



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19541

Proposed No. 2022-0394.2

Sponsors McDermott

1 AN ORDINANCE relating to organization of
2 administrative offices and executive departments and
3 offices; and amending Ordinance 18665, Section 8, and
4 K.C.C. 2.15.100, Ordinance 12075, Section 3, as amended,
5 and K.C.C. 2.16.025, Ordinance 14199, Section 11, as
6 amended, and K.C.C. 2.16.035, Ordinance 18757, Section
7 4, and K.C.C. 3.12D.020, Ordinance 10159, Section 14, as
8 amended, and K.C.C. 6.27A.120, Ordinance 13981, Section
9 2, as amended, and K.C.C. 12.17.010, Ordinance 13981,
10 Section 4, as amended, and K.C.C. 12.17.030, Ordinance
11 13981, Section 5, as amended, and K.C.C. 12.17.040,
12 Ordinance 13981, Section 6, as amended, and K.C.C.
13 12.17.050, Ordinance 13981, Section 7, as amended, and
14 K.C.C. 12.17.060, Ordinance 13981, Section 8, as
15 amended, and K.C.C. 12.17.070, Ordinance 13981, Section
16 9, as amended, and K.C.C. 12.17.080, Ordinance 13981,
17 Section 11, as amended, and K.C.C. 12.17.090, Ordinance
18 7430, Section 2, as amended, and K.C.C. 12.18.020,
19 Ordinance 7430, Section 4, as amended, and K.C.C.
20 12.18.040, Ordinance 7430, Section 5, as amended, and

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21 K.C.C. 12.18.050, Ordinance 7430, Section 6, as amended,
22 and K.C.C. 12.18.060, Ordinance 7430, Section 7, as
23 amended, and K.C.C. 12.18.070, Ordinance 7430, Section
24 8, as amended, and K.C.C. 12.18.080, Ordinance 15399,
25 Section 17, as amended, and K.C.C. 12.18.085, Ordinance
26 7430, Section 9, as amended, and K.C.C. 12.18.090,
27 Ordinance 13263, Section 52, as amended, and K.C.C.
28 12.18.097, Ordinance 5280, Section 2, as amended, and
29 K.C.C. 12.20.020, Ordinance 5280, Section 4, as amended,
30 and K.C.C. 12.20.070, Ordinance 5280, Section 5, as
31 amended, and K.C.C. 12.20.080, Ordinance 5280, Section
32 6, as amended, and K.C.C. 12.20.090, Ordinance 10469,
33 Section 11, as amended, and K.C.C. 12.20.095, Ordinance
34 5280, Section 7, as amended, and K.C.C. 12.20.100,
35 Ordinance 5280, Section 9, as amended, and K.C.C.
36 12.20.120, Ordinance 10469, Section 13, as amended, and
37 K.C.C. 12.20.122, Ordinance 10469, Section 14, as
38 amended, and K.C.C. 12.20.124, Ordinance 10469, Section
39 16, as amended, and K.C.C. 12.20.133, Ordinance 13263,
40 Section 53, as amended, and K.C.C. 12.20.150, Ordinance
41 8625, Section 2, as amended, and K.C.C. 12.22.020,
42 Ordinance 8625, Section 4, as amended, and K.C.C.
43 12.22.040, Ordinance 8625, Section 5, as amended, and

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44 K.C.C. 12.22.050, Ordinance 8625, Section 6, as amended,
45 and K.C.C. 12.22.060, Ordinance 8625, Section 7, as
46 amended, and K.C.C. 12.22.070, Ordinance 8625, Section
47 8, as amended, and K.C.C. 12.22.080, Ordinance 15399,
48 Section 59, and K.C.C. 12.22.085, Ordinance 8625, Section
49 9, as amended, and K.C.C. 12.22.090, Ordinance 13263,
50 Section 54, as amended, and K.C.C. 12.22.095 and
51 Ordinance 4461, Section 2, as amended, and K.C.C.
52 20.22.040, repealing Ordinance 12394, Section 3, as
53 amended, and K.C.C. 4.56.085 and establishing an
54 effective date.

55 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

56 SECTION 1. Ordinance 18665, Section 8, and K.C.C. 2.15.100 are hereby
57 amended to read as follows:

58 A person who has been injured or otherwise sustained damages as a result of a
59 violation of this chapter may file a complaint with the King County office of ~~((civil~~
60 ~~rights)) equity and racial and social justice in accordance with K.C.C. 12.22.040.~~

61 SECTION 2. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are
62 hereby amended to read as follows:

63 A. The county executive shall manage and be fiscally accountable for the office
64 of performance, strategy and budget ~~((and)),~~ the office of labor relations, the office of
65 climate, the office of economic opportunity and creative economy and the office of equity
66 and racial and social justice.

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67 B. The office of performance, strategy and budget functions and responsibilities
68 shall include, but not be limited to:

69 1. Planning, preparing and managing, with emphasis on fiscal management and
70 control aspects, the ~~((annual))~~ operating and capital project budgets;

71 2. ~~((Preparing forecasts of and m))~~ Monitoring revenues and preparing forecasts
72 not produced by the office of economic and financial analysis;

73 3. Monitoring expenditures and work programs ~~((in accordance with Section~~
74 ~~475 of the King County Charter))~~;

75 4. Developing and preparing expenditure plans and ordinances to manage the
76 implementation of the operating and capital project budgets throughout the fiscal period;

77 5. Formulating and implementing financial policies regarding revenues and
78 expenditures for the county and other applicable agencies;

79 6. Performing program analysis, and contract and performance evaluation
80 review;

81 7. Developing and transmitting to the council, concurrent with the biennial
82 proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

83 8. Performance management and accountability:

84 a. providing leadership, guidance and coordination of the executive branch
85 performance management and accountability system ~~((countywide))~~;

86 b. overseeing the development of strategic plans and ~~((business))~~ operational
87 plans for each executive branch department and office;

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- 88 c. ~~((providing technical assistance on the development of strategic plans and~~
89 ~~business plans for agencies)) overseeing monitoring of the performance management and
90 accountability system, including review of operational and budgetary performance;~~
- 91 d. developing and using community-level indicators and agency performance
92 measures to monitor and evaluate the effectiveness and efficiency of ~~((county agencies))~~
93 each executive branch department and office; and
- 94 e. overseeing the production of an annual performance report for the executive
95 branch;
- 96 ~~((f. coordinating performance review process of executive branch departments~~
97 ~~and offices;~~
- 98 ~~g. collecting and analyzing land development, population, housing, natural~~
99 ~~resource enhancement, transportation and economic activity data to aid decision making~~
100 ~~and to support implementation of county plans and programs, including benchmarks;~~
- 101 ~~h. leading public engagement and working in support of county performance~~
102 ~~management, budget and strategic planning; and~~
- 103 ~~i. developing and transmitting to the council a biennial report on April 30 in~~
104 ~~odd-numbered years about the benefits achieved from technology projects. The report~~
105 ~~shall include information about the benefits obtained from completed projects with total~~
106 ~~project expenditures of five million dollars or more and a comparison with benefits that~~
107 ~~were projected during different stages of the project. The report shall be approved by the~~
108 ~~council by motion. The report and motion shall be filed in the form of an electronic copy~~
109 ~~with the clerk of the council, who shall retain an electronic copy and provide an~~
110 ~~electronic copy to all councilmembers;))~~
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- 111 9. Interagency (~~(Strategic planning and interagency)~~) coordination:
- 112 a. coordinating and staffing executive initiatives across departments and
- 113 agencies;
- 114 b. facilitating interdepartmental, interagency and interbranch teams on
- 115 multidisciplinary issues;
- 116 c. negotiating interlocal agreements as designated by the executive; and
- 117 d. serving as the liaison to the boundary review board for King County;
- 118 ~~((10. Business relations and economic development:~~
- 119 ~~a. developing proposed policies to address regional, unincorporated urban, and~~
- 120 ~~rural economic development;~~
- 121 ~~b. establishing, fostering and maintaining healthy relations with business and~~
- 122 ~~industry;~~
- 123 ~~c. implementing strategies and developing opportunities that include partnering~~
- 124 ~~with, cities, the Port of Seattle and other economic entities on regional and subregional~~
- 125 ~~economic development projects;~~
- 126 ~~d. developing and implementing strategies to promote economic revitalization~~
- 127 ~~and equitable development in urban unincorporated areas including the possible assembly~~
- 128 ~~of property for the purpose of redevelopment;~~
- 129 ~~e. refining and implementing strategies in the county's rural economic~~
- 130 ~~strategies to preserve and enhance the rural economic base so that the rural area can be a~~
- 131 ~~place to both live and work; and~~

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132 ~~f. assisting communities and businesses in creating economic opportunities,~~
133 ~~promoting a diversified economy and promoting job creation with the emphasis on~~
134 ~~family wage jobs;~~

135 ~~H.)~~ 10. Leading the county's ((€))continuous improvement activities((÷

136 ~~a. leading, coordinating and implementing a program of continuous~~
137 ~~improvement, including the provision of leadership development, transformational~~
138 ~~improvement and capacity building in Lean thinking; and~~

139 ~~b. providing annual reports to the council on the implementation of the~~
140 ~~continuous improvement program, including but not limited to a description of the~~
141 ~~number of people and agencies that have received training, the processes changed as a~~
142 ~~result of Lean implementation and the budget and other impacts of these changes)); and~~

143 ~~(H2.))~~ 11. Leading the county's ((R))regional planning work, including:

144 ~~a. coordinating the county's participation in multicounty planning at the Puget~~
145 ~~Sound Regional Council, including serving on the Puget Sound Regional Council's~~
146 ~~regional staff committee;~~

147 ~~b. coordinating countywide planning at the Growth Management Planning~~
148 ~~Council consistent with the Washington state Growth Management Act, including~~
149 ~~leading the Growth Management Planning Council's interjurisdictional staff team in~~
150 ~~accordance with the interlocal agreement authorized by King County Motion 8495;~~

151 ~~c. managing updates to the county's Comprehensive Plan in coordination with~~
152 ~~the department of local services in accordance with K.C.C. Title 20;~~

153 ~~d. coordinating the development of demographic and growth forecasting data~~
154 ~~and information including census data, growth targets and buildable lands;~~

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155 e. facilitating annexations and joint planning with cities, including developing
156 annexation proposals, drafting interlocal agreements, and serving as the liaison to the
157 boundary review board for King County; and

158 f. coleading with the department of local services's ~~(-)~~ permitting division, an
159 interbranch regional planning team that supports the council and executive through the
160 provision of information and data, development of policy proposals and options for
161 regional issues related to growth management, economic development and transportation.
162 Participation in the interbranch regional planning team shall include executive,
163 department and council staff as designated by the respective branches.

164 C. The office of labor relations functions and responsibilities shall include ~~(-but~~
165 ~~not be limited to)~~):

166 1. Representing county agencies in the collective bargaining process as required
167 by chapter 41.56 RCW;

168 2. Developing and maintaining databases of information relevant to the
169 collective bargaining process;

170 3. Representing county agencies in labor arbitrations, appeals, and hearings
171 including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration
172 with the department of human resources;

173 4. Administering labor contracts and providing consultation to county agencies
174 regarding the terms and implementation of negotiated labor agreements, in collaboration
175 with the department of human resources;

176 5. Advising the executive and council on overall county labor policies; and

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177 6. Providing resources for labor relations training for county agencies, the
178 executive, the council and others, in collaboration with the department of human
179 resources.

180 D. The office of climate functions and responsibilities shall include:

181 1. Coordinating the integration of climate change into county operations in
182 partnership with executive branch departments and offices, King County cities, partners,
183 communities and residents;

184 2. Advising the executive and council on climate-related policies, programs and
185 activities; and

186 3. Leading and fostering climate innovation among county agencies.

187 E. The office of economic opportunity and creative economy functions and
188 responsibilities shall include:

189 1. Coordinating the county's efforts to develop a strong equitable economy that
190 creates opportunities for all residents;

191 2. Developing and implementing strategies to promote economic revitalization
192 and equitable development; and

193 3. Assisting communities and businesses in creating economic opportunities,
194 promoting a diversified economy and promoting family-wage job creation.

195 F. The office of equity and racial and social justice functions and responsibilities
196 shall include:

197 1. Defining the county's equity and racial and social justice outcomes with
198 communities most affected by inequities;

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- 199 2. Developing the county's strategies, practices, systems and processes to
200 achieve equity and racial and social justice outcomes;
- 201 3. Providing strategic consultation to county agencies, and the communities they
202 serve to achieve equity and racial and social justice outcomes;
- 203 4. Assisting county agencies to fulfill their responsibility to achieve equity and
204 racial and social justice outcomes; and
- 205 5. Operating the civil rights program, which shall include the following duties:
- 206 a. enforcing nondiscrimination ordinances as codified in K.C.C. chapters
207 12.17, 12.18, 12.20 and 12.22;
- 208 b. assisting departments in complying with the federal Americans with
209 Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other
210 legislation and rules regarding access to county programs, facilities and services for
211 people with disabilities;
- 212 c. serving as the county Americans with Disabilities Act Title II coordinator
213 relating to public access;
- 214 d. providing staff support to the county civil rights commission;
- 215 e. serving as the county federal Civil Rights Act Title VI coordinator; and
- 216 f. coordinating county responses to federal Civil Rights Act Title VI issues and
217 investigating complaints filed under Title VI.
- 218 G.1. The county council hereby delegates to the executive or the executive's
219 designee authority to request a hearing before the Washington state Liquor and Cannabis
220 Board and make written recommendations and objections regarding applications relating
221 to:

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222 a. liquor licenses under chapter 66.20 RCW; and
223 b. licenses for marijuana producers, processors or retailers under chapter 69.50
224 RCW.

225 2. Before making a recommendation under subsection ~~((D.))~~ G.1. of this
226 section, the executive or designee shall solicit comments from county departments and
227 agencies, including, but not limited to, the department of local services, public health -
228 Seattle & King County, the sheriff's office and the prosecuting attorney's office.

229 3. For each application reviewed under subsection ~~((D.))~~ G.1.b. of this section,
230 the executive shall transmit to the county council a copy of the application received with
231 the applicant's name and proposed license application location, a copy of all comments
232 received under subsection ~~((D.))~~ G.2. of this section and the executive's recommendation
233 to the Washington state Liquor and Cannabis board.

234 ~~((E.))~~ H. The executive may assign or delegate budgeting, performance
235 management and accountability, climate policy, economic development and strategic
236 planning and interagency coordination functions to employees in the office of the
237 executive but shall not assign or delegate those functions to any departments.

238 SECTION 3. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are
239 hereby amended to read as follows:

240 A. The county administrative officer shall be the director of the department of
241 executive services. The department shall include the records and licensing services
242 division, the finance and business operations division, the facilities management division,
243 the fleet services division, the airport division, the office of risk management services, the
244 administrative office of emergency management~~((7.))~~ and the administrative office of the

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245 business resource center (~~(and the administrative office of civil rights)~~). In addition, the
246 county administrative officer shall be responsible for providing staff support for the board
247 of ethics.

