

Ordinance No. 123014

Council Bill No. 116550

AN ORDINANCE relating to civil rights; prohibiting discrimination against persons with veteran or military status, and amending sections 14.04.020, 14.040.030, 14.04.040, 14.06.020, 14.060.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, and 14.10.020 of the Seattle Municipal Code.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <u>6-8-09</u>	To: (committee): Culture, Civil Rights, Health and Personnel (CCRHP)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6-15-09</u>	Date Presented to Mayor: <u>6-16-09</u>
Date Signed by Mayor: <u>6-22-09</u>	Date Returned to City Clerk: <u>6-24-09</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/> <u>12p</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

### The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action: Richard Conlin

Date	Recommendation	Vote
<u>pass</u>	<u>40NL, JA, BJH, RC</u>	<u>(UH) 4/10/09</u>

This file is complete and ready for presentation to Full Council. \_\_\_\_\_

### Full Council Action:

Date	Decision	Vote
<u>6-15-09</u>	<u>Pass</u>	<u>8-0 (TR excused)</u>

ORDINANCE 123014

AN ORDINANCE relating to civil rights; prohibiting discrimination against persons with veteran or military status, and amending sections 14.04.020, 14.040.030, 14.04.040, 14.06.020, 14.060.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, and 14.10.020 of the Seattle Municipal Code.

WHEREAS, it is the City of Seattle's declared policy to assure equal opportunity to all persons and to remove restrictions based on race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability in employment, public accommodations, housing and contracting; and

WHEREAS, the City of Seattle Office of Civil Rights is responsible for administration and enforcement of the City of Seattle's anti-discrimination laws; and

WHEREAS, individuals serving in the United States armed forces, including the national guard, coast guard and armed forces reserves are protected by federal and Washington state laws against discrimination; and

WHEREAS, adding persons with honorably discharged veteran or military status to the classes protected under the City of Seattle's anti-discrimination laws provides such individuals who believe they have been discriminated against a cause of action for violation of municipal law as well as state and federal law, and makes available to them the assistance of the Seattle Office of Civil Rights; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** Subsection A of section 14.04.020 of the Seattle Municipal Code is amended as follows:

**SMC 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, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence



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2 of any sensory, mental or physical disability. The role of the Office for Civil Rights is to enforce  
3 the provisions of this chapter in furtherance of this policy.

4 \* \* \*

5 **Section 2.** Section 14.04.030 of the Seattle Municipal Code is amended by amending  
6 Subsection F and by adding a new Subsection R as follows:

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8 **SMC 14.04.030 Definitions.**

9 When used in this chapter, unless the context otherwise requires:

10 \* \* \*

11 F. "Discrimination," "discriminate," and/or "discriminatory act" means any act, by itself  
12 or as part of a practice, which is intended to or results in different treatment or differentiates  
13 between or among individuals or groups of individuals by reason of race, color, age, sex, marital  
14 status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national  
15 origin, honorably discharged veteran or military status((;)), or the presence of any sensory,  
16 mental or physical handicap.  
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18 \* \* \*

19 R. "Honorably discharged veteran or military status" means:

20 (1) A veteran, as defined in RCW 41.04.007; or

21 (2) An active or reserve member in any branch of the armed forces of the United States,  
22 including the national guard, coast guard, and armed forces reserves.  
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**Section 4.** Section 14.06.020 of the Seattle Municipal Code is amended by amending Subsection L and by adding a new Subsection Y as follows:

**SMC 14.06.020 Definitions.**

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

\* \* \*

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, 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 or the use of a trained dog guide or service animal by a disabled person.

\* \* \*

Y. "Honorably discharged veteran or military status" means:

(1) A veteran, as defined in RCW 41.04.007; or

(2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.





