

Ordinance No. 104839

AN ORDINANCE relating to and prohibiting unfair practices involving real property, establishing an "Open Housing Ordinance", providing for enforcement procedures and prescribing penalties; and repealing Chapter 12A.44 "Unfair Housing Practices" of the Seattle Criminal Code (Ordinance 102843).

*7-23-75 refer to Council without recommendation*

(ENGROSSED BILL)

Comptroller File Number 279451

Council Bill No. 96460

INTROUCED: JUNE 23, 1975	BY: WILLIAMS
REFERRED: JUNE 23, 1975	FORWARD RECOMMENDATION KANSING & LINDEN DR.
REPORTED: AUG 4, 1975	SECOND READING: AUG 4, 1975
THIRD READING: AUG 4, 1975	SIGNED: AUG 4, 1975
PRESERVED TO MAYOR: AUG 4, 1975	APPROVED: AUG 13, 1975
REFD. TO CITY CLERK: AUG 13, 1975	PUBLISHED:
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PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL. _____	PAGE _____

ORDINANCE 104839 - AMENDMENTS...RE...TO...

- CF-284933 -GUIDELINES FOR APPOINTMENT OF HEARING PANELS; BY THE SEATTLE WOMEN'S COM'N;  
PURSUANT TO OPEN HOUSING ORD 104839 & DISCRIMINATION IN EMPLOYMENT ORD 102562.
- ORD 106476 -HEARING EXAMINERS PRO TEM -AMENDS SEC 4 TO PROVIDE FOR APTMT OF...BY THE  
HEARING EXAMINER.
- ORD 108205 -AGE OR PARENTAL STATUS -AMENDS SEC'S 2, 3, 4 & 7 TO PROHIBIT DISCRIMINATION  
BASED ON.....
- Ord. 108649 -Establishes filing fees for Hearing Examiner Appeals.
- Ord. 108934 -Adopts general provisions for regulatory licenses adopted hereafter.
- Ord. 109050 -AMENDS sec 3 of the Open Housing Ordinance to regulate the information  
which may be required re to age & parental status in applications for  
financial assistance or for the lease or purchase of real property.
- Ord. 109208 -Amends Sec's 4, 8, 10 & 11, renumbering Sections 5 as 15 & 6 as 16, &  
adding new Sec's 5,6,7,9, & 12 thereto.

ORDINANCE 104839

AN ORDINANCE relating to and prohibiting unfair practices involving real property, establishing an "Open Housing Ordinance"; providing for enforcement procedures and prescribing penalties; and repealing Chapter 12A.44 "Unfair Housing Practices" of the Seattle Criminal Code (Ordinance 102843).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SHORT TITLE AND PURPOSES. This ordinance shall be known as and may be cited as the "Open Housing Ordinance". The general purposes of this ordinance are to promote the availability and accessibility of housing and real property to all persons; to prohibit discriminatory practices in real property transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal rights and opportunities in acquiring or disposing of real property; and to provide enforcement mechanisms for the accomplishment of such purposes; and to these ends the provisions of this ordinance shall be liberally construed.

Section 2. DEFINITIONS. Definitions as used in this ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

(1) "Charging Party" means any person alleging an unfair housing practice under this ordinance.

(2) "Commission" means the Seattle Human Rights Commission or the Seattle Women's Commission, as the context requires.

(3) "Department" means the Department of Human Rights of the City of Seattle.

(4) "Director" means the Director of Human Rights or the Director of the Office of Women's Rights as the context requires.

1 (5) "Discriminate" means any conduct, whether by single  
2 act or as part of a practice, the effect of which is to  
3 adversely affect or differentiate between or among individuals  
4 or groups of individuals, because of race, color, religion,  
5 ancestry, national origin, sex, marital status, sexual orientation  
6 or political ideology.

7 (6) "Dwelling" includes any building containing one  
8 or more dwelling units.

9 (7) "Dwelling unit" includes a suite of rooms for  
10 occupancy by one family containing space for living, sleeping  
11 and preparation of food, and containing toilet and bathing  
12 facilities.

13 (8) "Housing accommodations" shall include any dwelling  
14 or dwelling unit, rooming unit, rooming house, lot or parcel  
15 of land in the city of Seattle which is used, intended to  
16 be used, or arranged or designed to be used as, or improved  
17 with, a residential structure for one or more human beings.

18 (9) "Lender" includes any bank, insurance company,  
19 savings or building and loan association, credit union,  
20 trust company, mortgage company, or other person or agent  
21 thereof, engaged wholly or partly in the business of lending  
22 money for the financing or acquisition, construction, repair  
23 or maintenance of real property.

24 (10) "Occupant" includes any person who has established  
25 residence or has the right to occupancy of real property.

26 (11) "Owner" includes persons who own, lease, sublease,  
27 rent, operate, manage, have charge of, control or have the  
28 right of ownership, possession, management, charge, or control  
of real property on their own behalf or on behalf of another.

(12) "Party" shall include the person charging or  
making a complaint or upon whose behalf a complaint is made

1 alleging an unfair practice, the person alleged or found  
2 to have committed an unfair practice, the Department of  
3 Human Rights and the Office of Women's Rights.

4 (13) "Person" includes one or more individuals, partner-  
5 ships, organizations, trade or professional associations,  
6 corporations, legal representatives, trustees, trustees in  
7 bankruptcy and receivers: it includes any owner, lessee,  
8 proprietor, manager, agent or employee, whether one or more  
9 natural persons, and further includes any political or civil  
10 subdivision or agency or instrumentality of the City of  
11 Seattle.

12 (14) "Political ideology" means any idea or belief,  
13 or coordinated body of ideas or beliefs, relating to the conduct,  
14 organization, function or basis of government and related  
15 institutions and activities, whether or not characteristic  
16 of any political party or group. This term includes membership  
17 or participation in the activities of a group with shared  
18 political ideology, provided such membership or participation  
19 does not involve force or violence or <sup>produce</sup> ~~conduce~~ or incite  
20 imminent force or violence toward persons or property.

