KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 28, 2006

Ordinance 15399

Proposed No. 2006-0125.2

Sponsors Phillips, Constantine, Ferguson, Gossett and Patterson

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

12.17.090,Ordinance 7430, Section 1, and K.C.C.
12.18.010, Ordinance 7430, Section 2, and K.C.C.
12.18.020, Ordinance 7430, Section 3, as amended, and
K.C.C. 12.18.030, Ordinance 7430, Section 4, and K.C.C.
12.18.040, Ordinance 7430, Section 5, and K.C.C.
12.18.050, Ordinance 7430, Section 6, and K.C.C.
12.18.060, Ordinance 7430, Section 7, and K.C.C.
12.18.070, Ordinance 7430, Section 8, and K.C.C.
12.18.080, Ordinance 7430, Section 9, and K.C.C.
12.18.090, Ordinance 13263, Section 52, and K.C.C.
12.18.097, Ordinance 7430, Section 10, and K.C.C.
12.18.100, Ordinance 5280, Section 1, as amended, and
K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended,
and K.C.C. 12.20.020, Ordinance 5280, Section 3.A, as
amended, and K.C.C. 12.20.040, Ordinance 5280, Section
3.B, as amended, and K.C.C. 12.20.050, Ordinance 5280,
Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance
5280, Section 4, as amended, and K.C.C. 12.20.070,
Ordinance 5280, Section 5, as amended, and K.C.C.
12.20.080, Ordinance 5280, Section 6, as amended, and
K.C.C. 12.20.090, Ordinance 10469, Section 11, and
K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended,
and K.C.C. 12.20.100, Ordinance 5280, Section 9, as

amended, and K.C.C. 12.20.120, Ordinance10469, Section 13, and K.C.C. 12.20.122, Ordinance 10469, Section 14, and K.C.C. 12.20.124, Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130, Ordinance 10469, Section 16, and K.C.C. 12.20.133, Ordinance 5280, Section 11, as amended, and K.C.C. 12.20.140, Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150, Ordinance 8625, Section 1, and K.C.C.12.22.010, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020, Ordinance 8625, Section 3, and K.C.C. 12.22.030, Ordinance 8625, Section 4, and K.C.C. 12.22.040, Ordinance 8625, Section 5, and K.C.C. 12.22.050, Ordinance 8625, Section 6, and K.C.C. 12.22.060, Ordinance 8625, Section 7, and K.C.C.12.22.070, Ordinance 8625, Section 8, and K.C.C. 12.22.080, Ordinance 8625, Section 9, and K.C.C. 12.22.090, Ordinance 13263, Section 54, and K.C.C. 12.22.095 and Ordinance 8625, Section 10, and K.C.C. 12.22.100, adding new sections to K.C.C. chapter 12.17, adding new sections to K.C.C. chapter 12.18, adding new sections to K.C.C. chapter 12.20, adding new sections to K.C.C. chapter 12.22, decodifying K.C.C. 12.20.145, repealing Ordinance 7816, Section 4, and K.C.C. 12.20.135 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

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

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

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

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

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

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

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

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

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

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

Liberal construction of chapter. 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.

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

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

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

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

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

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

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

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

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

Definitions. 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 ((~~charge~~)) complaint on another person's behalf, or the office of civil rights ((~~enforcement~~)) when the office of civil rights ((~~enforcement~~)) files a ((~~charge~~)) 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 ((e))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, religion, ancestry, national origin, disability or ((~~the~~)) use of a service or assistive animal by an individual with a disability, unless based upon a bona fide contractual qualification.

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

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

((~~I.~~)) J. "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.

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

L. "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.

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

((~~L.~~)) N. "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 10. Ordinance 13981, Section 4, and K.C.C. 12.17.030 are each hereby amended to read as follows:

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

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

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. ((a))Any member of the group;

2. ((t))The office of civil rights ((~~enforcement~~));

3. ((~~a~~))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~~))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 civil rights ((~~enforcement~~)), 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 civil rights shall not reject a complaint ((~~shall not be rejected~~)) as insufficient because of failure to include all required information, if ((~~it~~)) the office of civil rights 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 civil rights ((~~enforcement~~)) shall initiate an investigation under this chapter. If the office of civil rights ((~~enforcement~~)) determines that a violation of this chapter or a rule or regulation adopted under this chapter has occurred, the office 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 civil rights ((~~enforcement~~)) may amend a ((~~charge~~)) complaint: to cure technical defects or omissions; ((~~or~~)) to clarify and amplify allegations made in the ((~~charge~~)) 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((~~charge~~)) complaint. For jurisdictional purposes, the amendments shall relate back to the date the original ((~~charge~~)) complaint was first filed. Either the charging party or the office of civil rights, 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 ((~~charge~~)) complaint to include allegations of additional unrelated ((~~discriminatory acts or retaliation, or both,~~)) unfair contracting practices that arose after filing of the original ((~~charge~~)) complaint. The amendment must be filed within one hundred eighty days after the occurrence of the additional ((~~discriminatory act or retaliation, or both,~~)) alleged unfair contracting practice and before the issuance of findings of fact and a determination with respect to the original ((~~charge~~)) complaint by the office of civil rights ((~~enforcement~~)). The amendments may be made at any time during the investigation of the original ((~~charge~~)) complaint if the office of civil rights ((~~enforcement~~)) will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights

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

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

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

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

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the office of civil rights ((~~enforcement~~)) 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 ((~~thereof~~)) 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 civil rights ((~~enforcement~~)). If the respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights ((~~enforcement~~)). 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)). 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)). Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

E. The office of civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) 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. ((~~b~~))Be accompanied by a copy of the subpoena and proof of service((, shall))

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

3. ((~~a~~))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 civil rights ((~~enforcement~~)) concludes after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) asking for reconsideration of the finding. The office of civil rights shall furnish the charging party with information regarding how to request reconsideration. The office of civil rights ((~~enforcement~~)) shall respond in writing within a reasonable time by granting or denying the request.

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

Settlement – order without settlement – compliance – penalties.

A.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that an unfair contracting practice ((~~has~~)) occurred, the office of civil rights ((~~enforcement~~)) 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 contracting practice((~~,~~));

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

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

d. payment of attorneys' fees ((~~or~~)) and costs; and

e. such other requirements as may be agreed upon by the parties and the office of civil rights ((~~enforcement~~)).

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 civil rights ((~~enforcement~~)). An order shall then be entered by the office of civil rights ((~~enforcement~~)) 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 division of records and elections. 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 ((~~an~~)) the parties cannot reach agreement ((~~cannot be reached~~)), ((~~a finding to that effect shall be made by the office of civil rights enforcement and incorporated~~)) the office of civil rights shall make a finding to that effect, incorporate the finding in the order ((~~, with the~~)) and furnish a copy ((~~thereof furnished~~)) of the order to ((~~the complainant and the respondent~~)) all affected parties. The order shall also include:

((~~1.~~)) a. a finding that an unfair contracting practice has occurred;

((~~2.~~)) b. the basis for the finding; and

((~~3.~~)) c. an order requiring the respondent to cease and desist from the unfair practice and to take appropriate affirmative measures, ((~~including but not limited to,~~)) which may include:

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

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

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

(4) such other action as in the judgment of the office of civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) finds the respondent willfully or knowingly committed any unfair contracting practice, the office of civil rights ((~~enforcement~~)) 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 ((~~division~~)) 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 civil rights ((~~enforcement~~)) may compel compliance by the executive department, division or office with any settlement agreement agreed to between the complainant and the office of civil rights ((~~enforcement~~)).

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

Hearing – order finality – appeal.

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

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

C. If the order of the office of civil rights ((~~enforcement~~)) 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. 20.24.170. The order of the office of civil rights ((~~enforcement~~)) shall not be ((~~accorded the presumption of correctness~~)) 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 civil rights ((~~enforcement~~)).

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

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

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

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

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

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

6. ((~~t~~))To represent himself or herself or to 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 has occurred. The hearing examiner shall reverse the order if the hearing examiner finds ((~~no~~)) that a violation ((~~occurred~~)) did not occur. The hearing examiner may grant any relief that the office of civil rights 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. 20.24.240.B.

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

Enforcement – by office of civil rights ((~~enforcement~~)).

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

~~B.~~)) If the office of civil rights ((~~enforcement~~)) 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 ((~~has~~)) violated an order of the office of civil rights ((~~enforcement~~)) 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 civil rights ((~~enforcement~~)) shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection ((~~C~~)) B. of this section for the enforcement of the agreement.

((~~C.~~)) 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 civil rights ((~~enforcement~~)) 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 breach underlying the referral under subsection A. of this section.

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

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

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. 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 ((~~, 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 such a~~

~~practice or ordering such affirmative measures as might be appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing party~~)) any relief that the office of civil rights 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 civil rights ((~~enforcement~~)) or civil action under this title.

G. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney ((~~certifies~~)) 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 as expansive as the powers granted by the Constitution and laws of the state of Washington.

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

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

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

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

Enforcement by private persons.

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 civil rights, 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 civil rights 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 civil rights 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 civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights 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 18. Ordinance 7430, Section 1, and K.C.C. 12.18.010 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Liberal construction of chapter. 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.

