinding settlement or conciliation agreement with the consent of an aggrieved person,  
1841 an action may not be filed under this section by the aggrieved person with respect to the  
1842 alleged discriminatory housing practice that forms the basis for the complaint except for the  
1843 purpose of enforcing the agreement. To preclude such a filing, the prefinding or  
1844 postfinding settlement or conciliation agreement must include language that the charging  
1845 party knowingly waives any right to file a civil action based on the same alleged unfair  
1846 housing practice.

1847 D. Subject to subsection E. of this section, after the filing of a civil action  
1848 involving the same claim or arising from the same facts and circumstances, whether  
1849 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may  
1850 administratively close a complaint of an unfair housing practice.

1851 E. If a court dismisses a private cause of action without reaching the merits and  
1852 on grounds that would not preclude pursuit of a complaint under this chapter, the  
1853 charging party may request, within ninety days of the entry of the court's order of  
1854 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously  
1855 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may  
1856 reopen a case that was administratively closed upon the filing of a civil action. If the  
1857 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable  
1858 cause" finding, the case shall not be reopened except as provided through reconsideration  
1859 under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief

1860 from more than one governmental agency, instrumentality or tribunal for the same harm  
1861 or injury.

1862 F. An aggrieved person may not commence a civil action under this section with  
1863 respect to an alleged discriminatory housing practice that forms the basis of a complaint if a  
1864 hearing on the complaint has been convened by the office of the hearing examiner.

1865 G. In a civil action under subsection A., of this section, if the court finds that a  
1866 discriminatory practice occurred or is about to occur, the court may order remedies as  
1867 allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as  
1868 provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this  
1869 section, may grant as relief, as the court deems appropriate, any permanent or temporary  
1870 injunction, temporary restraining order or other order, including an order enjoining the  
1871 defendant from engaging in the practice or ordering such affirmative action as might be  
1872 appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing  
1873 party.

1874 H. Relief granted under this section shall not affect any contract, sale, encumbrance  
1875 or lease consummated before the granting of the relief and involving a bona fide purchaser,  
1876 encumbrances or tenant, without actual notice of the filing of a complaint with the ((office  
1877 of)) human and civil rights commission or civil action under this chapter.

1878 I. Upon timely application, the prosecuting attorney may intervene in the civil  
1879 action if the prosecuting attorney determines that the case is of general public importance.

1880 J. This section is intended to provide private judicial remedies for violations of this  
1881 chapter that are as expansive as the powers granted by the Constitution of laws of the state  
1882 of Washington.

1883            SECTION 45. Ordinance 10469, Section 14, as amended, K.C.C. 12.20.124 are  
1884 hereby amended to read as follows:

1885            A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a  
1886 civil action, the ~~((office of))~~ human and civil rights commission shall authorize and, not  
1887 later than thirty days after the election is made, shall commence, on behalf of the charging  
1888 party, a civil action in superior court to affirm or modify the order of the ~~((office of))~~  
1889 human and civil rights commission issued under K.C.C. 12.20.090.

1890            B. Any aggrieved person with respect to the issues to be determined in a civil  
1891 action under this section may intervene as of right in that civil action.

1892            C. In a civil action under this section, if the court finds that a discriminatory  
1893 housing practice has occurred, or is about to occur, the court may grant as relief any relief  
1894 which a court could grant with respect to such discriminatory housing practice in a civil  
1895 action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved  
1896 person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also  
1897 accrues to that aggrieved person in a civil action under this section. If monetary relief is  
1898 sought for the benefit of an aggrieved person who does not intervene in that civil action, the  
1899 court shall not award the monetary relief if that aggrieved person has not complied with  
1900 discovery orders entered by the court.

1901            SECTION 46. Ordinance 10469, Section 16, as amended, K.C.C. 12.20.133 are  
1902 hereby amended to read as follows:

1903            The ~~((office of))~~ human and civil rights commission may implement such forms,  
1904 administrative processes and operational procedures as are necessary to comply with this  
1905 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.

1906 chapter 2.98.

1907 SECTION 47. Ordinance 13263, Section 53, as amended, K.C.C. 12.20.150 are  
1908 hereby amended to read as follows:

1909 A. If a complaint has been filed under this chapter, the ~~((office of))~~ human and civil  
1910 rights commission shall initiate an investigation under this chapter.