248 ~~((A-))~~ B. The duties of the records and licensing services division shall include
249 the following:

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

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

254 3. Managing the recording, processing, filing, storing, retrieval and certification
255 of copies of all public documents filed with the division as required;

256 4. Processing all real estate tax affidavits; and

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

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

261 1. Monitoring revenue and expenditures for the county. The collection and
262 reporting of revenue and expenditure data shall provide sufficient information to the
263 executive and to the council. The division shall be ultimately responsible for maintaining
264 the county's official revenue and expenditure data;

265 2. Performing the functions of the county treasurer;

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

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- 268 4. Processing transit revenue;
- 269 5. Receiving and investing all county and political subjurisdiction moneys;
- 270 6. Managing the issuance and payment of the county's debt instruments;
- 271 7. Managing the accounting systems and procedures;
- 272 8. Managing the fixed assets system and procedures;
- 273 9. Formulating and implementing financial policies for other than revenues and
- 274 expenditures for the county and other applicable agencies;
- 275 10. Administering the accounts payable and accounts receivable functions;
- 276 11. Collecting fines and monetary penalties imposed by district courts;
- 277 12. Developing and administering procedures for the procurement of and
- 278 awarding of contracts for tangible personal property, services, professional or technical
- 279 services and public work in accordance with K.C.C. chapter 2.93 and applicable federal
- 280 and state laws and regulations;
- 281 13. Establishing and administering procurement and contracting methods, and
- 282 bid and proposal processes, to obtain such procurements;
- 283 14. In consultation with the prosecuting attorney's office and office of risk
- 284 management services, developing and overseeing the use of standard procurement and
- 285 contract documents for such procurements;
- 286 15. Administering contracts for goods and services that are provided to more
- 287 than one department;
- 288 16. Providing comment and assistance to departments on the development of
- 289 specifications and scopes of work, in negotiations for such procurements, and in the
- 290 administration of contracts;

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

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

297 19. Managing and developing financial policies for borrowing of funds,
298 financial systems and other financial operations for the county and other applicable
299 agencies;

300 20. Managing the contracting opportunities program to increase opportunities
301 for small contractors and suppliers to participate on county-funded contracts. Submit an
302 annual report as required by K.C.C. 2.97.090;

303 21. Managing the apprenticeship program to optimize the number of apprentices
304 working on county construction projects. Submit an annual report as required by K.C.C.
305 12.16.175; and

306 22. Serving as the disadvantaged business enterprise liaison officer for federal
307 Department of Transportation and other federal grant program purposes. The
308 disadvantaged business enterprise liaison officer shall have direct, independent access to
309 the executive on disadvantaged business enterprise program matters consistent with 49
310 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison
311 officer shall report to the manager of the finance and business operations division.

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

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- 314 1. Overseeing space planning for county agencies;
- 315 2. Administering and maintaining in good general condition the county's
- 316 buildings except for those managed and maintained by the department of natural
- 317 resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
- 318 3. Operating security programs for county facilities except as otherwise
- 319 determined by the council;
- 320 4. Administering all county facility parking programs except for public
- 321 transportation facility parking;
- 322 5. Administering the supported employment program;
- 323 6. Managing all real property owned or leased by the county, except as provided
- 324 in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues
- 325 closely approximating fair market value;
- 326 7. Maintaining a current inventory of all county-owned or leased real property;
- 327 8. Functioning as the sole agent for the disposal of real properties deemed
- 328 surplus to the needs of the county;
- 329 9. In accordance with K.C.C. chapter 4A.100, providing support services to
- 330 county agencies in the acquisition of real properties, except as otherwise specified by
- 331 ordinance;
- 332 10. Issuing oversized vehicle permits, franchises and permits and easements for
- 333 the use of county property except franchises for cable television and telecommunications;
- 334 11. Overseeing the development of capital projects for all county agencies
- 335 except for specialized roads, solid waste, public transportation, airport, water pollution
- 336 abatement, surface water management projects and parks and recreation;

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- 337 12. Being responsible for all general projects, such as office buildings or
338 warehouses, for any county department including, but not limited to, the following:
- 339 a. administering professional services and construction contracts;
- 340 b. acting as the county's representative during site master plan, design and
341 construction activities;
- 342 c. managing county funds and project budgets related to capital projects;
- 343 d. assisting county agencies in the acquisition of appropriate facility sites;
- 344 e. formulating guidelines for the development of operational and capital
345 project plans;
- 346 f. assisting user agencies in the development of capital projects and project
347 plans, as defined and provided for in K.C.C. chapter 4A.100;
- 348 g. formulating guidelines for the use of life cycle cost analysis and applying
349 these guidelines in all appropriate phases of the capital process;
- 350 h. ensuring the conformity of capital project plans with the adopted space plan
351 ~~((and agency business plans));~~
- 352 i. developing project cost estimates that are included in capital project plans,
353 site master plans, capital projects and biennial project budget requests;
- 354 j. providing advisory services, feasibility studies or both services and studies to
355 projects as required and for which there is budgetary authority;
- 356 k. coordinating with user agencies to assure user program requirements are
357 addressed through the capital development process as set forth in this chapter and in
358 K.C.C. chapter 4A.100;

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- 359 1. providing engineering support on capital projects to user agencies as
360 requested and for which there is budgetary authority; and
- 361 m. providing assistance in developing the executive budget for capital projects;
362 and
- 363 13. Providing for the operation of a downtown winter shelter for homeless
364 persons between October 15 and April 30 each year.
- 365 ~~((D:))~~ E. The duties of the fleet services division shall include the following:
- 366 1. Acquiring, maintaining and managing the motor pool equipment rental and
367 revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund
368 and the wastewater equipment rental and revolving fund. Metro transit department
369 vehicles determined by the Metro transit department director to be intricately involved in
370 or related to providing public transportation services shall not be part of the motor pool;
- 371 2. Establishing rates for the rental of equipment and vehicles;
- 372 3. Establishing terms and charges for the sale of any material or supplies that
373 have been purchased, maintained or manufactured with money from the motor pool and
374 equipment revolving fund, the equipment rental and revolving fund and the wastewater
375 equipment rental and revolving fund;
- 376 4. Managing fleet and equipment training programs, stores function and vehicle
377 repair facilities;
- 378 5. Administering the county alternative fuel program and take-home assignment
379 of county vehicles policy; and
- 380 6. Inventorying, monitoring losses and disposing of county personal property in
381 accordance with K.C.C. chapter 4.56.

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382 ~~((E-))~~ F. The duties of the airport division shall include managing the
383 maintenance and operations of the King County international airport, and shall include
384 the following:

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

387 2. Managing and maintaining the airport system infrastructure;

388 3. Managing, or securing services from other divisions, departments or entities
389 to perform, the design, engineering and construction management functions related to the
390 airport capital program, including new facilities development and maintenance of
391 existing infrastructure; providing support services such as project management,
392 environmental review, permit and right-of-way acquisitions, schedule and project control
393 functions; and

394 4. Preparing and administering airport service and supporting capital facility
395 plans and periodic updates.

396 ~~((F-))~~ G. The duties of the office of risk management services shall include the
397 management of the county's insurance and risk management programs consistent with
398 K.C.C. chapter 2.21.

399 ~~((G-))~~ H. The duties of the administrative office of emergency management shall
400 include the following:

401 1. Planning for and providing effective direction, control and coordinated
402 response to emergencies; and

403 2. Being responsible for the emergency management functions defined in
404 K.C.C. chapter 2.56.

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

407 ~~1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17,~~
408 ~~12.18, 12.20 and 12.22;~~

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

413 ~~3. Serving as the county Americans with Disabilities Act coordinator relating to~~
414 ~~public access;~~

415 ~~4. Providing staff support to the county civil rights commission;~~

416 ~~5. Serving as the county federal Civil Rights Act Title VI coordinator; and~~

417 ~~6. Coordinating county responses to federal Civil Rights Act Title VI issues and~~
418 ~~investigating complaints filed under Title VI.))~~

419 I. The duties of the administrative office of the business resource center shall
420 include the following:

421 1. The implementation and maintenance of those systems necessary to generate
422 a regular and predictable payroll through the department of human resources;

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

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

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

431 SECTION 4. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby
432 amended to read as follows:

433 The executive, assessor, director of elections, sheriff, council and prosecuting
434 attorney shall report biennially on the number of workplace discrimination and
435 harassment complaints, including sexual harassment, and inappropriate conduct
436 complaints and, when possible, informal inquiries, received by each department each
437 year. The report shall indicate the basis or bases of the complaint, which may be race,
438 color, gender, age, creed, disability, marital status, national origin, religion, pregnancy,
439 gender identity or expression, domestic violence victimization, sexual orientation,
440 honorably discharged veteran or military status, use of service or assistive animal by a
441 person with a disability, or any other status protected by federal, state or local law. The
442 office of ~~((civil rights))~~ equity and racial and social justice shall report on the number of
443 unfair employment practice complaints filed, the basis or bases of the complaint, the
444 number of investigations of unfair employment practices in the reporting year and the
445 number of findings that reasonable cause exists to believe that an unfair employment
446 practice occurred. The first report shall be transmitted to the council by December 31,
447 2019. All reports under this section shall be electronically ~~((in the form of a paper
448 original and an electronic copy))~~ filed with the clerk of the council ~~((who,))~~ who shall

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449 retain an electronic copy (~~(the original)~~) and provide an electronic copy to all
450 councilmembers, the council chief of staff and the council chief policy officer (~~(staff~~
451 ~~director)~~).

452 SECTION 5. Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120
453 are hereby amended to read as follows:

454 A. A franchisee or applicant for a franchise shall not deny cable service, or
455 otherwise discriminate against any subscriber, access programmer or resident on the basis
456 of race, color, religion, national origin, physical or mental disability, age, political
457 affiliation, marital status, sexual orientation, gender identity or expression, sex or income
458 of the residents of the area in which the person resides. The franchisee shall comply at all
459 times with all other applicable federal, state and local laws, rules and regulations relating
460 to nondiscrimination.

461 B. A franchisee shall not refuse to employ, nor discharge from employment, nor
462 discriminate against any person in compensation or in terms, conditions or privileges of
463 employment because of race, color, religion, national origin, physical disability, age,
464 political affiliation, marital status, sexual orientation, gender identity or expression, sex
465 or income.

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

468 D. The franchisee shall establish, maintain and execute an equal employment
469 opportunity plan and a minority/women's business procurement program, which shall be
470 consistent with the intent of the county's affirmative action and minority/women's
471 business procurement policies. Upon request, the franchisee shall file with the cable

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472 office a copy of their equal employment opportunity report submitted annually to the
473 FCC and shall file with King County office of ~~((civil rights and compliance))~~ equity and
474 racial and social justice an annual compliance report detailing its progress with its
475 minority/women's business procurement program during the previous year. The
476 franchisee must also provide the cable office, upon request, copies of all other reports and
477 information filed with federal, state or local agencies concerning equal employment
478 opportunity or employment discrimination laws. This subsection shall apply only to
479 franchise agreements entered into after December 2, 1991.

480 E. ~~((f))~~Despite the other provisions of this section,~~((j))~~ no provision of this
481 section shall invalidate any other section of this chapter.

482 SECTION 6. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are
483 hereby amended to read as follows:

484 The definitions in this section apply throughout this chapter unless the context
485 clearly requires otherwise.

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

489 B. "Charging party" means the person aggrieved by an alleged unfair contracting
490 practice or the person making a complaint on another person's behalf, or the office of
491 ~~((civil rights))~~ equity and racial and social justice when the office of ~~((civil rights))~~ equity
492 and racial and social justice files a complaint.

493 C. "Commercially significant contract" means a contract for the provision of
494 services, including, but not limited to, construction services, consulting services or

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495 bonding or other financial services, or the sale of goods that exceeds five thousand
496 dollars.

497 D. "Contract" means an agreement to perform a service or provide goods that
498 entails a legally binding obligation and that is performed or intended to be wholly or
499 partly performed within unincorporated King County or that includes King County as a
500 party. "Contract" does not include the following: a contract for the purchase and sale of
501 residential real estate; a contract for employment; and a collective bargaining agreement.

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

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

512 G. "Discriminate," "discrimination" and "discriminatory act" mean an action,
513 other than an action taken in accordance with a lawful affirmative action program, or
514 failure to act, whether by itself or as part of a practice, the effect of which is to adversely
515 affect or differentiate between or among individuals or groups of individuals, by reasons
516 of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national

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517 origin, disability or use of a service or assistive animal by an individual with a disability,
518 unless based upon a bona fide contractual qualification.

519 H. "Gender identity or expression" means an individual's gender-related identity,
520 appearance or expression, whether or not associated with the individual's sex assigned at
521 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining
522 to the individual's own gender identity or expression.

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

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

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

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

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

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

536 this chapter; or

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

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

543 O. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
544 practices pertaining to the individual's own sexual orientation including, but not limited
545 to, actual or perceived heterosexuality, homosexuality and bisexuality.

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

549 SECTION 7. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030 are
550 hereby amended to read as follows:

551 A. An individual complaint alleging an unfair contracting practice in connection
552 with a commercially significant contract may be filed with the office of ~~((civil rights))~~
553 equity and racial and social justice by or on behalf of any person who claims to be
554 aggrieved by that unfair contracting practice.

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

- 557 1. Any member of the group;
- 558 2. The office of ~~((civil rights))~~ equity and racial and social justice;
- 559 3. A state or federal agency concerned with discrimination in contracting
- 560 whenever the agency has reason to believe that an unfair contracting practice has been or
561 is being committed; or

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562 4. A trade association that has reason to believe that an unfair contracting
563 practice has been or is being committed against any of its members.

564 C. A complaint alleging an unfair contracting practice shall be in writing on a
565 form or in a format determined by the office of ~~((civil rights))~~ equity and racial and social
566 justice, shall be signed by the charging party, shall describe with particularity the unfair
567 contracting practice complained of and shall include a statement of the dates, places and
568 circumstances and the persons responsible for the acts and practices. The complaint must
569 be filed within one hundred eighty days of the time of the alleged unfair contracting
570 practice or within one hundred eighty days of when the charging party, through exercise
571 of due diligence, should have had notice or been aware of the occurrence. However, the
572 office of ~~((civil rights))~~ equity and racial and social justice shall not reject a complaint as
573 insufficient because of failure to include all required information, if the office of ~~((civil~~
574 ~~rights))~~ equity and racial and social justice determines that the complaint substantially
575 meets the informational requirements necessary for processing.

576 D. If a complaint has been filed in accordance with this chapter, the office of
577 ~~((civil rights))~~ equity and racial and social justice shall initiate an investigation under this
578 chapter. If the office of ~~((civil rights))~~ equity and racial and social justice determines that
579 a violation of this chapter or a rule or regulation adopted under this chapter has occurred,
580 the office shall issue an order in accordance with this chapter. With respect to violations
581 of this chapter, the notice, service and hearings provisions in this chapter control over
582 K.C.C. Title 23.

