



SEATTLE CITY COUNCIL

Neighborhoods, Education, Civil Rights, and Culture Committee

Agenda

Friday, July 22, 2022

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Tammy J. Morales, Chair
Kshama Sawant, Vice-Chair
Andrew J. Lewis, Member
Sara Nelson, Member
Dan Strauss, Member

Chair Info: 206-684-8802; Tammy.Morales@seattle.gov

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Meeting Location:

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Committee Website:

<https://www.seattle.gov/council/committees/neighborhoods-education-civil-rights-and-culture>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Tammy J. Morales at tammy.morales@seattle.gov.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120374](#) **AN ORDINANCE relating to human rights; including protections against discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes; and amending Sections 3.14.910, 3.14.931, 3.110.260, 4.80.020, 6.02.270, 6.202.230, 14.04.020, 14.04.030, 14.04.040, 14.06.020, 14.06.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, 14.10.020, and 18.12.280 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote (40 minutes)

Presenters: Ketil Freeman and Ann Gorman, Council Central Staff

2. [CB 120376](#) **AN ORDINANCE relating to the City’s criminal code; amending Section 12A.09.020 of the Seattle Municipal Code to adopt the Revised Code of Washington offense Interference with Health Care Facilities or Providers.**

Supporting Documents: [Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote (40 minutes)

Presenters: Ketil Freeman and Ann Gorman, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 120374, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to human rights; including protections against discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes; and amending Sections 3.14.910, 3.14.931, 3.110.260, 4.80.020, 6.02.270, 6.202.230, 14.04.020, 14.04.030, 14.04.040, 14.06.020, 14.06.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, 14.10.020, and 18.12.280 of the Seattle Municipal Code.

WHEREAS, on June 24, 2022, the U.S. Supreme Court issued a decision in *Dobbs v. Jackson Women’s Health Organization* (No. 19-1392) overruling the constitutional right to an abortion established by *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, and repudiating a constitutional right to privacy; and

WHEREAS, the majority opinion in *Dobbs* returns the issue of whether and to what extent to provide access to abortion to the states; and

WHEREAS, in 1991, the people of Washington initiated the Reproductive Privacy Act, which affirms the fundamental right of persons in Washington to privacy with respect to personal reproductive decisions and proscribes the authority of the state to deny or interfere “with a pregnant individual’s right to choose or refuse to have an abortion”; and

WHEREAS, *The New York Times* estimates that after *Dobbs*, with current and likely trigger laws banning abortions in up to 24 states, as many as 17 million persons capable of being pregnant would not have access to local abortion services; and

WHEREAS, sexual and reproductive health and rights organizations estimate that after *Dobbs* Washington will see an increase in persons traveling to the state to seek abortion services; and

WHEREAS, through Chapter 65, Laws of 2022, the State amended chapter 9.02 of the Revised Code of Washington (RCW) declaring: “The state shall not penalize, prosecute, or otherwise take adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes”; and

WHEREAS, restricting and/or denying access to abortion services will have a disproportionate impact on poor communities and Black, Indigenous, or people of color (BIPOC) communities; and

WHEREAS, The City of Seattle values being an open, welcoming, and inclusive city of opportunity for all its residents, workers, and visitors; and

WHEREAS, the City recognizes that everyone has a fundamental right to bodily autonomy including transgender and gender diverse communities; and

WHEREAS, the City recognizes that transgender and gender diverse people with the capacity to become pregnant face increased barriers and stigma when accessing abortion services; and

WHEREAS, The City of Seattle is committed to recognizing the dignity of all its residents, workers, and visitors, including the right to reside, work, and visit a City that does not subject them to prejudicial treatment or discrimination; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.14.910 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

3.14.910 Director-Appointment, removal, and duties

* * *

D. The Director of the Office for Civil Rights shall be the head of and, under the direction of the Mayor, shall be responsible for the administration of the office and in connection with such administration shall have duties and responsibilities including but not limited to the following:

1. Undertake enforcement, policy, and education activities consistent with the mission of the Office for Civil Rights;

2. Administer and govern the Office for Civil Rights;

3. Appoint, remove, and supervise officers and employees in the Office for Civil Rights;

4. Provide staff support for the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Disability Commission; consult with and report regularly to the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Disability Commission on the workings of the Office for Civil Rights; and attend, either in person or by designated representative, all regular meetings of the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) Commission, and the Seattle Disability Commission;

5. Administer all ordinances pertaining to the Office for Civil Rights and take appropriate remedial action where necessary;

6. Manage the preparation of the proposed annual budget of the Office for Civil Rights, and authorize necessary expenditures, and supervise the maintenance of adequate accounting systems;

7. After identifying priority issue areas, develop policies and programs, and seek additional funding sources in these areas, which seek to ameliorate the effects of disparate treatment and impact upon persons based on race, color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, creed, honorably discharged veteran or military status, genetics information, religion, ancestry, national origin, citizenship or immigration status, the presence of any disability, participation in a Section 8 or other subsidy program, right of a mother to breastfeed her child, alternative source of income, an individual’s actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the use of a service animal by a disabled person;

8. Make periodic reports and recommendations to the Mayor and City Council concerning the operations of the Seattle Women’s Commission, the Seattle Human Rights Commission, the Seattle LGBTQ

(Lesbian, Gay, Bisexual, Transgender, Queer) Commission, the Seattle Disability Commission, and the Office for Civil Rights;

9. Receive, consider, and make recommendations concerning statements, reports, and complaints relative to problems of civil rights including such problems of civil rights as may arise in connection with the treatment, facilities, or services of any office or department of the City;

10. Exercise such other and further powers and duties as shall be prescribed by ordinance.

Section 2. Section 3.14.931 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

3.14.931 Seattle Human Rights Commission-Duties

The Seattle Human Rights Commission shall act in an advisory capacity to the Mayor, City Council, Office for Civil Rights, and other City departments in respect to matters affecting human rights, and in furtherance thereof shall have the following specific responsibilities:

* * *

B. To consult with and make recommendations to the Director of the Office for Civil Rights with regard to problems arising in the City (~~which~~) that may result in discrimination because of race, religion, creed, color, national origin, citizenship or immigration status, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, ancestry, honorably discharged veteran or military status, genetic information, the presence of any disability, alternative source of income, participation in a Section 8 or other subsidy program, right of a mother to breastfeed her child, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the use of a service animal by a disabled person, and to make such investigations and hold such hearings as may be necessary to identify such problems;

* * *

Section 3. Section 3.110.260 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

3.110.260 Discrimination prohibited

A. Neither council membership nor constituency membership may directly or indirectly be based upon or limited by age, race, color, religion, sex, national origin, citizenship or immigration status, marital status, parental status, sexual orientation, gender identity, genetic information, political ideology, creed, ancestry, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the presence of any disability; provided, that council positions on a public corporation emphasizing Native American arts or culture or services and programs oriented toward Native Americans may be filled by persons selected by organizations whose funding is substantially derived from public or private grants or federal appropriations available only to organizations controlled by Native Americans.

B. To assure equality of employment opportunity, the public corporation:

1. Will not discriminate in employment because of age, race, color, creed, religion, ancestry, sex, national origin, citizenship or immigration status, marital status, sexual orientation, gender identity, genetic information, or political ideology, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the presence of any disability;

2. Will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their age, race, color, religion, sex, or national origin. This requirement shall apply to but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment activities; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The public corporation shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The public corporation will, in all solicitations or advertisements for employees placed by or on behalf of the public corporation, state that all qualified applicants will receive consideration for

employment without regard to age, race, color, religion, sex, or national origin;

3. Will establish and maintain an affirmative action program to provide equality of employment opportunity and to overcome the effects of past discrimination comparable to that maintained by the City for employment by City departments and agencies, which shall meet the requirements of (~~Ordinance 101548~~) Chapter 4.80 and be reviewed on a quarterly basis by the City's Office for Civil Rights, or successor agency(s), and secure its approval; provided, that public corporations employing fewer than four persons shall not be required to comply with the reporting requirements of (~~Ordinance 101548 as amended~~) Chapter 4.80; provided, a public corporation emphasizing Native American arts or culture or services and programs oriented toward Native Americans may give preference in employment to Native Americans when a grant agreement with the United States of America or a Tribe generating the employment so specifies.