21 (15) "Prospective borrower" includes any person who  
22 seeks to borrow money to finance the acquisition, construction,  
23 repair, or maintenance of real property.

24 (16) "Prospective occupant" includes any person who  
25 seeks to purchase, lease, sublease or rent real property.

26 (17) "Real estate agent, salesperson or employee"  
27 includes any person employed by, associated with or acting  
28 for a real estate broker to perform or assist in the performance  
of any or all of the functions of a real estate broker.

(18) "Real estate broker" includes any person who  
for a fee, commission, or other valuable consideration,

1 lists for sale, sells, purchases, exchanges, leases or subleases,  
2 rents, or negotiates or offers or attempts to negotiate the  
3 sale, purchase, exchange, lease, sublease or rental of real  
4 property of another, or holds themselves out as engaged in the  
5 business of selling, purchasing, exchanging, listing, leasing,  
6 subleasing, or renting real property of another, or collects  
7 the rental for use of real property of another.

8 (19) "Real property" includes housing accommodations,  
9 buildings, structures, real estate, lands, tenements, leaseholds,  
10 interests in real estate cooperatives, condominiums, and  
11 hereditaments, corporeal and incorporeal, or any interest  
12 therein.

13 (20) "Respondent" means any person who is alleged  
14 to have committed an unfair practice prohibited by this  
15 ordinance.

16 (21) "Rooming unit" includes one or more rooms within  
17 a dwelling unit or rooming house containing space for living  
18 and sleeping.

19 (22) "Sexual orientation" means male or female  
20 heterosexuality, bi-sexuality or homosexuality, and includes  
21 a person's attitudes, preferences, beliefs and practices  
22 pertaining to sex, but shall not include conduct which is  
23 unlawful under city, state or federal law.

24 AMENDED - ORD.

25 108205

26 Section 3. UNFAIR PRACTICES FORBIDDEN

27 (1) Unfair practices as hereinafter defined regarding  
28 real property are contrary to the public peace, health,  
safety and general welfare and are hereby prohibited by The  
City of Seattle in the exercise of its police power.

(2) No owner, assignee, real estate broker, real  
estate agent, salesperson or employee, or other person having

1 the right to sell, rent, lease, sublease, assign, transfer,  
2 or otherwise dispose of real property shall discriminate  
3 by undertaking or refusing to sell, rent, lease, sublease,  
4 assign, transfer or otherwise deny to or withhold from any  
5 person or group of persons such real property, or segregate  
6 the use thereof, or represent that such real property is  
7 not available for inspection, when in fact it is so available,  
8 or expel or evict an occupant from real property because  
9 of the race, color, religion, ancestry, national origin,  
10 sex, marital status, sexual orientation or political ideology  
11 of such a person or persons, or discriminate against or  
12 segregate any person because of such person's race, color,  
13 religion, ancestry, national origin, sex, marital status,  
14 sexual orientation or political ideology in the terms, conditions  
15 or privileges of the sale, rental, lease, sublease, assignment,  
16 transfer or other disposition of any such real property  
17 or in the furnishing of facilities or services in connection  
18 therewith.

17 (3) No real estate broker or real estate agent, salesperson  
18 or employee shall because of race, color, religion, ancestry,  
19 national origin, sex, marital status, sexual orientation  
20 or political ideology of an occupant, purchaser, prospective  
21 occupant, or prospective purchaser:

22 (a) Refuse or intentionally fail to list or discriminate  
23 in listing real property for sale, rent, lease or sublease.

24 (b) Refuse or intentionally fail to show a prospective  
25 occupant real property listed for sale, rental, lease or sublease.

26 (c) Refuse or intentionally fail to accept and/or  
27 transmit to an owner any reasonable offer to purchase, lease,  
28 rent or sublease real property.

1 (d) Otherwise discriminate against an occupant,  
2 prospective occupant, purchaser or prospective purchaser of  
3 real property.

4 (4) No lender, or any agent or employee thereof,  
5 to whom application is made for financial assistance for  
6 the purchase, lease, acquisition, construction, rehabilitation,  
7 repair or maintenance of any real property shall:

8 (a) Discriminate against any person, prospective  
9 occupant or tenant of real property in the granting, withholding,  
10 extending, modifying or renewing, or in the rates, terms,  
11 conditions or privileges of, any such financial assistance,  
12 or in the extension of services in connection therewith; or

13 (b) Use any form of application for such financial  
14 assistance or make any record of inquiry in connection with  
15 applications for such financial assistance which expresses,  
16 directly or indirectly, any limitation, specification, or  
17 discrimination because of race, color, religion, ancestry,  
18 national origin, sex, marital status, sexual orientation  
19 or political ideology, unless required or authorized by  
20 local, state or federal laws or agencies for the purpose  
21 of preventing discrimination in real property; provided  
22 that nothing in this provision shall prohibit any party  
23 to a credit transaction from requesting designation of marital  
24 status for the purpose of considering application of community  
25 property law to the individual case or from taking reasonable  
26 action thereon.

27 (5) No owner, real estate agent, salesperson or  
28 employee, real estate broker, or any other person, shall:

29 (a) Require any information, make or keep any  
30 record, or use any form of application containing questions

1 or inquiries concerning race, color, religion, ancestry,  
2 national origin, sex, marital status, sexual orientation or  
3 political ideology in connection with the sale, rental,  
4 lease or sublease of any real property unless used solely  
5 for making reports required by agencies of the federal,  
6 state or local government for the purposes of preventing  
7 and eliminating discrimination or of overcoming its effects  
8 or for other purposes authorized by federal, state or local  
9 agencies or laws or rules adopted thereunder, and as to  
10 "marital status," for the purpose of determining applicability  
of community property law to the individual case.

11 (b) Publish, circulate, issue or display or cause  
12 to be published, circulated, issued or displayed, any communication,  
13 notice, advertisement, or sign of any kind relating to the  
14 sale, rental, lease, sublease, assignment, transfer, or listing  
15 of real property which indicate any preference, limitation or  
16 specification based on race, color, religion, ancestry,  
17 national origin, sex, marital status, sexual orientation or  
political ideology.