583 E. The charging party or the office of ~~((civil rights))~~ equity and racial and social
584 justice may amend a complaint: to cure technical defects or omissions; to clarify and

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585 amplify allegations made in the complaint; or to add allegations related to or arising out
586 of the subject matter set forth, or attempted to be set forth, in the original complaint. For
587 jurisdictional purposes, the amendments shall relate back to the date the original
588 complaint was first filed. Either the charging party or the office of ~~((civil rights))~~ equity
589 and racial and social justice, or both, may amend a complaint for these reasons as a
590 matter of right before service of notice of hearing on the matter, as provided under
591 K.C.C. 12.17.070, and thereafter may amend a complaint only with permission of the
592 hearing examiner, which permission shall be granted if justice will be served by the
593 permission. All parties must be allowed time to prepare their cases with respect to
594 additional or expanded allegations that the parties did not and could not have reasonably
595 foreseen would be an issue at the hearing.

596 F. The charging party may also amend a complaint to include allegations of
597 additional unrelated unfair contracting practices that arose after filing of the original
598 complaint. The amendment must be filed within one hundred eighty days after the
599 occurrence of the additional alleged unfair contracting practices and before the issuance
600 of findings of fact and a determination with respect to the original complaint by the office
601 of ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at
602 any time during the investigation of the original complaint if the office of ~~((civil rights))~~
603 equity and racial and social justice will have adequate time to investigate the additional
604 allegations and the parties will have adequate time to present the office of ~~((civil rights))~~
605 equity and racial and social justice with evidence concerning the allegations before the
606 issuance of findings of fact and a determination.

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607 G. Upon the receipt of a complaint, the office of ~~((civil rights))~~ equity and racial
608 and social justice shall serve notice upon the charging party acknowledging the filing.

609 SECTION 8. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are
610 hereby amended to read as follows:

611 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030,
612 the office of ~~((civil rights))~~ equity and racial and social justice shall, within twenty days,
613 cause to be served or mailed to the respondent by certified mail, return receipt requested,
614 a copy of the complaint along with a notice advising of procedural rights and obligations
615 of respondents under this chapter, and shall promptly make an investigation of the
616 complaint. Each respondent may file an answer to the complaint, not later than twenty
617 days after receipt of notice from the office of ~~((civil rights))~~ equity and racial and social
618 justice. If the respondent is unable to file a response within twenty days, the respondent
619 may request an extension of time from the office of ~~((civil rights))~~ equity and racial and
620 social justice. The extension may be granted if good cause is shown.

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

624 C. During the investigation, the office of ~~((civil rights))~~ equity and racial and
625 social justice shall consider any statement of position or evidence with respect to the
626 allegations of the complaint which the charging party or the respondent wishes to submit.
627 A person who is not named as a respondent in a complaint, but who is identified as a
628 respondent in the course of the investigation, may be joined as an additional or substitute
629 respondent upon written notice to the person from the office of ~~((civil rights))~~ equity and

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630 racial and social justice. The notice, in addition to meeting the requirements of
631 subsection A. of this section, shall explain the basis for the belief of the office of ((~~civil~~
632 ~~rights~~)) equity and racial and social justice that the person to whom the notice is
633 addressed is properly joined as a respondent.

634 D. During the period beginning with the filing of the complaint and ending with
635 the issuance of the findings of fact, the office of ((~~civil rights~~)) equity and racial and
636 social justice shall, to the extent feasible, engage in settlement discussions with respect to
637 the complaint. Nothing said or done in the course of the settlement discussions may be
638 used as evidence in a subsequent proceeding under this chapter without the written
639 consent of the persons concerned. A prefinding settlement agreement arising out of the
640 settlement discussions shall be an agreement between the respondent and the charging
641 party, and is subject to approval by the office of ((~~civil rights~~)) equity and racial and
642 social justice. Failure to comply with the prefinding settlement agreement may be
643 enforced under K.C.C. 12.17.070.

644 E. The office of ((~~civil rights~~)) equity and racial and social justice shall seek the
645 voluntary cooperation of all persons: to obtain access to premises, records, documents,
646 individuals and other possible sources of information; to examine, record and copy
647 necessary materials; and to take and record testimony or statements of persons reasonably
648 necessary for the furtherance of the investigation. The office of ((~~civil rights~~)) equity and
649 racial and social justice may conduct discovery in aid of the investigation by the
650 following methods or others: deposition upon oral examination or written questions;
651 written interrogatories; requests for the production of documents or evidence; inspection
652 and physical and mental examinations; and requests for admissions. The office of ((~~civil~~

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653 ~~rights))~~ equity and racial and social justice may sign and issue subpoenas requiring the
654 attendance and testimony of witnesses, the production of evidence including, but not
655 limited to, books, records, correspondence, e-mail or documents in the possession or
656 under the control of the person subpoenaed, access to evidence for the purpose of
657 examination and copying as are necessary for the investigation. The office of (~~civil~~
658 ~~rights))~~ equity and racial and social justice shall consult with the prosecuting attorney
659 before issuing any subpoena under this section.

660 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
661 testify when requested concerning any matter under investigation, the office of (~~civil~~
662 ~~rights))~~ equity and racial and social justice may invoke the aid of the King County
663 prosecuting attorney who may petition the King County superior court for an order or
664 other appropriate action necessary to secure enforcement of the subpoena. The petition
665 shall:

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

671 G. If the office of (~~civil rights))~~ equity and racial and social justice concludes
672 after the filing of a complaint that prompt judicial action is necessary to carry out the
673 purposes of this chapter, the office of (~~civil rights))~~ equity and racial and social justice
674 may invoke the aid of the prosecuting attorney who may file a civil action for appropriate
675 temporary, injunctive or preliminary relief pending final disposition of the complaint.

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

679 I. If a finding is made that there is no reasonable cause, the finding shall be
680 served on the charging party and respondent. Within thirty days after service of the
681 negative finding, the charging party may file a written request with the office of ~~((civil
682 rights))~~ equity and racial and social justice asking for reconsideration of the finding. The
683 office of ~~((civil rights))~~ equity and racial and social justice shall furnish the charging
684 party with information regarding how to request reconsideration. The office of ~~((civil
685 rights))~~ equity and racial and social justice shall respond in writing within a reasonable
686 time by granting or denying the request.

687 SECTION 9. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are
688 hereby amended to read as follows:

689 A.1. If the finding is made initially or on request for reconsideration that
690 reasonable cause exists to believe that an unfair contracting practice occurred, the office
691 of ~~((civil rights))~~ equity and racial and social justice shall endeavor to eliminate the unfair
692 practice by conference, conciliation and persuasion, which may include as a condition of
693 settlement:

- 694 a. elimination of the unfair contracting practice;
- 695 b. payment of actual damages including payment of lost profits not in excess
696 of the amount of monetary damage actually incurred;
- 697 c. payment of damages caused by emotional distress, humiliation and
698 embarrassment;

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699 d. payment of attorneys' fees and costs; and

700 e. such other requirements as may be agreed upon by the parties and the office

701 of ~~((civil rights))~~ equity and racial and social justice.

702 2. A settlement agreement shall be reduced to writing and signed by the

703 respondent and the charging party and shall be approved by the office of ~~((civil rights))~~

704 equity and racial and social justice. An order shall then be entered by the office of ~~((civil~~

705 ~~rights))~~ equity and racial and social justice setting forth the terms of the agreement.

706 Copies of the order shall be delivered to all affected parties and the original of the order

707 filed with the records and licensing services division. Failure to comply with the

708 postfinding settlement agreement or order may be enforced under K.C.C. 12.17.070.

709 Each postfinding settlement agreement is a public record.

710 B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and

711 racial and social justice shall make a finding to that effect, incorporate the findings in the

712 order and furnish a copy of the order to all affected parties. The order shall also include:

713 a. a finding that an unfair contracting practice has occurred;

714 b. the basis for the finding; and

715 c. an order requiring the respondent to cease and desist from the unfair practice

716 and to take appropriate affirmative measures, which may include:

717 (1) payment of actual damages including payment of lost profits not in excess

718 of the amount of monetary damages actually incurred;

719 (2) payment of damages caused by emotional distress, humiliation and

720 embarrassment;

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

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722 (4) such other action as in the judgment of the office of ~~((civil rights))~~ equity
723 and racial and social justice will effectuate the purposes of this chapter, which may
724 include the requirement for a report on the matter of compliance.

725 2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the
726 respondent willfully or knowingly committed any unfair contracting practice, the office
727 of ~~((civil rights))~~ equity and racial and social justice may further order the respondent to
728 pay a civil penalty of up to one thousand dollars per violation, which penalty shall be
729 paid to the King County treasury for deposit in the county general fund.

730 C. If there is a failure to reach an agreement for the elimination of any unfair
731 contracting practice where the respondent is an executive department, division or office
732 of the county, the office of ~~((civil rights))~~ equity and racial and social justice may compel
733 compliance by the executive department, division or office with any settlement
734 agreement agreed to between the complainant and the office of ~~((civil rights))~~ equity and
735 racial and social justice.

736 SECTION 10. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060
737 are hereby amended to read as follows:

738 A. A party aggrieved by an order of the office of ~~((civil rights))~~ equity and racial
739 and social justice may appeal in accordance with K.C.C. 20.22.080.

740 B. If the order of the office of ~~((civil rights))~~ equity and racial and social justice is
741 appealed, the office of the hearing examiner shall conduct a hearing for the purpose of
742 affirming, denying or modifying the order. There shall be a verbatim record kept of the
743 hearing and the hearing examiner shall have such rule-making and other power necessary
744 for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the

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745 office of (~~(civil rights)~~) equity and racial and social justice shall not be presumed correct.

746 The hearing examiner's decision shall be based upon a preponderance of the evidence.

747 The hearing shall be conducted within a reasonable time after receipt of the request for

748 appeal. Written notice of the time and place of the hearing shall be given at least ten days

749 before the date of the hearing to each affected party and to the office of (~~(civil rights)~~)

750 equity and racial and social justice.

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

752 1. To call and examine witnesses on any matter relevant to the issues of the

753 complaint;

754 2. To introduce documentary and physical evidence;

755 3. To cross-examine opposing witnesses on any matter relevant to the issues of

756 the complaint;

757 4. To impeach any witness regardless of which party first called the witness to

758 testify;

759 5. To rebut evidence against the party; and

760 6. To self-represent or to be represented by anyone of the party's choice who is

761 lawfully permitted to do so.

762 D. Following review of the evidence submitted, the hearing examiner presiding at

763 the hearing shall enter written findings and conclusions and shall affirm or modify the

764 order previously issued if the hearing examiner finds that a violation has occurred. The

765 hearing examiner shall reverse the order if the hearing examiner finds that a violation did

766 not occur. The hearing examiner may grant any relief that the office of (~~(civil rights)~~)

767 equity and racial and social justice could grant under K.C.C. 12.17.050.B. A copy of the

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768 hearing examiner's decision shall be delivered to all affected parties. The order of the
769 hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

770 SECTION 11. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070
771 are hereby amended to read as follows:

772 A. If the office of (~~(civil rights)~~) equity and racial and social justice has
773 reasonable cause to believe that a respondent has breached a prefinding or postfinding
774 settlement agreement executed under K.C.C. 12.17.040 or 12.17.050 or violated an order
775 of the office of (~~(civil rights)~~) equity and racial and social justice issued under K.C.C.
776 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060, the office
777 of (~~(civil rights)~~) equity and racial and social justice shall refer the matter to the
778 prosecuting attorney for the filing of a civil action under subsection B. of this section for
779 the enforcement of the agreement.

780 B. The prosecuting attorney may commence a civil action in King County
781 superior court for appropriate relief with respect to a breach of a prefinding or postfinding
782 settlement agreement or violation of an order of the office of (~~(civil rights)~~) equity and
783 racial and social justice issued under K.C.C. 12.17.050 or an order of the hearing
784 examiner issued under K.C.C. 12.17.060. The action may be commenced no later than
785 ninety days after the referral of the alleged break underlying the referral under subsection
786 A. of this section.

787 SECTION 13. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080
788 are hereby amended to read as follows:

789 A. An aggrieved person may commence a civil action in King County superior
790 court not later than one year after the occurrence or the termination of an alleged unfair

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791 contracting practice, whichever occurs last, to obtain appropriate relief with respect to the
792 unfair contracting practice.

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

796 C. An aggrieved person may commence a civil action under this section whether
797 or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status
798 of any such a complaint, except as provided in subsection D₂ of this section, but if a
799 settlement or conciliation agreement has been reached with the consent of an aggrieved
800 person, an action may not be filed under this subsection by the aggrieved person with
801 respect to the alleged unfair contracting practice that forms the basis for the complaint
802 except for the purpose of enforcing the terms of the agreement.

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

807 E. In a civil action under this section, if the court finds that an unfair contracting
808 practice has occurred or is about to occur, the court may grant as relief any relief that the
809 office of ~~((civil rights))~~ equity and racial and social justice could grant under K.C.C.
810 12.17.050.B.

811 F. Relief granted under this section does not affect any contract, sale,
812 encumbrance or lease consummated before the granting of the relief and involving a bona
813 fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint

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814 with the office of ((civil rights)) equity and racial and social justice or civil action under
815 this title.

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

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

821 SECTION 13. Ordinance 13981, Section 11, as amended, and K.C.C. 12.17.090
822 are hereby amended to read as follows:

823 The office of ((civil rights)) equity and racial and social justice may implement
824 such forms, administrative processes and operational procedures as are necessary to
825 implement this chapter. The forms, processes and procedures shall be adopted in
826 compliance with K.C.C. chapter 2.98. The office of ((civil rights)) equity and racial and
827 social justice shall further assist other county agencies and departments upon request in
828 effectuating and promoting the purposes of this chapter.

829 SECTION 14. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are
830 hereby amended to read as follows:

831 The definitions in this section apply throughout this chapter unless the context
832 clearly requires otherwise:

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

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

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836 C. "Charging party" means any person alleging an unfair employment practice
837 under this chapter by filing a complaint with the office of ~~((civil rights))~~ equity and racial
838 and social justice.

839 D.1. "Disability" means:

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

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

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

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

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

848 E. "Discrimination," "discriminate" or "discriminatory act" means any action or
849 failure to act, whether by itself or as part of a practice, the effect of which is to adversely
850 affect or differentiate between or among, individuals or groups of individuals, by reasons
851 of race, color, age, gender, marital status, sexual orientation, gender identity or
852 expression, religion, ancestry, national origin, disability or use of a service or assistive
853 animal by an individual with a disability, unless based upon a bona fide occupational
854 qualification.

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

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

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

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

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

869 1. Dealing with employers concerning grievances, terms or conditions of
870 employment; or

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

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

875 L. "Party" includes the person making a complaint or upon whose behalf a
876 complaint is made alleging an unfair employment practice, the person alleged or found to
877 have committed an unfair employment practice and the office of ~~((civil rights))~~ equity
878 and racial and social justice.

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

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

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

888 P. "Settlement discussions" or "conference, conciliation and persuasion" means
889 the attempted resolution of issues raised by a complaint, or by the investigation of a
890 complaint, through informal negotiations involving the charging party, the respondent
891 and the office of (~~(civil rights)~~) equity and racial and social justice.

