

ORDINANCE No.

112903

COUNCIL BILL No.

105507

AN ORDINANCE relating to discrimination and remedies therefor; amending Seattle Municipal Code (SMC) Chapter 14.04 (Fair Employment Practices Ordinance 102562, as last amended by Ordinance 109116) and SMC Chapter 14.08 (Open Housing Ordinance 104839 as last amended by Ordinance 109050) amending SMC Sections 14.04.020, 14.04.030, 14.04.050, 14.04.100, 14.04.140, 14.04.150, 14.04.180, 14.08.010, 14.08.020, 14.08.040, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.120, 14.08.140, 14.08.160, 14.08.180; and adding new subsections 14.04.020 (E) (F), 14.04.030 (K) (N) (P), 14.04.050 (E) (F), 14.04.120 (C), 14.08.010 (A-E), and 14.08.190 (H) (I) (J).

The City

Honorable President:

Your Committee on

to which was referred the within report that we have considered the

Referred:	MAY 5 1986	To:	WILLIAMS
Referred:	MAY 5 1986	To:	PAVING & PUBLIC IMPROVEMENTS
Referred:		To:	
Reported:	JUN 30 1986	Second Reading:	JUN 30 1986
Third Reading:	JUN 30 1986	Signed:	JUN 30 1986
Presented to Mayor:	JUL 1 1986	Approved:	July 11, 86
Returned to City Clerk:		Published:	
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	

REC'D CHG JUL 2 1986

Do. P.

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The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on

Port & Public Grounds

was referred the within Council Bill No.

105507

that we have considered the same and respectfully recommend that the same:

Do Pass as Amended

8-1 SIBONGA

Justin Dillman

Committee Chair

ORDINANCE 112903

AN ORDINANCE relating to discrimination and remedies therefor; amending Seattle Municipal Code (SMC) Chapter 14.04 (Fair Employment Practices Ordinance 102562, as last amended by Ordinance 109116) and SMC Chapter 14.08 (Open Housing Ordinance 104839 as last amended by Ordinance 109050) amending SMC Sections 14.04.020, 14.04.030, 14.04.050, 14.04.100, 14.04.140, 14.04.150, 14.04.180, 14.08.010, 14.08.020, 14.08.040, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.120, 14.08.140, 14.08.160, 14.08.180; and adding new subsections 14.04.020(E)(F)(G), 14.04.030(K)(N)(P), 14.04.050(E)(F), 14.04.120(C), 14.08.010(A-F), and 14.08.190(H)(I)(J).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.04.020 of the Seattle Municipal Code (Ordinance 102562 § 2) is amended as follows:

14.04 .020 Declaration of Policy.

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. The role of the Human Rights Department is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to endorse specific beliefs, practices or lifestyles.

~~((B-))~~C. The provisions of this chapter shall apply to both private employers and the City, and shall be liberally construed for accomplishment of its policies and purposes; provided that nothing in this chapter shall be construed so as to infringe upon the authority vested in the Civil Service Commission, the Public Safety Civil Service Commission, and City Departments by the City Charter.

1 ~~((C-))~~D. Nothing in this chapter shall be deemed to deny
2 any person ~~((in any way))~~ the right to institute any action or
3 to pursue any civil or criminal remedy for the violation of
4 such person's civil rights.

5 E. To avoid duplication of efforts or otherwise conserve
6 agency resources, the Director may suspend or close a case for
7 any reason consistent with this chapter, including the reason
8 that the case is being actively pursued in another forum.

9 F. Remedies under this chapter should include such relief
10 authorized by law as may be appropriate and reasonable to make
11 the aggrieved person whole and eliminate the unfair practice.

12 ~~((D-))~~G. Nothing contained in this chapter is intended to
13 be nor shall be construed to create or form the basis for any
14 liability on the part of the City, or its officers, employers
15 or agents, for any injury or damage resulting from or by reason
16 of any act or omission in connection with the implementation or
17 enforcement of this chapter on the part of the City by its
18 officers, employees or agents.

19 Section 2. Section 14.04.030 of the Seattle Municipal Code
20 (Ordinance 102562 § 3) is amended, adding new subsections K, N
21 and P, and re-lettering the current subsection K, L, M, to L, M
22 and O as follows:

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

26 ~~((K))~~L. "Party" includes the person charging or making a
27 complaint or upon whose behalf a complaint is made alleging an
28 unfair employment practice, the person alleged or found to
have committed an unfair employment practice and the
Department of Human Rights.

1 ((L))M. "Person" includes one or more individuals,
2 partnerships, associations, organizations, trade or
3 professional associations, corporations, public corporations,
4 cooperatives, legal representatives, trustees, trustees in
5 bankruptcy and receivers, or any group of persons; it includes
6 any owner, lessee, proprietor, manager, agent or employee,
7 whether one or more natural persons, and further includes any
8 department, office, agency or instrumentality of the city.

9 N. "Political ideology" means any idea or belief, or
10 coordinated body of ideas or beliefs, relating to the purpose,
11 conduct, organization, function or basis of government and
12 related institutions and activities, whether or not charac-
13 teristic of any political party or group. This term includes
14 membership in a political party or group and includes conduct,
15 reasonably related to political ideology, which does not
16 interfere with job performance.

17 ((M))O. "Respondent" means any person who is alleged or
18 found to have committed an unfair employment practice prohi-
19 bited by this chapter.

20 P. "Sexual orientation" means actual or perceived male
21 or female heterosexuality, bisexuality, homosexuality,
22 transsexuality, or transvestism and includes a person's
23 attitudes, preferences, beliefs and practices pertaining
24 thereto.

25 Section 3. Section 14.04.050 of the Seattle Municipal Code
26 is amended by adding new subsections E and F.

27 Section 14.04.050. Exclusions.

28 E. Nothing in this chapter shall be construed to protect
criminal conduct.

1 F. Notwithstanding any provision of Sections 14.04.030
2 and 14.04.040, it is not an unfair practice under this chapter
3 for an employer, with a demonstrated security or public safety
4 need, to discriminate on the basis of participation in activi-
5 ties which involve the use of force or violence or advocate or
6 incite force or violence.

7 Section 4. Section 14.04.100 of the Seattle Municipal Code
8 (Ordinance 102562 § 4(A)) is amended as follows:

9 14.04.100. Charge - Amendments.

10 The charging party may amend a charge to cure technical
11 defects or omissions; or to clarify and amplify allegations
12 made therein; or to add allegations related to or arising out of
13 the subject matter set forth, or attempted to be set forth in
14 the original charge. For jurisdictional purposes, such
15 ((such)) amendments shall relate back to the date the original
16 charge was first filed. The charging party may also amend a
17 charge to include allegations of additional unrelated discrimi-
18 natory acts and/or retaliation which arose after filing of the
19 original charge. The amendment must be filed within six months
20 after the occurrence of the additional discriminatory act/or
21 retaliation and prior to the Department's issuance of findings
22 of fact and a determination with respect to the original
23 charge. ((and)) Such amendments may be made at any time during
24 the investigation of the original charge so long as the
25 Director will have adequate time to investigate such additional
26 allegations and the parties will have adequate time to present
27 the Director with evidence concerning such allegations before
28 the issuance of findings of fact and a determination.

1 Section 5. Section 14.04.120 of the Seattle Municipal Code
2 is amended to add a new Subsection C, as follows:

3 C. Once issued to the parties, the Director's findings of
4 fact, determination and order may not be amended or withdrawn
5 except upon the agreement of the parties or in response to an
6 order by the Human Rights Commission after an appeal taken
7 pursuant to Section 14.04.130 or 14.04.160. Provided; that the
8 Director may correct clerical mistakes or errors arising from
9 oversight or omission upon a motion from a party or upon the
10 Director's own motion.

11 Section 6. Subsection A of Section 14.04.140 of the
12 Seattle Municipal Code (Ordinance 102562 § 5(F) part) is
13 amended as follows:

14 A. In all cases except a case in which a City department
15 is the respondent, if a determination is made that reasonable
16 cause exists to believe that an unfair practice has occurred,
17 the Director shall endeavor to eliminate the unfair practice by
18 conference, conciliation and persuasion. ~~((which may include~~
19 ~~as a condition))~~ Conditions of settlement may include (but are
20 not limited to) the elimination of the unfair employment
21 practice, hiring, reinstatement or upgrading with or without
22 back pay, ~~((or other))~~ lost benefits, ((damages,)) attorney's
23 fees, admittance or restoration to membership in a labor
24 organization, admittance to participation in a guidance,
25 apprentice training or retraining program ((or such other
26 requirements as may lawfully be agreed upon by the parties,
27 may lawfully be agreed upon by the parties, and the Director.))
28 or such other action which will effectuate the purposes of this
chapter, including action which could be ordered by a court,
except that damages for humiliation and mental suffering shall

1 not exceed one thousand dollars. Any settlement agreement
2 shall be reduced to writing and signed by the Director and the
3 respondent. An order shall then be entered by the Director
4 setting forth the terms of the agreement. Copies of such order
5 shall be delivered to all affected parties.