1911 B. If the ~~((office of))~~ human and civil rights commission determines that a  
1912 violation of this chapter or any rules and regulations adopted under this chapter is about to  
1913 occur or has occurred the ~~((office of))~~ human and civil rights commission shall issue an  
1914 order in accordance with this chapter. For enforcement of this chapter, if a conflict exists  
1915 between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

1916 SECTION 48. Ordinance 15399, Section 62, K.C.C. 12.22.014 are hereby  
1917 amended to read as follows:

1918 This chapter shall be liberally construed for accomplishment of its policies and  
1919 purposes. This chapter shall not be construed to endorse any specific belief, practice,  
1920 behavior or orientation. Nothing in this chapter relating to gender-based discrimination  
1921 affects the ability of an employer to require an employee to adhere to reasonable  
1922 workplace appearance, grooming and dress standards not precluded by other provisions  
1923 of state or federal law, though an employer shall allow an employee to appear or dress  
1924 consistently with the employee's gender identity or expression.

1925 SECTION 49. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are  
1926 hereby amended to read as follows:

1927 The definitions in this section apply throughout this chapter unless the context  
1928 clearly requires otherwise.

1929           A. "Aggrieved person" includes any person who claims to have been injured by an  
1930 act of discrimination in a place of public accommodation;

1931           B. "Charging party" means any person alleging an act of discrimination in a place  
1932 of public accommodation under this chapter by filing a complaint with the ~~((office of))~~  
1933 human and civil rights commission.

1934           C.1. "Disability" means:

1935           a. a physical or mental impairment that substantially limits one or more of a  
1936 person's major life activities, either temporarily or permanently;

1937           b. a person has a record of having such an impairment;

1938           c. a person is regarded as having such an impairment; or

1939           d. a person has any other condition that is a disability under the Washington state  
1940 Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

1941           2. "Disability" does not include current, illegal use of a controlled substance, as  
1942 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1943           D. "Discrimination" or "discriminatory practice or act" means any action or failure  
1944 to act, whether by a single act or part of a practice, the effect of which is to adversely affect  
1945 or differentiate between or among individuals, because of race, color, religion, national  
1946 origin, ancestry, age, gender, marital status, parental status, sexual orientation, gender  
1947 identity or expression, disability or use of a service or assistive animal by an individual  
1948 with a disability.

1949           E. "Gender identity or expression" means an individual's gender-related identity,  
1950 appearance, or expression, whether or not associated with the individual's sex assigned at  
1951 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to

1952 the individual's own gender identity or expression.

1953 F. "Marital status" means the presence or absence of a marital relationship and  
1954 includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

1955 G. "Owner" includes a person who owns, leases, subleases, rents, operates,  
1956 manages, has charge of, controls or has the right of ownership, possession, management,  
1957 charge or control of real property on the person's own behalf or on behalf of another.

1958 H. "Parental status" means being a parent, step-parent, adoptive parent, guardian,  
1959 foster parent or custodian of a minor child or children.

1960 I. "Party" includes a person making a complaint or upon whose behalf a complaint  
1961 is made alleging an unfair public accommodations practice, a person alleged or found to  
1962 have committed an unfair public accommodations practice and the ((office of)) human and  
1963 civil rights commission.

1964 J. "Person" means one or more individuals, partnerships, associations,  
1965 organizations, corporations, cooperatives, legal representatives, trustees, trustees in  
1966 bankruptcy, receivers or any group of persons, and includes King County but no  
1967 governmental body other than King County. "Person" also includes any owner, lessee,  
1968 proprietor, manager, agent or employee whether one or more natural persons.

1969 K. "Place of public accommodation" means any place, store or other establishment,  
1970 either licensed or unlicensed, that supplies goods or services to the general public. "Place  
1971 of public accommodation" includes, but is not limited to, the following types of services or  
1972 facilities: hotels, or other establishments provide lodging to transient guests; restaurants,  
1973 cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally  
1974 engaged in selling or offering for sale food for consumption upon the premises; motion

1975 picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or other  
1976 places of exhibition or entertainment; bowling alleys and amusement parks; retail  
1977 establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other  
1978 facilities engaged in selling or offering for sale alcoholic beverages for consumption upon  
1979 the premises; food banks, senior citizens centers and other social service organizations and  
1980 establishments; places of public accommodation operated by King County; and public  
1981 burial facilities if the facilities are owned and operated by any cemetery corporation or  
1982 burial association.

1983 L. "Respondent" means a person who is alleged or found to have discriminated in a  
1984 place of public accommodation.

1985 M. "Senior citizen" means an individual as old or older than an age set for a senior  
1986 category. The minimum age for the senior category is fifty-five years.