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

895 SECTION 15. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are
896 hereby amended to read as follows:

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

898 1. Any aggrieved person;

899 2. A state, local or federal agency concerned with discrimination in

900 employment, including the office of (~~(civil rights)~~) equity and racial and social justice, if

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901 the agency has reason to believe that an unfair employment practice has been or is being
902 committed; or

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

905 B. A complaint alleging an unfair employment practice shall be in writing and
906 signed by the charging party, and shall describe with particularity the unfair employment
907 practice complained of, the location of the practice and the person alleged to have
908 committed the unfair employment practice. The complaint must be filed with the office
909 of ~~((civil rights))~~ equity and racial and social justice within two years of the time of the
910 alleged unfair employment practice or within two years of when the charging party,
911 through exercise of due diligence, should have had notice or been aware of the
912 occurrence. However, the office of ~~((civil rights))~~ equity and racial and social justice
913 shall not reject a complaint as insufficient because of failure to include all required
914 information, if the office of ~~((civil rights))~~ equity and racial and social justice determines
915 that the complaint substantially meets the informational requirements necessary for
916 processing.

917 C. Upon the receipt of a complaint, the office of ~~((civil rights))~~ equity and racial
918 and social justice shall serve upon the charging party notice acknowledging the filing.

919 D. The charging party or the office of ~~((civil rights))~~ equity and racial and social
920 justice may amend a complaint: to cure technical defects or omissions; to clarify and
921 amplify allegations made in the complaint; or to add allegations related to or arising out
922 of the subject matter set forth, or attempted to be set forth, in the original complaint. For
923 jurisdictional purposes, the amendments relate back to the date the original complaint

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924 was first filed. Either the charging party or the office of ((~~civil rights~~)) equity and racial
925 and social justice, or both, may amend a complaint for these reasons as a matter of right
926 before service of notice of hearing on the matter, as provided under K.C.C. 12.18.070,
927 and thereafter may amend a complaint only with permission of the hearing examiner,
928 which permission shall be granted if justice will be served by the permission. All parties
929 must be allowed time to prepare their cases with respect to additional or expanded
930 allegations that the parties did not and could not have reasonably foreseen would be an
931 issue at the hearing.

932 E. The charging party may also amend a complaint to include allegations of
933 additional unrelated unfair employment practices that arose after filing of the original
934 complaint. The charging party must file any amendments adding the allegations within
935 two years of the time of the additional unfair employment practice or within two years of
936 when the charging party, through exercise of due diligence, should have had notice or
937 been aware of the additional discriminatory act, and before the issuance of findings of
938 fact and a determination with respect to the original complaint by the office of ((~~civil~~
939 ~~rights~~)) equity and racial and social justice. The amendments may be made at any time
940 during the investigation of the original complaint if the office of ((~~civil rights~~)) equity and
941 racial and social justice will have adequate time to investigate the additional allegations
942 and the parties will have adequate time to present the office of ((~~civil rights~~)) equity and
943 racial and social justice with evidence concerning the allegations before the issuance of
944 findings of fact and a determination.

945 SECTION 16. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are
946 hereby amended to read as follows:

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947 A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C,
948 the office of ~~((civil rights))~~ equity and racial and social justice shall cause to be served or
949 mailed, by certified mail, return receipt requested, a copy of the complaint to the
950 respondent within twenty days after the filing of the complaint and shall promptly make
951 an investigation of the complaint. Each respondent may file an answer to the complaint
952 not later than twenty days after receipt of notice from the office of ~~((civil rights))~~ equity
953 and racial and social justice. If a respondent is unable to file a response within twenty
954 days, the respondent may request an extension of time from the office of ~~((civil rights))~~
955 equity and racial and social justice. The office of ~~((civil rights))~~ equity and racial and
956 social justice may grant the extension if good cause is shown.

957 B. The office of ~~((civil rights))~~ equity and racial and social justice shall direct the
958 investigation to ascertain the facts concerning the unfair employment practice alleged in
959 the complaint and shall conduct the investigation in an objective and impartial manner.

960 C. During the investigation, the office of ~~((civil rights))~~ equity and racial and
961 social justice shall consider any statement of position or evidence with respect to the
962 allegations of the complaint which the charging party or the respondent wishes to submit.
963 A person who is not named as a respondent in a complaint, but who is identified as a
964 respondent in the course of investigation, may be joined as an additional or substitute
965 respondent upon written notice, under subsection A. of this section, to the person from
966 the office of ~~((civil rights))~~ equity and racial and social justice. The notice, in addition to
967 meeting the requirements of subsection A. of this section, must explain the basis for the
968 office of ~~((civil rights))~~ equity and racial and social justice's belief that the person to
969 whom the notice is addressed is properly joined as a respondent.

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970 D. During the period beginning with the filing of the complaint and ending with
971 the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and
972 social justice shall, to the extent feasible, engage in settlement discussions with respect to
973 the complaint. Anything said or done in the course of the settlement discussions may not
974 be made public or used as evidence in a subsequent proceeding under this chapter without
975 the written consent of the persons concerned. A prefinding settlement agreement arising
976 out of the settlement discussions must be an agreement between the respondent and the
977 charging party and is subject to approval by the office of ~~((civil rights))~~ equity and racial
978 and social justice. Each prefinding settlement agreement is a public record. Failure to
979 comply with the prefinding settlement agreement may be enforced under K.C.C.
980 12.18.080.

981 E. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the
982 voluntary cooperation of all persons: to obtain access to premises, records, documents,
983 individuals and other possible sources of information; to examine, record and copy
984 necessary materials; and to take and record testimony or statements of persons reasonably
985 necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and
986 racial and social justice may conduct discovery in aid of the investigation by the
987 following methods or others: deposition upon oral examination or written questions;
988 written interrogatories; requests for the production of documents or other evidence, for
989 inspection and other purposes; physical and mental examinations; and requests for
990 admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and
991 issue subpoenas requiring the attendance and testimony of witnesses and the production
992 of or access to evidence including books, records, correspondence, e-mail or documents

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993 in the possession or under the control of the person subpoenaed as are necessary for the
994 investigation. The office of ((civil rights)) equity and racial and social justice shall
995 consult with the prosecuting attorney before issuing a subpoena under this section.

996 F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
997 testify if requested concerning any matter under investigation, the office of ((civil rights))
998 equity and racial and social justice may invoke the aid of the prosecuting attorney, who
999 may petition to the superior court for an order or other appropriate action necessary to
1000 secure enforcement of the subpoena. The petition shall:

- 1001 1. Be accompanied by a copy of the subpoena and proof of service;
1002 2. Set forth in what specific manner the subpoena has not been complied with;
1003 and
1004 3. Ask for an order of the court to compel the witness to appear and testify or
1005 cooperate in the investigation of the unfair employment practice.

1006 G. If the office of ((civil rights)) equity and racial and social justice concludes at
1007 any time after the filing of a complaint that prompt judicial action is necessary to carry
1008 out the purposes of this chapter, the office of ((civil rights)) equity and racial and social
1009 justice may invoke the aid of the prosecuting attorney, who may file a civil action for
1010 appropriate temporary, injunctive or preliminary relief pending final disposition of the
1011 case.

1012 H. The office of ((civil rights)) equity and racial and social justice shall reduce
1013 the results of the investigation to written findings of fact and make a finding that there
1014 either is or is not reasonable cause for believing that an unfair employment practice has
1015 been or is being committed.

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1016 I. If a finding is made that there is no reasonable cause, the finding shall be
1017 served on the charging party and respondent. Within thirty days after service of such a
1018 negative finding, the charging party may file a written request with the office of ((~~civil~~
1019 ~~rights~~)) equity and racial and social justice asking for reconsideration of the finding. The
1020 office of ((~~civil rights~~)) equity and racial and social justice shall furnish the charging
1021 party with information regarding how to request reconsideration. The office of ((~~civil~~
1022 ~~rights~~)) equity and racial and social justice shall respond in writing within a reasonable
1023 time by granting or denying the request.

1024 SECTION 18. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are
1025 hereby amended to read as follows:

1026 A.1. If the office of ((~~civil rights~~)) equity and racial and social justice makes the
1027 finding initially or on request for reconsideration that reasonable cause exists to believe
1028 that an unfair employment practice occurred, the office of ((~~civil rights~~)) equity and racial
1029 and social justice shall endeavor to eliminate the unfair practice by conference,
1030 conciliation and persuasion which may include as a condition of settlement:

- 1031 a. elimination of the unfair employment practice;
 - 1032 b. payment of back pay not in excess of the amount of monetary damage
1033 actually incurred;
 - 1034 c. payment of other actual damages, including damages caused by emotional
1035 distress, humiliation and embarrassment;
 - 1036 d. reinstatement;
 - 1037 e. payment of attorneys' fees and costs;
 - 1038 f. participation in training on fair employment laws; and
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1039 g. such other requirements as may lawfully be agreed upon by the parties and
1040 the office of ~~((civil rights))~~ equity and racial and social justice.

1041 2. Any postfinding settlement agreement shall be reduced to writing and signed
1042 by all parties, with the approval of the office of ~~((civil rights))~~ equity and racial and social
1043 justice. The office of ~~((civil rights))~~ equity and racial and social justice shall then enter
1044 an order setting forth the agreement and furnish copies of the order to all affected parties.
1045 Each postfinding settlement agreement is a public record. Failure to comply with the
1046 postfinding agreement or order may be enforced under K.C.C. 12.18.080.

1047 B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and
1048 racial and social justice shall make a finding to that effect, incorporate the finding in the
1049 order and furnish a copy of the order to all affected parties. The order shall also include:

1050 a. a finding that an unfair employment practice occurred;
1051 b. the basis for the finding; and
1052 c. an order requiring the respondent to cease and desist from the unfair practice
1053 and to take appropriate affirmative measures, which may include:

1054 (1) payment of back pay not in excess of the amount of monetary damage
1055 actually incurred;

1056 (2) payment of other actual damages, including damages caused by emotional
1057 distress, humiliation and embarrassment;

1058 (3) reinstatement;

1059 (4) payment of attorneys' fees and costs;

1060 (5) participation in training on fair employment laws; and

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1061 (6) such other action as in the judgment of the office of ~~((civil rights))~~ equity
1062 and racial and social justice will effectuate the purposes of this chapter, which may
1063 include the requirement for a report on the matter of compliance.

1064 2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the
1065 respondent willfully or knowingly committed any unfair employment practice, the office
1066 of ~~((civil rights))~~ equity and racial and social justice may further order the respondent to
1067 pay a civil penalty of up to s one thousand dollars per violation, which penalty shall be
1068 paid to the King County treasury for deposit in the county general fund.

1069 C. If the parties fail to reach an agreement for the elimination of any unfair
1070 employment practice in which the respondent is an executive department, division or
1071 office of the county, the King County executive may compel compliance by the executive
1072 department, division or office with any settlement agreement agreed to between any
1073 charging party and the office of ~~((civil rights))~~ equity and racial and social justice.

1074 SECTION 18. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are
1075 hereby amended to read as follows:

1076 A. Any respondent or charging party, after by an order of the office of ~~((civil~~
1077 ~~rights))~~ equity and racial and social justice is made in accordance with K.C.C.
1078 12.18.060.B., may appeal that order in accordance with K.C.C. 20.22.080.

1079 B. If the order of the office of ~~((civil rights))~~ equity and racial and social justice is
1080 appealed, the hearing examiner shall conduct a hearing for the purpose of affirming,
1081 denying or modifying the order. There shall be a verbatim record kept of the hearing.
1082 The hearing examiner has such rule-making and other powers necessary for the conduct
1083 of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of ~~((civil~~

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1084 ~~rights))~~ equity and racial and social justice shall not be presumed correct. The hearing
1085 examiner's decision shall be based upon a preponderance of the evidence. The hearing
1086 shall be conducted within a reasonable time after receipt of the request for appeal.
1087 Written notice of the time and place of the hearing shall be given at least ten days before
1088 the date of the hearing to each affected party and to the office of ~~((civil rights))~~ equity
1089 and racial and social justice.

1090 C. Each party may, among exercising other rights:

- 1091 1. Call and examine witnesses on any matter relevant to the issues of the
1092 complaint;
- 1093 2. Introduce documentary and physical evidence;
- 1094 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1095 complaint;
- 1096 4. Impeach any witness regardless of which party first called the witness to
1097 testify;
- 1098 5. Rebut evidence against the party; and
- 1099 6. Self-represent or be represented by anyone of the party's choice who is
1100 lawfully permitted to do so.

1101 D. Following review of the evidence submitted, the hearing examiner presiding at
1102 the hearing shall enter written findings and conclusions and shall affirm or modify the
1103 order previously issued if the hearing examiner finds that a violation occurred. The
1104 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
1105 not occur. The hearing examiner may grant as relief any relief that the office of ~~((civil~~
1106 ~~rights))~~ equity and racial and social justice could grant under K.C.C. 12.18.060.B. A

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1107 copy of the hearing examiner's decision shall be delivered to all affected parties. The
1108 order of the hearing examiner is final unless reviewed by a court under K.C.C.
1109 20.22.270.B.

1110 SECTION 19. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are
1111 hereby amended to read as follows:

1112 A. If the office of (~~(civil rights)~~) equity and racial and social justice has
1113 reasonable cause to believe that a respondent breached a prefinding or postfinding
1114 settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or violated an order
1115 of the office of (~~(civil rights)~~) equity and racial and social justice issued under K.C.C.
1116 12.18.060 or an order of the hearing examiner issued in accordance with K.C.C.
1117 12.18.070, the office of (~~(civil rights)~~) equity and racial and social justice shall refer the
1118 matter to the prosecuting attorney for the filing of a civil action under subsection B. of
1119 this section for the enforcement of the agreement.

1120 B. The prosecuting attorney may commence a civil action in superior court for
1121 appropriate relief with respect to a breach of a prefinding or postfinding settlement
1122 agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of
1123 the office of (~~(civil rights)~~) equity and racial and social justice issued under K.C.C.
1124 12.18.060 or an order of the hearing examiner issued under K.C.C. 12.18.070. This
1125 action may be commenced no later than ninety days after the referral of the alleged
1126 breach under subsection A. of this section.

1127 SECTION 20. Ordinance 15399, Section 17, as amended, and K.C.C. 12.18.085
1128 are hereby amended to read as follows:

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1129 A. An aggrieved person may commence a civil action in superior court not later
1130 than three years after the occurrence or termination of an alleged unfair employment
1131 practice or ninety days after a determination of reasonable cause is issued by the office of
1132 ~~((civil rights))~~ equity and racial and social justice, whichever occurs last, to obtain
1133 appropriate relief with respect to the unfair employment practice.

1134 B. A civil action may be filed under this section whether or not an administrative
1135 complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such
1136 a complaint. However, if the office of ~~((civil rights))~~ equity and racial and social justice
1137 obtained a prefinding or postfinding settlement or conciliation agreement with the
1138 consent of the aggrieved person, an action may not be filed under this section by the
1139 aggrieved person with respect to the alleged unfair employment practice that forms the
1140 basis for the complaint except for the purpose of enforcing the agreement. To preclude
1141 such a filing, the prefinding or postfinding settlement or conciliation agreement must
1142 include language that the aggrieved person knowingly waives any right to file a civil
1143 action based on the same alleged unfair employment practice.

1144 C. Subject to subsection D. of this section, after the filing of a civil action
1145 involving the same claim or arising from the same facts and circumstances, whether
1146 under this chapter or similar law, the office of ~~((civil rights))~~ equity and racial and social
1147 justice may administratively close a complaint of an unfair employment practice.

