



## Legislation Text

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**File #:** 2019-0331, **Version:** 3

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AN ORDINANCE updating definitions relating to discrimination and making other technical corrections; and amending Ordinance 18665, Section 1, as amended, K.C.C. 2.15.005, Ordinance 16692, Section 2, as amended, K.C.C. 2.15.010, Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120, Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010, Ordinance 11992, Section 2, as amended, K.C.C. 12.16.010, Ordinance 13981, Section 1, as amended, K.C.C. 12.17.002, Ordinance 13981, Section 2, as amended, K.C.C. 12.17.010, Ordinance 7430, Section 1, as amended, K.C.C. 12.18.010, Ordinance 7430, Section 2, as amended, K.C.C. 12.18.020, Ordinance 5280, Section 1, as amended, and K.C.C. 12.20.010, Ordinance 5280, Section 2, as amended, and K.C.C. 12.20.020, Ordinance 5280, Section 3.A., as amended, and K.C.C. 12.20.040, Ordinance 5280, Section 3.B., as amended, and K.C.C. 12.20.050, Ordinance 5280, Section 3.C, as amended, and K.C.C. 12.20.060, Ordinance 5280, Section 10, as amended, and K.C.C. 12.20.130, Ordinance 8625, Section 1, as amended, and K.C.C. 12.22.010, Ordinance 8625, Section 2, as amended, and K.C.C. 12.22.020 and Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030.

STATEMENT OF FACTS: The changes to the definition of "sexual orientation" and the addition of the definition of "gender identity or expression" included in this ordinance reflects the current understanding of the communities that identify with its definitions. The changes are

also a reflection of the evolving nature of language, and the diversity of our communities.

However, the council recognizes that language is not fixed, and terminology evolves as society evolves. The council strives to be inclusive and mindful of the complexity and richness of identities within King County's diverse communities and the council desires to ensure that the language used in the King County Code accurately reflects the communities that are served by the laws of the county. With that commitment, the council recognizes that the definition for "sexual orientation" and "gender identity or expression" will change in the near future and the council is committed to accommodating such changes.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005 are hereby amended to read as follows:

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

A. "Administrative warrant" means a noncriminal immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal or any other document, issued by ICE, CBP or USCIS that can form the basis for a person's arrest or detention for a civil immigration enforcement purpose. ICE administrative warrant forms include the U.S. DHS form I-200 (Rev. 09/16) "Warrant for Arrest of Alien" and Form I-205 "Warrant Of Removal/Deportation," as well as predecessor and successor versions. "Administrative warrant" does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the Fourth Amendment to the United States Constitution.

B. "Agency" means a King County department, agency, division, commission, council, committee, board, other body or person, established by authority of an ordinance, executive order, or charter.

C. "Agent" means a person acting within the scope of employment by or acting on behalf of an agency.

D. "CBP" means the United States Customs and Border Protection agency of the United States Department of Homeland Security and shall include any successor federal agency charged with border enforcement.

E. "Citizenship or immigration status" means a person's recorded citizenship or immigration status, as such status is defined in the Immigration and Nationality Act, at the time an agent or agency receives the information.

F. "Civil immigration enforcement operation" means an operation that has as one of its objectives the identification or apprehension of a person or persons in order to investigate them for a violation of the immigration laws and subject them to one or more of the following:

1. Civil immigration detention;
2. Removal proceedings; and
3. Removal from the United States.

G. "Coerce" means to use express or implied threats towards a person or any family member of a person that attempts to put the person in immediate fear of the consequences in order to compel that person to act against the person's will.

H. "Commitment" means confinement in secure detention for a specified amount of time following a determination of guilt. "Commitment" does not include pretrial detention of any persons such as those who unable to post bail.

I. "Employee" means a person who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission or other separate unit or division of county government, however designated, acting within the scope of employment by or acting on behalf of the county. "County employee" also includes a county elected official and a member of a county board, commission, committee or other multimember body, but does not include an official or employee of the county's judicial branch, though it does include an employee of the department of judicial administration.

J. "ICE" means the United States Immigration and Customs Enforcement agency including Enforcement and Removal Operations and Homeland Security Investigations and shall include any successor federal agency charged with the enforcement of immigration laws.