1987 N. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure  
1988 response dog, therapeutic companion animal or other animal that does work, performs tasks  
1989 or provides medically necessary support for the benefit of an individual with a disability.

1990 O. "Settlement discussions" or "conference, conciliation and persuasion" means the  
1991 attempted resolution of issues raised by a complaint, or by the investigation of a complaint,  
1992 through informal negotiations involving the charging party, the respondent and the ((office  
1993 of)) human and civil rights commission.

1994 P. "Sexual orientation" means an individual's attitudes, preferences, beliefs and  
1995 practices pertaining to the individual's own sexual orientation including, but not limited  
1996 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1997 SECTION 50. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are

1998 hereby amended to read as follows:

1999           A. A complaint alleging discrimination in a place of public accommodation may be  
2000 filed by:

2001           1. Any aggrieved person; or

2002           2. Any state, local or federal agency concerned with discrimination in places of  
2003 public accommodation, including the ~~((office of))~~ human and civil rights commission, if  
2004 the agency has reason to believe that a discriminatory act or practice has been or is being  
2005 committed.

2006           B. A complaint alleging discrimination in a place of public accommodation shall  
2007 be in writing and signed by the charging party. The complaint must be filed with the  
2008 ~~((office of))~~ human and civil rights commission within one hundred eighty days of the  
2009 occurrence of the alleged discrimination or within one hundred eighty days of when the  
2010 charging party, through exercise of due diligence, should have had notice or been aware of  
2011 the occurrence. The complaint must describe with particularity the practice complained of  
2012 and the location of the practice and must identify the person being charged with  
2013 committing the discrimination. However, the ~~((office of))~~ human and civil rights  
2014 commission shall not reject a complaint as insufficient because of failure to include all  
2015 required information, if the ~~((office of))~~ human and civil rights commission determines that  
2016 the complaint substantially meets the informational requirements necessary for processing.

2017           C. Upon the receipt of a complaint, the ~~((office of))~~ human and civil rights  
2018 commission shall serve notice upon the charging party acknowledging the filing.

2019           D. The charging party or the ~~((office of))~~ human and civil rights commission may  
2020 amend a complaint: to cure technical defects or omissions; to clarify and amplify



2021 allegations made in the complaint; or to add allegations related to or arising out of the  
2022 subject matter set forth, or attempted to be set forth, in the original complaint. For  
2023 jurisdictional purposes, the amendments relate back to the date the original complaint was  
2024 first filed. Either the charging party or the ~~((office of))~~ human and civil rights commission,  
2025 or both, may amend a complaint for these reasons as a matter of right before service of  
2026 notice of hearing on the matter as provided under K.C.C. 12.22.070, and thereafter may  
2027 amend a complaint only with the permission of the hearing examiner, which permission  
2028 shall be granted if justice will be served by the permission, and all parties shall be allowed  
2029 time to prepare their cases with respect to additional or expanded allegations that the parties  
2030 did not and could not have reasonably foreseen would be an issue at the hearing.

2031 E. The charging party may also amend a complaint to include allegations of  
2032 additional unrelated discriminatory acts that arose after filing of the original complaint.  
2033 The charging party must file any amendments adding the allegations within one hundred  
2034 eighty days of the occurrence of the alleged discrimination or within one hundred eighty  
2035 days of when the charging party, through exercise of due diligence, should have had notice  
2036 or been aware of the additional discriminatory act, and before the issuance of findings of  
2037 fact and a determination with respect to the original complaint by the ~~((office of))~~ human  
2038 and civil rights commission. The amendments may be made at any time during the  
2039 investigation of the original complaint if the ~~((office of))~~ human and civil rights  
2040 commission will have adequate time to investigate the additional allegations and the  
2041 parties will have adequate time to present the ~~((office of))~~ human and civil rights  
2042 commission with evidence concerning the allegations before the issuance of findings of  
2043 fact and a determination.

2044            SECTION 51. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are  
2045 hereby amended to read as follows:

2046            A. After the filing of a complaint, the ~~((office of))~~ human and civil rights  
2047 commission shall serve notice of the complaint and a copy of the complaint on the  
2048 respondent within twenty days after the filing of the complaint. Each respondent may file  
2049 an answer to the complaint not later than twenty days after receipt of notice from the  
2050 ~~((office of))~~ human and civil rights commission. If a respondent is unable to file a  
2051 response within twenty days, the respondent may request an extension of time from the  
2052 ~~((office of))~~ human and civil rights commission. The extension may be granted by the  
2053 ~~((office of))~~ human and civil rights commission if good cause is shown. The ~~((office of))~~  
2054 human and civil rights commission shall commence the investigation of the complaint  
2055 promptly.