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

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

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

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

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

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

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

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

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

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

A. ((~~"Executive" means the King County Executive or his or her designee~~))"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 civil rights.

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 the effective date of this section.

E. "Discrimination((~~"~~))," "discriminate((~~", and~~))or "discriminatory act"((~~,~~)) means any action 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, ((~~sex~~)) gender, marital status, sexual orientation,

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

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

((~~D.~~)) 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 ((~~does not~~)) includes neither any religious or sectarian organization not organized for private profit((~~,~~)) nor ((~~shall the term include~~)) any governmental body other than King County.

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

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

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

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

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

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

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

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

((~~J.~~)) 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 civil rights.

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

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

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

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

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

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

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

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

1. ((o))Opposed any practice forbidden by this chapter ((~~or because that person has made~~));

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

3. Filed a ((~~charge~~)) complaint, testified or assisted in any manner in any investigation, proceeding or hearing initiated under ((~~the provisions of~~)) this chapter;

F. ((~~p~~))Publisher, firm, corporation, organization or association printing, publishing or circulating any newspaper, magazine or other written publication to print or cause to be printed or circulated any advertisement with knowledge that the ((~~same~~)) action is in violation of K.C.C. 12.18.030.C((~~.~~)), or to segregate and separately designate advertisements as applying only to men or women unless ((~~such~~)) the discrimination is based upon a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, enterprise or employment ((~~, or unless the discrimination is based upon a bona fide occupational qualification.~~)); and

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

1. ((~~t~~))The employer can show that requiring employees speak only English at certain times is justified by business necessity((~~,~~)); and

2. ((~~t~~))The employer informs employees of the requirement and the consequences of violating the ((~~rule~~)) requirement.

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

Filing of a complaint.

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

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

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

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

~~2. The executive;~~

~~3.~~));

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

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

((~~C.~~)) B. A complaint alleging an unfair employment practice shall be in writing((~~, verified~~)) 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 ((~~it~~)) the unfair employment practice. The complaint must be filed with the office of civil rights within ((~~180~~)) one hundred eighty days of the time of the alleged unfair employment practice or within ((~~180~~)) one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of ((~~such~~)) the occurrence. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

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

D. The charging party or the office of civil rights 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 civil rights, 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 one hundred eighty days of the time of the additional unfair employment 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 additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present

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

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

Investigation of ((~~C~~))complaint ((~~- investigation~~)).

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C((~~-~~)), the ((~~executive~~)) office of civil rights 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 ((~~said charge~~)) the complaint and shall promptly make an investigation ((~~thereof~~)) 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 civil rights. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights. The office of civil rights may grant the extension if good cause is shown.

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

C. During the investigation, the ((~~executive~~)) office of civil rights 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 civil rights. The notice, in addition to meeting the requirements of subsection A. of this section, must explain the basis for the office of civil rights' 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 civil rights 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 civil rights. 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 civil rights 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 civil rights 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 civil rights 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 civil rights 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 civil rights 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 civil rights 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 civil rights 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 civil rights shall reduce the results of the investigation ((~~shall be reduced~~)) to written findings of fact and make a finding ((~~shall be made~~)) that there either is

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

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

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

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

A.1. If the office of civil rights makes the finding ((~~is made~~)) initially or on request for reconsideration that reasonable cause exists to believe that an unfair employment practice ((~~has~~)) occurred, the ((~~executive~~)) office of civil rights 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 employment practice((~~, backpay~~));

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

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

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

e. payment of attorneys' fees ((~~or~~)) 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 ((~~executive~~)) office of civil rights.

2. Any postfinding settlement agreement shall be reduced to writing and signed by ((~~the respondent and the charging party~~)) all parties, with the approval of the office of civil rights. The office of civil rights shall then enter ((~~A~~))an order ((~~shall then be entered by the executive~~)) setting forth the ((~~terms of the~~)) agreement((~~.~~)) and furnish ((~~C~~))copies of ((~~such~~)) the order ((~~shall be delivered~~)) to all affected parties ((~~and the original thereof filed with the division of records and elections~~)). 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 ((~~no~~)) the parties cannot reach agreement ((~~can be reached~~)), ((~~a finding to that effect shall be made by the executive and incorporated~~)) the office of civil rights shall make a finding to that effect, incorporate the finding in the order ((~~, with the~~)) and furnish a copy ((~~thereof furnished~~)) of the order to ((~~the complainant and the respondent~~)) all affected parties. The order shall also include:

((~~1.~~)) a. ((~~A~~))a finding that an unfair employment practice ((~~has~~)) occurred;

((~~2.~~)) b. ((~~T~~))the basis for ((~~such~~)) the finding; and

((~~3.~~)) c. ((~~A~~))an order requiring the respondent to cease and desist from ((~~such~~)) the unfair practice and to take appropriate affirmative measures ((~~action~~)), ((~~including but not limited to, backpay~~)) 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 ((~~or to take~~)) and costs;

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

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

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

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

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

Hearing - appeal.

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

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

C. If the order of the ((~~executive~~)) office of civil rights is appealed, the hearing examiner shall conduct a hearing ((~~shall be conducted~~)) for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing ((~~and~~)). ((~~t~~))The ((~~zoning and subdivision~~)) hearing examiner ((~~shall have~~)) has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. 20.24.170. The ((~~executive's~~)) order of the office of civil rights shall not be ((~~accorded the presumption of correctness~~)) presumed correct. The ((~~zoning and subdivision~~)) hearing examiner's decision shall be based upon a preponderance of the evidence. ((~~Such~~)) 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 ((~~prior to~~)) before the date of the hearing to each affected party and to the ((~~executive~~)) office of civil rights.

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

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

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

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

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

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

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

E. Following review of the evidence submitted, the ((~~zoning and subdivision~~)) 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 ((~~he~~)) the hearing examiner finds ((~~no~~)) that a violation ((~~occurred~~)) did not occur. The hearing examiner may grant as relief any relief that the office of civil rights 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. 20.24.240.B.

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

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

A. If the office of civil rights 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 civil rights 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 civil rights 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 civil rights 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 32. Ordinance 7430, Section 9, and K.C.C. 12.18.090 are each hereby amended to read as follows:

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

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

Fair employment code compliance.

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

((~~Whenever a director has determined~~)) B. If the office of civil rights determines that a violation of ((~~the fair employment ordinance~~)) this chapter or any rules and regulations adopted ((~~thereunder is about to occur or has~~)) under this chapter occurred, ((~~he or she~~)) the office of civil rights shall issue an order ((~~pursuant to the provisions of K.C.C. chapter 12.18~~)) in accordance with this chapter. ((~~With respect to violations~~)) For the enforcement of ((~~K.C.C. chapter 12.18, the notice, service and hearings provisions contained in K.C.C. chapter 12.18 shall~~)) 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 34. Ordinance 7430, Section 10, and K.C.C. 12.18.100 are each hereby amended to read as follows:

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

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

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

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

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

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

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

Liberal construction of chapter. 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.

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

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

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

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

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

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

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

Definitions. The ((~~D~~))definitions ((~~as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:~~)) 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 he or she will be injured by an unfair housing practice that is about to occur.

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

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

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

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

~~b. secured by real property.~~

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

C.1. ((~~"Director" means the director of the county department of executive services or his or her designee.~~)) "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 the effective date of this section.

D. "Discriminate" means any action or failure to act, whether by 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 or race, color, religion, national origin, ancestry, age, ((~~sex~~)) gender, marital status, parental status, participation in the Section 8

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

E. "Dwelling" ((~~and~~)) or "dwelling unit" mean any building, structure((~~,~~)) or portion ((~~thereof which~~)) 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 ((~~which~~)) that is offered for sale or lease for the construction or location thereon of any such a building, structure((~~,~~)) or portion ((~~thereof~~)) of a building or structure.

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

~~G.~~)) "Housing accommodations" means any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in unincorporated King County ((~~which~~)) 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.

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

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

~~J. "Party" means 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, or the department of executive services.~~))

~~K.~~)) H.1. "Parental status" means ((~~being a parent, stepparent, adoptive parent, guardian, foster parent or other designated custodian of a minor child or children, which child or children shall permanently or temporarily occupy the real estate, and includes any person who is pregnant or has initiated the legal process of securing custody of any~~

~~individual who has not attained the age of 18 years~~)) 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.

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

J. "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 civil rights.

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

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

~~1. Claims to have been injured by a discriminatory housing practice;~~

~~2. Believes that he or she will be injured by a discriminatory housing practice that is about to occur.~~)) L. "Real estate transaction" includes, but is not limited to, the sale, conveyance, exchange, purchase, rental, lease or sublease of real property.

M. "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.

N. "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.

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

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

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

Q. "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.

R. "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 civil rights.

((~~Q.~~)) S. "Sexual orientation" means ((~~male or female heterosexuality, bisexuality or homosexuality, and includes a person's attitudes, preferences, belief and practices pertaining to sex, but shall not include conduct which is a public or private nuisance or is unlawful under county, state or federal law~~)) heterosexuality, homosexuality, bisexuality and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self-image, appearance, behavior or expression.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Any person associated with that buyer or renter.