K. "Immigration detainer" means a request by ICE to a federal, state or local law enforcement agency, such as the King County department of adult and juvenile detention, to provide notice of release or maintain custody of a person based on an alleged violation of a civil immigration law. "Immigration detainer" includes a detainer issued under Sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes a detainer issued under DHS form I-274A entitled Immigration Detainer- Notice of Action, as well as well as predecessor and successor versions.

L. "Interpretation" means the transfer of an oral communication from one language to another.

M. "Limited-English-proficient" means a person who does not speak English as the person's primary language, who has a limited ability to read, speak, write, or understand English.

N. "Nonpublic" means any area of a county facility, including the secure detention facilities of the department of adult and juvenile detention that is not generally open and accessible to the general public, but instead requires special permission for admittance by a county employee on an individual basis.

O. "Personal information" means one or more of the following, when the information is linked with or is reasonably linkable, including via analytic technology, to the person's first name or first initial and last name:

1. Home address;
2. Work address;
3. Telephone number;
4. Electronic mail address;
5. Social media handle or other identifying social media information;
6. Any other means of contacting a person;
7. Social security number;

8. Driver's license number or Washington identification card number;

9. Bank account number or credit or debit card number;

10. Information or data collected through the use or operation of an automated license plate recognition system; and

11. User name that, in combination with a password or security question and answer, would permit access to an online account.

P. "Public communication materials" means materials that are intended for broad distribution to inform or educate people served by King County. For the purpose of translation, "public communication materials" refers only to printed media such as brochures, posters, booklets, pamphlets, billboards and advertisements in printed publications.

Q. "Translation" means the transfer of a written communication from one language to another while preserving the intent and essential meaning of the original text.

R. "USCIS" shall mean the United States Citizenship and Immigration Services and any successor agency charged with overseeing United States immigration laws.

S. "Verbal abuse" means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived:

1. Race, color, sex, religion, national origin, English proficiency, sexual orientation or gender identity or expression of the person; or
2. Citizenship or immigration status of the person or the person's family member.

T. "Vital documents" are materials that provide essential information for accessing basic county services and benefits and for which serious consequences would result if the information were not provided.

SECTION 2. Ordinance 16692, Section 2, as amended, and K.C.C. 2.15.010 are hereby amended to read as follows:

A. Except as otherwise provided in this section or when otherwise required by law, a Reverend Doctor

Martin Luther King, Jr., County office, department, employee, agency or agent shall not condition the provision of county services on the citizenship or immigration status of any person.

B. All applications, questionnaires and interview forms used in relation to the provision of county benefits, opportunities or services shall be reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status, unless required by state or federal law, or international treaty, shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure of the information is no longer required. Agencies that have a need for the collection of demographic data related to immigration status for performance measurement shall identify mechanisms that will allow for the separation of the demographic information from personally identifying information.

C. The Seattle-King County department of public health shall not condition the provision of health benefits, opportunities or services on matters related to citizenship or immigration status. The Seattle-King County department of public health may inquire about or disclose information relating to a person's citizenship or immigration status for the purpose of determining eligibility for benefits or seeking reimbursement from federal, state or other third-party payers.

D. Except when otherwise required by law, where the county accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a state-issued document marked as not valid for federal purposes or presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or other consul-issued document, such as a Matricula Consular de Alta Seguridad, shall also be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this chapter. This subsection does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

E. A county employee or an agent or agency of King County shall not inquire about or request, from a

member of the public information about the citizenship or immigration status or place of birth of any person unless the inquiry, request or investigation is required by state or federal law, regulation or directive or court order or rule, or to ensure compliance with any state or federal law, regulation or directive or court order. When an inquiry, request or investigation into nationality, immigration status or citizenship, including place of birth, is required to be or for any reason is made, the King County agent or county employee shall not attempt to coerce a response. All persons to whom the inquiries are made shall be explicitly informed of their right to decline to respond, free from fear or threat of retaliation.

F. Agents of King County and county employees are hereby prohibited from conditioning King County services on immigration status, except where required under applicable federal or state law or regulation or directive or court order or rule. Agents of King County and county employees are prohibited from verbally abusing or coercing persons or threatening to report them or their family members to ICE or threatening to take other immigration-related action against them or their family members.

G. Except where necessary to provide King County services, or where otherwise required by state or federal law or regulation or directive or court order, King County agents and employees are not permitted to either maintain or share, or both, personal information or information about national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity or expression, disability, housing status, financial status, marital status, status as a victim of domestic violence, criminal history, release date from incarceration or confinement in a secure detention or other custody or status as a veteran.