2056            B. The ~~((office of))~~ human and civil rights commission shall direct the  
2057 investigation to ascertain the facts concerning the discrimination in public  
2058 accommodations alleged in the complaint and shall conduct the investigation in an  
2059 objective and impartial manner. During the investigation, the ~~((office of))~~ human and  
2060 civil rights commission shall consider any statement of position or evidence with respect  
2061 to the allegations of the complaint that the charging party or the respondent wishes to  
2062 submit. A person who is not named as a respondent in a complaint, but who is identified as  
2063 a respondent in the course of the investigation, may be joined as an additional or substitute  
2064 respondent upon written notice, as provided under subsection A. of this section, to the  
2065 person from the ~~((office of))~~ human and civil rights commission. The notice, in addition to  
2066 meeting the requirements of subsection A. of this section, must explain the basis for the

2067 belief of the ~~((office of))~~ human and civil rights commission that the person to whom the  
2068 notice is addressed is properly joined as a respondent.

2069 C. During the period beginning with the filing of the complaint and ending with the  
2070 issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to  
2071 the extent feasible, engage in settlement discussions with respect to the complaint.

2072 Anything said or done in the course of the settlement discussions may not be made public  
2073 or used as evidence in a subsequent proceeding under this chapter without the written  
2074 consent of the persons concerned. A prefinding settlement agreement arising out of the  
2075 settlement discussions must be an agreement between the respondent and the charging  
2076 party, and is subject to approval by the ~~((office of))~~ human and civil rights commission.

2077 Each prefinding settlement agreement is a public record. Failure to comply with the  
2078 prefinding settlement agreement may be enforced under K.C.C. 12.22.080.

2079 D. The ~~((office of))~~ human and civil rights commission shall seek the voluntary  
2080 cooperation of all persons to obtain access to premises, records, documents, individuals and  
2081 other possible sources of information; to examine, record and copy necessary materials;  
2082 and to take and record testimony or statements of persons reasonably necessary for the  
2083 furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may  
2084 conduct discovery in aid of the investigation by the following methods or others:

2085 deposition upon oral examination or written questions; written interrogatories; requests for  
2086 the production of documents or other evidence, inspection and other purposes; physical and  
2087 mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights  
2088 commission may sign and issue subpoenas requiring the attendance and testimony of  
2089 witnesses and the production of or access to evidence including books, records,

2090 correspondence, e-mail or documents in the possession or under the control of the person  
2091 subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil rights  
2092 commission shall consult with the prosecuting attorney before issuing a subpoena under  
2093 this section.

2094 E. If an individual fails to obey a subpoena issued under this section, or obeys the  
2095 subpoena but refuses to testify if requested concerning a matter under investigation under  
2096 this section, the ~~((office of))~~ human and civil rights commission may invoke the aid of the  
2097 prosecuting attorney who may petition to the superior court for an order or other  
2098 appropriate action necessary to secure enforcement of the subpoena. The petition shall:

- 2099 1. Be accompanied by a copy of the subpoena and proof of service;  
2100 2. Set forth in what specific manner the subpoena has not been complied with;  
2101 and  
2102 3. Ask for an order of the court to compel the witness to appear and testify or  
2103 cooperate in the investigation of the discrimination in public accommodations.

2104 F. If the ~~((office of))~~ human and civil rights commission concludes at any time  
2105 after the filing of a complaint that prompt judicial action is necessary to carry out the  
2106 purposes of this chapter, the ~~((office of))~~ human and civil rights commission may invoke  
2107 the aid of the prosecuting attorney who may file a civil action for appropriate temporary,  
2108 injunctive or preliminary relief pending final disposition of the case.

2109 G. The ~~((office of))~~ human and civil rights commission shall reduce the results of  
2110 the investigation to written findings of fact make and a finding that there either is or is not  
2111 reasonable cause for believing that an act of discrimination in a place of public  
2112 accommodations has been or is being committed.

2113 H. If a finding is made that there is no reasonable cause, the finding shall be  
2114 served on the charging party and respondent. Within thirty days after service of such a  
2115 negative finding, the charging party may file a written request with the ((office of))  
2116 human and civil rights commission asking for reconsideration of the finding. The ((office  
2117 of)) human and civil rights commission shall furnish the charging party with information  
2118 regarding how to request reconsideration. The ((office of)) human and civil rights  
2119 commission shall respond in writing within a reasonable time by granting or denying the  
2120 request.