18 (c) Aid, abet, incite, compel or coerce the doing  
19 of any act defined in this ordinance as an unfair practice;  
20 or intimidate, harass, retaliate, obstruct or discriminate  
21 against a person in any manner because such person has complied  
22 or proposes to comply with provisions of this ordinance or  
23 has filed a complaint, testified, or assisted in any proceeding  
24 under this ordinance, or any order issued thereunder, or  
25 attempt, either directly or indirectly, to commit any act  
26 defined in this ordinance to be an unfair practice or apply  
27 any economic sanctions or deny any membership privileges  
because of compliance with the provisions of this ordinance.

1 (6) No owner, real estate agent, salesperson or employee,  
2 real estate broker, or any other person, shall for profit:

3 (a) Promote, induce or attempt to promote or  
4 induce any person to sell or rent any real property by representations  
5 regarding the entry or prospective entry into the neighborhood  
6 or area of a person or persons of a particular race, color,  
7 religion, ancestry, national origin, sex, marital status,  
8 sexual orientation or political ideology.

9 (b) Show or otherwise take any action, the design or  
10 effect of which is to steer a person or persons to any section  
11 of the city or to particular real property in a manner tending  
12 to segregate or maintain segregation on the basis of race,  
13 color, religion, ancestry, national origin, sex, marital status,  
14 sexual orientation or political ideology.

15 (7) No person, whether or not acting for profit,  
16 shall harass, intimidate, or otherwise abuse or discriminate  
17 against any person or any person's friends or associates  
18 because of the race, color, religion, ancestry, national  
19 origin, sex, marital status, sexual orientation or political  
20 ideology of such person or persons or their friends or associates  
21 with the purpose or effect of denying to such person or  
22 persons the rights granted in this ordinance or the right  
23 to quiet or peaceful possession or enjoyment of any real  
24 property.

25 AMENDED - ORD.

26 Section 4. ENFORCEMENT PROCEDURES

27 108205  
28 109208

(1) A complaint alleging an unfair housing practice shall be in writing and signed by the charging party, describing the unfair housing practice complained of, and must be filed within six (6) months of the occurrence of the alleged unfair housing practice by:

1 (a) Any person, or the person's attorney, when the  
2 person claims to be aggrieved by an unfair housing practice.

3 (b) Any Commission or Director, as defined in Section  
4 2, whenever any such Commission or Director has reason to  
5 believe that an unfair housing practice has been or is being  
6 committed.

7 (c) A state or federal agency or private organization  
8 concerned with discrimination in housing, whenever it has  
9 reason to believe that an unfair housing practice has been  
10 or is being committed.

11 Complaints pertaining solely to race, color, creed,  
12 religion, ancestry, national origin, or political ideology  
13 shall be filed with the Department of Human Rights which  
14 shall have primary enforcement responsibility with respect  
15 thereto; and complaints pertaining solely to sex, marital  
16 status or sexual orientation shall be filed with the Office  
17 of Women's Rights which shall have primary enforcement responsibility  
18 with respect thereto; provided that a complaint alleging  
19 more than one or a combination of such factors may be filed  
20 with the department or office having jurisdiction over any  
21 one of such factors. In such case the receiving office  
22 or department shall, promptly and before investigation,  
23 notify any other office or department wherein the complaint  
24 could have been filed that the complaint has been received  
25 and provide a copy thereof upon request.

26 (2) A complaint shall not be rejected as insufficient  
27 because of failure to include all required information so  
28 long as it substantially satisfies the information requirements  
necessary for processing. The charging party may amend a  
complaint in any respect before notice of hearing on the matter,

1 and thereafter may amend a complaint only with permission of  
2 the Hearing Examiner, which permission shall be granted when  
3 justice will be served thereby, and all parties are allowed  
4 time to prepare their case with respect to additional or  
5 expanded charges which they did not and could not have reasonably  
6 foreseen would be in issue at the hearing.

7 (3) After the filing of a complaint, the Director or  
8 in case of joint enforcement responsibility, the Director of  
9 Human Rights jointly with the Director of the Office of Women's  
10 Rights as the complaint requires, shall serve notice of the  
11 complaint (including the date, place and circumstances of the  
12 alleged unlawful practice) on the respondent and shall make  
13 an investigation thereof. The results of the investigation  
14 shall be reduced to written findings of fact, and a finding  
15 shall be made that there is or is not reasonable cause  
16 for believing that an unfair practice has been or is being  
17 committed.

18 (4) If a finding is made that there is no reasonable  
19 cause, said finding shall be furnished to the charging party  
20 and to the respondent. Within thirty (30) days after receipt  
21 of the finding, the charging party shall have the right to  
22 appeal such finding to the Commission having hearing responsibility  
23 by filing a written statement of appeal with it. In the event  
24 that no appeal is taken or such appeal is unsuccessful, the  
25 complaint shall be dismissed.

26 (5) If the finding is made initially or on appeal  
27 that reasonable cause exists to believe that an unfair housing  
28 practice has occurred, the Director shall endeavor to eliminate  
the unfair practice by conference, conciliation and persuasion  
which may include as a condition of settlement the elimination

1 of the unfair housing practice, rent refunds or credits,  
2 reinstatement to tenancy, affirmative recruiting or advertising  
3 measures or such other requirements as may lawfully be agreed  
4 upon by the parties and the Director. Any settlement agreement  
5 shall be reduced to writing and signed by the respondent.  
6 An order shall then be entered by the Director setting forth  
7 the terms of the agreement. Copies of such order shall  
8 be delivered to all affected parties and the original thereof  
9 filed with the City Clerk. If no agreement can be reached,  
10 a finding to that effect shall be made and reduced to writing,  
11 with a copy thereof furnished to the charging party and  
12 the respondent.

13 (6) In case of failure to reach an agreement for  
14 the elimination of such unfair practice, and upon the entry  
15 of a finding to that effect, the complaint and any and all  
16 findings made shall be certified by the Director to the Office  
17 of the Hearing Examiner for hearing. The director shall  
18 then cause to be issued and served in the name of the Commission  
19 or Commissions having hearing responsibilities written notice  
20 of hearing to all parties as provided by law.

21 A hearing shall be conducted by a Hearing Examiner from  
22 the Office of Hearing Examiner, if available, or otherwise  
23 by a deputy hearing examiner or by a hearing examiner pro  
24 tempore appointed by the presiding Judge of Seattle Municipal  
25 Court. In order to promote uniformity of rules and procedures  
26 for hearings, the hearing examiner shall, with the advice  
27 of the Director of the Department of Human Rights and the  
28 Director of the Office of Women's Rights, and with the approval  
29 of their respective Commissions, within 60 days of passage of  
30 this ordinance, present to the City Council written rules and  
31 procedures for the conduct of hearings

1 consistent with this ordinance and the Administrative Code  
2 of The City of Seattle (Ordinance 102228). Until such formal  
3 rules are adopted, the Hearing Examiner may use such rules  
4 as may be approved by the appropriate Director(s).

5 The President of the Commission, or where joint enforcement  
6 responsibility is involved, the President of the Human Rights  
7 Commission jointly with the President of the Women's Commission  
8 as the case requires, may appoint a hearing panel of not more  
9 than three (3) persons, with the majority determined by the  
10 nature of the complaint, who may attend the hearing but not  
11 participate in the proceedings.

12 In selecting the hearing panel, the President will  
13 not appoint persons who are current members of the Commission  
14 or who are employees or agents of any department or agency  
15 involved in the case. Care must also be exercised to determine  
16 that no member of the hearing panel has a conflict of interest  
17 or has exhibited any bias or prejudice in the case.

18 Within such period as may be fixed by rule, the Hearing  
19 Examiner presiding at the hearing shall prepare a written  
20 decision if there is no hearing panel, or a written recommendation  
21 if a panel has been appointed. The decision or recommendation  
22 shall be filed as a public record and copies thereof mailed  
23 to each party and to other interested persons. Such decision  
24 or recommendation shall contain a brief summary of the evidence  
25 considered and shall state the Hearing Examiner's findings  
26 of fact and conclusions of law upon which such decision  
27 or recommendation is based, together with a brief statement  
28 of the Hearing Examiner's reasons therefor. If the Hearing  
29 Examiner has prepared a recommendation it shall be in the

1 form of a proposed decision which may be adopted by the  
2 hearing panel as its decision in the case.

3 When a hearing panel has been appointed they  
4 will make the final decision within thirty (30) days after  
5 receipt of, and upon full consideration of, the proposed  
6 decision of the Hearing Examiner as provided in the Administrative  
7 Code of The City of Seattle (Ordinance 102228). The hearing  
8 panel shall set a date for consideration of the proposed  
9 decision, and shall give notice thereof to all parties not  
10 later than ten days prior to such date. The Hearing Examiner's  
11 findings of fact shall not be set aside by the hearing panel  
12 unless clearly contrary to the weight of the evidence.

13 (7) In the event the Hearing Examiner or the hearing  
14 panel shall determine that a respondent has been engaged  
15 in or is engaged in any unfair housing practice, the Director  
16 shall issue in the name of the Commission and cause to be  
17 served on the parties an order setting forth its decision  
18 and reasons therefor and requiring the respondent to cease  
19 and desist from such unfair practice or practices and to take  
20 such appropriate affirmative action, including but not limited  
21 to, rent refund, or credit, reinstatement to tenancy, affirmative  
22 recruiting and advertising measures, or to take such other  
23 action as in the judgment of the hearing panel will effectuate  
24 the purposes of this ordinance which may include the requirement  
25 for report on the matter of compliance. In the event the Hearing  
26 Examiner or the hearing panel finds that the respondent  
27 intentionally or knowingly committed any unfair housing  
28 practice, the Director in the name of the Commission may further  
29 order the respondent to pay a civil penalty of up to Five  
30 Hundred Dollars (\$500), which penalty shall be paid to the  
31 City Treasurer for deposit in the City General Fund.

1 (8) In the event the respondent refuses or fails to  
2 comply with any order of the Director, the Director shall  
3 certify the case and the entire record of its proceeding to  
4 the Corporation Counsel, who shall invoke the aid of the  
5 appropriate court to secure enforcement or compliance with the  
6 order, or to impose the penalties as set forth in this ordinance,  
7 or both: provided that in any case in which the order is  
8 directed to the City, or to any department, division, board  
9 or agency thereof, a copy of such order shall be transmitted  
10 to the Mayor who shall take appropriate action to secure  
11 compliance therewith.

12 (9) The Department and the Office of Women's Rights  
13 in the performance of their functions may enlist the aid of  
14 all departments of City government, and all said departments  
15 are hereby directed to fully cooperate therewith.

16 Section 5. EFFECT OF OTHER LAWS. Nothing in this  
17 ordinance shall invalidate or restrict any right or remedy  
18 of any charging party or respondent under state or federal  
19 law nor preclude such party from seeking judicial review of  
20 any final administrative decision or order made hereunder.

21 Section 6. COOPERATIVE AGREEMENTS. Nothing in this  
22 ordinance shall be interpreted to prevent the receiving, referring,  
23 or other processing of complaints, in accordance with a  
24 cooperative agreement with the Washington State Human Rights  
25 Commission as authorized and mandated by RCW 49.60.226 or with  
26 other agencies concerned with the enforcement of laws against  
27 discrimination.

28 AMENDED - ORD. 108205 Section 7. EXCLUSIONS. Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing  
of a single family dwelling, duplex or any dwelling in an

1 RS or RD zone converted to multiple use prior to 1957, wherein  
2 the owner or person entitled to possession thereof normally  
3 maintains, or intends to maintain, a permanent residence,  
4 home or abode.

5 (2) Be interpreted to prohibit any person from making  
6 a choice among prospective purchasers or tenants of real  
7 property on the basis of factors other than race, color,  
8 religion, ancestry, national origin, sex, marital status,  
9 sexual orientation or political ideology where such factors  
10 are not designed, intended or used to discriminate.

11 (3) Prohibit a religious organization, association,  
12 or society, or any nonprofit institution or organization  
13 operated, supervised or controlled by or in conjunction with  
14 a religious organization, association, or society, from  
15 limiting the sale, rental or occupancy of dwellings which  
16 it owns or operates for other than a commercial purpose to  
17 persons of the same religion, or from giving preference to  
18 such persons, unless membership in such religion is restricted  
19 on account of race, color, or national origin.

20 (4) Prohibit any person from limiting the rental or  
21 occupancy of housing accommodations in any YWCA, YMCA, sorority,  
22 fraternity, school dormitory, or similar residential hall to  
23 persons of one sex.

24 ~~ENDED - 01/18~~ 109208 Section 8. PENALTIES. Any person who shall knowingly  
25 or wilfully engage in an unfair practice under this ordinance or who  
26 shall knowingly and wilfully resist, prevent, impede or interfere  
27 with a Director, Hearing Examiner or Hearing Panel in the  
28 performance of duties pursuant to this ordinance, or who  
29 shall fail, refuse, or neglect to comply with any lawful  
30 decision or order of a Director, Hearing Examiner or Hearing  
31 Panel, shall be liable for a civil penalty of up to Five

1 Hundred Dollars (\$500) for each such violation in addition  
2 to any other penalty, sanction, injunction or remedial decree  
3 imposed by order of any court.

4 Section 9. REPEALER. Sections 12A.44.010 through  
5 12A.44.060 (Chapter 12A.44) of Ordinance 102843 (Seattle Criminal  
6 Code) are hereby repealed; provided, that such repeal shall not  
7 affect any right accrued, any duty imposed, or any penalty  
8 incurred under or by virtue of the provisions of said Chapter  
9 12A.44 of the Seattle Criminal Code or of Ordinance 96619  
10 repealed thereby and the procedural provisions of this  
11 ordinance shall apply to all complaints and proceedings  
12 pending under said Chapter 12A.44 or said Ordinance 96619.  
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(To be used for all Ordinances except Emergency.)

Section 10 This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4 day of August, 1975  
and signed by me in open session in authentication of its passage this 4 day of August, 1975

Jeanette Williams  
President Pro Tem of the City Council.

Approved by me this 15 day of August, 1975

[Signature]  
Mayor.

Filed by me this 15 day of August, 1975

[Signature]  
Attest: [Signature]  
City Comptroller and City Clerk.

(SEAL)

Published \_\_\_\_\_  
By [Signature]  
Deputy Clerk.

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JUN 13 PM 4:34  
June 13, 1975

Re: C.B. 96160 - Prohibiting unfair  
practices involving real property.

Human Resources and Judiciary Committee  
City Council  
Seattle

Honorable Members:

By letter dated May 22, 1975 you request that we prepare proposed legislation incorporating certain amendments to the "Open Housing Ordinance" (C.B. 96160) removing such ordinance from the Criminal Code and establishing a civil penalty for violation thereof, and in connection therewith you specifically point out certain changes as follows:

- "1. The terms 'sexual orientation' and 'political ideology' have been added throughout and definitions have been prepared as well. We would appreciate a thorough review of these definitions, including advice on whether definitions should be included for these terms, but not for all terms.
- "2. An exclusion is provided for all duplexes and for older dwellings in RS or RD Zones converted to multiple uses prior to 1957. The intent of this exclusion is to exclude the owners of older dwellings that were converted to multiple use during the war-time housing shortage, that are still lived in by the owners. Most of these are non-conforming uses under the current Zoning code."

In accordance with such request we have reviewed the indicated changes and we have prepared and forward herewith proposed legislation incorporating such amendments and repealing Chapter 12A.44 of the Seattle Criminal Code (Ordinance 102843).

Human Resources and Judiciary Committee

June 13, 1975

Page 2

With respect to the definitions of the terms "sexual orientation" and "political ideology", we have previously advised by letter dated November 20, 1972 that while the term "political ideology" like "race, color, age, sex, creed, religion, ancestry and national origin" is a term of common understanding and refers primarily to a person's status or beliefs, the term "sexual orientation" is susceptible of broad interpretation including a connotation of activity or conduct as well as status or beliefs and thus subject to the rule stated in Seattle v. Drew, 70 Wn.2d 405 that --

"To be consistent with due process, a penal statute or ordinance must contain ascertainable standards of guilt, so that men of reasonable understanding are not required to guess at the meaning of the enactment."

Accordingly, it is both necessary and appropriate in our view that the term "sexual orientation" be defined, and the term "political ideology" and other terms in said ordinance may or may not be expressly defined depending on whether such terms are intended to have their commonly understood meaning or some other more specific meaning.

With respect to the exclusion provided for "all duplexes and for older dwellings in RS or RD Zones converted to multiple uses prior to 1957", we have previously advised by letter of March 12, 1975 that RCW 49.60.222 defines certain "unfair practices" with respect to real estate transactions, facilities and services and prohibits discrimination "because of sex, marital status, race, creed, color or national origin" and that we have been informed that such prohibition is interpreted by the Washington State Human Rights Commission as applying to "every possible real property transaction without exception."

In such connection we advised that while the City may in our opinion exclude from the application of the City's ordinance certain "singles only apartment houses" and "other residential halls for one-sex only" such exclusion "would not authorize or make lawful any discrimination declared to be an unfair practice under RCW 49.60.222", and such advice has equal application to the exclusion of "all duplexes and for older dwellings in RS or RD Zones converted to multiple uses prior to 1957".

CB 96160 and other materials which accompanied your request are returned herewith together with the proposed legislation.

Yours very truly,

JOHN P. HARRIS  
Corporation Counsel

BY

  
DONA CLOUD  
Assistant

DC:sg  
Enc.