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2       **Section 6.** Section 14.08.015 of the Seattle Municipal Code is amended as follows:

3       **SMC 14.08.015 Seattle Open Housing Poster.**

4       All persons required to post a fair housing poster pursuant to 24 CFR 110 shall also post  
5 a Seattle Open Housing Poster at the same locations required in the federal regulation. A person  
6 who fails to post a Seattle Open Housing Poster as required in this section is subject to a fine of  
7 One Hundred Twenty-Five Dollars (\$125) for a first violation and a fine of Five Hundred Dollars  
8 (\$500) for each subsequent violation. The Seattle Open Housing Poster shall provide a notice  
9 that it is illegal in the City of Seattle to discriminate against any person because of race, color,  
10 creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual  
11 orientation, gender identity, political ideology, honorably discharged veteran or military status,  
12 participation in a section 8 program, the presence of any disability or the use of a trained dog  
13 guide or service animal by a disabled person. The Department shall adopt a rule or rules to  
14 enforce this section which shall include the availability of such posters from the Department.  
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18       **Section 7.** Section 14.08.020 of the Seattle Municipal Code is amended by amending  
19 Subsection M and by adding a new Subsection KK as follows:

20       **SMC 14.08.020 Definitions.**

21       Definitions as used in this chapter, unless additional meaning clearly appears from the  
22 context, shall have the meanings subscribed:  
23

24       \* \* \*



1 M. "Discrimination" means any conduct, whether by single act or as part of a practice,  
2 the effect of which is to adversely affect or differentiate between or among individuals or groups  
3 of individuals, because of race, color, creed, religion, ancestry, national origin, age, sex, marital  
4 status, parental status, sexual orientation, gender identity, political ideology, honorably  
5 discharged veteran or military status, participation in a Section 8 program, the presence of any  
6 disability or the use of a trained dog guide or service animal by a disabled person.

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9 KK. "Honorably discharged veteran or military status" means:

10 (1) A veteran, as defined in RCW 41.04.007; or

11 (2) An active or reserve member in any branch of the armed forces of the United States,  
12 including the national guard, coast guard, and armed forces reserves.

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15 **Section 8.** Subsection B of section 14.08.045 of the Seattle Municipal Code is amended  
16 as follows:

17 **SMC 14.08.045 Retaliation, harassment, or coercion.**

18 It is an unfair practice for any person to:

19 \* \* \*

20  
21 B. It is an unfair practice for any person, whether or not acting for profit, to harass,  
22 intimidate, discriminate against or otherwise abuse any person or person's friends or associates  
23 because of race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental  
24 status, sexual orientation, gender identity, political ideology, honorably discharged veteran or  
25 military status participation in a Section 8 program, the presence of any disability, or the use of a  
26 trained dog guide or service animal by a disabled person with the purpose or effect of denying to  
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1 such person the rights granted in this chapter or the right to quiet or peaceful possession or  
2 enjoyment of any real property.

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4 **Section 9.** Section 14.08.070 of the Seattle Municipal code is amended as follows:

5 **SMC 14.08.070 Unfair inquiries or advertisements.**

6 It is an unfair practice for any person to:

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8 A. Require any information, make or keep any record, or use any form of application  
9 containing questions or inquiries concerning race, color, creed, religion, ancestry, national origin,  
10 age, sex, marital status, parental status, sexual orientation, gender identity, political ideology,  
11 honorably discharged veteran or military status, participation in a Section 8 program, the  
12 presence of a disability, or the use of a trained dog guide or service animal by a disabled person  
13 in connection with a real estate transaction unless used solely:

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15 1. For making reports required by agencies of the federal, state or local  
16 government to prevent and eliminate discrimination or to overcome its effects or for other  
17 purposes authorized by federal, state or local agencies or laws or rules adopted thereunder,

18 2. As to "marital status," for the purpose of determining applicability of  
19 community property law to the individual case, or

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21 3. As to "age," for the purpose of determining that the applicant has attained the  
22 age of majority, or in the case of housing exclusively for older persons as described in SMC  
23 14.08.190 E, for the purpose of determining the eligibility of the applicant;

24 B. Publish, print, circulate, issue or display or cause to be published, printed,  
25 circulated, issued or displayed, any communication, notice, advertisement, or sign of any kind  
26 relating to a real estate transaction or listing of real property which indicates directly or indicates  
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1 an intention to make any preference, limitation or specification based on race, color, creed,  
2 religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation,  
3 gender identity, political ideology, honorably discharged veteran or military status, the  
4 participation in a Section 8 program, the presence of a disability, or the use of a trained dog  
5 guide or service animal by a disabled person.