2121 SECTION 52. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are  
2122 hereby amended to read as follows:

- 2123 A.1. If the ((office of)) human and civil rights commission makes the finding  
2124 initially or on request for reconsideration that reasonable cause exists to believe that  
2125 discrimination in a place of public accommodation occurred, the ((office of)) human and  
2126 civil rights commission shall endeavor to eliminate the discriminatory practice by  
2127 conference, conciliation and persuasion, which may include as a condition of settlement:
- 2128 a. elimination of the discriminatory practice;
  - 2129 b. payment of refunds or credits not in excess of the amount of monetary  
2130 damage actually incurred;
  - 2131 c. payment of other actual damages, including damages caused by emotional  
2132 distress, humiliation and embarrassment;
  - 2133 d. payment of attorneys' fees and costs;
  - 2134 e. participation in training on public accommodations laws; and
  - 2135 f. such other requirements as may lawfully be agreed upon by the parties and the

2136 ((office of)) human and civil rights commission.

2137           2. Any postfinding settlement agreement shall be reduced to writing and signed  
2138 by all parties, with the approval of the ((office of)) human and civil rights commission.

2139 The ((office of)) human and civil rights commission shall then enter an order setting forth  
2140 the agreement and furnish copies of the order to all affected parties. Each postfinding  
2141 settlement agreement is a public record. Failure to comply with the postfinding settlement  
2142 agreement or order may be enforced under K.C.C. 12.22.080.

2143           B.1. If the parties cannot reach agreement, the ((office of)) human and civil rights  
2144 commission shall make a finding to that effect, incorporate the finding in the order and  
2145 furnish a copy of the order to all affected parties. The order shall also include:

2146           a. a finding that discrimination in a place of public accommodation occurred;  
2147           b. the basis for the finding;  
2148           c. an order requiring the respondent to cease and desist from such discriminatory  
2149 practice and to take appropriate affirmative measures, which may include:

2150           (1) payment of refunds or credit or other damages not to exceed monetary  
2151 damage actually incurred;

2152           (2) payment of other actual damages, including damages caused by emotional  
2153 distress, humiliation and embarrassment;

2154           (3) payment of attorneys' fees and costs;

2155           (4) participation in training in public accommodations laws; or

2156           (5) such other action as in the judgment of the ((office of)) human and civil  
2157 rights commission will effectuate the purposes of this chapter, which may include the  
2158 requirement for a report on the matter of compliance.

2159           2. If the ~~((office of))~~ human and civil rights commission finds the respondent  
2160 willfully or knowingly committed any discrimination in a place of public accommodation,  
2161 the ~~((office of))~~ human and civil rights commission may further order the respondent to pay  
2162 a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to  
2163 the King County treasury for deposit in the county general fund.

2164           SECTION 53. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are  
2165 hereby amended to read as follows:

2166           A.1. Any respondent or charging party, after an order of the ~~((office of))~~ human  
2167 and civil rights commission is made in accordance with K.C.C. 12.22.060.B., may request  
2168 an appeal hearing before the hearing examiner by filing a written request for hearing within  
2169 thirty days of the service of the order. The request for hearing shall be filed with the  
2170 ~~((office of))~~ human and civil rights commission. The request for hearing must identify  
2171 clearly and specifically:

- 2172           a. the errors that the appellant believes were made in the action or decision that
- 2173 is being appealed, or the procedural irregularities associated with that action or decision;
- 2174           b. specific reasons why the county's action should be reversed or modified; and
- 2175           c. the desired outcome of the appeal.

2176           2. Unless the hearing examiner authorizes an amendment to the statement of  
2177 appeal, the identification of errors and the statement of reasons for reversal or modification  
2178 defines and limits the issues that the examiner may consider.

2179           B. Any order issued by the ~~((office of))~~ human and civil rights commission in  
2180 accordance with procedures in this chapter becomes final thirty days after service of the  
2181 order unless a written request for hearing is filed with the ~~((office of))~~ human and civil

2182 rights commission within the thirty-day period.

