



## Legislation Details (With Text)

**File #:** 2022-0394      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 10/4/2022      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 11/15/2022

**Enactment date:** 11/29/2022      **Enactment #:** 19541

**Title:** AN ORDINANCE relating to organization of administrative offices and executive departments and offices; and amending Ordinance 18665, Section 8, and K.C.C. 2.15.100, Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 18757, Section 4, and K.C.C. 3.12D.020, Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120, Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010, Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030, Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040, Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070, Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080, Ordinance 13981, Section 11, as amended, and K.C.C. 12.17.090, Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020, Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040, Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050, Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080, Ordinance 15399, Section 17, as amended, and K.C.C. 12.18.085, Ordinance 7430, Section 9, as amended, and K.C.C. 12.18.090, Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097, Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020, Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070, Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080, Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090, Ordinance 10469, Section 11, as amended, and K.C.C. 12.20.095, Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100, Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120, Ordinance 10469, Section 13, as amended, and K.C.C. 12.20.122, Ordinance 10469, Section 14, as amended, and K.C.C. 12.20.124, Ordinance 10469, Section 16, as amended, and K.C.C. 12.20.133, Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020, Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040, Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050, Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060, Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070, Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080, Ordinance 15399, Section 59, and K.C.C. 12.22.085, Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090, Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095 and Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, repealing Ordinance 12394, Section 3, as amended, and K.C.C. 4.56.085 and establishing an effective date.

**Sponsors:** Joe McDermott

**Indexes:** Executive

**Code sections:** 12.17.010 -, 12.17.030 -, 12.17.040 -, 12.17.050 -, 12.17.060 -, 12.17.070 -, 12.17.080 -, 12.18.020 -, 12.18.040 -, 12.18.050 -, 12.18.060 -, 12.18.070 -, 12.18.080 -, 12.18.085 - ., 12.18.090 -, 12.18.097 -, 12.20.020 -, 12.20.040 -, 12.20.050 -, 12.20.060 -, 12.20.070 -, 12.20.080 -, 12.20.090 -, 12.20.095 -, 12.20.100 -, 12.20.120 -, 12.20.133 -, 12.20.150 -, 12.22.070 -, 12.22.080 -, 12.22.085 - ., 12.22.090 -, 12.22.095 -, 2.15.100 - ., 2.16.025 -, 2.16.035 -, 2.16.036 - ., 20.20.020 -, 3.12D.020 - ., 6.27A.120 - .

**Attachments:** 1. Ordinance 19541, 2. 2022-0394 transmittal letter, 3. 2022-0394 Fiscal Note, 4. 2022-0394 Legislative Review Form, 5. 2022-0394\_SR\_23-24 BudgetReOrg- mb 10-25-22, 6. 2022-0394 ATT4 DHR Org Chart\_Current, 7. 2022-0394\_SR\_23-24BudgetReOrg\_11.08.22, 8. 2022-0394.1\_ATT2 AMD S1 Striking\_Amendment, 9. 2022-0394.1\_ATT3 AMD T1 Title\_Amendment, 10. 2022-0394\_RevisedSR\_23-24BudgetReOrg\_11.08.22

Date	Ver.	Action By	Action	Result
11/15/2022	2	Metropolitan King County Council	Passed	Pass
11/8/2022	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
10/25/2022	1	Budget and Fiscal Management Committee	Deferred	
10/4/2022	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to organization of administrative offices and executive departments and offices; and amending Ordinance 18665, Section 8, and K.C.C. 2.15.100, Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035, Ordinance 18757, Section 4, and K.C.C. 3.12D.020, Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120, Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010, Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030, Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040, Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050, Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060, Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070, Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080, Ordinance 13981, Section 11, as amended, and K.C.C. 12.17.090, Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020, Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040, Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050, Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060, Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070, Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080, Ordinance 15399, Section 17, as amended, and K.C.C. 12.18.085, Ordinance 7430, Section 9, as amended, and K.C.C. 12.18.090, Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097, Ordinance 5280, Section 2, as

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 18665, Section 8, and K.C.C. 2.15.100 are hereby amended to read as follows:

A person who has been injured or otherwise sustained damages as a result of a violation of this chapter may file a complaint with the King County office of ~~((civil rights))~~ equity and racial and social justice in accordance with K.C.C. 12.22.040.

SECTION 2. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025 are hereby amended to read as follows:

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy and budget ((and)), the office of labor relations, the office of climate, the office of economic opportunity and creative economy and the office of equity and racial and social justice.

B. The office of performance, strategy and budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the ((annual)) operating and capital project budgets;

2. ((Preparing forecasts of and m))Monitoring revenues and preparing forecasts not produced by the office of economic and financial analysis;

3. Monitoring expenditures and work programs ((in accordance with Section 475 of the King County Charter));

4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital project budgets throughout the fiscal period;

5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;

6. Performing program analysis, and contract and performance evaluation review;

7. Developing and transmitting to the council, concurrent with the biennial proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

8. Performance management and accountability:

a. providing leadership, guidance and coordination of the executive branch performance management and accountability system ((countywide));

b. overseeing the development of strategic plans and ((business)) operational plans for each

executive branch department and office;

c. ~~((providing technical assistance on the development of strategic plans and business plans for agencies))~~ overseeing monitoring of the performance management and accountability system, including review of operational and budgetary performance;

d. developing and using community-level indicators and agency performance measures to monitor and evaluate the effectiveness and efficiency of ~~((county agencies))~~ each executive branch department and office; and

e. overseeing the production of an annual performance report for the executive branch;

~~((f. coordinating performance review process of executive branch departments and offices;~~

~~g. collecting and analyzing land development, population, housing, natural resource enhancement, transportation and economic activity data to aid decision making and to support implementation of county plans and programs, including benchmarks;~~

~~h. leading public engagement and working in support of county performance management, budget and strategic planning; and~~

~~i. developing and transmitting to the council a biennial report on April 30 in odd-numbered years about the benefits achieved from technology projects. The report shall include information about the benefits obtained from completed projects with total project expenditures of five million dollars or more and a comparison with benefits that were projected during different stages of the project. The report shall be approved by the council by motion. The report and motion shall be filed in the form of an electronic copy with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers;))~~

9. Interagency ~~((Strategic planning and interagency))~~ coordination:

a. coordinating and staffing executive initiatives across departments and agencies;

b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;

- c. negotiating interlocal agreements as designated by the executive; and
- d. serving as the liaison to the boundary review board for King County;

~~((10. Business relations and economic development:~~

- a. ~~developing proposed policies to address regional, unincorporated urban, and rural economic development;~~
- b. ~~establishing, fostering and maintaining healthy relations with business and industry;~~
- c. ~~implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;~~
- d. ~~developing and implementing strategies to promote economic revitalization and equitable development in urban unincorporated areas including the possible assembly of property for the purpose of redevelopment;~~
- e. ~~refining and implementing strategies in the county's rural economic strategies to preserve and enhance the rural economic base so that the rural area can be a place to both live and work; and~~
- f. ~~assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting job creation with the emphasis on family-wage jobs;~~

~~11.)) 10. Leading the county's ((€))continuous improvement activities((:~~

- a. ~~leading, coordinating and implementing a program of continuous improvement, including the provision of leadership development, transformational improvement and capacity building in Lean thinking; and~~
- b. ~~providing annual reports to the council on the implementation of the continuous improvement program, including but not limited to a description of the number of people and agencies that have received training, the processes changed as a result of Lean implementation and the budget and other impacts of these changes)); and~~

~~((12.)) 11. Leading the county's ((R))regional planning work, including:~~

- a. coordinating the county's participation in multicounty planning at the Puget Sound Regional Council, including serving on the Puget Sound Regional Council's regional staff committee;
- b. coordinating countywide planning at the Growth Management Planning Council consistent with the Washington state Growth Management Act, including leading the Growth Management Planning Council's interjurisdictional staff team in accordance with the interlocal agreement authorized by King County Motion 8495;
- c. managing updates to the county's Comprehensive Plan in coordination with the department of local services in accordance with K.C.C. Title 20;
- d. coordinating the development of demographic and growth forecasting data and information including census data, growth targets and buildable lands;
- e. facilitating annexations and joint planning with cities, including developing annexation proposals, drafting interlocal agreements, and serving as the liaison to the boundary review board for King County; and
- f. colleading with the department of local services's ~~(the)~~ permitting division, an interbranch regional planning team that supports the council and executive through the provision of information and data, development of policy proposals and options for regional issues related to growth management, economic development and transportation. Participation in the interbranch regional planning team shall include executive, department and council staff as designated by the respective branches.

C. The office of labor relations functions and responsibilities shall include ~~((, but not be limited to))~~:

- 1. Representing county agencies in the collective bargaining process as required by chapter 41.56 RCW;
- 2. Developing and maintaining databases of information relevant to the collective bargaining process;
- 3. Representing county agencies in labor arbitrations, appeals, and hearings including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration with the department of human resources;
- 4. Administering labor contracts and providing consultation to county agencies regarding the terms

and implementation of negotiated labor agreements, in collaboration with the department of human resources;

5. Advising the executive and council on overall county labor policies; and

6. Providing resources for labor relations training for county agencies, the executive, the council and others, in collaboration with the department of human resources.

D. The office of climate functions and responsibilities shall include:

1. Coordinating the integration of climate change into county operations in partnership with executive branch departments and offices, King County cities, partners, communities and residents;

2. Advising the executive and council on climate-related policies, programs and activities; and

3. Leading and fostering climate innovation among county agencies.

E. The office of economic opportunity and creative economy functions and responsibilities shall include:

1. Coordinating the county's efforts to develop a strong equitable economy that creates opportunities for all residents;

2. Developing and implementing strategies to promote economic revitalization and equitable development; and

3. Assisting communities and businesses in creating economic opportunities, promoting a diversified economy and promoting family-wage job creation.

