SEATTLE CITY COUNCIL
CENTRAL STAFF

September 3, 2026

M E M O R A N D U M

To: Housing, Arts, and Civil Rights Committee
From: Tamaso Johnson, Analyst
Subject: Relationship Structure Non-Discrimination Ordinance (CB 121278)

Introduction and Overview

On September 9, 2026, the Housing, Arts, and Civil Rights Committee will discuss and possibly vote on Council Bill 121278 relating to civil rights protections for diverse sexual orientations and relationship structures. This legislation would expand City of Seattle (City) civil rights anti-discrimination protections for people with diverse sexual orientations and relationship structures by making changes to the definition of a protected class found in multiple sections of the Seattle Municipal Code.

Background

Protected Classes in City Law

Civil rights anti-discrimination categories are known as protected classes. The Seattle Municipal Code (SMC) contains prohibitions against discrimination in the City for a number of different protected classes, including race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes, or the presence of any disability. Most recently, the City added the category of "caste" as a new protected class in 2023.[1] These classes are protected under City law in a variety of settings, including housing, employment, public accommodations, and contracting. The Seattle Office for Civil Rights (OCR) is the City agency tasked with enforcement of protected classes in most of these settings and investigates potential violations of anti-discrimination laws.

Non-Binary Gender Identity, Pansexuality, and Asexuality

The concept of a "gender binary" refers to the notion that a person's gender identity can only be expressed via one of two categories: male or female. Various cultures and communities perceive gender identity and expression beyond this binary concept, and recognize gender identities other than male and female, including "nonbinary," "gender non-conforming," and "two-spirit."[2] Seattle's All-Gender Restrooms Ordinance passed in 2015 is one example of City policy recognizing gender identity outside a male-female binary.[3] The Washington State Department of Licensing promulgated administrative rules, effective beginning in 2018, that

[1] See Ordinance 126767.
[2] The "2S" in the initialism "2SLGBTQIA+" routinely used in City documents refers to "two-spirit," a term used by many Native American communities to describe gender identity outside of a male-female binary.
[3] See Ordinance 124829.

also recognize non-binary gender identity by creating a third "X" gender designation in addition to "Male" and "Female" on state identity documents like driver's licenses.[4]

The term "bisexual" generally refers to a person who may experience sexual and/or romantic attraction towards the gender they identify as, and to another or 'opposite' gender. The term "bisexuality" is currently explicitly included in the SMC definition of the "sexual orientation" protected class. "Pansexual" has a similar meaning but eschews a binary concept of gender and refers to a person who may experience attraction to another person regardless of gender identity, including people who do not identify as male or female. "Asexual," in this context, refers to a person who generally does not experience sexual desire or attraction.[5] Neither "pansexual" nor "asexual" are currently terms used in Seattle's anti-discrimination laws.

Consensual Non-Monogamy

"Non-monogamy" is an umbrella term that describes, in contrast to "monogamy," the practice of a person having sexual and/or romantic relationships with more than one partner concurrently. The prefix "consensual" is intended to denote that all parties involved in relationships with that person are consenting to such a relationship structure, in contrast with infidelity which could be considered a form of "non-consensual non-monogamy."[6] Studies reflect that roughly between 10-20% of people in North America have been in a consensual non-monogamous (CNM) relationship at some point in their life, and roughly 5% are currently in a CNM relationship.[7] Research has also found that a significant percentage of people in CNM relationships experience stigma and discrimination on the basis of their relationship structures.[8]

Municipal anti-discrimination protections for people in CNM relationships have been enacted in several cities in recent years including Somerville and Cambridge, MA, Oakland, Berkeley, and West Hollywood, CA, and Portland, OR. Earlier this year, Olympia became the first jurisdiction in Washington State to enact such protections.[9]

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[4] See Washington Administrative Code 246-490-075.

[5] Definitions of these terms are drawn from the Merriam-Webster Dictionary and Wikipedia. These and similar terms related to gender and sexual orientation often have multiple varying and/or competing definitions within different cultural and identity communities.

[6] See footnote 5.

[7] Moors et al, *Desire, Familiarity, and Engagement in Polyamory: Results From a National Sample of Single Adults in the United States* (2021), available at: https://pmc.ncbi.nlm.nih.gov/articles/PMC8023325/; Sprott, Society for Couple and Family Psychology, *Consensual non-monogamy: A brief summary of key findings and recent advancements* (2019), citing Haupert et al., *Prevalence of Experiences With Consensual Nonmonogamous Relationships: Findings From Two National Samples of Single Americans* (2017), available at: https://www.apadivisions.org/division-43/publications/newsletters/2019/04/non-monogamy.