2183 C. If the order of the (~~office of~~) human and civil rights commission is appealed,  
2184 the hearing examiner shall conduct a hearing for the purpose of affirming, denying or  
2185 modifying the order. There shall be a verbatim record kept of the hearing. The hearing  
2186 examiner has such rule-making and other powers necessary for the conduct of the hearing  
2187 as are specified by K.C.C. chapter 20.22. The order of the (~~office of~~) human and civil  
2188 rights commission shall not be presumed correct. The hearing examiner's decision shall be  
2189 based upon a preponderance of the evidence. The hearing shall be conducted within a  
2190 reasonable time after receipt of the request for appeal. Written notice of the time and place  
2191 of the hearing shall be given at least ten days before the date of the hearing to each affected  
2192 party and to the (~~office of~~) human and civil rights commission.

2193 D. Each party may, among exercising other rights:

- 2194 1. Call and examine witnesses on any matter relevant to the issues of the  
2195 complaint;
- 2196 2. Introduce documentary and physical evidence;
- 2197 3. Cross-examine opposing witnesses on any matter relevant to the issues of the  
2198 complaint;
- 2199 4. Impeach any witness regardless of which party first called the witness to  
2200 testify;
- 2201 5. Rebut evidence against the party; and
- 2202 6. Self-represent or be represented by anyone of the party's choice who is lawfully  
2203 permitted to do so.

2204 E. Following review of the evidence submitted, the hearing examiner presiding at



2205 the hearing shall enter written findings and conclusions and shall affirm or modify the order  
2206 previously issued if the hearing examiner finds that a violation occurred. The hearing  
2207 examiner shall reverse the order if the hearing examiner finds that a violation did not occur.  
2208 The hearing examiner may grant as relief any relief that the ~~((office of))~~ human and civil  
2209 rights commission could grant under K.C.C. 12.22.060.B. A copy of the hearing  
2210 examiner's decision shall be delivered to all affected parties. The order of the hearing  
2211 examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

2212 SECTION 54. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are  
2213 hereby amended to read as follows:

2214 A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to  
2215 believe that a respondent breached a prefinding or postfinding settlement agreement  
2216 executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the ~~((office of))~~  
2217 human and civil rights commission issued under K.C.C. 12.22.060 or an order of the  
2218 hearing examiner issued under K.C.C. 12.22.070, the ~~((office of))~~ human and civil rights  
2219 commission shall refer the matter to the prosecuting attorney for the filing of a civil action  
2220 under subsection B. of this section for the enforcement of the agreement.

2221 B. The prosecuting attorney may commence a civil action in superior court for  
2222 appropriate relief with respect to a breach of a prefinding or postfinding settlement  
2223 agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the  
2224 ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.22.060 or an order  
2225 of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no  
2226 later than ninety days after the referral of the alleged breach underlying the referral under  
2227 subsection A. of this section.

2228            SECTION 55. Ordinance 15399, Section 59, and K.C.C. 12.22.085 are hereby  
2229 amended to read as follows:

2230            A. An aggrieved person may commence a civil action in superior court not later  
2231 than one year after the occurrence or termination of alleged discrimination in a place of  
2232 public accommodation or ninety days after a determination of reasonable cause is issued  
2233 by the ~~((office of))~~ human and civil rights commission, whichever occurs last, to obtain  
2234 appropriate relief with respect to the discrimination in public accommodations.

2235            B. A civil action may be filed under this section whether or not an administrative  
2236 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the  
2237 complaint. However, if the ~~((office of))~~ human and civil rights commission obtained a  
2238 prefinding or postfinding settlement or conciliation agreement with the consent of the  
2239 aggrieved person, an action may not be filed by the aggrieved person with respect to the  
2240 alleged discrimination in public accommodations that forms the basis for the complaint  
2241 except for the purpose of enforcing the agreement. To preclude such a filing, the  
2242 prefinding or postfinding settlement or conciliation agreement must include language that  
2243 the aggrieved person knowingly waives any right to file a civil action under this section  
2244 based on the same alleged discrimination in public accommodations.

2245            C. Subject to subsection D. of this section, after the filing of a civil action  
2246 involving the same claim or arising from the same facts and circumstances, whether  
2247 under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may  
2248 administratively close a complaint of discrimination in public accommodations.

2249            D. If a court dismisses a private cause of action without reaching the merits and  
2250 on grounds that would not preclude pursuit of a complaint under this chapter, the

2251 charging party may request, within ninety days of the entry of the court's order of  
2252 dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously  
2253 filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may  
2254 reopen a case that was administratively closed upon the filing of a civil action. If the  
2255 ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable  
2256 cause" finding, the case may not be reopened except as provided through reconsideration  
2257 under K.C.C. 12.22.050.

2258 E. A charging party or aggrieved person may not secure relief from more than  
2259 one governmental agency, instrumentality or tribunal for the same harm or injury.

