

September 15, 2021

## MEMORANDUM

**To:** Community Economic Development Committee  
**From:** Asha Venkataraman, Analyst  
**Subject:** Council Bill 120180: Updating the City's Protected Classes

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On September 21, 2021, the Community Economic Development committee will discuss Council Bill (CB) 120180, which would update parts of the Seattle Municipal Code to align with the [Washington Law Against Discrimination](#) (WLAD). This memorandum describes CB 120180, identifies potential fiscal considerations, discusses potential amendments, and highlights next steps.

### Background

The Seattle Office for Civil Rights (SOCR) enforces protections against discrimination in the areas of employment, places of public accommodation, housing, and contracting. Seattle's current protected classes are age, ancestry, breastfeeding in a public place, color, creed, disability, gender identity, marital status, national origin, parental status, political ideology, race, religion, sex, sexual orientation, use of a Section 8 voucher, use of a service animal, and military status or veteran.

Washington State also provides protection against discrimination through the WLAD. In 2020, the Washington State legislature passed two bills adding State-level protected classes:

- [House Bill \(HB\) 2602](#) acknowledged that discrimination on the basis of hair style or texture is race-based discrimination and therefore prohibited. HB 2602 amended the WLAD to define race as inclusive of hair textures and “protective hairstyles” such as afros, braids, locks, and twists.
- [Engrossed Senate Bill \(ESB\) 5165](#) amended the WLAD to include citizenship and immigration status within its protected classes. ESB 5165 also added a new section to WLAD stating that differential treatment based on citizenship or immigration status is not an unfair practice if authorized by federal or state law, regulation, rule, or government contract.

At the state level, the Washington State Human Rights Commission has jurisdiction over violations of WLAD.

## **CB 120180**

This legislation would incorporate the addition of citizenship and immigration status as protected classes into those parts of the code over which SOCR has jurisdiction (Titles 3 and 14) as well as the exception for when differentiating based on those statuses is permitted by law. It would also include the definition of “race” that is in the WLAD, as follows:

“Race” is inclusive of traits historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles. For purposes of this definition, “protective hairstyles” includes, but is not limited to, such hairstyles as afros, braids, locks, and twists.”

Expanding the scope of protections in the City’s laws would allow SOCR to enforce claims of violations of the prohibition against discrimination based on these new protected classes. Without the addition of this language, the protections would only exist in state law and the Washington State Human Rights Commission would be the only entity with enforcement authority. This could limit accessibility for those wanting to pursue enforcement, as the Washington State Human Rights Commission does not have offices in Seattle and the statute of limitations for state claims under WLAD is 180 days rather than the City’s longer one of 1.5 years (except for housing discrimination claims, which is one year at both the state and city levels).

### **Potential Fiscal Considerations**

The Council may want to consider adding funds to support education and outreach about these added protections to the City’s code. The Council has previously appropriated one-time funds for outreach and education for legislation that has added protections to SOCR’s workload. For example, in 2016 the Council approved about \$50,000 for outreach and education on legislation banning conversion therapy and a similar amount for legislation protecting against source of income discrimination in housing. The 2018 Adopted Budget included \$50,000 for outreach and education for Fair Chance Housing. The Council may want to consider adding a similar amount to cover education and outreach for CB 120180, either concurrently with passage of this bill or in the upcoming consideration of the City’s budget for 2022.

Also, though added protections may have impacts on SOCR’s enforcement workload, the degree of impact is not entirely clear at this point. In the future, the Council may want to consider adding enforcement staff if there is a substantial increase in workload.

### **Potential Amendments**

CB 120180 would amend sections of the code under which SOCR has jurisdiction. However, an initial review of the code has revealed other code sections identifying protected classes that could also be updated to include these new protections. Central Staff will continue to review and analyze which code sections could be updated to ensure full and consistent protections.

**Next Steps**

Central Staff will be working with the City Attorney's Office to prepare a substitute bill for the committee's consideration at its next meeting, likely in December 2021.

cc: Esther Handy, Director  
Aly Pennucci, Policy and Budget Manager