F. The office of equity and racial and social justice functions and responsibilities shall include:

1. Defining the county's equity and racial and social justice outcomes with communities most affected by inequities;

2. Developing the county's strategies, practices, systems and processes to achieve equity and racial and social justice outcomes;

3. Providing strategic consultation to county agencies, and the communities they serve to achieve equity and racial and social justice outcomes;



4. Assisting county agencies to fulfill their responsibility to achieve equity and racial and social justice outcomes; and

5. Operating the civil rights program, which shall include the following duties:

a. enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and 12.22;

b. assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;

c. serving as the county Americans with Disabilities Act Title II coordinator relating to public access;

d. providing staff support to the county civil rights commission;

e. serving as the county federal Civil Rights Act Title VI coordinator; and

f. coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.

G.1. The county council hereby delegates to the executive or the executive's designee authority to request a hearing before the Washington state Liquor and Cannabis Board and make written recommendations and objections regarding applications relating to:

a. liquor licenses under chapter 66.20 RCW; and

b. licenses for marijuana producers, processors or retailers under chapter 69.50 RCW.

2. Before making a recommendation under subsection ~~((D-))~~ G.1. of this section, the executive or designee shall solicit comments from county departments and agencies, including, but not limited to, the department of local services, public health - Seattle & King County, the sheriff's office and the prosecuting attorney's office.

3. For each application reviewed under subsection ~~((D-))~~ G.1.b. of this section, the executive shall transmit to the county council a copy of the application received with the applicant's name and proposed license

application location, a copy of all comments received under subsection ~~((D-))~~ G.2. of this section and the executive's recommendation to the Washington state Liquor and Cannabis board.

~~((E-))~~ H. The executive may assign or delegate budgeting, performance management and accountability, climate policy, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

SECTION 3. Ordinance 14199, Section 11, as amended, and K.C.C. 2.16.035 are hereby amended to read as follows:

A. The county administrative officer shall be the director of the department of executive services. The department shall include the records and licensing services division, the finance and business operations division, the facilities management division, the fleet services division, the airport division, the office of risk management services, the administrative office of emergency management~~((;))~~ and the administrative office of the business resource center ~~((and the administrative office of civil rights))~~. In addition, the county administrative officer shall be responsible for providing staff support for the board of ethics.

~~((A-))~~ B. The duties of the records and licensing services division shall include the following:

1. Issuing marriage, vehicle/vessel, taxicab and for-hire driver and vehicle and pet licenses, collecting license fee revenues and providing licensing services for the public;
2. Enforcing county and state laws relating to animal control;
3. Managing the recording, processing, filing, storing, retrieval and certification of copies of all public documents filed with the division as required;
4. Processing all real estate tax affidavits; and
5. Acting as the official custodian of all county records, as required by general law, except as otherwise provided by ordinance.

~~((B-))~~ C. The duties of the finance and business operations division shall include the following:

1. Monitoring revenue and expenditures for the county. The collection and reporting of revenue and expenditure data shall provide sufficient information to the executive and to the council. The division shall be ultimately responsible for maintaining the county's official revenue and expenditure data;
2. Performing the functions of the county treasurer;
3. Billing and collecting real and personal property taxes, local improvement district assessments and gambling taxes;
4. Processing transit revenue;
5. Receiving and investing all county and political subjurisdiction moneys;
6. Managing the issuance and payment of the county's debt instruments;
7. Managing the accounting systems and procedures;
8. Managing the fixed assets system and procedures;
9. Formulating and implementing financial policies for other than revenues and expenditures for the county and other applicable agencies;
10. Administering the accounts payable and accounts receivable functions;
11. Collecting fines and monetary penalties imposed by district courts;
12. Developing and administering procedures for the procurement of and awarding of contracts for tangible personal property, services, professional or technical services and public work in accordance with K.C.C. chapter 2.93 and applicable federal and state laws and regulations;
13. Establishing and administering procurement and contracting methods, and bid and proposal processes, to obtain such procurements;
14. In consultation with the prosecuting attorney's office and office of risk management services, developing and overseeing the use of standard procurement and contract documents for such procurements;
15. Administering contracts for goods and services that are provided to more than one department;
16. Providing comment and assistance to departments on the development of specifications and

scopes of work, in negotiations for such procurements, and in the administration of contracts;

17. Assisting departments to perform cost or price analyses for the procurement of tangible personal property, services and professional or technical services, and price analysis for public work procurements;

18. Developing, maintaining and revising as may be necessary from time to time the county's general terms and conditions for contracts for the procurement of tangible personal property, services, professional or technical services and public work;

19. Managing and developing financial policies for borrowing of funds, financial systems and other financial operations for the county and other applicable agencies;

20. Managing the contracting opportunities program to increase opportunities for small contractors and suppliers to participate on county-funded contracts. Submit an annual report as required by K.C.C. 2.97.090;

21. Managing the apprenticeship program to optimize the number of apprentices working on county construction projects. Submit an annual report as required by K.C.C. 12.16.175; and

22. Serving as the disadvantaged business enterprise liaison officer for federal Department of Transportation and other federal grant program purposes. The disadvantaged business enterprise liaison officer shall have direct, independent access to the executive on disadvantaged business enterprise program matters consistent with 49 C.F.R. Sec. 26.25. For other matters, the disadvantaged business enterprise liaison officer shall report to the manager of the finance and business operations division.

~~((C-))~~ D. The duties of the facilities management division shall include the following:

1. Overseeing space planning for county agencies;

2. Administering and maintaining in good general condition the county's buildings except for those managed and maintained by the department of natural resources and parks and the Metro transit department as provided in K.C.C. chapter 4.56;

3. Operating security programs for county facilities except as otherwise determined by the council;

4. Administering all county facility parking programs except for public transportation facility parking;
5. Administering the supported employment program;
6. Managing all real property owned or leased by the county, except as provided in K.C.C. chapter 4.56, ensuring, where applicable, that properties generate revenues closely approximating fair market value;
7. Maintaining a current inventory of all county-owned or leased real property;
8. Functioning as the sole agent for the disposal of real properties deemed surplus to the needs of the county;
9. In accordance with K.C.C. chapter 4A.100, providing support services to county agencies in the acquisition of real properties, except as otherwise specified by ordinance;
10. Issuing oversized vehicle permits, franchises and permits and easements for the use of county property except franchises for cable television and telecommunications;
11. Overseeing the development of capital projects for all county agencies except for specialized roads, solid waste, public transportation, airport, water pollution abatement, surface water management projects and parks and recreation;
12. Being responsible for all general projects, such as office buildings or warehouses, for any county department including, but not limited to, the following:
  - a. administering professional services and construction contracts;
  - b. acting as the county's representative during site master plan, design and construction activities;
  - c. managing county funds and project budgets related to capital projects;
  - d. assisting county agencies in the acquisition of appropriate facility sites;
  - e. formulating guidelines for the development of operational and capital project plans;
  - f. assisting user agencies in the development of capital projects and project plans, as defined and provided for in K.C.C. chapter 4A.100;
  - g. formulating guidelines for the use of life cycle cost analysis and applying these guidelines in all

appropriate phases of the capital process;

h. ensuring the conformity of capital project plans with the adopted space plan (~~and agency business plans~~);

i. developing project cost estimates that are included in capital project plans, site master plans, capital projects and biennial project budget requests;

j. providing advisory services, feasibility studies or both services and studies to projects as required and for which there is budgetary authority;

k. coordinating with user agencies to assure user program requirements are addressed through the capital development process as set forth in this chapter and in K.C.C. chapter 4A.100;

l. providing engineering support on capital projects to user agencies as requested and for which there is budgetary authority; and

m. providing assistance in developing the executive budget for capital projects; and

13. Providing for the operation of a downtown winter shelter for homeless persons between October 15 and April 30 each year.

~~(D-)~~ E. The duties of the fleet services division shall include the following:

1. Acquiring, maintaining and managing the motor pool equipment rental and revolving fund for fleet vehicles and equipment, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund. Metro transit department vehicles determined by the Metro transit department director to be intricately involved in or related to providing public transportation services shall not be part of the motor pool;

2. Establishing rates for the rental of equipment and vehicles;

3. Establishing terms and charges for the sale of any material or supplies that have been purchased, maintained or manufactured with money from the motor pool and equipment revolving fund, the equipment rental and revolving fund and the wastewater equipment rental and revolving fund;

4. Managing fleet and equipment training programs, stores function and vehicle repair facilities;

5. Administering the county alternative fuel program and take-home assignment of county vehicles policy; and

6. Inventorying, monitoring losses and disposing of county personal property in accordance with K.C.C. chapter 4.56.

~~((E.))~~ F. The duties of the airport division shall include managing the maintenance and operations of the King County international airport, and shall include the following:

1. Developing and implementing airport programs under state and federal law including preparing policy recommendations and service models;

2. Managing and maintaining the airport system infrastructure;

3. Managing, or securing services from other divisions, departments or entities to perform, the design, engineering and construction management functions related to the airport capital program, including new facilities development and maintenance of existing infrastructure; providing support services such as project management, environmental review, permit and right-of-way acquisitions, schedule and project control functions; and

4. Preparing and administering airport service and supporting capital facility plans and periodic updates.

~~((F.))~~ G. The duties of the office of risk management services shall include the management of the county's insurance and risk management programs consistent with K.C.C. chapter 2.21.