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8 **Section 10.** Subsection B of section 14.08.190 of the Seattle Municipal Code is amended  
9 as follows:

10 **SMC 14.08.190 Exclusions.**

11 Nothing in this chapter shall:

12 \* \* \*

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14 B. Be interpreted to prohibit any person from making a choice among prospective  
15 purchasers or tenants of real property on the basis of factors other than race, color, creed,  
16 religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation,  
17 gender identity, political ideology, honorably discharged veteran or military status, participation  
18 in a Section 8 program, the presence of any disability, or the use of a trained dog guide or service  
19 animal by a disabled person where such factors are not designed, intended or used to  
20 discriminate;  
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22 \* \* \*

23 **Section 11.** Section 14.10.010 of the Seattle Municipal Code is amended as follows:

24 **SMC 14.10.010 Statement of purpose.**

25 The ordinance codified in this chapter is an exercise of the police power for the  
26 protection of the public welfare, health, peace and safety of the residents of The City of Seattle  
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1 and in fulfillment of the provisions of the Constitution of this state. The City Council hereby  
2 finds and declares that practices of discrimination in public or private contracting against any  
3 person on the basis of race, color, sex, marital status, sexual orientation, gender identity, political  
4 ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military  
5 status or the presence of any sensory, mental or physical disability constitute matters of local  
6 concern and are contrary to the public welfare, health, peace and safety of the residents of  
7 Seattle. The provisions of this chapter shall apply to the City when acting as a contractor and to  
8 other contractors, subcontractors, suppliers, material suppliers, bonding agencies, contract  
9 agencies and other business entities doing business in the City, and shall be liberally construed  
10 for accomplishment of its policies and purposes. Nothing in this chapter shall be deemed to deny  
11 any persons the right to institute any action or to pursue any civil or criminal remedy for the  
12 violation of such person's civil rights. Nothing contained in this chapter is intended to be nor  
13 shall be construed to create or form the basis for any liability on the part of the City, or its  
14 officers or agents, for any injury or damage resulting from or by reason of any act or omission in  
15 connection with the implementation or enforcement of this chapter on the part of the City by its  
16 officers, employees or agents. Nothing in this chapter shall be presumed to toll the statute of  
17 limitations for any claims under federal or state statute. Nothing in this chapter shall be construed  
18 to prohibit or apply to actions taken in good faith against any person by a contractor based solely  
19 upon their performance, qualifications, or ability to perform in accordance with the terms of a  
20 contract or for other nondiscriminatory reasons.  
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25 **Section 12.** Section 14.10.020 of the Seattle Municipal Code is amended as follows:  
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27 **SMC 14.10.020 Definitions.**  
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When used in this chapter, unless the context otherwise requires:

\* \* \*

"Discrimination," "discriminate," and/or "discriminatory act" means any act (other than an action taken in accordance with a lawful affirmative action program) or failure to act whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

\* \* \*

"Honorably discharged veteran or military status" means:

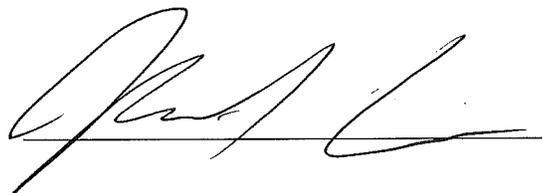
(1) A veteran, as defined in RCW 41.04.007; or

(2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

**Section 13.** This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

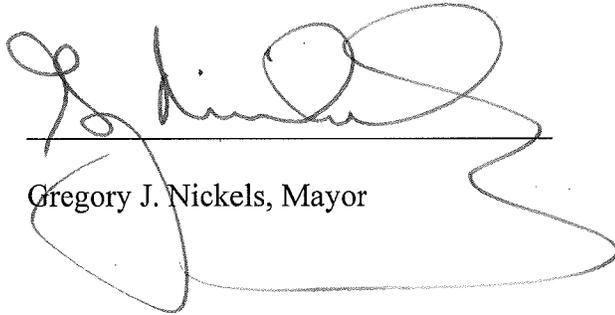
Passed by the City Council the 15 day of June, 2009, and signed by me in open session in authentication of its passage this

15 day of June, 2009.