1148 D. If a court dismisses a private cause of action without reaching the merits and
1149 on grounds that would not preclude pursuit of a complaint under this chapter, the
1150 charging party may request, within ninety days of the entry of the court's order of
1151 dismissal, that the office of ~~((civil rights))~~ equity and racial and social justice reopen a

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1152 previously filed case. Upon such a request, the office of (~~(civil rights))~~ equity and racial
1153 and social justice may reopen a case that was administratively closed upon the filing of a
1154 civil action. If the office of (~~(civil rights))~~ equity and racial and social justice closes a
1155 case based on a "no reasonable cause" finding, the case shall not be reopened except as
1156 provided through reconsideration under K.C.C. 12.18.050.

1157 E. A charging party or aggrieved person may not secure relief from more than
1158 one governmental agency, instrumentality or tribunal for the same harm or injury.

1159 F. An aggrieved person may not commence a civil action under this section with
1160 respect to an alleged unfair employment practice that forms the basis of a complaint if a
1161 hearing on the complaint has been convened under K.C.C. 12.18.070.

1162 G. In a civil action under this section, if the court finds that a unfair practice
1163 occurred, the court may grant such relief as is available for violations of the Washington
1164 state Law Against Discrimination, chapter 49.60 RCW.

1165 H. Upon timely application, the prosecuting attorney may intervene in the civil
1166 action if the prosecuting attorney determines that the case is of general public importance.

1167 I. This section is intended to provide private judicial remedies for violations of
1168 this chapter that are as expansive as the powers granted by the Constitution and laws of
1169 the state of Washington.

1170 SECTION 21. Ordinance 7430, Section 9, as amended, and K.C.C. 12.18.090 are
1171 hereby amended to read as follows:

1172 The office of (~~(civil rights))~~ equity and racial and social justice may implement
1173 such forms, administrative processes and operational procedures as are necessary to

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1174 comply with this chapter. The forms, processes and procedures shall be adopted in
1175 compliance with K.C.C. chapter 2.98.

1176 SECTION 22. Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097
1177 are hereby amended to read as follows:

1178 A. If a complaint is filed under this chapter, the office of ((civil rights)) equity
1179 and racial and social justice shall initiate an investigation under this chapter.

1180 B. If the office of ((civil rights)) equity and racial and social justice determines
1181 that a violation of this chapter or any rules and regulations adopted under this chapter
1182 occurred, the office of ((civil rights)) equity and racial and social justice shall issue an
1183 order in accordance with this chapter. For the enforcement of this chapter, if a conflict
1184 exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title
1185 23.

1186 SECTION 23. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are
1187 hereby amended to read as follows:

1188 The definitions in this section apply throughout this chapter unless the context
1189 clearly requires otherwise.

1190 A. "Aggrieved person" includes-a person who:

- 1191 1. Claims to have been injured by an unfair housing practice; or
1192 2. Believes that the person will be injured by an unfair housing practice that is
1193 about to occur.

1194 B. "Alternative source of income" means lawful, verifiable income derived from
1195 sources other than wages, salaries, or other compensation for employment. It includes
1196 but is not limited to moneys derived from Social Security benefits, other retirement

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1197 programs, supplemental security income, unemployment benefits, child support, the state
1198 Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance and
1199 any other federal, state, local government, private or nonprofit-administered cash benefit
1200 program.

1201 C. "Charging party" means any person alleging an unfair housing practice under
1202 this chapter by filing a complaint with the office of (~~(civil rights)~~) equity and racial and
1203 social justice.

1204 D.1. "Disability" means:

1205 a. a physical or mental impairment that substantially limits one or more of a
1206 person's major life activities, either temporarily or permanently;

1207 b. a person has a record of having such an impairment;

1208 c. a person is regarded as having such an impairment; or

1209 d. a person has any other condition that is a disability under the Washington
1210 state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and
1211 housing.

1212 2. "Disability" does not include current, illegal use of a controlled substance, as
1213 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1214 E. "Discriminate" means any action or failure to act, whether by single act or as
1215 part of a practice, the effect of which is to adversely affect or differentiate between or
1216 among individuals or groups of individuals, because of race, color, religion, national
1217 origin, ancestry, age, gender, marital status, parental status, participation in the Section 8
1218 program or other housing subsidy program, alternative source of income, sexual

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1219 orientation, gender identity or expression, disability, or use of a service or assistive
1220 animal by an individual with a disability.

1221 F. "Dwelling" or "dwelling unit" mean any building, structure or portion of a
1222 building or structure that is occupied as, or designed or intended for occupancy as, a
1223 residence by one or more families or individuals, and any vacant land that is offered for
1224 sale or lease for the construction or location thereon of any such a building, structure or
1225 portion of a building or structure.

1226 G. "Gender identity or expression" means an individual's gender-related identity,
1227 appearance, or expression, whether or not associated with the individual's sex assigned at
1228 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining
1229 to the individual's own gender identity or expression.

1230 H. "Housing accommodations" means any dwelling or dwelling unit, rooming
1231 unit, rooming house, lot or parcel of land in unincorporated King County that is used,
1232 intended to be used or arranged or designed to be used as, or improved with, a residential
1233 structure for one or more human beings.

1234 I. "Marital status" means the presence or absence of a marital relationship and
1235 includes the status of married, separated, divorced, engaged, widowed, single or
1236 cohabiting.

1237 J.1. "Parental status" means one or more individuals, who have not attained the
1238 age of eighteen years, being domiciled with:

1239 a. a parent or another person having legal custody of the individual or
1240 individuals; or

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1241 b. the designee of such a parent or other person having the custody, with the
1242 written permission of the parent or other person.

1243 2. The protections afforded against discrimination on the basis of familial status
1244 apply to a person who is pregnant or is in the process of securing legal custody of an
1245 individual who has not attained the age of eighteen years.

1246 K. "Participation in the Section 8 program or other housing subsidy program"
1247 means participating in a short- or long-term federal, state or local government, private,
1248 nonprofit or other assistance program in which a tenant's rent is paid either partially or
1249 completely by the program, through a direct arrangement between the program and the
1250 owner or lessor of the real property. Other housing subsidy programs include, but are not
1251 limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and
1252 Essential Needs funds and short-term rental assistance provided by rapid rehousing
1253 subsidies.

1254 L. "Party" includes the person charging or making a complaint or upon whose
1255 behalf a complaint is made alleging an unfair practice, the person alleged or found to
1256 have committed an unfair practice and the office of ~~((civil rights))~~ equity and racial and
1257 social justice.

1258 M. "Person" means one or more individuals, partnerships, associations,
1259 organizations, corporations, cooperatives, legal representatives, trustees and receivers or
1260 any group of persons; including any owner, lessee, proprietor, housing manager, agent or
1261 employee whether one or more natural persons. "Person" also includes any political or
1262 civil subdivisions of the state and any agency or instrumentality of the state or of any
1263 political or civil subdivision of the state.

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1264 N. "Real estate transaction" includes, but is not limited to, the sale, conveyance,
1265 exchange, purchase, rental, lease or sublease of real property.

1266 O. "Real estate-related transaction" means any of the following:

1267 1. The making or purchasing of loans or providing other financial assistance:

1268 a. for purchasing, constructing, improving, repairing or maintaining real

1269 property; or

1270 b. secured by real property; or

1271 2. The selling, brokering or appraising of real property.

1272 P. "Real property" includes, but is not limited to, buildings, structures, real estate,

1273 lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and

1274 hereditaments, corporeal and incorporeal, or any interest therein.

1275 Q. "Respondent" means any person who is alleged or found to have committed

1276 an unfair practice prohibited by this chapter.

1277 R. "Senior citizens" means persons who are sixty-two years of age or older.

1278 S. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure

1279 response dog, therapeutic companion animal or other animal that does work, performs

1280 tasks or provides medically necessary support for the benefit of an individual with a

1281 disability.

1282 T. "Settlement discussions" and "conference, conciliation and persuasion" mean

1283 the attempted resolution of issues raised by a complaint, or by the investigation of a

1284 complaint, through informal negotiations involving the charging party, the respondent

1285 and the office of ~~((civil rights))~~ equity and racial and social justice.

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1286 U. "Sexual orientation" means an individual's attitudes, preferences, belief and
1287 practices pertaining to the individual's own sexual orientation including, but not limited
1288 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1289 V. "Verifiable" means the source of income can be confirmed as to its amount or
1290 receipt.

1291 SECTION 24. Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070 are
1292 hereby amended to read as follows:

1293 A. A complaint alleging an unfair housing practice may be filed by:

1294 1. Any aggrieved person; or

1295 2. Any state, local or federal agency concerned with discrimination in housing,
1296 including the office of ~~((civil rights))~~ equity and racial and social justice has reason to
1297 believe that an unfair housing practice has been or is being committed.

1298 B. A complaint alleging an unfair housing practice shall be in writing and signed
1299 by the charging party. The complaint must be filed by the charging party with the office
1300 of ~~((civil rights))~~ equity and racial and social justice within three hundred sixty-five days
1301 after the occurrence or termination of the alleged unfair housing practice. The complaint
1302 must describe with particularity the practice complained of and the location of the
1303 practice and must identify the person being charged with committing an unfair housing
1304 practice. However, the office of ~~((civil rights))~~ equity and racial and social justice shall
1305 not reject a complaint as insufficient because of failure to include all required
1306 information, if the office of ~~((civil rights))~~ equity and racial and social justice determines
1307 that the complaint substantially meets the informational requirements necessary for
1308 processing.

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1309 C. Upon the receipt of a complaint alleging an unfair housing practice, the office
1310 of ~~((civil rights))~~ equity and racial and social justice shall serve notice upon the charging
1311 party acknowledging the filing and advising the charging party of the time limits
1312 provided under this chapter and of the choice of forums provided by this chapter.

1313 D. The charging party or the office of ~~((civil rights))~~ equity and racial and social
1314 justice may amend a complaint: to cure technical defects or omissions; to clarify and
1315 amplify allegations made in the complaint; or to add allegations related to or arising out
1316 of the subject matter set forth, or attempted to be set for, in the original complaint. For
1317 jurisdictional purposes, the amendments relate back to the date the original complaint
1318 was first filed. Either the charging party or the office of ~~((civil rights))~~ equity and racial
1319 and social justice, or both, may amend a complaint for these reasons as a matter of right
1320 before service of notice of hearing on the matter, as provided under K.C.C. 12.20.100,
1321 and thereafter may amend a complaint only with permission of the hearing examiner,
1322 which permission shall be granted if justice will be served by the permission, and all
1323 parties shall be allowed time to prepare their case with respect to additional or expanded
1324 allegations they did not and could not have reasonably foreseen would be an issue at the
1325 hearing.

1326 E. The charging party may also amend a complaint to include allegations of
1327 additional unrelated discriminatory practices that arose after the filing of the original
1328 complaint. The charging party must file any amendments adding the allegations within
1329 three hundred sixty-five days after the occurrence or termination of the additional
1330 discriminatory practices and before the issuance of findings of fact and a determination
1331 with respect to the original complaint by the office of ~~((civil rights))~~ equity and racial and

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1332 social justice. The amendments may be made at any time during the investigation of the
1333 original complaint if the office of ((~~civil rights~~)) equity and racial and social justice will
1334 have adequate time to investigate the additional allegations and the parties will have
1335 adequate time to present the office of ((~~civil rights~~)) equity and racial and social justice
1336 with evidence concerning the allegations before the issuance of findings of fact and a
1337 determination.

1338 SECTION 25. Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080 are
1339 hereby amended to read as follows:

1340 A. After the filing of a complaint, the office of ((~~civil rights~~)) equity and racial
1341 and social justice shall cause to be served on or mailed to the respondent, by certified
1342 mail, return receipt requested, a copy of the complaint, along with a notice advising of
1343 procedural rights and obligations of respondents under this chapter promptly and in no
1344 case longer than twenty days after the filing the complaint. Each respondent may file an
1345 answer to the complaint, not later than ten days after receipt of notice from the office of
1346 ((~~civil rights~~)) equity and racial and social justice. If the respondent is unable to file a
1347 response within ten days, the respondent may request an extension of time from the office
1348 of ((~~civil rights~~)) equity and racial and social justice, not to exceed five days. The office
1349 of ((~~civil rights~~)) equity and racial and social justice may grant the extension if good
1350 cause is shown.

1351 B. The investigation shall be commenced promptly and in no event later than
1352 thirty days after receipt of the complaint. It shall be directed to ascertain the facts
1353 concerning the unfair practice alleged in the complaint and shall be conducted in an
1354 objective and impartial manner. The investigation shall be completed within one hundred

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1355 days after the filing of the complaint, unless it is impracticable to do so. If the office of
1356 ~~((civil rights))~~ equity and racial and social justice is unable to complete the investigation
1357 within the one hundred days, the office of ~~((civil rights))~~ equity and racial and social
1358 justice shall notify the charging party and respondent, in writing, of the reasons for not
1359 doing so. The office of ~~((civil rights))~~ equity and racial and social justice shall make final
1360 administrative disposition of a complaint within one year of the date of receipt of the
1361 complaint, unless it is impracticable to do so. If the office of ~~((civil rights))~~ equity and
1362 racial and social justice is unable to do so, the office of ~~((civil rights))~~ equity and racial
1363 and social justice shall notify the charging party and respondent, in writing, of the reasons
1364 for not doing so.

1365 C. During the investigation, the office of ~~((civil rights))~~ equity and racial and
1366 social justice shall consider any statement of position or evidence with respect to the
1367 allegations of the complaint that the charging party or the respondent wishes to submit.

1368 D. A person who is not named as a respondent in a complaint, but who is
1369 identified as a respondent in the course of investigation, may be joined as an additional or
1370 substitute respondent upon written notice, under subsection A. of this section, to the
1371 person from the office of ~~((civil rights))~~ equity and racial and social justice. The notice,
1372 in addition to meeting the requirements of subsection A. of this section, shall explain the
1373 basis for the belief of the office of ~~((civil rights))~~ equity and racial and social justice that
1374 the person to whom the notice is addressed is properly joined as a respondent.

1375 E. During the period beginning with the filing of the complaint and ending with
1376 the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and
1377 social justice shall, to the extent feasible, engage in settlement discussions with respect to

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1378 the complaint. Nothing said or done in the course of the settlement discussions may be
1379 made public or used as evidence in a subsequent proceeding under this chapter without
1380 the written consent of the persons concerned. A prefinding settlement agreement arising
1381 out of the settlement discussions shall be an agreement between the respondent and the
1382 charging party, and is subject to approval by the office of ~~((civil rights))~~ equity and racial
1383 and social justice. Each prefinding settlement agreement is a public record. Failure to
1384 comply with the prefinding settlement agreement may be enforced under K.C.C.
1385 12.20.120.

1386 F. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the
1387 voluntary cooperation of all persons to: obtain access to premises, records, documents,
1388 individuals and other possible sources of information; examine, record and copy
1389 necessary materials; and take and record testimony or statements of persons reasonably
1390 necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and
1391 racial and social justice may conduct discovery in aid of the investigation by the
1392 following methods or others: deposition upon oral examination or written questions;
1393 written interrogatories; requests for the production of documents or evidence, for
1394 inspection and other purposes; physical and mental examinations; and requests for
1395 admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and
1396 issue subpoenas requiring the attendance and testimony of witnesses, the production of
1397 evidence including books, records, correspondence, e-mail or documents in the
1398 possession or under the control of the person subpoenaed and access to evidence for the
1399 purpose of examination and copying as are necessary for the investigation. The office of

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1400 ~~((civil rights))~~ equity and racial and social justice shall consult with the prosecuting
1401 attorney before issuing any subpoena under this section.