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

HUMAN RESOURCES AND JUDICIARY  
PLANNING & URBAN DEVELOPMENT

Date Reported

and Adopted

AUG 4 1975

to which was referred Council Bill 96460

relating to and prohibiting unfair practices involving real property, establishing an "Open Housing Ordinance"; providing for enforcement procedures and prescribing penalties; and repealing Chapter 12A.44 "Unfair Housing Practices" of the Seattle Criminal Code (Ordinance 102843),

RECOMMENDS THAT ENGROSSED COUNCIL BILL 96460 BE SUBSTITUTED FOR ORIGINAL COUNCIL BILL 96460, AND WHEN SO SUBSTITUTED, THE SAME DO PASS.



P & UD  
Chairman



HR & J  
Chairman

Committee

Committee

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

\_\_\_\_\_ *Janetta Williams* \_\_\_\_\_

\_\_\_\_\_

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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: HR & J

P & UD

\_\_\_\_\_

*Jail*

\_\_\_\_\_

PRESIDENT'S SIGNATURE **PRO TEM**

# Affidavit of Publication

C-118

## STATE OF WASHINGTON, KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a.....  
Ordinance No. 104839

.....  
was published on .....  
August 16, 1975

.....  
*M E Brown*

Subscribed and sworn to before me on

.....  
August 16, 1975

.....  
*[Signature]*  
Notary Public for the State of Washington,  
residing in Seattle.

AN ORDINANCE relating to and amending unfair practices involving real property establishing an Open Housing Ordinance, providing for enforcement procedures and prescribing penalties; and repealing Chapter 15A.44 "Unfair Housing Practices" of the Seattle Criminal Code (Ordinance 102547).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SHORT TITLE AND PURPOSES. This ordinance shall be known as and may be cited as the "Open Housing Ordinance". The general purposes of this ordinance are to promote the availability and accessibility of housing and real property to all persons; to prohibit discriminatory practices in real property transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal rights and opportunities in acquiring or disposing of real property; and to provide enforcement mechanisms for the accomplishment of such purposes; and to these ends the provisions of this ordinance shall be liberally construed.

Section 2. DEFINITIONS. Definitions as used in this ordinance, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- (1) "Charging Party" means any person alleging an unfair housing practice under this ordinance.
- (2) "Commission" means the Seattle Human Rights Commission or the Seattle Women's Commission, as the context requires.
- (3) "Department" means the Department of Human Rights of the City of Seattle.
- (4) "Director" means the Director of Human Rights or the Director of the Office of Women's Rights as the context requires.
- (5) "Discriminate" means any conduct, 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 of race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology.
- (6) "Dwelling" includes any building containing one or more dwelling units.
- (7) "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping and preparation of food, and containing toilet and bathing facilities.
- (8) "Housing accommodations" shall include any dwelling unit, rooming house, lot or parcel of land in the city of Seattle which 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.
- (9) "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person or agent thereof engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair or maintenance of real property.
- (10) "Occupant" includes any person who has established residence or has the right to occupancy of real property.
- (11) "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.
- (12) "Party" shall include 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, the Department of Human Rights and the Office of Women's Rights.
- (13) "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers; it includes any other, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any political or civil subdivision or agency or instrumentality of the City of Seattle.

- (14) "Political ideology" means any race or belief, or coordinated body of ideas or beliefs relating to the conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership or participation in the activities of a group with shared political ideology, provided such membership or participation does not involve force or violence or produce or incite imminent force or violence toward persons or property.
- (15) "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair or maintenance of real property.
- (16) "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent real property.
- (17) "Real estate agent, salesperson or employee" includes any person employed by, associated with or acting for a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.
- (18) "Real estate broker" includes a person who for a fee or other valuable consideration acts for another as agent or associates in offering or attempting to negotiate the sale, purchase, exchange, lease, sublease or rental of real property or holds themselves out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting real property or collects the rental for use of real property of another.
- (19) "Real property" includes housing accommodations, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein.
- (20) "Respondent" means any person who is alleged to have committed an unfair practice prohibited by this ordinance.
- (21) "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.
- (22) "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 conduct which is unlawful under city, state or federal law.

Section 3. UNFAIR PRACTICES FORBIDDEN

- (1) Unfair practices as herein after defined regarding real property are contrary to the public peace, health, safety and general welfare and are hereby prohibited by The City of Seattle in the exercise of its police power.
  - (a) No owner, assistant real estate broker, real estate agent, salesperson or employee, or other person having the right to sell, lease, sublease, assign, transfer, or otherwise dispose of real property shall discriminate by undertaking or refusing to sell, lease, sublease, assign, transfer or otherwise deal to or withhold from any person or group of persons such real property, or segregate the use thereof, or represent that such real property is not available for inspection, when in fact it is so available, or expel or evict an occupant from real property because of the race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology of such a person or persons, or discriminate against or segregate any person because of such person's race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such real property or in the furnishing of facilities or services in connection therewith.
  - (b) No real estate broker or real estate agent, salesperson or employee shall because of race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology of an occupant, prospective borrower, prospective occupant or prospective purchaser, or intentionally fail to list or discriminate in listing real property for sale, rent, lease, or sublease.
  - (c) No owner, real estate agent, salesperson or employee, real estate broker, or any other person shall:
    - (a) Refuse or intentionally fail to list or discriminate in listing real property for sale, rent, lease, or sublease.
    - (b) Refuse or intentionally fail to show a prospective occupant real property listed for sale, rental, lease or sublease.
    - (c) Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease real property.
    - (d) Otherwise discriminate against an occupant, prospective occupant, purchaser or prospective purchaser of real property.
    - (e) No lender, or any agent or employee thereof to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property shall:
      - (a) Discriminate against any person, prospective occupant or tenant of real property in the granting, withholding, extending, modifying or renewing, or in the rate, terms, conditions or privileges of any such financial assistance, or in the extension of services in connection therewith; or
      - (b) Use any form of application for such financial assistance or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination because of race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology, unless required or authorized by local, state or federal laws or agencies for the purpose of preventing discrimination in real property provided that nothing in this provision shall prohibit any party to a credit transaction from requesting designation of marital status for the purpose of considering application of community property law to the individual case or from taking reasonable action thereon.
    - (f) No owner, real estate agent, salesperson or employee, real estate broker, or any other person shall:
      - (a) Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology in connection with the sale, rental, lease or sublease of any real property unless used solely for making reports required by agencies of the federal state or local government for the purposes of preventing and eliminating discrimination or for overcoming its effects or for other purposes authorized by federal state or local agencies or laws or rules adopted thereunder, and as to "marital status" for the purpose of determining applicability of community property law to the individual case.
      - (b) Publish, circulate, issue or display or cause to be published, circulated, issued or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of real property which indicate any preference, limitation or specification based on race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology.
      - (c) Aid, abet, incite, compel or coerce the doing of any act defined in this ordinance as an unfair practice, or intimidate, harass, retaliate, obstruct or discriminate against a person in any manner because such person has complied or proposes to comply with provisions of this ordinance or has filed a complaint, testified, or assisted in any proceeding under this ordinance, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this ordinance to be an unfair practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this ordinance.