~~((G.))~~ H. The duties of the administrative office of emergency management shall include the following:

1. Planning for and providing effective direction, control and coordinated response to emergencies; and

2. Being responsible for the emergency management functions defined in K.C.C. chapter 2.56.

~~((H. The duties of the administrative office of civil rights shall include the following:~~

~~1. Enforcing nondiscrimination ordinances as codified in K.C.C. chapters 12.17, 12.18, 12.20 and~~

~~12.22;~~

~~2. Assisting departments in complying with the federal Americans with Disabilities Act of 1990, the federal Rehabilitation Act of 1973, Section 504, and other legislation and rules regarding access to county programs, facilities and services for people with disabilities;~~

~~3. Serving as the county Americans with Disabilities Act coordinator relating to public access;~~

~~4. Providing staff support to the county civil rights commission;~~

~~5. Serving as the county federal Civil Rights Act Title VI coordinator; and~~

~~6. Coordinating county responses to federal Civil Rights Act Title VI issues and investigating complaints filed under Title VI.))~~

I. The duties of the administrative office of the business resource center shall include the following:

1. The implementation and maintenance of those systems necessary to generate a regular and predictable payroll through the department of human resources;

2. The implementation and maintenance of those systems necessary to provide regular and predictable financial accounting and procedures through the finance and business operations division;

3. The implementation and maintenance of those systems necessary to generate regular and predictable county budgets, budget reports and budget management tools for the county; and

4. The implementation and maintenance of the human resources systems of record for all human resources data for county employment purposes.

SECTION 4. Ordinance 18757, Section 4, and K.C.C. 3.12D.020 are hereby amended to read as follows:

The executive, assessor, director of elections, sheriff, council and prosecuting attorney shall report biennially on the number of workplace discrimination and harassment complaints, including sexual harassment, and inappropriate conduct complaints and, when possible, informal inquiries, received by each department each year. The report shall indicate the basis or bases of the complaint, which may be race, color, gender, age, creed,



disability, marital status, national origin, religion, pregnancy, gender identity or expression, domestic violence victimization, sexual orientation, honorably discharged veteran or military status, use of service or assistive animal by a person with a disability, or any other status protected by federal, state or local law. The office of (~~civil rights~~) equity and racial and social justice shall report on the number of unfair employment practice complaints filed, the basis or bases of the complaint, the number of investigations of unfair employment practices in the reporting year and the number of findings that reasonable cause exists to believe that an unfair employment practice occurred. The first report shall be transmitted to the council by December 31, 2019. All reports under this section shall be electronically (~~(in the form of a paper original and an electronic copy)~~) filed with the clerk of the council (~~(who,)~~) who shall retain an electronic copy (~~(the original)~~) and provide an electronic copy to all councilmembers, the council chief of staff and the council chief policy officer (~~(staff director)~~).

SECTION 5. Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120 are hereby amended to read as follows:

A. A franchisee or applicant for a franchise shall not deny cable service, or otherwise discriminate against any subscriber, access programmer or resident on the basis of race, color, religion, national origin, physical or mental disability, age, political affiliation, marital status, sexual orientation, gender identity or expression, sex or income of the residents of the area in which the person resides. The franchisee shall comply at all times with all other applicable federal, state and local laws, rules and regulations relating to nondiscrimination.

B. A franchisee shall not refuse to employ, nor discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment because of race, color, religion, national origin, physical disability, age, political affiliation, marital status, sexual orientation, gender identity or expression, sex or income.

C. A franchisee shall comply with all applicable federal, state and local equal employment opportunity

requirements.

D. The franchisee shall establish, maintain and execute an equal employment opportunity plan and a minority/women's business procurement program, which shall be consistent with the intent of the county's affirmative action and minority/women's business procurement policies. Upon request, the franchisee shall file with the cable office a copy of their equal employment opportunity report submitted annually to the FCC and shall file with King County office of ~~((civil rights and compliance))~~ equity and racial and social justice an annual compliance report detailing its progress with its minority/women's business procurement program during the previous year. The franchisee must also provide the cable office, upon request, copies of all other reports and information filed with federal, state or local agencies concerning equal employment opportunity or employment discrimination laws. This subsection shall apply only to franchise agreements entered into after December 2, 1991.

E. ~~((f))~~ Despite the other provisions of this section,~~((j))~~ no provision of this section shall invalidate any other section of this chapter.

SECTION 6. Ordinance 13981, Section 2, as amended, and K.C.C. 12.17.010 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Business enterprise" means a licensed business organization located in or doing business in unincorporated King County or that is required to comply with this chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

B. "Charging party" means the person aggrieved by an alleged unfair contracting practice or the person making a complaint on another person's behalf, or the office of ~~((civil rights))~~ equity and racial and social justice when the office of ~~((civil rights))~~ equity and racial and social justice files a complaint.

C. "Commercially significant contract" means a contract for the provision of services, including, but

not limited to, construction services, consulting services or bonding or other financial services, or the sale of goods that exceeds five thousand dollars.

D. "Contract" means an agreement to perform a service or provide goods that entails a legally binding obligation and that is performed or intended to be wholly or partly performed within unincorporated King County or that includes King County as a party. "Contract" does not include the following: a contract for the purchase and sale of residential real estate; a contract for employment; and a collective bargaining agreement.

E. "Contracting agency" means a person who for compensation engages in recruiting, procuring, referral or placement of contracts with a contractor, and that is doing business in King County.

F. "Contractor" means a business enterprise, including, but not limited to, a company, partnership, corporation or other legal entity, excluding real property lessors and lessees, contracting to do business within the county. "Contractor" includes, but is not limited to, a public works contractor, a consultant contractor, a provider of professional services, a service agency, a vendor, and a supplier selling or furnishing materials, equipment, goods or services, but does not include a governmental agency other than King County.

G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other than an action taken in accordance with a lawful affirmative action program, or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, by reasons of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability, unless based upon a bona fide contractual qualification.

H. "Gender identity or expression" means an individual's gender-related identity, appearance or expression, whether or not associated with the individual's sex assigned at birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.

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

J. "Party" includes the person making a complaint alleging an unfair contracting practice and the person alleged to have committed an unfair contracting practice.

K. "Person" includes one or more individuals, partnerships, business enterprises, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or group of persons and includes King County.

L. "Respondent" means a person who has been alleged or found to have committed an unfair contracting practice prohibited by this chapter.

M. "Retaliate" means to take action against any person because that person has:

1. Opposed any practice forbidden by this chapter;
2. Complied or proposed to comply with this chapter or any order issued under this chapter; or
3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing

initiated under this chapter.

N. "Service or assistive animal" means any dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, perform tasks or provides medically necessary support for the benefit of an individual with a disability.

O. "Sexual orientation" means an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own sexual orientation including, but not limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

P. "Trade association" means an association of businesses organizations engaged in similar fields of business that is formed for mutual protection, the interchange of ideas, information and statistics or the maintenance of standards within their industry.

SECTION 7. Ordinance 13981, Section 4, as amended, and K.C.C. 12.17.030 are hereby amended to read as follows:

A. An individual complaint alleging an unfair contracting practice in connection with a commercially

significant contract may be filed with the office of ~~((civil rights))~~ equity and racial and social justice by or on behalf of any person who claims to be aggrieved by that unfair contracting practice.

B. A complaint alleging that a group is being subjected to an unfair contracting practice in connection with a commercially significant contract may be filed by:

1. Any member of the group;
2. The office of ~~((civil rights))~~ equity and racial and social justice;
3. A state or federal agency concerned with discrimination in contracting whenever the agency has reason to believe that an unfair contracting practice has been or is being committed; or
4. A trade association that has reason to believe that an unfair contracting practice has been or is being committed against any of its members.

C. A complaint alleging an unfair contracting practice shall be in writing on a form or in a format determined by the office of ~~((civil rights))~~ equity and racial and social justice, shall be signed by the charging party, shall describe with particularity the unfair contracting practice complained of and shall include a statement of the dates, places and circumstances and the persons responsible for the acts and practices. The complaint must be filed within one hundred eighty days of the time of the alleged unfair contracting practice or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. However, the office of ~~((civil rights))~~ equity and racial and social justice shall not reject a complaint as insufficient because of failure to include all required information, if the office of ~~((civil rights))~~ equity and racial and social justice determines that the complaint substantially meets the informational requirements necessary for processing.

D. If a complaint has been filed in accordance with this chapter, the office of ~~((civil rights))~~ equity and racial and social justice shall initiate an investigation under this chapter. If the office of ~~((civil rights))~~ equity and racial and social justice determines that a violation of this chapter or a rule or regulation adopted under this chapter has occurred, the office shall issue an order in accordance with this chapter. With respect to violations

of this chapter, the notice, service and hearings provisions in this chapter control over K.C.C. Title 23.

E. The charging party or the office of ~~((civil rights))~~ equity and racial and social justice may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments shall relate back to the date the original complaint was first filed. Either the charging party or the office of ~~((civil rights))~~ equity and racial and social justice, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission. All parties must be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

F. The charging party may also amend a complaint to include allegations of additional unrelated unfair contracting practices that arose after filing of the original complaint. The amendment must be filed within one hundred eighty days after the occurrence of the additional alleged unfair contracting practices and before the issuance of findings of fact and a determination with respect to the original complaint by the office of ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at any time during the investigation of the original complaint if the office of ~~((civil rights))~~ equity and racial and social justice will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of ~~((civil rights))~~ equity and racial and social justice with evidence concerning the allegations before the issuance of findings of fact and a determination.

G. Upon the receipt of a complaint, the office of ~~((civil rights))~~ equity and racial and social justice shall serve notice upon the charging party acknowledging the filing.