* * *

Section 4. Section 4.80.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

4.80.020 Policy((-))

It is the policy of the City to provide a workplace for its employees that is free from discrimination on the basis of 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 as defined in Section 14.04.030, or the presence of any disability. It is also the policy of the City to take strong affirmative action to remedy the effects of past discrimination against minorities, women, persons with disabilities, and older workers, and to avoid practices (~~which~~) that are suspect and capable of abuse or (~~which~~) that have an adverse impact on the opportunities of such groups where it reasonably can to produce an efficient system. By doing so, the City will then be able to provide equal employment and advancement opportunities for all qualified persons and obtain a workforce in which such groups are fairly represented.

Section 5. Section 6.02.270 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

6.02.270 Denial, revocation, or refusal to renew license-Generally

A. In addition to other penalties provided by law, the Director may deny, revoke, or refuse to renew any license issued under the provisions of this Subtitle I of Title 6 at any time:

1. Upon a finding that the license was procured by fraud, or false representation of fact, or for the violation of, or failure to comply with, any of the provisions of this Subtitle I of Title 6 by the person holding such license, or any of the person's servants, agents, or employees, while acting within the scope of their employment; or

2. Upon the conviction of the person holding such a license of a felony or misdemeanor involving moral turpitude or an intent to defraud, or the conviction of any agents or employees of any felony, or misdemeanor involving an attempt to defraud committed while acting within the scope of their employment; or

3. If the licensee, any of the licensee's servants, or agents or employees, while acting within the scope of their employment:

a. Violates any law or ordinance relating to:

1) The sale or possession of intoxicating liquor; or

2) The use, possession, or sale of narcotic drugs; or

3) Discrimination against any person because of religion, race, age, political ideology, creed, ancestry, color, national origin, citizenship or immigration status, sex, sexual orientation, gender identity, marital status, honorably discharged veteran or military status, the presence of any disability, the use of a service animal by a disabled person, the right of a mother to breastfeed her child, parental status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or participation in a Section 8 program; or

4) Public morality and decency; or

b. With respect to the licenses specified in Section 6.02.190:

- 1) Conducts the business or activity for which such license was issued in a disorderly or improper manner; or
- 2) Violates any statute of the state or ordinance of the City relating to the business or activity for which such license was issued; or

c. Is of unfit character to conduct the business or activity; or

- 4. If the purpose for which the license was issued is being abused to the detriment of the public; or
- 5. If such license is being used for a purpose different from that for which it was issued; or
- 6. If the licensee is in default in any payment of any fee or tax required under Title 5 or this Title 6 (~~of the Seattle Municipal Code~~).
- 7. If the property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09.

No license issued under this (~~sub~~) Subtitle I of Title 6 shall be revoked, denied, or refused to be renewed by the Director except in accordance with the procedure provided in this Subtitle I of Title 6.

* * *

Section 6. Section 6.202.230 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

6.202.230 License-Denial, revocation, or refusal to renew-Grounds

A license may be denied, revoked, or not renewed for violation of any ordinance or law that regulates licensed activity in order to further the public interest in public health, safety, and welfare. A license may also be denied, revoked, or not renewed upon a finding that any applicant or licensee, or any owner, officer, or agent thereof:

* * *

G. Has been determined to have discriminated against any person because of race, color, age, sex,

marital status, parental status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a service animal by a disabled person, an individual’s actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the right of a mother to breastfeed her child, in the course of licensed activity, in violation of a City ordinance, law, rule, or regulation prescribed thereunder; or

* * *

Section 7. Section 14.04.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.04.020 Declaration of policy

A. It is declared to be the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, 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. The role of the Office for Civil Rights is to enforce the provisions of this Chapter 14.04 in furtherance of this policy.

* * *

Section 8. Section 14.04.030 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.04.030 Definitions

When used in this Chapter 14.04, unless the context otherwise requires:

* * *

“Discrimination,” “discriminate,” and/or “discriminatory act” means any act, by itself or as part of a

practice, ((which)) that is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, creed, religion, ancestry, national origin, 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. "Discrimination," "discriminate," and/or "discriminatory act" includes harassment, such as racial and sexual harassment, as well as harassment based on other protected classes.