[8] Füllgrabe & Smith, Sexuality & Culture, *"Monogamy? In this Economy?": Stigma and Resilience in Consensual Non-Monogamous Relationships* (2023), available at: https://link.springer.com/article/10.1007/s12119-023-10099-7.

[9] City of Olympia Ordinance 7466.

Council Bill 121278

The bill would amend the definition of the existing "sexual orientation" protected class where it already appears in the SMC[10] in the following ways:

1. Remove reference to "male or female;"
2. Add "pansexuality" and "asexuality" as enumerated orientations covered under the protected class; and
3. Clarify that protected "attitudes, preferences, beliefs, and practices" pertaining to sexual orientation includes "actual or perceived consensual relationships involving multiple partners such as non-monogamous relationships."

The effect of these changes would be to expand the scope of what is considered unlawful discrimination on the basis of a person's sexual orientation by prohibiting discriminatory conduct based on someone's actual or perceived pansexuality, asexuality, or involvement in a consensual multiple partner relationship. This bill would not classify participation in multiple partner relationships or non-monogamy as an independent sexual orientation, but would rather make explicit that these kinds of relationships are a protected manner of expressing a sexual orientation that cannot form the basis for discrimination.

These expanded anti-discrimination protections would be applied to areas of the SMC where the term "sexual orientation" already appears:

- Duties of the OCR Director
- Duties of the Seattle Human Rights Commission
- Discrimination free workplace policy of the City
- Grounds for business license denial or revocation based on discrimination
- Unfair discriminatory employment practices
- Unfair discriminatory practices in places of public accommodation
- Unfair discriminatory housing practices
- Bias-free policing requirements
- Full enjoyment and use of Seattle Parks and Recreation facilities without discrimination

The bill would accomplish these changes by doing two things:

1. When a section of the SMC contains a definition of "sexual orientation," this legislation amends the definition as described above; and
2. In some cases, the SMC uses the term "sexual orientation" but does not define it nor specifically reference another section of the SMC where it is defined. In these instances, this bill would simply add a reference to SMC 14.04.030, where the term is defined, to ensure the updated definition is consistently applied.

[10] See SMC Sections 14.04.030, 14.06.020, 14.08.020, and 14.11.020.

The bill would also clarify one element of the existing "marital status" protected class. "Marital status" is a protected class defined in several sections of the SMC[11] as follows:

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

A recital in this bill clarifies Council's legislative intent is that the terms "cohabiting" and "cohabitating" [12] are intended to encompass multigenerational families living together. This change is intended to ensure that discrimination based on a person's living arrangement within a multigenerational family is an unlawful practice.

This legislation also includes a clause to clarify that these expanded anti-discrimination protections do not confer any mandatory expansion of employer-provided benefits. New protections offered by this ordinance would not take effect until June 1, 2027.

Policy Considerations

Effective implementation

The Summary and Fiscal Note accompanying this legislation notes that the primary implementing department, OCR, expects to be able to effectuate basic implementation of the described code changes within current budget levels, given the effective date of June 1, 2027. Implementation activities with existing OCR staff and resources is expected to include online updates to the department website on the protected class changes, standard technical assistance, integration of information about the changes into existing limited outreach events without new standalone informational materials, and investigation and enforcement activities as needed.

Following the introduction of this bill, the department subsequently provided Central Staff with additional information on the estimated costs associated with their desired implementation activities. The department has emphasized their belief that additional outreach and educational resources will be necessary for effective implementation of these changes in order to inform members of the public about the expanded protected class. OCR estimates that supplemental funding of $46,000 above the current budget appropriation is the minimum additional outreach need associated with this legislation, and an additional $75,000 (for a total of $121,000) would be the ideal level to maximize awareness and compliance with the new protections. Further information about the proposed supplementary outreach and education activities and costs are available from Central Staff upon request.

[11] See SMC Sections 14.04.030, 14.06.020, 14.08.020, and 14.10.020.

[12] There is inconsistency between these otherwise identical definitions through the use of the term "cohabitating" in two of the definitions and the term "cohabiting" in the other two. The reason for this discrepancy in word choice in the definitions of the "marital status" protected class is unknown but is believed to be an unintentional historical drafting error.

The Council may wish to consider supplementing funding for this department in the 2027 budget process to ensure maximally effective implementation of this legislation.

Next Steps

This ordinance may be voted upon following the initial discussion of the bill during the Housing, Arts, and Civil Rights Committee hearing on September 9, 2026.

cc: Lish Whitson, Director
Calvin Chow, Deputy Director