SECTION 8. Ordinance 13981, Section 5, as amended, and K.C.C. 12.17.040 are hereby amended to read as follows:

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the office of ((civil rights)) equity and racial and social justice shall, within twenty days, cause to be served or mailed to the respondent by certified mail, return receipt requested, a copy of the complaint along with a notice advising of procedural rights and obligations of respondents under this chapter, and shall promptly make an investigation of the complaint. Each respondent may file an answer to the complaint, not later than twenty days after receipt of notice from the office of ((civil rights)) equity and racial and social justice. If the respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of ((civil rights)) equity and racial and social justice. The extension may be granted if good cause is shown.

B. The investigation shall be commenced promptly. It shall be directed to ascertain the facts concerning the discriminatory practice alleged in the complaint and shall be conducted in an objective and impartial manner.

C. During the investigation, the office of ((civil rights)) equity and racial and social justice shall consider any statement of position or evidence with respect to the allegations of the complaint which the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of the investigation, may be joined as an additional or substitute respondent upon written notice to the person from the office of ((civil rights)) equity and racial and social justice. The notice, in addition to meeting the requirements of subsection A. of this section, shall explain the basis for the belief of the office of ((civil rights)) equity and racial and social justice that the person to whom the notice is addressed is properly joined as a respondent.

D. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of ((civil rights)) equity and racial and social justice shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of the settlement discussions may be used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement

discussions shall be an agreement between the respondent and the charging party, and is subject to approval by the office of ~~((civil rights))~~ equity and racial and social justice. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

E. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the voluntary cooperation of all persons: to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and racial and social justice may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence; inspection and physical and mental examinations; and requests for admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including, but not limited to, books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed, access to evidence for the purpose of examination and copying as are necessary for the investigation. The office of ~~((civil rights))~~ equity and racial and social justice shall consult with the prosecuting attorney before issuing any subpoena under this section.

F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the King County prosecuting attorney who may petition the King County superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the unfair contracting practice.



G. If the office of ~~((civil rights))~~ equity and racial and social justice concludes after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the complaint.

H. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that an unfair contracting practice has been or is being committed.

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

SECTION 9. Ordinance 13981, Section 6, as amended, and K.C.C. 12.17.050 are hereby amended to read as follows:

A.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that an unfair contracting practice occurred, the office of ~~((civil rights))~~ equity and racial and social justice shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion, which may include as a condition of settlement:

- a. elimination of the unfair contracting practice;
- b. payment of actual damages including payment of lost profits not in excess of the amount of monetary damage actually incurred;
- c. payment of damages caused by emotional distress, humiliation and embarrassment;
- d. payment of attorneys' fees and costs; and

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

2. A settlement agreement shall be reduced to writing and signed by the respondent and the charging party and shall be approved by the office of ~~((civil rights))~~ equity and racial and social justice. An order shall then be entered by the office of ~~((civil rights))~~ equity and racial and social justice setting forth the terms of the agreement. Copies of the order shall be delivered to all affected parties and the original of the order filed with the records and licensing services division. Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and racial and social justice shall make a finding to that effect, incorporate the findings in the order and furnish a copy of the order to all affected parties. The order shall also include:

- a. a finding that an unfair contracting practice has occurred;
- b. the basis for the finding; and
- c. an order requiring the respondent to cease and desist from the unfair practice and to take

appropriate affirmative measures, which may include:

- (1) payment of actual damages including payment of lost profits not in excess of the amount of monetary damages actually incurred;
- (2) payment of damages caused by emotional distress, humiliation and embarrassment;
- (3) payment of attorneys' fees and costs; and
- (4) such other action as in the judgment of the office of ~~((civil rights))~~ equity and racial and social justice will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the respondent willfully or knowingly committed any unfair contracting practice, the office of ~~((civil rights))~~ equity and racial and social

justice may further order the respondent to pay a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

C. If there is a failure to reach an agreement for the elimination of any unfair contracting practice where the respondent is an executive department, division or office of the county, the office of ~~((civil rights))~~ equity and racial and social justice may compel compliance by the executive department, division or office with any settlement agreement agreed to between the complainant and the office of ~~((civil rights))~~ equity and racial and social justice.

SECTION 10. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060 are hereby amended to read as follows:

A. A party aggrieved by an order of the office of ~~((civil rights))~~ equity and racial and social justice may appeal in accordance with K.C.C. 20.22.080.

B. If the order of the office of ~~((civil rights))~~ equity and racial and social justice is appealed, the office of the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing and the hearing examiner shall have such rule-making and other power necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of ~~((civil rights))~~ equity and racial and social justice shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of ~~((civil rights))~~ equity and racial and social justice.

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

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party; and
6. To self-represent or to be represented by anyone of the party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation has occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant any relief that the office of ((civil rights)) equity and racial and social justice could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

SECTION 11. Ordinance 13981, Section 8, as amended, and K.C.C. 12.17.070 are hereby amended to read as follows:

A. If the office of ((civil rights)) equity and racial and social justice has reasonable cause to believe that a respondent has breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060, the office of ((civil rights)) equity and racial and social justice shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in King County superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement or violation of an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060. The action may be commenced no later than ninety days after the referral of the alleged break underlying the referral under subsection A. of this section.

SECTION 13. Ordinance 13981, Section 9, as amended, and K.C.C. 12.17.080 are hereby amended to read as follows:

A. An aggrieved person may commence a civil action in King County superior court not later than one year after the occurrence or the termination of an alleged unfair contracting practice, whichever occurs last, to obtain appropriate relief with respect to the unfair contracting practice.

B. The computation of the one-year period does not include time during which an administrative proceeding under this chapter was pending with respect to a complaint or charge under this chapter based upon the discriminatory contracting practices.

C. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of any such a complaint, except as provided in subsection D<sub>2</sub> of this section, but if a settlement or conciliation agreement has been reached with the consent of an aggrieved person, an action may not be filed under this subsection by the aggrieved person with respect to the alleged unfair contracting practice that forms the basis for the complaint except for the purpose of enforcing the terms of the agreement.

D. An aggrieved person may not commence a civil action under this section with respect to an alleged unfair contracting practice which forms the basis of a complaint if a hearing on the complaint has been convened by the office of the King County hearing examiner.

E. In a civil action under this section, if the court finds that an unfair contracting practice has occurred or is about to occur, the court may grant as relief any relief that the office of ~~((civil rights))~~ equity and racial and social justice could grant under K.C.C. 12.17.050.B.

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

G. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

H. This section is intended to provide private judicial remedies for violations of this chapter that are expansive as the powers granted by the Constitution and laws of the state of Washington.

SECTION 13. Ordinance 13981, Section 11, as amended, and K.C.C. 12.17.090 are hereby amended to read as follows:

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

SECTION 14. Ordinance 7430, Section 2, as amended, and K.C.C. 12.18.020 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- A. "Age" means being eighteen years old or older.
- B. "Aggrieved person" includes a person who claims to have been injured by an unfair employment practice.
- C. "Charging party" means any person alleging an unfair employment practice under this chapter by filing a complaint with the office of ~~((civil rights))~~ equity and racial and social justice.
- D.1. "Disability" means:
  - a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;
  - b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to employment.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

E. "Discrimination," "discriminate" or "discriminatory act" means any action or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among, individuals or groups of individuals, by reasons of race, color, age, gender, marital status, sexual orientation, gender identity or expression, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability, unless based upon a bona fide occupational qualification.

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

G. "Employer" means King County or any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons in unincorporated King County, and includes neither any religious or sectarian organization not organized for private profit nor any governmental body other than King County.

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

I. "Gender identity or expression" means an individual's gender-related identity, appearance, or expression, whether or not associated with the individual's sex assigned at birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.

J. "Labor organization" means any organization existing for the purpose of:

1. Dealing with employers concerning grievances, terms or conditions of employment; or

2. Providing other mutual aid or protection in connection with employment.

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

L. "Party" includes the person 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 of ~~((civil rights))~~ equity and racial and social justice.

M. "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or groups of persons and includes King County.

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

O. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

P. "Settlement discussions" or "conference, conciliation and persuasion" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of ~~((civil rights))~~ equity and racial and social justice.

Q. "Sexual orientation" means an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own sexual orientation including, but not limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

SECTION 15. Ordinance 7430, Section 4, as amended, and K.C.C. 12.18.040 are hereby amended to read as follows:

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

1. Any aggrieved person;



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

3. Any labor organization that has reason to believe that an unfair employment practice has been or is being committed.

B. A complaint alleging an unfair employment practice shall be in writing and signed by the charging party, and shall describe with particularity the unfair employment practice complained of, the location of the practice and the person alleged to have committed the unfair employment practice. The complaint must be filed with the office of ~~((civil rights))~~ equity and racial and social justice within two years of the time of the alleged unfair employment practice or within two years of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. However, the office of ~~((civil rights))~~ equity and racial and social justice shall not reject a complaint as insufficient because of failure to include all required information, if the office of ~~((civil rights))~~ equity and racial and social justice determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint, the office of ~~((civil rights))~~ equity and racial and social justice shall serve upon the charging party notice acknowledging the filing.

D. The charging party or the office of ~~((civil rights))~~ equity and racial and social justice may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of ~~((civil rights))~~ equity and racial and social justice, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission. All parties

must be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated unfair employment practices that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within two years of the time of the additional unfair employment practice or within two years of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the office of ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at any time during the investigation of the original complaint if the office of ~~((civil rights))~~ equity and racial and social justice will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of ~~((civil rights))~~ equity and racial and social justice with evidence concerning the allegations before the issuance of findings of fact and a determination.

SECTION 16. Ordinance 7430, Section 5, as amended, and K.C.C. 12.18.050 are hereby amended to read as follows:

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C, the office of ~~((civil rights))~~ equity and racial and social justice shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the respondent within twenty days after the filing of the complaint and shall promptly make an investigation of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the office of ~~((civil rights))~~ equity and racial and social justice. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of ~~((civil rights))~~ equity and racial and social justice. The office of ~~((civil rights))~~ equity and racial and social justice may grant the extension if good cause is shown.

