



## Legislation Text

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**File #:** 2019-0477, **Version:** 3

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AN ORDINANCE related to the establishment of a King County human and civil rights commission and making other technical corrections; amending Ordinance 18665, Section 8, as amended, and K.C.C. 2.15.100, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 15548, Section 1, as amended, and K.C.C. 2.28.0015, Ordinance 12058, Section 9, as amended, and K.C.C. 2.55.010, Ordinance 18757, Section 4, and K.C.C. 3.12D.020, Ordinance 10159, Section 14, and K.C.C. 6.27A.120, Ordinance 15399, Section 4, as amended, and K.C.C. 12.17.004, Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010, Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030, Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040, Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070, Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080, Ordinance 13981, Section 11, and K.C.C. 12.17.090, Ordinance 15399, Section 20, and K.C.C. 12.18.014, Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020, Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040, Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050, Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080, Ordinance 15399, Section 17, and

K.C.C. 12.18.085, Ordinance 7439, Section 9, as amended, and K.C.C. 12.18.090, Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097, Ordinance 5280, Section 2, as amended, K.C.C. 12.20.020, Ordinance 5280, Section 4, as amended, K.C.C. 12.20.070, Ordinance 5280, Section 5, as amended, K.C.C. 12.20.080, Ordinance 5280, Section 6, as amended, K.C.C. 12.20.090, Ordinance 10469, Section 11, as amended, K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended, K.C.C. 12.20.100, Ordinance 5280, Section 9, as amended, K.C.C. 12.20.120, Ordinance 10469, Section 13, as amended, K.C.C. 12.20.122, Ordinance 10469, Section 14, as amended, K.C.C. 12.20.124, Ordinance 10469, Section 16, as amended, K.C.C. 12.20.133, Ordinance 13263, Section 53, as amended, K.C.C. 12.20.150, Ordinance 15399, Section 62, K.C.C. 12.22.014, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020, Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040, Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050, Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080, Ordinance 15399, Section 59, and K.C.C. 12.22.085, Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090, Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095 and Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, adding a new section to K.C.C. chapter 4A.200, adding a new chapter to K.C.C. Title 2 and repealing Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010, Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020, Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030, Ordinance 12058, Section 4, and K.C.C.

3.10.040, Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050, Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060 and Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

STATEMENT OF FACTS:

1. In 1976, the King County affirmative action committee was established, and was replaced in November 1995 by the King County civil rights commission by Ordinance 12058.
2. The civil rights commission was established to serve in an advisory capacity to the executive and the council on matters concerning affirmative action, disability access, equal employment opportunity, contract compliance, fair housing, minority and woman owned businesses, and access to public accommodations to ensure the consistent application of all county ordinances, rules, and regulations concerning these programs.
3. The scope of work and activities of the civil rights commission have diminished over the years due to various factors. Currently, only two of the twelve commission positions are filled and the last civil rights commission briefing received by the council was on June 2010 where the council was briefed on the commission's 2009 annual report.
4. For many years, the commission was the primary advisory body on county activities relating to equity and social justice, in particular the efforts to adopt the county's "Equity and Social Justice Ordinance," which is Ordinance 16948, efforts to establish the office of law enforcement and oversight, efforts to change the county name to the Martin Luther King, Jr., County and to establish the Martin Luther King, Jr., County logos, and efforts to establish the immigrant and refugee task force. However, as these activities have become a priority for the county, they have been delegated to newly established county entities such as the office of law enforcement oversight community advisory committee, the immigrant and refugee commission, and the office of equity and social justice.

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

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

7. The office of civil rights under the county executive is authorized to enforce county ordinances related to discrimination and provide staff support to the commission. However, through the 2017-2018 Biennial Budget Ordinance, Ordinance 18409, the council moved the functions of the office of civil rights to the office of equity and social justice, which administratively changed the office of civil rights to a civil rights program.

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

jurisdictions across the United States.

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

a. grant greater authority to the civil rights commission to implement the county's civil rights laws;

b. include language in the enabling law of the commission that explicitly establishes the independence and objectivity of the work of the commission and its staff;

c. establish the commission's permanence through a new provision in the county charter;

d. to ensure independence and representation, create a balanced process for appointment of commissioners that takes into account the representation and input of protected classes;

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

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

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

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

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

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

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

10. The Universal Declaration of Human Rights ("the UDHR") was proclaimed by the United Nations General Assembly on December 1948, by General Assembly Resolution 217 A. The UDHR includes thirty articles that proclaims fundamental human rights to be universally protected for all peoples and all nations.

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the

context clearly requires otherwise.

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

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

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

NEW SECTION. SECTION 3.

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

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

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

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

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

B. Assist departments in complying with the federal Americans with Disabilities Act of 1990, Section 504 of the federal Rehabilitation Act of 1973 and other laws and rules regarding access to county programs, facilities and services for people with disabilities;

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

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

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

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

G. Conduct and prioritize a robust and ongoing community and stakeholder engagement process to ensure community input to implement and carry out the purposes and provisions of this chapter. Community engagement shall be prioritized for communities most disproportionately impacted by inequities and discrimination such as the African American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and disability communities. Stakeholders should include, but not be limited to, the office of law enforcement oversight, the community advisory committee for law enforcement oversight, the immigrant and refugee commission, the women's advisory board, Section 504/ADA



advisory committee, the office of equity and social justice, the county auditor, the hearing examiner, and the office of citizen complaints;

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

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

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

4. Issue such publications as may assist in enhancing the human and civil rights of all county residents;

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

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

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

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

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

1. The county's equal employment opportunity affirmative action plan;

2. County policies, programs and other initiatives related to human and civil rights or that impact

communities most disproportionately impacted by inequities and discrimination such as the African American, Native American and Alaska Native, Asian/Pacific Islander, Latinx, lesbian, gay, bisexual, transgender and queer and disability communities; and

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

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

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

NEW SECTION. SECTION 5.

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

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

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

3. Membership shall reflect gender diversity;

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

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

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

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

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

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

B. One special member shall be appointed from each governmental entity within King County that has entered into an interlocal agreement with King County for the county to provide the services of investigating and enforcing antidiscrimination laws adopted by that governmental entity, in accordance with the terms of the interlocal agreement and this chapter. Appointment of a special member shall be in accordance with the procedures of the appointing governmental entity. Except as otherwise provided in this section, the term of any special member position for a governmental entity under this section shall be coterminous with the term of the governmental entity's interlocal agreement with the county. If there are six or more governmental entities that have entered into an interlocal agreement with King County for the county to provide services of investigating and enforcing antidiscrimination laws, then those governmental entities shall convene to select individuals to the five special member positions, the term of each shall be determined by the convening governmental entities but shall not exceed the term of the interlocal agreement of the governmental entity appointing the individual.

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

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

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

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

this section.

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

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

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

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

NEW SECTION. SECTION 6.

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

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

C. An individual who, with or without service of compulsory process, provides oral or documentary

information requested by the commission shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state.

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

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

NEW SECTION. SECTION 7.

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

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

1. Perform the duties included in sections 4 and 6 of this ordinance, as delegated by the commission;
2. Upon approval by the commission, make and enforce contracts;
3. Propose to the commission a recommended budget; and

4. coordinate with county departments, governmental entities within King County, any state or federal agency and any other stakeholders that would support the work of the commission;

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

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

7. Perform other duties as assigned by the commission.

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

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

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

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

NEW SECTION. SECTION 8.

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

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

C. Commission members shall receive per diem compensation of fifty dollars for attendance at one

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

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

NEW SECTION. SECTION 9. All boards and commissions, county departments or agencies and the officers, employees and agents of those departments and agencies shall cooperate fully and in good faith with the commission to support the powers and duties of the commission as required by this chapter.

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

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

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

A. The county administrative officer shall be the director of the department of executive services. The department shall include the records and licensing services division, the finance and business operations division, the facilities management division, the fleet services division, the airport division, the administrative



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

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

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;
2. Enforcing county and state laws relating to animal control;
3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;
4. Processing all real estate tax affidavits; and
5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

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

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;
2. Performing the functions of the county treasurer;
3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;
4. Processing transit revenue;
5. Receiving and investing all county and political jurisdiction moneys;
6. Managing the issuance and payment of the county's debt instruments;
7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;

9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;
11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and scopes of work, in negotiations for such procurements, and in the administration of contracts;
17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;
18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;
19. Managing the payroll system and procedures, including processing benefits transactions in the payroll system and administering the employer responsibilities for the retirement and the deferred compensation plans;
20. Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies;

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

2.97.090;

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

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

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

1. Overseeing space planning for county agencies;
2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department of natural resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;
3. Operating security programs for county facilities except as otherwise determined by the council;
4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the

acquisition of real properties, except as otherwise specified by ordinance;

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

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

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

- a. administering professional services and construction contracts;
- b. acting as the county's representative during site master plan, design and construction activities;
- c. managing county funds and project budgets related to capital projects;
- d. assisting county agencies in the acquisition of appropriate facility sites;
- e. formulating guidelines for the development of operational and capital project plans;
- f. assisting user agencies in the development of capital projects and project plans, as defined and provided for in K.C.C. chapter 4A.100;
- g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all appropriate phases of the capital process;
- h. ensuring the conformity of capital project plans with the adopted space plan and agency business plans;
- i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;
- j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;
- k. coordinating with user agencies to assure user program requirements are addressed through the

capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;

1. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and

m. providing assistance in developing the executive budget for capital projects; and

13. Providing for the operation of a downtown winter shelter for homeless persons between October 15 and April 30 each year.

~~((D-))~~ E. The duties of the fleet services division shall include the following:

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

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

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

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

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

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

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

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

2. Managing and maintaining the airport system infrastructure;

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

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

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

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

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

and

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

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

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

~~12.22;~~

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

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

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

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

~~6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating~~

~~complaints filed under Title VI.))~~

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

1. The implementation and maintenance of those systems necessary to generate a regular and predictable payroll through the finance and business operations division;
2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;
3. The implementation and maintenance of those systems necessary to generate regular and predictable county budgets, budget reports and budget management tools for the county; and
4. The implementation and maintenance of the human resources systems of record for all human resources data for county employment purposes.

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

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

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

C. When appointing and confirming members to boards, commissions and committees it shall be the goal to have geographical diversity and balance. The women's advisory board created under K.C.C. 2.30.010,

the conservation futures advisory committee established under K.C.C. 2.36.070~~((7))~~ and the Harborview Medical Center board of trustees established under K.C.C. 2.42.030 ~~((and the civil rights commission created under K.C.C. 3.10.010))~~, should not have more than two members from a single council district. This subsection does not apply to a board, commission or committee until the board, commission or committee attains the council district and at-large membership as specified in Ordinance 15548, Section 7.

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

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

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

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

1. Review the ~~((504/ADA))~~ Section 504 of the Americans with Disabilities Act compliance workplan and make recommendations towards improving its effectiveness;
2. Review and monitor the progress of the ~~((504/ADA))~~ Section 504 of the Americans with Disabilities Act compliance workplan; and
3. Review and monitor the affirmative action progress made in the employment of persons with disabilities in the county's workforce.

D. ~~((Staffing.))~~ Appropriate staff to the 504/ADA committee shall be provided by the executive, including the Section 504~~((/ADA))~~ 504 of the Americans with Disabilities Act compliance specialist in such



department of information and administrative services.

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

SECTION 14. The following are hereby repealed:

- A. Ordinance 2647, Section 3, as amended, and K.C.C. 3.10.010;
- B. Ordinance 2647, Section 4, as amended, and K.C.C. 3.10.020;
- C. Ordinance 2647, Section 5, as amended, and K.C.C. 3.10.030;
- D. Ordinance 12058, Section 4, and K.C.C. 3.10.040;
- E. Ordinance 2647, Section 7, as amended, and K.C.C. 3.10.050;
- F. Ordinance 2647, Section 8, as amended, and K.C.C. 3.10.060; and
- G. Ordinance 6891, Section 4, as amended, and K.C.C. 3.10.070.