6 Section 7. Subsection B of Section 14.04.150 of the
7 Seattle Municipal Code (Ordinance 102562 § 5(F) part) is
8 amended as follows:

9 B. Within sixty days of a determination of reasonable
10 cause, the Director shall confer with the parties and determine
11 an appropriate remedy, which remedy may include (but is not
12 limited to) hiring, reinstatement or upgrading with or without
13 back pay, lost benefits, attorney's fees, admittance to
14 participation in a guidance, apprentice training or retraining
15 program, or such other action as will effectuate the purposes
16 of this chapter, including action which could be ordered by a
17 court, except that damages for humiliation and mental suffering
18 shall not exceed one thousand dollars. ((and such other
19 affirmative relief as is authorized by law and as may be
20 appropriate and reasonable to make the aggrieved person whole,
21 eliminate the unfair practice, and provide for finality of the
22 charge, and such)) Such remedy shall be reduced to writing in
23 an order of the Director.

24 Section 8. Subsection C of Section 14.04.180 of the
25 Seattle Municipal Code (Ordinance 102562 § 5(I) is amended as
26 follows:

27 C. In the event the Hearing Examiner (or a majority of
28 the panel composed of the Examiner and Commissioners), deter-
mines that a respondent has committed an unfair employment
practice under this chapter, the Hearing Examiner (or panel

1 majority) may order the respondent to take such affirmative
2 action or provide for such relief as is deemed necessary to
3 correct the practice, effectuate the purpose of this chapter,
4 and secure compliance therewith, including but not limited to
5 hiring, reinstatement, or upgrading with or without back pay,
6 lost benefits, attorney's fees, admittance or restoration to
7 membership in a labor organization, admittance to participation
8 in a guidance, apprentice training or retraining program, or
9 such other action which will effectuate the purposes of this
10 Chapter, including action which could be ordered by a court,
11 except that damages for humiliation and mental suffering shall
12 not exceed one thousand dollars. ((and other appropriate
13 relief justified by the evidence.)) Back pay liability shall
14 not accrue from a date more than two years prior to the initial
15 filing of the charge.

16 Section 9. Section 14.08.010 of the Seattle Municipal Code
17 (Ordinance 104839 § 9) is amended as follows:

18 14.08.010 Short Title and Purposes.

19 A. This chapter shall be known as and may be cited as
20 the "Open Housing Ordinance." The general purposes of this
21 chapter are to promote the availability and accessibility of
22 housing and real property to all persons; to protect
23 discriminatory practices in real property transactions,
24 whether direct or indirect, which inexcusably and unjustifiably
25 deny those persons equal rights and opportunities in acquiring
26 or disposing of real property; and to provide enforcement
27 mechanisms for the accomplishment of such purposes; and to
28 these ends the provisions of this chapter shall be liberally
construed. The role of the Human Rights Department is to
enforce the provisions of this chapter in furtherance of this
policy.

1 B. This chapter shall not be construed to establish,
2 endorse or promote specific beliefs, practices or lifestyles.

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

7 D. To avoid duplication of efforts or otherwise conserve
8 agency resources, the Director may suspend or close a case for
9 any reason consistent with this chapter, including the reason
10 that the case is being actively pursued in another forum.

11 E. Remedies under this chapter should include such relief
12 authorized by law as may be appropriate and reasonable to make
13 the aggrieved person whole and eliminate the unfair practice.

14 F. Nothing contained in this chapter is intended to be
15 nor shall be construed to create or form the basis for any
16 liability on the part of the City, or its officers, employees
17 or agents, for any injury or damage resulting from or by
18 reason of any act or omission in connection with the
19 implementation or enforcement of this chapter on the part of
20 the City by its officers, employees or agents.

21 Section 10. Section 14.08.020 of the Seattle Municipal
22 Code is amended, adding a new subsection J, re-lettering
23 subsections J through W to K through X and amending re-lettered
24 subsections P and X as follows:

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

28 ((J))K. "Occupant" includes any person who has
established residence or has the right to occupancy of real
property.

1 ((K))L. "Owner" includes persons who own, lease, sublease,
2 rent, operate, manage, have charge of, control of have the
3 right of ownership, possession, management, charge, or control
4 of real property on their own behalf or on behalf of another.

5 ((L))M. "Parental status" means being a parent, step-
6 parent, adoptive parent, guardian, foster parent or custodian
7 of a minor child or children, which child or children shall
8 permanently or temporarily occupy the real estate.0

9 ((M))N. "Party" includes the person charging or making a
10 complaint or upon whose behalf a complaint is made alleging an
11 unfair practice, the person alleged or found to have committed
12 an unfair practice((,)) and the Department of Human Rights
13 ((and the Office of Women's Rights)).

14 ((N))O. "Person" includes one or more individuals,
15 partnerships, organizations, trade or professional associations,
16 corporations, legal representatives, trustees, trustees in
17 bankruptcy and receivers. It includes any owner, lessee,
18 proprietor, manager, agent or employee, whether one or more
19 natural persons, and further includes any political or civil
20 subdivisions or agency or instrumentality of the City.

21 ((O))P. "Political ideology" means any idea or belief,
22 or coordinated body of ideas or beliefs, relating to the
23 purpose, conduct, organization, function or basis of government
24 and related institutions and activities, whether or not
25 characteristic of any political party or group. This term
26 includes membership in a political party or group and includes
27 conduct, reasonably related to political ideology, which does
28 not interfere with the property rights of the landowner. ((or
participation in the activities of a group with shared political
ideology, provided such membership or participation does not

1 involve force or violence or produce or incite imminent force
2 or violence toward persons or property.))

3 ((P))Q. "Prospective borrower" includes any person who
4 seeks to borrow money to finance the acquisition, construction,
5 repair, or maintenance of real property.

6 ((Q))R. "Prospective occupant" includes any person who
7 seeks to purchase, lease, sublease or rent real property.

8 ((R))S. "Real estate agent, salesperson or employee"
9 includes any person employed by, associated with or acting for
10 a real estate broker to perform or assist in the performance
of any or all of the functions of real estate broker.

11 ((S))T. "Real estate broker" includes any person who for
12 a fee, commission, or other valuable consideration, lists for
13 sale, sells, purchases, exchanges, leases or subleases, rents,
14 or negotiates or offers or attempts to negotiate the sale,
15 purchase, exchange, lease, sublease or rental of real property
16 of another, or holds themselves out as engaged in the business
17 of selling, purchasing, exchanging, listing, leasing,
18 subleasing, or renting real property of another, or collects
the rental for use of real property of another.

19 ((T))U. "Real property" includes housing accommodations,
20 buildings, structures, real estate, lands, tenements, lease-
21 holds, interests in real estate cooperatives, condominiums,
22 and hereditaments, corporeal and incorporeal, or any interest
23 therein.

24 ((U))V. "Respondent" means any person who is alleged to
25 have committed an unfair practice prohibited by this chapter.

26 ((V))W. "Rooming unit" includes one or more rooms within
27 a dwelling unit or roominghouse containing space for living
28 and sleeping.

1 ((W))X. "Sexual orientation" means actual or perceived
2 male or female heterosexuality, bisexuality ((or)) homo-
3 sexuality, transsexuality, or transvestism and includes a
4 person's attitudes, preferences, beliefs and practices
5 pertaining ((to sex)) thereto. ((but shall not include conduct
6 which is unlawful under city, state or federal law.))

7 Section 11. Section 14.08.040 of the Seattle Municipal Code
8 is amended as follows:

9 14.08.040. Unfair Practices Generally.

10 A. No owner, assignee, real estate broker, real estate
11 agent, salesperson or employee, or other person having the
12 right to sell, rent, lease, sublease, assign, transfer, or
13 otherwise dispose of real property shall discriminate by under-
14 taking or refusing to sell, rent, lease, sublease, assign,
15 transfer or otherwise deny to or withhold from any person or
16 group of persons such real property, or segregate the use
17 thereof, or represent that such real property is not available
18 for inspection, when in fact it is so available, or expel or
19 evict an occupant from real property because of the race,
20 color, religion, ancestry, national origin, age, sex, marital
21 status, sexual orientation, parental status, political
22 ideology, or the presence of any sensory, mental or physical
23 handicap or the use of a trained guide dog by a blind or deaf
24 person ((of such a person or persons)), or to discriminate
25 against or segregate any person because of such person's race,
26 color, religion, ancestry, national origin, age, sex, marital
27 status, sexual orientation, parental status ((or)), political
28 ideology, or the presence of any sensory, mental or physical
handicap or the use of a trained guide dog by a blind or deaf
person in the terms, conditions or privileges of the sale, ren-

1 tal, lease, sublease, assignment, transfer or other disposition
2 of any such real property, including but not limited to the
3 setting of rates for rental or lease, or establishment of
4 damage deposits, or other financial conditions for rental or
5 lease, or in the furnishings of facilities or services in
6 connection therewith.