B. The office of ~~((civil rights))~~ equity and racial and social justice shall direct the investigation to ascertain the facts concerning the unfair employment practice alleged in the complaint and shall conduct the

investigation in an objective and impartial manner.

C. During the investigation, the office of ~~((civil rights))~~ equity and racial and social justice shall consider any statement of position or evidence with respect to the allegations of the complaint which the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection A. of this section, to the person from the office of ~~((civil rights))~~ equity and racial and social justice. The notice, in addition to meeting the requirements of subsection A. of this section, must explain the basis for the office of ~~((civil rights))~~ equity and racial and social justice's belief that the person to whom the notice is addressed is properly joined as a respondent.

D. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and social justice shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Anything said or done in the course of the settlement discussions may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions must be an agreement between the respondent and the charging party and is subject to approval by the office of ~~((civil rights))~~ equity and racial and social justice. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.18.080.

E. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the voluntary cooperation of all persons: to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and racial and social justice may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of

documents or other evidence, for inspection and other purposes; physical and mental examinations; and requests for admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and issue subpoenas requiring the attendance and testimony of witnesses and the production of or access to evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed as are necessary for the investigation. The office of ~~((civil rights))~~ equity and racial and social justice shall consult with the prosecuting attorney before issuing a subpoena under this section.

F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify if requested concerning any matter under investigation, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney, who may petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the unfair employment practice.

G. If the office of ~~((civil rights))~~ equity and racial and social justice concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney, who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

H. The office of ~~((civil rights))~~ equity and racial and social justice shall reduce the results of the investigation to written findings of fact and make a finding that there either is or is not reasonable cause for believing that an unfair employment practice has been or is being committed.

I. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party may file a

written request with the office of ((civil rights)) equity and racial and social justice asking for reconsideration of the finding. The office of ((civil rights)) equity and racial and social justice shall furnish the charging party with information regarding how to request reconsideration. The office of ((civil rights)) equity and racial and social justice shall respond in writing within a reasonable time by granting or denying the request.

SECTION 18. Ordinance 7430, Section 6, as amended, and K.C.C. 12.18.060 are hereby amended to read as follows:

A.1. If the office of ((civil rights)) equity and racial and social justice makes the finding initially or on request for reconsideration that reasonable cause exists to believe that an unfair employment practice occurred, the office of ((civil rights)) equity and racial and social justice shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement:

- a. elimination of the unfair employment practice;
- b. payment of back pay not in excess of the amount of monetary damage actually incurred;
- c. payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- d. reinstatement;
- e. payment of attorneys' fees and costs;
- f. participation in training on fair employment laws; and
- g. such other requirements as may lawfully be agreed upon by the parties and the office of ((civil rights)) equity and racial and social justice.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of ((civil rights)) equity and racial and social justice. The office of ((civil rights)) equity and racial and social justice shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Each postfinding settlement agreement is a public record. Failure to comply with the postfinding agreement or order may be enforced under K.C.C. 12.18.080.

B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and racial and social justice shall make a finding to that effect, incorporate the finding in the order and furnish a copy of the order to all affected parties. The order shall also include:

- a. a finding that an unfair employment practice occurred;
- b. the basis for the finding; and
- c. an order requiring the respondent to cease and desist from the unfair practice and to take

appropriate affirmative measures, which may include:

- (1) payment of back pay not in excess of the amount of monetary damage actually incurred;
- (2) payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- (3) reinstatement;
- (4) payment of attorneys' fees and costs;
- (5) participation in training on fair employment laws; and
- (6) such other action as in the judgment of the office of ~~((civil rights))~~ equity and racial and social

justice will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the respondent willfully or knowingly committed any unfair employment practice, the office of ~~((civil rights))~~ equity and racial and social justice may further order the respondent to pay a civil penalty of up to s one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

C. If the parties fail to reach an agreement for the elimination of any unfair employment practice in which the respondent is an executive department, division or office of the county, the King County executive may compel compliance by the executive department, division or office with any settlement agreement agreed to between any charging party and the office of ~~((civil rights))~~ equity and racial and social justice.

SECTION 18. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are hereby amended to read as follows:

A. Any respondent or charging party, after by an order of the office of ~~((civil rights))~~ equity and racial and social justice is made in accordance with K.C.C. 12.18.060.B., may appeal that order in accordance with K.C.C. 20.22.080.

B. If the order of the office of ~~((civil rights))~~ equity and racial and social justice is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of ~~((civil rights))~~ equity and racial and social justice shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of ~~((civil rights))~~ equity and racial and social justice.

C. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. Impeach any witness regardless of which party first called the witness to testify;
5. Rebut evidence against the party; and
6. Self-represent or be represented by anyone of the party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner

finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of ((civil rights)) equity and racial and social justice could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.22.270.B.

SECTION 19. Ordinance 7430, Section 8, as amended, and K.C.C. 12.18.080 are hereby amended to read as follows:

A. If the office of ((civil rights)) equity and racial and social justice has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or violated an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.18.060 or an order of the hearing examiner issued in accordance with K.C.C. 12.18.070, the office of ((civil rights)) equity and racial and social justice shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.18.060 or an order of the hearing examiner issued under K.C.C. 12.18.070. This action may be commenced no later than ninety days after the referral of the alleged breach under subsection A. of this section.

SECTION 20. Ordinance 15399, Section 17, as amended, and K.C.C. 12.18.085 are hereby amended to read as follows:

A. An aggrieved person may commence a civil action in superior court not later than three years after the occurrence or termination of an alleged unfair employment practice or ninety days after a determination of reasonable cause is issued by the office of ((civil rights)) equity and racial and social justice, whichever occurs last, to obtain appropriate relief with respect to the unfair employment practice.



B. A civil action may be filed under this section whether or not an administrative complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such a complaint. However, if the office of ((~~civil rights~~)) equity and racial and social justice obtained a prefinding or postfinding settlement or conciliation agreement with the consent of the aggrieved person, an action may not be filed under this section by the aggrieved person with respect to the alleged unfair employment practice that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the aggrieved person knowingly waives any right to file a civil action based on the same alleged unfair employment practice.

C. Subject to subsection D. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of ((~~civil rights~~)) equity and racial and social justice may administratively close a complaint of an unfair employment practice.

D. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of ((~~civil rights~~)) equity and racial and social justice reopen a previously filed case. Upon such a request, the office of ((~~civil rights~~)) equity and racial and social justice may reopen a case that was administratively closed upon the filing of a civil action. If the office of ((~~civil rights~~)) equity and racial and social justice closes a case based on a "no reasonable cause" finding, the case shall not be reopened except as provided through reconsideration under K.C.C. 12.18.050.

E. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged unfair employment practice that forms the basis of a complaint if a hearing on the complaint has been convened under K.C.C. 12.18.070.

G. In a civil action under this section, if the court finds that a unfair practice occurred, the court may grant such relief as is available for violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

H. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

I. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution and laws of the state of Washington.

SECTION 21. Ordinance 7430, Section 9, as amended, and K.C.C. 12.18.090 are hereby amended to read as follows:

The office of ~~((civil rights))~~ equity and racial and social justice may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98.

SECTION 22. Ordinance 13263, Section 52, as amended, and K.C.C. 12.18.097 are hereby amended to read as follows:

A. If a complaint is filed under this chapter, the office of ~~((civil rights))~~ equity and racial and social justice shall initiate an investigation under this chapter.

B. If the office of ~~((civil rights))~~ equity and racial and social justice determines that a violation of this chapter or any rules and regulations adopted under this chapter occurred, the office of ~~((civil rights))~~ equity and racial and social justice shall issue an order in accordance with this chapter. For the enforcement of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

SECTION 23. Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Aggrieved person" includes a person who:

1. Claims to have been injured by an unfair housing practice; or
2. Believes that the person will be injured by an unfair housing practice that is about to occur.

B. "Alternative source of income" means lawful, verifiable income derived from sources other than wages, salaries, or other compensation for employment. It includes but is not limited to moneys derived from Social Security benefits, other retirement programs, supplemental security income, unemployment benefits, child support, the state Aged, Blind or Disabled Cash Assistance Program, state Refugee Cash Assistance and any other federal, state, local government, private or nonprofit-administered cash benefit program.

C. "Charging party" means any person alleging an unfair housing practice under this chapter by filing a complaint with the office of ~~((civil rights))~~ equity and racial and social justice.

D.1. "Disability" means:

- a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;
- b. a person has a record of having such an impairment;
- c. a person is regarded as having such an impairment; or
- d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

E. "Discriminate" means any action or failure to act, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program or other housing subsidy program, alternative source of income, sexual orientation, gender identity or expression, disability, or use of a service or assistive animal by an individual

with a disability.

F. "Dwelling" or "dwelling unit" mean any building, structure or portion of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families or individuals, and any vacant land that is offered for sale or lease for the construction or location thereon of any such a building, structure or portion of a building or structure.

G. "Gender identity or expression" means an individual's gender-related identity, appearance, or expression, whether or not associated with the individual's sex assigned at birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.

H. "Housing accommodations" means any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in unincorporated King County that is used, intended to be used or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.

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

J.1. "Parental status" means one or more individuals, who have not attained the age of eighteen years, being domiciled with:

- a. a parent or another person having legal custody of the individual or individuals; or
- b. the designee of such a parent or other person having the custody, with the written permission of

the parent or other person.