H. Nothing in this chapter shall be construed as to prohibit any county employee, upon request of the noncitizen, from aiding a noncitizen to obtain immigration benefits pursuant federal immigration law.

I. An agent of King County or a county employee shall not expend any time, moneys or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where state or federal law, regulation or court order shall so require. However, a county agency, employee or agent is not prohibited from sending to, or receiving from, federal immigration

authorities, the citizenship or immigration status of a person. Also, nothing in this section prohibits any county agency from sending to, receiving from, requesting from or exchanging with any federal, state or local government agency information regarding the immigration status of a person or from maintaining such information.

J. Nothing in this section shall be construed to prohibit any county employee from participating in cross-designation or task force activities with federal law enforcement authorities for criminal law enforcement.

K. The executive shall ensure that all King County employees and agents receive appropriate training on the implementation of the provisions of this section.

SECTION 3. Ordinance 10159, Section 14, as amended, and K.C.C. 6.27A.120 are hereby amended to read as follows:

A. A franchisee (~~(and)~~) or applicant for a franchise shall not deny cable service, or otherwise discriminate against any subscriber, access programmer(~~(s)~~) 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(~~(s)~~) 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(~~(s)~~) 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 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((~~7~~)) 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.

((~~PROVIDED THAT;~~)) E. Despite the other provisions of this section, ((~~N~~))no provision of this section shall invalidate any other section of this chapter.

SECTION 4. Ordinance 14509, Section 4, as amended, and K.C.C. 7.01.010 are hereby amended to read as follows:

The definitions in this section apply throughout this title and K.C.C. chapter 4.57, unless the context clearly requires otherwise.

A. "Advertising" means promotional activity for the financial gain of those undertaking the activity or causing the activity to be undertaken, including, but not limited to, placing signs, posters, placards or any other display device in publicly visible location within a parks and recreation facility. "Advertising" does not include posting of an announcement on a community bulletin board, consistent with any applicable rules for the use of community bulletin boards.

B. "Aircraft" means any machine or device designed to travel through the air including, but not limited to, airplanes, helicopters, ultra light type planes, gliders, remote-control planes and gliders, hot air balloons, kites and balloons.

C. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks

or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance that contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

D. "Associated marine area" means any water area within one hundred feet of any parks and recreation facility such as a dock, pier, float, buoy, log boom or other object that is part of a parks and recreation facility, only if the area does not include private property.

E. "Boat" means any contrivance up to sixty-five feet in length overall, used or capable of being used as a means of transportation on water.

F. "Camper" means a motorized vehicle containing either sleeping or housekeeping accommodations, or both, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.

G. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper or other vehicle for the purpose of remaining overnight.

H. "Campsite" means camping sites designated by the director.

I. "Change" a fee means to alter the amount of a fee.

J. "Concession" means the privilege or authority to sell goods or services within parks and recreation facilities or to operate parks and recreation facilities or a portion thereof.

K. "Concession contract" or "concession agreement" means the agreement granting a person a concession with respect to a parks and recreation facility.

L. "Department" means the department of natural resources and parks.

M. "Director" means the director of the department of natural resources and parks or the director's designee.

N. "Discrimination" means any action or failure to act, whether by single act or 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, age, sex, marital status, parental status, sexual orientation, gender identity or expression, the presence of any sensory, mental or physical handicap or the use of ~~((an animal guide by a blind or deaf or otherwise physically or mentally challenged person))~~ a service or assistive animal. For the purposes of this subsection, "service or assistive animal" means any 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. "Division" means the parks and recreation division of the department of natural resources and parks.

P. "Eliminate" a fee means to remove a fee.

Q. "Establish" a fee means to impose a fee for an activity for which a fee was not being charged.

R. "Facility," "facilities," "parks and recreation facility," "parks and recreation facilities" or "park area" means any building, structure, park, open space, trail or other property owned or otherwise under the jurisdiction of the parks and recreation division of the department of natural resources and parks.

S. "Facility manager" means the person designated to manage a specific parks and recreation facility.

T. "High-use areas" means areas of parks and recreation facilities where people congregate. "High-use areas" include athletic fields, off-leash dog parks, parking lots, picnic shelters, playgrounds, sports courts, trailheads, and any other areas designated as high-use areas by the director.

U. "Manager" means the manager of the parks and recreation division of the department of natural resources and parks.

V. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

W. "Naming rights" means rights to name a facility after a person for a term of years in exchange for

consideration.

X. "Parks and recreation purposes" means any lawful purpose of the division.

Y. "Person" means all natural persons, groups, entities, firms, partnerships, corporations, governmental and quasi-governmental entities, clubs and all associations or combination of persons whether acting for themselves or as an agent, servant or employee.

Z. "Permit" means an authorization for the use of parks and recreation facilities that imposes conditions on the permittee in addition to those conditions imposed on the general public.

AA. "Rocket" means any device containing a combustible substance that when ignited, propels the device forward.

BB. "Set" a fee means to change or eliminate a fee, including determining, changing or eliminating a range for a fee. "Set" does not include selecting a fee in a previously set range for a fee.

CC. "Spirits" means any beverage that contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

DD. "Sponsorship" means providing consideration to support specific parks and recreation facilities or activities, generally in exchange for advertising on county property, through county media, or otherwise, or other promotional consideration.

EE. "Tobacco product" means cigarettes, cigars, pipe tobacco and chewing tobacco.

FF. "Trail" means any path, track or right-of-way designed for use by pedestrians, bicycles, equestrians or other nonmotorized modes of transportation.

GG. "Trailer" means a towed vehicle that contains sleeping or housekeeping accommodations.

HH. "Trailer site" means a designated camping site that has either water or electrical facilities, or both, available for hookup.

II. "User fee" means a fee charged for the use of parks and recreation facilities, activities and programs, including, but not limited to, general facilities admission, classes and workshops, sponsored leagues and

tournaments, gymnasium and field usage for games and practice, field lights and other equipment, concessions, parking, camping, special event admission, rooms for meetings, conference banquets and other indoor activities, kitchen and equipment. "User fee" does not include the cost of purchasing tangible personal property sold by the division. "User fee" also does not include charges made under:

1. An advertising, sponsorship or naming rights agreement in accordance with K.C.C. 7.08.080;
2. A concession contract in accordance with K.C.C. chapter 4.57;
3. A lease, rental or use agreement in accordance with K.C.C. 4.56.150; or
4. A special use permit in accordance with K.C.C. 7.12.050.

SECTION 5. Ordinance 11992, Section 2, as amended, and K.C.C. 12.16.010 are hereby amended to read as follows:

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

A. "Administrator" means the director of the finance and business operations division in the department of executive services.

B. "Contract awarding authority" means any person with the power to enter into a contractual arrangement binding the county and also means the particular office, agency or division on whose behalf the contract is executed. In addition, "contract awarding authority" includes, but is not limited to, the county executive, heads of county departments or offices and, as delegated, division directors.

C. "Contractor" means any person, firm, business, organization, company, partnership, corporation or other legal entity, excluding real property lessors and lessees and government agencies, contracting to do business with the county including, but not limited to, public work contractors, consultant contractors, providers of professional services, service agencies, vendors and suppliers selling or furnishing materials, equipment or goods or services.

D. "Disability" means the presence of a sensory, mental or physical impairment that is medically

cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

E. "Disability access laws" means all laws requiring that county services, programs and activities be accessible by people with disabilities including Title II of the Americans with Disabilities Act, Title II of the Telecommunications Act of 1934, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

F. "Discriminate" means an action, other than an action taken in accordance with lawful equal employment opportunity efforts, 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 sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

G. "Discrimination" means differential treatment of or pursuit of policies or practices that have a disproportionate impact upon persons due to their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

H. "Employment" means any and all terms and conditions and policies and practices of employment including, but not limited to, hiring, firing, upgrading, demotion, recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions of work.

I. "Equal employment opportunity" means the availability of employment and advancement of all people based on merit, capability, and potential, and without regard to an individual's sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

"Equal employment opportunity" includes the following components: recruitment, application processing, hiring, job placement, compensation, promotion, transfer, termination and work assignment.

J. "Equal employment opportunity efforts" means active efforts to ensure equal opportunity in employment that is free from all forms of discrimination.

K. "Equal opportunity" means a system of practices under which individuals are not excluded from any opportunity or benefits because of their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

L. "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.

M. "Lessor" and "lessee" means any person, firm, business, organization, company, partnership, corporation or other legal entity, excluding government agencies, entering into any lease or license for the possession or use of real property with the county.