* * *

"Pregnancy outcomes" means the results of a fertilization event and the results of the ensuing pregnancy as experienced by the individual who is or was pregnant. Examples of outcomes that are the results of a fertilization event include, but are not limited to, live birth, stillbirth, miscarriage, and abortion. Examples of outcomes that are the result of an ensuing pregnancy include, but are not limited to, hyperemesis gravidarum (morning sickness), pregnancy-related anemia, preeclampsia, and perinatal depression.

"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.

* * *

Section 9. Section 14.04.040 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.04.040 Unfair employment practices designated

It is unfair employment practice within the City for any:

* * *

C. Employer, employment agency, or labor organization to print, circulate, or cause to be printed, published or circulated, any statement, advertisement, or publication relating to employment or membership, or

to use any form of application therefor, ~~((which))~~ that indicates any preference, limitation, specification, or discrimination based upon race, color, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, age, creed, religion, ancestry, national origin, 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; provided that nothing in this Chapter 14.04 shall prevent an employer from ascertaining and recording data as to race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the presence of any disability whether before or after employment, for the purpose of making reports specifically required by agencies of federal, state, or local government for the purpose of eliminating and preventing discrimination or overcoming its effects, or for other purposes authorized by law or the rules and regulations of Washington State Human Rights Commission, the Equal Employment Opportunities Commission or the Department;

* * *

Section 10. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.06.020 Definitions

Definitions as used in this ~~((chapter))~~ Chapter 14.06, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

* * *

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

status, participation in a Section 8 program, the presence of any disability, the use of a service animal by a disabled person, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the right of a mother to breastfeed her child. "Discrimination" includes harassment, such as racial and sexual harassment, as well as harassment based on other protected classes.

* * *

Section 11. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.06.030 Unfair practices

* * *

B. It is an unfair practice for any person to discriminate in a place of public accommodation by:

1. Requiring, directly or indirectly, any person to pay a larger sum than the usual uniform rates;

or

2. Refusing or withholding admission, patronage, custom, presence, frequenting, dwelling,

staying, or lodging; or

3. Denying, directly or indirectly, the full enjoyment of any available goods, services, accommodations, facilities, privileges, or advantages; or

4. Printing, circulating, issuing, displaying, posting, mailing, or otherwise causing, directly or indirectly, to be published a statement, advertisement, or sign (~~which~~) that indicates directly or indirectly that the full enjoyment of the goods, services, facilities, privileges, advantages, and accommodations will be refused, withheld, denied, or in some manner limited or restricted or that an individual's patronage of or presence at a place of public accommodation is objectionable, unwelcome, unacceptable, or undesirable; or

5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged

veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a trained dog guide or service animal by a disabled person, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or a mother breastfeeding her child with the purpose or effect of denying to such person the rights granted in this Chapter 14.06; or

6. Harassing, intimidating, retaliating, or obstructing a person in any manner because such person complied with or proposed to comply with this Chapter 14.06 or any order issued under this Chapter 14.06, or filed a charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this Chapter 14.06; or

7. Coercing, intimidating, threatening, or otherwise interfering with any person in the exercise or enjoyment of or on account of such person having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this Chapter 14.06; or

8. Applying any economic sanctions or denying membership privileges because of compliance with this Chapter 14.06; or

9. Aiding, abetting, inciting, compelling, or coercing the doing of any act defined in this Chapter 14.06 to be an unfair practice; or

10. Attempting to commit any act defined in this Chapter 14.06 to be an unfair practice; or

11. Denying, directly or indirectly, an individual's right to use gender-specific restrooms and other gender-specific facilities in places of public accommodation including but not limited to dressing rooms, locker rooms, homeless shelters, and group homes that are consistent with the individual's gender identity or expression.

* * *

Section 12. Section 14.08.015 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.015 Seattle Open Housing Poster

All persons required to post a fair housing poster pursuant to 24 CFR 110 shall also post a Seattle Open Housing Poster at the same locations required in the federal regulation. A person who fails to post a Seattle Open Housing Poster as required in this Section 14.08.015 is subject to a fine of \$125 for a first violation and a fine of \$500 for each subsequent violation. The Seattle Open Housing Poster shall provide a notice that it is illegal in The City of Seattle to discriminate against any person because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 or other subsidy program, alternative source of income, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person. The Department shall adopt a rule or rules to enforce this Section 14.08.015 that shall include the availability of such posters from the Department.