2. The protections afforded against discrimination on the basis of familial status apply to a person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

K. "Participation in the Section 8 program or other housing subsidy program" means participating in a short- or long-term federal, state or local government, private, nonprofit or other assistance program in which a tenant's rent is paid either partially or completely by the program, through a direct arrangement between the

program and the owner or lessor of the real property. Other housing subsidy programs include, but are not limited to, the federal Veteran Affairs Supportive Housing vouchers, state Housing and Essential Needs funds and short-term rental assistance provided by rapid rehousing subsidies.

L. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair practice and the office of ~~((civil rights))~~ equity and racial and social justice.

M. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; including any owner, lessee, proprietor, housing manager, agent or employee whether one or more natural persons. "Person" also includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision of the state.

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

O. "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.

P. "Real property" includes, but is not limited to, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

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

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

S. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

T. "Settlement discussions" and "conference, conciliation and persuasion" mean the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of ~~((civil rights))~~ equity and racial and social justice.

U. "Sexual orientation" means an individual's attitudes, preferences, belief and practices pertaining to the individual's own sexual orientation including, but not limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

V. "Verifiable" means the source of income can be confirmed as to its amount or receipt.

SECTION 24. Ordinance 5280, Section 4, as amended, and K.C.C. 12.20.070 are hereby amended to read as follows:

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

1. Any aggrieved person; or
2. Any state, local or federal agency concerned with discrimination in housing, including the office of ~~((civil rights))~~ equity and racial and social justice has reason to believe that an unfair housing practice has been or is being committed.

B. A complaint alleging an unfair housing practice shall be in writing and signed by the charging party. The complaint must be filed by the charging party with the office of ~~((civil rights))~~ equity and racial and social justice within three hundred sixty-five days after the occurrence or termination of the alleged unfair housing practice. The complaint must describe with particularity the practice complained of and the location of the practice and must identify the person being charged with committing an unfair housing practice. However, the office of ~~((civil rights))~~ equity and racial and social justice shall not reject a complaint as insufficient because of failure to include all required information, if the office of ~~((civil rights))~~ equity and racial and social justice

determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint alleging an unfair housing practice, the office of ~~((civil rights))~~ equity and racial and social justice shall serve notice upon the charging party acknowledging the filing and advising the charging party of the time limits provided under this chapter and of the choice of forums provided by this chapter.

D. The charging party or the office of ~~((civil rights))~~ equity and racial and social justice may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set for, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of ~~((civil rights))~~ equity and racial and social justice, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission, and all parties shall be allowed time to prepare their case with respect to additional or expanded allegations they did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated discriminatory practices that arose after the filing of the original complaint. The charging party must file any amendments adding the allegations within three hundred sixty-five days after the occurrence or termination of the additional discriminatory practices and before the issuance of findings of fact and a determination with respect to the original complaint by the office of ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at any time during the investigation of the original complaint if the office of ~~((civil rights))~~ equity and racial and social justice will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of ~~((civil rights))~~ equity and racial and social justice with evidence concerning the allegations before the issuance of findings of fact and a determination.

SECTION 25. Ordinance 5280, Section 5, as amended, and K.C.C. 12.20.080 are hereby amended to read as follows:

A. After the filing of a complaint, the office of ~~((civil rights))~~ equity and racial and social justice shall cause to be served on or mailed to the respondent, by certified mail, return receipt requested, a copy of the complaint, along with a notice advising of procedural rights and obligations of respondents under this chapter promptly and in no case longer than twenty days after the filing the complaint. Each respondent may file an answer to the complaint, not later than ten days after receipt of notice from the office of ~~((civil rights))~~ equity and racial and social justice. If the respondent is unable to file a response within ten days, the respondent may request an extension of time from the office of ~~((civil rights))~~ equity and racial and social justice, not to exceed five days. The office of ~~((civil rights))~~ equity and racial and social justice may grant the extension if good cause is shown.

B. The investigation shall be commenced promptly and in no event later than thirty days after receipt of the complaint. It shall be directed to ascertain the facts concerning the unfair practice alleged in the complaint and shall be conducted in an objective and impartial manner. The investigation shall be completed within one hundred days after the filing of the complaint, unless it is impracticable to do so. If the office of ~~((civil rights))~~ equity and racial and social justice is unable to complete the investigation within the one hundred days, the office of ~~((civil rights))~~ equity and racial and social justice shall notify the charging party and respondent, in writing, of the reasons for not doing so. The office of ~~((civil rights))~~ equity and racial and social justice shall make final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the office of ~~((civil rights))~~ equity and racial and social justice is unable to do so, the office of ~~((civil rights))~~ equity and racial and social justice shall notify the charging party and respondent, in writing, of the reasons for not doing so.

C. During the investigation, the office of ~~((civil rights))~~ equity and racial and social justice shall consider any statement of position or evidence with respect to the allegations of the complaint that the charging



party or the respondent wishes to submit.

D. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection A. of this section, to the person from the office of ~~((civil rights))~~ equity and racial and social justice. The notice, in addition to meeting the requirements of subsection A. of this section, shall explain the basis for the belief of the office of ~~((civil rights))~~ equity and racial and social justice that the person to whom the notice is addressed is properly joined as a respondent.

E. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and social justice shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of the settlement discussions may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions shall be an agreement between the respondent and the charging party, and is subject to approval by the office of ~~((civil rights))~~ equity and racial and social justice. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.20.120.

F. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the voluntary cooperation of all persons to: obtain access to premises, records, documents, individuals and other possible sources of information; examine, record and copy necessary materials; and take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and racial and social justice may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence, for inspection and other purposes; physical and mental examinations; and requests for admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and issue subpoenas

requiring the attendance and testimony of witnesses, the production of evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed and access to evidence for the purpose of examination and copying as are necessary for the investigation. The office of ~~((civil rights))~~ equity and racial and social justice shall consult with the prosecuting attorney before issuing any subpoena under this section.

G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney, who shall petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the

investigation of the unfair housing practice.

H. If the office of ~~((civil rights))~~ equity and racial and social justice concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney, who shall file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

I. The office of ~~((civil rights))~~ equity and racial and social justice shall reduce the results of the investigation to written findings of fact and make a finding that there either is or is not reasonable cause for believing that an unfair housing practice has been or is being committed.

J. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party may file a written request with the office of ~~((civil rights))~~ equity and racial and social justice asking for reconsideration

of the finding. The office of ~~((civil rights))~~ equity and racial and social justice shall furnish the charging party with information regarding how to request reconsideration. The office of ~~((civil rights))~~ equity and racial and social justice shall respond in writing within a reasonable time by granting or denying the request.

SECTION 26. Ordinance 5280, Section 6, as amended, and K.C.C. 12.20.090 are hereby amended to read as follows:

A.1. If the office of ~~((civil rights))~~ equity and racial and social justice makes the finding initially or on request for reconsideration that reasonable cause exists to believe that an unfair housing practice occurred or is about to occur, the office of ~~((civil rights))~~ equity and racial and social justice shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion, which may include as a condition of settlement the:

- a. elimination of the unfair housing practice;
- b. payment of actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- c. reinstatement to tenancy;
- d. payment of attorneys' fees and costs;
- e. payment of a civil penalty to vindicate the public interest up to the limits in 42 U.S.C. Sec. 3612 (g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006, which penalty shall be paid to King County for deposit in the county general fund;
- f. participation in training on fair housing laws; and
- g. such other requirements as may lawfully be agreed upon by the parties and the office of ~~((civil rights))~~ equity and racial and social justice.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of ~~((civil rights))~~ equity and racial and social justice. The office of ~~((civil rights))~~ equity and racial and social justice shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Failure to comply with the postfinding agreement or order may be enforced under

K.C.C. 12.20.120. Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and racial and social justice shall make a finding to that effect, incorporate the finding in an order, and furnish a copy of the order to all affected parties. The order shall also include:

- a. a finding that an unfair housing practice is about to occur or has occurred;
- b. the basis for the finding; and
- c. an order requiring the respondent to cease and desist from such unfair practice and to take

appropriate affirmative action, including:

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

(2) reinstatement to tenancy;

(3) payment of attorneys' fees and costs;

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

(5) such other action as in the judgment of the office of ~~((civil rights))~~ equity and racial and social justice will effectuate the purposes of this chapter, which may include the requirement for report on the matter of compliance, injunctive relief and the payment of a civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec. 3612(g)(3) as it exists on April 16, 2006.

SECTION 27. Ordinance 10469, Section 11, as amended, and K.C.C. 12.20.095 are hereby amended to read as follows:

In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the office of ~~((civil rights))~~ equity and racial and social justice shall, not later than thirty days after the date of the issuance of the order or, if the order is appealed pursuant to K.C.C. 12.20.100, thirty days after the order is in substance affirmed upon the review:

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

and

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

SECTION 28. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are hereby amended to read as follows:

A.1. Any charging party, respondent or aggrieved person on whose behalf the finding was made, after an order of the office of ((~~civil rights~~)) equity and racial and social justice is made in accordance with K.C.C. 12.20.090.B., may appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of ((~~civil rights~~)) equity and racial and social justice shall provide the charging party, respondent and aggrieved person on whose behalf the finding was made with information regarding how to make the election. This election must be made not later than thirty days after the receipt by the electing person of service of the order. The person making the election shall give notice of the election stating which forum is elected to the office of ((~~civil rights~~)) equity and racial and social justice and to all other charging parties and respondents to whom the complaint relates. The notice of election should identify clearly and specifically:

- a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;
- b. specific reasons by the county's action should be reversed or modified; and
- c. the desired outcome of the appeal.

