

Ordinance No. 121593

Council Bill No. 114962

*10/1/04  
MCC*

AN ORDINANCE relating to civil rights, creating a new Public Accommodations Chapter, SMC 14.06, and amending SMC Chapter 14.08 by amending and repealing various sections thereof.

The City of Seattle  
Council Bill/Ordinance

*NL, DD*

*Pass*

9/20/04 PASSED AS

CF No. \_\_\_\_\_

Date Introduced: <u>301 1 9 2004</u>		
Date 1st Referred: <u>JUL 1 9 2004</u>	To: (committee) <u>Public Safety, Civil Rights &amp; Arts</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>9/20/04</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>9/21/04</u>	Date Approved: <u>9/28/04</u>	
Date Returned to City Clerk: <u>10/1/04</u>	Date Published: <u>65 pp</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

**Law Department**

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

*[Handwritten Signature]*

Councilmember

**Committee Action:**

*P* *(2)* *(H)*

Pass or amended 2-0 9/10/04

9/20/04 PASSED AS AMENDED 9-0

This file is complete and ready for presentation to Full Council.

Committee: \_\_\_\_\_

**Law Department**

*[Handwritten notes]*

Approved by Council

Approved by Board

Approved by Commission

Approved by Mayor

Approved by City Clerk

Approved by City Council

Law Dept. Review      OMP Review      City Clerk Review      Electronic Copy Loaded      Indexed

ORDINANCE 121593

AN ORDINANCE relating to civil rights, creating a new Public Accommodations Chapter, SMC 14.06, and amending SMC Chapter 14.08 by amending and repealing various sections thereof.

WHEREAS, 42 U.S.C. § 3610(f)(3)(a) requires that local civil rights ordinances be substantially equivalent to the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq. in order to receive certification by the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, local municipalities whose civil rights ordinances are deemed to be substantially equivalent to the Federal Fair Housing Act are granted certification, whereby discrimination complaints which allege violations of the Federal Fair Housing Act may be dually filed with both the local municipality's civil rights office and the United States Department of Housing and Urban Development; and

WHEREAS, certification ensures that the local municipality's civil rights office is reimbursed by the federal government for any expenses incurred in defending federal civil rights laws; and

WHEREAS, HUD has required certain changes to Seattle's fair housing provisions as a condition to granting its certification of substantial equivalency; and

WHEREAS, it will increase the effectiveness of the City's laws against discrimination and facilitate understanding of and ease of administration of such laws by providing separate chapters for laws prohibiting discrimination in public accommodations and laws prohibiting discrimination related to housing; and

WHEREAS, HUD has approved the amendments related to the City's open housing laws as set forth herein;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. SMC 14.08.010 is hereby amended as follows:

**SMC 14.08.010 Short title and purposes.**

A. This chapter shall be known as and may be cited as the "Open Housing (~~and Public Accommodations~~) Ordinance." The general purposes of this chapter are to promote the availability and accessibility of housing and real property to all persons; to prohibit unfair practices in real property transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal rights and opportunities in acquiring, disposing of or occupying real property(~~to assure all persons~~);



1 equal opportunity to the full enjoyment of places of public accommodation; to eliminate and to prevent  
2 ~~unlawful discrimination in places of public accommodation;))~~ and to provide enforcement mechanisms  
3 for the accomplishment of such purposes. ~~((; and to these ends))~~ ~~I((t))~~he provisions of this chapter shall  
4 be liberally construed to accomplish these purposes. The ~~((role of the-))~~ Seattle Office for Civil Rights  
5 ~~((is to))~~ shall enforce the provisions of this chapter ~~((in furtherance of))~~ to further this policy. Consistent  
6 with SMC 3.14.911, the Department shall adopt a rule, which requires owners or other persons to post  
7 signs upon property subject to the provisions of this Chapter or at other locations which indicate that  
8 such property is available for lease or purchase on a basis which is nondiscriminatory under the  
9 provisions of this Chapter. A person violating such rule shall be subject to a \$500 penalty for each day  
10 of violation.

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

12 C. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to  
13 pursue any civil or criminal remedy for the violation of such person's civil rights, except as provided in  
14 SMC 14.08.095(C).

15 D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may  
16 suspend or close a case for any reason consistent with this chapter, including the reason that the case is  
17 being actively pursued in another forum. The commencement of a civil action by the Department to  
18 enjoin any unfair practice in violation of this chapter shall not preclude the initiation or continuation of  
19 administrative proceedings under this chapter.

20 E. Remedies under this chapter should include such relief authorized by law as may be appropriate  
21 and reasonable to provide appropriate temporary or preliminary relief as well as to make the aggrieved  
22 person whole and eliminate the unfair practice.

23 F. Nothing contained in this chapter is intended to be nor shall be construed to create or form the  
24 basis for any liability on the part of the City, or its officers, employees or agents, for any injury or



1 damage resulting from or by reason of any act or omission in connection with the implementation or  
2 enforcement of this chapter on the part of the City by its officers, employees or agents.

3 Section 2. SMC 14.08.020 is hereby amended as follows:

4 **SMC 14.08.020 Definitions.**

5 Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall  
6 have the meanings subscribed:

7 A. "Aggrieved person" includes any person who:

8 1. Claims to have been injured by an unfair practice prohibited by this chapter; or

9 2. Believes that he or she will be injured by an unfair practice prohibited by this chapter that is  
10 about to occur.

11 B. "Blockbusting" means, for profit, to promote, induce, or attempt to promote or induce any person  
12 to, engage in a real estate transaction by representing that a person or persons of a particular race, color,  
13 creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation,  
14 gender identity, political ideology, or who participates in a Section 8 program, or who is disabled, or  
15 who is a disabled person who uses a trained dog guide or service animal has moved or may move into  
16 the neighborhood.

17 C. "Charge" means a claim or set of claims alleging an unfair practice or practices prohibited under  
18 this chapter.

19 ~~((A-))~~D. "Charging party" means ~~((the))~~any person ~~((aggrieved by an unfair practice, or the person~~  
20 ~~making a charge on another person's behalf, or the Director))~~who files a charge alleging an unfair  
21 practice under this chapter, including the Director ((when the Director files a charge)).

22 ~~((B-))~~E. "City" means The City of Seattle.

23 ~~((C-))~~F. "City department" means any agency, office, board or commission of the City, or any  
24 department employee acting on its behalf, but shall not mean a public corporation chartered under



1 ~~((Ordinance 103387, or its successor ordinances))~~ Ch. 3.110 SMC, or any contractor, consultant, or  
2 concessionaire or lessee.

3 ~~((D.))~~ G. "Commission" means the Seattle Human Rights Commission.

4 ~~((E.))~~ H. "Department" means the Seattle Office for Civil Rights.

5 ~~((F.))~~ I. "Director" means the Director of the Seattle Office for Civil Rights or the Director's designee.

6 J. "Disability" means the condition of being disabled.

7 K. "Disabled" means, with respect to a person:

8 1. Having a physical or mental impairment which substantially limits one or more of such person's  
9 major life activities, either temporarily or permanently, or

10 2. Having a record of having such an impairment, or

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

14 L. "Discriminate" means to do any act which constitutes discrimination.

15 ~~((G.))~~ M. "Discriminat~~((e))~~ion" means any conduct, whether by single act or as part of a practice,

16 the effect of which is to adversely affect or differentiate between or among individuals or groups of

17 individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status,

18 parental status, sexual orientation, gender identity, political ideology, ~~((possession or use of a))~~

19 participation in a Section 8 ~~((rent certificate))~~ program, the presence of any ~~((sensory, mental or physical~~

20 handicap)) disability or the use of a trained dog guide or service ~~((dog))~~ animal by a

21 ~~((handicapped))~~ disabled person.

22 N. "Dual-filed" means any charge alleging an unfair practice that is filed with both the Department

23 of Housing and Urban Development and the Seattle Office for Civil Rights without regard to which of

24 the two agencies initially processed the charge.



1 ~~((H.))~~O. "Dwelling" means any building, structure, or portion thereof which is occupied as, or is  
2 designed or intended for occupancy as, a residence by one or more individuals or families, and any  
3 vacant land which is offered for sale or lease for the construction or location thereon of any such  
4 building, structure, or portion thereof.

5 ~~((I.))~~ "Full enjoyment of" ~~includes the right to purchase any service, commodity, or article of personal~~  
6 ~~property offered or sold on, or by, any establishment to the public, and the admission of any person to~~  
7 ~~accommodations, advantages, facilities, or privileges of any place of public resort, accommodation,~~  
8 ~~assemblage, or amusement, without acts directly or indirectly causing persons of any particular race,~~  
9 ~~color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, creed,~~  
10 ~~religion, national origin, ancestry, persons holding a Section 8 rent certificate, persons with any sensory,~~  
11 ~~mental or physical handicap, or handicapped persons using trained guide or service dogs, to be treated as~~  
12 ~~not welcome, accepted, desired or solicited.))~~

13 ~~((J.))~~P. "Gender identity" means a person's identity, expression, or physical characteristics,  
14 whether or not traditionally associated with one's biological sex or one's sex at birth, including  
15 transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and  
16 practices pertaining thereto.

17 Q. "Hearing Examiner" means the Seattle Hearing Examiner.

18 ~~((K.))~~ "Holder" means a person possessing a Section 8 rent certificate.))

19 ~~((L.))~~ "Housing accommodations" ~~includes any dwelling, rooming unit, rooming house, lot or parcel of~~  
20 ~~land in the City which is used, intended to be used, or arranged or designed to be used as, or improved~~  
21 ~~with, a residential structure for one (1) or more human beings.))~~

22 ~~((M.))~~R. "Lender" ~~((includes))~~means any bank, insurance company, savings or building and loan  
23 association, credit union, trust company, mortgage company, or other person or agent thereof, engaged



1 wholly or partly in the business of lending money for the financing or acquisition, construction, repair or  
2 maintenance of real property.

3 ((N))S. "Marital status" means the presence or absence of a marital relationship and includes the  
4 status of married, separated, divorced, engaged, widowed, single or cohabit((at))ing.

5 ((O))T. "Occupant" ((includes))means any person who has established residence or has the right  
6 to occup((ane))y ((of)) real property.

7 ((P))U. "Owner" ((includes))means any person((s)) who owns, leases, subleases, rents, operates,  
8 manages, ha((ve))s charge of, controls or ha((ve))s the right of ownership, possession, management,  
9 charge, or control of real property on their own behalf or on behalf of another.

10 ((Q))V. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster  
11 parent or custodian of a minor child or children under the age of eighteen (18) years, or the designee  
12 with written permission of a parent or other person having legal custody of a child or children under the  
13 age of eighteen (18) years(~~(, with the written permission of such parent or other person)~~), which child or  
14 children shall reside permanently or temporarily (~~(or shall seek full enjoyment of any place of public~~  
15 ~~accommodation)~~) with such parent or other person. In addition, parental status shall refer to any person  
16 who is pregnant or who is in the process of acquiring legal custody of ((any person who has not yet  
17 attained))a minor child under the age of eighteen (18) years.

18 ((R))W. "Party" ((includes))means the person charging or making a charge or complaint or upon  
19 whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have  
20 committed an unfair practice, and the Seattle Office for Civil Rights.

21 ((S))X. "Person" ((includes))means one (1) or more individuals, partnerships, organizations, trade  
22 or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and  
23 receivers. It includes any owner, lessee, proprietor, manager, agent or employee, whether one (1) or  
24



1 more natural persons, and ~~((further includes))~~ any political or civil subdivision~~((s))~~ or agency or  
2 instrumentality of the City.

3 ~~((T. "Place of public accommodation" includes, but is not limited to, any place, licensed or  
4 unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy  
5 or use of any property or facilities, whether conducted for the entertainment, housing or lodging of  
6 transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or  
7 for the burial or other disposition of human remains, or for the sale of goods, merchandise, services or  
8 personal property, or for the rendering of personal services, or for public conveyance or transportation  
9 on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or  
10 where food or beverages of any kind are sold for consumption on the premises, or where public  
11 amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where  
12 medical service or care is made available, or where the public gathers, congregates or assembles for  
13 amusement, recreation or public purposes, or public halls, public elevators, and public washrooms of  
14 buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more  
15 tenants, or any public library or private educational institution, or private schools of special instruction,  
16 or nursery schools, or day care centers or children's camps.))~~

17 ~~((U))~~Y. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs,  
18 relating to the purpose, conduct, organization, function or basis of government and related institutions  
19 and activities, whether or not characteristic of any political party or group. This term includes  
20 membership in a political party or group and includes conduct, reasonably related to political ideology,  
21 which does not interfere with the property rights of the landowner as it applies to housing~~((s))~~. ~~((or  
22 which does not cause substantial and material disruption of the property rights of the provider of a place  
23 of public accommodation.))~~



1 ((V))Z. "Prospective borrower" (~~((includes))~~)means any person who seeks to borrow money to  
2 finance the acquisition, construction, repair, or maintenance of real property.

3 ((W))AA. "Prospective occupant" (~~((includes))~~)means any person who seeks to purchase, lease,  
4 sublease or rent real property.

5 ((X))BB. "Real estate agent, salesperson or employee" (~~((includes))~~)means any person employed by,  
6 associated with or acting for a real estate broker to perform or assist in the performance of any or all of  
7 the functions of a real estate broker.

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

14 DD. "Real estate transaction" means the sale, purchase, conveyance, exchange, rental, lease, sublease,  
15 assignment, transfer or other disposition of real property.

16 ((Z))EE. "Real estate-related transaction" means any of the following:

- 17 1. The making or purchasing of loans or providing other financial assistance:
  - 18 a. For purchasing, constructing, improving, repairing, or maintaining real property, or
  - 19 b. Secured by real property; or
- 20 2. The selling, brokering, or appraising o(~~((f))~~)f real property(~~((-))~~); or
- 21 3. The insuring of real property, mortgages, or the issuance of insurance related to any real estate  
22 transaction.

23  
24



1 ~~((AA))~~FF. "Real property" ~~((includes))~~means ~~((housing accommodations))~~dwellings, buildings,  
2 structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,  
3 and ~~((hereditaments, corporeal and incorporeal, or))~~ any interest therein.

4 ~~((BB))~~GG. "Respondent" means any person who is alleged to have committed an unfair practice  
5 prohibited by this chapter.

6 ~~((CC. "Rooming unit" includes one (1) or more rooms within a dwelling or rooming house containing  
7 space for living and sleeping.~~

8 ~~DD. "Section 8 rent certificate" means a document, including vouchers and other payment coupons,  
9 issued by a government agency declaring the holder thereof eligible to participate in the Section 8  
10 program and stating the terms and conditions of such participation.)~~

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

14 ~~((FF))~~II. "Sexual orientation" means actual or perceived male or female heterosexuality,  
15 bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices  
16 pertaining thereto.

17 JJ. "Steering" means to show or otherwise take an action which results, directly or indirectly, in  
18 steering a person or persons to any section of the City or to a particular real property in a manner tending  
19 to segregate or maintain segregation on the basis of race, color, creed, religion, ancestry, national origin,  
20 age, sex, marital status, parental status, sexual orientation, gender identity, political ideology,  
21 participation in a Section 8 program, the presence of any disability or the use of a trained dog guide or  
22 service animal by a disabled person.

23 Section 3. SMC 14.08.030 is hereby amended as follows:

24 **SMC 14.08.030 Unfair practices forbidden.**



1 ~~((A-))~~ Unfair practices as defined in this chapter~~((Sections 14.08.040 through 14.08.090))~~ are contrary  
2 to the public peace, health, safety and general welfare and are prohibited by the City in the exercise of  
3 its police power.

4 ~~((B. Unless the context otherwise requires, "unfair practice" includes "unfair real estate practice."))~~

5 Section 4. SMC 14.08.040 is hereby amended as follows:

6 **SMC 14.08.040 Unfair practices -- Generally.**

7 A. It is an unfair ~~((real-estate))~~ practice for any ~~((owner, assignee, real estate broker, real estate  
8 agent, salesperson or employee, or other))~~ person ~~((having the right to sell, rent, lease, sublease, assign,  
9 transfer, or otherwise dispose of real property,))~~ to discriminate by:

10 1. ~~((u))~~ Undertaking or refusing to ~~((sell, rent, lease, sublease, assign, transfer))~~ engage in a real  
11 estate transaction or otherwise deny ~~((to-))~~ or withhold ~~((from any person or group of persons))~~ such real  
12 property~~((;))~~; or

13 2. ~~((f))~~ Refus~~((e))~~ ing to negotiate ~~((for the sale, rental, lease, sublease, assignment or transfer of real  
14 property, or segregate the use thereof))~~ a real estate transaction~~((;))~~; or

15 3. ~~((f))~~ Representing that such real property is not available for inspection, sale, rental, or lease  
16 when in fact it is so available~~((;))~~; or

17 4. ~~((e))~~ Expelling or evicting an occupant from real property or otherwise mak~~((e))~~ ing unavailable  
18 or denying a dwelling ~~((because of the person's race, color, creed, religion, ancestry, national origin, age,  
19 sex, marital status, sexual orientation, gender identity, parental status, political ideology, possession or  
20 use of a Section 8 certificate, or the presence of any sensory, mental or physical handicap, or the use of a  
21 trained guide or service dog by a handicapped person,))~~; or

22 5. ~~((to discriminate against or segregate any person because of such person's race, color, religion,  
23 ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, parental status,  
24 political ideology, possession or use of a Section 8 certificate, or the presence of any sensory, mental or~~



1 ~~physical handicap or the use of a trained guide or service dog by a handicapped person in the~~) Applying  
2 different terms, conditions or privileges of ((the sale, rental, lease, sublease, assignment, transfer or other  
3 disposition of any such real property)) a real estate transaction, including but not limited to the setting of  
4 rates for rental or lease, or establishment of damage deposits, or other financial conditions for rental or  
5 lease, or in the furnishing of facilities or services in connection ((therewith)) with such transaction.

6 B. It is an unfair ((real estate)) practice for any real estate broker, real estate agent, salesperson, or  
7 employee to discriminate by:

- 8 1. Refusing or intentionally failing to list real property for sale, rent, or lease; or
- 9 2. Refusing or intentionally failing to show real property listed for sale, rental, or lease; or
- 10 3. Refusing or intentionally failing to accept and/or transmit any reasonable offer to purchase,  
11 lease, or rent real property.

12 C. It is an unfair ((real estate)) practice to discriminate by denying a person access to, or  
13 membership or participation in, a multiple listing service or real estate brokers' organization or other  
14 service, or to discriminate in the terms and conditions of such access, membership, or participation.

15 ~~((B-))~~ D. It is an unfair((real estate)) practice to ((unreasonably)) prohibit reasonable modifications  
16 needed by a ((handicapped)) disabled tenant. Whether or not the landlord permits tenants in general to  
17 make alterations or additions to a structure or fixtures, it is an unfair practice for a landlord to refuse to  
18 make reasonable accommodations in rules, policies, practices, or services, when such accommodations  
19 may be necessary to afford a ((handicapped)) disabled person equal opportunity to use and enjoy any  
20 dwelling, or to refuse to allow a person to make alterations or additions to existing premises occupied or  
21 to be occupied by a ((handicapped)) disabled person((;)) which are necessary to make the rental property  
22 accessible by ((handicapped)) disabled persons, under the following conditions:

- 23 1. The landlord is not required to pay for the alterations, additions, or restoration unless otherwise  
24 required by federal law((;));



1 2. The landlord has ~~((may reserve))~~ the right to ~~((approve the design, quality, and construction of~~  
2 ~~the alterations or additions in order to minimize damage to the building and enforce standards of quality~~  
3 ~~and architectural compatability))~~ demand assurances that all modifications will be performed pursuant to  
4 local permit requirements, in a professional manner, and in accordance with applicable building  
5 codes((-);

6 3. The landlord may, where it is reasonable to do so, condition permission for modification on the  
7 ~~((renter's))~~ tenant's agree((ing))ment to restore the interior of the premises to ~~((the condition that existed~~  
8 ~~before the modification))~~ its pre-existing condition, reasonable wear and tear excepted.

9 ~~((C.))~~ E. It is an unfair ~~((real estate))~~ practice under this chapter for any person to design or  
10 construct a building or structure that does not conform with ~~((the Federal Fair Housing Act as~~  
11 ~~amended,))~~ 42 U.S.C. § ((3601 et. seq.)) 3604, the Washington State Barrier Free Act, WAC Ch. 51-((1))  
12 40 or Ch. 51-50 as required by chapters 19.27 RCW and 70.92 RCW, other regulations adopted under  
13 42 U.S.C. 3604 and chapters 19.27 RCW and 70.92 RCW, any other applicable laws pertaining to  
14 access by disabled persons, or any rules or regulations promulgated thereunder. ((Whenever)) If the  
15 requirements of the applicable laws ((shall)) differ, those which require greater accessibility for  
16 ~~((handicapped))~~ disabled persons shall govern.

17 ~~((D.))~~ It is an unfair practice for any person or his or her agent or employee to commit an act which  
18 directly or indirectly requires any person to pay a larger sum than the uniform rates charged other  
19 persons, or to refuse or withhold from any person the admission, patronage, custom, presence,  
20 frequenting, dwelling, staying, or lodging in any place of public accommodation, or to deny, directly or  
21 indirectly, any person the full enjoyment of any of the goods, services, accommodations, facilities,  
22 privileges or advantages in any place of public accommodation because of the person's race, color,  
23 religion, ancestry, sex, marital status, parental status, sexual orientation, gender identity, political  
24 ideology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or



1 ~~physical handicap, or the use of a trained guide or service dog by a handicapped person, except for~~  
2 ~~conditions and limitations established by law and applicable to all persons regardless of race, color,~~  
3 ~~religion, ancestry, sex, marital status, parental status, sexual orientation, gender identity, political~~  
4 ~~ideology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or~~  
5 ~~physical handicap, or the use of a trained guide or service dog by a handicapped person.~~

6 E. ~~It is an unfair practice for any person, agent or employee to print, circulate, post, mail or~~  
7 ~~otherwise cause directly or indirectly to be published a statement, advertisement or sign which indicates~~  
8 ~~directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and~~  
9 ~~accommodations of a place of public accommodation will be refused, withheld from, denied or in some~~  
10 ~~manner limited or restricted toward an individual; or that an individual's patronage of or presence at a~~  
11 ~~place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because of a~~  
12 ~~person's race, color, religion, creed, ancestry, national origin, sex, marital status, parental status, sexual~~  
13 ~~orientation, gender identity, possession or use of a Section 8 rent certificate, sensory, mental or physical~~  
14 ~~handicap, or handicapped person's use of a trained guide or service dog.)~~

15 Section 5. SMC 14.08.045 is hereby amended as follows:

16 **SMC 14.08.045 Retaliation, harassment, or coercion.**

17 A. It is an unfair practice (~~(under this chapter)~~) for any person to:

18 1. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair  
19 practice; or to intimidate, harass, retaliate, obstruct or discriminate against a person in any manner  
20 because such person ~~((has))~~ complied with or propose~~((s))~~d to comply with ~~((provisions of))~~ this chapter  
21 or any order issued under this chapter or ~~((has))~~ filed a charge or complaint, ~~((has))~~ testified, or ~~((has))~~  
22 assisted in any investigation, proceeding, or hearing under this chapter ~~((, or any order issued~~  
23 thereunder)); or ~~((to-))~~ attempt~~((, either directly or indirectly,))~~ to commit any act defined in this chapter  
24



1 to be an unfair practice; or ~~((to))~~ apply any economic sanctions or ~~((to))~~ deny membership privileges  
2 because of compliance with ~~((the provisions of))~~ this chapter; or

3 2. Coerce, intimidate, threaten, or otherwise interfere with any person ~~((in the exercise or  
4 enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having  
5 aided or encouraged any other person in the exercise or enjoyment of any right granted or protected  
6 under this chapter))~~ who exercises or enjoys any right granted or protected under this chapter or who aids  
7 or encourages another in the exercise or enjoyment of such rights.