Section 13. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.020 Definitions

Definitions as used in this Chapter 14.08, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

* * *

"Discrimination" means any conduct, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a service animal by a disabled person. "Discrimination" includes harassment, such

as racial and sexual harassment, as well as harassment based on other protected classes.

* * *

Section 14. Section 14.08.045 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.045 Retaliation, harassment, or coercion((-))

* * *

B. It is an unfair practice for any person, whether or not acting for profit, to harass, intimidate, discriminate against, or otherwise abuse any person or person's friends or associates because of race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person with the purpose or effect of denying to such person the rights granted in this Chapter 14.08 or the right to quiet or peaceful possession or enjoyment of any real property.

* * *

Section 15. Section 14.08.070 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.070 Unfair inquiries or advertisements

It is an unfair practice for any person to:

A. Require any information, make or keep any record, or use any form of application containing questions or inquiries concerning race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, participation in a Section 8 or other subsidy program,

an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person in connection with a real estate transaction unless used solely:

1. For making reports required by agencies of the federal, state, or local government to prevent and eliminate discrimination or to overcome its effects or for other purposes authorized by federal, state, or local agencies or laws or rules adopted thereunder,
2. As to "marital status," for the purpose of determining applicability of community property law to the individual case, or
3. As to "age," for the purpose of determining that the applicant has attained the age of majority, or in the case of housing exclusively for older persons as described in subsection 14.08.190.E, for the purpose of determining the eligibility of the applicant;

B. Publish, print, circulate, issue, or display, or cause to be published, printed, circulated, issued, or displayed, any communication, notice, advertisement, statement, or sign of any kind relating to a real estate transaction or listing of real property (~~which~~) that indicates directly or indicates an intention to make any preference, limitation, or specification based on race, color, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, the participation in a Section 8 or other subsidy program, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a service animal by a disabled person.

Section 16. Section 14.08.190 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.08.190 Exclusions

Nothing in this Chapter 14.08 shall:

* * *

B. 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, creed, religion, ancestry, national origin, citizenship or immigration status, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, alternative source of income, participation in a Section 8 or other subsidy program, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, the presence of any disability, or the use of a trained dog guide or service animal by a disabled person where such factors are not designed, intended, or used to discriminate;

* * *

Section 17. Section 14.10.010 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.10.010 Statement of purpose

A. This Chapter 14.10 is an exercise of the police power for the protection of the public welfare, health, peace, and safety of the residents of The City of Seattle and in fulfillment of the provisions of the Constitution of this state. The City Council finds and declares that practices of discrimination in public or private contracting against any person on the basis of race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the presence of any disability constitute matters of local concern and are contrary to the public welfare, health, peace, and safety of the residents of Seattle. However, to the extent that distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule, or government contract, it is not unfair practice. The provisions of this Chapter 14.10 shall apply to the City when acting as a contractor and to other contractors, subcontractors, suppliers, material suppliers, bonding agencies, contract agencies, and other business entities doing business in the City, and shall

be liberally construed for accomplishment of its policies and purposes.

* * *

Section 18. Section 14.10.020 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

14.10.020 Definitions

When used in this (~~chapter~~) Chapter 14.10, unless the context otherwise requires:

* * *

"Discrimination," "discriminate," and/or "discriminatory act" means any act (other than an action taken in accordance with a lawful affirmative action program) or failure to act whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the presence of any disability, unless based upon a bona fide occupational qualification. "Discrimination," "discriminate," and/or "discriminatory act" includes harassment, such as racial and sexual harassment, as well as harassment based on other protected classes.

* * *

Section 19. Section 18.12.280 of the Seattle Municipal Code, last amended by Ordinance 126514, is amended as follows:

18.12.280 Discrimination prohibited

A. It is the policy of the City, in the exercise of its police powers for the protection of the public health, safety, and general welfare, and for the maintenance of peace and good government, to assure equal opportunity for full enjoyment and use of park facilities to all persons, free from restrictions because of race, color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, creed, religion,

ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a service animal by a disabled person, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the right of a mother to breastfeed her child.

