Legislation Details (With Text)

File #:	CB 120511 **Version:** 2	**Name:**	CB 120511
Type:	Ordinance (Ord)	**Status:**	Passed
		In control:	City Clerk
On agenda:	2/21/2023		
Final Action:	2/24/2023	**Ord. No.**	Ord 126767
Title:	AN ORDINANCE relating to human rights; including protections against discrimination based on an individual's caste; making technical amendments; and amending Sections 3.14.910, 3.14.931, 3.110.260, 4.80.020, 5.30.020, 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, 14.11.020, and 18.12.280 of the Seattle Municipal Code.		
Sponsors:	Kshama Sawant		
Indexes:			
Attachments:	1. Summary and Fiscal Note v2, 2. Summary Att A - SOCR Resource Needs to Enforce Caste as a Protected Class, 3. Summary and Fiscal Note v1, 4. Central Staff Memo, 5. CF 322573: Documents and Supporting Research, 6. Proposed Amendment A, 7. Signed Ordinance 126767, 8. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
2/24/2023	2	City Clerk	attested by City Clerk	
2/24/2023	2	Mayor	returned	
2/23/2023	2	Mayor	Signed	
2/23/2023	2	City Clerk	submitted for Mayor's signature	
2/21/2023	1	City Council	passed as amended	Pass
2/14/2023	1	City Council	referred	
2/9/2023	1	Council President's Office	sent for review	
2/8/2023	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to human rights; including protections against discrimination based on an individual's caste; making technical amendments; and amending Sections 3.14.910, 3.14.931, 3.110.260, 4.80.020, 5.30.020, 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, 14.11.020, and 18.12.280 of the Seattle Municipal Code.

WHEREAS, caste is a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion; and

WHEREAS, caste discrimination is based on birth and descent, and occurs in the form of social segregation, physical and psychological abuse, and violence; and

WHEREAS, caste discrimination manifests in employment, education, and housing; and

WHEREAS, in 2016, the United Nations Special Rapporteur on minority issues stated that at least 250 million people worldwide still face "appalling and dehumanizing discrimination based on caste and similar systems of inherited status," and during a presentation of the first comprehensive report on caste-based discrimination in 2016 to the United Nations Human Rights Council, the Rapporteur described caste-based discrimination as "a global problem," and that "caste-based discrimination and violence goes against the basic principles of universal human dignity and equality, as it differentiates between 'inferior' and 'superior' categories of individuals, which is unacceptable"; and

WHEREAS, the majority of the affected communities live in or originate from South Asia, including India, Nepal, Sri Lanka, Bangladesh, and Pakistan, where many are known by the self-chosen identity of "Dalits," which means "those who have been broken but are resilient" and others are indigenous or indentured community members; and

WHEREAS, similarly affected groups are also found in or originate from elsewhere in Asia, Africa, the Middle East, the Pacific region, and various diaspora communities, and caste is found in communities of religious practice among South Asians in America; and

WHEREAS, the United Nations Special Rapporteur on minority issues has also stated that "[t]he term 'caste' refers to a strict hierarchical social system that is often based on the notions of purity and pollution, in which individuals placed at the bottom of the system may face exclusion and discrimination in a wide range of areas. The concept of 'caste system' is primarily associated with the South Asian region, where its existence is linked to the religiously sanctioned social structure of Hinduism, which identified four original and endogamous groups, or castes, called varnas. … At present, the term 'caste' has broadened in meaning, transcending religious affiliation. Caste and caste-like systems may be based on either a

religious or a secular background and can be found within diverse religious and/or ethnic groups in all geographical regions, including within diaspora communities"; and

WHEREAS, in an editorial published May 25, 2021, in *The New York Times*, Professors Paula Chakravartty and Ajantha Subramanian wrote that "oppressed castes in the United States are doubly disadvantaged-by caste and race. Making caste a protected category under federal law will allow for the recognition of this double disadvantage"; further writing that to "protect oppressed castes in the United States, we have to be willing to insist that civil rights extend to communities whose oppression is still hidden"; and