SECTION 15. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby amended to read as follows:

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

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

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

- A. There is hereby created the human and civil rights commission fund to assure the independence of the commission.
- B. The fund shall be a second tier fund. It is a subfund of the general fund.
- C. The executive director of the human and civil rights commission shall be the manager of the fund.
- D. The fund shall be used to support the activities of the human and civil rights commission.

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

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

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

gender identity or expression, sex or income.

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

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

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

SECTION 18. Ordinance 15399, Section 4, as amended, and K.C.C. 12.17.004 are hereby amended to read as follows:

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

SECTION 19. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are hereby amended to

read as follows:

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

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

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

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

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

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

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

G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other than an action taken

in accordance with a lawful affirmative action program, or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, by reasons of race, color, age, gender, marital status, sexual orientation, gender orientation or expression, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability, unless based upon a bona fide contractual qualification.

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

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

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

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

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

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

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

N. "Service or assistive animal" means any dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, perform tasks or provides medically necessary

support for the benefit of an individual with a disability.

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

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

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

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

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

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

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

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

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

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

F. The charging party may also amend a complaint to include allegations of additional unrelated unfair contracting practices that arose after filing of the original complaint. The amendment must be filed within one

hundred eighty days after the occurrence of the additional alleged unfair contracting practices and before the issuance of findings of fact and a determination with respect to the original complaint by the ((office of)) human and civil rights commission. The amendments may be made at any time during the investigation of the original complaint if the ((office of)) human and civil rights commission will have adequate time to investigate the additional allegations and the parties will have adequate time to present the ((office of)) human and civil rights commission with evidence concerning the allegations before the issuance of findings of fact and a determination.

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

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

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

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

C. During the investigation, the ((office of)) human and civil rights commission shall consider any statement of position or evidence with respect to the allegations of the complaint which the charging party or



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

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

E. The ((office of)) human and civil rights commission shall seek the voluntary cooperation of all persons: to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The ((office of)) human and civil rights commission may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence; inspection and physical and mental examinations; and requests for admissions. The ((office of)) human and civil rights commission may sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including, but not limited to, books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed, access to

evidence for the purpose of examination and copying as are necessary for the investigation. The ~~((office of))~~ human and civil rights commission shall consult with the prosecuting attorney before issuing any subpoena under this section.

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

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the unfair contracting practice.

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

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

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

SECTION 22. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are hereby amended to read as follows:

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

- a. elimination of the unfair contracting practice;
- b. payment of actual damages including payment of lost profits not in excess of the amount of monetary damage actually incurred;
- c. payment of damages caused by emotional distress, humiliation and embarrassment;
- d. payment of attorneys' fees and costs; and
- e. such other requirements as may be agreed upon by the parties and the ~~((office of))~~ human and civil rights commission.

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

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

- a. a finding that an unfair contracting practice has occurred;
- b. the basis for the finding; and

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

- (1) payment of actual damages including payment of lost profits not in excess of the amount of monetary damages actually incurred;
- (2) payment of damages caused by emotional distress, humiliation and embarrassment;
- (3) payment of attorneys' fees and costs; and
- (4) such other action as in the judgment of the ~~((office of))~~ human and civil rights commission will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

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

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

SECTION 23. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are hereby amended to read as follows:

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

B. If the order of the ~~((office of))~~ human and civil rights commission is appealed, the ~~((office of the))~~ hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing and the hearing examiner shall have such rule-making and other

power necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ((~~office of~~)) human and civil rights commission shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the ((~~office of~~)) human and civil rights commission.

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

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party; and
6. To self-represent or to be represented by anyone of the party's choice who is lawfully permitted to

do so.

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

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

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

respondent has breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060, the ~~((office of))~~ human and civil rights commission shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

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

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

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

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

C. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of any such a complaint, except as provided in subsection D<sub>2</sub> of this section, but if a settlement or conciliation agreement has been reached with the consent of an aggrieved person, an action may not be filed under this subsection by the aggrieved person with respect to the alleged unfair contracting practice that forms the basis for the complaint except for the purpose of enforcing the terms of the agreement.

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

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

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

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

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

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

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

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

This chapter shall be liberally construed for accomplishment of this chapter's policies and purposes.

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

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

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

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

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

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

D.1. "Disability" means:

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

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

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

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

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

E. "Discrimination," (~~"discriminate" or "discriminatory act"~~) or "discriminatory practice or act"



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

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

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

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

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

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

1. Dealing with employers concerning grievances, terms or conditions of employment; or
2. Providing other mutual aid or protection in connection with employment.

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

L. "Party" includes the person making a complaint or upon whose behalf a complaint is made alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice

and the (~~office of~~) human and civil rights commission.

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

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

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

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

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

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

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

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

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

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

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

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

E. The charging party may also amend a complaint to include allegations of additional unrelated unfair employment practices that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within two years of the time of the additional unfair employment practice or

within two years of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the ((office of)) human and civil rights commission. The amendments may be made at any time during the investigation of the original complaint if the ((office of)) human and civil rights commission will have adequate time to investigate the additional allegations and the parties will have adequate time to present the ((office of)) human and civil rights commission with evidence concerning the allegations before the issuance of findings of fact and a determination.

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

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

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

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

upon written notice, under subsection A. of this section, to the person from the ((office of)) human and civil rights commission. The notice, in addition to meeting the requirements of subsection A. of this section, must explain the basis for the ((office of)) human and civil rights commission' belief that the person to whom the notice is addressed is properly joined as a respondent.

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

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

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

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

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

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

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

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

A.1. If the ~~((office of))~~ human and civil rights commission makes the finding initially or on request for

reconsideration that reasonable cause exists to believe that an unfair employment practice occurred, the ~~((office of))~~ human and civil rights commission shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement:

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

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

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

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

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

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

(3) reinstatement;

(4) payment of attorneys' fees and costs;

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

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

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

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

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

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

B. If the order of the ~~((office of))~~ human and civil rights commission is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim



record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the ~~((office of))~~ human and civil rights commission shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the ~~((office of))~~ human and civil rights commission.

C. Each party may, among exercising other rights:

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

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

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

A. If the ~~((office of))~~ human and civil rights commission has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.18.050 or

12.18.060, or violated an order of the ~~((office of))~~ human and civil rights commission issued under K.C.C.

12.18.060 or an order of the hearing examiner issued in accordance with K.C.C. 12.18.070, the ~~((office of))~~ human and civil rights commission shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

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

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

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

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

C. Subject to subsection D. of this section, after the filing of a civil action involving the same claim or

arising from the same facts and circumstances, whether under this chapter or similar law, the ~~((office of))~~ human and civil rights commission may administratively close a complaint of an unfair employment practice.

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

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

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

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

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

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

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

The ~~((office of))~~ human and civil rights commission may implement such forms, administrative

processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98.

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

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

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

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

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

A. "Aggrieved person" includes a person who:

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

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

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

rights commission.

D.1. "Disability" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; including any owner, lessee,

proprietor, housing manager, agent or employee whether one or more natural persons. "Person" also includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision of the state.

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

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

1. The making or purchasing of loans or providing other financial assistance:
  - a. for purchasing, constructing, improving, repairing or maintaining real property; or
  - b. secured by real property; or
2. The selling, brokering or appraising of real property.

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

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

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

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

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

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

homosexuality and bisexuality.

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

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

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

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

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

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

D. The charging party or the ~~((office of))~~ human and civil rights commission may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set for, in the original



complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the ~~((office of))~~ human and civil rights commission, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission, and all parties shall be allowed time to prepare their case with respect to additional or expanded allegations they did not and could not have reasonably foreseen would be an issue at the hearing.

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

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

A. After the filing of a complaint, the ~~((office of))~~ human and civil rights commission shall cause to be served on or mailed to the respondent, by certified mail, return receipt requested, a copy of the complaint, along with a notice advising of procedural rights and obligations of respondents under this chapter promptly and in no case longer than twenty days after the filing the complaint. Each respondent may file an answer to the complaint, not later than ten days after receipt of notice from the ~~((office of))~~ human and civil rights commission. If the respondent is unable to file a response within ten days, the respondent may request an

extension of time from the ~~((office of))~~ human and civil rights commission, not to exceed five days. The ~~((office of))~~ human and civil rights commission may grant the extension if good cause is shown.

B. The investigation shall be commenced promptly and in no event later than thirty days after receipt of the complaint. It shall be directed to ascertain the facts concerning the unfair practice alleged in the complaint and shall be conducted in an objective and impartial manner. The investigation shall be completed within one hundred days after the filing of the complaint, unless it is impracticable to do so. If the ~~((office of))~~ human and civil rights commission is unable to complete the investigation within the one hundred days, the ~~((office of))~~ human and civil rights commission shall notify the charging party and respondent, in writing, of the reasons for not doing so. The ~~((office of))~~ human and civil rights commission shall make final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the ~~((office of))~~ human and civil rights commission is unable to do so, the ~~((office of))~~ human and civil rights commission shall notify the charging party and respondent, in writing, of the reasons for not doing so.

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

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

E. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the ~~((office of))~~ human and civil rights commission shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of the settlement

discussions may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions shall be an agreement between the respondent and the charging party, and is subject to approval by the ~~((office of))~~ human and civil rights commission. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.20.120.

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

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

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the unfair housing practice.

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

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

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

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

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

- a. elimination of the unfair housing practice;
- b. payment of actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- c. reinstatement to tenancy;

d. payment of attorneys' fees and costs;

e. payment of a civil penalty to vindicate the public interest up to the limits in 42 U.S.C. Sec. 3612

(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006, which penalty shall be paid to King County for deposit in the county general fund;

f. participation in training on fair housing laws; and

g. such other requirements as may lawfully be agreed upon by the parties and the ~~((office of))~~ human and civil rights commission.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the ~~((office of))~~ human and civil rights commission. The ~~((office of))~~ human and civil rights commission shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Failure to comply with the postfinding agreement or order may be enforced under K.C.C. 12.20.120.

Each postfinding settlement agreement is a public record.

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

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

b. the basis for the finding; and

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

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

(2) reinstatement to tenancy;

(3) payment of attorneys' fees and costs;

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

(5) such other action as in the judgment of the (~~office of~~) human and civil rights commission will effectuate the purposes of this chapter, which may include the requirement for report on the matter of compliance, injunctive relief and the payment of a civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec. 3612(g)(3) as it exists on April 16, 2006.

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

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

- A. Send copies of the findings of fact, conclusions of law and the order, to that governmental agency; and
- B. Recommend to that governmental agency appropriate disciplinary action including, if appropriate, the suspension or revocation of the license of the respondent.

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

A.1. Any charging party, respondent or aggrieved person on whose behalf the finding was made, after an order of the (~~office of~~) human and civil rights commission is made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The (~~office of~~) human and civil rights commission shall provide the charging party, respondent and aggrieved person on whose behalf the finding was made with information regarding how to make the election. This election must be made not later than thirty days after the receipt by the electing person of service of the order. The person making the election shall give notice of the election stating which forum is elected to the (~~office of~~) human and civil

rights commission and to all other charging parties and respondents to whom the complaint relates. The notice of election should identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons by the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

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

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

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

D. Each party may, among exercising other rights:

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

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

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the ~~((office of))~~ human and civil rights commission could grant under K.C.C.

12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C.

20.22.270.B.

SECTION 43. Ordinance 5280, Section 9, as amended, K.C.C. 12.20.120 are hereby amended to read as follows:

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

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



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

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

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

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

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

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

E. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the

entry of the court's order of dismissal, that the ~~((office of))~~ human and civil rights commission reopen a previously filed case. Upon such a request, the ~~((office of))~~ human and civil rights commission may reopen a case that was administratively closed upon the filing of a civil action. If the ~~((office of))~~ human and civil rights commission closes a case based on a "no reasonable cause" finding, the case shall not be reopened except as provided through reconsideration under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C.1. "Disability" means:

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

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

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

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

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

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

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

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

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

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

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

J. "Person" means one or more individuals, partnerships, associations, organizations, corporations,

cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or any group of persons, and includes King County but no governmental body other than King County. "Person" also includes any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons.

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

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

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

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

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

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

SECTION 50. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are hereby amended to read as follows:

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

1. Any aggrieved person; or

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

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

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

D. The charging party or the ~~((office of))~~ human and civil rights commission may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original

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

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

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

A. After the filing of a complaint, the ~~((office of))~~ human and civil rights commission shall serve notice of the complaint and a copy of the complaint on the respondent within twenty days after the filing of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the ~~((office of))~~ human and civil rights commission. If a respondent is unable to file a response



within twenty days, the respondent may request an extension of time from the ((office of)) human and civil rights commission. The extension may be granted by the ((office of)) human and civil rights commission if good cause is shown. The ((office of)) human and civil rights commission shall commence the investigation of the complaint promptly.

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

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

D. The ((office of)) human and civil rights commission shall seek the voluntary cooperation of all

persons to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The ~~((office of))~~ human and civil rights commission may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or other evidence, inspection and other purposes; physical and mental examinations; and requests for admissions. The ~~((office of))~~ human and civil rights commission may sign and issue subpoenas requiring the attendance and testimony of witnesses and the production of or access to evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed as are necessary for the investigation. The ~~((office of))~~ human and civil rights commission shall consult with the prosecuting attorney before issuing a subpoena under this section.

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

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the discrimination in public accommodations.

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

G. The ~~((office of))~~ human and civil rights commission shall reduce the results of the investigation to

written findings of fact make and a finding that there either is or is not reasonable cause for believing that an act of discrimination in a place of public accommodations has been or is being committed.

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

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

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

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

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

commission shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Each postfinding settlement agreement is a public record. Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.22.080.

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

- a. a finding that discrimination in a place of public accommodation occurred;
- b. the basis for the finding;
- c. an order requiring the respondent to cease and desist from such discriminatory practice and to take

appropriate affirmative measures, which may include:

- (1) payment of refunds or credit or other damages not to exceed monetary damage actually incurred;
- (2) payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- (3) payment of attorneys' fees and costs;
- (4) participation in training in public accommodations laws; or
- (5) such other action as in the judgment of the ((office of)) human and civil rights commission will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

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

SECTION 53. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are hereby amended to

read as follows:

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

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

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

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

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

D. Each party may, among exercising other rights:

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

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

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

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

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or

12.22.060, or violation of an order of the ~~((office of))~~ human and civil rights commission issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no later than ninety days after the referral of the alleged breach underlying the referral under subsection A. of this section.

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

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

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

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

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

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

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

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

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

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

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

SECTION 56. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are hereby amended to read as follows:

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

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



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

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

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

The examiner shall issue final decisions in the following cases:

- A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C. chapter 1.07;
- B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;
- C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;
- D. Appeals of electric vehicle recharging station penalties of the Metro transit department under K.C.C. 4A.700.700;
- E. Appeals of notice and orders of the manager of records and licensing services or the department of local services permitting division manager under K.C.C. chapter 6.01;
- F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;
- G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;
- H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;
- I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter

7.09;

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

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

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

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

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

O. Appeals of orders of the ~~((office of))~~ human and civil rights commission under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter 12.22;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is the intention of the council that the executive collaborate with equity and social justice staff of the council and leverage the robust community engagement activities of the office of equity and social justice in order to assess the feasibility of establishing the human and civil rights commission and inform

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

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

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

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

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

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

The executive should file the feasibility study and motion required by this section by February 1, 2021, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.