B. It is unlawful for any person occupying or using any park or recreation facility for any event, activity or exhibition open to the public, whether or not under a permit and whether or not an admission or entrance fee is charged, to deny to any other person the full use and enjoyment of such park and recreation facility because of race, creed, color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, religion, ancestry, national origin, citizenship or immigration status, honorably discharged veteran or military status, participation in a Section 8 program, the presence of any disability, the use of a service animal by a disabled person, an individual's actual, potential, perceived, or alleged pregnancy outcomes as defined in Section 14.04.030, or the right of a mother to breastfeed her child. In addition to other sanctions, the permit of any person who is convicted of a violation of this Section 18.12.280, for access or use of such park and recreation facility, may be canceled and, after notice and hearing, the Superintendent may order that such person shall not be eligible for any similar permit for access to, or use of, a park and/or recreation facility for a period up to three years.

* * *

Section 20. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Jasmine Marwaha / 635-8941; Ann Gorman / 4-8049	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to human rights; including protections against discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes; and amending Sections 3.14.910, 3.14.931, 3.110.260, 4.80.020, 6.02.270, 6.202.230, 14.04.020, 14.04.030, 14.04.040, 14.06.020, 14.06.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, 14.10.020, and 18.12.280 of the Seattle Municipal Code.

Summary and Background of the Legislation: This ordinance would update the City’s discrimination protections to prohibit discrimination based on an individual’s actual, potential, perceived, or alleged pregnancy outcomes. It establishes a new definition for “pregnancy outcomes” in the Seattle Municipal Code, adds civil-rights protections on the basis of these outcomes to areas of the Seattle Municipal Code that reference protected classes, and makes technical changes to ensure consistency.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
This legislation may require increased outreach efforts and staff training on this topic, as well as resources to engage communities who would benefit from these protections. Without additional funding, the Seattle Office for Civil Rights would have to absorb these efforts with their current capacity. Additionally, that office may incur incremental costs in its enforcement of the legislation, though it is not possible to estimate those costs at this time.

Are there financial costs or other impacts of *not* implementing the legislation? No.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
The legislation affects the Seattle Office for Civil Rights.
- b. **Is a public hearing required for this legislation?** No.
- c. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** No.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?** The recent rollback of the right to abortion by the Supreme Court greatly impacts vulnerable and historically disadvantaged communities, including Black, Indigenous, and Latinx individuals. Ensuring that Seattle's anti-discrimination laws protect individuals in Seattle no matter their actual, potential, perceived, or alleged pregnancy outcomes will benefit those individuals, among many others.

What is the Language Access plan for any communications to the public? There is currently no language access plan.

- f. **Climate Change Implications**
1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** No.
 2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.** This legislation has no impact on climate change resiliency.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?** This legislation does not contemplate a new initiative or major programmatic expansion.

Summary Attachments:

None.



Legislation Text

File #: CB 120376, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the City’s criminal code; amending Section 12A.09.020 of the Seattle Municipal Code to adopt the Revised Code of Washington offense Interference with Health Care Facilities or Providers.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

WHEREAS, in 1991, the people of Washington initiated the Reproductive Privacy Act, which affirms the fundamental right of persons in Washington State to privacy with respect to personal reproductive decisions and proscribes the authority of the state to deny or interfere with a “pregnant individual’s right to choose or refuse to have an abortion”; and

WHEREAS, in 1993 the legislature codified Chapter 9A.50, Interference with Health Care Facilities or Providers, in the Revised Code of Washington (RCW); and

WHEREAS, Chapter 9A.50 RCW finds that “seeking or obtaining health care is fundamental to public health and safety” and creates criminal penalties for persons who interfere with access to health care facilities; and

WHEREAS, on June 24, 2022, the U.S. Supreme Court issued a decision in *Dobbs v. Jackson Women’s Health Organization* (No. 19-1392) overruling the constitutional right to an abortion established by *Roe v. Wade*, 410 U.S. 113, and *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, and repudiating a constitutional right to privacy; and