2260 F. An aggrieved person may not commence a civil action under this section with  
2261 respect to an alleged discrimination in public accommodations practice that forms the  
2262 basis of a complaint if a hearing on the complaint has been convened under K.C.C.  
2263 12.22.070.

2264 G. In a civil action under this section, if the court finds that discrimination in  
2265 public accommodations occurred, the court may grant such relief as is available for  
2266 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

2267 H. Upon timely application, the prosecuting attorney may intervene in the civil  
2268 action, if the prosecuting attorney determines that the case is of general public  
2269 importance.

2270 I. This section is intended to provide private judicial remedies for violations of  
2271 this chapter that are as expansive as the powers granted by the Constitution and laws of  
2272 the state of Washington.

2273 SECTION 56. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are

2274 hereby amended to read as follows:

2275           The (~~office of~~) human and civil rights commission may implement such forms,  
2276 administrative processes and operational procedures as are necessary to comply with this  
2277 chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C.  
2278 chapter 2.98.

2279           SECTION 57. Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095  
2280 are hereby amended to read as follows:

2281           A. If a complaint has been filed under this chapter, the (~~office of~~) human and  
2282 civil rights commission shall initiate an investigation under the provisions of this chapter.

2283           B. If the (~~office of~~) human and civil rights commission determines that a  
2284 violation of this chapter or any rules and regulations adopted under this chapter occurred,  
2285 the (~~office~~) commission shall issue an order under this chapter. For violations of this  
2286 chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls  
2287 over K.C.C. Title 23.

2288           SECTION 58. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are  
2289 hereby amended to read as follows:

2290           The examiner shall issue final decisions in the following cases:

2291           A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.  
2292 chapter 1.07;

2293           B. Appeals of sanctions of the finance and business operations division in the  
2294 department of executive services imposed under K.C.C. chapter 2.97;

2295           C. Appeals of career service review committee conversion decisions for part-time  
2296 and temporary employees under K.C.C. chapter 3.12A;

- 2297 D. Appeals of electric vehicle recharging station penalties of the Metro transit  
2298 department under K.C.C. 4A.700.700;
- 2299 E. Appeals of notice and orders of the manager of records and licensing services or  
2300 the department of local services permitting division manager under K.C.C. chapter 6.01;
- 2301 F. Appeals of adult entertainment license denials, suspensions and revocations  
2302 under K.C.C. chapter 6.09;
- 2303 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.  
2304 chapter 6.26;
- 2305 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices  
2306 and orders under K.C.C. 6.27A.240;
- 2307 I. Appeals of notices and orders of the department of natural resources and parks  
2308 under K.C.C. chapter 7.09;
- 2309 J. Appeals of decisions of the director of the department of natural resources and  
2310 parks on surface water drainage enforcement under K.C.C. chapter 9.04;
- 2311 K. Appeals of decisions of the director of the department of natural resources and  
2312 parks on requests for rate adjustments to surface and storm water management rates and  
2313 charges under K.C.C. chapter 9.08;
- 2314 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;
- 2315 M. Appeals of notices and orders of the manager of animal control under K.C.C.  
2316 chapter 11.04;
- 2317 N. Certifications by the finance and business operations division of the department  
2318 of executive services involving K.C.C. chapter 12.16;
- 2319 O. Appeals of orders of the (~~office of~~) human and civil rights commission under
-

2320 K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter  
2321 12.22;

2322 P. Appeals of noise-related orders and citations of the department of local services,  
2323 permitting division, under K.C.C. chapter 12.86;

2324 Q. Appeals of utilities technical review committee determinations on water service  
2325 availability under K.C.C. 13.24.090;

2326 R. Appeals of decisions regarding mitigation payment system, commute trip  
2327 reduction and intersection standards under K.C.C. Title 14;

2328 S. Appeals of suspensions, revocations or limitations of permits or of decisions of  
2329 the board of plumbing appeals under K.C.C. chapter 16.32;

2330 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception  
2331 of appeals of shoreline permits, including shoreline substantial development permits,  
2332 shoreline variances and shoreline conditional uses, which are appealable to the state  
2333 Shoreline Hearings Board;

2334 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules  
2335 adopted under K.C.C. 20.44.075;

2336 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

2337 W. Appeals of decisions of the interagency review committee created under K.C.C.  
2338 21A.37.070 regarding sending site applications for certification under K.C.C. chapter  
2339 21A.37;

2340 X. Appeals of citations, notices and orders, notices of noncompliance, stop work  
2341 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the  
2342 King County board of health;