7 B. It is an unfair practice to unreasonably prohibit
8 modifications needed by a handicapped tenant. Whether or not
9 the landlord permits tenants in general to make alterations or
10 additions to a structure or fixtures, it is an unfair practice
11 for a landlord to refuse to allow a person to make alterations
12 or additions, which are necessary to make the rental property
13 accessible by handicapped persons, under the following
14 conditions:

15 1. The landlord is not required to pay for the
16 alterations, additions, or restoration.

17 2. The landlord may reserve the right to approve the
18 design, quality, and construction of the alterations or
19 additions in order to minimize damage to the building and
20 enforce standards of quality and architectural compatibility.

21 Section 12. Subsection B of Section 14.08.060 of the
22 Seattle Municipal Code is amended as follows:

23 B. Use of any form of application for such financial
24 assistance or make any record of inquiry in connection with
25 applications for such financial assistance which expresses,
26 directly or indirectly, any limitation, specification, or
27 discrimination because of race, color, religion, ancestry,
28 national origin, sex, age, marital status, sexual orientation,
parental status or political ideology, or the presence of any
sensory, mental or physical handicap or the use of a trained

1 guide dog by a blind or deaf person, unless required or
2 authorized by local, state or federal laws or agencies for the
3 purpose of preventing discrimination in real property; provided
4 that nothing in this provision shall prohibit any party to a
5 credit transaction from requesting designation of marital
6 status for the purpose of considering application of community
7 property law to the individual case or from taking reasonable
8 action thereon or from requesting information regarding age or
9 parental status when such information is necessary to determine
10 the applicant's ability to repay the loan.

11 Section 13. Subsections A and B of Section 14.08.070 of
12 the Seattle Municipal Code are amended as follows:

13 A. Require any information, make or keep any record, or
14 use any form of application containing questions or inquiries
15 concerning race, color, religion, ancestry, national origin,
16 age, sex, marital status, sexual orientation, parental status
17 ((or)), political ideology or the presence of any sensory,
18 mental or physical handicap, or the use of a trained guide dog
19 by a blind or deaf person in connection with the sale, rental,
20 lease or sublease of any real property unless used solely:

21 1. For making reports required by agencies of the
22 federal, state or local government for the purposes of
23 preventing and eliminating discrimination or of overcoming its
24 effects or for other purposes authorized by federal, state or
25 local agencies or laws or rules adopted thereunder,

26 2. As to "marital status," for the purpose of deter-
27 mining applicability of community property law to the
28 individual case, and

3. As to "age," for the purpose of determining that
the applicant has attained the age of majority;

1 B. Publish, circulate, issue or display or cause to be
2 published, circulated, issued or displayed, any communication,
3 notice, advertisement, or sign of any kind relating to the
4 sale, rental, lease, sublease, assignment, transfer, or listing
5 or real property which indicate any preference, limitation or
6 specification based on race, color, religion, ancestry,
7 national origin, age, sex, marital status, sexual orientation,
8 parental status ((~~or~~)), political ideology or the presence of
9 any sensory, mental or physical handicap, or the use of a
10 trained guide dog by a blind or deaf person;

11 Section 14. Subsections A and B of Section 14.08.080 of
12 the Seattle Municipal Code are amended as follows:

13 A. Promote, induce or attempt to promote or induce any
14 person to sell or rent any real property by representation
15 regarding the entry or prospective entry into the neighborhood
16 or area of a person or persons of a particular race, color,
17 religion, ancestry, national origin, age, sex, marital status,
18 sexual orientation, parental status ((~~or~~)), political ideology
19 or the presence of any sensory, mental or physical handicap,
20 or the use of a trained guide dog by a blind or deaf person;

21 B. Show or otherwise take any action, the design or
22 effect of which is to steer a person or persons to any section
23 of the City or to particular real property in a manner tending
24 to segregate or maintain segregation on the basis of race,
25 color, religion, ancestry, national origin, age, sex, marital
26 status, sexual orientation, parental status ((~~or~~)), political
27 ideology or the presence of any sensory, mental or physical
28 handicap, or the use of a trained guide dog by a blind or
deaf person.

1 Section 15. Section 14.08.090 of the Seattle Municipal
2 Code is amended as follows:

3 14.08.090. Denial of Right Granted Under this Chapter-
4 Prohibited.

5 No person, whether or not acting for profit, shall harass,
6 intimidate, or otherwise abuse or discriminate against any
7 person or person's friends or associates because of ((the))
8 race, color, religion, ancestry, national origin, age, sex,
9 marital status, sexual orientation, parental status ((or)),
10 political ideology or the presence of any sensory, mental or
11 physical handicap, or the use of a trained guide dog by a blind
12 or deaf person, ((of such person or persons or their friends or
13 associates)) with the purpose or effect of denying to such
14 person or persons the rights granted in this chapter or the
15 right to quiet or peaceful possession or enjoyment of any real
16 property.

17 Section 16. Section 14.08.120 of the Seattle Municipal
18 Code (Ordinance 104839 § 4(c)) is amended as follows:

19 The charging party may amend a charge to cure technical
20 defects or omissions; or to clarify and amplify allegations
21 made therein; or to add allegations related to or arising out
22 of the subject matter set forth, in the original charge. For
23 jurisdictional purposes, such ((Such)) amendments shall relate
24 back to the date the charge was first filed. ((and)) Such
25 amendments may be made at any time during the investigation of
26 the original charge so long as the Director will have adequate
27 time to investigate such additional allegations and the parties
28 will have adequate time to present the Director with evidence
concerning such allegations before the issuance of findings of
fact and a determination.

1 Section 17. Section 14.08.140 of the Seattle Municipal
2 Code is amended to add a new Subsection C, as follows:

3 C. Once issued to the parties, the Director's findings of
4 fact, determination and order may not be amended or withdrawn
5 except upon the agreement of the parties or in response to an
6 order by the Human Rights Commission after an appeal taken
7 pursuant to Section 14.08.150. Provided; that the Director may
8 correct clerical mistakes or errors arising from oversight or
9 omission upon a motion from a party or upon the Director's own
10 motion.

11 Section 18. Subsection A of Section 14.08.160 of the
12 Seattle Municipal Code (Ordinance 104839 § 8) is amended as
13 follows:

14 A. If a determination is made that reasonable cause
15 exists to believe that an unfair housing practice has occurred,
16 the Director shall endeavor to eliminate the unfair practice by
17 conference, conciliation and persuasion. ((which may include as
18 a condition)) Conditions of settlement may include (but are not
19 limited to) ((such other requirements as may lawfully be agreed
20 upon by the parties and the Director.)) the elimination of the
21 unfair housing practice, rent refunds or credits, reinstatement
22 to tenancy, affirmative recruiting or advertising measures,
23 attorneys fees or such other action which will effectuate the
24 purposes of this chapter, including action which could be
25 ordered by a court, except that damages for humiliation and
26 mental suffering shall not exceed one thousand dollars.
27 Further, up to one thousand dollars may be awarded for loss of
28 the right to be free from discrimination in real estate
transactions. Any settlement agreement shall be reduced to
writing and signed by the Director and the respondent. An

1 order shall then be entered by the Director setting forth the
2 terms of the agreement. Copies of such order shall be
3 delivered to all affected parties. If no agreement can be
4 reached, a finding to that effect shall be made and reduced to
5 writing, with a copy thereof furnished to the charging party
6 and the respondent.

7 Section 19. Subsection C of Section 14.08.180 of the
8 Seattle Municipal Code (Ordinance 104389 § 10) is amended as
9 follows:

10 C. In the event the Hearing Examiner (or a majority of
11 the panel composed of the Examiner and Commissioners)
12 determines that a respondent has committed an unfair housing
13 practice under this chapter, the Hearing Examiner (or panel
14 majority) may order the respondent to take such affirmative
15 action or provide for such relief as is deemed necessary to
16 correct the practice, effectuate the purpose of this chapter,
17 and secure compliance therewith, including but not limited to,
18 rent refund, or credit, reinstatement to tenancy, affirmative
19 recruiting and advertising measures, attorneys fees, or to
20 take such other action as in the judgment of the Hearing
21 Examiner (or panel majority) will effectuate the purposes of
22 this chapter, including action which could be ordered by a
23 court, except that damages for humiliation and mental suffering
24 shall not exceed one thousand dollars. Further, up to one
25 thousand dollars may be awarded for loss of the right to be
26 free from discrimination in real estate transactions. An order
27 ((which)) may include the requirement for report on the matter
28 of compliance.

26 Section 20. Section 14.08.190 of the Seattle Municipal
27 Code is amended by adding new Subsections H, I and J as
28 follows:

1 14.08.190. Exclusions.

2 Nothing in this chapter shall:

3 H. Be construed to prohibit treating handicapped persons
4 more favorably than non-handicapped persons.

5 I. Be construed to protect criminal conduct.

6 J. Prohibit any person from limiting the rental or
7 occupancy of housing accommodations on the basis of conduct by
8 an occupant or prospective occupant which involves the use of
9 force or violence or advocacy directed to producing or inciting
10 imminent force or violence to the person or property of the
11 owner, manager, or other person having the right to sell, rent,
12 lease, assign, transfer or otherwise dispose of the real
13 property occupied or sought to be occupied.

(To be used for all Ordinances except Emergency.)

Section 21. 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 30th day of JUNE, 1986,
and signed by me in open session in authentication of its passage this 30th day of
JUNE, 1986.

Approved by me this 11th day of July, 1986
Charles Cooper Mayor.

Filed by me this 11th day of July, 1986

Attest:

Norman J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published _____

By

Anthony J. McFarlin
Deputy Clerk.

ORDINANCE

AN ORDINANCE relating to discrimination and remedies therefor; amending Seattle Municipal Code (SMC) Chapter 14.04 (Fair Employment Practices Ordinance 102562, as last amended by Ordinance 109116) and SMC Chapter 14.08 (Open Housing Ordinance 104839 as last amended by Ordinance 109050) amending SMC Sections 14.04.020, 14.04.030, 14.04.050, 14.04.100, 14.04.140, 14.04.150, 14.04.180, 14.08.010, 14.08.020, 14.08.040, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.120, 14.08.140, 14.08.160, 14.08.180; and adding new subsections 14.04.020(E)(F), 14.04.030(K)(N)(P), 14.04.050(E)(F), 14.04.120(C), 14.08.010(A-E), and 14.08.190(H)(I)(J).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.04.020 of the Seattle Municipal Code (Ordinance 102562 § 2) is amended as follows:

14.040.020 Declaration of Policy.

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. The role of the Human Rights Department is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to established, endorse or promote specific beliefs, practices or lifestyles.

~~((B-))~~C. The provisions of this chapter shall apply to both private employers and the City, and shall be liberally construed for accomplishment of its policies and purposes; provided that nothing in this chapter shall be construed so as to infringe upon the authority vested in the Civil Service Commission, the Public Safety Civil Service Commission, and City Departments by the City Charter.

1 ~~((C-))~~D. Nothing in this chapter shall be deemed to deny
2 any person ~~((in any way))~~ the right to institute any action or
3 to pursue any civil or criminal remedy for the violation of
4 such person's civil rights.

5 E. To avoid duplication of efforts or otherwise conserve
6 agency resources, the Director may suspend or close a case for
7 any reason consistent with this chapter, including the reason
8 that the case is being actively pursued in another forum.

9 ~~((D-))~~F. Nothing contained in this chapter is intended to
10 be nor shall be construed to create or form the basis for any
11 liability on the part of the City, or its officers, employers
12 or agents, for any injury or damage resulting from or by reason
13 of any act or omission in connection with the implementation or
14 enforcement of this chapter on the part of the City by its
15 officers, employees or agents.

16 Section 2. Section 14.04.030 of the Seattle Municipal Code
17 (Ordinance 102562 § 3) is amended, adding new subsections K, N
18 and P, and re-lettering the current subsection K, L, M, to L, M
19 and O as follows:

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

23 ~~((K))~~L. "Party" includes the person charging or making a
24 complaint or upon whose behalf a complaint is made alleging an
25 unfair employment practice, the person alleged or found to
26 have committed an unfair employment practice and the
27 Department of Human Rights.

28 ~~((L))~~M. "Person" includes one or more individuals,
partnerships, associations, organizations, trade or
professional associations, corporations, public corporations,

1 cooperatives, legal representatives, trustees, trustees in
2 bankruptcy and receivers, or any group of persons; it includes
3 any owner, lessee, proprietor, manager, agent or employee,
4 whether one or more natural persons, and further includes any
5 department, office, agency or instrumentality of the city.

6 N. "Political ideology" means any idea or belief, or
7 coordinated body of ideas or beliefs, relating to the purpose,
8 conduct, organization, function or basis of government and
9 related institutions and activities, whether or not charac-
10 teristic of any political party or group. This term includes
11 membership in a political party or group and includes conduct,
12 reasonably related to political ideology, which does not
13 interfere with job performance.

14 ((M))O. "Respondent" means any person who is alleged or
15 found to have committed an unfair employment practice prohi-
16 bited by this chapter.

17 P. "Sexual orientation" means actual or perceived male
18 or female heterosexuality, bisexuality, homosexuality,
19 transsexuality, or transvestism and includes a person's
20 attitudes, preferences, beliefs and practices pertaining
21 thereto.

22 Section 3. Section 14.04.050 of the Seattle Municipal Code
23 is amended by adding new subsections E and F.

24 Section 14.04.050. Exclusions.

25 E. Nothing in this chapter shall be construed to protect
26 criminal conduct, except as such conduct may be otherwise
27 protected by law.
28

1 F. Notwithstanding any provision of Sections 14.04.030
2 and 14.04.040, it is not an unfair practice under this chapter
3 for an employer, with a demonstrated security or public safety
4 need, to discriminate on the basis of membership or participa-
5 tion in activities which involve the use of force or violence
6 or advocate or incite force or violence towards persons or
7 property.

8 Section 4. Section 14.04.100 of the Seattle Municipal Code
9 (Ordinance 102562 § 4(A)) is amended as follows:

10 14.04.100. Charge - Amendments.

11 The charging party may amend a charge to cure technical
12 defects or omissions; or to clarify and amplify allegations
13 made therein; or to add allegations related to or arising out of
14 the subject matter set forth, or attempted to be set forth in
15 the original charge. For jurisdictional purposes, such
16 ~~((such))~~ amendments shall relate back to the date the charge
17 was first filed. ~~((and))~~ Such amendments may be made at
18 any time during the investigation of the original charge so
19 long as the Director will have adequate time to investigate
20 such additional allegations and the parties will have adequate
21 time to present the Director with evidence concerning such
22 allegations before the issuance of findings of fact and a
23 determination.

24 Section 5. Section 14.04.120 of the Seattle Municipal Code
25 is amended to add a new Subsection C, as follows:

26 C. Once issued to the parties, the Director's findings of
27 fact, determination and order may not be amended or withdrawn
28 except upon the agreement of the parties or in response to an
order by the Human Rights Commission after an appeal taken
pursuant to Section 14.04.130 or 14.04.160. Provided; that the

1 Director may correct clerical mistakes or errors arising from
2 oversight or omission upon a motion from a party or upon the
3 Director's own motion.

4 Section 6. Subsection A of Section 14.04.140 of the
5 Seattle Municipal Code (Ordinance 102562 § 5(F) part) is
6 amended as follows:

7 A. In all cases except a case in which a City department
8 is the respondent, if a determination is made that reasonable
9 cause exists to believe that an unfair practice has occurred,
10 the Director shall endeavor to eliminate the unfair practice by
11 conference, conciliation and persuasion. ~~((which may include~~
12 ~~as a condition))~~ Conditions of settlement may include (but are
13 not limited to) the elimination of the unfair employment
14 practice, hiring, reinstatement or upgrading with or without
15 back pay, ~~((or other)) lost benefits, ~~((damages,)) attorney's~~~~
16 fees, admittance or restoration to membership in a labor
17 organization, admittance to participation in a guidance,
18 apprentice training or retraining program ~~((or such other~~
19 requirements as may lawfully be agreed upon by the parties,
20 may lawfully be agreed upon by the parties, and the Director.))
21 or such other action which will effectuate the purposes of this
22 chapter, including action which could be ordered by a court,
23 except that damages for humiliation and mental suffering shall
24 not exceed one thousand dollars. Any settlement agreement
25 shall be reduced to writing and signed by the Director and the
26 respondent. An order shall then be entered by the Director
27 setting forth the terms of the agreement. Copies of such order
28 shall be delivered to all affected parties.

1 Section 7. Subsection B of Section 14.04.150 of the
2 Seattle Municipal Code (Ordinance 102562 § 5(F) part) is
3 amended as follows:

4 B. Within sixty days of a determination of reasonable
5 cause, the Director shall confer with the parties and determine
6 an appropriate remedy, which remedy may include (but is not
7 limited to) hiring, reinstatement or upgrading with or without
8 back pay, lost benefits, attorney's fees, admittance to
9 participation in a guidance, apprentice training or retraining
10 program, or such other action as will effectuate the purposes
11 of this chapter, including action which could be ordered by a
12 court, except that damages for humiliation and mental suffering
13 shall not exceed one thousand dollars. ((and such other
14 affirmative relief as is authorized by law and as may be
15 appropriate and reasonable to make the aggrieved person whole,
16 eliminate the unfair practice, and provide for finality of the
17 charge, and such)) Such remedy shall be reduced to writing in
18 an order of the Director.

19 Section 8. Subsection C of Section 14.04.180 of the
20 Seattle Municipal Code (Ordinance 102562 § 5(I) is amended as
21 follows:

22 C. In the event the Hearing Examiner (or a majority of
23 the panel composed of the Examiner and Commissioners), deter-
24 mines that a respondent has committed an unfair employment
25 practice under this chapter, the Hearing Examiner (or panel
26 majority) may order the respondent to take such affirmative
27 action or provide for such relief as is deemed necessary to
28 correct the practice, effectuate the purpose of this chapter,
 and secure compliance therewith, including but not limited to
 hiring, reinstatement, or upgrading with or without back pay,

1 lost benefits, attorney's fees, admittance or restoration to
2 membership in a labor organization, admittance to participation
3 in a guidance, apprentice training or retraining program, or
4 such other action which will effectuate the purposes of this
5 Chapter, including action which could be ordered by a court,
6 except that damages for humiliation and mental suffering shall
7 not exceed one thousand dollars. ((and other appropriate
8 relief justified by the evidence.)) Back pay liability shall
9 not accrue from a date more than two years prior to the initial
10 filing of the charge.

11 Section 9. Section 14.08.010 of the Seattle Municipal Code
12 (Ordinance 104839 § 9) is amended as follows:

13 14.08.010 Short Title and Purposes.

14 A. This chapter shall be known as and may be cited as
15 the "Open Housing Ordinance." The general purposes of this
16 chapter are to promote the availability and accessibility of
17 housing and real property to all persons; to protect
18 discriminatory practices in real property transactions,
19 whether direct or indirect, which inexcusably and unjustifiably
20 deny those persons equal rights and opportunities in acquiring
21 or disposing of real property; and to provide enforcement
22 mechanisms for the accomplishment of such purposes; and to
23 these ends the provisions of this chapter shall be liberally
24 construed. The role of the Human Rights Department is to
25 enforce the provisions of this chapter in furtherance of this
26 policy.

27 B. This chapter shall not be construed to establish,
28 endorse or promote specific beliefs, practices or lifestyles.

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

1 D. To avoid duplication of efforts or otherwise conserve
2 agency resources, the Director may suspend or close a case for
3 any reason consistent with this chapter, including the reason
4 that the case is being actively pursued in another forum.

5 E. Nothing contained in this chapter is intended to be
6 nor shall be construed to create or form the basis for any
7 liability on the part of the City, or its officers, employees
8 or agents, for any injury or damage resulting from or by
9 reason of any act or omission in connection with the
10 implementation or enforcement of this chapter on the part of
11 the City by its officers, employees or agents.

12 Section 10. Section 14.08.020 of the Seattle Municipal
13 Code is amended, adding a new subsection J, re-lettering
14 subsections J through W to K through X and amending re-lettered
15 subsections P and X as follows:

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

19 ((J))K. "Occupant" includes any person who has
20 established residence or has the right to occupancy of real
21 property.

22 ((K))L. "Owner" includes persons who own, lease, sublease,
23 rent, operate, manage, have charge of, control or have the
24 right of ownership, possession, management, charge, or control
25 of real property on their own behalf or on behalf of another.

26 ((L))M. "Parental status" means being a parent, step-
27 parent, adoptive parent, guardian, foster parent or custodian
28 of a minor child or children, which child or children shall
permanently or temporarily occupy the real estate.

1 ((M))N. "Party" includes the person charging or making a
2 complaint or upon whose behalf a complaint is made alleging an
3 unfair practice, the person alleged or found to have committed
4 an unfair practice((7)) and the Department of Human Rights
5 ((and the Office of Women's Rights)).

6 ((N))O. "Person" includes one or more individuals,
7 partnerships, organizations, trade or professional associations,
8 corporations, legal representatives, trustees, trustees in
9 bankruptcy and receivers. It includes any owner, lessee,
10 proprietor, manager, agent or employee, whether one or more
11 natural persons, and further includes any political or civil
subdivisions or agency or instrumentality of the City.

12 ((O))P. "Political ideology" means any idea or belief,
13 or coordinated body of ideas or beliefs, relating to the
14 purpose, conduct, organization, function or basis of government
15 and related institutions and activities, whether or not
16 characteristic of any political party or group. This term
17 includes membership in a political party or group and includes
18 conduct, reasonably related to political ideology, which does
19 not interfere with the property rights of the landowner. ((or
20 participation in the activities of a group with shared political
21 ideology, provided such membership or participation does not
22 involve force or violence or produce or incite imminent force
23 or violence toward persons or property.))

24 ((P))Q. "Prospective borrower" includes any person who
25 seeks to borrow money to finance the acquisition, construction,
26 repair, or maintenance of real property.

27 ((Q))R. "Prospective occupant" includes any person who
28 seeks to purchase, lease, sublease or rent real property.

1 ((R))S. "Real estate agent, salesperson or employee"
2 includes any person employed by, associated with or acting for
3 a real estate broker to perform or assist in the performance
4 of any or all of the functions of real estate broker.

5 ((S))T. "Real estate broker" includes any person who for
6 a fee, commission, or other valuable consideration, lists for
7 sale, sells, purchases, exchanges, leases or subleases, rents,
8 or negotiates or offers or attempts to negotiate the sale,
9 purchase, exchange, lease, sublease or rental of real property
10 of another, or holds themselves out as engaged in the business
11 of selling, purchasing, exchanging, listing, leasing,
12 subleasing, or renting real property of another, or collects
the rental for use of real property of another.

13 ((T))U. "Real property" includes housing accommodations,
14 buildings, structures, real estate, lands, tenements, lease-
15 holds, interests in real estate cooperatives, condominiums,
16 and hereditaments, corporeal and incorporeal, or any interest
therein.

17 ((U))V. "Respondent" means any person who is alleged to
18 have committed an unfair practice prohibited by this chapter.

19 ((V))W. "Rooming unit" includes one or more rooms within
20 a dwelling unit or roominghouse containing space for living
21 and sleeping.

22 ((W))X. "Sexual orientation" means actual or perceived
23 male or female heterosexuality, bisexuality ((ex)) homo-
24 sexuality, transsexuality, or transvestism and includes a
25 person's attitudes, preferences, beliefs and practices
26 pertaining ((to sex)) thereto. ((but shall not include conduct
27 which is unlawful under city, state or federal law.))
28

1 Section 11. Section 14.08.040 of the Seattle Municipal Code
2 is amended as follows:

3 14.08.040. Unfair Practices Generally.

4 A. No owner, assignee, real estate broker, real estate
5 agent, salesperson or employee, or other person having the
6 right to sell, rent, lease, sublease, assign, transfer, or
7 otherwise dispose of real property shall discriminate by under-
8 taking or refusing to sell, rent, lease, sublease, assign,
9 transfer or otherwise deny to or withhold from any person or
10 group of persons such real property, or segregate the use
11 thereof, or represent that such real property is not available
12 for inspection, when in fact it is so available, or expel or
13 evict an occupant from real property because of the race,
14 color, religion, ancestry, national origin, age, sex, marital
15 status, sexual orientation, parental status, political
16 ideology, or the presence of any sensory, mental or physical
17 handicap or the use of a trained guide dog by a blind or deaf
18 person (~~of such a person or persons~~), or to discriminate
19 against or segregate any person because of such person's race,
20 color, religion, ancestry, national origin, age, sex, marital
21 status, sexual orientation, parental status (~~or~~), political
22 ideology, or the presence of any sensory, mental or physical
23 handicap or the use of a trained guide dog by a blind or deaf
24 person in the terms, conditions or privileges of the sale, ren-
25 tal, lease, sublease, assignment, transfer or other disposition
26 of any such real property, including but not limited to the
27 setting of rates for rental or lease, or establishment of
28 damage deposits, or other financial conditions for rental or
lease, or in the furnishings of facilities or services in
connection therewith.

1 B. It is an unfair practice to unreasonably prohibit
2 modifications needed by a handicapped tenant. Whether or not
3 the landlord permits tenants in general to make alterations or
4 additions to a structure or fixtures, it is an unfair practice
5 for a landlord to refuse to allow a person to make alterations
6 or additions, which are necessary to make the rental property
7 accessible by handicapped persons, under the following
8 conditions:

9 1. The landlord is not required to pay for the
10 alterations or additions.

11 2. The landlord may reserve the right to approve the
12 design, quality, and construction of the alterations or
13 additions in order to minimize damage to the building and
14 enforce standards of quality and architectural compatibility.

15 Section 12. Subsection B of Section 14.08.060 of the
16 Seattle Municipal Code is amended as follows:

17 B. Use of any form of application for such financial
18 assistance or make any record of inquiry in connection with
19 applications for such financial assistance which expresses,
20 directly or indirectly, any limitation, specification, or
21 discrimination because of race, color, religion, ancestry,
22 national origin, sex, age, marital status, sexual orientation,
23 parental status or political ideology, or the presence of any
24 sensory, mental or physical handicap or the use of a trained
25 guide dog by a blind or deaf person, unless required or
26 authorized by local, state or federal laws or agencies for the
27 purpose of preventing discrimination in real property; provided
28 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

1 property law to the individual case or from taking reasonable
2 action thereon or from requesting information regarding age or
3 parental status when such information is necessary to determine
4 the applicant's ability to repay the loan.

5 Section 13. Subsections A and B of Section 14.08.070 of
6 the Seattle Municipal Code are amended as follows:

7 A. Require any information, make or keep any record, or
8 use any form of application containing questions or inquiries
9 concerning race, color, religion, ancestry, national origin,
10 age, sex, marital status, sexual orientation, parental status
11 ((or)), political ideology or the presence of any sensory,
12 mental or physical handicap, or the use of a trained guide dog
13 by a blind or deaf person in connection with the sale, rental,
14 lease or sublease of any real property unless used solely:

15 1. For making reports required by agencies of the
16 federal, state or local government for the purposes of
17 preventing and eliminating discrimination or of overcoming its
18 effects or for other purposes authorized by federal, state or
19 local agencies or laws or rules adopted thereunder,

20 2. As to "marital status," for the purpose of deter-
21 mining applicability of community property law to the
22 individual case, and

23 3. As to "age," for the purpose of determining that
24 the applicant has attained the age of majority;

25 B. Publish, circulate, issue or display or cause to be
26 published, circulated, issued or displayed, any communication,
27 notice, advertisement, or sign of any kind relating to the
28 sale, rental, lease, sublease, assignment, transfer, or listing
of real property which indicate any preference, limitation or
specification based on race, color, religion, ancestry,

1 national origin, age, sex, marital status, sexual orientation,
2 parental status ((~~or~~)), political ideology or the presence of
3 any sensory, mental or physical handicap, or the use of a
4 trained guide dog by a blind or deaf person;

5 Section 14. Subsections A and B of Section 14.08.080 of
6 the Seattle Municipal Code are amended as follows:

7 A. Promote, induce or attempt to promote or induce any
8 person to sell or rent any real property by representation
9 regarding the entry or prospective entry into the neighborhood
10 or area of a person or persons of a particular race, color,
11 religion, ancestry, national origin, age, sex, marital status,
12 sexual orientation, parental status ((~~or~~)), political ideology
13 or the presence of any sensory, mental or physical handicap,
or the use of a trained guide dog by a blind or deaf person;

14 B. Show or otherwise take any action, the design or
15 effect of which is to steer a person or persons to any section
16 of the City or to particular real property in a manner tending
17 to segregate or maintain segregation on the basis of race,
18 color, religion, ancestry, national origin, age, sex, marital
19 status, sexual orientation, parental status ((~~or~~)), political
20 ideology or the presence of any sensory, mental or physical
21 handicap, or the use of a trained guide dog by a blind or
deaf person.

22 Section 15. Section 14.08.090 of the Seattle Municipal
23 Code is amended as follows:

24 14.08.090. Denial of Right Granted Under this Chapter-
Prohibited.

25 No person, whether or not acting for profit, shall harass,
26 intimidate, or otherwise abuse or discriminate against any
27 person or person's friends or associates because of ((the))
28

1 race, color, religion, ancestry, national origin, age, sex,
2 marital status, sexual orientation, parental status ~~((or))~~,
3 political ideology or the presence of any sensory, mental or
4 physical handicap, or the use of a trained guide dog by a blind
5 or deaf person, ~~((of such person or persons or their friends or~~
6 ~~associates))~~ with the purpose or effect of denying to such
7 person or persons the rights granted in this chapter or the
8 right to quiet or peaceful possession or enjoyment of any real
9 property.

10 Section 16. Section 14.08.120 of the Seattle Municipal
11 Code (Ordinance 104839 § 4(c)) is amended as follows:

12 The charging party may amend a charge to cure technical
13 defects or omissions; or to clarify and amplify allegations
14 made therein; or to add allegations related to or arising out
15 of the subject matter set forth, in the original charge. For
16 jurisdictional purposes, such ~~((such))~~ amendments shall relate
17 back to the date the charge was first filed. ~~((and))~~ Such
18 amendments may be made at any time during the investigation of
19 the original charge so long as the Director will have adequate
20 time to investigate such additional allegations and the parties
21 will have adequate time to present the Director with evidence
22 concerning such allegations before the issuance of findings of
23 fact and a determination.

24 Section 17. Section 14.08.140 of the Seattle Municipal
25 Code is amended to add a new Subsection C, as follows:

26 C. Once issued to the parties, the Director's findings of
27 fact, determination and order may not be amended or withdrawn
28 except upon the agreement of the parties or in response to an
order by the Human Rights Commission after an appeal taken
pursuant to Section 14.08.150. Provided; that the Director may

1 correct clerical mistakes or errors arising from oversight or
2 omission upon a motion from a party or upon the Director's own
3 motion.

4 Section 18. Subsection A of Section 14.08.160 of the
5 Seattle Municipal Code (Ordinance 104839 § 8) is amended as
6 follows:

7 A. If a determination is made that reasonable cause
8 exists to believe that an unfair housing practice has occurred,
9 the Director shall endeavor to eliminate the unfair practice by
10 conference, conciliation and persuasion. ~~((which may include as~~
11 ~~a condition))~~ Conditions of settlement may include (but are not
12 limited to) ((such other requirements as may lawfully be agreed
13 upon by the parties and the Director.)) the elimination of the
14 unfair housing practice, rent refunds or credits, reinstatement
15 to tenancy, affirmative recruiting or advertising measures,
16 attorneys fees or such other action which will effectuate the
17 purposes of this chapter, including action which could be
18 ordered by a court, except that damages for humiliation and
19 mental suffering shall not exceed one thousand dollars.
20 Further, up to one thousand dollars may be awarded for loss of
21 the right to be free from discrimination in real estate
22 transactions. Any settlement agreement shall be reduced to
23 writing and signed by the Director and the respondent. An
24 order shall then be entered by the Director setting forth the
25 terms of the agreement. Copies of such order shall be
26 delivered to all affected parties. If no agreement can be
27 reached, a finding to that effect shall be made and reduced to
28 writing, with a copy thereof furnished to the charging party
and the respondent.

1 Section 19. Subsection C of Section 14.08.180 of the
2 Seattle Municipal Code (Ordinance 104389 § 10) is amended as
3 follows:

4 C. In the event the Hearing Examiner (or a majority of
5 the panel composed of the Examiner and Commissioners)
6 determines that a respondent has committed an unfair housing
7 practice under this chapter, the Hearing Examiner (or panel
8 majority) may order the respondent to take such affirmative
9 action or provide for such relief as is deemed necessary to
10 correct the practice, effectuate the purpose of this chapter,
11 and secure compliance therewith, including but not limited to,
12 rent refund, or credit, reinstatement to tenancy, affirmative
13 recruiting and advertising measures, attorneys fees, or to
14 take such other action as in the judgment of the Hearing
15 Examiner (or panel majority) will effectuate the purposes of
16 this chapter, including action which could be ordered by a
17 court, except that damages for humiliation and mental suffering
18 shall not exceed one thousand dollars. Further, up to one
19 thousand dollars may be awarded for loss of the right to be
20 free from discrimination in real estate transactions. An order
21 ((which)) may include the requirement for report on the matter
22 of compliance.

23 Section 20. Section 14.08.190 of the Seattle Municipal
24 Code is amended by adding new Subsections H, I and J as
25 follows:

26 14.08.190. Exclusions.

27 Nothing in this chapter shall:

28 H. Be construed to prohibit treating handicapped persons
 more favorably than non-handicapped persons.

1 I. Be construed to protect criminal conduct.

2 J. Prohibit any person from limiting the rental or
3 occupancy of housing accommodations on the basis of conduct by
4 an occupant or prospective occupant which involves the use of
5 force or violence or advocacy directed to producing or inciting
6 imminent force or violence to the person or property of the
7 owner, manager, or other person having the right to sell, rent,
8 lease, assign, transfer or otherwise dispose of the real
9 property occupied or sought to be occupied.

City of Seattle
ORDINANCE 12263

AN ORDINANCE relating to discrimination and remedies therefor; amending Seattle Municipal Code (SMC) Chapter 14.04 (Fair Employment Practices Ordinance 102562, as last amended by Ordinance 109116) and SMC Chapter 14.08 (Open Housing Ordinance 104839 as last amended by Ordinance 109050) amending SMC Sections 14.04.020, 14.04.030, 14.04.050, 14.04.100, 14.04.140, 14.04.150, 14.04.180, 14.08.010, 14.08.020, 14.08.040, 14.08.060, 14.08.070, 14.08.080, 14.08.090, 14.08.120, 14.08.140, 14.08.160, 14.08.180; and adding new subsections 14.04.020(E)(F)(G), 14.04.030(K)(N)(P), 14.04.050(E)(F), 14.04.120(C), 14.08.010(A-F), and 14.08.190(X)(Y)(Z).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.04.020 of the Seattle Municipal Code (Ordinance 102562 § 2) is amended as follows:

14.04.020 Declaration of Policy.

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap. The role of the Human Rights Department is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to endorse specific beliefs, practices or lifestyles.

((B-))C. The provisions of this chapter shall apply to both private employers and the City, and shall be liberally construed for accomplishment of its policies and purposes; provided that nothing in this chapter shall be construed so as to infringe upon the authority vested in the Civil Service Commission, the Public Safety Civil Service Commission, and City Departments by the City Charter.

((E-))D. Nothing in this chapter shall be deemed to deny any person ((the any way)) the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights.

E. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum.

F. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to make the aggrieved person whole and eliminate the unfair practice.

((B-))G. 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 the City, or its officers, employers 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 the City by its officers, employees or agents.

Section 2. Section 14.04.030 of the Seattle Municipal Code (Ordinance 102562 § 3) is amended, adding new subsections K, N and P, and re-lettering the current subsection K, L, M, to L, M and O as follows:

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

((B-))L. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice and the Department of Human Rights.

((B-))M. "Person" includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any department, office, agency or instrumentality of the city.

N. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, 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 in a political party or group and includes conduct, reasonably related to political ideology, which does not interfere with job performance.

((M-))Q. "Respondant" means any person who is alleged or found to have committed an unfair employment practice prohibited by this chapter.

P. "Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality, homosexuality, transsexuality, or transvestism and includes a person's attitudes, preferences, beliefs and practices pertaining thereto.

Section 3. Section 14.04.050 of the Seattle Municipal Code is amended by adding new subsections E and F.

Section 14.04.050. Exclusions.

E. Nothing in this chapter shall be construed to protect criminal conduct.

F. Notwithstanding any provision of Sections 14.04.030 and 14.04.040, it is not an unfair practice under this chapter for an employer, with a demonstrated security or public safety need, to discriminate on the basis of participation in activities which involve the use of force or violence or advocate or incite force or violence.

Section 4. Section 14.04.100 of the Seattle Municipal Code (Ordinance 102562 § 4(A)) is amended as follows:

14.04.100. Charge - Amendments.

The charging party may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; 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. For jurisdictional purposes, such ((such)) amendments shall relate back to the date the original charge was first filed. The charging party may also amend a charge to include allegations of additional unrelated discrimi-

natory acts and/or retaliation which arose after filing of the original charge. The amendment must be filed within six months after the occurrence of the additional discriminatory act/or retaliation and prior to the Department's issuance of findings of fact and a determination with respect to the original charge. ((and)) Such amendments may be made at any time during the investigation of the original charge so long as the Director will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Director with evidence concerning such allegations before the issuance of findings of fact and a determination.

Section 5. Section 14.04.120 of the Seattle Municipal Code is amended to add a new Subsection C, as follows:

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.04.130 or 14.04.140. Provided; that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

Section 6. Subsection A of Section 14.04.140 of the Seattle Municipal Code (Ordinance 102562 § 5(F) part) is amended as follows:

A. In all cases except a case in which a City department is the respondent, if a determination is made that reasonable cause exists to believe that an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion. ((which may include

as a condition) Conditions of settlement may include (but are not limited to) the elimination of the unfair employment practice, hiring, reinstatement or upgrading with or without back pay, ((or other)) lost benefits, ((damages,)) attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program ((or such other requirements as may lawfully be agreed upon by the parties, may lawfully be agreed upon by the parties, and the Director,)) or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars. Any settlement agreement shall be reduced to writing and signed by the Director and 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.

Section 7. Subsection B of Section 14.04.150 of the Seattle Municipal Code (Ordinance 102562 § 5(F) part) is amended as follows:

B. Within sixty days of a determination of reasonable cause, the Director shall confer with the parties and determine an appropriate remedy, which remedy may include (but is not limited to) hiring, reinstatement or upgrading with or without back pay, lost benefits, attorney's fees, admittance to participation in a guidance, apprentice training or retraining program, or such other action as will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars. ((and such other affirmative relief as is authorized by law and as may be appropriate and reasonable to make the aggrieved person whole, eliminate the unfair practice, and provide for finality of the charge, and such)) Such remedy shall be reduced to writing in an order of the Director.

Section 8. Subsection C of Section 14.04.180 of the Seattle Municipal Code (Ordinance 102562 § 5(I) is amended as follows:

C. In the event the Hearing Examiner (or a majority of the panel composed of the Examiner and Commissioners), determines that a respondent has committed an unfair employment practice under this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the purpose of this chapter, and secure compliance therewith, including but not limited to hiring, reinstatement, or upgrading with or without back pay, lost benefits, attorney's fees, admittance or restoration to membership in a labor organization, admittance to participation in a guidance, apprentice training or retraining program, or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars. ((and other appropriate relief justified by the evidence,)) Back pay liability shall not accrue from a date more than two years prior to the initial filing of the charge.

Section 9. Section 14.08.010 of the Seattle Municipal Code (Ordinance 104839 § 9) is amended as follows:

14.08.010 Short Title and Purposes.

A. This chapter shall be known as and may be cited as the "Open Housing Ordinance." The general purposes of this chapter are to promote the availability and accessibility of housing and real property to all persons; to protect discriminatory practices in real property transactions, whether direct or indirect, which inescapably 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 chapter shall be literally construed. The role of the Human Rights Department is to enforce the provisions of this chapter in furtherance of this policy.

B. This chapter shall not be construed to establish, endorse or promote specific beliefs, practices or lifestyles.

C. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any

civil or criminal remedy for the violation of such person's civil rights.

D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may suspend or close a case for any reason consistent with this chapter, including the reason that the case is being actively pursued in another forum.

E. Remedies under this chapter should include such relief authorized by law as may be appropriate and reasonable to make the aggrieved person whole and eliminate the unfair practice.

F. 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 the City, or its officers, employees 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 the City by its officers, employees or agents.

Section 10. Section 14.08.020 of the Seattle Municipal Code is amended, adding a new subsection J, re-lettering subsections J through W to K through X and amending re-lettered subsections F and X as follows:

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.

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

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

((L))M. "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 permanently or temporarily occupy the real estate.0

((M))N. "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((7)) and the Department of Human Rights ((and the Office of Women's Rights)).

((N))O. "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any political or civil subdivisions or agency or instrumentality of the City.

((O))P. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, 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 in a political party or group and includes conduct, reasonably related to political ideology, which does not interfere with the property rights of the landowner. ((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 invite imminent force

or violence toward persons or property.))

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

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

((R))S. "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 real estate broker.

((S))T. "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of real property of another, or holds themselves out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting real property of another, or collects the rental for use of real property of another.

((T))U. "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.

((U))V. "Respondent" means any person who is alleged to have committed an unfair practice prohibited by this chapter.

((V))W. "Rooming unit" includes one or more rooms within a dwelling unit or roominghouse containing space for living and sleeping.

((W))X. "Sexual orientation" means actual or perceived male or female heterosexuality, bisexuality ((or)) homosexuality, transsexuality, or transvestism and includes a person's attitudes, preferences, beliefs and practices pertaining ((to sex)) thereto, ((but shall not include conduct which is unlawful under city, state or federal law.))

Section 11. Section 14.08.040 of the Seattle Municipal Code is amended as follows:

14.08.040. Unfair Practices Generally.

A. No owner, assignee, real estate broker, real estate agent, salesperson or employee, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of real property shall discriminate by undertaking or refusing to sell, rent, lease, sublease, assign, transfer or otherwise deny 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, age, sex, marital status, sexual orientation, parental status, political ideology, or the presence of any sensory, mental or physical handicap or the use of a trained guide dog by a blind or deaf person ((or such a person or persons)), or to discriminate against or segregate any person because of such person's race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status ((or)), political ideology, or the presence of any sensory, mental or physical handicap or the use of a trained guide dog by a blind or deaf person in the terms, conditions or privileges of the sale, rental, lease, sublease, assignment, transfer or other disposition of any such real property, including but not limited to the setting of rates for rental or lease, or establishment of damage deposits, or other financial conditions for rental or lease, or in the furnishings of facilities or services in connection therewith.

B. It is an unfair practice to unreasonably prohibit modifications needed by a handicapped tenant. Whether or not the landlord permits tenants in general to make alterations or additions to a structure or fixtures, it is an unfair practice

for a landlord to refuse to allow a person to make alterations or additions, which are necessary to make the rental property accessible by handicapped persons, under the following conditions:

1. The landlord is not required to pay for the alterations, additions, or restoration.

2. The landlord may reserve the right to approve the design, quality, and construction of the alterations or additions in order to minimize damage to the building and enforce standards of quality and architectural compatibility.

Section 12. Subsection B of Section 14.08.060 of the Seattle Municipal Code is amended as follows:

B. Use of 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, age, marital status, sexual orientation, parental status or political ideology, or the presence of any sensory, mental or physical handicap or the use of a trained guide dog by a blind or deaf person, 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 or from requesting information regarding age or parental status when such information is necessary to determine the applicant's ability to repay the loan.

Section 13. Subsections A and B of Section 14.08.070 of the Seattle Municipal Code are amended as follows:

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, age, sex, marital status, sexual orientation, parental status ((or)), political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide dog by a blind or deaf person in connection with the sale, rental, lease or sublease of any real property unless used solely:

1. For making reports required by agencies of the federal, state or local government for the purposes of preventing and eliminating discrimination or of overcoming its effects or for other purposes authorized by federal, state or local agencies or laws or rules adopted thereunder.

2. As to "marital status," for the purpose of determining applicability of community property law to the individual case, and

3. As to "age," for the purpose of determining that the applicant has attained the age of majority;

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, age, sex, marital status, sexual orientation, parental status ((or)), political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide dog by a blind or deaf person;

Section 14. Subsections A and B of Section 14.08.080 of the Seattle Municipal Code are amended as follows:

A. Promote, induce or attempt to promote or 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, ancestry, national origin, age, sex, marital status,

sexual orientation, parental status ((sex)), political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide dog by a blind or deaf person:

B. Show or otherwise take any action, the design or effect of which is to steer a person or persons to any section of the City or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status ((sex)), political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide dog by a blind or deaf person.

Section 15. Section 14.08.090 of the Seattle Municipal Code is amended as follows:

14.08.090. Denial of Right Granted Under this Chapter- Prohibited.

No person, whether or not acting for profit, shall harass, intimidate, or otherwise abuse or discriminate against any person or person's friends or associates because of ((the)) race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, parental status ((sex)), political ideology or the presence of any sensory, mental or physical handicap, or the use of a trained guide dog by a blind

or deaf person, ((of such person as persons or their friends as associates)) with the purpose or effect of denying to such person or persons the rights granted in this chapter or the right to quiet or peaceful possession or enjoyment of any real property.

Section 16. Section 14.08.120 of the Seattle Municipal Code (Ordinance 104839 § 4(c)) is amended as follows:

The charging party may amend a charge to cure technical defects or omissions; or to clarify and amplify allegations made therein; or to add allegations related to or arising out of the subject matter set forth, in the original charge. For jurisdictional purposes, such ((such)) amendments shall relate back to the date the charge was first filed. ((and)) Such amendments may be made at any time during the investigation of the original charge so long as the Director will have adequate time to investigate such additional allegations and the parties will have adequate time to present the Director with evidence concerning such allegations before the issuance of findings of fact and a determination.

Section 17. Section 14.08.140 of the Seattle Municipal Code is amended to add a new Subsection C, as follows:

C. Once issued to the parties, the Director's findings of fact, determination and order may not be amended or withdrawn except upon the agreement of the parties or in response to an order by the Human Rights Commission after an appeal taken pursuant to Section 14.08.150. Provided, that the Director may correct clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the Director's own motion.

Section 18. Subsection A of Section 14.08.160 of the Seattle Municipal Code (Ordinance 104839 § 8) is amended as follows:

A. If a determination is made 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)) Conditions of settlement may include (but are not limited to) ((such other requirements as may lawfully be agreed upon by the parties and the Director-)) the elimination of the unfair housing practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures, attorneys fees or such other action which will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and

mental suffering shall not exceed one thousand dollars. Further, up to one thousand dollars may be awarded for loss of the right to be free from discrimination in real estate transactions. Any settlement agreement shall be reduced to writing and signed by the Director and 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. 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.

Section 19. Subsection C of Section 14.08.180 of the Seattle Municipal Code (Ordinance 104389 § 10) is amended as follows:

C. In the event the Hearing Examiner (or a majority of the panel composed of the Examiner and Commissioners) determines that a respondent has committed an unfair housing practice under this chapter, the Hearing Examiner (or panel majority) may order the respondent to take such affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the purpose of this chapter, and secure compliance therewith, including but not limited to, rent refund, or credit, reinstatement to tenancy, affirmative recruiting and advertising measures, attorneys fees, or to take such other action as in the judgment of the Hearing Examiner (or panel majority) will effectuate the purposes of this chapter, including action which could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars. Further, up to one thousand dollars may be awarded for loss of the right to be free from discrimination in real estate transactions. An order ((which)) may include the requirement for report on the matter of compliance.

Section 20. Section 14.08.190 of the Seattle Municipal Code is amended by adding new Subsections B, I and J as follows:

14.08.190. Exclusions.

Nothing in this chapter shall:

B. Be construed to prohibit treating handicapped persons more favorably than non-handicapped persons.

I. Be construed to protect criminal conduct.

J. Prohibit any person from limiting the rental or occupancy of housing accommodations on the basis of conduct by an occupant or prospective occupant which involves the use of force or violence or advocacy directed to producing or inciting imminent force or violence to the person or property of the owner, manager, or other person having the right to sell, rent, lease, assign, transfer or otherwise dispose of the real property occupied or sought to be occupied.

Section 21. 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 10th day of June, 1986, and signed by me in open session in authentication of its passage this 10th day of June, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 11th day of July, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 11th day of July, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By DOROTHY S. McFARLIN,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, July 15, 1986.

(C-117-9)

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

FILED
CITY OF SEATTLE

1986 JUL 21 AM 10:52

COMPTROLLER AND CITY CLERK

July 18, 1986

Gregory Dudiak
Book Publishing Company
201 Westlake Avenue North
Seattle, Washington 98109

Re: Ordinance 112903
Fourth Quarterly Supplement

Dear Gregory:

This letter is instructions regarding the Fourth Quarterly Supplement, scheduled for delivery on October 30, 1986.

Please correct the manifest reference errors contained in Ordinance 112903. This ordinance states throughout that it amends Ordinance 102562. Ordinance 102562 was repealed and replaced by Ordinance 109116.

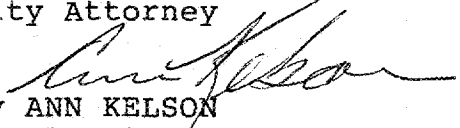
Ordinance 109116 originally amended Ordinance 102562. Ordinance 109211 amended Ordinance 109116 so that Ordinance 109116 repealed Ordinance 102562. Unfortunately, Ordinance 109211 was never sent to you for codification. I transmit it to you in this letter, along with Ordinance 109116.

These corrections will not affect the text of Chapter 14.04, Fair Employment Practices. Only the history notes are affected and should be corrected.

Thank you for your attention to this matter.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney


By ANN KELSON
Paralegal

MAK:bjw
enc.

cc: Colleen Barrett
Dorothy McFarlane

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

June 25, 1986

Honorable Jeanette Williams, Chair
City Operations Committee
Seattle City Council

Re: Amendments to the Fair Employment Practices and Open
Housing Ordinances

Dear Councilmember Williams:

The attached ordinance incorporates changes requested after the special committee meeting held on June 20, 1986, in Council Chambers. The changes which I have made represent those that were agreed upon by all Councilmembers present at the committee hearing. They include:

1. Changing the title to reflect the inclusion of two new subsections; 14.04.020(G) and 14.08.010(F).
2. Adding a new provision to the Declaration of Policy Sections (14.04.020 and 14.08.010) which addresses remedies.
3. 14.04.050(E) was changed to read "nothing in this Chapter shall be construed to protect criminal conduct." deleting the phrase "except as such conduct may be otherwise protected by law."
4. Section 14.04.100 was changed to include language allowing for amendments which allege additional discriminatory acts, subject to a six-month statute of limitations.
5. 14.08.040(B)(1) was changed to include restoration costs as amounts that need not be paid by a landlord.


Other changes which were discussed at the June 20 meeting, but which were not agreed to by all committee members, will be addressed in a separate divided report prepared by Tom Rasmussen.

Honorable Jeanette Williams, Chair
June 25, 1986
Page 2

If you have any questions about the attached ordinance,
please do not hesitate to call the undersigned assistant at
x2407.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By 
M. COLLEEN BARRETT
Assistant

MCB:bjw
encl.

Affidavit of Publication**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 in 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. 112903

was published on July 15, 1986

R. Spicuzza

Subscribed and sworn to before me on
July 15, 1986

Barbara A. Smith
Notary Public for the State of Washington,
residing in Seattle.