- (g) No owner, real estate agent, salesperson or employee, real estate broker, or any other person shall for profit, shall harass, intimidate or otherwise annoy or discriminate against any person or any person's friends or associates because of the race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology of such person or persons with their friends or associates with the purpose or effect of denying to such person or persons the rights granted in this ordinance or the right to quiet or peaceful possession or enjoyment of any real property.
- (h) No person, whether or not acting for profit, shall harass, intimidate or otherwise annoy or discriminate against any person or any person's friends or associates because of the race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology of such person or persons with the purpose or effect of denying to such person or persons the rights granted in this ordinance or the right to quiet or peaceful possession or enjoyment of any real property.

- (i) No owner, real estate agent, salesperson or employee, real estate broker, or any other person shall for profit:
  - (a) Promote, induce or attempt to promote or induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology.
  - (b) Show or otherwise take any action the design or effect of which is to steer a person or persons to a particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology.
  - (c) No person, whether or not acting for profit, shall harass, intimidate or otherwise annoy or discriminate against any person or any person's friends or associates because of the race, color, religion, ancestry, national origin, sex, marital status, sexual orientation or political ideology of such person or persons with the purpose or effect of denying to such person or persons the rights granted in this ordinance or the right to quiet or peaceful possession or enjoyment of any real property.

Section 4. ENFORCEMENT PROCEDURES

- (1) A complaint alleging an unfair housing practice shall be in writing and signed by the charging party, describing the unfair housing practice complained of, and must be filed within six (6) months of the occurrence of the alleged unfair housing practice by:
  - (a) Any person or the person's attorney when the person claims to be aggrieved by an unfair housing practice.
  - (b) Any Commission or Director, as defined in Section 2, whenever any such Commission or Director has reason to believe that an unfair housing practice has been or is being committed.
  - (c) A state or federal agency or private organization concerned with discrimination in housing, whenever it has reason to believe that an unfair housing practice has been or is being committed.
- Complaints pertaining solely to race, color, creed, religion, ancestry, national origin, or political ideology shall be filed with the Department of Human Rights which shall have primary enforcement responsibility with respect thereto; and complaints pertaining solely to sex, marital status or sexual orientation shall be filed with the Office of Women's Rights which shall have primary enforcement responsibility with respect thereto; provided that a complaint alleging more than one or a combination of such factors may be filed with the department or office having jurisdiction over any one of such factors. In such case the receiving office or department shall promptly and before investigation, notify any other office or department wherein the complaint could have been filed that the complaint has been received and provide a copy thereof upon request.
- (3) A complaint shall not be rejected as insufficient because of failure to include all required information so long as it substantially satisfies the information requirements necessary for processing. The charging party may amend a complaint in any respect before notice of hearing on the matter, and thereafter may amend a complaint only with permission of the Hearing Examiner, which permission shall be granted when justice will be served thereby, and all parties are allowed time to prepare their case with respect to additional or amended charges which they did not and could not have reasonably foreseen would be in issue at the hearing.

(3) After the filing of a complaint, the Director or in case of joint enforcement responsibility, the Director of Human Rights jointly with the Director of the Office of Women's Rights as the complainant requires, shall serve notice of the complaint (including the date, place and circumstances of the alleged unlawful practice) on the respondent and shall make an investigation thereof. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or is not reasonable cause for believing that an unfair practice has been or is being committed.

(4) If a finding is made that there is no reasonable cause, said finding shall be furnished to the charging party and to the respondent. Within thirty (30) days after receipt of the finding, the charging party shall have the right to appeal such finding to the Commission having hearing responsibility by filing a written statement of appeal with it. In the event that no appeal is taken or such appeal is unsuccessful, the complaint shall be dismissed.

(5) If the finding is made initially or on appeal that reasonable cause exists to believe that an unfair housing practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement the elimination of the unfair housing practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures or such other requirements as may lawfully be agreed upon by the parties and the Director. Any settlement agreement shall be reduced to writing and signed by the respondent. An order shall then be entered by the Director setting forth the terms of the agreement. Copies of such order shall be delivered to all affected parties and the original thereof filed with the City Clerk. If no agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the charging party and the respondent.

(6) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of a finding to that effect, the complaint and any and all findings made shall be certified by the Director to the Office of the Hearing Examiner for hearing. The Director shall then cause to be issued and served in the name of the Commission or Commissions having hearing responsibilities written notice of hearing to all parties as provided by law.

A hearing shall be conducted by a Hearing Examiner from the Office of Hearing Examiner, if available, or otherwise by a deputy hearing examiner or by a hearing examiner pro tempore appointed by the presiding Judge of Seattle Municipal Court. In order to promote uniformity of rules and procedures for hearings, the hearing examiner shall with the advice of the Director of the Department of Human Rights and the Director of the Office of Women's Rights, and with the approval of their respective commissions within 60 days of passage of this ordinance present to the City Council written rules and procedures for the conduct of hearings consistent with this ordinance and the Administrative Code of the City of Seattle (Ordinance 192228). Until such formal rules are adopted, the Hearing Examiner may use such rules as may be approved by the appropriate Director(s).