2. Any order issued by the office of ((~~civil rights~~)) equity and racial and social justice under K.C.C. 12.20.090.B. becomes final thirty days after service of the order unless a written notice of election is filed with the office of ((~~civil rights~~)) equity and racial and social justice within the thirty-day period. If the order becomes final, parties violating the order are subject to the enforcement provisions of K.C.C. 12.20.120.

B. If no election of civil action is made, and an election for hearing is made, the complaint, any and all

findings made and either affirmative action measures or civil penalties, or both, required shall be certified by the office of ~~((civil rights))~~ equity and racial and social justice to the office of the hearing examiner for hearing.

C. A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by K.C.C. chapter 20.22. The office of ~~((civil rights))~~ equity and racial and social justice shall maintain the action and the order of the office of ~~((civil rights))~~ equity and racial and social justice shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of ~~((civil rights))~~ equity and racial and social justice.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. Impeach any witness regardless of which party first called the witness to testify;
5. Rebut evidence against the party; and
6. Self-represent or be represented by anyone of the party's choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the office of ~~((civil rights))~~ equity and racial and social justice could grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be served on all

affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C.

20.22.270.B.

SECTION 29. Ordinance 5280, Section 9, as amended, and K.C.C. 12.20.120 are hereby amended to read as follows:

A. If the office of ((civil rights)) equity and racial and social justice has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100, the office of ((civil rights)) equity and racial and social justice shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced no later than ninety days after the referral of the alleged breach under subsection A. of this section.

SECTION 30. Ordinance 10469, Section 13, as amended, and K.C.C. 12.20.122 are hereby amended to read as follows:

A. An aggrieved person may commence a civil action in superior court not later than one year after the occurrence or the termination of an alleged discriminatory housing practice, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice.

B. The computation of the one-year period shall not include any time during which an administrative proceeding under this chapter was pending with respect to a complaint or charge under this chapter based upon the discriminatory housing practices.

C. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of any such complaint. However, if the office of ~~((civil rights))~~ equity and racial and social justice or the United States Department of Housing and Urban Development has obtained a prefinding or postfinding settlement or conciliation agreement with the consent of an aggrieved person, an action may not be filed under this section by the aggrieved person with respect to the alleged discriminatory housing practice that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the charging party knowingly waives any right to file a civil action based on the same alleged unfair housing practice.

D. Subject to subsection E. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of ~~((civil rights))~~ equity and racial and social justice may administratively close a complaint of an unfair housing practice.

E. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of ~~((civil rights))~~ equity and racial and social justice reopen a previously filed case. Upon such a request, the office of ~~((civil rights))~~ equity and racial and social justice may reopen a case that was administratively closed upon the filing of a civil action. If the office of ~~((civil rights))~~ equity and racial and social justice closes a case based on a "no reasonable cause" finding, the case shall not be reopened except as provided through reconsideration under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a complaint if a hearing on the complaint has been



convened by the office of the hearing examiner.

G. In a civil action under subsection A., of this section, if the court finds that a discriminatory practice occurred or is about to occur, the court may order remedies as allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this section, may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, including an order enjoining the defendant from engaging in the practice or ordering such affirmative action as might be appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing party.

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

I. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

J. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution of laws of the state of Washington.

SECTION 31. Ordinance 10469, Section 14, as amended, and K.C.C. 12.20.124 are hereby amended to read as follows:

A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a civil action, the office of ~~((civil rights))~~ equity and racial and social justice shall authorize and, not later than thirty days after the election is made, shall commence, on behalf of the charging party, a civil action in superior court to affirm or modify the order of the office of ~~((civil rights))~~ equity and racial and social justice issued under K.C.C. 12.20.090.

B. Any aggrieved person with respect to the issues to be determined in a civil action under this section

may intervene as of right in that civil action.

C. In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also accrues to that aggrieved person in a civil action under this section. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in that civil action, the court shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court.

SECTION 32. Ordinance 10469, Section 16, as amended, and K.C.C. 12.20.133 are hereby amended to read as follows:

The office of ((civil rights)) equity and racial and social justice may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98.

SECTION 33. Ordinance 13263, Section 53, as amended, and K.C.C. 12.20.150 are hereby amended to read as follows:

A. If a complaint has been filed under this chapter, the office of ((civil rights)) equity and racial and social justice shall initiate an investigation under this chapter.

B. If the office of ((civil rights)) equity and racial and social justice determines that a violation of this chapter or any rules and regulations adopted under this chapter is about to occur or has occurred the office of ((civil rights)) equity and racial and social justice shall issue an order in accordance with this chapter. For enforcement of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

SECTION 34. Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Aggrieved person" includes any person who claims to have been injured by an act of discrimination in a place of public accommodation;

B. "Charging party" means any person alleging an act of discrimination in a place of public accommodation under this chapter by filing a complaint with the office of ~~((civil rights))~~ equity and racial and social justice.

C.1. "Disability" means:

a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

D. "Discrimination" or "discriminatory practice or act" means any action or failure to act, whether by a single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, sexual orientation, gender identity or expression, disability or use of a service or assistive animal by an individual with a disability.

E. "Gender identity or expression" means an individual's gender-related identity, appearance, or expression, whether or not associated with the individual's sex assigned at birth, and includes an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own gender identity or expression.

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

G. "Owner" includes a person who owns, leases, subleases, rents, operates, manages, has charge of, controls or has the right of ownership, possession, management, charge or control of real property on the person's own behalf or on behalf of another.

H. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children.

I. "Party" includes a person making a complaint or upon whose behalf a complaint is made alleging an unfair public accommodations practice, a person alleged or found to have committed an unfair public accommodations practice and the office of ~~((civil rights))~~ equity and racial and social justice.

J. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or any group of persons, and includes King County but no governmental body other than King County. "Person" also includes any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons.

K. "Place of public accommodation" means any place, store or other establishment, either licensed or unlicensed, that supplies goods or services 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 provide lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon the premises; motion picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or other places of exhibition or entertainment; bowling alleys and amusement parks; retail establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; food banks, senior citizens centers and other social service organizations and establishments; places of public accommodation operated by King County; and public burial facilities if the

facilities are owned and operated by any cemetery corporation or burial association.

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

M. "Senior citizen" means an individual as old or older than an age set for a senior category. The minimum age for the senior category is fifty-five years.

N. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

O. "Settlement discussions" or "conference, conciliation and persuasion" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of ~~((civil rights))~~ equity and racial and social justice.

P. "Sexual orientation" means an individual's attitudes, preferences, beliefs and practices pertaining to the individual's own sexual orientation including, but not limited to, actual or perceived heterosexuality, homosexuality and bisexuality.

SECTION 35. Ordinance 8625, Section 4, as amended, and K.C.C. 12.22.040 are hereby amended to read as follows:

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

1. Any aggrieved person; or
2. Any state, local or federal agency concerned with discrimination in places of public accommodation, including the office of ~~((civil rights))~~ equity and racial and social justice, if the agency has reason to believe that a discriminatory act or practice has been or is being committed.

B. A complaint alleging discrimination in a place of public accommodation shall be in writing and signed by the charging party. The complaint must be filed with the office of ~~((civil rights))~~ equity and racial and social justice within one hundred eighty days of the occurrence of the alleged discrimination or within one

hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. The complaint must describe with particularity the practice complained of and the location of the practice and must identify the person being charged with committing the discrimination. However, the office of ~~((civil rights))~~ equity and racial and social justice shall not reject a complaint as insufficient because of failure to include all required information, if the office of ~~((civil rights))~~ equity and racial and social justice determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint, the office of ~~((civil rights))~~ equity and racial and social justice shall serve notice upon the charging party acknowledging the filing.

D. The charging party or the office of ~~((civil rights))~~ equity and racial and social justice may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of ~~((civil rights))~~ equity and racial and social justice, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter as provided under K.C.C. 12.22.070, and thereafter may amend a complaint only with the permission of the hearing examiner, which permission shall be granted if justice will be served by the permission, and all parties shall be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated discriminatory acts that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within one hundred eighty days of the occurrence of the alleged discrimination or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings

of fact and a determination with respect to the original complaint by the office of ~~((civil rights))~~ equity and racial and social justice. The amendments may be made at any time during the investigation of the original complaint if the office of ~~((civil rights))~~ equity and racial and social justice will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of ~~((civil rights))~~ equity and racial and social justice with evidence concerning the allegations before the issuance of findings of fact and a determination.

SECTION 36. Ordinance 8625, Section 5, as amended, and K.C.C. 12.22.050 are hereby amended to read as follows:

A. After the filing of a complaint, the office of ~~((civil rights))~~ equity and racial and social justice shall serve notice of the complaint and a copy of the complaint on the respondent within twenty days after the filing of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the office of ~~((civil rights))~~ equity and racial and social justice. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of ~~((civil rights))~~ equity and racial and social justice. The extension may be granted by the office of ~~((civil rights))~~ equity and racial and social justice if good cause is shown. The office of ~~((civil rights))~~ equity and racial and social justice shall commence the investigation of the complaint promptly.

B. The office of ~~((civil rights))~~ equity and racial and social justice shall direct the investigation to ascertain the facts concerning the discrimination in public accommodations alleged in the complaint and shall conduct the investigation in an objective and impartial manner. During the investigation, the office of ~~((civil rights))~~ equity and racial and social justice shall consider any statement of position or evidence with respect to the allegations of the complaint that the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of the investigation, may be joined as an additional or substitute respondent upon written notice, as provided under subsection A. of this section, to the person from the office of ~~((civil rights))~~ equity and racial and social justice. The notice, in

addition to meeting the requirements of subsection A. of this section, must explain the basis for the belief of the office of ~~((civil rights))~~ equity and racial and social justice that the person to whom the notice is addressed is properly joined as a respondent.

C. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of ~~((civil rights))~~ equity and racial and social justice shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Anything said or done in the course of the settlement discussions may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions must be an agreement between the respondent and the charging party, and is subject to approval by the office of ~~((civil rights))~~ equity and racial and social justice. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.22.080.

D. The office of ~~((civil rights))~~ equity and racial and social justice shall seek the voluntary cooperation of all persons to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of ~~((civil rights))~~ equity and racial and social justice may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or other evidence, inspection and other purposes; physical and mental examinations; and requests for admissions. The office of ~~((civil rights))~~ equity and racial and social justice may sign and issue subpoenas requiring the attendance and testimony of witnesses and the production of or access to evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed as are necessary for the investigation. The office of ~~((civil rights))~~ equity and racial and social justice shall consult with the prosecuting attorney before issuing a subpoena under this section.



E. If an individual fails to obey a subpoena issued under this section, or obeys the subpoena but refuses to testify if requested concerning a matter under investigation under this section, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney who may petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the discrimination in public accommodations.

F. If the office of ~~((civil rights))~~ equity and racial and social justice concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of ~~((civil rights))~~ equity and racial and social justice may invoke the aid of the prosecuting attorney who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

G. The office of ~~((civil rights))~~ equity and racial and social justice shall reduce the results of the investigation to written findings of fact make and a finding that there either is or is not reasonable cause for believing that an act of discrimination in a place of public accommodations has been or is being committed.

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

SECTION 37. Ordinance 8625, Section 6, as amended, and K.C.C. 12.22.060 are hereby amended to

read as follows:

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

- a. elimination of the discriminatory practice;
- b. payment of refunds or credits not in excess of the amount of monetary damage actually incurred;
- c. payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- d. payment of attorneys' fees and costs;
- e. participation in training on public accommodations laws; and
- f. such other requirements as may lawfully be agreed upon by the parties and the office of ~~((civil rights))~~ equity and racial and social justice.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of ~~((civil rights))~~ equity and racial and social justice. The office of ~~((civil rights))~~ equity and racial and social justice shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Each postfinding settlement agreement is a public record. Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.22.080.

B.1. If the parties cannot reach agreement, the office of ~~((civil rights))~~ equity and racial and social justice shall make a finding to that effect, incorporate the finding in the order and furnish a copy of the order to all affected parties. The order shall also include:

- a. a finding that discrimination in a place of public accommodation occurred;
- b. the basis for the finding;

c. an order requiring the respondent to cease and desist from such discriminatory practice and to take appropriate affirmative measures, which may include:

- (1) payment of refunds or credit or other damages not to exceed monetary damage actually incurred;
- (2) payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
- (3) payment of attorneys' fees and costs;
- (4) participation in training in public accommodations laws; or
- (5) such other action as in the judgment of the office of ~~((civil rights))~~ equity and racial and social justice will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of ~~((civil rights))~~ equity and racial and social justice finds the respondent willfully or knowingly committed any discrimination in a place of public accommodation, the office of ~~((civil rights))~~ equity and racial and social justice may further order the respondent to pay a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

SECTION 38. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are hereby amended to read as follows:

A.1. Any respondent or charging party, after an order of the office of ~~((civil rights))~~ equity and racial and social justice is made in accordance with K.C.C. 12.22.060.B., may request an appeal hearing before the hearing examiner by filing a written request for hearing within thirty days of the service of the order. The request for hearing shall be filed with the office of ~~((civil rights))~~ equity and racial and social justice. The request for hearing must identify clearly and specifically:

- a. the errors that the appellant believes were made in the action or decision that is being appealed, or

the procedural irregularities associated with that action or decision;

- b. specific reasons why the county's action should be reversed or modified; and
- c. the desired outcome of the appeal.

2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues that the examiner may consider.

B. Any order issued by the office of ~~((civil rights))~~ equity and racial and social justice in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of ~~((civil rights))~~ equity and racial and social justice within the thirty-day period.

C. If the order of the office of ~~((civil rights))~~ equity and racial and social justice is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. chapter 20.22. The order of the office of ~~((civil rights))~~ equity and racial and social justice shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of ~~((civil rights))~~ equity and racial and social justice.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. Impeach any witness regardless of which party first called the witness to testify;
5. Rebut evidence against the party; and

6. Self-represent or be represented by anyone of the party's choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of ((civil rights)) equity and racial and social justice could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties.

SECTION 39. Ordinance 8625, Section 8, as amended, and K.C.C. 12.22.080 are hereby amended to read as follows:

A. If the office of ((civil rights)) equity and racial and social justice has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070, the office of ((civil rights)) equity and racial and social justice shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the office of ((civil rights)) equity and racial and social justice issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no later than ninety days after the referral of the alleged breach underlying the referral under subsection A. of this section.

SECTION 40. Ordinance 15399, Section 59, and K.C.C. 12.22.085 are hereby amended to read as follows:

A. An aggrieved person may commence a civil action in superior court not later than one year after the

occurrence or termination of alleged discrimination in a place of public accommodation or ninety days after a determination of reasonable cause is issued by the office of ~~((civil rights))~~ equity and racial and social justice, whichever occurs last, to obtain appropriate relief with respect to the discrimination in public accommodations.

B. A civil action may be filed under this section whether or not an administrative complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the complaint. However, if the office of ~~((civil rights))~~ equity and racial and social justice obtained a prefinding or postfinding settlement or conciliation agreement with the consent of the aggrieved person, an action may not be filed by the aggrieved person with respect to the alleged discrimination in public accommodations that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the aggrieved person knowingly waives any right to file a civil action under this section based on the same alleged discrimination in public accommodations.

C. Subject to subsection D. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of ~~((civil rights))~~ equity and racial and social justice may administratively close a complaint of discrimination in public accommodations.

D. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of ~~((civil rights))~~ equity and racial and social justice reopen a previously filed case. Upon such a request, the office of ~~((civil rights))~~ equity and racial and social justice may reopen a case that was administratively closed upon the filing of a civil action. If the office of ~~((civil rights))~~ equity and racial and social justice closes a case based on a "no reasonable cause" finding, the case may not be reopened except as provided through reconsideration under K.C.C. 12.22.050.

E. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged discrimination in public accommodations practice that forms the basis of a complaint if a hearing on the complaint has been convened under K.C.C. 12.22.070.

G. In a civil action under this section, if the court finds that discrimination in public accommodations occurred, the court may grant such relief as is available for violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

H. Upon timely application, the prosecuting attorney may intervene in the civil action, if the prosecuting attorney determines that the case is of general public importance.

I. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution and laws of the state of Washington.

SECTION 41. Ordinance 8625, Section 9, as amended, and K.C.C. 12.22.090 are hereby amended to read as follows:

The office of ~~((civil rights))~~ equity and racial and social justice may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98.

SECTION 42. Ordinance 13263, Section 54, as amended, and K.C.C. 12.22.095 are hereby amended to read as follows:

A. If a complaint has been filed under this chapter, the office of ~~((civil rights))~~ equity and racial and social justice shall initiate an investigation under the provisions of this chapter.

B. If the office of ~~((civil rights))~~ equity and racial and social justice determines that a violation of this chapter or any rules and regulations adopted under this chapter occurred, the office shall issue an order under this chapter. For violations of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23.

SECTION 43. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are hereby amended to

read as follows:

The examiner shall issue final decisions in the following cases:

- A. Appeals of orders of the ombuds under the lobbyist disclosure code, K.C.C. chapter 1.07;
- B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;
- C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;
- D. Appeals of electric vehicle recharging station penalties of the Metro transit department under K.C.C. 4A.700.700;
- E. Appeals of notice and orders of the manager of records and licensing services or the department of local services permitting division manager under K.C.C. chapter 6.01;
- F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;
- G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;
- H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;
- I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;
- J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;
- K. Appeals of decisions of the director of the department of natural resources and parks on requests for rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;
- L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;
- M. Appeals of notices and orders of the manager of animal control under K.C.C. chapter 11.04;



N. Certifications by the finance and business operations division of the department of executive services involving K.C.C. chapter 12.16;

O. Appeals of orders of the office of ~~((civil rights))~~ equity and racial and social justice under K.C.C. chapter 12.17, K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

P. Appeals of noise-related orders and citations of the department of local services, permitting division, under K.C.C. chapter 12.86;

Q. Appeals of utilities technical review committee determinations on water service availability under K.C.C. 13.24.090;

R. Appeals of decisions regarding mitigation payment system, commute trip reduction and intersection standards under K.C.C. Title 14;

S. Appeals of suspensions, revocations or limitations of permits or of decisions of the board of plumbing appeals under K.C.C. chapter 16.32;

T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the exception of appeals of shoreline permits, including shoreline substantial development permits, shoreline variances and shoreline conditional uses, which are appealable to the state Shoreline Hearings Board;

U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules adopted under K.C.C. 20.44.075;

V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

W. Appeals of decisions of the interagency review committee created under K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C. chapter 21A.37;

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

Y. Appeals of notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.A.2;

AA. Appeals of fee waiver decisions by the department of local services, permitting division, as provided in K.C.C. 27.02.040;

BB. Appeals from decisions of the department of natural resources and parks related to permits, discharge authorizations, violations and penalties under K.C.C. 28.84.050 and 28.84.060;

CC. Appeals of transit rider suspensions under K.C.C. 28.96.430;

DD. Appeals of department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of the department of public safety as provided in RCW 69.50.505; and

EE. Other applications or appeals that are prescribed by ordinance.

SECTION 44. Ordinance 12394, Section 3, as amended, and K.C.C. 4.56.085 are hereby repealed.

SECTION 45. This ordinance takes effect January 1, 2023.