~~((M.))~~ N. "Minority" or "minorities" means a person who is a citizen of the United States and who is a member of one or more of the following historically disadvantaged racial groups:

1. Black or African American: Having origins in any of the Black racial groups of Africa;
2. Hispanic: Mexican, Puerto Rican, Cuban, Central American, South American or of other Spanish or Portuguese culture or origin, regardless of race;
3. Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or
4. American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

~~((N.))~~ O. "Permanent workforce" means those persons employed by a bidder, proposer or contractor for

at least six continuous months immediately prior to the bid or proposal opening or the award of a contract by the county, and who are currently employed by the bidder, proposer or contractor.

((~~Q~~)) P. "Reasonable accommodation" means steps taken to modify facilities used by employees or to modify a particular job component which enables an otherwise qualified person with a disability to perform the essential functions of the job.

((~~P~~)) 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, heterosexuality, homosexuality and bisexuality (~~((or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex))~~).

((~~Q~~)) R. "Underrepresentation" means presence in a contractor's work force of minorities, women and persons with disabilities, in a particular job category in proportionate numbers less than their representation in the county's labor market area.

SECTION 6. Ordinance 13981, Section 1, as amended, and K.C.C. 12.17.002 are hereby amended to read as follows:

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the provisions of the constitution of this state. The King County council hereby finds and declares that practices of discrimination in contracting by business enterprises against any person on the basis 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 constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

SECTION 7. 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 when the office of civil rights 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, 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 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.

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

~~((J-))~~ 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.

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

~~((L-))~~ 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, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

~~((M-))~~ 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((and gender identity. As used in this definition "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self image, appearance, behavior or expression)).

((N-)) 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 8. Ordinance 7430, Section 1, as amended, and K.C.C. 12.18.010 are hereby amended to read as follows:

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council hereby finds and declares that practices of employment discrimination against any person on the basis 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 constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

SECTION 9. 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 any person who claims to have been injured by an act of discrimination in a place of public accommodation;

C. "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.

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 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.

E. "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, 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.

~~((J.))~~ 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.

~~((K.))~~ 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.

~~((L.))~~ 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.

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

~~((N.))~~ O. "Service or assistive animal" means any 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.))~~ 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.

~~((P.))~~ 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 ((and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self image, appearance, behavior or expression)).

SECTION 10. Ordinance 5280, Section 1, as amended, K.C.C. 12.20.010 are hereby amended to read as follows:

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council finds and declares that practices of housing discrimination against any persons on the basis 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 constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

SECTION 11. Ordinance 5280, Section 2, as amended, 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 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.

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, participation in the Section 8 program, sexual orientation, gender identity or expression, disability or use of a service or assistive animal by an individual with a disability.

E. "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.

F. "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.

G. "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.

~~((G.))~~ H. "Marital status" means the presence or absence of a marital relationship and includes the

status of married, separated, divorced, engaged, widowed, single or cohabiting.

~~((H.))~~ I.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.

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

~~((J.))~~ K. "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.

~~((K.))~~ L. "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].

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

~~((M.))~~ N. "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.

~~((N-))~~ O. "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.

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

~~((P-))~~ Q. "Senior citizens" means persons who are sixty-two years of age or older.

~~((Q-))~~ R. "Service or assistive animal" means any 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.

~~((R-))~~ S. "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.

~~((S-))~~ T. "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 ~~((and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with gender identity includes self-image, appearance, behavior or expression))~~.

SECTION 12. Ordinance 5280, Section 3.A., as amended, K.C.C. 12.20.040 are hereby amended to read as follows:

- A. It is a discriminatory practice and unlawful for any person, whether acting on the person's own

behalf or for another, 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:

1. Except as otherwise provided in subsection A.12. of this section, to refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny a dwelling to any person;
2. To discriminate against a person in the terms, conditions or privileges of a real estate transaction, including financial terms and conditions such as the setting of rents or damage deposits, or in the furnishing of facilities or services in connection with any real estate transaction; however, rents and damage deposits may be adjusted to recognize the number of persons utilizing the property except insofar as such adjustment might discriminate based on 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;
3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
4. To refuse to negotiate for a real estate transaction with a person;
5. To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, to fail to bring a property listing to the person's attention or to refuse to permit the person to inspect real property;
6. To make, print, circulate, publish, post or mail or cause to be made, printed, circulated, published, posted or mailed a statement, notice, advertisement or sign, pertaining to a real estate transaction or a real estate related transaction that indicates, directly or indirectly, an intent to make a limitation, preference or discrimination with respect to the transaction;