8 B. It is an unfair practice for any person, whether or not acting for profit, to harass, intimidate,  
9 discriminate against or otherwise abuse any person or person's friends or associates because of race,  
10 color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual  
11 orientation, gender identity, political ideology, participation in a Section 8 program, the presence of any  
12 disability, or the use of a trained dog guide or service animal by a disabled person with the purpose or  
13 effect of denying to such person the rights granted in this chapter or the right to quiet or peaceful  
14 possession or enjoyment of any real property.

15 ~~((B-))~~C. Any ~~((unfair))~~ practice ~~((under this section))~~ which has the purpose or effect of denying a  
16 person the right to be free from discrimination in real estate ~~((practices))~~ transactions or the right to quiet  
17 or peaceful possession or enjoyment of real property ~~((other than as a place of public  
18 accommodation))~~, or of interfering with a person's compliance with ~~((the provisions of))~~ this chapter  
19 ~~((prohibiting unfair real estate practices))~~, or of interfering with a person's filing of a charge or assisting  
20 in any proceeding relat~~((ing))~~ed to an unfair ~~((real estate))~~ practice under this chapter, is an unfair ~~((real  
21 estate))~~ practice.

22 Section 6. SMC 14.08.050 is hereby repealed.

23 ~~((SMC 14.08.050 Refusal or failure to list or show property.))~~



1 ~~It is an unfair real estate practice for any real estate broker or real estate agent, salesperson or employee~~  
2 ~~to, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, sexual~~  
3 ~~orientation, gender identity, parental status, political ideology, the presence of sensory, mental or~~  
4 ~~physical disability, the use of a trained guide or service dog by a handicapped person, or the possession~~  
5 ~~or use of a Section 8 rent certificate by an occupant, purchaser, prospective occupant, or prospective~~  
6 ~~purchaser:~~

7 A. ~~Refuse or intentionally fail to list or discriminate in listing real property for sale, rent, lease or~~  
8 ~~sublease;~~

9 B. ~~Refuse or intentionally fail to show a prospective occupant real property listed for sale, rental,~~  
10 ~~lease or sublease;~~

11 C. ~~Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to~~  
12 ~~purchase, lease, rent or sublease real property.))~~

13 Section 7. SMC 14.08.055 is hereby repealed.

14 ~~((SMC 14.08.055 Participation in multiple listing service.))~~

15 ~~It is an unfair real estate practice to deny a person access to, or membership or participation in, a~~  
16 ~~multiple listing service or real estate brokers' organization or other service because of race, color, creed,~~  
17 ~~religion, ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, parental~~  
18 ~~status, political ideology, possession or use of a Section 8 certificate or the presence of any sensory,~~  
19 ~~mental, or physical handicap or the use of a trained guide or service dog by a handicapped person.))~~

20 Section 8. SMC 14.08.060 is hereby amended as follows:

21 **SMC 14.08.060 Discrimination in real estate-related transactions.**

22 It is an unfair((~~real estate~~)) practice for any lender, or any agent or employee thereof, to whom  
23 application is made for financial assistance for the purchase, lease, acquisition, construction,  
24



1 rehabilitation, repair, or maintenance of any real property, or any other person whose business includes  
2 engaging in real estate~~(-)~~related transactions, to:

3 A. Discriminate against any person, prospective occupant or occupant ~~((tenant))~~ of real property in  
4 the granting, withholding, extending, making available, modifying or renewing, or in the rates, terms,  
5 conditions or privileges of ~~((, any such financial assistance))~~ a real estate related transaction, or in the  
6 extension of services in connection therewith; or

7 B. Discriminate by ~~((U))~~us~~((e))~~ing any form of application for ~~((such ))~~ a real estate related  
8 transaction ~~((financial assistance))~~ or mak~~((e))~~ing any record of inquiry in connection with applications  
9 for ~~((such))~~ a real estate related transaction ~~((financial assistance))~~ which expresses, directly or  
10 indirectly, ~~((any limitation, specification, or))~~ an intent to discriminate~~((ion))~~ ~~((because of race, color,~~  
11 ~~religion, creed, ancestry, national origin, sex, age, marital status, sexual orientation, gender identity,~~  
12 ~~parental status, political ideology, possession or use of a Section 8 rent certificate, the presence of any~~  
13 ~~sensory, mental or physical handicap, or the use of a trained guide or service dog by a handicapped~~  
14 ~~person,))~~ unless required or authorized by local, state or federal laws or agencies ~~((for the purpose of))~~ to  
15 prevent~~((ing))~~ discrimination in real property; provided that, nothing in this provision shall prohibit any  
16 party to a credit transaction from requesting designation of marital status for the purpose of considering  
17 application of community property law to the individual case or from taking reasonable action thereon  
18 or from requesting information regarding age, parental status, or ~~((possession or use of))~~ participation in  
19 a Section 8 ~~((rent certificate))~~ program when such information is necessary to determine the applicant's  
20 ability to repay the loan.

21 Section 9. SMC 14.08.070 is hereby amended as follows:

22 **SMC 14.08.070 Unfair inquiries or advertisements.**

23 It is an unfair ~~((real estate))~~ practice for ~~((any owner, real estate agent, salesperson or employee, real~~  
24 ~~estate broker, or))~~ any ~~((other))~~ person~~((s))~~ to:



1 A. Require any information, make or keep any record, or use any form of application containing  
2 questions or inquiries concerning race, color, creed, religion, ancestry, ~~((creed,))~~ national origin, age, sex,  
3 marital status, parental status, sexual orientation, gender identity, ~~((parental status,))~~ political ideology,  
4 ~~((possession or use of))~~ participation in a Section 8 ((rent certificate)) program, the presence of ~~((any~~  
5 ~~sensory, mental or physical handicap))~~ a disability, or the use of a trained dog guide or service  
6 ~~((dog))~~ animal by a ~~((handicapped))~~ disabled person in connection with ~~((the sale, rental, lease or~~  
7 ~~sublease of any real property))~~ a real estate transaction unless used solely:

8 1. For making reports required by agencies of the federal, state or local government ~~((for the~~  
9 ~~purposes of))~~ to prevent ~~((ing))~~ and eliminate ~~((ing))~~ discrimination or ~~((of))~~ to overcome ~~((ing))~~ its effects  
10 or for other purposes authorized by federal, state or local agencies or laws or rules adopted thereunder,

11 2. As to "marital status," for the purpose of determining applicability of community property law to  
12 the individual case, ~~((and))~~ or

13 3. As to "age," for the purpose of determining that the applicant has attained the age of majority, or  
14 in the case of housing exclusively for older persons as described in SMC ~~((Section))~~ 14.08.190 E, for the  
15 purpose of determining the eligibility of the applicant;

16 B. Publish, print, circulate, issue or display or cause to be published, printed, circulated, issued or  
17 displayed, any communication, notice, advertisement, or sign of any kind relating to ~~((the sale, rental,~~  
18 ~~lease, sublease, assignment, transfer,))~~ a real estate transaction or listing of real property which indicates  
19 directly or indicates an intention to make any preference, limitation or specification based on race, color,  
20 creed, religion, ancestry, ~~((creed,))~~ national origin, age, sex, marital status, parental status, sexual  
21 orientation, gender identity, ~~((parental status,))~~ political ideology, the ~~((possession or use~~  
22 ~~of))~~ participation in a Section 8 ((certificate)) program, the presence of ~~((any sensory, mental or physical~~  
23 ~~handicap))~~ a disability, or the use of a trained dog guide or service ~~((dog))~~ animal by a  
24 ~~((handicapped))~~ disabled person.



1 Section 10. SMC 14.08.080 is hereby amended as follows:

2 **SMC 14.08.080 Unfair inducement to sell or rent -- Blockbusting; ((s))Steering((persons to**  
3 **particular areas))).**

4 It is an unfair((real estate)) practice for any owner, real estate agent, salesperson or employee, real  
5 estate broker, or any other person, to((, for profit:)) discriminate by engaging in blockbusting or steering.

6 ((A. — Promote, induce or attempt to promote or induce any person to sell or rent any real property  
7 engage in a real estate transaction by representation regarding the entry or prospective entry into the  
8 neighborhood or area of a person or persons of a particular race, color, religion, ancestry, creed, national  
9 origin, age, sex, marital status, sexual orientation, gender identity, parental status, political ideology, or  
10 who possess, use or attempt to use a Section 8 rent certificate, or who have any sensory, mental or  
11 physical handicap, or handicapped persons who use a trained dog guide or service dog;

12 B. — Show or otherwise take any action, the design or effect of which is to steer a person or persons to  
13 any section of the City or to particular real property in a manner tending to segregate or maintain  
14 segregation on the basis of race, color, religion, ancestry, creed, national origin, age, sex, marital status,  
15 sexual orientation, gender identity, parental status, political ideology, possession or use of a Section 8  
16 rent certificate, the presence of any sensory, mental or physical handicap, or the use of a trained guide or  
17 service dog by a handicapped person.))

18 Section 11. SMC 14.08.090 is hereby repealed.

19 **((SMC 14.08.090 Denial of right granted under this chapter.))**

20 ((A. — It is an unfair practice under this chapter for any person, whether or not acting for profit, to  
21 harass, intimidate, or otherwise abuse or discriminate against any person or person's friends or associates  
22 because of the race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation,  
23 gender identity, parental status, political ideology, possession or use of a Section 8 rent certificate, the  
24 presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a



1 ~~handicapped person with the purpose or effect of denying to such person the rights granted in this~~  
2 ~~chapter or the right to quiet or peaceful possession or enjoyment of any real property or the full~~  
3 ~~enjoyment of any place of public accommodation.~~

4 B. ~~Any unfair practice under this section which has the purpose or effect of denying a person the~~  
5 ~~right to be free from discrimination in real estate practices or the right to quiet or peaceful possession or~~  
6 ~~enjoyment of real property (other than as a place of public accommodation) is an unfair real estate~~  
7 ~~practice.)~~

8 Section 12. SMC 14.08.095 is hereby amended as follows:

9 **SMC 14.08.095 Enforcement by private persons.**

10 A. Any ~~((person who claims to have been injured by an unfair real estate practice, or who believes~~  
11 ~~that he or she will be injured by an unfair real estate practice that is about to occur,))~~ charging party or  
12 aggrieved person may commence a civil action in King County Superior Court or any other court of  
13 competent jurisdiction not later than ~~((one (1)))~~ two (2) years after the occurrence or the termination of  
14 an alleged unfair ~~((real estate))~~ practice, whichever occurs last, to obtain appropriate relief with respect  
15 to such unfair ~~((real estate))~~ practice.

16 B. The computation of such ~~((one))~~ two-year period shall not include any time during which an  
17 administrative proceeding under this chapter was pending with respect to a complaint or charge under  
18 this chapter alleging an unfair ~~((real estate))~~ practice based on the same facts or occurrences. For  
19 purposes of this subsection, an "administrative proceeding" begins with the filing of a charge with the  
20 Department and ends with the completion of an appeal filed with the Commission or a final order issued  
21 by the Director, whichever occurs last.

22 C. A civil complaint may be filed under this section whether or not an administrative charge has  
23 been filed under SMC ~~((Section))~~ 14.08.100, ~~((and without regard to the status of such charge,))~~ but if  
24 the Department or the U.S. Department of Housing and Urban Development has obtained a ~~((pre-finding~~



1 ~~or post-finding~~) settlement or conciliation agreement with the consent of the charging party, no civil  
2 action may be filed under this section with respect to the alleged unfair ((real-estate)) practice which  
3 forms the basis for such complaint except for the purpose of enforcing the terms of such agreement. No  
4 civil action may be filed under this section with respect to an alleged unfair practice which forms the  
5 basis of a complaint if the Hearing Examiner has commenced a hearing on the record. The City  
6 Attorney's office shall provide written notice to the charging party at least 30 days prior to the  
7 commencement of a hearing before the Hearing Examiner that the commencement of such a hearing will  
8 terminate the charging party's right to file a civil action.

9 ~~((D. No civil action may be commenced under this section with respect to an alleged unfair real-estate~~  
10 ~~practice which forms the basis of a complaint if a hearing on the record has been commenced by the~~  
11 ~~City of Seattle Office of the Hearing Examiner.))~~

12 D. Any person who claims to have been injured by, or believes that he or she will be injured by an  
13 unfair practice which is the subject matter of the civil action filed under this section may intervene as of  
14 right in the civil action.

15 E. (1) Subject to the provisions of subsection E(2), upon the filing of a civil action involving the  
16 same claim or arising from the same facts and circumstances, whether under this chapter or similar law,  
17 a charge of an unfair practice may be administratively closed by the Director. Upon request by a  
18 charging party, the Director may keep a charge of unfair practice open pending commencement of a trial  
19 in a civil action.

20 (2) In the event that a court dismisses a private cause of action on grounds that would not preclude  
21 pursuit of a charge under this subchapter, the charging party may request, within 90 days of the entry of  
22 the court's order of dismissal, that the Department reopen a previously filed charge. Upon such request,  
23 the Director may reopen a charge that was administratively closed upon the filing of a civil action.



1 (3) No charging party or aggrieved person may secure relief from more than one governmental  
2 agency, instrumentality or tribunal for the same harm or injury.

3 ~~((E.))~~F. In a civil action under this section, if the court finds that an unfair ~~((real-estate-))~~ practice has  
4 occurred or is about to occur, the court may grant as relief, as it deems appropriate, any permanent or  
5 temporary injunction, temporary restraining order, or other order, including an order enjoining the  
6 defendant from engaging in such practice or ordering such affirmative action as may be appropriate.  
7 The court may also award actual damages, including damages for humiliation and mental suffering,  
8 damages for the loss of the right to be free from discrimination in real estate transactions, and any other  
9 appropriate remedy set forth in the ~~((F.))~~Federal Fair Housing Amendments Act of 1988 ~~((P.L. 100-~~  
10 ~~430))~~42 U.S.C. §3601 et seq. The court may also allow reasonable attorney's fees and costs to the  
11 prevailing party.

12 ~~((F.))~~G. Relief granted under this section shall not affect any contract, sale, encumbrance, or lease  
13 consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or  
14 tenant, without actual notice of the filing of a charge or civil action under this chapter.

15 ~~((G.))~~H. Upon timely application, the City Attorney may intervene in such civil action, if the City  
16 Attorney certifies that the case is of general public importance, and may obtain such relief as would be  
17 available in an action brought under SMC ~~((Section))~~14.08.165 and damages and penalties as  
18 contemplated by SMC 14.08.180 and 14.08.185.

19 Section 13. SMC 14.08.100 is hereby amended as follows:

20 **SMC 14.08.100 Charge -- Filing.**

21 A. An aggrieved person may file a charge with the Director alleging an unfair practice. ~~((A.))~~The  
22 charge ~~((alleging an unfair practice under this chapter))~~ shall be in writing and signed under oath or  
23 affirmation ~~((by or on behalf of a charging party))~~ before the Director, one of the Department's  
24 employees, or any other person authorized to administer oaths. The charge shall describe the alleged



1 unfair practice (~~(complained of)~~) and should include a statement of the dates, places and circumstances,  
2 and the persons responsible for such acts and practices. Upon the filing of a charge alleging an unfair  
3 practice, the Director shall cause to be served upon the charging party a written notice acknowledging  
4 the filing, and notifying the charging party of the time limits and choice of forums provided in this  
5 chapter.

6 (~~(B. Whenever charges are made on behalf of a person claiming to be aggrieved, the person making~~  
7 ~~the charge must provide the Director with the name, address and telephone number of the individual on~~  
8 ~~whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge~~  
9 ~~by the person on whose behalf the charge is made and upon the request of such person may keep his or~~  
10 ~~her identity confidential.))~~

11 (~~(C.)~~)B. A charge shall not be rejected as insufficient because of failure to include all required  
12 information if the Department determines that the charge (~~(so long as it)~~) substantially satisfies the  
13 informational requirements necessary for processing.

14 (~~(D.)~~)C. A charge alleging an unfair practice or pattern of unfair practices under this chapter may  
15 also be filed by the Director whenever the Director has reason to believe that any person has been  
16 engaged or is engaging in an unfair practice under this chapter.

17 Section 14. SMC 14.08.110 is amended as follows:

18 **SMC 14.08.110 Time for filing charges.**

19 Charges filed under this chapter must be filed with the Department within one hundred eighty (180) days  
20 after (~~(the occurrence of)~~) the alleged unfair practice has occurred or terminated.

21 Section 15. SMC 14.08.120 is hereby amended as follows:

22 **SMC 14.08.120 Charge -- Amendments.**

23 A. The charging party or the Department may amend a charge:

24 1. To cure technical defects or omissions;



1 2. To clarify allegations made in the charge;

2 3. To add allegations related to or arising out of the subject matter set forth or attempted to be set  
3 forth in the charge;((~~o~~))

4 4. To add as a charging party a person who is, during the course of the investigation, identified as  
5 an aggrieved person; or

6 ((4))5. To add or substitute as a respondent a person who was not originally named as a respondent, but  
7 who is, during the course of the investigation, identified as a respondent. For jurisdictional purposes,  
8 such amendments shall relate back to the date the original charge was first filed.

9 B. The charging party may amend a charge to include allegations of retaliation which arose after the  
10 filing of the original charge. Such amendment must be filed within one hundred eighty (180) days after  
11 the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and  
12 determination with respect to the original charge. Such amendments may be made at any time during  
13 the investigation of the original charge so long as the Department will have adequate time to investigate  
14 the additional allegations and the parties will have adequate time to present the Department with  
15 evidence concerning the additional allegations before the issuance of findings of fact and a  
16 determination.

17 C. When a charge is amended to add or substitute a respondent, the Director shall serve upon the  
18 new respondent within twenty days:

19 1. The amended charge;

20 2. The notice required under section 14.08.130(A); and

21 3. A statement of the basis for the Director's belief that the new respondent is properly named as a  
22 respondent. For jurisdictional purposes, amendment of a charge to add or substitute a respondent shall  
23 relate back to the date the original charge was first filed.

24 Section 16. SMC 14.08.130 is hereby amended as follows:



1 **SMC 14.08.130 Notice of charge and investigation.**

2 A. The Director shall promptly, and in any event within twenty (20) days of filing of the charge,  
3 cause to be served on or mailed, by certified mail, return receipt requested, to the respondent, a copy of  
4 the charge along with a notice advising the respondent of respondent's procedural rights and obligations  
5 under this chapter. The Director shall promptly make an investigation of the charge.

6 B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in  
7 the charge, and shall be conducted in an objective and impartial manner.

8 C. During the period beginning with the filing of the charge and ending with the issuance of the  
9 findings of fact, the Department shall, to the extent feasible, engage in settlement discussions with respect  
10 to the charge. A pre-finding settlement agreement arising out of the settlement discussions shall be an  
11 agreement between the charging party and the respondent and shall be subject to approval by the Director.  
12 Each pre-finding settlement agreement is a public record. Failure to comply with the pre-finding  
13 settlement agreement may be enforced under SMC 14.08.187.

14 ~~(C)~~D. During the investigation the Director shall consider any statement of position or evidence  
15 with respect to the allegations of the charge which the charging party or the respondent wishes to  
16 submit, including the respondent's answer to the charge. The Director shall have authority to sign and  
17 issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence  
18 including but not limited to books, records, correspondence or documents in the possession or under the  
19 control of the person subpoenaed, and access to evidence for the purpose of examination and copying,  
20 and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

21 ~~(D)~~E. The Director may require a fact finding conference or participation in another process  
22 with the respondent and any of respondent's agents and witnesses and charging party during the  
23 investigation in order to define the issues, determine which elements are undisputed, resolve those issues  
24



1 which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have  
2 their legal counsel present if desired.

3 Section 17. SMC 14.08.135 is hereby amended as follows:

4 **SMC 14.08.135 Procedure for investigations~~((in cases alleging unfair real estate practices))~~.**

5 ~~((The following procedure shall apply to the investigation of charges of unfair real estate practices filed  
6 under this chapter.))~~

7 A. A respondent may file with the Department an answer to the charge no later than ten (10) days  
8 after receiving notice of the charge.

9 B. The Director shall commence investigation of the charge within thirty (30) days after the filing  
10 of the charge. The investigation shall be completed within one hundred (100) days after the filing of the  
11 charge, unless it is impracticable to do so. If the Director is unable to complete the investigation within  
12 one hundred (100) days after the filing of the charge, the Director shall notify the charging party and the  
13 respondent of the reasons therefor. The Director shall make final administrative disposition of a charge  
14 within one (1) year of the date of filing of the charge, unless it is impracticable to do so. If the Director  
15 is unable to make a final administrative disposition within one (1) year of the filing of the charge, the  
16 Director shall notify the charging party and the respondent of the reasons therefor.

17 C. If the Director determines that it is necessary to carry out the purposes of this chapter, the  
18 Director may, in writing, request the City Attorney to seek prompt judicial action for temporary or  
19 preliminary relief to enjoin any unfair ~~((real estate))~~ practice pending final disposition of a charge.

20 Section 18. SMC 14.08.140 is hereby amended as follows:

21 **SMC 14.08.140 Findings of fact and determination of reasonable cause or no reasonable cause.**

22 A. The results of the investigation shall be reduced to written findings of fact and a determination  
23 shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice  
24 has been, ~~((or))~~ is being or is about to be committed, which determination shall also be in writing and



1 issued with the written findings of fact. (~~With respect to the findings and determination, "issued" shall~~  
2 ~~be defined as signed and deleted by the Director.~~) The findings and determination are "issued" when  
3 signed by the Director.

4 B. The findings of fact and determination shall be mailed promptly to the respondent and charging  
5 party.

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

11 Section 19. SMC 14.08.150 is hereby amended as follows:

12 **SMC 14.08.150 Determination of no reasonable cause – Appeal from and dismissal.**

13 A. If a determination is made that there is no reasonable cause for believing an unfair practice under  
14 this chapter has been, is being or is about to be committed, the charging party (~~shall have the right~~  
15 ~~to~~)may appeal such determination to the Commission within thirty (30) days of the date the  
16 determination is signed by the Director by filing a written statement of appeal with the Commission.  
17 The Commission shall promptly deliver a copy of the statement to the Department and respondent and  
18 shall promptly consider and act upon such appeal by either affirming the Director's determination or, if  
19 the Commission believes the Director should investigate further, remanding it to the Director with a  
20 request for specific further investigation (~~appropriate instructions~~). In the event no appeal is taken, or  
21 such appeal results in affirmance or if the Commission has not decided the appeal within (~~the~~) sixty  
22 (60) days (~~allotted~~)from the date the appeal statement is filed, the determination of the Director shall  
23 be final and the charge deemed dismissed and the same shall be entered on the records of the  
24



1 Department. Any party aggrieved by the final dismissal may appeal the order on the record to an  
2 appropriate court.

3 Section 20. SMC 14.08.160 is hereby amended as follows:

4 **SMC 14.08.160 Determination of reasonable cause – Conciliation ~~((and settlement))~~.**

5 A. If ~~((a determination is made))~~ the Director determines that reasonable cause exists to believe that  
6 an unfair practice has occurred, is occurring or is about to occur, the Director shall endeavor to eliminate  
7 the unfair practice ~~((by conference, conciliation and persuasion))~~ through efforts to reach conciliation.