WHEREAS, caste is found significantly among South Asian Americans-data from Equality Labs, a Dalit civil rights organization dedicated to ending caste apartheid, gender-based violence, Islamophobia, white supremacy, and religious intolerance, has found that one in four caste-oppressed people faced physical and verbal assault, one in three face education discrimination, and two in three face workplace discrimination; and

WHEREAS, the Ambedkar King Study Circle, an organization that aims to challenge caste, class, race, gender and religious oppression and oppressors on ideological, political and social fronts, collected testimonies that found that caste is present and practiced in many industries, neighborhoods, and corporate and educational networks, and has had social, economic, and psychological impacts on individuals; and

WHEREAS, caste is found in many industries and is a grave contributor to workplace discrimination and bias; individuals in industries like technology, construction, restaurant, domestic work and other employment sectors have faced caste discrimination, harassment, bias, wage theft, and even trafficking; and

WHEREAS, in 2001, federal law enforcement officials convicted Lakireddy Bali Reddy, an upper-caste South Asian American-then one of Berkeley, California's richest landlords with over a thousand rental properties worth tens of millions of dollars-and his family members of trafficking multiple Dalit minor girls and young women from India and subjecting them to sexual servitude and labor exploitation in the United States; and

WHEREAS, in December 2019, Brandeis University announced a first-in-the-nation policy adding caste to its campus-wide non-discrimination and harassment policy; and

WHEREAS, in announcing the policy, Brandeis University president Ron Liebowitz said that "since caste identity is so intertwined with many of the legally recognized and protected characteristics, discrimination based on a person's caste is effectively the same. Going forward, the Office of Equal Opportunity will oversee issues and complaints of discrimination related to caste brought forward by members of the Brandeis community, just as it does for other types of discrimination"; and

WHEREAS, in January 2020, California State University-the largest four-year public university system in the United States-added caste as a protected category in its systemwide anti-discrimination policy across all its 23 campuses, which was a groundbreaking decision in response to a large multi-caste, inter-faith movement of students and faculty; and

WHEREAS, in October 2022, the California Department of Fair Employment and Housing won an appeals court ruling to proceed with a lawsuit alleging that a Dalit engineer at Cisco Systems-a multibillion-dollar tech conglomerate-was actively targeted by his dominant-caste managers, and denied professional opportunities, a raise and promotions because of his caste background. In their report published July 14, 2020, *The New York Times* wrote that the "technology giant got away with ignoring the persistent caste discrimination because American laws don't yet recognize caste discrimination as a valid form of exclusion," allowing companies to operate "in willful ignorance of the terrifying realities of caste"; and

WHEREAS, the Alphabet Workers Union (AWU-CWA Local 1400), representing over 1,100 workers at Alphabet (the parent company of tech giant Google) has said, "Caste-oppressed workers face many barriers throughout the tech industry, including at Alphabet. Caste is a system of oppression analogous to racial discrimination and is rampant throughout many American institutions. We support tech workers around the world who are speaking up about casteism and hostile workplaces"; and

WHEREAS, the Alphabet Workers Union has also called for caste to be recognized as a protected class by the

U.S. government and be included in anti-harassment policies in the tech industry, saying that the "fight for the civil rights of caste-oppressed people is a workers' fight"; and

WHEREAS, the Asian Pacific American Labor Alliance (APALA), AFL-CIO, "the first and only national organization of Asian American and Pacific Islander (AAPI) workers, most of whom are union members" that has helped address "the workplace issues of the 660,000 AAPI union members" and serve "as the bridge between the broader labor movement and the AAPI community" have declared that they are "committed to providing an environment free from discrimination and harassment, regardless of an individual's race, ethnicity, religion, color, sex, age, national origin, caste or perceived caste, sexual orientation, disability, gender identity or expression, ancestry, pregnancy, or any other characteristic prohibited by law"; and

WHEREAS, the NAACP passed a resolution in 2021, resolving that the organization "stands opposed to the practices of caste systems in the United States of America," and that the NAACP "will educate all of our Members and Units to become even better educated in the practices of the caste system and take necessary actions to expose and end such practices and work to repair the damages already done"; and

WHEREAS, consistent with the guidance of the U.S. Department of Justice, Civil Rights Division's interpretation of Title VI of the Civil Rights Act to include a prohibition against discrimination based on actual or perceived shared ancestry or citizenship in a country whose residents share a dominate religion or distinct religious identity, The City of Seattle prohibits discrimination and harassment based on race, color, ancestry, religion, creed, and national origin; and

WHEREAS, caste identity is inextricably intertwined with those legally recognized protected characteristics such that discrimination based on one's caste is effectively discrimination based on an amalgamation of the legally protected characteristics; and

WHEREAS, in 2020, the U.S. Census data found that the State of Washington is home to more than 167,000 people from the South Asian diaspora, largely concentrated in the Greater Seattle area, and show that

the South Asian population is the fastest growing major ethnic group in Seattle; 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; and

WHEREAS, several years of ordinances adding protected classes in Seattle accidentally overlooked the list of protected classes in Seattle in Seattle Municipal Code Section 5.30.020, and the best way to ensure this list is no longer overlooked is to refer its list of protected classes to Seattle Municipal Code Section 14.06.020's list, which is amended by this ordinance; 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 126649, 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, caste, 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; and

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 126649, 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 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, caste, 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 126649, 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, caste, 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, caste, 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 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 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 126649, 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, caste, 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 that are suspect and capable of abuse or 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 5.30.020 of the Seattle Municipal Code, last amended by Ordinance 124431, is amended as follows:

5.30.020 Definitions A-B

* * *

D. "Artistic or cultural organization." The term "artistic or cultural organization" means an organization ((~~which~~)) that is organized and operated exclusively for the purpose of providing "artistic or cultural

exhibitions, presentations, or performances or cultural or art education programs," as defined in subsection ((~~(2), below, of this subsection~~)) 2 of this definition, for viewing or attendance by the general public. The organization must be:

1. A ((~~not-for-profit~~)) nonprofit corporation under chapter 24.03A RCW ((~~Chapter 24.03~~)) that meets all of the following criteria:

a. The organization must be managed by a governing board of not less than eight (((~~8~~))) individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW ((~~Chapter 24.12~~)).

b. No part of the organization's income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the organization in accordance with its purposes and bylaws.

c. Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state.

d. Assets of the organization must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the organization, may not inure directly or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption.

e. The organization must be duly licensed or certified when licensing or certification is required by law or regulation.

f. The amounts received that qualify for exemption must be used for the activities for which the exemption is granted.

g. Services must be available regardless of ((~~race, color, national origin, or ancestry~~)) any protected class covered by the definition of "discrimination" in Section 14.06.020.

* * *

Section 6. Section 6.02.270 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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.

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 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 7. Section 6.202.230 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 8. Section 14.04.020 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 9. Section 14.04.030 of the Seattle Municipal Code, last amended by Ordinance 126649, is amended as follows:

14.04.030 Definitions

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

"Caste" means a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.

* * *

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

* * *

Section 10. Section 14.04.040 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, 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, caste, 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, caste, 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 11. Section 14.06.020 of the Seattle Municipal Code, last amended by Ordinance 126649, is amended as follows:

14.06.020 Definitions

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

"Aggrieved person" includes any person who:

1. Claims to have been injured by an unfair practice prohibited by this ((~~chapter~~)) Chapter 14.06; or

2. Believes that ((~~he or she~~)) they will be injured by an unfair practice prohibited by this ((~~chapter~~)) Chapter 14.06 that is about to occur.

"Caste" means a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.

* * *

"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, caste, 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 12. Section 14.06.030 of the Seattle Municipal Code, last amended by Ordinance 126649, 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 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, caste, 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 13. Section 14.08.015 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 14. Section 14.08.020 of the Seattle Municipal Code, last amended by Ordinance 126649, 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:

"Accessory dwelling unit" has the meaning defined in Chapter 23.84A.032's definition of "Residential use." ((.))

"Aggrieved person" includes any person who:

1. Claims to have been injured by an unfair practice prohibited by this Chapter 14.08; or

2. Believes that ((~~he or she~~)) they will be injured by an unfair practice prohibited by this Chapter 14.08 that is about to occur.

"Alternative source of income" means lawful, verifiable income derived from sources other than wages, salaries, or other compensation for employment. It includes but is not limited to monies derived from Social

Security benefits, supplemental security income, unemployment benefits, other retirement programs, child support, the Aged, Blind or Disabled Cash Assistance Program, Refugee Cash Assistance, and any federal, state, local government, private, or nonprofit-administered benefit program.

"Blockbusting" means, for profit, to promote, induce, or attempt to promote or induce any person to ((~~,~~)) engage in a real estate transaction by representing that a person or persons of a particular race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, alternative source of income, or who participates in a Section 8 or other subsidy program, or who is disabled, or who is a disabled person who uses a service animal has moved or may move into the neighborhood.

"Caste" means a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.

* * *

"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, caste, 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 15. Section 14.08.045 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 16. Section 14.08.070 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 that indicates directly or indicates an intention to make any preference, limitation, or specification based on race, color, creed, religion, ancestry, caste, 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 17. Section 14.08.190 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 18. Section 14.10.010 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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 19. Section 14.10.020 of the Seattle Municipal Code, last amended by Ordinance 126649, is amended as follows:

14.10.020 Definitions

When used in this Chapter 14.10, unless the context otherwise requires:

"Business enterprise" means any licensed business organization located in or doing business in The City of Seattle.

"Caste" means a system of rigid social stratification characterized by hereditary status, endogamy, and social barriers sanctioned by custom, law, or religion.

* * *

"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, caste, 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 20. Section 14.11.020 of the Seattle Municipal Code, enacted by Ordinance 125358, is amended as follows:

14.11.020 Definitions

The definitions in this Section 14.11.020 provide the meaning of terms used in this Chapter 14.11, except as otherwise provided or as the context may otherwise clearly require:

"Biased policing" means selective enforcement or non-enforcement of the law, including the selecting or rejecting of particular policing tactics or strategies, by a police officer, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, ethnicity,

ancestry, religion, caste, national origin, color, creed, age, alienage or citizenship status, immigration status, sex, gender identity, sexual orientation, disability, or political ideology rather than reasonable suspicion grounded in specific and articulable facts, or probable cause, that the individual has been or is about to be involved in a crime. Biased policing does not include using race, ethnicity, color, or any other status in any reliable suspect's description.

* * *

Section 21. Section 18.12.280 of the Seattle Municipal Code, last amended by Ordinance 126649, 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, caste, 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, caste, 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 22. The City Council makes the following findings:

A. Caste-based discrimination is an international problem affecting more than 250 million people across the world;

B. Although caste is often associated with Hinduism and India, it transcends religious and geographic boundaries, with caste-based discrimination showing up in Christian, Muslim, Sikh, and other religious communities, all over South Asia, and in Southeast Asian and African communities, including Japan, the Middle East, Nigeria, Somalia, and Senegal;

C. The concept of caste and associated discrimination traveled with individuals and communities through these regions and into diasporic communities around the world, including the United States;

D. Washington State and Seattle are home to individuals and communities of immigrants, refugees, and diasporic communities from all around the world;

E. 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;

F. Awareness of the experiences of caste-oppressed communities with discrimination has been growing in recent years;

G. Testimony submitted to the Council about these experiences are located in Clerk File 322573 and demonstrate the City's interest in protecting its residents with marginalized identities as caste-oppressed from discrimination;

H. Existing anti-discrimination protections do not fully encompass caste discrimination.

Section 23. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

_____

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

_____

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

_____

Elizabeth M. Adkisson, Interim City Clerk

(Seal)