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

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

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

3. Any person associated with that buyer or renter.

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

Filing of a complaint.

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

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

2. Any state, local or federal agency concerned with discrimination in housing, including the ((~~director, whenever it or he or she~~)) office of civil rights, if the agency 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 civil rights ((~~and compliance~~)) within ((~~one hundred and eighty~~)) 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((~~; provided, that~~)). However, the office of civil rights shall not reject a complaint ((~~shall not be rejected~~)) as insufficient because of failure to include all required information, ((~~so long as it~~)) if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the ((~~filing~~)) receipt of ((~~such~~)) a complaint alleging an unfair housing practice, the ((~~director~~)) office of civil rights shall serve notice upon the charging party acknowledging ((~~such~~)) 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 civil rights 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 ((~~T~~))the charging party ((~~and/~~))or the ((~~director~~)) office of civil rights, or both, may amend a complaint ((~~in any respect~~)) for these reasons as a matter of right before service of notice of hearing on the matter, as provided under ((~~Section~~)) K.C.C. 12.20.100, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted ((~~when~~)) if justice will be served ((~~thereby~~)) by the permission, and all parties shall be allowed time to prepare their case with respect to additional or expanded ((~~charges which~~)) 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 civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination.

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

Investigation of complaint.

A. After the filing of a complaint, the ((~~director~~)) office of civil rights 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 ((~~title~~)) chapter promptly and in no case longer than twenty days after the filing of ((~~said charge~~)) the complaint. Each respondent may file an answer to ((~~such~~)) the complaint, not later than ((~~10~~)) ten days after receipt of notice from the ((~~director~~)) office of civil rights. If the respondent is unable to file a response within ((~~10~~)) ten days, he or she may request an extension of time from the ((~~director~~)) office of civil rights, not to exceed ((~~5~~)) five days. The office of civil rights may grant the extension ((~~may be granted~~)) if good cause is shown.

B. The investigation shall be commenced promptly and in no event later than ((~~30~~)) 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 ((~~100~~)) one hundred days after the filing of the complaint, unless it is impracticable to do so. If the ((~~director~~)) office of civil rights is unable to complete the investigation within ((~~100~~)) the one hundred days ((~~after the filing of the complaint~~)), the ((~~director~~)) office of civil rights shall notify the charging party and respondent, in writing, of the reasons for not doing so. The ((~~director~~)) office of civil rights 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 ((~~director~~)) office of civil rights is unable to do so, ((~~he or she~~)) the office of civil rights shall notify the charging party and respondent, in writing, of the reasons for not doing so.

C. During the investigation, the ((~~director~~)) office of civil rights shall consider any statement of position or evidence with respect to the allegations of the complaint ((~~which~~)) 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 ((~~Paragraph~~)) subsection A. of this section, to ((~~such~~)) the person from the ((~~director~~)) office of civil rights. ((~~Such~~)) The notice, in addition to meeting the requirements of ((~~paragraph~~)) subsection A. of this section, shall explain the basis for the ((~~director's~~)) belief of the office of civil rights 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 ((~~director~~)) office of civil rights shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of ((~~such~~)) 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 pre((-))finding settlement agreement arising out of ((~~such~~)) the settlement discussions shall be an agreement between the respondent and the charging party, and ((~~shall be~~)) is subject to approval by the ((~~director~~)) office of civil rights. Each pre((-))finding settlement agreement ((~~shall be made~~)) is a public ((~~unless the charging party and respondent otherwise agree and the director determines that disclosure is not required to further the purposes of this title~~)) record. Failure to comply with ((~~the terms of~~)) the pre((-))finding settlement agreement may be enforced under ((~~the provisions of Section~~)) K.C.C. 12.20.120((~~B~~)).

F. The ((~~director~~)) office of civil rights 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 ((~~director~~)) office of civil rights 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((~~, and~~)); physical and mental examinations; and requests for admissions. ((~~The director shall have authority to~~)) The office of civil rights 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((,)) and access to evidence for the purpose of examination and copying as are necessary for the investigation. The ((~~director~~)) office of civil rights 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 ((~~director~~)) office of civil rights may invoke the aid of the ((~~King County~~)) prosecuting attorney, who shall petition to the ((~~S~~))superior ((~~C~~))court ((~~for King County~~)) for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

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

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

3. ((a))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 ((~~director~~)) office of civil rights concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this ((~~title~~)) chapter, the ((~~director~~)) office of civil rights 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 ((~~complaint~~)) case.