8 Conditions of ~~((settlement))~~ conciliation may include, ~~((t))~~ but are not limited to ~~((t))~~, the elimination of  
9 the unfair practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising

10 measures, payment of actual damages, damages for loss of the right to be free from discrimination in

11 real estate transactions, ~~((damages for loss of the right to full enjoyment of any place of public~~

12 ~~accommodation,))~~ and reasonable attorney's fees and costs or such other remedies that will

13 ~~((effectuate))~~ carry out the purposes of this chapter, including ~~((action))~~ remedies which could be ordered

14 by a court ~~((, except that in charges alleging an unfair practice with respect to public accommodations,~~

15 ~~damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). In~~

16 ~~charges alleging an unfair real estate practice, filed under this chapter, t)).~~ The Director may also

17 require payment of a civil penalty as set forth in SMC ~~((Section))~~ 14.08.185.

18 B. Any post-finding ~~((settlement or))~~ conciliation agreement shall be an agreement between the

19 charging party and the respondent and shall be subject to the approval of the Director. ~~((An order shall~~

20 ~~then be entered by t))~~ The Director shall enter an order setting forth the terms of the agreement which

21 may include a requirement that the parties report to the Director on the matter of compliance. Copies of

22 such order shall be delivered to all affected parties. ~~((The conciliation agreement shall be made public~~

23 ~~unless the complainant and the respondent otherwise agree and the Director determines that disclosure is~~

24 ~~not required to further the purposes of this chapter.))~~



1 C. If conciliation(~~(is not successful)~~) fails and no agreement can be reached, the Director shall issue  
2 a written finding to that effect and furnish a copy of the finding to the charging party and to the  
3 respondent. Upon issuance of the finding, except a case in which a City department is a respondent, the  
4 Director shall promptly cause to be delivered the entire investigatory file, including the charge and any  
5 and all findings made, to the City Attorney for further proceedings and hearing under this chapter  
6 pursuant to Section 14.08.170.

7 Section 21. SMC 14.08.165 is hereby amended as follows:

8 **SMC 14.08.165 Election of civil action in cases of unfair (~~real estate~~) practices.**

9 A. Following the issuance of a finding of unsuccessful conciliation, any charging party on whose  
10 behalf the reasonable cause finding was made, or a respondent, may, with respect to an unfair (~~real~~  
11 ~~estate~~) practice under this chapter, elect to have the claims on which reasonable cause was found  
12 decided in a civil action under this section in lieu of an administrative hearing under SMC (~~(Sections)~~)  
13 14.08.170 and 14.08.180. This election must be made not later than (~~(twenty (20))~~)thirty (30) days after  
14 (~~(issuance)~~)service of the finding of unsuccessful conciliation. The person making such election shall  
15 give notice of doing so to the Department and to all other charging parties and respondents to whom the  
16 charge relates.

17 B. If an election is made under subsection A of this section (except as provided in SMC  
18 14.08.170(B)), the City Attorney shall commence, within (~~(thirty (30))~~)ninety (90) days after the  
19 election is made, a civil action in the name of the Department in the King County Superior Court (~~(to~~  
20 ~~decide on the claim)~~). In such action, if the court finds an unfair practice has occurred, the court may  
21 grant relief as would be available in an action brought under SMC 14.08.095 and damages and penalties  
22 as contemplated in SMC 14.08.180 or SMC 14.08.185.

23 C. Any (~~aggrieved~~) person who claims to have been injured by, or believes that he or she will be  
24 injured by an unfair practice which is the subject matter of the civil action filed under this section may



1 intervene as of right in the civil action. ~~((For purposes of this subsection, "aggrieved person" means a~~  
2 ~~person who claims to have been injured by, or believes that he or she will be injured by, an unfair real~~  
3 ~~estate practice that is the subject matter of the civil action.~~

4 ~~D. In a civil action under this section, if the court finds that an unfair real estate practice has~~  
5 ~~occurred or is about to occur, the court may grant any relief including but not limited to actual damages,~~  
6 ~~injunctive or equitable relief, and any other appropriate remedy set forth in the Federal Fair Housing~~  
7 ~~Amendments Act (P.L. 100-430). The court may also assess a civil penalty as set forth in SMC Section~~  
8 ~~14.08.185. If monetary relief is sought for the benefit of a person who could have intervened under~~  
9 ~~subsection C of this section, but who did not intervene in the civil action, the court shall not award such~~  
10 ~~relief if that person has not complied with discovery orders entered by the court.~~

11 ~~E. In any proceeding under this section, the court may award attorney fees and costs to the~~  
12 ~~prevailing party. Attorney fees and costs may be assessed against a person who intervenes by filing a~~  
13 ~~notice of independent appearance in the civil action only to the extent that the intervening participation~~  
14 ~~was frivolous or vexatious, or was for the purpose of harassment.)~~

15 Section 22. SMC 14.08.170 is hereby amended as follows:

16 **SMC 14.08.170 Complaint and hearing.**

17 A. Following submission of the investigatory file from the Director, the City Attorney shall, except  
18 as set forth in subsection B of this section, prepare a complaint against such respondent relating to the  
19 charge and facts discovered during the Department's investigation. ~~((thereof. and))~~ The City Attorney  
20 shall ~~((prosecute the same))~~ file the complaint with the Hearing Examiner in the name ~~((and on behalf))~~  
21 of the Department ~~((and the City at a hearing therefor before the Hearing Examiner sitting alone or with~~  
22 ~~representatives of the Commission as provided in this chapter and to appear for))~~ and represent the  
23 interests of the Department ~~((and the City))~~ at all subsequent proceedings.



- 1 B. In cases which are not dual-filed with the Department of Housing and Urban Development,  
2 ~~((H))~~if the City Attorney determines that there is no legal basis for a complaint to be filed or proceedings  
3 to continue, a statement of the reasons therefor shall be filed with the Department. The Director shall  
4 then dismiss the charge. Any party aggrieved by the dismissal may appeal the dismissal to an  
5 appropriate court.
- 6 C. The City Attorney shall serve a copy of the complaint ~~((shall be served))~~ on respondent ~~((in the~~  
7 ~~usual manner provided by law for service of complaints, and filed with the Seattle Hearing Examiner.~~
- 8 A))and furnish a copy of ((such))the complaint ((shall be furnished)) to the charging party((-)) and to the  
9 Department.
- 10 D. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its  
11 answer with the Hearing Examiner and serve a copy of the same on the City Attorney.
- 12 E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a hearing date  
13 ~~((for the hearing of such complaint))~~ and give notice thereof to the Commission, the City Attorney and  
14 respondent, and shall thereafter hold a public hearing on the complaint which ~~((hearing))~~ shall  
15 commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing  
16 of the complaint, unless otherwise ordered by the Hearing Examiner.
- 17 F. After the ~~((filing of a))~~ complaint is filed with the Hearing Examiner, it may be amended only  
18 with the permission of the Hearing Examiner, which permission shall be granted when justice will be  
19 served ~~((thereby))~~ and all parties are allowed time to prepare their case with respect to additional or  
20 expanded charges ~~((which they did not and could not have reasonably foreseen would be in issue at the~~  
21 hearing)).
- 22 G. The hearing shall be conducted by ~~((a))~~the Hearing Examiner, a deputy hearing examiner ~~((from~~  
23 ~~the Office of Hearing Examiner,))~~ or a hearing examiner pro tempore appointed by the Hearing  
24 Examiner from a list approved by the Commission, sitting alone or with representatives of the



1 Commission if any are designated. Such hearings shall be conducted in accordance with written rules  
2 and procedures consistent with this chapter and the Administrative Code ~~((of the City (Ordinance~~  
3 ~~102228))~~, Ch. 3.02 SMC.

4 H. The Commission, within thirty (30) days after receiving notice of the date of hearing from the  
5 Hearing Examiner, at its discretion, may appoint two (2) ~~((of its members))~~ Commissioners who have not  
6 otherwise been involved in the charge, investigation, fact finding, or other resolution and proceeding on  
7 the merits of the case, who have not formed an opinion on the merits of the case, and who otherwise  
8 have no pecuniary, private or personal interest or bias in the matter, to hear the case with the Hearing  
9 Examiner. ~~((If the Commission has designated representatives they))~~ Each Commissioner shall ~~((each))~~  
10 have an equal vote with the Hearing Examiner~~((;))~~. ~~((except))~~ The Hearing Examiner shall be the  
11 chairperson of the panel and make all evidentiary rulings. ~~((Should a question arise as to))~~ The Hearing  
12 Examiner shall resolve any question of previous involvement, interest or bias of an appointed  
13 Commissioner ~~((, the Hearing Examiner shall resolve the issue))~~ in conformance with the law on the  
14 subject. Any reference in this chapter to a decision, order, or other action of ~~((a))~~ the Hearing Examiner  
15 shall include, when applicable, the decision, order, or other action of a panel constituted under this  
16 subsection.

17 Section 23. SMC 14.08.180 is hereby amended as follows:

18 **SMC 14.08.180 Decision and order.**

19 A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner ~~((presiding at the~~  
20 ~~hearing (or the Examiner and Commissioners as the case may be))~~ shall prepare a written decision and  
21 order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed  
22 to each party of record and to the Department.



1 B. Such decision shall contain a brief summary of the evidence considered and shall contain  
2 findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief  
3 deemed appropriate, together with a brief statement of the reasons supporting the decision ~~((therefor))~~.

4 C. In the event the Hearing Examiner ~~((or))~~ or a majority of the panel composed of the Hearing  
5 Examiner and Commissioners ~~((or))~~ determines that a respondent has committed an unfair practice under  
6 this chapter, the Hearing Examiner ~~((or panel majority))~~ may order the respondent to take such  
7 affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the  
8 purpose of this chapter, and secure compliance therewith, including but not limited to, rent refund ~~((or))~~ or  
9 credit, reinstatement to tenancy, affirmative recruiting and advertising measures, reasonable attorney's  
10 fees and costs, or to take such other action as in the judgment of the Hearing Examiner ~~((or panel~~  
11 ~~majority))~~ will ~~((effectuate))~~ carry out the purposes of this chapter. The Hearing Examiner ~~((or panel~~  
12 ~~majority))~~ may grant any relief that could be ordered by a court, including actual damages, damages for  
13 loss of the right to be free from discrimination in real estate transactions, ~~((damages for loss of the right~~  
14 ~~to full enjoyment of any place of public accommodation,))~~ injunctive or equitable relief, any other  
15 appropriate remedy set forth in the ~~((F))~~ federal Fair Housing Amendments Act of 1988 ~~((P.L. 100-~~  
16 ~~430))~~ 42 U.S.C. §3601 et seq., and assessment of civil penalties as set forth in SMC ~~((Section))~~  
17 14.08.185 ~~((, except that in charges alleging an unfair practice with respect to public accommodations,~~  
18 ~~damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000)))~~. An  
19 order may include the requirement for a report on the matter of compliance.

20 D. Any person aggrieved by a final order of the Hearing Examiner ~~((or panel majority))~~ may  
21 appeal the order on the record to an appropriate court.

22 E. The Department in the performance of its functions may enlist the aid of all departments of City  
23 government, and all said departments are directed to fully cooperate ~~((therewith))~~ with the Department.

24 Section 24. SMC 14.08.185 is hereby amended as follows:



1 **SMC 14.08.185 Civil penalty in cases alleging unfair ~~((real estate-))~~practices.**

2 A. In cases either decided by the Director or brought by the City Attorney alleging unfair ~~((real~~  
3 ~~estate))~~ practices filed under this chapter, in addition to any other award of damages or grant of  
4 injunctive relief, a civil penalty may be assessed against the respondent to vindicate the public interest,  
5 which penalty shall be payable to the City of Seattle and the Department. Payment of the civil penalty  
6 may be required as a term of a conciliation agreement entered into under SMC ~~((Section))~~ 14.08.160(A),  
7 or may be ordered by the Hearing Examiner ~~((or panel majority))~~ in a decision rendered under SMC  
8 ~~((Section))~~14.08.180 or by a court of competent jurisdiction in a proceeding filed under SMC ~~((Section))~~  
9 14.08.165.

10 B. The civil penalty assessed against a respondent shall not exceed the following amount:

- 11 1. ~~((Ten))~~Eleven Thousand Dollars (\$1~~((0))~~1,000) if the respondent has not been determined to  
12 have committed any prior unfair ~~((real estate-))~~practice;
- 13 2. Twenty ~~((five))~~seven Thousand Five Hundred Dollars (\$2~~((5))~~7,((0))500) if the respondent has  
14 been determined to have committed one (1) other unfair ~~((real estate-))~~practice during the five (5) year  
15 period ending on the date of the filing of this charge; or
- 16 3. Fifty five Thousand Dollars (\$5~~((0))~~5,000) if the respondent has been determined to have  
17 committed two (2) or more unfair ~~((real estate-))~~practices during the seven (7) year period ending on the  
18 date of the filing of this charge; except that if acts constituting the unfair  
19 ~~((real estate-))~~practice that is the subject of the charge are committed by the same natural person who has  
20 been previously determined to have committed acts constituting an unfair  
21 ~~((real estate-))~~practice, then the civil penalties set forth in subparagraphs 2 and 3 of subsection B of this  
22 section may be imposed without regard to the period of time within which those prior acts occurred.  
23 ~~((For purposes of this section, "unfair real estate practice" shall include, without limitation, any violation~~  
24 ~~of SMC Sections 14.08.040A or B; 14.08.050; 14.08.060; 14.08.170 A or B; or 14.08.180; as in effect at~~



1 ~~the time of the violation, whether or not the violation was then deemed an "unfair real estate practice"~~  
2 ~~under such section.)~~

3 Section 25. SMC 14.08.187 is hereby amended as follows:

4 **SMC 14.08.187 Enforcement of ~~((administrative))~~Department and Hearing Examiner orders and**  
5 **agreements.**

6 A. In ~~((any case in which a))~~the event a City respondent fails to comply with any final order of the  
7 Director or of the Hearing Examiner ~~((directed to the City, or to any department, division, board or~~  
8 ~~agency thereof is not complied with))~~, a copy of the order shall be transmitted to the Mayor, who shall  
9 take appropriate action to secure compliance ~~((therewith))~~with the final order.

10 B. In the event ~~((that))~~ a respondent fails to comply with any final order ~~((of the Director or~~  
11 ~~of))~~issued by the Hearing Examiner not directed to the City~~((,))~~ or to any City department~~((, division,~~  
12 ~~board, or agency thereof is not complied with))~~, the Director ~~((or the Hearing Examiner, as the case may~~  
13 ~~be))~~, shall ~~((notify))~~ refer the matter to the City Attorney, ((who shall petition the appropriate court to  
14 ~~secure enforcement of or compliance with the order, or to impose penalties as set forth in this chapter, or~~  
15 ~~both))~~for the filing of a civil action to enforce such order. ((The City Attorney shall certify and file with  
16 ~~the court the final order sought to be enforced. The City Attorney shall cause a notice of the petition to~~  
17 ~~be sent by certified mail to all parties or their representatives.))~~

18 C. Whenever the Director has reasonable cause to believe that a respondent has breached a  
19 settlement or conciliation agreement, the Director shall refer the matter to the City Attorney for filing of  
20 a civil action to enforce such agreement.

21 D. ~~If~~~~((, within sixty (60) days after the date the Hearing Examiner's order concerning an unfair~~  
22 ~~housing practice is entered,))~~ ~~no~~ ~~((petition))~~action has been filed under subsection B or C of this section  
23 within ninety (90) days after referral to the City Attorney, any person entitled to relief under the final  
24



1 order or a party to a settlement or conciliation agreement may ((petition the)) file a civil action in  
2 superior court ((for a decree))to enforc((ing))e the order or agreement.

3 Section 26. SMC 14.08.190 is hereby amended as follows:

4 **SMC 14.08.190 Exclusions.**

5 Nothing in this chapter shall:

6 A. Apply to the renting, subrenting, leasing or subleasing of a single-family dwelling, wherein the  
7 owner or person entitled to possession thereof maintains a permanent residence, home or abode, except  
8 as set forth in SMC 14.08.040(B), 14.08.040(C), SMC 14.08.045, SMC 14.08.060, SMC 14.08.070(A),  
9 and SMC 14.08.070(B);

10 B. Be interpreted to prohibit any person from making a choice among prospective purchasers or  
11 tenants of real property on the basis of factors other than race, color, creed, religion, ancestry, national  
12 origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology,  
13 ((creed, possession or use of)) participation in a Section 8 ((rent certificate))program, the presence of  
14 any ((sensory, mental or physical handicap))disability, or the use of a trained dog guide or service  
15 ((dog))animal by a ((handicapped))disabled person where such factors are not designed, intended or  
16 used to discriminate;

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



- 1 D. Prohibit any person from limiting the rental or occupancy of ~~((housing accommodations))~~ a  
2 dwelling in any YWCA, YMCA, sorority, fraternity, school dormitory, or similar residential hall to  
3 persons of one sex;
- 4 E. Prohibit any person from limiting the rental or occupancy of ~~((housing accommodations))~~ a  
5 dwelling to persons who are elderly or ~~((handicapped))~~ disabled in any housing facility designed,  
6 constructed or substantially rehabilitated and operated exclusively for older persons, as defined by ~~((the~~  
7 ~~Federal Fair Housing Act of 1988, as amended,))~~ 42 U.S.C. Sec. 3607 (b)(1) through ~~((4))~~ (5) as of the  
8 effective date of th~~((e))~~ is ordinance ~~((codified in this chapter))~~, or for the ~~((handicapped))~~ disabled;
- 9 F. Require any person to rent or lease a ~~((housing accommodation))~~ dwelling to an unemancipated  
10 minor;
- 11 G. Require any person to rent or lease a ~~((housing accommodation))~~ dwelling in violation of the  
12 Housing and Building Maintenance Code ~~((Ordinance 106319))~~;
- 13 H. Be construed to prohibit treating ~~((handicapped))~~ disabled persons more favorably than  
14 ~~((nonhandicapped))~~ persons who are not disabled;
- 15 I. Be construed to protect criminal conduct;
- 16 J. Prohibit any person from limiting the rental or occupancy of ~~((housing accommodations))~~ a  
17 dwelling ~~((on the basis of))~~ based on the use of force or violent behavior ~~((conduct))~~ by an occupant or  
18 prospective occupant ~~((which involves the use of force or violence))~~, including ~~((or advocacy directed~~  
19 ~~))~~ behavior intended to produc ~~((ing))~~ e or incit ~~((ing))~~ e imminent force or violence to the person or  
20 property of the owner, manager, or ~~((other person having the right to sell, rent, lease, assign, transfer or~~  
21 ~~otherwise dispose of the real property occupied or sought to be occupied))~~ other agent of the owner.
- 22 ~~((K. — As it pertains to place of public accommodations, be construed to include or apply to any~~  
23 ~~institute, bona fide club or place of accommodation which is by its nature distinctly private, though~~



1 ~~where public use is permitted that use shall be covered by this chapter; nor be construed to apply to any~~  
2 ~~noncommercial facility operated or maintained by a bona fide religious institution;~~

3 ~~L. As it pertains to place of public accommodation, be construed to require structural changes,~~  
4 ~~modifications, or additions to make any place accessible to a handicapped person except as otherwise~~  
5 ~~provided by law;~~

6 ~~M. Be construed to prohibit any person from denying another person the full enjoyment of a place of~~  
7 ~~public accommodation because of actions by the person seeking full enjoyment of the place of public~~  
8 ~~accommodation that constitute a risk to property or to other persons.)~~

9 Section 27. SMC 14.08.200 is hereby amended as follows:

10 **SMC 14.08.200 Unlawful conduct and penalties.**

11 It is unlawful for any person to willfully ~~((engage in an unfair practice under this chapter or wilfully))~~  
12 resist, prevent, impede or interfere with the Director or Hearing Examiner in the performance of their  
13 duties under this chapter ~~((, or to fail, refuse, or neglect to comply with any lawful order of the Director~~  
14 ~~or Hearing Examiner))~~. A violation of this section is a misdemeanor subject to penalties as set forth in  
15 SMC 12A.02.070B.

16 Section 28. SMC 14.08.210 is hereby amended as follows:

17 **SMC 14.08.210 Cooperative agreements.**

18 Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of  
19 complaints, in accordance with a cooperative agreement with the United States Department of Housing  
20 and Urban Development, the Washington State Human Rights Commission as authorized and mandated  
21 by RCW 49.60.226, or with other agencies concerned with the enforcement of laws against  
22 discrimination.

23 Section 29. A new chapter, 14.06 is hereby added to the Seattle Municipal Code as follows:

24 Chapter 14.06. UNFAIR PUBLIC ACCOMMODATIONS PRACTICES



1 **SMC 14.06.010 Short title and purposes.**

2 A. This chapter shall be known as and may be cited as the "Public Accommodations Ordinance."

3 The general purposes of this chapter are to assure all persons equal opportunity to the full enjoyment of  
4 places of public accommodation, to eliminate and to prevent unlawful discrimination in places of public  
5 accommodation and to provide enforcement mechanisms for the accomplishment of such purposes. The  
6 provisions of this chapter shall be liberally construed to accomplish these purposes. The Seattle Office  
7 for Civil Rights shall enforce the provisions of this chapter to further this policy.

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

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

11 D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may  
12 suspend or close a case for any reason consistent with this chapter, including the reason that the case is  
13 being actively pursued in another forum. The commencement of a civil action by the Department to  
14 enjoin any unfair practice in violation of this chapter shall not preclude the initiation or continuation of  
15 administrative proceedings under this chapter.

16 E. Remedies under this chapter should include such relief authorized by law as may be appropriate  
17 and reasonable to provide appropriate temporary or preliminary relief as well as to make the aggrieved  
18 person whole and eliminate the unfair practice.

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

23 **SMC 14.06.020 Definitions.**

24



- 1 Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall  
2 have the meanings subscribed:
- 3 A. "Aggrieved person" includes any person who:
- 4 1. Claims to have been injured by an unfair practice prohibited by this chapter; or  
5 2. Believes that he or she will be injured by an unfair practice prohibited by this chapter that is  
6 about to occur.
- 7 B. "Charge" means a claim or set of claims alleging an unfair practice or practices prohibited under  
8 this chapter.
- 9 C. "Charging party" means any person who files a charge alleging an unfair practice under this  
10 chapter, including the Director.
- 11 D. "City" means The City of Seattle.
- 12 E. "City department" means any agency, office, board or commission of the City, or any  
13 department employee acting on its behalf, but shall not mean a public corporation chartered under Ch.  
14 3.110 SMC, or any contractor, consultant, or concessionaire or lessee.
- 15 F. "Commission" means the Seattle Human Rights Commission.
- 16 G. "Department" means the Seattle Office for Civil Rights.
- 17 H. "Director" means the Director of the Seattle Office for Civil Rights or the Director's designee.
- 18 I. "Disability" means the condition of being disabled.
- 19 J. "Disabled" means, with respect to a person:
- 20 1. Having a physical or mental impairment which substantially limits one or more of such person's  
21 major life activities, either temporarily or permanently; or  
22 2. Having a record of having such impairment; or  
23  
24

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

4 K. "Discriminate" means to do any act which constitutes discrimination.

5 L. "Discrimination" means any conduct, whether by single act or as part of a practice, the effect of  
6 which is to adversely affect or differentiate between or among individuals or groups of individuals,  
7 because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status,  
8 sexual orientation, gender identity, political ideology, participation in a Section 8 program, the presence  
9 of any disability or the use of a trained dog guide or service animal by a disabled person.

10 M. "Full enjoyment of" means the right to purchase any service, commodity, or article of personal  
11 property offered or sold on, or by, any establishment to the public, and the admission of any person to  
12 accommodations, advantages, facilities, or privileges of any place of public resort, accommodation,  
13 assemblage, or amusement, free of discrimination as defined in this chapter.

14 N. "Gender identity" means a person's identity, expression, or physical characteristics, whether or  
15 not traditionally associated with one's biological sex or one's sex at birth, including transsexual,  
16 transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices  
17 pertaining thereto.

18 O. "Hearing Examiner" means the Seattle Hearing Examiner.

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

21 Q. "Owner" means any person who owns, leases, subleases, rents, operates, manages, has charge of,  
22 controls or has the right of ownership, possession, management, charge, or control of real property on  
23 their own behalf or on behalf of another.

24



1 R. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or  
2 custodian of a minor child or children under the age of eighteen (18) years, or the designee with written  
3 permission of a parent or other person having legal custody of a child or children under the age of  
4 eighteen (18) years which child or children shall reside permanently or temporarily or shall seek full  
5 enjoyment of any place of public accommodation with such parent or other person. In addition, parental  
6 status shall refer to any person who is pregnant or who is in the process of acquiring legal custody of a  
7 minor child under the age of eighteen (18) years.

8 S. "Party" means the person charging or making a charge or complaint or upon whose behalf a  
9 complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair  
10 practice, and the Seattle Office for Civil Rights.

11 T. "Person" means one (1) or more individuals, partnerships, organizations, trade or professional  
12 associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It  
13 includes any owner, lessee, proprietor, manager, agent or employee whether one (1) or more natural  
14 persons, and any political or civil subdivision or agency or instrumentality of the City.

15 U. "Place of public accommodation" means any place, licensed or unlicensed, where the public  
16 gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or  
17 other establishment which supplies goods or services with or without charge to the general public.

18 "Place of public accommodation" includes, but is not limited to, the following types of services or  
19 facilities: hotels, or other establishments which provide lodging to transient guests; restaurants,  
20 cafeterias, lunchrooms, lunch counters, soda fountains, public washrooms, public elevators, or other  
21 facilities principally engaged in selling or offering for sale food for consumption upon or off the  
22 premises; motion picture houses, theatres, concert halls, sport arenas, stadiums or other places of  
23 exhibition or entertainment; bowling alleys, pool halls, arcades and amusement parks; retail  
24 establishments; transportation carriers; barber shops and beauty shops; bars or taverns or other facilities



1 engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and  
2 public burial facilities.

3 V. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to  
4 the purpose, conduct, organization, function or basis of government and related institutions and  
5 activities, whether or not characteristic of any political party or group. This term includes membership in  
6 a political party or group and includes conduct, reasonably related to political ideology, which does not  
7 cause substantial and material disruption of the property rights of the provider of a place of public  
8 accommodation.

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

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

13 **SMC 14.06.030 Unfair practices.**

14 A. Unfair practices as defined in this chapter are contrary to the public peace, health, safety and  
15 general welfare and are prohibited by the City in the exercise of its police power.

16 B. It is an unfair practice for any person to discriminate in a place of public accommodation by:

17 1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform rates; or  
18 2. Refusing or withholding admission, patronage, custom, presence, frequenting, dwelling, staying,  
19 or lodging; or

20 3. Denying, directly or indirectly, the full enjoyment of any available goods, services,  
21 accommodations, facilities, privileges or advantages; or

22 4. Printing, circulating, issuing, displaying, posting, mailing or otherwise causing, directly or  
23 indirectly, to be published a statement, advertisement or sign which indicates directly or indirectly that  
24 the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations will be

1 refused, withheld, denied or in some manner limited or restricted or that an individual's patronage of or  
2 presence at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable;  
3 or

4 5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates  
5 because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status,  
6 sexual orientation, gender identity, political ideology, participation in a Section 8 program, the presence  
7 of any disability, or the use of a trained dog guide or service animal by a disabled person with the  
8 purpose or effect of denying to such person the rights granted in this chapter; or

9 6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person  
10 complied with or proposed to comply with this chapter or any order issued under this chapter, or filed a  
11 charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this chapter;  
12 or

13 7. Coercing, intimidating, threatening or otherwise interfering with any person in the exercise or  
14 enjoyment of or on account of his or her having aided or encouraged any other person in the exercise or  
15 enjoyment of any right granted or protected under this chapter; or

16 8. Applying any economic sanctions or denying membership privileges because of compliance with  
17 this chapter; or

18 9. Aiding, abetting, inciting, compelling or coercing the doing of any act defined in this chapter to  
19 be an unfair practice; or

20 10. Attempting to commit any act defined in this chapter to be an unfair practice.

21 C. Compliance with conditions and limitations established by law and applicable to all persons  
22 regardless of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental  
23 status, sexual orientation, gender identity, political ideology, participation in a Section 8 program, the  
24



1 presence of a disability, or the use of a trained dog guide or service animal by a disabled person is not an  
2 unfair practice under this section.

3 D. Exemptions. Nothing in this chapter shall be construed to:

4 1. Apply to any non-commercial facility operated or maintained by a bona fide religious institution;

5 2. Include or apply to any institute, bona fide club or place of accommodation which is by its nature  
6 distinctly private, provided however, when or where public use is permitted that use shall be covered  
7 under this chapter;

8 3. Prohibit treating disabled persons more favorably than non-disabled persons;

9 4. Prohibit offering discounts, special prices, or other special arrangements for minor children,  
10 families, or senior citizens, or imposing age limits up to the age of 21;

11 5. Protect criminal conduct; or

12 6. Prohibit taking any actions reasonably necessary to protect persons or property.

13 **SMC 14.06.040 Enforcement by private persons.**

14 A. Any charging party or aggrieved person may commence a civil action in King County Superior  
15 Court or any other court of competent jurisdiction not later than two (2) years after the occurrence or  
16 termination of an alleged unfair practice, whichever occurs last, to obtain appropriate relief with respect  
17 to such unfair practice.

18 B. The computation of such two-year period shall not include any time during which an  
19 administrative proceeding under this chapter was pending with respect to a complaint or charge under  
20 this chapter alleging an unfair practice based on the same facts or occurrences. For purposes of this  
21 subsection, an "administrative proceeding" begins with the filing of a charge with the Department and  
22 ends with the completion of an appeal filed with the Commission or a final order issued by the Director,  
23 whichever occurs last.

24



1 C. A civil complaint may be filed under this section whether or not an administrative charge has  
2 been filed under SMC 14.06.060. No civil action may be commenced under this section with respect to  
3 an alleged unfair practice that forms the basis of a complaint if the Hearing Examiner's Office has  
4 commenced a hearing on the record. The City Attorney's Office shall provide written notice to the  
5 charging party at least 30 days prior to the commencement of a hearing before the Hearing Examiner  
6 that the commencement of such a hearing will terminate the charging party's right to file a civil action.

7 D. Any person who claims to have been injured by, or believes that he or she will be injured by an  
8 unfair practice that is the subject matter of the civil action filed under this section may intervene as of  
9 right in the civil action.

10 E. (1) Subject to the provisions of subsection E(2), upon the filing of a civil action involving the  
11 same claim or arising from the same facts and circumstances, whether under this chapter or similar law,  
12 a charge of an unfair practice may be administratively closed by the Director. Upon request by a  
13 charging party, the Director may keep a charge of unfair practice open pending commencement of a trial  
14 in a civil action.

15 (2) In the event that a court dismisses a private cause of action on grounds that would not preclude  
16 pursuit of a charge under this subchapter, the charging party may request, within 90 days of the entry of  
17 the court's order of dismissal, that the Department reopen a previously filed charge. Upon such request,  
18 the Director may reopen a case that was administratively closed upon the filing of a civil action.

19 (3) No charging party or aggrieved person may secure relief from more than one governmental  
20 agency, instrumentality or tribunal for the same harm or injury.

21 F. In a civil action under this section, if the court finds that an unfair practice has occurred or is  
22 about to occur, the court may grant as relief, as it deems appropriate, any permanent or temporary  
23 injunction, temporary restraining order, or other order, including an order enjoining the defendant from  
24 engaging in such practice or ordering such affirmative action as may be appropriate. The court may also



1 award actual damages, including damages for humiliation and mental suffering, damages for loss of the  
2 right to be free from discrimination in places of public accommodation, and any other appropriate  
3 remedy. The court may also allow reasonable attorney's fees and costs to the prevailing party.

4 G. Upon timely application, the City Attorney may intervene in such civil action, if the City  
5 Attorney certifies that the case is of general public importance, and may obtain such relief as would be  
6 available in an action brought under SMC 14.06.110.

7 H. It is the intent of the City of Seattle, in enacting this section, to provide private judicial remedies  
8 for violations of this chapter that are as expansive as possible consistent with the powers granted by the  
9 Constitution and Laws of the State of Washington.

10 **SMC 14.06.050 Charge -- Filing.**

11 A. An aggrieved person may, not later than one hundred eighty (180) days after an alleged unfair  
12 practice has occurred or terminated, file a charge with the Director alleging such unfair practice.  
13 The charge shall be in writing and signed under oath or affirmation before the Director, one of the  
14 Department's employees, or any other person authorized to administer oaths. The charge shall describe  
15 the alleged unfair practice and should include a statement of the dates, places and circumstances, and the  
16 persons responsible for such acts and practices. Upon the filing of a charge alleging an unfair practice,  
17 the Director shall cause to be served upon the charging party a written notice acknowledging the filing,  
18 and notifying the charging party of the time limits and choice of forums provided in this chapter.

19 B. A charge shall not be rejected as insufficient because of failure to include all required  
20 information if the Department determines that the charge substantially satisfies the informational  
21 requirements necessary for processing.

22 C. A charge alleging an unfair practice or pattern of unfair practices under this chapter may also be  
23 filed by the Director whenever the Director has reason to believe that any person has been engaged or is  
24 engaging in an unfair practice under this chapter.



1 **SMC 14.06.060 Charge -- Amendments.**

2 A. The charging party or the Department may amend a charge:

3 1. To cure technical defects or omissions;

4 2. To clarify allegations made in the charge;

5 3. To add allegations related to or arising out of the subject matter set forth or attempted to be set  
6 forth in the charge; or

7 4. To add as a charging party a person who is, during the course of the investigation, identified as  
8 an aggrieved person; or

9 5. To add or substitute as a respondent a person who was not originally named as a respondent, but  
10 who is, during the course of the investigation, identified as a respondent. For jurisdictional purposes,  
11 such amendments shall relate back to the date the original charge was first filed.

12 B. The charging party may amend a charge to include allegations of retaliation that arose after the  
13 filing of the original charge. Such amendment must be filed within one hundred eighty (180) days after  
14 the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and  
15 determination with respect to the original charge. Such amendments may be made at any time during  
16 the investigation of the original charge so long as the Department will have adequate time to investigate  
17 the additional allegations and the parties will have adequate time to present the Department with  
18 evidence concerning the additional allegations before the issuance of findings of fact and a  
19 determination.

20 C. When a charge is amended to add or substitute a respondent, the Director shall serve upon the  
21 new respondent within twenty days:

22 1. The amended charge;

23 2. The notice required under section 14.06.070(A); and  
24



1 3. A statement of the basis for the Director's belief that the new respondent is properly named as a  
2 respondent. For jurisdictional purposes, amendment of a charge to add or substitute a respondent shall  
3 relate back to the date the original charge was first filed.

4 **SMC 14.06.070 Notice of charge and investigation.**

5 A. The Director shall promptly, and in any event within twenty (20) days of filing of the charge,  
6 cause to be served on or mailed, by certified mail, return receipt requested, to the respondent, a copy of  
7 the charge along with a notice advising the respondent of respondent's procedural rights and obligations  
8 under this chapter. A respondent may file with the Department an answer to the charge no later than ten  
9 (10) days after receiving notice of the charge. The Director shall promptly investigate the charge.

10 B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in  
11 the charge, and shall be conducted in an objective and impartial manner.

12 C. During the period beginning with the filing of the charge and ending with the issuance of the  
13 findings of fact, the Department shall, to the extent feasible, engage in settlement discussions with  
14 respect to the charge. A pre-finding settlement agreement arising out of the settlement discussions shall  
15 be an agreement between the respondent and the charging party, and is subject to approval by the  
16 Director. Each pre-finding settlement agreement is a public record. Failure to comply with the pre-  
17 finding settlement agreement may be enforced under SMC 14.06.130.

18 D. During the investigation the Director shall consider any statement of position or evidence with  
19 respect to the allegations of the charge which the charging party or the respondent wishes to submit,  
20 including the respondent's answer to the charge. The Director shall have authority to sign and issue  
21 subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but  
22 not limited to books, records, correspondence or documents in the possession or under the control of the  
23 person subpoenaed, and access to evidence for the purpose of examination and copying, and conduct  
24 discovery procedures which may include the taking of interrogatories and oral depositions.



1 E. The Director may require a fact finding conference or participation in another process with the  
2 respondent and any of respondent's agents and witnesses and charging party during the investigation to  
3 define the issues, determine any undisputed elements, resolve any issues, and afford an opportunity to  
4 discuss or negotiate settlement. Parties may have their legal counsel present if desired.

5 **SMC 14.06.080 Findings of fact and determination of reasonable cause or no reasonable cause.**

6 A. The results of the investigation shall be reduced to written findings of fact and a determination  
7 shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice  
8 has been, is being or is about to be committed, which determination shall also be in writing and issued  
9 with the written findings of fact. The findings and determination are "issued" when signed by the  
10 Director.

11 B. The findings of fact and determination shall be mailed promptly to the respondent and charging  
12 party.

13 C. Once issued to the parties, the Director's findings of fact, determination and order may not be  
14 amended or withdrawn except upon the agreement of the parties or in response to an order by the  
15 Commission after an appeal taken pursuant to Section 14.06.090; provided, that the Director may correct  
16 clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the  
17 Director's own motion.

18 **SMC 14.06.090 Determination of no reasonable cause -- Appeal from and dismissal.**

19 If a determination is made that there is no reasonable cause for believing an unfair practice under  
20 this chapter has been, is being or is about to be committed, the charging party may appeal such  
21 determination to the Commission within thirty (30) days of the date the determination is signed by the  
22 Director by filing a written statement of appeal with the Commission. The Commission shall promptly  
23 deliver a copy of the statement to the Department and respondent and shall promptly consider and act  
24 upon such appeal by either affirming the Director's determination or, if the Commission believes the



1 Director should investigate further, remanding it to the Director with a request for specific further  
2 investigation. In the event no appeal is taken or such appeal results in affirmance or if the Commission  
3 has not decided the appeal within sixty (60) days from the date the appeal statement is filed, the  
4 determination of the Director shall be final and the charge deemed dismissed and the same shall be  
5 entered on the records of the Department. Any party aggrieved by the final dismissal may appeal the  
6 order on the record to an appropriate court.

7 **SMC 14.06.100 Determination of reasonable cause -- Conciliation.**

8 A. If the Director determines that reasonable cause exists to believe that an unfair practice has  
9 occurred, is occurring or is about to occur, the Director shall endeavor to eliminate the unfair practice  
10 through efforts to reach conciliation. Conditions of conciliation may include, but are not limited to, the  
11 elimination of the unfair practice, affirmative recruiting or advertising measures, payment of actual  
12 damages, damages for loss of the right to full enjoyment of any place of public accommodation, and  
13 reasonable attorney's fees and costs or such other remedies that will carry out the purposes of this  
14 chapter, including remedies which could be ordered by a court, except that damages for humiliation and  
15 mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00).

16 B. Any post-finding conciliation agreement shall be an agreement between the charging party and  
17 the respondent and shall be subject to the approval of the Director. The Director shall enter an order  
18 setting forth the terms of the agreement which may include a requirement that the parties report to the  
19 Director on the matter of compliance. Copies of such order shall be delivered to all affected parties.

20 C. If conciliation fails and no agreement can be reached, the Director shall issue a written finding to  
21 that effect and furnish a copy of the finding to the charging party and to the respondent. Upon issuance  
22 of the finding, except a case in which a City department is a respondent, the Director shall promptly  
23 cause to be delivered the entire investigatory file, including the charge and any and all findings made, to  
24 the City Attorney for further proceedings under SMC 14.06.110.



1 **SMC 14.06.110 Complaint and hearing.**

2 A. Following submission of the investigatory file from the Director, the City Attorney shall, except  
3 as set forth in subsection B of this section, prepare a complaint against such respondent relating to the  
4 charge and facts discovered during the Department's investigation. The City Attorney shall file the  
5 complaint with the Hearing Examiner in the name of the Department and represent the interests of the  
6 Department and the City at all subsequent proceedings.

7 B. If the City Attorney determines that there is no legal basis for a complaint to be filed or  
8 proceedings to continue, a statement of the reasons therefor shall be filed with the Department. The  
9 Director shall then dismiss the charge. Any party aggrieved by the dismissal may appeal the dismissal  
10 to an appropriate court.

11 C. The City Attorney shall serve a copy of the complaint on respondent and furnish a copy of the  
12 complaint to the charging party and to the Department.

13 D. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its  
14 answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

15 E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a hearing date  
16 and give notice thereof to the Commission, the City Attorney and respondent. The hearing shall  
17 commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing  
18 of the complaint, unless otherwise ordered by the Hearing Examiner.

19 F. After the complaint is filed with the Hearing Examiner, it may be amended only with the  
20 permission of the Hearing Examiner, which permission shall be granted when justice will be served and  
21 all parties are allowed time to prepare their case with respect to additional or expanded charges.

22 G. The hearing shall be conducted by the Hearing Examiner, a deputy hearing examiner or a hearing  
23 examiner pro tempore appointed by the Hearing Examiner from a list approved by the Commission,  
24 sitting alone or with Commissioners from the Commission if any are designated. Such hearings shall be



1 conducted in accordance with written rules and procedures consistent with this chapter and the  
2 Administrative Code, Ch. 3.02 SMC.

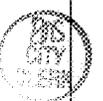
3 H. The Commission, within thirty (30) days after receiving the date of hearing from the Hearing  
4 Examiner, at its discretion, may appoint two (2) Commissioners who have not otherwise been involved  
5 in the charge, investigation, fact finding, or other resolution and proceeding on the merits of the case,  
6 who have not formed an opinion on the merits of the case, and who otherwise have no pecuniary, private  
7 or personal interest or bias in the matter, to hear the case with the Hearing Examiner. Each  
8 Commissioner shall have an equal vote with the Hearing Examiner. The Hearing Examiner shall be the  
9 chairperson of the panel and make all evidentiary rulings. The Hearing Examiner shall resolve any  
10 question of previous involvement, interest or bias of an appointed Commissioner in conformance with  
11 the law on the subject. Any reference in this chapter to a decision, order, or other action of the Hearing  
12 Examiner shall include, when applicable, the decision, order, or other action of a panel constituted under  
13 this subsection.

14 **SMC 14.06.120 Decision and order.**

15 A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner shall prepare a  
16 written decision and order. The final decision shall be filed as a public record with the City Clerk, and  
17 copies mailed to each party of record and to the Department.

18 B. Such decision shall contain a brief summary of the evidence considered and shall contain  
19 findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief  
20 deemed appropriate, together with a brief statement of the reasons supporting the decision.

21 C. In the event the Hearing Examiner or a majority of the panel composed of the Hearing Examiner  
22 and designated Commissioners determines that a respondent has committed an unfair practice under this  
23 chapter, the Hearing Examiner may order the respondent to take such affirmative action or provide for  
24 such relief as is deemed necessary to correct the practice and carry out the purpose of this chapter. The



1 Hearing Examiner may grant any relief that could be ordered by a court, including actual damages,  
2 damages for loss of the right to full enjoyment of any place of public accommodation, injunctive or  
3 equitable relief, reasonable attorney's fees and costs and any other appropriate remedy, except that  
4 damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). An  
5 order may include a requirement for a report on the matter of compliance.

6 D. Any person aggrieved by a final order of the Hearing Examiner may appeal the order on the  
7 record to an appropriate court.

8 E. The Department in the performance of its functions may enlist the aid of all departments of City  
9 government, and all said departments are directed to fully cooperate with the Department.

10 **SMC 14.06.130 Enforcement of Department and Hearing Examiner orders and agreements.**

11 A. In the event a City respondent fails to comply with any final order of the Director or of the  
12 Hearing Examiner, a copy of the order shall be transmitted to the Mayor who shall take appropriate  
13 action to secure compliance with the final order.

14 B. In the event a respondent fails to comply with any final order issued by the Hearing Examiner  
15 not directed to the City or to any City department, the Director shall refer the matter to the City Attorney  
16 for the filing of a civil action to enforce such order.

17 C. Whenever the Director has reasonable cause to believe that a respondent has breached a  
18 settlement or conciliation agreement, the Director shall refer the matter to the City Attorney for the  
19 filing of a civil action to enforce such agreement.

20 D. If no action has been filed under subsection B or C of this section within ninety (90) days after  
21 referral to the City Attorney, any person entitled to relief under the final order or a party to a settlement  
22 or conciliation agreement may file a civil action in the superior court to enforce the order or agreement.

23 **SMC 14.06.140 Unlawful conduct and penalties.**



1 It is unlawful for any person to willfully resist, prevent, impede or interfere with the Director or Hearing  
2 Examiner in the performance of their duties under this chapter. A violation of this section is a  
3 misdemeanor subject to penalties as set forth in SMC 12A.02.070B.

4 **SMC 14.06.150 Cooperative agreements.**

5 Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of  
6 complaints, in accordance with a cooperative agreement with the Washington State Human Rights  
7 Commission as authorized and mandated by RCW 49.60.226 or with other agencies concerned with the  
8 enforcement of laws against discrimination.

9 **SMC 14.06.160 Application to pending charges and complaints.**

10 The procedures for administration and enforcement under this chapter shall apply to charges pending  
11 which have not had a date certain set for hearing as of the effective date of the ordinance codified in this  
12 chapter. However, this section shall not be construed to invalidate any administrative action taken or  
13 determinations and orders made on pending charges because of the procedures provided by this chapter.

14

15

16

17

18

19

20

21

22

23

24



1 Section 30. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the 20<sup>th</sup> day of September 2004 and signed by me in open  
6 session in authentication of its passage this 20<sup>th</sup> day of September, 2004.

7  
8 Jan Drago  
President \_\_\_\_\_ of the City Council

9 Approved by me this 28<sup>th</sup> day of September, 2004  
10 Gregory J. Nickels  
Gregory J. Nickels, Mayor

11 Filed by me this 1<sup>st</sup> day of October, 2004  
12 Judith Edrappue  
13 City Clerk

14 (Seal)

15  
16  
17  
18  
19  
20  
21  
22  
23  
24



Author's Name: Germaine W. Covington

Date (Hard-Coded): June 21, 2004

Name of Companion Legislation: An Ordinance relating to civil rights, creating a new Public Accommodations Chapter, SMC 14.06, and amending Chapter 14.08 by amending and repealing various sections thereof.

Version #: 1

Form revised March 16, 2004

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Office for Civil Rights	Germaine W. Covington	Kristi Beattie/4-5266

**Legislation Title:** An Ordinance relating to civil rights, creating a new Public Accommodations Chapter, SMC 14.06, and amending Chapter 14.08 by amending and repealing various sections thereof.

**Summary of the Legislation:** This proposed ordinance revises Seattle's Open Housing Ordinance. Briefly, we have moved language pertaining to discrimination in places of public accommodations to a separate Chapter, 14.06, and amended Chapter 14.08 to clarify and streamline it. We have added definitions and made our law more compliant with the Federal Law with respect to construction and design violations, prohibited discrimination in access to multiple listing services, and added language allowing charges to be brought and penalties to be levied in cases of perjury.

- **Background:** (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable): See above.
- Please check one of the following:

**This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

June 29, 2004

Honorable Jan Drago  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Drago:

I am pleased to transmit the attached proposed Council Bill, which brings Seattle's open housing laws in line with the substantial equivalency requirements of the U.S. Department of Housing and Urban Development (HUD). The proposed bill also moves provisions relating to discrimination in public accommodation from Seattle Municipal Code (SMC) Chapter 14.08 to a new SMC Chapter 14.06. This restructuring and other changes were done to streamline laws against discrimination and make them easier to understand and enforce.

Changes required by HUD to bring Seattle's law in line with comparable federal fair housing provisions include increasing civil penalties for unfair real estate practices, prohibiting discrimination in access to multiple listing services, increasing the amount of time for bringing private actions, making specific discriminatory acts applicable to owner-occupied properties, requiring a profit motive in the unlawful practice of blockbusting, and making it unlawful for a person to prohibit reasonable modifications needed by a disabled tenant. Other proposed amendments, including the restructuring noted above, are designed to strengthen the City's protection against discrimination in housing and public accommodations.

If HUD's substantial equivalency requirements are not met, the City will be unable to receive HUD funds, which reimburse the City for the cost of investigating housing discrimination complaints in Seattle. Thank you for your consideration of this legislation. Should you have questions, please contact Germaine W. Covington, Director of the Seattle Office for Civil Rights, at 684-4513.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels'.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council  
Germaine W. Covington, Seattle Office for Civil Rights

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



## ORDINANCE

1  
2 AN ORDINANCE relating to civil rights, creating a new Public Accommodations Chapter, SMC 14.06,  
3 and amending SMC Chapter 14.08 by amending and repealing various sections thereof.

4 WHEREAS, 42 U.S.C. § 3610(f)(3)(a) requires that local civil rights ordinances be substantially  
5 equivalent to the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq. in order to receive  
6 certification by the United States Department of Housing and Urban Development ("HUD"); and

7 WHEREAS, local municipalities whose civil rights ordinances are deemed to be substantially equivalent  
8 to the Federal Fair Housing Act are granted certification, whereby discrimination complaints  
9 which allege violations of the Federal Fair Housing Act may be dually filed with both the local  
10 municipality's civil rights office and the United States Department of Housing and Urban  
11 Development; and

12 WHEREAS, certification ensures that the local municipality's civil rights office is reimbursed by the  
13 federal government for any expenses incurred in defending federal civil rights laws; and

14 WHEREAS, HUD has required certain changes to Seattle's fair housing provisions as a condition to  
15 granting its certification of substantial equivalency; and

16 WHEREAS, it will increase the effectiveness of the City's laws against discrimination and facilitate  
17 understanding of and ease of administration of such laws by providing separate chapters for laws  
18 prohibiting discrimination in public accommodations and laws prohibiting discrimination related  
19 to housing; and

20 WHEREAS, HUD has approved the amendments related to the City's open housing laws as set forth  
21 herein;

22 NOW, THEREFORE,

23 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

24 Section 1. SMC 14.08.010 is hereby amended as follows:

**SMC 14.08.010 Short title and purposes.**

A. This chapter shall be known as and may be cited as the "Open Housing ((and Public  
Accommodations))Ordinance." The general purposes of this chapter are to promote the availability and  
accessibility of housing and real property to all persons; to prohibit unfair practices in real property  
transactions, whether direct or indirect, which inexcusably and unjustifiably deny those persons equal  
rights and opportunities in acquiring, disposing of or occupying real property((; to assure all persons



1 equal opportunity to the full enjoyment of places of public accommodation; to eliminate and to prevent  
2 ~~unlawful discrimination in places of public accommodation;~~) and to provide enforcement mechanisms  
3 for the accomplishment of such purposes. ~~((; and to these ends))~~ I((t))he provisions of this chapter shall  
4 be liberally construed to accomplish these purposes. The ~~((role of the))~~ Seattle Office for Civil Rights  
5 ~~((is to))~~ shall enforce the provisions of this chapter ~~((in furtherance of))~~ to further this policy.

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

7 C. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to  
8 pursue any civil or criminal remedy for the violation of such person's civil rights, except as provided in  
9 SMC 14.08.095(C).

10 D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may  
11 suspend or close a case for any reason consistent with this chapter, including the reason that the case is  
12 being actively pursued in another forum. The commencement of a civil action by the Department to  
13 enjoin any unfair practice in violation of this chapter shall not preclude the initiation or continuation of  
14 administrative proceedings under this chapter.

15 E. Remedies under this chapter should include such relief authorized by law as may be appropriate  
16 and reasonable to provide appropriate temporary or preliminary relief as well as to make the aggrieved  
17 person whole and eliminate the unfair practice.

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



1 Section 2. SMC 14.08.020 is hereby amended as follows:

2 **SMC 14.08.020 Definitions.**

3 Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall  
4 have the meanings subscribed:

5 A. "Aggrieved person" includes any person who:

6 1. Claims to have been injured by an unfair practice prohibited by this chapter; or

7 2. Believes that he or she will be injured by an unfair practice prohibited by this chapter that is  
8 about to occur.

9 B. "Blockbusting" means, for profit, to promote, induce, or attempt to promote or induce any person  
10 to, engage in a real estate transaction by representing that a person or persons of a particular race, color,  
11 religion, ancestry, creed, national origin, age, sex, marital status, sexual orientation, gender identity,  
12 parental status, political ideology, or who participates in a Section 8 program, or who is disabled, or who  
13 is a disabled person who uses a trained dog guide or service animal has moved or may move into the  
14 neighborhood.

15 C. "Charge" means a claim or set of claims alleging an unfair practice or practices prohibited under  
16 this chapter.

17 ~~((A-))D. "Charging party" means ((the))any person ((aggrieved by an unfair practice, or the person~~  
18 ~~making a charge on another person's behalf, or the Director))who files a charge alleging an unfair~~  
19 ~~practice under this chapter, including the Director ((when the Director files a charge)).~~

20 ~~((B-))E. "City" means The City of Seattle.~~

21 ~~((C-))F. "City department" means any agency, office, board or commission of the City, or any~~  
22 ~~department employee acting on its behalf, but shall not mean a public corporation chartered under~~  
23 ~~((Ordinance 103387, or its successor ordinances))Ch. 3.110 SMC, or any contractor, consultant, or~~  
24 ~~concessionaire or lessee.~~



1 ~~((D:))~~G. "Commission" means the Seattle Human Rights Commission.

2 ~~((E:))~~H. "Department" means the Seattle Office for Civil Rights.

3 ~~((F:))~~I. "Director" means the Director of the Seattle Office for Civil Rights or the Director's designee.

4 J. "Disability" means the condition of being disabled.

5 K. "Disabled" means, with respect to a person:

6 1. Having a physical or mental impairment which substantially limits one or more of such person's  
7 major life activities, either temporarily or permanently, or

8 2. Having a record of having such an impairment, or

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

12 L. "Discriminate" means to do any act which constitutes discrimination.

13 ~~((G:))~~M. "Discriminat~~((e))~~ion" means any conduct, whether by single act or as part of a practice,  
14 the effect of which is to adversely affect or differentiate between or among individuals or groups of  
15 individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status,  
16 parental status, sexual orientation, gender identity, political ideology, ~~((possession or use of a))~~  
17 participation in a Section 8 ~~((rent certificate))~~program, the presence of any ~~((sensory, mental or physical~~  
18 handicap))disability or the use of a trained dog guide or service ~~((dog))~~animal by a  
19 ~~((handicapped))disabled~~ person.

20 N. "Dual-filed" means any charge alleging an unfair practice that is filed with both the Department  
21 of Housing and Urban Development and the Seattle Office for Civil Rights without regard to which of  
22 the two agencies initially processed the charge.

23 ~~((H:))~~O. "Dwelling" means any building, structure, or portion thereof which is occupied as, or is  
24 designed or intended for occupancy as, a residence by one or more individuals or families, and any



1 vacant land which is offered for sale or lease for the construction or location thereon of any such  
2 building, structure, or portion thereof.

3 ~~((I. "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal  
4 property offered or sold on, or by, any establishment to the public, and the admission of any person to  
5 accommodations, advantages, facilities, or privileges of any place of public resort, accommodation,  
6 assemblage, or amusement, without acts directly or indirectly causing persons of any particular race,  
7 color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, creed,  
8 religion, national origin, ancestry, persons holding a Section 8 rent certificate, persons with any sensory,  
9 mental or physical handicap, or handicapped persons using trained guide or service dogs, to be treated as  
10 not welcome, accepted, desired or solicited.))~~

11 ~~((J))~~P. "Gender identity" means a person's identity, expression, or physical characteristics,  
12 whether or not traditionally associated with one's biological sex or one's sex at birth, including  
13 transsexual, transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and  
14 practices pertaining thereto.

15 Q. "Hearing Examiner" means the Seattle Hearing Examiner.

16 ~~((K. "Holder" means a person possessing a Section 8 rent certificate.))~~

17 ~~((L. "Housing accommodations" includes any dwelling, rooming unit, rooming house, lot or parcel of  
18 land in the City which is used, intended to be used, or arranged or designed to be used as, or improved  
19 with, a residential structure for one (1) or more human beings.))~~

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



1 ~~((N))~~S. "Marital status" means the presence or absence of a marital relationship and includes the  
2 status of married, separated, divorced, engaged, widowed, single or cohabit~~((at))~~ing.

3 ~~((O))~~T. "Occupant" ~~((includes))~~means any person who has established residence or has the right  
4 to occup~~((ane))~~y ~~((of))~~ real property.

5 ~~((P))~~U. "Owner" ~~((includes))~~means any person~~((s))~~ who owns, leases, subleases, rents, operates,  
6 manages, ha~~((ve))~~s charge of, controls or ha~~((ve))~~s the right of ownership, possession, management,  
7 charge, or control of real property on their own behalf or on behalf of another.

8 ~~((Q))~~V. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster  
9 parent or custodian of a minor child or children under the age of eighteen (18) years, or the designee  
10 with written permission of a parent or other person having legal custody of a child or children under the  
11 age of eighteen (18) years~~((, with the written permission of such parent or other person))~~, which child or  
12 children shall reside permanently or temporarily ~~((or shall seek full enjoyment of any place of public  
13 accommodation))~~ with such parent or other person. In addition, parental status shall refer to any person  
14 who is pregnant or who is in the process of acquiring legal custody of ~~((any person who has not yet  
15 attained))~~a minor child under the age of eighteen (18) years.

16 ~~((R))~~W. "Party" ~~((includes))~~means the person charging or making a charge or complaint or upon  
17 whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have  
18 committed an unfair practice, and the Seattle Office for Civil Rights.

19 ~~((S))~~X. "Person" ~~((includes))~~means one (1) or more individuals, partnerships organizations, trade  
20 or professional associations corporations, legal representatives, trustees, trustees in bankruptcy and  
21 receivers. It includes any owner, lessee, proprietor, manager, agent or employee, whether one (1) or  
22 more natural persons, and ~~((further includes))~~ any political or civil subdivision~~((s))~~ or agency or  
23 instrumentality of the City.



1 ~~((T. "Place of public accommodation" includes, but is not limited to, any place, licensed or~~  
2 ~~unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy~~  
3 ~~or use of any property or facilities, whether conducted for the entertainment, housing or lodging of~~  
4 ~~transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or~~  
5 ~~for the burial or other disposition of human remains, or for the sale of goods, merchandise, services or~~  
6 ~~personal property, or for the rendering of personal services, or for public conveyance or transportation~~  
7 ~~on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or~~  
8 ~~where food or beverages of any kind are sold for consumption on the premises, or where public~~  
9 ~~amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where~~  
10 ~~medical service or care is made available, or where the public gathers, congregates or assembles for~~  
11 ~~amusement, recreation or public purposes, or public halls, public elevators, and public washrooms of~~  
12 ~~buildings and structures occupied by two (2) or more tenants, or by the owner and one (1) or more~~  
13 ~~tenants, or any public library or private educational institution, or private schools of special instruction,~~  
14 ~~or nursery schools, or day care centers or children's camps.))~~

15 ~~((U))~~Y. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs,  
16 relating to the purpose, conduct, organization, function or basis of government and related institutions  
17 and activities, whether or not characteristic of any political party or group. This term includes  
18 membership in a political party or group and includes conduct, reasonably related to political ideology,  
19 which does not interfere with the property rights of the landowner as it applies to housing~~((;))~~((or  
20 ~~which does not cause substantial and material disruption of the property rights of the provider of a place~~  
21 ~~of public accommodation.))~~

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



1 ~~((W))~~AA. "Prospective occupant" ~~((includes))~~means any person who seeks to purchase, lease,  
2 sublease or rent real property.

3 ~~((X))~~BB. "Real estate agent, salesperson or employee" ~~((includes))~~means any person employed by,  
4 associated with or acting for a real estate broker to perform or assist in the performance of any or all of  
5 the functions of a real estate broker.

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

12 DD. "Real estate transaction" means the sale, purchase, conveyance, exchange, rental, lease, sublease,  
13 assignment, transfer or other disposition of real property.

14 ~~((Z))~~EE. "Real estate-related transaction" means any of the following:

- 15 1. The making or purchasing of loans or providing other financial assistance:  
16 a. For purchasing, constructing, improving, repairing, or maintaining real property, or  
17 b. Secured by real property; or  
18 2. The selling, brokering, or appraising o~~((f))~~ real property~~((-))~~; or  
19 3. The insuring of real property, mortgages, or the issuance of insurance related to any real estate  
20 transaction.

21 ~~((AA))~~FF. "Real property" ~~((includes))~~means ~~((housing accommodations))~~dwellings, buildings,  
22 structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums,  
23 and ~~((hereditaments, corporeal and incorporeal, or))~~ any interest therein.

24



1 ~~((BB))~~GG. "Respondent" means any person who is alleged to have committed an unfair practice  
2 prohibited by this chapter.

3 ~~((CC. "Rooming unit" includes one (1) or more rooms within a dwelling or rooming house containing  
4 space for living and sleeping.~~

5 ~~DD. "Section 8 rent certificate" means a document, including vouchers and other payment coupons,  
6 issued by a government agency declaring the holder thereof eligible to participate in the Section 8  
7 program and stating the terms and conditions of such participation.)~~

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

11 ~~((FF))~~II. "Sexual orientation" means actual or perceived male or female heterosexuality,  
12 bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices  
13 pertaining thereto.

14 JJ. "Steering" means to show or otherwise take an action which results, directly or indirectly, in  
15 steering a person or persons to any section of the City or to a particular real property in a manner tending  
16 to segregate or maintain segregation on the basis of race, color, religion, ancestry, creed, national origin,  
17 age, sex, marital status, sexual orientation, gender identity, parental status, political ideology,  
18 participation in a Section 8 program, the presence of any disability or the use of a trained dog guide or  
19 service animal by a disabled person.

20 Section 3. SMC 14.08.030 is hereby amended as follows:

21 **SMC 14.08.030 Unfair practices forbidden.**

22 ~~((A-))~~ Unfair practices as defined in this chapter~~((Sections 14.08.040 through 14.08.090))~~ are contrary  
23 to the public peace, health, safety and general welfare and are prohibited by the City in the exercise of  
24 its police power.



1 ((B. Unless the context otherwise requires, "unfair practice" includes "unfair real estate practice."))

2 Section 4. SMC 14.08.040 is hereby amended as follows:

3 **SMC 14.08.040 Unfair practices -- Generally.**

4 A. It is an unfair ((real estate)) practice for any ((owner, assignee, real estate broker, real estate  
5 agent, salesperson or employee, or other))person ((having the right to sell, rent, lease, sublease, assign,  
6 transfer, or otherwise dispose of real property,))to discriminate by:

7 1. ((u))Undertaking or refusing to ((sell, rent, lease, sublease, assign, transfer))engage in a real  
8 estate transaction or otherwise deny ((to))or withhold ((from any person or group of persons))such real  
9 property((;)); or

10 2. ((f))Refus((e))ing to negotiate ((for the sale, rental, lease, sublease, assignment or transfer of real  
11 property, or segregate the use thereof))a real estate transaction((;)); or

12 3. ((f))Representing that such real property is not available for inspection, sale, rental, or lease  
13 when in fact it is so available((;)); or

14 4. ((e))Expelling or evicting an occupant from real property or otherwise mak((e))ing unavailable  
15 or denying a dwelling ((because of the person's race, color, creed, religion, ancestry, national origin, age,  
16 sex, marital status, sexual orientation, gender identity, parental status, political ideology, possession or  
17 use of a Section 8 certificate, or the presence of any sensory, mental or physical handicap, or the use of a  
18 trained guide or service dog by a handicapped person,)); or

19 5. ((to discriminate against or segregate any person because of such person's race, color, religion,  
20 ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, parental status,  
21 political ideology, possession or use of a Section 8 certificate, or the presence of any sensory, mental or  
22 physical handicap or the use of a trained guide or service dog by a handicapped person in the))Applying  
23 different terms, conditions or privileges of ((the sale, rental, lease, sublease, assignment, transfer or other  
24 disposition of any such real property))a real estate transaction, including but not limited to the setting of



1 rates for rental or lease, or establishment of damage deposits, or other financial conditions for rental or  
2 lease, or in the furnishing of facilities or services in connection ~~((therewith))~~ with such transaction.

3 B. It is an unfair ~~((real-estate))~~ practice for any real estate broker, real estate agent, salesperson, or  
4 employee to discriminate by:

5 1. Refusing or intentionally failing to list real property for sale, rent, or lease; or

6 2. Refusing or intentionally failing to show real property listed for sale, rental, or lease; or

7 3. Refusing or intentionally failing to accept and/or transmit any reasonable offer to purchase,  
8 lease, or rent real property.

9 C. It is an unfair ~~((real-estate))~~ practice to discriminate by means of denying a person access to, or  
10 membership or participation in, a multiple listing service or real estate brokers' organization or other  
11 service, or to discriminate in the terms and conditions of such access, membership, or participation.

12 ~~((B.))~~ D. It is an unfair ~~((real-estate))~~ practice to ~~((unreasonably))~~ prohibit reasonable modifications

13 needed by a ~~((handicapped))~~ disabled tenant. Whether or not the landlord permits tenants in general to

14 make alterations or additions to a structure or fixtures, it is an unfair practice for a landlord to refuse to

15 make reasonable accommodations in rules, policies, practices, or services, when such accommodations

16 may be necessary to afford a ~~((handicapped))~~ disabled person equal opportunity to use and enjoy any

17 dwelling, or to refuse to allow a person to make alterations or additions to existing premises occupied or

18 to be occupied by a ~~((handicapped))~~ disabled person ~~((;))~~ which are necessary to make the rental property

19 accessible by ~~((handicapped))~~ disabled persons, under the following conditions:

20 1. The landlord is not required to pay for the alterations, additions, or restoration unless otherwise  
21 required by federal law ~~((;))~~;

22 2. The landlord has ~~((may-reserve))~~ the right to ~~((approve the design, quality, and construction of~~  
23 ~~the alterations or additions in order to minimize damage to the building and enforce standards of quality~~  
24 ~~and architectural compatability))~~ demand assurances that all modifications will be performed pursuant to



1 local permit requirements, in a workmanlike manner, and in accordance with applicable building  
2 codes((-);

3 3. The landlord may, where it is reasonable to do so, condition permission for modification on the  
4 ~~((renter's))~~ tenant's agree((ing))ment to restore the interior of the premises to ~~((the condition that existed~~  
5 ~~before the modification))~~ its pre-existing condition, reasonable wear and tear excepted.

6 ~~((C.))E.~~ It is an unfair~~((real estate))~~ practice under this chapter for any person to design or  
7 construct a building or structure that does not conform with ~~((the Federal Fair Housing Act as~~  
8 ~~amended,))~~ 42 U.S.C. § ~~((3601 et. seq.))~~ 3604, the Washington State Barrier Free Act, WAC Ch. 51-~~((1))~~  
9 40 or Ch. 51-50 as required by chapters 19.27 RCW and 70.92 RCW, other regulations adopted under  
10 42 U.S.C. 3604 and chapters 19.27 RCW and 70.92 RCW, any other applicable laws pertaining to  
11 access by disabled persons, or any rules or regulations promulgated thereunder. ~~((Whenever))~~ If the  
12 requirements of the applicable laws ((shall)) differ, those which require greater accessibility for  
13 ~~((handicapped))~~ disabled persons shall govern.

14 ~~((D.))~~ ~~It is an unfair practice for any person or his or her agent or employee to commit an act which~~  
15 ~~directly or indirectly requires any person to pay a larger sum than the uniform rates charged other~~  
16 ~~persons, or to refuse or withhold from any person the admission, patronage, custom, presence,~~  
17 ~~frequenting, dwelling, staying, or lodging in any place of public accommodation, or to deny, directly or~~  
18 ~~indirectly, any person the full enjoyment of any of the goods, services, accommodations, facilities,~~  
19 ~~privileges or advantages in any place of public accommodation because of the person's race, color,~~  
20 ~~religion, ancestry, sex, marital status, parental status, sexual orientation, gender identity, political~~  
21 ~~ideology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or~~  
22 ~~physical handicap, or the use of a trained guide or service dog by a handicapped person, except for~~  
23 ~~conditions and limitations established by law and applicable to all persons regardless of race, color,~~  
24 ~~religion, ancestry, sex, marital status, parental status, sexual orientation, gender identity, political~~



1 ideology, creed, national origin, possession or use of a Section 8 rent certificate, sensory, mental or  
2 physical handicap, or the use of a trained guide or service dog by a handicapped person.

3 E. ~~It is an unfair practice for any person, agent or employee to print, circulate, post, mail or~~  
4 ~~otherwise cause directly or indirectly to be published a statement, advertisement or sign which indicates~~  
5 ~~directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and~~  
6 ~~accommodations of a place of public accommodation will be refused, withheld from, denied or in some~~  
7 ~~manner limited or restricted toward an individual; or that an individual's patronage of or presence at a~~  
8 ~~place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because of a~~  
9 ~~person's race, color, religion, creed, ancestry, national origin, sex, marital status, parental status, sexual~~  
10 ~~orientation, gender identity, possession or use of a Section 8 rent certificate, sensory, mental or physical~~  
11 ~~handicap, or handicapped person's use of a trained guide or service dog.))~~

12 Section 5. SMC 14.08.045 is hereby amended as follows:

13 **SMC 14.08.045 Retaliation, harassment, or coercion.**

14 A. It is an unfair practice ~~((under this chapter))~~ for any person to:

15 1. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair  
16 practice; or to intimidate, harass, retaliate, obstruct or discriminate against a person in any manner  
17 because such person ~~((has))~~ complied with or propose~~((s))~~d to comply with ~~((provisions of))~~ this chapter  
18 or any order issued under this chapter or ~~((has))~~ filed a charge or complaint, ~~((has))~~ testified, or ~~((has))~~  
19 assisted in any investigation, proceeding, or hearing under this chapter ~~((, or any order issued~~  
20 ~~thereunder))~~; or ~~((to))~~ attempt~~((, either directly or indirectly,))~~ to commit any act defined in this chapter  
21 to be an unfair practice; or ~~((to))~~ apply any economic sanctions or ~~((to))~~ deny membership privileges  
22 because of compliance with ~~((the provisions of))~~ this chapter; or

23 2. Coerce, intimidate, threaten, or otherwise interfere with any person ~~((in the exercise or~~  
24 ~~enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having~~



1 ~~aided or encouraged any other person in the exercise or enjoyment of any right granted or protected~~  
2 ~~under this chapter))who exercises or enjoys any right granted or protected under this chapter or who aids~~  
3 ~~or encourages another in the exercise or enjoyment of such rights.~~

4 B. It is an unfair practice for any person, whether or not acting for profit, to harass, intimidate,  
5 discriminate against or otherwise abuse any person or person's friends or associates because of race,  
6 color, religion, ancestry, national origin, age, sex, marital status, sexual orientation, gender identity,  
7 parental status, political ideology, participation in a Section 8 program, the presence of any disability, or  
8 the use of a trained dog guide or service animal by a disabled person with the purpose or effect of  
9 denying to such person the rights granted in this chapter or the right to quiet or peaceful possession or  
10 enjoyment of any real property.

11 ~~((B-))C. Any ((unfair))practice ((under this section))which has the purpose or effect of denying a~~  
12 ~~person the right to be free from discrimination in real estate ((practices))transactions or the right to quiet~~  
13 ~~or peaceful possession or enjoyment of real property((~~other than as a place of public~~~~  
14 ~~accommodation))), or of interfering with a person's compliance with ((the provisions of))this chapter~~  
15 ~~((prohibiting unfair real estate practices)), or of interfering with a person's filing of a charge or assisting~~  
16 ~~in any proceeding relat((ing))ed to an unfair real estate practice under this chapter, is an unfair real estate~~  
17 ~~practice.~~

18 Section 6. SMC 14.08.050 is hereby repealed.

19 ~~((SMC 14.08.050 Refusal or failure to list or show property.))~~

20 ~~It is an unfair real estate practice for any real estate broker or real estate agent, salesperson or employee~~  
21 ~~to, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, sexual~~  
22 ~~orientation, gender identity, parental status, political ideology, the presence of sensory, mental or~~  
23 ~~physical disability, the use of a trained guide or service dog by a handicapped person, or the possession~~



1 ~~or use of a Section 8 rent certificate by an occupant, purchaser, prospective occupant, or prospective~~  
2 ~~purchaser:~~

3 ~~A. Refuse or intentionally fail to list or discriminate in listing real property for sale, rent, lease or~~  
4 ~~sublease;~~

5 ~~B. Refuse or intentionally fail to show a prospective occupant real property listed for sale, rental,~~  
6 ~~lease or sublease;~~

7 ~~C. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to~~  
8 ~~purchase, lease, rent or sublease real property.)~~

9 Section 7. SMC 14.08.055 is hereby repealed.

10 ~~((SMC 14.08.055 Participation in multiple listing service.))~~

11 ~~It is an unfair real estate practice to deny a person access to, or membership or participation in, a~~  
12 ~~multiple listing service or real estate brokers' organization or other service because of race, color, creed,~~  
13 ~~religion, ancestry, national origin, age, sex, marital status, sexual orientation, gender identity, parental~~  
14 ~~status, political ideology, possession or use of a Section 8 certificate or the presence of any sensory,~~  
15 ~~mental, or physical handicap or the use of a trained guide or service dog by a handicapped person.))~~

16 Section 8. SMC 14.08.060 is hereby amended as follows:

17 **SMC 14.08.060 Discrimination in real estate-related transactions.**

18 It is an unfair(~~real estate~~) practice for any lender, or any agent or employee thereof, to whom  
19 application is made for financial assistance for the purchase, lease, acquisition, construction,  
20 rehabilitation, repair, or maintenance of any real property, or any other person whose business includes  
21 engaging in real estate(~~-~~)related transactions, to:

22 A. Discriminate against any person, prospective occupant or tenant of real property in the granting,  
23 withholding, extending, making available, modifying or renewing, or in the rates, terms, conditions or  
24



1 privileges of~~((, any such financial assistance))~~any real estate related transaction, or in the extension of  
2 services in connection therewith; or

3 B. Discriminate by means of~~((U))~~us~~((e))~~ing any form of application for ~~((such ))~~~~((financial or other~~  
4 business assistance or mak~~((e))~~ing any record of inquiry in connection with applications for ~~((such))~~  
5 financial or other business assistance which expresses, directly or indirectly, ~~((any limitation;~~  
6 specification, or)) a discriminat~~((ion))~~ory intent ~~((because of race, color, religion, creed, ancestry,~~  
7 national origin, sex, age, marital status, sexual orientation, gender identity, parental status, political  
8 ideology, possession or use of a Section 8 rent certificate, the presence of any sensory, mental or  
9 physical handicap, or the use of a trained guide or service dog by a handicapped person,)) unless  
10 required or authorized by local, state or federal laws or agencies ~~((for the purpose of))~~ to prevent~~((ing))~~  
11 discrimination in real property; provided that, nothing in this provision shall prohibit any party to a  
12 credit transaction from requesting designation of marital status for the purpose of considering  
13 application of community property law to the individual case or from taking reasonable action thereon  
14 or from requesting information regarding age, parental status, or ~~((possession or use of))~~ participation in  
15 a Section 8 ~~((rent certificate))~~ program when such information is necessary to determine the applicant's  
16 ability to repay the loan.

17 Section 9. SMC 14.08.070 is hereby amended as follows:

18 **SMC 14.08.070 Unfair inquiries or advertisements.**

19 It is an unfair ~~((real estate))~~ practice for ~~((any owner, real estate agent, salesperson or employee, real~~  
20 estate broker, or)) any ~~((other))~~ person~~((s))~~ to:

21 A. Require any information, make or keep any record, or use any form of application containing  
22 questions or inquiries concerning race, color, religion, ancestry, creed, national origin, age, sex, marital  
23 status, sexual orientation, gender identity, parental status, political ideology, ~~((possession or use~~  
24 of)) participation in a Section 8 ~~((rent certificate))~~ program, the presence of ~~((any sensory, mental or~~



1 ~~physical handicap~~) a disability, or the use of a trained dog guide or service ~~((dog))~~ animal by a  
2 ~~((handicapped))~~ disabled person in connection with ~~((the sale, rental, lease or sublease of any real~~  
3 ~~property))~~ a real estate transaction unless used solely:

4 1. For making reports required by agencies of the federal, state or local government ~~((for the~~  
5 ~~purposes of))~~ to prevent ~~((ing))~~ and eliminat ~~((ing))~~ e discrimination or ~~((of))~~ to overcom ~~((ing))~~ e its effects  
6 or for other purposes authorized by federal, state or local agencies or laws or rules adopted thereunder,

7 2. As to "marital status," for the purpose of determining applicability of community property law to  
8 the individual case, ~~((and))~~ or

9 3. As to "age," for the purpose of determining that the applicant has attained the age of majority, or  
10 in the case of housing exclusively for older persons as described in SMC Section 14.08.190 E, for the  
11 purpose of determining the eligibility of the applicant;

12 B. Publish, print, circulate, issue or display or cause to be published, printed, circulated, issued or  
13 displayed, any communication, notice, advertisement, or sign of any kind relating to ~~((the sale, rental,~~  
14 ~~lease, sublease, assignment, transfer,))~~ a real estate transaction or listing of real property which indicates  
15 directly or indicates an intention to make any preference, limitation or specification based on race, color,  
16 religion, ancestry, creed, national origin, age, sex, marital status, sexual orientation, gender identity,  
17 parental status, political ideology, the ~~((possession or use of))~~ participation in a Section 8  
18 ~~((certificate))~~ program, the presence of ~~((any sensory, mental or physical handicap))~~ a disability, or the  
19 use of a trained dog guide or service ~~((dog))~~ animal by a ~~((handicapped))~~ disabled person.

20 Section 10. SMC 14.08.080 is hereby amended as follows:

21 **SMC 14.08.080 Unfair inducement to sell or rent -- Blockbusting; ~~((s))~~ Steering ~~((persons to~~  
22 ~~particular areas))~~.**



1 It is an unfair(~~(real estate))~~ practice for any owner, real estate agent, salesperson or employee, real  
2 estate broker, or any other person, to(~~(, for profit:))~~ discriminate by means of engaging in the unfair  
3 practice of blockbusting or steering.

4 (~~(A. Promote, induce or attempt to promote or induce any person to sell or rent any real property  
5 engage in a real estate transaction by representation regarding the entry or prospective entry into the  
6 neighborhood or area of a person or persons of a particular race, color, religion, ancestry, creed, national  
7 origin, age, sex, marital status, sexual orientation, gender identity, parental status, political ideology, or  
8 who possess, use or attempt to use a Section 8 rent certificate, or who have any sensory, mental or  
9 physical handicap, or handicapped persons who use a trained dog guide or service dog;~~

10 ~~B. Show or otherwise take any action, the design or effect of which is to steer a person or persons to  
11 any section of the City or to particular real property in a manner tending to segregate or maintain  
12 segregation on the basis of race, color, religion, ancestry, creed, national origin, age, sex, marital status,  
13 sexual orientation, gender identity, parental status, political ideology, possession or use of a Section 8  
14 rent certificate, the presence of any sensory, mental or physical handicap, or the use of a trained guide or  
15 service dog by a handicapped person.))~~

16 Section 11. SMC 14.08.090 is hereby repealed.

17 ~~((SMC 14.08.090 Denial of right granted under this chapter.))~~

18 (~~(A. It is an unfair practice under this chapter for any person, whether or not acting for profit, to  
19 harass, intimidate, or otherwise abuse or discriminate against any person or person's friends or associates  
20 because of the race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation,  
21 gender identity, parental status, political ideology, possession or use of a Section 8 rent certificate, the  
22 presence of any sensory, mental or physical handicap, or the use of a trained guide or service dog by a  
23 handicapped person with the purpose or effect of denying to such person the rights granted in this~~



1 ~~chapter or the right to quiet or peaceful possession or enjoyment of any real property or the full~~  
2 ~~enjoyment of any place of public accommodation.~~

3 ~~B. Any unfair practice under this section which has the purpose or effect of denying a person the~~  
4 ~~right to be free from discrimination in real estate practices or the right to quiet or peaceful possession or~~  
5 ~~enjoyment of real property (other than as a place of public accommodation) is an unfair real estate~~  
6 ~~practice.))~~

7 Section 12. SMC 14.08.095 is hereby amended as follows:

8 **SMC 14.08.095 Enforcement by private persons.**

9 A. Any ~~((person who claims to have been injured by an unfair real estate practice, or who believes~~  
10 ~~that he or she will be injured by an unfair real estate practice that is about to occur,))~~ charging party or  
11 aggrieved person may commence a civil action in King County Superior Court or any other court of  
12 competent jurisdiction not later than ~~((one (1)))~~ two (2) years after the occurrence or the termination of  
13 an alleged unfair ~~((real estate-))~~ practice, whichever occurs last, to obtain appropriate relief with respect  
14 to such unfair ~~((real estate-))~~ practice.

15 B. The computation of such ~~((one))~~ two-year period shall not include any time during which an  
16 administrative proceeding under this chapter was pending with respect to a complaint or charge under  
17 this chapter alleging an unfair ~~((real estate-))~~ practice based on the same facts or occurrences. For  
18 purposes of this subsection, an "administrative proceeding" begins with the filing of a charge with the  
19 Department and ends with the completion of an appeal filed with the Commission or a final order issued  
20 by the Director, whichever occurs last.

21 C. A civil complaint may be filed under this section whether or not an administrative charge has  
22 been filed under SMC Section 14.08.100, ~~((and without regard to the status of such charge,))~~ but if the  
23 Department or the U.S. Department of Housing and Urban Development has obtained a pre-finding or  
24 post-finding settlement or concili~~((e))~~ation agreement with the consent of the charging party, no civil



1 action may be filed under this section with respect to the alleged unfair real estate practice which forms  
2 the basis for such complaint except for the purpose of enforcing the terms of such agreement. No civil  
3 action may be filed under this section with respect to an alleged unfair practice which forms the basis of  
4 a complaint if the Seattle Hearing Examiner's Office has commenced a hearing on the record. The City  
5 Attorney's office shall provide written notice to the charging party at least 30 days prior to the  
6 commencement of a hearing before the Hearing Examiner that the commencement of such a hearing will  
7 terminate the charging party's right to file a civil action.

8 ~~((D.— No civil action may be commenced under this section with respect to an alleged unfair real estate~~  
9 ~~practice which forms the basis of a complaint if a hearing on the record has been commenced by the~~  
10 ~~City of Seattle Office of the Hearing Examiner.))~~

11 D. Any person who claims to have been injured by, or believes that he or she will be injured by an  
12 unfair practice which is the subject matter of the civil action filed under this section may intervene as of  
13 right in the civil action.

14 E. (1) Subject to the provisions of subsection E(2), upon the filing of a civil action involving the  
15 same claim or arising from the same facts and circumstances, whether under this chapter or similar law,  
16 a charge of an unfair practice may be administratively closed by the Director. Upon request by a  
17 charging party, the Director may keep a charge of unfair practice open pending commencement of a trial  
18 in a civil action.

19 (2) In the event that a court dismisses a private cause of action on grounds that would not preclude  
20 pursuit of a charge under this subchapter, the charging party may request, within 90 days of the entry of  
21 the court's order of dismissal, that the Department reopen a previously filed charge. Upon such request,  
22 the Director may reopen a charge that was administratively closed upon the filing of a civil action.

23 (3) No charging party or aggrieved person may secure relief from more than one governmental  
24 agency, instrumentality or tribunal for the same harm or injury.



1 (4) Where the charging party or aggrieved person elects to pursue simultaneous claims in more than  
2 one forum, the factual and legal determinations issued by a tribunal may, under the doctrines of "res  
3 judicata" or "collateral estoppel," be binding on all or portions of the charge pending before the  
4 Department.

5 ~~((E-))~~F. In a civil action under this section, if the court finds that an unfair ~~((real-estate-))~~ practice has  
6 occurred or is about to occur, the court may grant as relief, as it deems appropriate, any permanent or  
7 temporary injunction, temporary restraining order, or other order, including an order enjoining the  
8 defendant from engaging in such practice or ordering such affirmative action as may be appropriate.  
9 The court may also award actual damages, including damages for humiliation and mental suffering,  
10 damages for the loss of the right to be free from discrimination in real estate transactions, and any other  
11 appropriate remedy set forth in the ~~((F-))~~ federal Fair Housing Amendments Act of 1988 ~~((P.L. 100-~~  
12 ~~430))~~ 42 U.S.C. §3601 et seq.). The court may also allow reasonable attorney's fees and costs to the  
13 prevailing party.

14 ~~((F-))~~G. Relief granted under this section shall not affect any contract, sale, encumbrance, or lease  
15 consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or  
16 tenant, without actual notice of the filing of a charge or civil action under this chapter.

17 ~~((G-))~~H. Upon timely application, the City Attorney may intervene in such civil action, if the City  
18 Attorney certifies that the case is of general public importance, and may obtain such relief as would be  
19 available in an action brought under SMC Section 14.08.165, SMC 14.08.180 or 14.08.185.

20 Section 13. SMC 14.08.100 is hereby amended as follows:

21 **SMC 14.08.100 Charge -- Filing.**

22 A. An aggrieved person may file a charge with the Director alleging an unfair practice. ~~((A-))~~The  
23 charge ~~((alleging an unfair practice under this chapter-))~~ shall be in writing and signed under oath or  
24 affirmation ~~((by or on behalf of a charging party-))~~ before the Director, one of the Department's



1 employees, or any other person authorized to administer oaths. The charge shall describe the alleged  
2 unfair practice (~~(complained of)~~) and should include a statement of the dates, places and circumstances,  
3 and the persons responsible for such acts and practices. Upon the filing of a charge alleging an unfair  
4 practice, the Director shall cause to be served upon the charging party a written notice acknowledging  
5 the filing, and notifying the charging party of the time limits and choice of forums provided in this  
6 chapter.

7 ~~((B. Whenever charges are made on behalf of a person claiming to be aggrieved, the person making  
8 the charge must provide the Director with the name, address and telephone number of the individual on  
9 whose behalf the charge is made. Thereafter, the Director shall verify the authorization of such charge  
10 by the person on whose behalf the charge is made and upon the request of such person may keep his or  
11 her identity confidential.))~~

12 ~~((C.))~~ B. A charge shall not be rejected as insufficient because of failure to include all required  
13 information if the Department determines that the charge (~~(so long as it)~~) substantially satisfies the  
14 informational requirements necessary for processing.

15 ~~((D.))~~ C. A charge alleging an unfair practice or pattern of unfair practices under this chapter may  
16 also be filed by the Director whenever the Director has reason to believe that any person has been  
17 engaged or is engaging in an unfair practice under this chapter.

18 Section 14. SMC 14.08.110 is amended as follows:

19 **SMC 14.08.110 Time for filing charges.**

20 Charges filed under this chapter must be filed with the Department within one hundred eighty (180) days  
21 after ~~((the occurrence of))~~ the alleged unfair practice has occurred or terminated.

22 Section 15. SMC 14.08.120 is hereby amended as follows:

23 **SMC 14.08.120 Charge -- Amendments.**

24 A. The charging party or the Department may amend a charge:



- 1 1. To cure technical defects or omissions;
- 2 2. To clarify allegations made in the charge;
- 3 3. To add allegations related to or arising out of the subject matter set forth or attempted to be set
- 4 forth in the charge; ~~((or))~~

5 4. To add as a charging party a person who is, during the course of the investigation, identified as  
6 an aggrieved person; or

7 ~~((4))~~5. To add or substitute as a respondent a person who was not originally named as a respondent, but  
8 who is, during the course of the investigation, identified as a respondent. For jurisdictional purposes,  
9 such amendments shall relate back to the date the original charge was first filed.

10 B. The charging party may amend a charge to include allegations of retaliation which arose after the  
11 filing of the original charge. Such amendment must be filed within one hundred eighty (180) days after  
12 the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and  
13 determination with respect to the original charge. Such amendments may be made at any time during  
14 the investigation of the original charge so long as the Department will have adequate time to investigate  
15 the additional allegations and the parties will have adequate time to present the Department with  
16 evidence concerning the additional allegations before the issuance of findings of fact and a  
17 determination.

18 C. When a charge is amended to add or substitute a respondent, the Director shall serve upon the  
19 new respondent within twenty days after the new respondent is identified by the Department:

- 20 1. The amended charge;
- 21 2. The notice required under section 14.08.130(A); and
- 22 3. A statement of the basis for the Director's belief that the new respondent is properly named as a
- 23 respondent. For jurisdictional purposes, amendment of a charge to add or substitute a respondent shall
- 24 relate back to the date the original charge was first filed.



1 Section 16. SMC 14.08.130 is hereby amended as follows:

2 **SMC 14.08.130 Notice of charge and investigation.**

3 A. The Director shall promptly, and in any event within twenty (20) days of filing of the charge,  
4 cause to be served on or mailed, by certified mail, return receipt requested, to the respondent, a copy of  
5 the charge along with a notice advising the respondent of respondent's procedural rights and obligations  
6 under this chapter. The Director shall promptly make an investigation of the charge.

7 B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in  
8 the charge, and shall be conducted in an objective and impartial manner.

9 C. During the period beginning with the filing of the charge and ending with the issuance of the  
10 findings of fact, the Department shall, to the extent feasible, engage in settlement discussions with respect  
11 to the charge. A pre-finding settlement agreement arising out of the settlement discussions shall be an  
12 agreement between the charging party and the respondent and shall be subject to approval by the Director.  
13 Each pre-finding settlement agreement is a public record. Failure to comply with the pre-finding  
14 settlement agreement may be enforced under SMC 14.08.187.

15 ~~((C))~~D. During the investigation the Director shall consider any statement of position or evidence  
16 with respect to the allegations of the charge which the charging party or the respondent wishes to  
17 submit, including the respondent's answer to the charge. The Director shall have authority to sign and  
18 issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence  
19 including but not limited to books, records, correspondence or documents in the possession or under the  
20 control of the person subpoenaed, and access to evidence for the purpose of examination and copying,  
21 and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

22 ~~((D))~~E. The Director may require a fact finding conference or participation in another process  
23 with the respondent and any of respondent's agents and witnesses and charging party during the  
24 investigation in order to define the issues, determine which elements are undisputed, resolve those issues



1 which can be resolved, and afford an opportunity to discuss or negotiate settlement. Parties may have  
2 their legal counsel present if desired.

3 Section 17. SMC 14.08.135 is hereby amended as follows:

4 **SMC 14.08.135 Procedure for investigations~~((in cases alleging unfair real estate practices))~~.**

5 ~~((The following procedure shall apply to the investigation of charges of unfair real estate practices filed  
6 under this chapter.))~~

7 A. A respondent may file with the Department an answer to the charge no later than ten (10) days  
8 after receiving notice of the charge.

9 B. The Director shall commence investigation of the charge within thirty (30) days after the filing  
10 of the charge. The investigation shall be completed within one hundred (100) days after the filing of the  
11 charge, unless it is impracticable to do so. If the Director is unable to complete the investigation within  
12 one hundred (100) days after the filing of the charge, the Director shall notify the charging party and the  
13 respondent of the reasons therefor. The Director shall make final administrative disposition of a charge  
14 within one (1) year of the date of filing of the charge, unless it is impracticable to do so. If the Director  
15 is unable to make a final administrative disposition within one (1) year of the filing of the charge, the  
16 Director shall notify the charging party and the respondent of the reasons therefor.

17 C. If the Director determines that it is necessary to carry out the purposes of this chapter, the  
18 Director may, in writing, request the City Attorney to seek prompt judicial action for temporary or  
19 preliminary relief to enjoin any unfair ~~((real estate-))~~ practice pending final disposition of a charge.

20 Section 18. SMC 14.08.140 is hereby amended as follows:

21 **SMC 14.08.140 Findings of fact and determination of reasonable cause or no reasonable cause.**

22 A. The results of the investigation shall be reduced to written findings of fact and a determination  
23 shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice  
24 has been or is being committed, which determination shall also be in writing and issued with the written



1 findings of fact. (~~With respect to the findings and determination, "issued" shall be defined as signed~~  
2 ~~and deleted by the Director.~~) The findings and determination are "issued" when signed by the Director.

3 B. The findings of fact and determination shall be mailed promptly to the respondent and charging  
4 party.

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

10 Section 19. SMC 14.08.150 is hereby amended as follows:

11 **SMC 14.08.150 Determination of no reasonable cause – Appeal from and dismissal.**

12 A. If a determination is made that there is no reasonable cause for believing an unfair practice under  
13 this chapter has been committed, the charging party (~~shall have the right to~~) may appeal (~~such~~) the  
14 determination to the Commission within thirty (30) days of the date the determination is signed by the  
15 Director by filing a written statement of appeal with the Commission. The Commission shall promptly  
16 deliver a copy of the statement to the Department and respondent and shall promptly consider and act  
17 upon such appeal by either affirming the Director's determination or, if the Commission believes the  
18 Director should investigate further, remanding it to the Director with a request for specific further  
19 investigation (~~appropriate instructions~~). In the event no appeal is taken, or such appeal results in  
20 affirmance or if the Commission has not decided the appeal within (~~the~~) sixty (60) days  
21 (~~allotted~~) from the date the appeal statement is filed, the determination of the Director shall be final and  
22 the charge deemed dismissed and the same shall be entered on the records of the Department. Any party  
23 aggrieved by the final dismissal may appeal the order on the record to an appropriate court.



1 Section 20. SMC 14.08.160 is hereby amended as follows:

2 **SMC 14.08.160 Determination of reasonable cause – Conciliation(~~-and settlement~~).**

3 A. If(~~a determination is made~~)the Director determines that reasonable cause exists to believe that  
4 an unfair practice has occurred, the Director shall endeavor to eliminate the unfair practice (~~by~~  
5 ~~conference, conciliation and persuasion~~)through efforts to reach conciliation. Conditions of  
6 (~~settlement~~) conciliation may include, (~~but are not limited to~~), the elimination of the unfair  
7 practice, rent refunds or credits, reinstatement to tenancy, affirmative recruiting or advertising measures,  
8 payment of actual damages, damages for loss of the right to be free from discrimination in real estate  
9 transactions, (~~damages for loss of the right to full enjoyment of any place of public accommodation,~~)  
10 and reasonable attorney's fees and costs or such other remedies that will (~~effectuate~~)carry out the  
11 purposes of this chapter, including(~~action~~) remedies which could be ordered by a court(~~, except that in~~  
12 ~~charges alleging an unfair practice with respect to public accommodations, damages for humiliation and~~  
13 ~~mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). In charges alleging an unfair real~~  
14 ~~estate practice, filed under this chapter, t)~~). The Director may also require payment of a civil penalty as  
15 set forth in SMC Section 14.08.185.

16 B. Any (~~settlement or~~)conciliation agreement shall be an agreement between the charging party  
17 and the respondent and shall be subject to the approval of the Director. (~~An order shall then be entered~~  
18 ~~by t)~~The Director shall enter an order setting forth the terms of the agreement which may include a  
19 requirement that the parties report to the Director on the matter of compliance. Copies of such order  
20 shall be delivered to all affected parties. (~~The conciliation agreement shall be made public unless the~~  
21 ~~complainant and the respondent otherwise agree and the Director determines that disclosure is not~~  
22 ~~required to further the purposes of this chapter.~~)

23 C. If conciliation(~~is not successful~~) fails and no agreement can be reached, the Director shall issue  
24 a written finding to that effect and furnish a copy of the finding to the charging party and to the



1 respondent. Upon issuance of the finding, except a case in which a City department is a respondent, the  
2 Director shall promptly cause to be delivered the entire investigatory file, including the charge and any  
3 and all findings made, to the City Attorney for further proceedings and hearing under this chapter  
4 pursuant to Section 14.08.170.

5 Section 21. SMC 14.08.165 is hereby amended as follows:

6 **SMC 14.08.165 Election of civil action in cases of unfair ~~((real-estate-))~~practices.**

7 A. Following the issuance of a finding of unsuccessful conciliation, any charging party on whose  
8 behalf the reasonable cause finding was made, or a respondent, may, with respect to an unfair ~~((real  
9 estate))~~ practice under this chapter, elect to have the claims on which reasonable cause was found  
10 decided in a civil action under this section in lieu of an administrative hearing under SMC Sections  
11 14.08.170 and 14.08.180. This election must be made not later than ~~((twenty-(20)))~~thirty (30) days after  
12 ~~((issuance))~~service of the finding of unsuccessful conciliation. The person making such election shall  
13 give notice of doing so to the Department and to all other charging parties and respondents to whom the  
14 charge relates.

15 B. If an election is made under subsection A of this section except as provided in SMC  
16 14.08.170(B), the City Attorney shall commence, within ~~((thirty-(30)))~~ninety (90) days after the  
17 election is made, a civil action in the name of the Department in the King County Superior Court ~~((to  
18 decide on the claim))~~. In such action, if the court finds an unfair practice has occurred, the court may  
19 grant relief as would be available in an action brought under SMC 14.08.095 and damages and penalties  
20 as contemplated in SMC 14.08.180 or SMC 14.08.185.

21 C. Any ~~((aggrieved))~~ person who claims to have been injured by, or believes that he or she will be  
22 injured by an unfair practice which is the subject matter of the civil action filed under this section may  
23 intervene as of right in the civil action. ~~((For purposes of this subsection, "aggrieved person" means a~~  
24



1 person who claims to have been injured by, or believes that he or she will be injured by, an unfair real  
2 estate practice that is the subject matter of the civil action.

3 D. ~~In a civil action under this section, if the court finds that an unfair real estate practice has  
4 occurred or is about to occur, the court may grant any relief including but not limited to actual damages,  
5 injunctive or equitable relief, and any other appropriate remedy set forth in the Federal Fair Housing  
6 Amendments Act (P.L. 100-430). The court may also assess a civil penalty as set forth in SMC Section  
7 14.08.185. If monetary relief is sought for the benefit of a person who could have intervened under  
8 subsection C of this section, but who did not intervene in the civil action, the court shall not award such  
9 relief if that person has not complied with discovery orders entered by the court.~~

10 E. ~~In any proceeding under this section, the court may award attorney fees and costs to the  
11 prevailing party. Attorney fees and costs may be assessed against a person who intervenes by filing a  
12 notice of independent appearance in the civil action only to the extent that the intervening participation  
13 was frivolous or vexatious, or was for the purpose of harassment.)~~

14 Section 22. SMC 14.08.170 is hereby amended as follows:

15 **SMC 14.08.170 Complaint and hearing.**

16 A. Following submission of the investigatory file from the Director, the City Attorney shall, except  
17 as set forth in subsection B of this section, prepare a complaint against such respondent relating to the  
18 charge and facts discovered during the Department's investigation. ~~((thereof, and))~~ The City Attorney  
19 shall ~~((prosecute the same))~~ file the complaint with the Seattle Hearing Examiner in the name ~~((and on~~  
20 ~~behalf))~~ of the Department ~~((and the City at a hearing therefor before the Hearing Examiner sitting alone~~  
21 ~~or with representatives of the Commission as provided in this chapter and to appear for))~~ and represent  
22 the interests of the Department ~~((and the City))~~ at all subsequent proceedings.

23 B. In cases which are not dual-filed with the Department of Housing and Urban Development,  
24 ~~((F))~~ if the City Attorney determines that there is no legal basis for a complaint to be filed or proceedings



1 to continue, a statement of the reasons therefor shall be filed with the Department. The Director shall  
2 then dismiss the charge. Any party aggrieved by the dismissal may appeal the dismissal to an  
3 appropriate court.

4 C. The City Attorney shall serve a copy of the complaint ~~((shall be served))~~ on respondent ~~((in the~~  
5 ~~usual manner provided by law for service of complaints, and filed with the Seattle Hearing Examiner.~~

6 A)) and furnish a copy of ((such)) the complaint ((shall be furnished)) to the charging party((-)) and to the  
7 Department.

8 D. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its  
9 answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

10 E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a hearing date  
11 ~~((for the hearing of such complaint))~~ and give notice thereof to the Commission, the City Attorney and  
12 respondent, and shall thereafter hold a public hearing on the complaint which ~~((hearing))~~ shall  
13 commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing  
14 of the complaint, unless otherwise ordered by the Hearing Examiner.

15 F. After the ~~((filing of a))~~ complaint is filed with the Hearing Examiner, it may be amended only  
16 with the permission of the Hearing Examiner, which permission shall be granted when justice will be  
17 served ~~((thereby))~~ and all parties are allowed time to prepare their case with respect to additional or  
18 expanded charges which they did not and could not have reasonably foreseen would be in issue at the  
19 hearing.

20 G. The hearing shall be conducted by ~~((a))~~ the Hearing Examiner, a deputy hearing examiner ~~((from~~  
21 ~~the Office of Hearing Examiner,))~~ or a hearing examiner pro tempore appointed by the Hearing  
22 Examiner from a list approved by the Commission, sitting alone or with representatives of the  
23 Commission if any are designated. Such hearings shall be conducted in accordance with written rules  
24



1 and procedures consistent with this chapter and the Administrative Code ~~((of the City (Ordinance~~  
2 ~~102228))~~), Ch. 3.02 SMC.

3 H. The Commission, within thirty (30) days after receiving notice of the date of hearing from the  
4 Hearing Examiner, at its discretion, may appoint two (2) ~~((of its members))~~ Commissioners who have not  
5 otherwise been involved in the charge, investigation, fact finding, or other resolution and proceeding on  
6 the merits of the case, who have not formed an opinion on the merits of the case, and who otherwise  
7 have no pecuniary, private or personal interest or bias in the matter, to hear the case with the Hearing  
8 Examiner. ~~((If the Commission has designated representatives they))~~ Each Commissioner shall ~~((each))~~  
9 have an equal vote with the Hearing Examiner ~~((;))~~ ~~((except))~~ The Hearing Examiner shall be the  
10 chairperson of the panel and make all evidentiary rulings. ~~((Should a question arise as to))~~ The Hearing  
11 Examiner shall resolve any question of previous involvement, interest or bias of an appointed  
12 Commissioner ~~((; the Hearing Examiner shall resolve the issue))~~ in conformance with the law on the  
13 subject. Any reference in this chapter to a decision, order, or other action of ~~((a))~~ the Hearing Examiner  
14 shall include, when applicable, the decision, order, or other action of a panel constituted under this  
15 subsection.

16 Section 23. SMC 14.08.180 is hereby amended as follows:

17 **SMC 14.08.180 Decision and order.**

18 A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner ~~((presiding at the~~  
19 ~~hearing (or the Examiner and Commissioners as the case may be))~~) shall prepare a written decision and  
20 order. The final decision shall be filed as a public record with the City Clerk, and copies thereof mailed  
21 to each party of record and to the Department.

22 B. Such decision shall contain a brief summary of the evidence considered and shall contain  
23 findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief  
24 deemed appropriate, together with a brief statement of the reasons supporting the decision ~~((therefor))~~.



1 C. In the event the Hearing Examiner ((~~the~~)) or a majority of the panel composed of the Hearing  
2 Examiner and Commissioners(~~the~~)) determines that a respondent has committed an unfair practice under  
3 this chapter, the Hearing Examiner (~~the~~ ~~or panel majority~~)) may order the respondent to take such  
4 affirmative action or provide for such relief as is deemed necessary to correct the practice, effectuate the  
5 purpose of this chapter, and secure compliance therewith, including but not limited to, rent refund, or  
6 credit, reinstatement to tenancy, affirmative recruiting and advertising measures, reasonable attorney's  
7 fees and costs or to take such other action as in the judgment of the Hearing Examiner (~~the~~ ~~or panel~~  
8 majority)) will (~~effectuate~~) carry out the purposes of this chapter. The Hearing Examiner (~~the~~ ~~or panel~~  
9 majority)) may grant any relief that could be ordered by a court, including actual damages, damages for  
10 loss of the right to be free from discrimination in real estate transactions, (~~damages for loss of the right~~  
11 ~~to full enjoyment of any place of public accommodation~~), injunctive or equitable relief, any other  
12 appropriate remedy set forth in the (~~F~~) federal Fair Housing Amendments Act of 1988 (~~P.L. 100-~~  
13 ~~430~~) 42 U.S.C. §3601 et seq., and assessment of civil penalties as set forth in SMC Section 14.08.185,  
14 except that in charges alleging an unfair practice (~~with respect to public accommodations~~), damages  
15 for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000). An order may  
16 include the requirement for a report on the matter of compliance.

17 D. Any person aggrieved by a final order of the Hearing Examiner (~~the~~ ~~or panel majority~~)) may  
18 appeal the order on the record to an appropriate court.

19 E. The Department in the performance of its functions may enlist the aid of all departments of City  
20 government, and all said departments are directed to fully cooperate (~~therewith~~) with the Department.

21 Section 24. SMC 14.08.185 is hereby amended as follows:

22 **SMC 14.08.185 Civil penalty in cases alleging unfair (~~real estate~~) practices.**

23 A. In cases either decided by the Director or brought by the City Attorney alleging unfair (~~real~~  
24 ~~estate~~) practices filed under this chapter, in addition to any other award of damages or grant of



1 injunctive relief, a civil penalty may be assessed against the respondent to vindicate the public interest,  
2 which penalty shall be payable to the City of Seattle and the Department. Payment of the civil penalty  
3 may be required as a term of a conciliation agreement entered into under SMC Section 14.08.160(A), or  
4 may be ordered by the Hearing Examiner (~~(((or panel majority)))~~) in a decision rendered under SMC  
5 Section 14.08.180 or by a court of competent jurisdiction in a proceeding filed under SMC Section  
6 14.08.165.

7 B. The civil penalty assessed against a respondent shall not exceed the following amount:

8 1. ~~(((Ten)))~~ Eleven Thousand Dollars (\$1~~(((0)))~~1,000) if the respondent has not been determined to  
9 have committed any prior unfair ~~(((real estate-)))~~ practice;

10 2. Twenty ~~(((five)))~~ seven Thousand Five Hundred Dollars (\$2~~(((5)))~~7,~~(((0)))~~500) if the respondent has  
11 been determined to have committed one (1) other unfair ~~(((real estate-)))~~ practice during the five (5) year  
12 period ending on the date of the filing of this charge; or

13 3. Fifty five Thousand Dollars (\$5~~(((0)))~~5,000) if the respondent has been determined to have  
14 committed two (2) or more unfair ~~(((real estate-)))~~ practices during the seven (7) year period ending on the  
15 date of the filing of this charge; except that if acts constituting the unfair  
16 ~~(((real estate-)))~~ practice that is the subject of the charge are committed by the same natural person who has  
17 been previously determined to have committed acts constituting an unfair  
18 ~~(((real estate-)))~~ practice, then the civil penalties set forth in subparagraphs 2 and 3 of subsection B of this  
19 section may be imposed without regard to the period of time within which those prior acts occurred.

20 ~~(((For purposes of this section, "unfair real estate practice" shall include, without limitation, any violation  
21 of SMC Sections 14.08.040A or B; 14.08.050; 14.08.060; 14.08.170 A or B; or 14.08.180; as in effect at  
22 the time of the violation, whether or not the violation was then deemed an "unfair real estate practice"  
23 under such section.)))~~



1 Section 25. SMC 14.08.187 is hereby amended as follows:

2 **SMC 14.08.187 Enforcement of ~~((administrative))~~ Department and Hearing Examiner orders and**  
3 **settlement agreements.**

4 A. In ~~((any case in which a))~~ the event a City respondent fails to comply with any final order of the  
5 Director or of the Hearing Examiner ~~((directed to the City, or to any department, division, board or~~  
6 agency thereof is not complied with)), a copy of the order shall be transmitted to the Mayor, who shall  
7 take appropriate action to secure compliance ~~((therewith))~~ with the final order.

8 B. In the event ~~((that))~~ a respondent fails to comply with any final order ~~((of the Director or~~  
9 of)) issued by the Hearing Examiner not directed to the City ~~((;))~~ or to any City department ~~((, division,~~  
10 board, or agency thereof is not complied with)), the Director ~~((or the Hearing Examiner, as the case may~~  
11 be)), shall ~~((notify))~~ refer the matter to the City Attorney, ~~((who shall petition the appropriate court to~~  
12 secure enforcement of or compliance with the order, or to impose penalties as set forth in this chapter, or  
13 both)) for the filing of a civil action to enforce such order. ~~((The City Attorney shall certify and file with~~  
14 the court the final order sought to be enforced. The City Attorney shall cause a notice of the petition to  
15 be sent by certified mail to all parties or their representatives.))

16 C. Whenever the Director has reasonable cause to believe that a respondent has breached a pre-  
17 finding or post-finding settlement agreement, the Director shall refer the matter to the City Attorney for  
18 filing of a civil action to enforce such agreement.

19 D. If ~~((, within sixty (60) days after the date the Hearing Examiner's order concerning an unfair~~  
20 housing practice is entered,)) no ~~((petition))~~ action has been filed under subsection B or C of this section  
21 within ninety (90) days after referral to the City Attorney, any person entitled to relief under the final  
22 order or a party to a pre-finding or post-finding settlement agreement may ~~((petition the))~~ file a civil  
23 action in superior court ~~((for a decree))~~ to enforc~~((ing))~~e the order or agreement.



1 Section 26. SMC 14.08.190 is hereby amended as follows:

2 **SMC 14.08.190 Exclusions.**

3 Nothing in this chapter shall:

4 A. Apply to the renting, subrenting, leasing or subleasing of a single-family dwelling, wherein the  
5 owner or person entitled to possession thereof maintains a permanent residence, home or abode, except  
6 as set forth in SMC 14.08.040(B), 14.08.040(C), SMC 14.08.045, SMC 14.08.060, SMC 14.08.070(A),  
7 and SMC 14.08.070(B);

8 B. Be interpreted to prohibit any person from making a choice among prospective purchasers or  
9 tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin,  
10 age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, creed,  
11 ~~((possession or use of-))~~ participation in a Section 8 rent ((certificate)) program, presence of any  
12 ~~((sensory, mental or physical handicap))~~ disability, or the use of a trained dog guide or service  
13 ~~((dog))~~ animal by a ~~((handicapped))~~ disabled person where such factors are not designed, intended or  
14 used to discriminate;

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

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



1 E. Prohibit any person from limiting the rental or occupancy of ~~((housing accommodations))~~ a  
2 dwelling to persons who are elderly or ~~((handicapped))~~ disabled in any housing facility designed,  
3 constructed or substantially rehabilitated and operated exclusively for older persons, as defined by ~~((the~~  
4 ~~Federal Fair Housing Act of 1988, as amended,))~~ 42 U.S.C. Sec. 3607 (b)(1) through ~~((4))~~ (5) as of the  
5 effective date of th~~((e))~~ is ordinance~~((codified in this chapter))~~, or for the ~~((handicapped))~~ disabled;

6 F. Require any person to rent or lease a ~~((housing accommodation))~~ dwelling to an unemancipated  
7 minor;

8 G. Require any person to rent or lease a ~~((housing accommodation))~~ dwelling in violation of the  
9 Housing and Building Maintenance Code ~~((Ordinance 106319))~~;

10 H. Be construed to prohibit treating ~~((handicapped))~~ disabled persons more favorably than  
11 ~~((nonhandicapped))~~ persons who are not disabled;

12 I. Be construed to protect criminal conduct;

13 J. Prohibit any person from limiting the rental or occupancy of ~~((housing accommodations))~~ a  
14 dwelling ~~((on the basis of))~~ based on the use of force or violent behavior ~~((conduct))~~ by an occupant or  
15 prospective occupant ~~((which involves the use of force or violence))~~, including ~~((or advocacy directed~~  
16 ~~))~~ behavior intended to produc~~((ing))~~ e or incit~~((ing))~~ e imminent force or violence to the person or  
17 property of the owner, manager, or ~~((other person having the right to sell, rent, lease, assign, transfer or~~  
18 ~~otherwise dispose of the real property occupied or sought to be occupied))~~ other agent of the owner;  
19 ~~((K.—As it pertains to place of public accommodations, be construed to include or apply to any~~  
20 ~~institute, bona fide club or place of accommodation which is by its nature distinctly private, though~~  
21 ~~where public use is permitted that use shall be covered by this chapter; nor be construed to apply to any~~  
22 ~~noncommercial facility operated or maintained by a bona fide religious institution;~~



1 ~~L. As it pertains to place of public accommodation, be construed to require structural changes,~~  
2 ~~modifications, or additions to make any place accessible to a handicapped person except as otherwise~~  
3 ~~provided by law;~~

4 ~~M. Be construed to prohibit any person from denying another person the full enjoyment of a place of~~  
5 ~~public accommodation because of actions by the person seeking full enjoyment of the place of public~~  
6 ~~accommodation that constitute a risk to property or to other persons.))~~

7 Section 27. SMC 14.08.200 is hereby amended as follows:

8 **SMC 14.08.200 Unlawful conduct and penalties.**

9 It is unlawful for any person to willfully ~~((engage in an unfair practice under this chapter or wilfully))~~  
10 resist, prevent, impede or interfere with the Director or Hearing Examiner in the performance of their  
11 duties under this chapter ~~((, or to fail, refuse, or neglect to comply with any lawful order of the Director~~  
12 ~~or Hearing Examiner)). A violation of this section is a misdemeanor subject to penalties as set forth in~~  
13 SMC 12A.02.070B.

14 Section 28. SMC 14.08.210 is hereby amended as follows:

15 **SMC 14.08.210 Cooperative agreements.**

16 Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of  
17 complaints, in accordance with a cooperative agreement with the United States Department of Housing  
18 and Urban Development, the Washington State Human Rights Commission as authorized and mandated  
19 by RCW 49.60.226, or with other agencies concerned with the enforcement of laws against  
20 discrimination.

21 Section 29. A new chapter, 14.06 is hereby added to the Seattle Municipal Code as follows:

22 **Chapter 14.06, UNFAIR PUBLIC ACCOMMODATIONS PRACTICES**



1 **SMC 14.06.010 Short title and purposes.**

2 A. This chapter shall be known as and may be cited as the "Public Accommodations Ordinance."

3 The general purposes of this chapter are to assure all persons equal opportunity to the full enjoyment of  
4 places of public accommodation, to eliminate and to prevent unlawful discrimination in places of public  
5 accommodation and to provide enforcement mechanisms for the accomplishment of such purposes. The  
6 provisions of this chapter shall be liberally construed to accomplish these purposes. The Seattle Office  
7 for Civil Rights shall enforce the provisions of this chapter to further this policy.

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

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

11 D. To avoid duplication of efforts or otherwise conserve agency resources, the Director may  
12 suspend or close a case for any reason consistent with this chapter, including the reason that the case is  
13 being actively pursued in another forum. The commencement of a civil action by the Department to  
14 enjoin any unfair practice in violation of this chapter shall not preclude the initiation or continuation of  
15 administrative proceedings under this chapter.

16 E. Remedies under this chapter should include such relief authorized by law as may be appropriate  
17 and reasonable to provide appropriate temporary or preliminary relief as well as to make the aggrieved  
18 person whole and eliminate the unfair practice.

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

23

24



1 **SMC 14.06.020 Definitions.**

2 Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall  
3 have the meanings subscribed:

4 A. "Aggrieved person" includes any person who:

5 1. Claims to have been injured by an unfair practice prohibited by this chapter; or

6 2. Believes that he or she will be injured by an unfair practice prohibited by this chapter that is  
7 about to occur.

8 B. "Charge" means a claim or set of claims alleging an unfair practice or practices prohibited under  
9 this chapter.

10 C. "Charging party" means any person who files a charge alleging an unfair practice under this  
11 chapter, including the Director.

12 D. "City" means The City of Seattle.

13 E. "City department" means any agency, office, board or commission of the City, or any department  
14 employee acting on its behalf, but shall not mean a public corporation chartered under Ch. 3.110 SMC,  
15 or any contractor, consultant, or concessionaire or lessee.

16 F. "Commission" means the Seattle Human Rights Commission.

17 G. "Department" means the Seattle Office for Civil Rights.

18 H. "Director" means the Director of the Seattle Office for Civil Rights or the Director's designee.

19 I. "Disability" means the condition of being disabled.

20 J. "Disabled" means, with respect to a person:

21 1. Having a physical or mental impairment which substantially limits one or more of such person's  
22 major life activities, either temporarily or permanently; or

23 2. Having a record of having such impairment; or

24



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

4 K. Discriminate” means to do any act which constitutes discrimination.

5 L. "Discrimination" means any conduct, whether by single act or as part of a practice, the effect of  
6 which is to adversely affect or differentiate between or among individuals or groups of individuals,  
7 because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status,  
8 sexual orientation, gender identity, political ideology, participation in a Section 8 program, the presence  
9 of any disability or the use of a trained dog guide or service animal by a disabled person.

10 M. "Full enjoyment of" means the right to purchase any service, commodity, or article of personal  
11 property offered or sold on, or by, any establishment to the public, and the admission of any person to  
12 accommodations, advantages, facilities, or privileges of any place of public resort, accommodation,  
13 assemblage, or amusement, free of discrimination as defined in this chapter.

14 N. "Gender identity" means a person's identity, expression, or physical characteristics, whether or  
15 not traditionally associated with one's biological sex or one's sex at birth, including transsexual,  
16 transvestite, and transgendered, and including a person's attitudes, preferences, beliefs, and practices  
17 pertaining thereto.

18 O. "Hearing Examiner" means the Seattle Hearing Examiner.

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

21 Q. "Owner" means any person who owns, leases, subleases, rents, operates, manages, has charge of,  
22 controls or has the right of ownership, possession, management, charge, or control of real property on  
23 their own behalf or on behalf of another.

24



1 R. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or  
2 custodian of a minor child or children under the age of eighteen (18) years, or the designee with written  
3 permission of a parent or other person having legal custody of a child or children under the age of  
4 eighteen (18) years which child or children shall reside permanently or temporarily or shall seek full  
5 enjoyment of any place of public accommodation with such parent or other person. In addition, parental  
6 status shall refer to any person who is pregnant or who is in the process of acquiring legal custody of a  
7 minor child under the age of eighteen (18) years.

8 S. "Party" means the person charging or making a charge or complaint or upon whose behalf a  
9 complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair  
10 practice and the Seattle Office for Civil Rights.

11 T. "Person" means one (1) or more individuals, partnerships, organizations, trade or professional  
12 associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It  
13 includes any owner, lessee, proprietor, manager, agent or employee whether one (1) or more natural  
14 persons, and any political or civil subdivision or agency or instrumentality of the City.

15 U. "Place of public accommodation" means any place, licensed or unlicensed, where the public  
16 gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or  
17 other establishment which supplies goods or services with or without charge to the general public.  
18 "Place of public accommodation" includes, but is not limited to, the following types of services or  
19 facilities: hotels, or other establishments which provide lodging to transient guests; restaurants,  
20 cafeterias, lunchrooms, lunch counters, soda fountains, public washrooms, public elevators, or other  
21 facilities principally engaged in selling or offering for sale food for consumption upon or off the  
22 premises; motion picture houses, theatres, concert halls, sport arenas, stadiums or other places of  
23 exhibition or entertainment; bowling alleys, pool halls, arcades and amusement parks; retail  
24 establishments; transportation carriers; barber shops and beauty shops; bars or taverns or other facilities



1 engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; and  
2 public burial facilities.

3 V. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to  
4 the purpose, conduct, organization, function or basis of government and related institutions and  
5 activities, whether or not characteristic of any political party or group. This term includes membership in  
6 a political party or group and includes conduct, reasonably related to political ideology, which does not  
7 cause substantial and material disruption of the property rights of the provider of a place of public  
8 accommodation.

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

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

13 **SMC 14.06.030 Unfair practices.**

14 A. Unfair practices as defined in this chapter are contrary to the public peace, health, safety and  
15 general welfare and are prohibited by the City in the exercise of its police power.

16 B. It is an unfair practice for any person to discriminate in a place of public accommodation by  
17 means of:

- 18 1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform rates; or
- 19 2. Refusing or withholding admission, patronage, custom, presence, frequenting, dwelling, staying,  
20 or lodging; or
- 21 3. Denying, directly or indirectly, the full enjoyment of any available goods, services,  
22 accommodations, facilities, privileges or advantages; or
- 23 4. Printing, circulating, posting, mailing or otherwise causing, directly or indirectly, to be published  
24 a statement, advertisement or sign which indicates directly or indirectly that the full enjoyment of the



1 goods, services, facilities, privileges, advantages, and accommodations will be refused, withheld, denied  
2 or in some manner limited or restricted or that an individual's patronage of or presence at a place of  
3 public accommodation is objectionable, unwelcome, unacceptable or undesirable; or

4 5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates  
5 because of race, color, religion, ancestry, national origin, age, sex, marital status, sexual orientation,  
6 gender identity, parental status, political ideology, participation in a Section 8 program, the presence of  
7 any disability, or the use of a trained dog guide or service animal by a disabled person with the purpose  
8 or effect of denying to such person the rights granted in this chapter; or

9 6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person  
10 complied with or proposed to comply with this chapter or any order issued under this chapter, or filed a  
11 charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this chapter;  
12 or

13 7. Coercing, intimidating, threatening or otherwise interfering with any person in the exercise or  
14 enjoyment of or on account of his or her having aided or encouraged any other person in the exercise or  
15 enjoyment of any right granted or protected under this chapter; or

16 8. Applying any economic sanctions or denying membership privileges because of compliance with  
17 this chapter; or

18 9. Aiding, abetting, inciting, compelling or coercing the doing of any act defined in this chapter to  
19 be an unfair practice; or

20 10. Attempting to commit any act defined in this chapter to be an unfair practice.

21 C. Compliance with conditions and limitations established by law and applicable to all persons  
22 regardless of race, color, religion, ancestry, age, sex, marital status, parental status, sexual orientation,  
23 gender identity, political ideology, creed, national origin, participation in a Section 8 rent program,  
24



1 presence of a disability, or the use of a trained dog guide or service animal by a disabled person is not an  
2 unfair practice under this section.

3 D. Exemptions. Nothing in this chapter shall be construed to:

4 1. Apply to any non-commercial facility operated or maintained by a bona fide religious institution;

5 2. Include or apply to any institute, bona fide club or place of accommodation which is by its nature  
6 distinctly private, provided however, when or where public use is permitted that use shall be covered  
7 under this chapter;

8 3. Prohibit treating disabled persons more favorably than non-disabled persons;

9 4. Prohibit offering discounts, special prices, or other special arrangements for minor children,  
10 families, or senior citizens, or imposing age limits up to the age of 21;

11 5. Protect criminal conduct; or

12 6. Prohibit taking any actions reasonably necessary to protect persons or property.

13 **SMC 14.06.040 Enforcement by private persons.**

14 A. Any charging party or aggrieved person may commence a civil action in King County Superior  
15 Court or any other court of competent jurisdiction not later than two (2) years after the occurrence or  
16 termination of an alleged unfair practice to obtain appropriate relief with respect to such unfair practice.

17 B. The computation of such one (1) year period shall not include any time during which an  
18 administrative proceeding under this chapter was pending with respect to a complaint or charge under  
19 this chapter alleging an unfair practice based on the same facts or occurrences. For purposes of this  
20 subsection, an "administrative proceeding" begins with the filing of a charge with the Department and  
21 ends with the completion of an appeal filed with the Commission or a final order issued by the Director,  
22 whichever occurs last.

23 C. A civil complaint may be filed under this section whether or not an administrative charge has  
24 been filed under SMC Section 14.06.060. No civil action may be commenced under this section with



1 respect to an alleged unfair practice that forms the basis of a charge if the Hearing Examiner's Office  
2 has commenced a hearing on the record. The City Attorney's Office shall provide written notice to the  
3 charging party at least 30 days prior to the commencement of a hearing before the Hearing Examiner  
4 that the commencement of such a hearing will terminate the charging party's right to file a civil action.

5 D. Any person who claims to have been injured by, or believes that he or she will be injured by an  
6 unfair practice that is the subject matter of the civil action filed under this section may intervene as of  
7 right in the civil action.

8 E. (1) Subject to the provisions of subsection E(2), upon the filing of a civil action involving the  
9 same claim or arising from the same facts and circumstances, whether under this chapter or similar law,  
10 a charge of an unfair practice may be administratively closed by the Director. Upon request by a  
11 charging party, the Director may keep a charge of unfair practice open pending commencement of a trial  
12 in a civil action.

13 (2) In the event that a court dismisses a private cause of action on grounds that would not preclude  
14 pursuit of a charge under this subchapter, the charging party may request, within 90 days of the entry of  
15 the court's order of dismissal, that the Department reopen a previously filed charge. Upon such request,  
16 the Director may reopen a case that was administratively closed upon the filing of a civil action.

17 (3) No charging party or aggrieved person may secure relief from more than one governmental  
18 agency, instrumentality or tribunal for the same harm or injury.

19 (4) Where the charging party or aggrieved person elects to pursue simultaneous claims in more than  
20 one forum, the factual and legal determinations issued by a tribunal may, under the doctrines of "res  
21 judicata" or "collateral estoppel," be binding on all or portions of the charge pending before the  
22 Department.

23 F. In a civil action under this section, if the court finds that an unfair practice has occurred or is  
24 about to occur, the court may grant as relief, as it deems appropriate, any permanent or temporary



1 injunction, temporary restraining order, or other order, including an order enjoining the defendant from  
2 engaging in such practice or ordering such affirmative action as may be appropriate. The court may also  
3 award actual damages, including damages for humiliation and mental suffering, damages for loss of the  
4 right to be free from discrimination in places of public accommodation, and any other appropriate  
5 remedy. The court may also allow reasonable attorney's fees and costs to the prevailing party.

6 G. Upon timely application, the City Attorney may intervene in such civil action, if the City  
7 Attorney certifies that the case is of general public importance, and may obtain such relief as would be  
8 available in an action brought under SMC Section 14.06.120.

9 H. It is the intent of the City of Seattle, in enacting this section, to provide private judicial remedies  
10 for violations of this chapter that are as expansive as possible consistent with the powers granted by the  
11 Constitution and Laws of the State of Washington. In the event that any provision or aspect of this  
12 section is adjudicated to be invalid or unenforceable under applicable law, the validity or enforceability  
13 of the remaining provisions shall be unaffected.

14 **SMC 14.06.050 Charge -- Filing.**

15 A. An aggrieved person may, not later than one hundred eighty (180) days after an alleged unfair  
16 practice has occurred or terminated, file a charge with the Director alleging such unfair practice.  
17 The charge shall be in writing and signed under oath or affirmation before the Director, one of the  
18 Department's employees, or any other person authorized to administer oaths. The charge shall describe  
19 the alleged unfair practice and should include a statement of the dates, places and circumstances, and the  
20 persons responsible for such acts and practices. Upon the filing of a charge alleging an unfair practice,  
21 the Director shall cause to be served upon the charging party a written notice acknowledging the filing,  
22 and notifying the charging party of the time limits and choice of forums provided in this chapter.

23  
24



1 B. A charge shall not be rejected as insufficient because of failure to include all required  
2 information if the Department determines that the charge substantially satisfies the informational  
3 requirements necessary for processing.

4 C. A charge alleging an unfair practice or pattern of unfair practices under this chapter may also be  
5 filed by the Director whenever the Director has reason to believe that any person has been engaged or is  
6 engaging in an unfair practice under this chapter.

7 **SMC 14.06.060 Charge -- Amendments.**

8 A. The charging party or the Department may amend a charge:

- 9 1. To cure technical defects or omissions;
- 10 2. To clarify allegations made in the charge;
- 11 3. To add allegations related to or arising out of the subject matter set forth or attempted to be set  
12 forth in the charge; or
- 13 4. To add as a charging party a person who is, during the course of the investigation, identified as  
14 an aggrieved person; or
- 15 5. To add or substitute as a respondent a person who was not originally named as a respondent, but  
16 who is, during the course of the investigation, identified as a respondent. For jurisdictional purposes,  
17 such amendments shall relate back to the date the original charge was first filed.

18 B. The charging party may amend a charge to include allegations of retaliation that arose after the  
19 filing of the original charge. Such amendment must be filed within one hundred eighty (180) days after  
20 the occurrence of the retaliation, and prior to the Department's issuance of findings of fact and  
21 determination with respect to the original charge. Such amendments may be made at any time during  
22 the investigation of the original charge so long as the Department will have adequate time to investigate  
23 the additional allegations and the parties will have adequate time to present the Department with  
24



1 evidence concerning the additional allegations before the issuance of findings of fact and a  
2 determination.

3 C. When a charge is amended to add or substitute a respondent, the Director shall serve upon the  
4 new respondent within twenty days after the new respondent is identified by the Department:

5 1. The amended charge;

6 2. The notice required under section 14.06.070(A); and

7 3. A statement of the basis for the Director's belief that the new respondent is properly named as a  
8 respondent. For jurisdictional purposes, amendment of a charge to add or substitute a respondent shall  
9 relate back to the date the original charge was first filed.

10 **SMC 14.06.070 Notice of charge and investigation.**

11 A. The Director shall promptly, and in any event within twenty (20) days of filing of the charge,  
12 cause to be served on or mailed, by certified mail, return receipt requested, to the respondent, a copy of  
13 the charge along with a notice advising the respondent of respondent's procedural rights and obligations  
14 under this chapter. A respondent may file with the Department an answer to the charge no later than ten  
15 (10) days after receiving notice of the charge. The Director shall promptly investigate the charge.

16 B. The investigation shall be directed to ascertain the facts concerning the unfair practice alleged in  
17 the charge, and shall be conducted in an objective and impartial manner.

18 C. During the period beginning with the filing of the charge and ending with the issuance of the  
19 findings of fact, the Department shall, to the extent feasible, engage in settlement discussions with  
20 respect to the charge. A pre-finding settlement agreement arising out of the settlement discussions shall  
21 be an agreement between the respondent and the charging party, and is subject to approval by the  
22 Director. Each pre-finding settlement agreement is a public record. Failure to comply with the pre-  
23 finding settlement agreement may be enforced under SMC 14.06.130.

24



1 D. During the investigation the Director shall consider any statement of position or evidence with  
2 respect to the allegations of the charge which the charging party or the respondent wishes to submit,  
3 including the respondent's answer to the charge. The Director shall have authority to sign and issue  
4 subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but  
5 not limited to books, records, correspondence or documents in the possession or under the control of the  
6 person subpoenaed, and access to evidence for the purpose of examination and copying, and conduct  
7 discovery procedures which may include the taking of interrogatories and oral depositions.

8 E. The Director may require a fact finding conference or participation in another process with the  
9 respondent and any of respondent's agents and witnesses and charging party during the investigation to  
10 define the issues, determine any undisputed elements, resolve any issues, and afford an opportunity to  
11 discuss or negotiate settlement. Parties may have their legal counsel present if desired.

12 **SMC 14.06.080 Findings of fact and determination of reasonable cause or no reasonable cause.**

13 A. The results of the investigation shall be reduced to written findings of fact and a determination  
14 shall be made by the Director that there is or is not reasonable cause for believing that an unfair practice  
15 has been or is being committed, which determination shall also be in writing and issued with the written  
16 findings of fact. The findings and determination are "issued" when signed by the Director.

17 B. The findings of fact and determination shall be mailed promptly to the respondent and charging  
18 party.

19 C. Once issued to the parties, the Director's findings of fact, determination and order may not be  
20 amended or withdrawn except upon the agreement of the parties or in response to an order by the  
21 Commission after an appeal taken pursuant to Section 14.06.090; provided, that the Director may correct  
22 clerical mistakes or errors arising from oversight or omission upon a motion from a party or upon the  
23 Director's own motion.

24



1 **SMC 14.06.090 Determination of no reasonable cause -- Appeal from and dismissal.**

2 If a determination is made that there is no reasonable cause for believing an unfair practice under  
3 this chapter has been committed, the charging party may appeal the determination to the Commission  
4 within thirty (30) days of the date the determination is signed by the Director by filing a written  
5 statement of appeal with the Commission. The Commission shall promptly deliver a copy of the  
6 statement to the Department and respondent and shall promptly consider and act upon such appeal by  
7 either affirming the Director's determination or, if the Commission believes the Director should  
8 investigate further, remanding it to the Director with a request for specific further investigation. In the  
9 event no appeal is taken or such appeal results in affirmance or if the Commission has not decided the  
10 appeal within sixty (60) days from the date the appeal statement is filed, the determination of the  
11 Director shall be final and the charge deemed dismissed and the same shall be entered on the records of  
12 the Department. Any party aggrieved by the final dismissal may appeal the order on the record to an  
13 appropriate court.

14 **SMC 14.06.100 Determination of reasonable cause -- Conciliation.**

15 A. If the Director determines that reasonable cause exists to believe that an unfair practice has  
16 occurred, the Director shall endeavor to eliminate the unfair practice through efforts to reach  
17 conciliation. Conditions of conciliation may include, but are not limited to, the elimination of the unfair  
18 practice, affirmative recruiting or advertising measures, payment of actual damages, damages for loss of  
19 the right to full enjoyment of any place of public accommodation, attorney's fees or such other remedies  
20 that will effectuate the purposes of this chapter, including remedies which could be ordered by a court,  
21 except that damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars  
22 (\$10,000.00).

23 B. Any conciliation agreement shall be an agreement between the charging party and the respondent  
24 and shall be subject to the approval of the Director. The Director shall enter an order setting forth the



1 terms of the agreement which may include a requirement that the parties report to the Director on the  
2 matter of compliance. Copies of such order shall be delivered to all affected parties.

3 C. If conciliation fails and no agreement can be reached, the Director shall issue a written finding to  
4 that effect and furnish a copy of the finding to the charging party and to the respondent. Upon issuance  
5 of the finding, except a case in which a City department is a respondent, the Director shall promptly  
6 cause to be delivered the entire investigatory file, including the charge and any and all findings made, to  
7 the City Attorney for further proceedings and hearing under this chapter pursuant to Section 14.06.120.

8 **SMC 14.06.110 Complaint and hearing.**

9 A. Following submission of the investigatory file from the Director, the City Attorney shall, except  
10 as set forth in subsection B of this section, prepare a complaint against such respondent relating to the  
11 charge and facts discovered during the Department's investigation. The City Attorney shall file the  
12 complaint with the Hearing Examiner in the name of the Department and represent the interests of the  
13 Department and the City at all subsequent proceedings.

14 B. If the City Attorney determines that there is no legal basis for a complaint to be filed or  
15 proceedings to continue, a statement of the reasons therefor shall be filed with the Department. The  
16 Director shall then dismiss the charge. Any party aggrieved by the dismissal may appeal the dismissal  
17 to an appropriate court.

18 C. The City Attorney shall serve a copy of the complaint on respondent and furnish a copy of the  
19 complaint to the charging party and to the Department.

20 D. Within twenty (20) days of the service of such complaint upon it, the respondent shall file its  
21 answer with the Hearing Examiner and serve a copy of the same on the City Attorney.

22 E. Upon the filing of the complaint, the Hearing Examiner shall promptly establish a hearing date  
23 and give notice thereof to the Commission, the City Attorney and respondent. The hearing shall  
24



1 commence no earlier than ninety (90) days nor later than one hundred twenty (120) days from the filing  
2 of the complaint unless otherwise ordered by the Hearing Examiner.

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

7 G. The hearing shall be conducted by the Hearing Examiner, a deputy hearing examiner or a hearing  
8 examiner pro tempore appointed by the Hearing Examiner from a list approved by the Commission,  
9 sitting alone or with Commissioners from the Commission if any are designated. Such hearings shall be  
10 conducted in accordance with written rules and procedures consistent with this chapter and the  
11 Administrative Code, Ch. 3.02 SMC.

12 H. The Commission, within thirty (30) days after receiving the date of hearing from the Hearing  
13 Examiner, at its discretion, may appoint two (2) Commissioners who have not otherwise been involved  
14 in the charge, investigation, fact finding, or other resolution and proceeding on the merits of the case,  
15 who have not formed an opinion on the merits of the case, and who otherwise have no pecuniary, private  
16 or personal interest or bias in the matter, to hear the case with the Hearing Examiner. Each  
17 Commissioner shall have an equal vote with the Hearing Examiner. The Hearing Examiner shall be the  
18 chairperson of the panel and make all evidentiary rulings. The Hearing Examiner shall resolve any  
19 question of previous involvement, interest or bias of an appointed Commissioner in conformance with  
20 the law on the subject. Any reference in this chapter to a decision, order, or other action of the Hearing  
21 Examiner shall include, when applicable, the decision, order, or other action of a panel constituted under  
22 this subsection.



1 **SMC 14.06.120 Decision and order.**

2 A. Within thirty (30) days after conclusion of the hearing, the Hearing Examiner shall prepare a  
3 written decision and order. The final decision shall be filed as a public record with the City Clerk, and  
4 copies mailed to each party of record and to the Department.

5 B. Such decision shall contain a brief summary of the evidence considered and shall contain  
6 findings of fact, conclusions of law upon which the decision is based, and an order detailing the relief  
7 deemed appropriate, together with a brief statement of the reasons supporting the decision.

8 C. In the event the Hearing Examiner or a majority of the panel composed of the Hearing Examiner  
9 and designated Commissioners, determines that a respondent has committed an unfair practice under this  
10 chapter, the Hearing Examiner may order the respondent to take such affirmative action or provide for  
11 such relief as is deemed necessary to correct the practice and carry out the purpose of this chapter. The  
12 Hearing Examiner may grant any relief that could be ordered by a court, including actual damages,  
13 damages for loss of the right to full enjoyment of any place of public accommodation, injunctive or  
14 equitable relief, reasonable attorney's fees and costs and any other appropriate remedy, except that  
15 damages for humiliation and mental suffering shall not exceed Ten Thousand Dollars (\$10,000.00). An  
16 order may include a requirement for a report on the matter of compliance.

17 D. Any person aggrieved by a final order of the Hearing Examiner may appeal the order on the  
18 record to an appropriate court.

19 E. The Department in the performance of its functions may enlist the aid of all departments of City  
20 government, and all said departments are directed to fully cooperate with the Department.

21 **SMC 14.06.130 Enforcement of Department and Hearing Examiner orders.**

22 A. In the event a City respondent fails to comply with any final order of the Director or of the  
23 Hearing Examiner, a copy of the order shall be transmitted to the Mayor who shall take appropriate  
24 action to secure compliance with the final order.



1 B. In the event a respondent fails to comply with any final order issued by the Hearing Examiner  
2 not directed to the City, the Director shall refer the matter to the City Attorney for the filing of a civil  
3 action to enforce such order.

4 C. Whenever the Director has reasonable cause to believe that a respondent has breached a pre-  
5 finding settlement agreement or a post-finding conciliation agreement, the Director shall refer the matter  
6 to the City Attorney for the filing of a civil action to enforce such agreement.

7 D. If no action has been filed under subsection B or C of this section within ninety (90) days after  
8 referral to the City Attorney, any person entitled to relief under the final order or a party to a pre-finding  
9 or post-finding settlement agreement may file a civil action in the superior court to enforce the order or  
10 agreement.

11 **SMC 14.06.140 Unlawful conduct and penalties.**

12 It is unlawful for any person to willfully resist, prevent, impede or interfere with the Director or Hearing  
13 Examiner in the performance of their duties under this chapter. A violation of this section is a  
14 misdemeanor subject to penalties as set forth in SMC 12A.02.070B.

15 **SMC 14.06.150 Cooperative agreements.**

16 Nothing in this chapter shall be interpreted to prevent the receiving, referring, or other processing of  
17 complaints, in accordance with a cooperative agreement with the Washington State Human Rights  
18 Commission as authorized and mandated by RCW 49.60.226 or with other agencies concerned with the  
19 enforcement of laws against discrimination.

20 **SMC 14.06.160 Application to pending charges and complaints.**

21 The procedures for administration and enforcement under this chapter shall apply to charges pending  
22 which have not had a date certain set for hearing as of the effective date of the ordinance codified in this  
23 chapter. However, this section shall not be construed to invalidate any administrative action taken or  
24 determinations and orders made on pending charges because of the procedures provided by this chapter.

1 Section 30. This ordinance shall take effect and be in force thirty (30) days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and signed by me in open  
6 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

7  
8 \_\_\_\_\_  
President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

10 \_\_\_\_\_  
Gregory J. Nickels, Mayor

11 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

12 \_\_\_\_\_  
13 City Clerk

14 (Seal)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

177530  
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

**Affidavit of Publication**

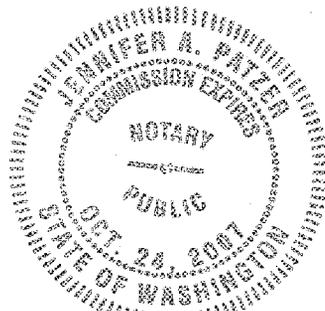
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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

CT:121593 ORD IN FULL

was published on

10/5/2004



Affidavit of Publication

*Mel D*

Subscribed and sworn to before me on

10/5/2004

*Jennifer Pater*

Notary public for the State of Washington,  
residing in Seattle