2343 Y. Appeals of notices and certifications of junk vehicles to be removed as a public  
2344 nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

2345 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.  
2346 23.36.010.A.2;

2347 AA. Appeals of fee waiver decisions by the department of local services,  
2348 permitting division, as provided in K.C.C. 27.02.040;

2349 BB. Appeals from decisions of the department of natural resources and parks  
2350 related to permits, discharge authorizations, violations and penalties under K.C.C.  
2351 28.84.050 and 28.84.060;

2352 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

2353 DD. Appeals of department of public safety seizures and intended forfeitures,  
2354 when properly designated by the chief law enforcement officer of the department of public  
2355 safety as provided in RCW 69.50.505; and

2356 EE. Other applications or appeals that are prescribed by ordinance.

2357 SECTION 59. This ordinance takes effect April 1, 2021, but only if by that date  
2358 the executive has transmitted a status report on the status of the feasibility study as  
2359 required in this section, a feasibility study and recommendations establishing the human  
2360 and civil rights commission and a motion approving the feasibility study, and a motion  
2361 approving the feasibility study is passed by council. The motion should reference the  
2362 subject matter, this ordinance, ordinance section in both the title and body of the motion.

2363 It is the intention of the council that the executive collaborate with equity and  
2364 social justice staff of the council and leverage the robust community engagement  
2365 activities of the office of equity and social justice in order to assess the feasibility of

2366 establishing the human and civil rights commission and inform recommendations to  
2367 establish the human and civil rights commission. Therefore, the feasibility study should  
2368 include, but not be limited to, the following:

2369         A. A summary, as well as a detailed description, of the outcomes of the robust  
2370 community engagement to assess the feasibility of implementing the human and civil  
2371 rights commission to be established by this ordinance. Community engagement required  
2372 by this subsection shall prioritize outreach with interested stakeholders, including  
2373 unincorporated area councils, community councils and community development  
2374 organizations ("stakeholders") with in each of the unincorporated King County  
2375 community service areas ("CSA") and communities most disproportionately impacted by  
2376 inequities and discrimination such as the African American, Native American and Alaska  
2377 Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and  
2378 disability communities;

2379         B. A summary, as well as a detailed description, of the outcomes of the robust  
2380 community engagement with CSA stakeholders in each of the community service areas  
2381 and communities listed in subsection A of this section in evaluating the current list of  
2382 protected classes included in the county charter and the county's antidiscrimination  
2383 ordinances as well as evaluating the list of protected classes as proposed by Seattle  
2384 University's Fred T. Korematsu Center for Law and Equality Report on the research and  
2385 recommendations regarding the King County Civil Rights Commission;

2386         C. A feasibility assessment and recommendation on the integration of the  
2387 executive director and staff of the human and civil rights commission into King County  
2388 government; and



2389           D. Recommendations for resources necessary to support the activities of the  
2390 human and civil rights commission as required by this ordinance, which shall include, but  
2391 not be limited to, staffing, facilities and services costs, and possible revenue sources to  
2392 fund the costs.

2393           The executive should file the status report by August 14, 2020, in the form of a  
2394 paper original and an electronic copy with the clerk of the council, who shall retain the  
2395 original and provide an electronic copy to all councilmembers, the council chief of staff  
2396 and the lead staff for the law and justice committee, or its successor.

2397           The executive should file the feasibility study and motion required by this section  
2398 by February 1, 2021, in the form of a paper original and an electronic copy with the clerk  
2399 of the council, who shall retain the original and provide an electronic copy to all

2400 councilmembers, the council chief of staff and the lead staff for the law and justice  
2401 committee, or its successor.  
2402

Ordinance 19047 was introduced on 11/13/2019 and passed as amended by the Metropolitan King County Council on 12/11/2019, by the following vote:

Yes: 6 - Mr. Gossett, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci  
No: 2 - Ms. Lambert and Mr. Dunn  
Excused: 1 - Mr. von Reichbauer



KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

A handwritten signature in blue ink, appearing to read "Rod Dembowski", written over a horizontal line.

Rod Dembowski, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Melani Pedroza", written over a horizontal line.

Melani Pedroza, Clerk of the Council

APPROVED this 19 day of DECEMBER 2019.

A handwritten signature in blue ink, appearing to read "Dow Constantine", written over a horizontal line.

Dow Constantine, County Executive

RECEIVED  
2019 DEC 19 PM 3:42  
CLERK  
KING COUNTY COUNCIL

Attachments: None