I. The office of civil rights shall reduce the results of the investigation ((~~shall be reduced~~)) to written findings of fact and make a finding ((~~shall be made~~)) 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, ((~~said~~)) the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party ((~~shall have the right to~~)) may file a written request with the ((~~director~~)) office of civil rights asking for reconsideration of the finding. The office of civil rights shall furnish the charging party ((~~will be furnished~~)) with information regarding how to request reconsideration. The ((~~director~~)) office of civil rights shall respond in writing within a reasonable time by granting or denying the request.

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

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

A.1. If the office of civil rights makes the finding ((~~is made~~)) initially or on request for reconsideration that reasonable cause exists to believe that an unfair housing practice ((~~has~~)) occurred((~~,~~)) or is about to occur, the ((~~director~~)) office of civil rights 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((~~, the~~));

d. payment of attorneys' fees and costs;

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

f. participation in training on fair housing laws; and

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

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

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

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

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

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

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

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

(3) payment of attorneys' fees and costs;

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

(5) such other action as in the ((~~judgement~~)) judgment of the ((~~director~~)) office of civil rights 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 ((~~the Federal Fair Housing Act, as amended in 1988, at~~)) 42 U.S.C. Sec. 3612(g)(3)((~~, as of the date of passage of this section (July 13, 1992)~~)) as it exists on the effective date of this section.

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

Notification of governmental agencies.

((~~A.~~)) 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 ((~~director~~)) office of civil rights shall, not later than ((~~30~~)) thirty days after the date of the issuance of ((~~such~~)) the order ((~~(~~))or, if ((~~such~~)) the order is ((~~judicially~~

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

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

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

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

Hearing - appeal.

A.1. Any charging party, respondent((,)) or aggrieved person on whose behalf the finding was made, after an order of the ((director)) office of civil rights is made ((pursuant to Section)) in accordance with K.C.C. 12.20.090.B, may ((elect)) appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under ((Section 14)) K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of civil rights shall provide the charging party, respondent and aggrieved person on whose behalf the finding was made ((shall be provided)) with information regarding how to make the election. This election must be made not later than ((30)) thirty days after the receipt by the electing person of service of the order. The person making ((such)) the election shall give notice of the election stating which forum is elected to the ((director)) office of civil rights and to all other charging parties and respondents to whom the ((charge)) 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 why the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

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

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 ((~~and/~~))or civil penalties, or both, required shall be certified by the ((~~director~~)) office of civil rights to the office of the ((~~King County~~)) 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 ((~~and~~)). ((~~t~~))The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by ((~~Section~~)) K.C.C. 20.24.170. The office of civil rights ((~~and compliance will~~)) shall maintain the action and the ((~~director's~~)) order of the office of civil rights shall not be ((~~accorded the presumption of correctness~~)) presumed correct. ((~~Such~~)) 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 ((~~prior to~~)) before the date of the hearing to each affected party and to the ((~~director~~)) office of civil rights.

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

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

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

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

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

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

6. ((~~To r~~))Represent himself or herself or to be represented by anyone of his or her 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 ((~~has~~)) occurred. The hearing examiner shall reverse the order if ((~~he~~)) the hearing examiner finds ((~~no~~)) that a violation ((~~occurred~~)) is not about to occur or did not occur. The hearing examiner may grant as relief any relief ((~~which~~)) that the ((~~director~~)) office of civil rights could grant under ((~~section~~)) K.C.C. 12.20.090(((~~f~~))).B(((~~f~~))). A copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The

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

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

Enforcement.

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

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

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

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

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

Enforcement by private persons.

A. An aggrieved person may commence a civil action in ((~~King County S~~))superior ((~~C~~))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~~)) the discriminatory housing practice.

B. The computation of ((~~such~~)) 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 ((~~such~~)) the discriminatory housing practices.

C. An aggrieved person may commence a civil action under this ((~~sub~~))section whether or not a complaint has been filed under ((~~Section~~)) K.C.C. 12.20.070 and without regard to the status of any such a complaint((~~, but~~)). However, if the ((~~county~~)) office of civil rights ((~~and compliance~~)) or the ((~~U.S.~~)) United States Department of Housing and Urban Development has obtained a pre((-))finding or post((-))finding settlement or conciliation agreement with the consent of an aggrieved person, ((~~no~~)) an action may not be filed under this ((~~sub~~))section by ((~~such~~)) the aggrieved person with respect to the alleged discriminatory housing practice ((~~which~~)) that forms the basis for ((~~such~~)) the complaint except for the purpose of enforcing the ((~~terms of such~~)) 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 civil rights 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 civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights 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 ((~~sub~~))section with respect to an alleged discriminatory housing practice ((~~which~~)) that 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.~~)) G. In a civil action under subsection A. of this section, if the court or jury finds that a discriminatory practice ((~~has~~)) occurred or is about to occur, the court may