7. To use a form of application or to make a record of inquiry regarding a real estate transaction or a real estate related transaction that indicates, directly or indirectly, an intent to make a limitation, preference or discrimination with respect to the transaction;

8. To offer, solicit, accept, use or retain a listing of real property with the understanding that a person might be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with the transaction;

9. To expel a person from occupancy of real property;

10. To discriminate against in the course of negotiating or executing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee or other aspect of the transaction;

11. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation; or

12.a. To refuse to lease or rent any real property to any person based on the person's reliance on the Section 8 program or other housing subsidy programs to make rental payments unless:

(1) the person's reliance on the Section 8 program or other housing subsidy programs is conditioned on the real property passing inspection;

(2) the written estimate of the cost of improvements necessary to pass inspection is more than one thousand five hundred dollars; and

(3) the landlord has not received moneys from the state's landlord mitigation program, as set forth in chapter 43.31 RCW, to make the improvements.

b. This subsection A.12. shall apply beginning September 30, 2018.

B. It is a discriminatory practice and unlawful for any person, whether acting on the person's own behalf or for another, to coerce, intimidate, threaten or interfere with any other person in the exercise or enjoyment of, on account of the other person having exercised or enjoyed, or on account of the other person having aided or encouraged any person in the exercise or enjoyment of, any right granted or protected by this chapter.

C. It is a discriminatory practice and unlawful for any person, whether acting on the person's own behalf or for another, to discriminate against in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of any one or more of:

1. That buyer or renter;
2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
3. Any person associated with that buyer or renter.

D. It is a discriminatory practice and unlawful for any person, whether acting on the person's own behalf or for another, to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability of any one or more of:

1. That person;
2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
3. Any person associated with that person.

E. For the purposes of this chapter, discriminatory practices based either on disability or use of a service or assistive animal by an individual with a disability are unlawful and include:

1. Refusal to permit, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications might be necessary to afford the

person full enjoyment of the premises. However, for a rental, the landlord may, if it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. Refusal to make reasonable accommodations in rules, policies, practices or services, if the accommodations might be necessary to afford an individual or individuals with disabilities equal opportunity to use and enjoy a dwelling; or

3. Failure to design, construct and alter dwellings in conformance with 42 U.S.C. 3604 as it exists on April 16, 2006, the Washington State Barrier Free Regulations (chapter 51-50 WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other applicable laws pertaining to access to individuals with disabilities. If the requirements of applicable laws differ, the requirements that require greater accessibility to individuals with disabilities govern.

F. It is discriminatory practice and unlawful for any person, whether acting on the person's own behalf or for another, to retaliate by taking action against another person because the other person:

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.

SECTION 13. Ordinance 5280, Section 3.B., as amended, K.C.C. 12.20.050 are hereby amended to read as follows:

It is a discriminatory practice and unlawful for any person acting for monetary gain, whether acting on the person's own behalf or for another in connection with any real estate-related transaction, whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in 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.

SECTION 14. Ordinance 5280, Section 3.C, as amended, K.C.C. 12.20.060 are hereby amended to read as follows:

It is a discriminatory practice and unlawful for any person acting for monetary gain, whether acting on the person's own behalf or others, directly or indirectly, to engage in the practices of blockbusting or steering, including the commission of any one or more of the following acts:

A. Inducing or attempting to induce any person to sell or rent any real property by representation regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, national origin, ancestry, age, gender, marital status, participation in the Section 8 program or other housing subsidy program, alternative source of income, sexual orientation, gender identity or expression, parental status, disability or use of a service or assistive animal by an individual with a disability; or

B. Showing or otherwise taking any action, the intention or effect of which is to steer a person or persons to any section of the county or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, sexual orientation, gender identity or expression, parental status, participation in Section 8 program or other housing subsidy program, alternative source of income, disability or use of a service or assistive animal by a an individual with a disability.

SECTION 15. Ordinance 5280, Section 10, as amended, K.C.C. 12.20.130 are hereby amended to read as follows:

A. Nothing in this chapter:

1. Prohibits treating any person or persons meeting the definition of parental status or any individual with a disability or individuals with disabilities more favorably than others if the favorable treatment does not discriminate against persons on the basis 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;

2. Prohibits a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to persons of the same religion, but only if:

a. membership in the religion is not restricted on account of race, color, ancestry or national origin;  
and

b. the limitation or preference is reasonably in the furtherance of a religious purpose or activity;

3. Prohibits any person from limiting the rental or occupancy of housing accommodations in any collegiate Greek system residence, school dormitory or similar residential facility to persons of one gender if considerations of personal privacy exist;

4. Prohibits any person from limiting, on the basis of age or parental status, the sale, rental or occupancy of housing accommodations that fully qualify as housing for older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16, 2006;

5. Prohibits any person from limiting the sale, rental or occupancy of housing accommodations to:

a. individuals with disabilities in any housing facility operated for individuals with disabilities;

b. senior citizens in any housing facility operated exclusively for senior citizens; or

c. elderly persons in any housing provided under any state or federal program that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16, 2006;

6. Requires any person to rent or lease a housing accommodation to a minor;

7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

8. May be interpreted to prohibit any person from making a choice among prospective purchasers or

tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age, gender, marital status, parental status, sexual orientation, gender identity or expression, participation in the Section 8 program or other housing subsidy program, alternative source of income, disability or use of a service or assistive animal by an individual with a disability; or

9. Prohibits any person from placing limitations on the maximum number of tenants permitted per unit on account of reasonable space limitations or requirements of law.

B. Nothing in this chapter, except K.C.C. 12.20.040.A.6., 12.20.040.A.7., 12.20.040.A.8., 12.20.040.B. and 12.20.050, applies to the renting, subrenting, leasing or subleasing of a single-family or duplex dwelling unit in which the owner normally maintains a permanent residence, home or abode.

C. Nothing in this chapter prohibits any party to a real estate transaction or real estate-related transaction from considering the capacity to pay and credit history of any individual applicant.

D. Nothing in this chapter prohibits any party to a real estate transaction or real estate related transaction from considering or taking reasonable action based on the application of ~~((the))~~ community property law to ~~((the))~~ an individual case.

SECTION 16. Ordinance 8625, Section 1, as amended, and K.C.C. 12.22.010 are hereby amended to read as follows:

This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council hereby finds and declares that the practice of discrimination against any person on the basis of race, color, gender, marital status, parental status, sexual orientation, gender identity or expression, religion, ancestry, age, national origin, disability or use of a service or assistive animal by an individual with a disability in places of public accommodation constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County.

SECTION 17. 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.

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.

~~((F.))~~ 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.

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

~~((H.))~~ 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.

~~((I.))~~ 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.

~~((J.))~~ 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.

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

~~((L-))~~ 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.

~~((M-))~~ 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, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

~~((N-))~~ 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.

~~((O-))~~ 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~~((and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self-image, appearance, behavior or expression))~~.

SECTION 18. Ordinance 8625, Section 3, as amended, and K.C.C. 12.22.030 are hereby amended to read as follows:

It is unlawful for any person to engage in, or cause or allow another to engage in, any of the acts listed in this section, which are hereby designated as discrimination, in places of public accommodation located in unincorporated King County or operated by King County wherever located.

A. It is a discriminatory practice for any person, whether acting on the person's own behalf or for another, 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:

1. As owner, custodial agent or employee of a place of public accommodation, to discriminate in denying, refusing, rejecting or granting any privilege, service, goods, merchandise, commodity or accommodation;
2. As owner, custodial agent or employee of a place of public accommodation, to discriminate by segregating or requiring the placing of any person in any separate section or area of the premises or facilities of the place of public accommodation; or
3. To place, post, maintain or display any written or printed advertisement, notice or sign to the effect that any of the accommodations, advantages, facilities, privileges, goods or merchandise of any place of public accommodation, will or might be refused, withheld from or denied to any person.

B. It is a discriminatory practice and unlawful for any person , whether acting on the person's own behalf or for another, to retaliate by taking action against another person because the other person:

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.

C. Nothing in this section:

1. Applies to any non-commercial facility operated or maintained by a bona fide religious institution;
2. May be construed to prohibit treating individuals with disabilities more favorably than individuals without disabilities or to prohibit treating senior citizens more favorably than nonsenior citizens; or
3. May be construed to prohibit offering discounts, special prices or other special arrangements to children or families or imposing age limits for individuals up to twenty-one years old.