1402 G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to
1403 testify when requested concerning any matter under investigation, the office of ~~((civil~~
1404 ~~rights))~~ equity and racial and social justice may invoke the aid of the prosecuting
1405 attorney, who shall petition to the superior court for an order or other appropriate action
1406 necessary to secure enforcement of the subpoena. The petition shall:

- 1407 1. Be accompanied by a copy of the subpoena and proof of service;
1408 2. Set forth in what specific manner the subpoena has not been complied with;
1409 and
1410 3. Ask for an order of the court to compel the witness to appear and testify or
1411 cooperate in the investigation of the unfair housing practice.

1412 H. If the office of ~~((civil rights))~~ equity and racial and social justice concludes at
1413 any time after the filing of a complaint that prompt judicial action is necessary to carry
1414 out the purposes of this chapter, the office of ~~((civil rights))~~ equity and racial and social
1415 justice may invoke the aid of the prosecuting attorney, who shall file a civil action for
1416 appropriate temporary, injunctive or preliminary relief pending final disposition of the
1417 case.

1418 I. The office of ~~((civil rights))~~ equity and racial and social justice shall reduce the
1419 results of the investigation to written findings of fact and make a finding that there either
1420 is or is not reasonable cause for believing that an unfair housing practice has been or is
1421 being committed.

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1422 J. If a finding is made that there is no reasonable cause, the finding shall be
1423 served on the charging party and respondent. Within thirty days after service of such a
1424 negative finding, the charging party may file a written request with the office of ((~~civil~~
1425 ~~rights~~)) equity and racial and social justice asking for reconsideration of the finding. The
1426 office of ((~~civil rights~~)) equity and racial and social justice shall furnish the charging
1427 party with information regarding how to request reconsideration. The office of ((~~civil~~
1428 ~~rights~~)) equity and racial and social justice shall respond in writing within a reasonable
1429 time by granting or denying the request.

1430 SECTION 26. Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090 are
1431 hereby amended to read as follows:

1432 A.1. If the office of ((~~civil rights~~)) equity and racial and social justice makes the
1433 finding initially or on request for reconsideration that reasonable cause exists to believe
1434 that an unfair housing practice occurred or is about to occur, the office of ((~~civil rights~~))
1435 equity and racial and social justice shall endeavor to eliminate the unfair practice by
1436 conference, conciliation and persuasion, which may include as a condition of settlement
1437 the:

- 1438 a. elimination of the unfair housing practice;
- 1439 b. payment of actual damages, including damages caused by emotional
1440 distress, humiliation and embarrassment;
- 1441 c. reinstatement to tenancy;
- 1442 d. payment of attorneys' fees and costs;

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1443 e. payment of a civil penalty to vindicate the public interest up to the limits in
1444 42 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006,
1445 which penalty shall be paid to King County for deposit in the county general fund;

1446 f. participation in training on fair housing laws; and

1447 g. such other requirements as may lawfully be agreed upon by the parties and
1448 the office of ~~((civil rights))~~ equity and racial and social justice.

1449 2. Any postfinding settlement agreement shall be reduced to writing and signed
1450 by all parties, with the approval of the office of ~~((civil rights))~~ equity and racial and social
1451 justice. The office of ~~((civil rights))~~ equity and racial and social justice shall then enter
1452 an order setting forth the agreement and furnish copies of the order to all affected parties.
1453 Failure to comply with the postfinding agreement or order may be enforced under K.C.C.
1454 12.20.120. Each postfinding settlement agreement is a public record.

1455 B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and
1456 racial and social justice shall make a finding to that effect, incorporate the finding in an
1457 order, and furnish a copy of the order to all affected parties. The order shall also include:

1458 a. a finding that an unfair housing practice is about to occur or has occurred;

1459 b. the basis for the finding; and

1460 c. an order requiring the respondent to cease and desist from such unfair
1461 practice and to take appropriate affirmative action, including:

1462 (1) payment of actual damages, including damages caused by emotional
1463 distress, humiliation and embarrassment;

1464 (2) reinstatement to tenancy;

1465 (3) payment of attorneys' fees and costs;

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1466 (4) participation in training on fair housing laws; and
1467 (5) such other action as in the judgment of the office of ~~((civil rights))~~ equity
1468 and racial and social justice will effectuate the purposes of this chapter, which may
1469 include the requirement for report on the matter of compliance, injunctive relief and the
1470 payment of a civil penalty to vindicate the public interest up to the limits set out in 42
1471 U.S.C. Sec. 3612(g)(3) as it exists on April 16, 2006.

1472 SECTION 27. Ordinance 10469, Section 11, as amended, and K.C.C. 12.20.095
1473 are hereby amended to read as follows:

1474 In the case of an order with respect to a discriminatory housing practice that
1475 occurred in the course of a business subject to a licensing or regulation by a
1476 governmental agency, the office of ~~((civil rights))~~ equity and racial and social justice
1477 shall, not later than thirty days after the date of the issuance of the order or, if the order is
1478 appealed pursuant to K.C.C. 12.20.100, thirty days after the order is in substance
1479 affirmed upon the review:

1480 A. Send copies of the findings of fact, conclusions of law and the order, to that
1481 governmental agency; and

1482 B. Recommend to that governmental agency appropriate disciplinary action
1483 including, if appropriate, the suspension or revocation of the license of the respondent.

1484 SECTION 28. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are
1485 hereby amended to read as follows:

1486 A.1. Any charging party, respondent or aggrieved person on whose behalf the
1487 finding was made, after an order of the office of ~~((civil rights))~~ equity and racial and
1488 social justice is made in accordance with K.C.C. 12.20.090.B., may appeal the order by

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1489 electing to have the claims on which reasonable cause was found decided in a civil action
1490 under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of ((~~civil~~
1491 ~~rights~~)) equity and racial and social justice shall provide the charging party, respondent
1492 and aggrieved person on whose behalf the finding was made with information regarding
1493 how to make the election. This election must be made not later than thirty days after the
1494 receipt by the electing person of service of the order. The person making the election
1495 shall give notice of the election stating which forum is elected to the office of ((~~civil~~
1496 ~~rights~~)) equity and racial and social justice and to all other charging parties and
1497 respondents to whom the complaint relates. The notice of election should identify clearly
1498 and specifically:

- 1499 a. the errors that the appellant believes were made in the action or decision that
1500 is being appealed, or the procedural irregularities associated with that action or decision;
1501 b. specific reasons by the county's action should be reversed or modified; and
1502 c. the desired outcome of the appeal.

1503 2. Any order issued by the office of ((~~civil rights~~)) equity and racial and social
1504 justice under K.C.C. 12.20.090.B. becomes final thirty days after service of the order
1505 unless a written notice of election is filed with the office of ((~~civil rights~~)) equity and
1506 racial and social justice within the thirty-day period. If the order becomes final, parties
1507 violating the order are subject to the enforcement provisions of K.C.C. 12.20.120.

1508 B. If no election of civil action is made, and an election for hearing is made, the
1509 complaint, any and all findings made and either affirmative action measures or civil
1510 penalties, or both, required shall be certified by the office of ((~~civil rights~~)) equity and
1511 racial and social justice to the office of the hearing examiner for hearing.

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1512 C. A hearing shall be conducted by the office of the hearing examiner for the
1513 purpose of affirming, denying or modifying the order. There shall be a verbatim record
1514 kept of the hearing. The hearing examiner shall have such rule-making and other powers
1515 necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The office
1516 of ~~((civil rights))~~ equity and racial and social justice shall maintain the action and the
1517 order of the office of ~~((civil rights))~~ equity and racial and social justice shall not be
1518 presumed correct. The hearing examiner's decision shall be based upon a preponderance
1519 of the evidence. The hearing shall be conducted within a reasonable time after receipt of
1520 the certification. Written notice of the time and place of the hearing shall be given at
1521 least ten days before the date of the hearing to each affected party and to the office of
1522 ~~((civil rights))~~ equity and racial and social justice.

1523 D. Each party may, among exercising other rights:

- 1524 1. Call and examine witnesses on any matter relevant to the issues of the
1525 complaint;
- 1526 2. Introduce documentary and physical evidence;
- 1527 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1528 complaint;
- 1529 4. Impeach any witness regardless of which party first called the witness to
1530 testify;
- 1531 5. Rebut evidence against the party; and
- 1532 6. Self-represent or be represented by anyone of the party's choice who is
1533 lawfully permitted to do so.

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1534 E. Following review of the evidence submitted, the hearing examiner presiding at
1535 the hearing shall enter written findings and conclusions and shall affirm or modify the
1536 order previously issued if the hearing examiner finds that a violation is about to occur or
1537 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that
1538 a violation is not about to occur or did not occur. The hearing examiner may grant as
1539 relief any relief that the office of ~~((civil rights))~~ equity and racial and social justice could
1540 grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's findings, conclusions
1541 and decision shall be served on all affected parties. The order of the hearing examiner is
1542 final unless reviewed by a court under K.C.C. 20.22.270.B.

1543 SECTION 29. Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120 are
1544 hereby amended to read as follows:

1545 A. If the office of ~~((civil rights))~~ equity and racial and social justice has
1546 reasonable cause to believe that a respondent breached a prefinding or postfinding
1547 settlement agreement executed under K.C.C. 12.20.080 or 12.20.090 or violated an order
1548 of the office of ~~((civil rights))~~ equity and racial and social justice issued under K.C.C.
1549 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100, the office
1550 of ~~((civil rights))~~ equity and racial and social justice shall refer the matter to the
1551 prosecuting attorney for the filing of a civil action under subsection B. of this section for
1552 the enforcement of the agreement.

1553 B. The prosecuting attorney may commence a civil action in superior court for
1554 appropriate relief with respect to breach of a prefinding or postfinding settlement
1555 agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the
1556 office of ~~((civil rights))~~ equity and racial and social justice issued under K.C.C. 12.20.090

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1557 or an order of the hearing examiner issued under K.C.C. 12.20.100. This action may be
1558 commenced no later than ninety days after the referral of the alleged breach under
1559 subsection A. of this section.

1560 SECTION 30. Ordinance 10469, Section 13, as amended, and K.C.C. 12.20.122
1561 are hereby amended to read as follows:

1562 A. An aggrieved person may commence a civil action in superior court not later
1563 than one year after the occurrence or the termination of an alleged discriminatory housing
1564 practice, whichever occurs last, to obtain appropriate relief with respect to such
1565 discriminatory housing practice.

1566 B. The computation of the one-year period shall not include any time during which
1567 an administrative proceeding under this chapter was pending with respect to a complaint or
1568 charge under this chapter based upon the discriminatory housing practices.

1569 C. An aggrieved person may commence a civil action under this section whether or
1570 not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of
1571 any such complaint. However, if the office of ~~((civil rights))~~ equity and racial and social
1572 justice or the United States Department of Housing and Urban Development has obtained a
1573 prefinding or postfinding settlement or conciliation agreement with the consent of an
1574 aggrieved person, an action may not be filed under this section by the aggrieved person
1575 with respect to the alleged discriminatory housing practice that forms the basis for the
1576 complaint except for the purpose of enforcing the agreement. To preclude such a filing, the
1577 prefinding or postfinding settlement or conciliation agreement must include language that
1578 the charging party knowingly waives any right to file a civil action based on the same
1579 alleged unfair housing practice.

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1580 D. Subject to subsection E. of this section, after the filing of a civil action
1581 involving the same claim or arising from the same facts and circumstances, whether
1582 under this chapter or similar law, the office of ~~((civil rights))~~ equity and racial and social
1583 justice may administratively close a complaint of an unfair housing practice.

1584 E. If a court dismisses a private cause of action without reaching the merits and
1585 on grounds that would not preclude pursuit of a complaint under this chapter, the
1586 charging party may request, within ninety days of the entry of the court's order of
1587 dismissal, that the office of ~~((civil rights))~~ equity and racial and social justice reopen a
1588 previously filed case. Upon such a request, the office of ~~((civil rights))~~ equity and racial
1589 and social justice may reopen a case that was administratively closed upon the filing of a
1590 civil action. If the office of ~~((civil rights))~~ equity and racial and social justice closes a
1591 case based on a "no reasonable cause" finding, the case shall not be reopened except as
1592 provided through reconsideration under K.C.C. 12.20.080. A charging party or aggrieved
1593 person may not secure relief from more than one governmental agency, instrumentality or
1594 tribunal for the same harm or injury.

1595 F. An aggrieved person may not commence a civil action under this section with
1596 respect to an alleged discriminatory housing practice that forms the basis of a complaint if a
1597 hearing on the complaint has been convened by the office of the hearing examiner.

1598 G. In a civil action under subsection A., of this section, if the court finds that a
1599 discriminatory practice occurred or is about to occur, the court may order remedies as
1600 allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as
1601 provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this
1602 section, may grant as relief, as the court deems appropriate, any permanent or temporary

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1603 injunction, temporary restraining order or other order, including an order enjoining the
1604 defendant from engaging in the practice or ordering such affirmative action as might be
1605 appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing
1606 party.

1607 H. Relief granted under this section shall not affect any contract, sale, encumbrance
1608 or lease consummated before the granting of the relief and involving a bona fide purchaser,
1609 encumbrances or tenant, without actual notice of the filing of a complaint with the office of
1610 ~~((civil rights))~~ equity equity and racial and social justice or civil action under this chapter.

1611 I. Upon timely application, the prosecuting attorney may intervene in the civil
1612 action if the prosecuting attorney determines that the case is of general public importance.

1613 J. This section is intended to provide private judicial remedies for violations of this
1614 chapter that are as expansive as the powers granted by the Constitution of laws of the state
1615 of Washington.

1616 SECTION 31. Ordinance 10469, Section 14, as amended, and K.C.C. 12.20.124
1617 are hereby amended to read as follows:

1618 A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a
1619 civil action, the office of ~~((civil rights))~~ equity and racial and social justice shall authorize
1620 and, not later than thirty days after the election is made, shall commence, on behalf of the
1621 charging party, a civil action in superior court to affirm or modify the order of the office of
1622 ~~((civil rights))~~ equity and racial and social justice issued under K.C.C. 12.20.090.

1623 B. Any aggrieved person with respect to the issues to be determined in a civil
1624 action under this section may intervene as of right in that civil action.

1625 C. In a civil action under this section, if the court finds that a discriminatory

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1626 housing practice has occurred, or is about to occur, the court may grant as relief any relief
1627 which a court could grant with respect to such discriminatory housing practice in a civil
1628 action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved
1629 person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also
1630 accrues to that aggrieved person in a civil action under this section. If monetary relief is
1631 sought for the benefit of an aggrieved person who does not intervene in that civil action, the
1632 court shall not award the monetary relief if that aggrieved person has not complied with
1633 discovery orders entered by the court.

1634 SECTION 32. Ordinance 10469, Section 16, as amended, and K.C.C. 12.20.133
1635 are hereby amended to read as follows:

1636 The office of (~~(civil rights)~~) equity and racial and social justice may implement
1637 such forms, administrative processes and operational procedures as are necessary to
1638 comply with this chapter. The forms, processes and procedures shall be adopted in
1639 compliance with K.C.C. chapter 2.98.

1640 SECTION 33. Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150
1641 are hereby amended to read as follows:

1642 A. If a complaint has been filed under this chapter, the office of (~~(civil rights)~~)
1643 equity and racial and social justice shall initiate an investigation under this chapter.

1644 B. If the office of (~~(civil rights)~~) equity and racial and social justice determines
1645 that a violation of this chapter or any rules and regulations adopted under this chapter is
1646 about to occur or has occurred the office of (~~(civil rights)~~) equity and racial and social
1647 justice shall issue an order in accordance with this chapter. For enforcement of this

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1648 chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls
1649 over K.C.C. Title 23.

1650 SECTION 34. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are
1651 hereby amended to read as follows:

1652 The definitions in this section apply throughout this chapter unless the context
1653 clearly requires otherwise.

1654 A. "Aggrieved person" includes any person who claims to have been injured by
1655 an act of discrimination in a place of public accommodation;

1656 B. "Charging party" means any person alleging an act of discrimination in a place
1657 of public accommodation under this chapter by filing a complaint with the office of
1658 ~~((civil rights))~~ equity and racial and social justice.

1659 C.1. "Disability" means:

1660 a. a physical or mental impairment that substantially limits one or more of a
1661 person's major life activities, either temporarily or permanently;

1662 b. a person has a record of having such an impairment;

1663 c. a person is regarded as having such an impairment; or

1664 d. a person has any other condition that is a disability under the Washington
1665 state Law Against Discrimination, chapter 49.60 RCW, as it pertains to public
1666 accommodations.

1667 2. "Disability" does not include current, illegal use of a controlled substance, as
1668 defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

1669 D. "Discrimination" or "discriminatory practice or act" means any action or
1670 failure to act, whether by a single act or part of a practice, the effect of which is to

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1671 adversely affect or differentiate between or among individuals, because of race, color,
1672 religion, national origin, ancestry, age, gender, marital status, parental status, sexual
1673 orientation, gender identity or expression, disability or use of a service or assistive animal
1674 by an individual with a disability.

1675 E. "Gender identity or expression" means an individual's gender-related identity,
1676 appearance, or expression, whether or not associated with the individual's sex assigned at
1677 birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining
1678 to the individual's own gender identity or expression.

1679 F. "Marital status" means the presence or absence of a marital relationship and
1680 includes the status of married, separated, divorced, engaged, widowed, single or
1681 cohabiting.

1682 G. "Owner" includes a person who owns, leases, subleases, rents, operates,
1683 manages, has charge of, controls or has the right of ownership, possession, management,
1684 charge or control of real property on the person's own behalf or on behalf of another.

1685 H. "Parental status" means being a parent, step-parent, adoptive parent, guardian,
1686 foster parent or custodian of a minor child or children.

1687 I. "Party" includes a person making a complaint or upon whose behalf a
1688 complaint is made alleging an unfair public accommodations practice, a person alleged or
1689 found to have committed an unfair public accommodations practice and the office of
1690 ~~((civil rights))~~ equity and racial and social justice.

1691 J. "Person" means one or more individuals, partnerships, associations,
1692 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
1693 bankruptcy, receivers or any group of persons, and includes King County but no

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1694 governmental body other than King County. "Person" also includes any owner, lessee,
1695 proprietor, manager, agent or employee whether one or more natural persons.

1696 K. "Place of public accommodation" means any place, store or other
1697 establishment, either licensed or unlicensed, that supplies goods or services to the general
1698 public. "Place of public accommodation" includes, but is not limited to, the following
1699 types of services or facilities: hotels, or other establishments provide lodging to transient
1700 guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other
1701 facilities principally engaged in selling or offering for sale food for consumption upon the
1702 premises; motion picture houses, theatres, concert halls, convention halls, sport arenas,
1703 stadiums or other places of exhibition or entertainment; bowling alleys and amusement
1704 parks; retail establishments; transportation carriers; barber shop; beauty shops; bars or
1705 taverns or other facilities engaged in selling or offering for sale alcoholic beverages for
1706 consumption upon the premises; food banks, senior citizens centers and other social
1707 service organizations and establishments; places of public accommodation operated by
1708 King County; and public burial facilities if the facilities are owned and operated by any
1709 cemetery corporation or burial association.

1710 L. "Respondent" means a person who is alleged or found to have discriminated in
1711 a place of public accommodation.

1712 M. "Senior citizen" means an individual as old or older than an age set for a
1713 senior category. The minimum age for the senior category is fifty-five years.

1714 N. "Service or assistive animal" means a dog guide, signal or hearing dog,
1715 seizure response dog, therapeutic companion animal or other animal that does work,

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1716 performs tasks or provides medically necessary support for the benefit of an individual
1717 with a disability.

1718 O. "Settlement discussions" or "conference, conciliation and persuasion" means
1719 the attempted resolution of issues raised by a complaint, or by the investigation of a
1720 complaint, through informal negotiations involving the charging party, the respondent
1721 and the office of ~~((civil rights))~~ equity and racial and social justice.

1722 P. "Sexual orientation" means an individual's attitudes, preferences, beliefs and
1723 practices pertaining to the individual's own sexual orientation including, but not limited
1724 to, actual or perceived heterosexuality, homosexuality and bisexuality.

1725 SECTION 35. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are
1726 hereby amended to read as follows:

1727 A. A complaint alleging discrimination in a place of public accommodation may
1728 be filed by:

- 1729 1. Any aggrieved person; or
1730 2. Any state, local or federal agency concerned with discrimination in places of
1731 public accommodation, including the office of ~~((civil rights))~~ equity and racial and social
1732 justice, if the agency has reason to believe that a discriminatory act or practice has been
1733 or is being committed.

1734 B. A complaint alleging discrimination in a place of public accommodation shall
1735 be in writing and signed by the charging party. The complaint must be filed with the
1736 office of ~~((civil rights))~~ equity and racial and social justice within one hundred eighty
1737 days of the occurrence of the alleged discrimination or within one hundred eighty days of
1738 when the charging party, through exercise of due diligence, should have had notice or

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1739 been aware of the occurrence. The complaint must describe with particularity the
1740 practice complained of and the location of the practice and must identify the person being
1741 charged with committing the discrimination. However, the office of ((~~civil rights~~)) equity
1742 and racial and social justice shall not reject a complaint as insufficient because of failure
1743 to include all required information, if the office of ((~~civil rights~~)) equity and racial and
1744 social justice determines that the complaint substantially meets the informational
1745 requirements necessary for processing.

1746 C. Upon the receipt of a complaint, the office of ((~~civil rights~~)) equity and racial
1747 and social justice shall serve notice upon the charging party acknowledging the filing.

1748 D. The charging party or the office of ((~~civil rights~~)) equity and racial and social
1749 justice may amend a complaint: to cure technical defects or omissions; to clarify and
1750 amplify allegations made in the complaint; or to add allegations related to or arising out
1751 of the subject matter set forth, or attempted to be set forth, in the original complaint. For
1752 jurisdictional purposes, the amendments relate back to the date the original complaint
1753 was first filed. Either the charging party or the office of ((~~civil rights~~)) equity and racial
1754 and social justice, or both, may amend a complaint for these reasons as a matter of right
1755 before service of notice of hearing on the matter as provided under K.C.C. 12.22.070, and
1756 thereafter may amend a complaint only with the permission of the hearing examiner,
1757 which permission shall be granted if justice will be served by the permission, and all
1758 parties shall be allowed time to prepare their cases with respect to additional or expanded
1759 allegations that the parties did not and could not have reasonably foreseen would be an
1760 issue at the hearing.

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1761 E. The charging party may also amend a complaint to include allegations of
1762 additional unrelated discriminatory acts that arose after filing of the original complaint.
1763 The charging party must file any amendments adding the allegations within one hundred
1764 eighty days of the occurrence of the alleged discrimination or within one hundred eighty
1765 days of when the charging party, through exercise of due diligence, should have had
1766 notice or been aware of the additional discriminatory act, and before the issuance of
1767 findings of fact and a determination with respect to the original complaint by the office of
1768 ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at any
1769 time during the investigation of the original complaint if the office of ~~((civil rights))~~
1770 equity and racial and social justice will have adequate time to investigate the additional
1771 allegations and the parties will have adequate time to present the office of ~~((civil rights))~~
1772 equity and racial and social justice with evidence concerning the allegations before the
1773 issuance of findings of fact and a determination.

1774 SECTION 36. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are
1775 hereby amended to read as follows:

1776 A. After the filing of a complaint, the office of ~~((civil rights))~~ equity and racial
1777 and social justice shall serve notice of the complaint and a copy of the complaint on the
1778 respondent within twenty days after the filing of the complaint. Each respondent may file
1779 an answer to the complaint not later than twenty days after receipt of notice from the
1780 office of ~~((civil rights))~~ equity and racial and social justice. If a respondent is unable to
1781 file a response within twenty days, the respondent may request an extension of time from
1782 the office of ~~((civil rights))~~ equity and racial and social justice. The extension may be
1783 granted by the office of ~~((civil rights))~~ equity and racial and social justice if good cause is

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1784 shown. The office of ~~((civil rights))~~ equity and racial and social justice shall commence
1785 the investigation of the complaint promptly.

1786 B. The office of ~~((civil rights))~~ equity and racial and social justice shall direct the
1787 investigation to ascertain the facts concerning the discrimination in public
1788 accommodations alleged in the complaint and shall conduct the investigation in an
1789 objective and impartial manner. During the investigation, the office of ~~((civil rights))~~
1790 equity and racial and social justice shall consider any statement of position or evidence
1791 with respect to the allegations of the complaint that the charging party or the respondent
1792 wishes to submit. A person who is not named as a respondent in a complaint, but who is
1793 identified as a respondent in the course of the investigation, may be joined as an
1794 additional or substitute respondent upon written notice, as provided under subsection A.
1795 of this section, to the person from the office of ~~((civil rights))~~ equity and racial and social
1796 justice. The notice, in addition to meeting the requirements of subsection A. of this
1797 section, must explain the basis for the belief of the office of ~~((civil rights))~~ equity and
1798 racial and social justice that the person to whom the notice is addressed is properly joined
1799 as a respondent.

1800 C. During the period beginning with the filing of the complaint and ending with
1801 the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and
1802 social justice shall, to the extent feasible, engage in settlement discussions with respect to
1803 the complaint. Anything said or done in the course of the settlement discussions may not
1804 be made public or used as evidence in a subsequent proceeding under this chapter without
1805 the written consent of the persons concerned. A prefinding settlement agreement arising
1806 out of the settlement discussions must be an agreement between the respondent and the

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1807 charging party, and is subject to approval by the office of ((~~civil rights~~)) equity and racial
1808 and social justice. Each prefinding settlement agreement is a public record. Failure to
1809 comply with the prefinding settlement agreement may be enforced under K.C.C.
1810 12.22.080.

1811 D. The office of ((~~civil rights~~)) equity and racial and social justice shall seek the
1812 voluntary cooperation of all persons to obtain access to premises, records, documents,
1813 individuals and other possible sources of information; to examine, record and copy
1814 necessary materials; and to take and record testimony or statements of persons reasonably
1815 necessary for the furtherance of the investigation. The office of ((~~civil rights~~)) equity and
1816 racial and social justice may conduct discovery in aid of the investigation by the
1817 following methods or others: deposition upon oral examination or written questions;
1818 written interrogatories; requests for the production of documents or other evidence,
1819 inspection and other purposes; physical and mental examinations; and requests for
1820 admissions. The office of ((~~civil rights~~)) equity and racial and social justice may sign and
1821 issue subpoenas requiring the attendance and testimony of witnesses and the production
1822 of or access to evidence including books, records, correspondence, e-mail or documents
1823 in the possession or under the control of the person subpoenaed as are necessary for the
1824 investigation. The office of ((~~civil rights~~)) equity and racial and social justice shall
1825 consult with the prosecuting attorney before issuing a subpoena under this section.

1826 E. If an individual fails to obey a subpoena issued under this section, or obeys the
1827 subpoena but refuses to testify if requested concerning a matter under investigation under
1828 this section, the office of ((~~civil rights~~)) equity and racial and social justice may invoke
1829 the aid of the prosecuting attorney who may petition to the superior court for an order or

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1830 other appropriate action necessary to secure enforcement of the subpoena. The petition
1831 shall:

- 1832 1. Be accompanied by a copy of the subpoena and proof of service;
- 1833 2. Set forth in what specific manner the subpoena has not been complied with;
- 1834 and
- 1835 3. Ask for an order of the court to compel the witness to appear and testify or
1836 cooperate in the investigation of the discrimination in public accommodations.

1837 F. If the office of (~~(civil rights)~~) equity and racial and social justice concludes at
1838 any time after the filing of a complaint that prompt judicial action is necessary to carry
1839 out the purposes of this chapter, the office of (~~(civil rights)~~) equity and racial and social
1840 justice may invoke the aid of the prosecuting attorney who may file a civil action for
1841 appropriate temporary, injunctive or preliminary relief pending final disposition of the
1842 case.

1843 G. The office of (~~(civil rights)~~) equity and racial and social justice shall reduce
1844 the results of the investigation to written findings of fact make and a finding that there
1845 either is or is not reasonable cause for believing that an act of discrimination in a place of
1846 public accommodations has been or is being committed.

1847 H. If a finding is made that there is no reasonable cause, the finding shall be
1848 served on the charging party and respondent. Within thirty days after service of such a
1849 negative finding, the charging party may file a written request with the office of (~~(civil~~
1850 ~~rights)~~) equity and racial and social justice asking for reconsideration of the finding. The
1851 office of (~~(civil rights)~~) equity and racial and social justice shall furnish the charging
1852 party with information regarding how to request reconsideration. The office of (~~(civil~~

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1853 ~~rights~~) equity and racial and social justice shall respond in writing within a reasonable
1854 time by granting or denying the request.

1855 SECTION 37. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are
1856 hereby amended to read as follows:

1857 A.1. If the office of (~~civil rights~~) equity and racial and social justice makes the
1858 finding initially or on request for reconsideration that reasonable cause exists to believe
1859 that discrimination in a place of public accommodation occurred, the office of (~~civil~~
1860 ~~rights~~) equity and racial and social justice shall endeavor to eliminate the discriminatory
1861 practice by conference, conciliation and persuasion, which may include as a condition of
1862 settlement:

- 1863 a. elimination of the discriminatory practice;
- 1864 b. payment of refunds or credits not in excess of the amount of monetary
1865 damage actually incurred;
- 1866 c. payment of other actual damages, including damages caused by emotional
1867 distress, humiliation and embarrassment;
- 1868 d. payment of attorneys' fees and costs;
- 1869 e. participation in training on public accommodations laws; and
- 1870 f. such other requirements as may lawfully be agreed upon by the parties and
1871 the office of (~~civil rights~~) equity and racial and social justice.