order remedies as allowed by ((~~the federal Fair Housing Act, as amended in 1988, at~~)) 42 U.S.C. 3613 (c) ((~~as of the date of passage (July 13, 1992) of this section~~)) as it exists on the effective date of this section, including punitive damages as provided in 42 U.S.C. 3613 (c), and, subject to the restrictions of subsection ((~~F.~~)) 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 ((~~such~~)) the practice or ordering such affirmative action as ((~~may~~)) might be appropriate((~~)~~)). The court may also allow reasonable attorney((~~'~~))s' fees and costs to the prevailing party.

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

((~~G.~~)) I. Upon timely application, the prosecuting attorney may intervene in ((~~such~~)) the civil action((~~,~~)) if the prosecuting attorney ((~~certifies~~)) 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 and laws of the state of Washington.

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

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

A. If an election is made under ((~~Section~~)) K.C.C. 12.20.100 for the claims to be decided in a civil action, the ((~~director~~)) office of civil rights shall authorize((~~,~~)) and, not later than ((~~30~~)) thirty days after the election is made, shall commence, on behalf of the charging party, a civil action ((~~on behalf of the charging party in King County~~)) in ((~~S~~))superior ((~~C~~))court ((~~seeking relief under this chapter~~)) to affirm or modify the order of the office of civil rights 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 ((~~sub~~))section may intervene as of right in that civil action.

C. In a civil action under this ((~~sub~~))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 a discriminatory housing practice in a civil action under ((~~section~~)) 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 ((~~section~~)) K.C.C. 12.20.122 ((~~shall~~)) also accrues to that aggrieved person in a civil action under this ((~~sub~~))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 ((~~such~~)) the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

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

Exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fair housing code compliance.

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

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

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

Enforcement by private persons.

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 civil rights, 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 civil rights 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 civil rights 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 civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights 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 60. Ordinance 8625, Section 1, and K.C.C. 12.22.010 are each hereby amended to read as follows:

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

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

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

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

Liberal construction of chapter. 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.

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

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

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

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

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

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

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

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

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 civil rights.

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 the effective date of this section.

((~~B.~~)) 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, ((~~sex~~)) gender, marital status, parental status, sexual orientation, ((~~the presence of any sensory, mental or physical handicap,~~)) disability or ((~~the~~)) use of a ((~~trained dog guide~~)) service or assistive animal by ((~~a blind, deaf or physically disabled person~~)) an individual with a disability.

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

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

F. "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 his or her own behalf or on behalf of another.

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

((~~E.~~)) H. "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 civil rights.

I. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, ((~~and~~)) trustees in bankruptcy, receivers or any group of persons((~~; it~~)), 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((~~, or of any political or civil subdivision thereof~~)).

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

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

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

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

~~I.~~)) J. "Place of public accommodation((s))" ((~~shall~~)) means ((~~and include~~)) any place, store or other establishment, either licensed or unlicensed ((~~which~~)), that supplies goods or services to the general public ((~~and shall~~)). "Place of public accommodation" includes, but is not ((~~be~~)) limited to, the following types of services or facilities((~~, to wit~~)): hotels, or other establishments ((~~which~~)) that 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((~~, all~~)); retail establishments((~~, all~~)); transportation carriers ((~~and mobile home parks,~~)); barber shops((~~,~~)); beauty shops((~~, and~~)); 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 ((~~shall include~~)) public burial facilities ((~~when such~~)) if the facilities are owned and operated by any cemetery corporation or burial association.

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

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

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

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

M. "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.

N. "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 civil rights.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

Filing of a complaint.

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

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

2. Any state, local or federal agency concerned with discrimination in places of public accommodation, ((~~whenever it believes~~)) including the office of civil rights, 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. ((~~Notice of intent to file such complaint must be filed within sixty (60) days of the occurrence of the alleged discrimination or within sixty (60) days of when the charging party, through exercise of due diligence, should have had notice or been aware of such occurrence~~.)) The complaint must be filed with the office of civil rights within ((~~thirty (30) days after the expiration of the sixty-day period provided in this subsection~~)) 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. ((~~PROVIDED THAT:~~)) However, the office of civil rights shall not reject a complaint ((~~shall not be rejected~~)) as insufficient because of failure to include all required information, ((~~so long as it~~)) if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

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

D. The charging party or the office of civil rights 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 ((~~T~~))the charging party or the office of civil rights, or both, may amend a complaint ((~~in any respect~~)) 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 permission of the ((~~King County zoning and subdivision~~)) hearing examiner, which permission shall be granted ((~~when~~)) if justice will be served ((~~thereby~~)) by the permission, and all parties shall be allowed time to prepare their cases with respect to additional or expanded ((~~charges which they~~)) 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 civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights

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

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

Investigation of complaint.