WHEREAS, *The New York Times* estimates that after the *Dobbs* decision, with current and likely trigger laws banning abortions in up to 24 states, as many as 17 million persons capable of being pregnant would not

have access to local abortion services; and

WHEREAS, reproductive health organizations estimate that, after *Dobbs*, Washington State will see an increase in persons traveling to the state to seek abortion services; and

WHEREAS, the City has an interest in ensuring public health and safety and protecting the privacy interests and personal safety of Seattle residents and persons who travel to Seattle to seek health care services not offered in their state, such as abortion services and gender-affirming care; and

WHEREAS, adopting Chapter 9A.50 RCW into the Seattle Criminal Code will authorize the City Attorney to prosecute the offense in Seattle Municipal Court; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.09.020 of the Seattle Municipal Code, last amended by the ordinance introduced as Council Bill 120363, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

7.105.010 - Definitions

7.105.450 - Enforcement and penalties - Other than antiharassment protection orders and extreme risk protection orders

7.105.455 - Enforcement and penalties - Antiharassment protection orders

7.105.460 - Enforcement and penalties - Extreme risk protection orders - False petitions

9.68A.090 - Communication with minor for immoral purposes - Penalties

9.94A.030's definition of "Domestic violence"

9.94A.835 - Special allegation - Sexual motivation - Procedures

9A.36.041 - Assault in the fourth degree

9A.46.020 - Definition - Penalties (Harassment)

9A.46.030 - Place where committed

9A.46.040 - Court-ordered requirements upon person charged with crime - Violation

9A.46.050 - Arraignment - No-contact order

9A.46.080 - Order restricting contact - Violation

9A.46.085 - Stalking no-contact orders - Appearance before magistrate required

9A.46.110 - Stalking

9A.50.010 - Definitions

9A.50.020 - Interference with health care facility

9A.50.030 - Penalty

9A.50.040(1) - Civil remedies

9A.50.050 - Civil damages

9A.50.060 - Informational picketing

9A.50.070 - Protection of health care patients and providers

9A.50.900 - Construction

9A.88.010 - Indecent exposure

9A.88.110 - Patronizing a prostitute

9A.88.130 - Additional requirements

10.99.010 - Intent

10.99.020 - Definitions

10.99.030 - Law Enforcement Officers - Training, powers, duties - Domestic violence reports

10.99.040 - Duties of court

10.99.055 - Enforcement of orders

10.99.100 - Sentencing - Factors - Defendant's criminal history

10.99.901 - Construction

26.44.063 - Temporary restraining order or preliminary injunction - Enforcement - Notice of

modification or termination of restraining order

26.44.067 - Temporary restraining order or preliminary injunction - Contents - Notice - Noncompliance - Defense - Penalty

43.43.754's crime of refusal to provide DNA

As used in this Title 12A, as well as in any citation, order, complaint, or charging documents, "sexual exploitation" means the crime of patronizing a prostitute as referred to in RCW 9A.88.110, and the crime of patronizing a prostitute as referred to in RCW 9A.88.110 and incorporated by reference in this Section 12A.09.020 may be known as "sexual exploitation" when charged in Seattle Municipal Court.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Ketil Freeman 4/8178	NA

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City’s criminal code; amending Section 12A.09.020 of the Seattle Municipal Code to adopt the Revised Code of Washington offense Interference with Health Care Facilities or Providers.

Summary and Background of the Legislation: This ordinance would adopt by reference Revised Code of Washington (RCW) Chapter 9A.50 into the Seattle Criminal Code. RCW 9A.50 codifies a misdemeanor for Interference with Health Care Facilities and Providers and creates criminal and civil penalties for persons convicted of the misdemeanor. Adopting the RCW offense into the Seattle Criminal Code authorizes the City Attorney to prosecute the misdemeanor in Seattle Municipal Court.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No

Are there financial costs or other impacts of *not* implementing the legislation?
No

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
It affects the City Attorney’s Office and the Seattle Municipal Court.

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No

f. What is the Language Access plan for any communications to the public?

No plan is contemplated

g. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

h. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

This legislation does not include a- new initiative or major programmatic expansion.

Summary Attachments: