CB 117053
#3

Julie Nelson/tr
SOCR Civil Rights Ordinance Update ORD
January 19, 2011
Version #4

ORDINANCE _____

AN ORDINANCE related to the Enforcement of Civil Rights, amending Sections 14.04, 14.06, 14.08, and 14.10 of the Seattle Municipal Code to be consistent with Federal and State anti-discrimination law.

WHEREAS the Equal Employment Opportunity Commission (EEOC), Department of Housing and Urban (HUD) and the Washington State Human Rights Commission (HRC) have passed recent legislation to expand civil rights protections for residents; and

WHEREAS The City of Seattle Office of Civil Rights is at the forefront of civil rights protections; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 14.04.020 of the Seattle Municipal Code is amended as follows:

14.04.020 Declaration of policy.

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

Section 2. Section 14.04.030 of the Seattle Municipal Code, which section was last amended by Ordinance 112908, is hereby amended as follows:

14.04.030 Definitions.

When used in this chapter, unless the context otherwise requires:

A. "Charging party" means the person aggrieved by an alleged unfair employment practice or the person making a charge on another person's behalf, or the Director when the Director files a charge.

B. "City department" means any agency, office, board or commission of the City, or any Department employee acting on its behalf, but shall not mean a public corporation chartered under Ordinance 103387[1], or its successor ordinances, or any contractor, consultant, concessionaire or lessee.

C. "Commission" means the Seattle Human Rights Commission.

D. "Department" means the Office for Civil Rights of the City.

E. "Director" means the Director of the Office for Civil Rights.

F. "Disabled" means a person who has a disability.

G. 1. "Disability" means the presence of a sensory, mental, or physical impairment that:

a. Is medically cognizable or diagnosable; or

b. Exists as a record or history; or

c. Is perceived to exist whether or not it exists in fact.

2. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

3. For purposes of this definition, "impairment" includes, but is not limited to:

a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

b. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

4. Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

a. The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

b. The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

5. For purposes of (4) of this subsection, a limitation is not substantial if it has only a trivial effect.

H. "Genetic Information" means any information regarding inherited characteristics that can be derived from a DNA-based or other laboratory test, family history, or medical examination. "Genetic information" for purposes of this chapter, does not include: (1) Routine physical measurements, including chemical, blood, and urine analysis, unless conducted purposefully to diagnose genetic or inherited characteristics; and (2) results from tests for abuse of alcohol or drugs.

((~~F.~~))I. "Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status, or the presence of any ((~~sensory, mental or physical handicap~~)) disability.

((~~G.~~))J. "Employee" means any person employed by, or applying for employment with, an employer, and shall include traditional employees, temporary workers, and part-time employees.

((~~H.~~))K. "Employer" means any person who has one (((~~1~~))) or more employees, or the employer's designee or any person acting in the interest of such employer.

((~~I.~~))L. "Employment agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.

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

((~~K.~~))N. "Labor organization" means any organization or employee group or association in which employees participate and which exists for the purpose of (1) collective bargaining for or on behalf of employees, (2) dealing with employers concerning grievances, labor disputes, terms or conditions of employment, or (3) other mutual aid or protection of such employees in relation to their employment.

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

((~~M.~~))P. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice and the Office for Civil Rights.

((~~N.~~))Q. "Person" includes one (((~~1~~))) or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one (((~~1~~))) or more natural persons, and further includes any department, office, agency or instrumentality of the City.

((~~O.~~))R. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership in a political party or group and includes conduct, reasonably related to political ideology, which does not interfere with job performance.

S. The term "reasonable accommodation" may include:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

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

U. The terms "because of sex," "on the basis of sex," or "by reason of sex" include, but are not limited to, because of or on the basis of or by reason of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in this chapter shall be interpreted to permit otherwise.

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

((~~R.~~))W. "Honorably discharged veteran or military status" means:

(((~~1~~)))1. A veteran, as defined in RCW 41.04.007; or

(((~~2~~)))2. An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

X. "Service animal" means an animal that provides medically necessary support for the benefit of an individual with a disability.

Section 3. Subsection C of Section 14.04.040 of the Seattle Municipal Code is amended as follows:

14.04.040 Unfair employment practices designated.

* * *

C. Employer, employment agency, or labor organization to print, circulate, or cause to be printed, published or circulated, any statement, advertisement, or publication relating to employment or membership, or to use any form of application therefore, which indicates any preference, limitation, specification, or discrimination based upon race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental or physical handicap; provided that, nothing in this chapter shall prevent an employer from ascertaining and recording data as to race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical handicap whether before or after employment, for the purpose of making reports specifically required by agencies of federal, state or local government for the purpose of eliminating and preventing discrimination or overcoming its effects, or for other purposes authorized by law or the rules and regulations of Washington State Human Rights Commission, the Equal Employment Opportunities Commission or the Department;

* * *

Section 4. Section 14.04.090 of the Seattle Municipal Code is amended as follows:

14.04.090 Charge -- Time for filing

A. Charges filed under this chapter must be filed within ((~~one hundred eighty (180)~~)) 180 days after the occurrence of the alleged unfair employment practice with the Office for Civil Rights.

B. For purposes of this chapter, an unfair employment practice occurs, with respect to discrimination in compensation in violation of this chapter, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice. In addition to any relief authorized by this chapter, liability may accrue and an aggrieved person may obtain relief as provided in this chapter, including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.

Section 5. Section 14.06.020 of the Seattle Municipal Code is amended as follows:

14.06.20 Definitions.

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

A. "Aggrieved person" includes any person who:

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

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

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

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

D. "City" means The City of Seattle.

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

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

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

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

((~~I. "Disability" means the condition of being disabled.~~

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

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

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

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

I. "Disabled" means a person who has a disability.

J. 1. "Disability" means the presence of a sensory, mental, or physical impairment that:

a. Is medically cognizable or diagnosable; or

b. Exists as a record or history; or

c. Is perceived to exist whether or not it exists in fact.

2. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

3. For purposes of this definition, "impairment" includes, but is not limited to:

a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

b. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

X. "Service animal" means an animal that provides medically necessary support for the benefit of an individual with a disability.

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

((~~Y.~~))Z. "Honorably discharged veteran or military status" means:

(((~~1~~)))1. A veteran, as defined in RCW 41.04.007; or

(((~~2~~)))2. An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 6. Section 14.08.020 of the Seattle Municipal Code is amended as follows:

14.08.020 Definitions.

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

A. "Aggrieved person" includes any person who:

1. Claims to have been injured by an unfair practice prohibited by this

chapter; or

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

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

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

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

E. "City" means The City of Seattle.

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

G. "Commission" means the Seattle Human Rights Commission.

H. "Department" means the Seattle Office for Civil Rights.

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

((~~J. "Disability" means the condition of being disabled.~~

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

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

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

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

J. "Disabled" means a person who has a disability.

K. 1. "Disability" means the presence of a sensory, mental, or physical impairment that:

a. Is medically cognizable or diagnosable; or

b. Exists as a record or history; or

c. Is perceived to exist whether or not it exists in fact.

2. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

3. For purposes of this definition, "impairment" includes, but is not limited to:

a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

b. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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

M. "Discrimination" means any conduct, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably

discharged veteran or military status, participation in a Section 8 program, the presence of any disability or the use of a ((~~trained dog guide~~)) service animal by a disabled person.

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

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

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

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

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

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

T. "Occupant" means any person who has established residence or has the right to occupy real property.

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

V. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children under the age of ((~~eighteen (18)~~))18 years, or the designee with written permission of a parent or other person having legal custody of a child or children under the age of ((~~eighteen (18)~~))18 years, which child or children shall reside permanently or temporarily with such parent or other person. In addition, parental status shall refer to any person who is pregnant or who is in the process of acquiring legal custody of a minor child under the age of ((~~eighteen (18)~~))18 years.

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

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

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

Y. "Political ideology" means any idea or belief, or coordinated body of ideas or beliefs, relating to the purpose, conduct, organization, function or basis of government and related institutions and activities, whether or not characteristic of any political party or group. This term includes membership in a political party or group and includes conduct, reasonably related to political ideology, which does not interfere with the property rights of the landowner as it applies to housing.

Z. "Prospective borrower" means any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of real property.

AA. "Prospective occupant" means any person who seeks to purchase, lease, sublease or rent real property.

BB. "Real estate agent, salesperson or employee" means any person employed by, associated with or acting for a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

CC. "Real estate broker" means any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of real property of another, or holds themselves out as engaged in the business of selling, purchasing,

exchanging, listing, leasing, subleasing, or renting real property of another, or collects the rental for use of real property of another.

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

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

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

a. For purchasing, constructing, improving, repairing, or maintaining real property, or

b. Secured by real property; or

2. The selling, brokering, or appraising of real property; or

3. The insuring of real property, mortgages, or the issuance of insurance related to any real estate transaction.

FF. "Real property" means dwellings, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and any interest therein.

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

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

II. "Service animal" means an animal that provides medically necessary support for the benefit of an individual with a disability.

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

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

((~~KK.~~))LL. "Honorably discharged veteran or military status" means:

(((~~1~~)))1. A veteran, as defined in RCW 41.04.007; or

(((~~2~~)))2. An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 7. Subsection B of Section 14.08.070 of the Seattle Municipal Code is amended as follows:

14.08.070 Unfair inquiries or advertisements.

* * *

B. Publish, print, circulate, issue or display or cause to be published, printed, circulated, issued or displayed, any communication, notice, advertisement, statement, or sign of any kind relating to a real estate transaction or listing of real property which indicates directly or indicates an intention to make any preference, limitation or specification based on race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, the participation in a Section 8 program, the presence of a disability, or the use of a ((~~trained dog guide~~)) service animal by a disabled person.

* * *

Section 8. Section 14.08.110 of the Seattle Municipal Code is amended as follows:

14.08.110 Time for filing charges.

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

Section 9. Subsection B of Section 14.08.110 of the Seattle Municipal Code is amended as follows:

14.08.120 Charge -- Amendments.

* * *

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

* * *

Section 10. Subsection D of Section 9.25.023 of the Seattle Municipal Code is amended as follows:

9.25.023 Definitions -- P -- T.

* * *

D. ((~~"Service dog" means a dog that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.~~))"Service animal" means an animal that provides medically necessary support for the benefit of an individual with a disability.

* * *

Section 11. Section 14.10.010 of the Seattle Municipal Code is amended as follows:

14.10.010 Statement of purpose.

The ordinance codified in this chapter is an exercise of the police power for the protection of the public welfare, health, peace and safety of the residents of The City of Seattle and in fulfillment

of the provisions of the Constitution of this state. The City Council hereby finds and declares that practices of discrimination in public or private contracting against any person on the basis of race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any ((~~sensory, mental or physical~~)) disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of Seattle. The provisions of this chapter shall apply to the City when acting as a contractor and to other contractors, subcontractors, suppliers, material suppliers, bonding agencies, contract agencies and other business entities doing business in the City, and shall be liberally construed for accomplishment of its policies and purposes. Nothing in this chapter shall be deemed to deny any persons the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents. Nothing in this chapter shall be presumed to toll the statute of limitations for any claims under federal or state statute. Nothing in this chapter shall be construed to prohibit or apply to actions taken in good faith against any person by a contractor based solely upon their performance, qualifications, or ability to perform in accordance with the terms of a contract or for other nondiscriminatory reasons.

Section 12. Section 14.10.020 of the Seattle Municipal Code is amended as follows:

14.10.020 Definitions.

When used in this chapter, unless the context otherwise requires:

* * *

"Discrimination," "discriminate," and/or "discriminatory act" means any act (other than an action taken in accordance with a lawful affirmative action program) or failure to act whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of ((~~any sensory, mental or physical handicap~~))disability, unless based upon a bona fide occupational qualification.

* * *

1."Disability" means the presence of a sensory, mental, or physical impairment that:

a. Is medically cognizable or diagnosable; or

b. Exists as a record or history; or

c. Is perceived to exist whether or not it exists in fact.

2. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

3. For purposes of this definition, "impairment" includes, but is not limited to:

a. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

b. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

***

Section 13. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2010, and signed by me in open session in authentication of its passage this

_____ day of _____, 2010.

_____
President _____ of the City Council

Approved by me this ____ day of _____, 2010.

_____
Michael McGinn, Mayor

Filed by me this ____ day of _____, 2010.

_____
City Clerk

(Seal)

Form revised: August 9, 2010

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Office of Civil Rights	Nolan Lim/206-684-0207	Janet Credo /206-684-8687

Legislation Title:
AN ORDINANCE related to the Enforcement of Civil Rights, amending Sections 14.04, 14.06, 14.08, and 14.10 of the Seattle Municipal Code to be consistent with Federal and State anti-discrimination law

Summary of the Legislation:

This proposed ordinance will update the Seattle Municipal Code to reflect current Federal and State anti-discrimination laws. SOCR is updating the law because the current municipal code has language that places more restrictions on civil rights protections than combined Federal and State law.

Background:

This proposed ordinance will update the Seattle Municipal Code in the following areas:

- Updated definition of "disability;"
- Updated definition of "impairment;"
- Updated definition of "genetic information;"
- Updated definition of "reasonable accommodation;"
- Updated information related to discrimination in compensation and filing times;
- Updated definition of "service animal."

Please check one of the following:

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

____ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

CITY CLERK

City of Seattle
Office of the Mayor

November 16, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that amends the Seattle Municipal Code (SMC) to reflect current federal and state anti-discrimination laws. The amendments will expand civil rights protections and continue the Seattle Office of Civil Rights' (SOCR) mission for equal rights and social justice for the citizens of Seattle.

SOCR is updating the law because the current Seattle Municipal Code contains language that places more restrictions on civil rights than Federal and Washington State law. By updating the Fair Employment, Housing, Public Accommodation, and Contracting provisions, the SMC will be aligned with Federal and State law, and SOCR will be in a better position to enforce civil rights protections in the City of Seattle.

Thank you for your consideration of this legislation. Should you have questions, please contact Nolan Lim, Enforcement Manager for SOCR, at 206-684-0207.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcginn@seattle.gov

CITY CLERK