1872 2. Any postfinding settlement agreement shall be reduced to writing and signed
1873 by all parties, with the approval of the office of (~~civil rights~~) equity and racial and social
1874 justice. The office of (~~civil rights~~) equity and racial and social justice shall then enter
1875 an order setting forth the agreement and furnish copies of the order to all affected parties.

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1876 Each postfinding settlement agreement is a public record. Failure to comply with the
1877 postfinding settlement agreement or order may be enforced under K.C.C. 12.22.080.

1878 B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and
1879 racial and social justice shall make a finding to that effect, incorporate the finding in the
1880 order and furnish a copy of the order to all affected parties. The order shall also include:

1881 a. a finding that discrimination in a place of public accommodation occurred;

1882 b. the basis for the finding;

1883 c. an order requiring the respondent to cease and desist from such
1884 discriminatory practice and to take appropriate affirmative measures, which may include:

1885 (1) payment of refunds or credit or other damages not to exceed monetary
1886 damage actually incurred;

1887 (2) payment of other actual damages, including damages caused by emotional
1888 distress, humiliation and embarrassment;

1889 (3) payment of attorneys' fees and costs;

1890 (4) participation in training in public accommodations laws; or

1891 (5) such other action as in the judgment of the office of ~~((civil rights))~~ equity

1892 and racial and social justice will effectuate the purposes of this chapter, which may

1893 include the requirement for a report on the matter of compliance.

1894 2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the

1895 respondent willfully or knowingly committed any discrimination in a place of public

1896 accommodation, the office of ~~((civil rights))~~ equity and racial and social justice may

1897 further order the respondent to pay a civil penalty of up to one thousand dollars per

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1898 violation, which penalty shall be paid to the King County treasury for deposit in the
1899 county general fund.

1900 SECTION 38. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are
1901 hereby amended to read as follows:

1902 A.1. Any respondent or charging party, after an order of the office of ((~~civil~~
1903 ~~rights~~)) equity and racial and social justice is made in accordance with K.C.C.
1904 12.22.060.B., may request an appeal hearing before the hearing examiner by filing a
1905 written request for hearing within thirty days of the service of the order. The request for
1906 hearing shall be filed with the office of ((~~civil rights~~)) equity and racial and social justice.
1907 The request for hearing must identify clearly and specifically:

- 1908 a. the errors that the appellant believes were made in the action or decision that
- 1909 is being appealed, or the procedural irregularities associated with that action or decision;
- 1910 b. specific reasons why the county's action should be reversed or modified; and
- 1911 c. the desired outcome of the appeal.

1912 2. Unless the hearing examiner authorizes an amendment to the statement of
1913 appeal, the identification of errors and the statement of reasons for reversal or
1914 modification defines and limits the issues that the examiner may consider.

1915 B. Any order issued by the office of ((~~civil rights~~)) equity and racial and social
1916 justice in accordance with procedures in this chapter becomes final thirty days after
1917 service of the order unless a written request for hearing is filed with the office of ((~~civil~~
1918 ~~rights~~)) equity and racial and social justice within the thirty-day period.

1919 C. If the order of the office of ((~~civil rights~~)) equity and racial and social justice is
1920 appealed, the hearing examiner shall conduct a hearing for the purpose of affirming,

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1921 denying or modifying the order. There shall be a verbatim record kept of the hearing.
1922 The hearing examiner has such rule-making and other powers necessary for the conduct
1923 of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of ((~~civil~~
1924 ~~rights~~)) equity and racial and social justice shall not be presumed correct. The hearing
1925 examiner's decision shall be based upon a preponderance of the evidence. The hearing
1926 shall be conducted within a reasonable time after receipt of the request for appeal.
1927 Written notice of the time and place of the hearing shall be given at least ten days before
1928 the date of the hearing to each affected party and to the office of ((~~civil rights~~)) equity
1929 and racial and social justice.

1930 D. Each party may, among exercising other rights:

- 1931 1. Call and examine witnesses on any matter relevant to the issues of the
1932 complaint;
- 1933 2. Introduce documentary and physical evidence;
- 1934 3. Cross-examine opposing witnesses on any matter relevant to the issues of the
1935 complaint;
- 1936 4. Impeach any witness regardless of which party first called the witness to
1937 testify;
- 1938 5. Rebut evidence against the party; and
- 1939 6. Self-represent or be represented by anyone of the party's choice who is
1940 lawfully permitted to do so.

1941 E. Following review of the evidence submitted, the hearing examiner presiding at
1942 the hearing shall enter written findings and conclusions and shall affirm or modify the
1943 order previously issued if the hearing examiner finds that a violation occurred. The

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1944 hearing examiner shall reverse the order if the hearing examiner finds that a violation did
1945 not occur. The hearing examiner may grant as relief any relief that the office of ((~~civil~~
1946 ~~rights~~)) equity and racial and social justice could grant under K.C.C. 12.22.060.B. A
1947 copy of the hearing examiner's decision shall be delivered to all affected parties.

1948 SECTION 39. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are
1949 hereby amended to read as follows:

1950 A. If the office of ((~~civil rights~~)) equity and racial and social justice has
1951 reasonable cause to believe that a respondent breached a prefinding or postfinding
1952 settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violated an order
1953 of the office of ((~~civil rights~~)) equity and racial and social justice issued under K.C.C.
1954 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070, the office
1955 of ((~~civil rights~~)) equity and racial and social justice shall refer the matter to the
1956 prosecuting attorney for the filing of a civil action under subsection B. of this section for
1957 the enforcement of the agreement.

1958 B. The prosecuting attorney may commence a civil action in superior court for
1959 appropriate relief with respect to a breach of a prefinding or postfinding settlement
1960 agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the
1961 office of ((~~civil rights~~)) equity and racial and social justice issued under K.C.C. 12.22.060
1962 or an order of the hearing examiner issued under K.C.C. 12.22.070. The action may be
1963 commenced no later than ninety days after the referral of the alleged breach underlying
1964 the referral under subsection A. of this section.

1965 SECTION 40. Ordinance 15399, Section 59, and K.C.C. 12.22.085 are hereby
1966 amended to read as follows:

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1967 A. An aggrieved person may commence a civil action in superior court not later
1968 than one year after the occurrence or termination of alleged discrimination in a place of
1969 public accommodation or ninety days after a determination of reasonable cause is issued
1970 by the office of ~~((civil rights))~~ equity and racial and social justice, whichever occurs last,
1971 to obtain appropriate relief with respect to the discrimination in public accommodations.

1972 B. A civil action may be filed under this section whether or not an administrative
1973 complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the
1974 complaint. However, if the office of ~~((civil rights))~~ equity and racial and social justice
1975 obtained a prefinding or postfinding settlement or conciliation agreement with the
1976 consent of the aggrieved person, an action may not be filed by the aggrieved person with
1977 respect to the alleged discrimination in public accommodations that forms the basis for
1978 the complaint except for the purpose of enforcing the agreement. To preclude such a
1979 filing, the prefinding or postfinding settlement or conciliation agreement must include
1980 language that the aggrieved person knowingly waives any right to file a civil action under
1981 this section based on the same alleged discrimination in public accommodations.

1982 C. Subject to subsection D. of this section, after the filing of a civil action
1983 involving the same claim or arising from the same facts and circumstances, whether
1984 under this chapter or similar law, the office of ~~((civil rights))~~ equity and racial and social
1985 justice may administratively close a complaint of discrimination in public
1986 accommodations.

1987 D. If a court dismisses a private cause of action without reaching the merits and
1988 on grounds that would not preclude pursuit of a complaint under this chapter, the
1989 charging party may request, within ninety days of the entry of the court's order of

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1990 dismissal, that the office of (~~(civil rights))~~ equity and racial and social justice reopen a
1991 previously filed case. Upon such a request, the office of (~~(civil rights))~~ equity and racial
1992 and social justice may reopen a case that was administratively closed upon the filing of a
1993 civil action. If the office of (~~(civil rights))~~ equity and racial and social justice closes a
1994 case based on a "no reasonable cause" finding, the case may not be reopened except as
1995 provided through reconsideration under K.C.C. 12.22.050.

1996 E. A charging party or aggrieved person may not secure relief from more than
1997 one governmental agency, instrumentality or tribunal for the same harm or injury.

1998 F. An aggrieved person may not commence a civil action under this section with
1999 respect to an alleged discrimination in public accommodations practice that forms the
2000 basis of a complaint if a hearing on the complaint has been convened under K.C.C.
2001 12.22.070.

2002 G. In a civil action under this section, if the court finds that discrimination in
2003 public accommodations occurred, the court may grant such relief as is available for
2004 violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

2005 H. Upon timely application, the prosecuting attorney may intervene in the civil
2006 action, if the prosecuting attorney determines that the case is of general public
2007 importance.

2008 I. This section is intended to provide private judicial remedies for violations of
2009 this chapter that are as expansive as the powers granted by the Constitution and laws of
2010 the state of Washington.

2011 SECTION 41. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are
2012 hereby amended to read as follows:

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2013 The office of ((~~civil rights~~)) equity and racial and social justice may implement
2014 such forms, administrative processes and operational procedures as are necessary to
2015 comply with this chapter. The forms, processes and procedures shall be adopted in
2016 compliance with K.C.C. chapter 2.98.

2017 SECTION 42. Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095
2018 are hereby amended to read as follows:

2019 A. If a complaint has been filed under this chapter, the office of ((~~civil rights~~))
2020 equity and racial and social justice shall initiate an investigation under the provisions of
2021 this chapter.

2022 B. If the office of ((~~civil rights~~)) equity and racial and social justice determines
2023 that a violation of this chapter or any rules and regulations adopted under this chapter
2024 occurred, the office shall issue an order under this chapter. For violations of this chapter,
2025 if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over
2026 K.C.C. Title 23.

2027 SECTION 43. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are
2028 hereby amended to read as follows:

2029 The examiner shall issue final decisions in the following cases:

2030 A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C.
2031 chapter 1.07;

2032 B. Appeals of sanctions of the finance and business operations division in the
2033 department of executive services imposed under K.C.C. chapter 2.97;

2034 C. Appeals of career service review committee conversion decisions for part-time
2035 and temporary employees under K.C.C. chapter 3.12A;

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2036 D. Appeals of electric vehicle recharging station penalties of the Metro transit
2037 department under K.C.C. 4A.700.700;

2038 E. Appeals of notice and orders of the manager of records and licensing services or
2039 the department of local services permitting division manager under K.C.C. chapter 6.01;

2040 F. Appeals of adult entertainment license denials, suspensions and revocations
2041 under K.C.C. chapter 6.09;

2042 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
2043 chapter 6.26;

2044 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
2045 and orders under K.C.C. 6.27A.240;

2046 I. Appeals of notices and orders of the department of natural resources and parks
2047 under K.C.C. chapter 7.09;

2048 J. Appeals of decisions of the director of the department of natural resources and
2049 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

2050 K. Appeals of decisions of the director of the department of natural resources and
2051 parks on requests for rate adjustments to surface and storm water management rates and
2052 charges under K.C.C. chapter 9.08;

2053 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

2054 M. Appeals of notices and orders of the manager of animal control under K.C.C.
2055 chapter 11.04;

2056 N. Certifications by the finance and business operations division of the department
2057 of executive services involving K.C.C. chapter 12.16;

2058 O. Appeals of orders of the office of ~~((civil rights))~~ equity and racial and social

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2059 justice under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C.
2060 chapter 12.22;

2061 P. Appeals of noise-related orders and citations of the department of local services,
2062 permitting division, under K.C.C. chapter 12.86;

2063 Q. Appeals of utilities technical review committee determinations on water service
2064 availability under K.C.C. 13.24.090;

2065 R. Appeals of decisions regarding mitigation payment system, commute trip
2066 reduction and intersection standards under K.C.C. Title 14;

2067 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
2068 the board of plumbing appeals under K.C.C. chapter 16.32;

2069 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception
2070 of appeals of shoreline permits, including shoreline substantial development permits,
2071 shoreline variances and shoreline conditional uses, which are appealable to the state
2072 Shoreline Hearings Board;

2073 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
2074 adopted under K.C.C. 20.44.075;

2075 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

2076 W. Appeals of decisions of the interagency review committee created under K.C.C.
2077 21A.37.070 regarding sending site applications for certification under K.C.C. chapter
2078 21A.37;

2079 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
2080 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the
2081 King County board of health;

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- 2082 Y. Appeals of notices and certifications of junk vehicles to be removed as a public
2083 nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;
- 2084 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
2085 23.36.010.A.2;
- 2086 AA. Appeals of fee waiver decisions by the department of local services,
2087 permitting division, as provided in K.C.C. 27.02.040;
- 2088 BB. Appeals from decisions of the department of natural resources and parks
2089 related to permits, discharge authorizations, violations and penalties under K.C.C.
2090 28.84.050 and 28.84.060;
- 2091 CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;
- 2092 DD. Appeals of department of public safety seizures and intended forfeitures,
2093 when properly designated by the chief law enforcement officer of the department of public
2094 safety as provided in RCW 69.50.505; and
- 2095 EE. Other applications or appeals that are prescribed by ordinance.
- 2096 SECTION 44. Ordinance 12394, Section 3, as amended, and K.C.C. 4.56.085 are

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2097 hereby repealed.

2098 SECTION 45. This ordinance takes effect January 1, 2023.

Ordinance 19541 was introduced on 10/4/2022 and passed by the Metropolitan King County Council on 11/15/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
F8830816F1C4427...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Angel Foss
C267B914088E4A0...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 11/29/2022, _____.

DocuSigned by:
Dow Constantine
4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Envelopeld Stamping: Enabled	Cherie Camp
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	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
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Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
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Electronic Record and Signature Disclosure:

Accepted: 11/23/2022 11:39:12 AM
 ID: b2f1bf9b-770f-4f89-b11e-0fd3dd4f51c5

Angel Foss
 Angel.Foss@kingcounty.gov
 Deputy Clerk of the Council
 King County Council
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 C267B914088E4A0...
 Signature Adoption: Pre-selected Style
 Using IP Address: 198.49.222.20

Sent: 11/23/2022 11:39:31 AM
 Viewed: 11/23/2022 12:37:08 PM
 Signed: 11/23/2022 12:37:20 PM

Electronic Record and Signature Disclosure:

Accepted: 9/30/2022 11:28:30 AM
 ID: 020c9a0a-c529-4443-8490-bad8ecc7fb95

Dow Constantine
 Dow.Constantine@kingcounty.gov
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 4FBCAB8196AE4C6...
 Signature Adoption: Uploaded Signature Image
 Using IP Address: 198.49.222.20

Sent: 11/23/2022 12:37:23 PM
 Viewed: 11/29/2022 1:46:25 PM
 Signed: 11/29/2022 1:46:39 PM

Electronic Record and Signature Disclosure:

Accepted: 11/29/2022 1:46:25 PM
 ID: 66550075-a2ec-4d5f-bc40-b34fb4e2329a

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Kaitlyn Wiggins kwwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 11/23/2022 12:37:23 PM Viewed: 11/23/2022 12:43:24 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	11/17/2022 1:58:11 PM
Certified Delivered	Security Checked	11/29/2022 1:46:25 PM
Signing Complete	Security Checked	11/29/2022 1:46:39 PM
Completed	Security Checked	11/29/2022 1:46:39 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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