A. After the filing of a complaint, the ((~~director, or the administrator acting for the director,~~)) office of civil rights shall serve notice of the complaint and a copy ((~~thereof~~)) 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 civil rights. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights. The extension may be granted by the office of civil rights if good cause is shown. The office of civil rights shall commence the investigation of the complaint promptly.

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

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

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

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

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

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

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

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

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 ((~~director~~)) office of civil rights.

2. Any postfinding settlement agreement shall be reduced to writing and signed by ((~~the respondent~~)) all parties, with the approval of the office of civil rights. The office of civil rights shall then enter ((~~A~~))an order ((~~shall then be entered by the director~~)) setting forth the ((~~terms of the~~)) agreement ((~~.~~)) and furnish ((~~C~~))copies of ((~~such~~)) the order ((~~shall be delivered~~)) to all affected parties ((~~and the original thereof filed with the division of records and elections~~)). 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 ((~~no~~)) the parties cannot reach agreement ((~~can be reached~~)), ((~~a finding to that effect shall be made by the director and incorporated~~)) the office of civil rights shall make a finding to that effect, incorporate the finding in the order((~~, with the~~)) and furnish a copy ((~~thereof furnished~~)) of the order to ((~~the complainant and the respondent~~)) all affected parties. The order shall also include:

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

((~~2.~~)) b. ((~~T~~))the basis for ((~~such~~)) the finding;

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

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

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

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

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

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

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

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

Hearing -- ((~~A~~))appeal.

A.1. Any respondent ((~~aggrieved by~~)) or charging party, after an order of the ((~~director~~)) office of civil rights is made in accordance with K.C.C. 12.22.060.B, may request ((~~in writing~~)) an appeal hearing before the hearing examiner by filing a written request for hearing within ((~~ten~~)) thirty days of the service of the ((~~notice and~~)) order ((~~an appeal hearing before the King County zoning and subdivision examiner~~)). The request for hearing shall ((~~cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing~~)) be filed with the office of civil rights. 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 ((~~director pursuant to~~)) office of civil rights in accordance with procedures ((~~contained~~)) in this chapter ((~~shall~~)) becomes final ((~~ten~~)) thirty days after service of the ((~~notice and the~~)) order unless a written request for hearing is ((~~received by~~)) filed with the ((~~zoning and subdivision examiner~~)) office of civil rights within the ((~~ten~~)) thirty-day period.

C. If the order of the ((~~director~~)) office of civil rights is appealed, the hearing examiner shall conduct a hearing ~~shall be conducted~~ for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing ((~~and~~)). ((~~t~~))The ((~~zoning and subdivision~~)) hearing examiner ((~~shall have~~)) has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. 20.24.170. The ((~~director's~~)) order of the office of civil rights shall not be ((~~accorded the presumption of correctness~~)) presumed correct. The ((~~zoning and subdivision~~)) hearing examiner's decision shall be based upon a preponderance of the evidence. ((~~Such~~)) 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 ((~~prior~~

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

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

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

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

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

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

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

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

E. Following review of the evidence submitted, the ((~~zoning and subdivision~~)) 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 ((~~he~~)) the hearing examiner finds ((~~no~~)) that a violation ((~~occurred~~)) did not occur. The hearing examiner may grant as relief any relief that the office of civil rights 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. 20.24.240.B.

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

Enforcement. ((~~In the event the respondent refuses or fails to comply with any order of the director, the director is authorized to enforce the order against such person utilizing civil penalties of K.C.C. Title 23. If a civil penalty is assessed, not withstanding the monetary amount provided in K.C.C. Title 23, the penalty shall be two hundred dollars $200) per day for each day the respondent refuses or fails to comply with any order of the director.~~))

A. If the office of civil rights 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 civil rights 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 civil rights shall refer the matter to the prosecuting attorney for the filling 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 civil rights 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 73. Ordinance 8625, Section 9, and K.C.C. 12.22.090 are each hereby amended to read as follows:

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

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

Public accommodations code compliance.

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

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

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

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

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

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

Yes: 5 - Mr. Phillips, Mr. Ferguson, Mr. Gossett, Ms. Patterson and Mr. Constantine
No: 4 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn and Ms. Hague
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 6 day of April, 2006.

Ron Sims, County Executive

Attachments None

RECEIVED
2006 APR 10 PM 3:50
CLERK
KING COUNTY COUNCIL