# Legislation Details (With Text)

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| **File #:** | CB 120241 **Version:** 1 | **Name:** | CB 120241 |
| **Type:** | Ordinance (Ord) | **Status:** | Passed |
| | | **In control:** | City Clerk |
| **On agenda:** | 12/13/2021 | | |
| **Final Action:** | 12/15/2021 | **Ord. No.** | Ord 126514 |
| **Title:** | AN ORDINANCE relating to human rights; including protections against discrimination based on citizenship and immigration status; adding a definition of race for certain purposes; 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, 14.04.050, 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. | | |
| **Sponsors:** | Tammy J. Morales | | |
| **Indexes:** | | | |
| **Attachments:** | 1. Summary and Fiscal Note, 2. Central Staff Memo (12/10/21), 3. Signed Ordinance 126514, 4. Affidavit of Publication | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 12/15/2021 | 1 | City Clerk | attested by City Clerk | |
| 12/15/2021 | 1 | Mayor | returned | |
| 12/15/2021 | 1 | Mayor | Signed | |
| 12/15/2021 | 1 | City Clerk | submitted for Mayor's signature | |
| 12/13/2021 | 1 | City Council | passed | Pass |
| 12/10/2021 | 1 | Community Economic Development Committee | pass | Pass |
| 12/6/2021 | 1 | City Council | referred | |
| 12/2/2021 | 1 | Council President's Office | sent for review | |
| 11/30/2021 | 1 | City Clerk | sent for review | |

## CITY OF SEATTLE

## ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to human rights; including protections against discrimination based on citizenship and immigration status; adding a definition of race for certain purposes; 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, 14.04.050, 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, The City of Seattle values being an open, welcoming, and inclusive city of opportunity for all its residents, workers, and visitors; and



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WHEREAS, The City of Seattle is committed to recognizing the dignity of all its residents, including the right of all Seattle residents to live in a City that does not subject them to prejudicial treatment or discrimination; and

WHEREAS, in 2020 through Senate Bill 5165, the State amended the "Law against Discrimination," chapter 49.60 of the Revised Code of Washington (RCW), to include protection from discrimination based on citizenship or immigration status; and

WHEREAS, the City adopted Resolution 31730 in 2017 and Resolution 31890 in 2019, making a commitment to protect and promote policies of inclusion for all its residents regardless of their immigration status or refugee status; and

WHEREAS, in 2020 through House Bill 2602, the State amended the "Law against Discrimination" to include a definition of race that 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 subsection, 'protective hairstyles' includes, but is not limited to, such hairstyles as afros, braids, locks, and twists"; and

WHEREAS, across the country, Black people are disproportionately burdened by practices and policies in public places, including the workplace, that target or profile them for natural hairstyles; and

WHEREAS, in 2019 the Crown Research Study found that 80 percent of Black women surveyed have felt pressure to change their hairstyle from its natural state to fit into the office. Black women were also found to be 1.5 times more likely to be sent home from their workplace because of their hair. The study found that discrimination experienced by Black women because of their hair resulted in measurable social and economic impacts; and

WHEREAS, this ordinance extends the objectives of Resolutions 31730 and 31890; and

WHEREAS, this ordinance is intended to make the SMC consistent with recent amendments to State law and across the various chapters of the SMC; 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 126342, 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, 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 126277, 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 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, 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 119628, 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, or the presence of any ((~~sensory, mental or physical~~)) disability; provided, that ((,)) council positions on a public corporation emphasizing ((~~Indian~~)) Native American arts or culture or services and programs oriented toward ((~~American Indians~~)) 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 ((~~American Indians~~)) 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, or the presence of any (( ~~sensory, mental or physical~~)) 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 ((~~1~~)) 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 (((~~4~~))) persons shall not be required to comply with the reporting requirements of Ordinance 101548 as amended; provided, a public corporation emphasizing ((~~Indian~~)) Native American arts or culture or services and programs oriented toward (( ~~American Indians~~)) Native Americans may give preference in employment to ((~~American Indians~~)) Native Americans when a grant agreement with the United States of America or ((~~an Indian~~)) a Tribe generating the employment so specifies.

C. In all housing projects and activities and in all housing-related relocation activities, the public corporation shall take affirmative action to further the fair housing laws and regulations of the City.

Section 4. Section 4.80.020 of the Seattle Municipal Code, last amended by Ordinance 119628, 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, or the presence of any ((~~sensory, mental or physical handicap~~)) disability. It is also the policy of the City to take strong affirmative action to remedy the effects of past discrimination against minorities, women, ((~~handicapped~~)) persons with disabilities, and older workers, and to avoid practices which are suspect and capable of abuse or which 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 123188, 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 ((~~subtitle~~)) 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~~)) Subtitle I of Title 6 by the person holding such license, or any of ((~~his/her~~)) 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 ((~~his/her~~)) the licensee's servants, or agents or employees, while acting within the scope of their employment:

a. ((~~violates~~)) Violates any law or ordinance relating to:

1) ((~~the~~)) The sale or possession of intoxicating liquor; or


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

3) ((~~discrimination~~)) 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, ((~~or~~)) the presence of any ((~~sensory, mental or physical handicap~~)) disability, the use of a service animal by a disabled person, the right of a mother to breastfeed her child, parental status, or participation in a Section 8 program; or

4) ((~~public~~)) Public morality and decency; or

b. ((~~with~~)) With respect to the licenses specified in Section 6.02.190:

1) ((~~conducts~~)) Conducts the business or activity for which such license was issued in a disorderly or improper manner; or

2) ((~~violates~~)) 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~~)) 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 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 ((~~SMC~~)) Chapter 10.09.

No license issued under this subtitle 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.

B. The period of revocation, denial, or non-renewal shall be at least one year, and the licensee or any person (as defined in ((~~Seattle Municipal Code~~)) subsection 6.02.030.E) in which the licensee is a principal

shall not again be licensed for the same kind of business during such period.

C. Conviction of a violation of any provision of this ((~~subtitle~~)) Subtitle I of Title 6 shall be prima facie evidence sufficient to warrant revocation of or refusal to renew the license.

D. For the purpose of subsection 6.02.270.A.4, no license shall be issued or renewed until all fees imposed under this Title 6 and all taxes imposed under Title 5 are paid in full.

E. It is unlawful for any person whose license has been revoked or not renewed to keep the license issued to ((~~him~~)) them in ((~~his~~)) their possession or under ((~~his~~)) their control, and the same shall immediately be surrendered to the Director.

Section 6. Section 6.202.230 of the Seattle Municipal Code, last amended by Ordinance 123188, 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:

A. Has omitted to disclose any material fact necessary to make a statement not misleading, in any application for the license; or

B. Has charges pending against ((~~her/him~~)) the applicant or licensee or has been convicted of a crime or offense that directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than ten years; or has been convicted of several crimes including at least one within the last ten years; provided, however, that any licensee whose license is revoked because of charges pending against ((~~her/him~~)) the licensee may engage in the activity for which the license is required, pending a final decision on the charges; or

C. Has been subject to an adverse finding in any judgment or order that directly relates to the activity for which the license is required, in any judicial or administrative proceeding in which fraud, deceit, coercion,

breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the licensee-applicant is proven, and the time elapsed since the judgment or order is less than ten years; or

D. Has violated or failed to comply with any applicable provisions of this Code or rule or regulation prescribed under this subtitle; provided, that failure to obtain a license shall not be grounds for license denial; or

E. Is in default in any payment of any fee or tax required under Title 5 or this Title 6 of the Seattle Municipal Code; or

F. Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a City ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and that is applicable to the licensed activity or licensed premises; or

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, ((~~or~~)) the presence of any ((~~sensory, mental, or physical handicap~~)) disability, the use of a service animal by a disabled person, 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

H. Has violated or failed to comply with any final order of the Director or Hearing Examiner; or

I. Has failed to complete the application for a license as required by this Code; or

J. Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or

K. Has failed to comply with ((~~RCW Chapters~~)) chapter 49.12 ((~~and 28A.28~~)) RCW, and rules and


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regulations promulgated pursuant thereto, regarding employment of minors; or

L. Any licensee has permitted or authorized ((~~his/her~~)) their agent to violate or fail to comply with any provision of this Code; or

M. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in ((~~SMC~~)) Chapter 10.09.

Section 7. Section 14.04.020 of the Seattle Municipal Code, last amended by Ordinance 125668, 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 or the presence of any ((~~sensory, mental or physical~~)) disability. The role of the Office for Civil Rights is to enforce the provisions of this ((~~chapter~~)) Chapter 14.04 in furtherance of this policy.

* * *

Section 8. Section 14.04.030 of the Seattle Municipal Code, last amended by Ordinance 125668, is amended as follows:

**14.04.030 Definitions**

* * *

"Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself or as part of a practice, which 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, 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.

* * *

"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.

"Respondent" means any person who is alleged or found to have committed an unfair employment and domestic service practice prohibited by this Chapter 14.04.

* * *

Section 9. Section 14.04.040 of the Seattle Municipal Code, last amended by Ordinance 125668, 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 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, or the presence of any ((~~sensory, mental or physical handicap~~)) disability; provided that ((~~,~~)) nothing in this ((~~chapter~~)) 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, or the presence of any ((~~sensory, mental or physical handicap~~)) 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 14.04.050 of the Seattle Municipal Code, last amended by Ordinance 118392, is amended as follows:

**14.04.050 Exclusions from unfair practices ((~~,~~))**

* * *

G. It is not an unfair practice when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule, or government contract.

Section 11. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 125576, is amended as follows:

**14.06.020 Definitions**

* * *

((~~L.~~)) "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, 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.

* * *

"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.

((~~W.~~)) "Respondent" means any person who is alleged or found to have committed an unfair practice prohibited by this ((~~chapter~~)) Chapter 14.06.

* * *

Section 12. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance 124829, 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 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, or a mother breastfeeding her child with the purpose or effect of denying to such person the rights granted in this ((~~chapter~~)) 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~~)) Chapter 14.06 or any order issued under this ((~~chapter~~)) Chapter 14.06, or filed a charge or complaint, testified, or assisted in any investigation, proceeding or hearing under this ((~~chapter~~)) Chapter 14.06; or

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

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

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

10. Attempting to commit any act defined in this ((~~chapter~~)) 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.

* * *

D. Exemptions. Nothing in this ((~~chapter~~)) Chapter 14.06 shall be construed to:

1. Apply to any non-commercial facility operated or maintained by a bona fide religious

institution;

2. Include or apply to any institute, bona fide club, or place of accommodation which is by its nature distinctly private, provided, however, when or where public use is permitted that use shall be covered under this ((~~chapter~~)) Chapter 14.06;

3. Prohibit treating disabled persons more favorably than non-disabled persons;

4. Prohibit offering discounts, special prices, or other special arrangements for minor children, families, or senior citizens, or imposing age limits up to the age of 21;

5. Protect criminal conduct; or

6. Prohibit taking any actions reasonably necessary to protect persons or property.

7. Apply when a distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, rule, or government contract.

Section 13. Section 14.08.015 of the Seattle Municipal Code, last amended by Ordinance 125114, 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~~)) 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~~)) Section 8 or other subsidy program, alternative source of income, 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 14. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 125639, is amended as follows:

**14.08.020 Definitions**

* * *

"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, 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.

* * *

"Prospective occupant" means any person who seeks to purchase, lease, sublease, or rent real property.

"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 15. Section 14.08.045 of the Seattle Municipal Code, last amended by Ordinance 125114, 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, 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~~)) Chapter 14.08 or the right to quiet or peaceful possession or enjoyment of any real property.

* * *

Section 16. Section 14.08.070 of the Seattle Municipal Code, last amended by Ordinance 125114, 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, the presence of ((~~a~~)) 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 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, the presence of ((~~a~~)) any disability, or the use of a service animal by a disabled person.

Section 17. Section 14.08.190 of the Seattle Municipal Code, last amended by Ordinance 125114, is amended as follows:

**14.08.190 Exclusions ((~~.~~))**

Nothing in this ((~~chapter~~)) 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, 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;

* * *

L. Be interpreted to prohibit any person from making a distinction or imposing differential treatment on the basis of citizenship or immigration status when authorized by federal or state law, regulation, rule, or government contract.

Section 18. Section 14.10.010 of the Seattle Municipal Code, last amended by Ordinance 123527, is amended as follows:

**14.10.010 Statement of purpose ((.))**

A. ((~~The ordinance codified in this chapter~~)) 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 ((~~hereby~~)) 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 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~~)) 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.

B. Nothing in this ((~~chapter~~)) Chapter 14.10 shall be deemed to deny any persons the right to institute any action or to pursue any civil or criminal remedy for the violation of such person's civil rights. Nothing contained in this ((~~chapter~~)) Chapter 14.10 is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this ((~~chapter~~)) Chapter 14.10 on the part of the City by its officers, employees, or agents. Nothing in this ((~~chapter~~)) Chapter 14.10 shall be presumed to toll the statute of limitations for any claims under federal or state statute. Nothing in this ((~~chapter~~)) Chapter 14.10 shall be construed to prohibit or apply to actions taken in good faith against any person

by a contractor based solely upon their performance, qualifications, or ability to perform in accordance with the terms of a contract or for other nondiscriminatory reasons.

Section 19. Section 14.10.020 of the Seattle Municipal Code, last amended by Ordinance 125576, is amended as follows:

**14.10.020 Definitions**

* * *

"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, or the presence of 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.

* * *

"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.

"Respondent" means any person who has been alleged or found to have committed an unfair contracting practice prohibited by this ((~~chapter~~)) Chapter 14.10.

* * *

Section 20. Section 18.12.280 of the Seattle Municipal Code, last amended by Ordinance 119628, 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, ((~~or~~)) the presence of any ((~~sensory, mental or physical handicap~~)) disability, the use of a service animal by a disabled person, 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, ((~~or~~)) the presence of any ((~~sensory, mental or physical handicap~~)) disability, the use of a service animal by a disabled person, 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~~)) 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 (((~~3~~))) years.

C. Where applicable, ((~~the term "deny" shall have the meaning in RCW 9.91.010, as now or hereafter amended;~~)) the terms "full enjoyment of" and "person" shall have the meanings in ((~~RCW 49.60.040~~)) Section 14.06.020, as now or amended.

D. Nothing in this ((~~section~~)) Section 18.12.280 shall prohibit the exercise of constitutional liberties or the use of a bona fide qualification or restriction that does not infringe upon civil rights or civil liberties recognized by state law or City ordinance.

Section 21. 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 _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

_____

Monica Martinez Simmons, City Clerk

(Seal)



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