The President of the Commission, or where joint enforcement responsibility is involved, the President of the Human Rights Commission jointly with the President of the Women's Commission as the case requires, may appoint a hearing panel of not more than three (3) persons, with the majority determined by the nature of the complaint, who may attend the hearing but not participate in the proceedings.

In selecting the hearing panel, the President will not appoint persons who are current members of the Commission or who are employees or agents of any department or agency involved in the case. Cases may also be referred to determine that no member of the hearing panel has a conflict of interest or has exhibited any bias or prejudice in the case.

Within such period as may be fixed by rule, the Hearing Examiner presiding at the hearing shall prepare a written decision if there is no hearing panel or a written recommendation if a panel has been appointed. The decision or recommendation shall be filed as a public record and copies thereof mailed to each party and to other interested persons. Such decision or recommendation shall contain a brief summary of the evidence considered and shall state the Hearing Examiner's findings of fact and conclusions of law upon which such decision or

recommendation is based, together with a brief statement of the Hearing Examiner's reasons therefor. If the Hearing Examiner has prepared a recommendation it shall be in the form of a proposed decision which may be adopted by the hearing panel as its decision in the case.

When a hearing panel has been appointed they will make the final decision within thirty (30) days after receipt of, and upon full consideration of, the proposed decision of the Hearing Examiner as provided in the Administrative Code of the City of Seattle (Ordinance 182278). The hearing panel shall set a date for the consideration of the proposed decision, and shall give notice thereof to all parties not later than ten days prior to such date. The Hearing Examiner's findings of fact shall not be set aside by the hearing panel unless clearly contrary to the weight of the evidence.

(7) In the event the Hearing Examiner or the hearing panel shall determine that a respondent has been engaged in or is engaged in any unfair housing practice, the Director shall issue in the name of the Commission and cause to be served on the parties an order setting forth its decision and reasons therefor and requiring the respondent to cease and desist from such unfair practice or practices and to take such appropriate affirmative action, including but not limited to, rent refund, or credit, reinstatement to tenancy, affirmative recruiting and advertising measures or to take such other action as in the judgment of the hearing panel will effectuate the purposes of this ordinance which may include the requirement for report on the matter of compliance. In the event the Hearing Examiner or the hearing panel finds that the respondent intentionally or knowingly committed any unfair housing practice, the Director in the name of the Commission may further order the respondent to pay a civil penalty of up to Five Hundred Dollars (\$500), which penalty shall be paid to the City Treasurer for deposit in the City General Fund.

(8) In the event the respondent refuses or fails to comply with any order of the Director, the Director shall certify the case and the entire record of its proceedings to the Corporation Counsel, who shall invoke the aid of the appropriate court to secure enforcement or compliance with the order or to impose the penalties as set forth in this ordinance or both, provided that in any case in which the order is directed to the City, or to any department, division, board or agency thereof a copy of such order shall be transmitted to the Mayor who shall take appropriate action to secure compliance therewith.

(9) The Department and the Office of Women's Rights in the performance of their functions may utilize the aid of all departments of City government and all said departments are hereby directed to fully cooperate therewith.

**Section 5. EFFECT OF OTHER LAWS.** Nothing in this ordinance shall invalidate or restrict any right or remedy of any charging party or respondent under state or federal law nor preclude such party from seeking judicial review of any final administrative decision or order made hereunder.

**Section 6. COOPERATIVE AGREEMENTS.** Nothing in this ordinance shall be interpreted to prevent the receiving, referring, or other processing of complaints in accordance with a cooperative agreement with the Washington State Human Rights Commission as authorized and mandated by RCW 49.60.228 or with other agencies concerned with the enforcement of laws against discrimination.

**Section 7. EXCLUSIONS.** Nothing in this ordinance shall:

(1) Apply to the renting, subrenting, leasing or subleasing of a single family dwelling, duplex or any dwelling in an RS or RD zone converted to multiple use prior to 1957, wherein the owner or person entitled to possession thereof normally maintains or intends to maintain a permanent residence, home or abode.

(2) 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, sex, marital status, sexual orientation or political ideology where such factors are not designated, intended or used to discriminate.

(3) Prohibit 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 it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(4) Prohibit any person from limiting the rental or occupancy of housing accommodations in any YWCA, YMCA, sorority, fraternity, school dormitory, or similar residential hall to persons of one sex.

**Section 8. PENALTIES.** Any person who shall knowingly or willfully engage in an unfair practice under this ordinance or who shall knowingly and willfully resist, prevent, impede or interfere with a Director, Hearing Examiner or Hearing Panel in the performance of duties pursuant to this ordinance or who shall fail, refuse, or neglect to comply with any lawful decision or order of a Director, Hearing Examiner or Hearing Panel, shall be liable for a civil penalty of up to Five Hundred Dollars (\$500) for each such violation in addition to any other penalty, sanction, injunction or remedial decree imposed by or for of any court.

**Section 9. REPEALER.** Sections 12A.44.018 through 12A.44.60 (Chapter 12A.44) of Ordinance 192543 (Seattle Criminal Code) are hereby repealed; provided that such repeal shall not affect any right accrued, any duty imposed, or any penalty incurred under or by virtue of the provisions of said Chapter 12A.44 of the Seattle Criminal Code or of Ordinance 36619 repealed hereby and the procedural provisions of this ordinance shall apply to all complaints and proceedings pending under said Chapter 12A.44 or said Ordinance.

**Section 10.** This ordinance shall take effect and be in force thirty days from and after its passage and approval if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of August, 1975, and signed by me in open session in authentication of its passage this 4th day of August, 1975.

JEANETTE WILLIAMS  
President pro tem of the  
City Council.

Approved by me this 15th day of August, 1975.

WES UHLMAN,  
Mayor.

Filed by me this 15th day of August, 1975.

Attest: C. G. ERLANDSON  
City Comptroller and  
City Clerk.

(Seal) By J. F. PENTON,  
Deputy Clerk.

Publication ordered by C. G.

ERLANDSON, Comptroller and  
City Clerk.

Date of Official Publication in  
the Daily Journal of Commerce,  
Seattle, August 16, 1975, (C-118).