President \_\_\_\_\_ of the City Council

Approved by me this 22<sup>nd</sup> day of June, 2009.



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Gregory J. Nickels, Mayor

Filed by me this 24<sup>th</sup> day of June, 2009.

Carol Sherk

Acting City Clerk

(Seal)

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Patricia Lee 386-0078	

**Legislation Title:**

AN ORDINANCE relating to civil rights; prohibiting discrimination against persons with veteran or military status, and amending sections 14.04.020, 14.040.030, 14.04.040, 14.06.020, 14.060.030, 14.08.015, 14.08.020, 14.08.045, 14.08.070, 14.08.190, 14.10.010, and 14.10.020 of the Seattle Municipal Code.

- **Summary of the Legislation:** Amends the Seattle Municipal Code (SMC) to prevent discrimination based on an individual's status as a veteran or member of the military in employment, public accommodation, housing and contracting. "Honorably discharged veteran or military status" means a person who is a veteran as defined in RCW 41.04.007 or an active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard and armed forces reserves.
- **Background:**  
The Seattle Fair Employment Practices Ordinance, Public Accommodations Ordinance, Open Housing Ordinance and Fair Contracting Practices Ordinance establish the City policy of equal opportunity to all persons, free from restrictions because of race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability. This legislation would add members of the military service and honorably discharged veterans to this list.

The Seattle Office of Civil Rights (SOCR) is responsible for administration and enforcement of these laws. The SOCR investigates complaints of alleged discrimination and seeks to facilitate an agreed resolution between the parties. If the parties come to an agreement they document this with a signed agreement and the case is closed. If there is no agreement, and the SOCR finds a reasonable cause that discrimination took place, the SOCR will refer the case to the City Attorney for possible legal action. If the SOCR finds no reasonable cause, the complainant can appeal the decision to the Seattle Human Rights Commission who can order the SOCR to do further investigation. A complainant may also opt to pursue a civil cause of action in Court.

X **This legislation does not have any financial implications.** The SOCR does not foresee any additional costs as the number of cases would be minimal and would not require additional staffing. The SOCR informational materials are routinely updated and these amendment to the SMCs would be incorporated into those new materials

       **This legislation has financial implications.** (Please complete all relevant sections that follow.)



- **Does this legislation affect any departments besides the originating department?**
- Yes, this legislation will be implemented by the Seattle Office of Civil Rights, who supports this legislation.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*
- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*
- **Other Issues** *(including long-term implications of the legislation):*

**Please list attachments to the fiscal note below:**

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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240883  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

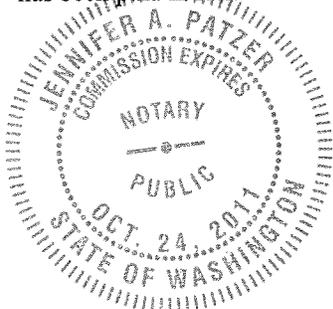
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 123014 CIVIL RIGHT

was published on

06/26/09

The amount of the fee charged for the foregoing publication is the sum of \$ 622.60, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
06/26/09 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 123014

AN ORDINANCE relating to civil rights; prohibiting discrimination against persons with veteran or military status, and amending sections 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, and 14.10.020 of the Seattle Municipal Code.

WHEREAS, it is the City of Seattle's declared policy to assure equal opportunity to all persons and to remove restrictions based on race, color, sex, marital status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability in employment, public accommodations, housing and contracting; and

WHEREAS, the City of Seattle Office of Civil Rights is responsible for administration and enforcement of the City of Seattle's anti-discrimination laws; and

WHEREAS, individuals serving in the United States armed forces, including the national guard, coast guard and armed forces reserves are protected by federal and Washington state laws against discrimination; and

WHEREAS, adding persons with honorably discharged veteran or military status to the classes protected under the City of Seattle's anti-discrimination laws provides such individuals who believe they have been discriminated against a cause of action for violation of municipal law as well as state and federal law, and makes available to them the assistance of the Seattle Office of Civil Rights; NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of section 14.04.020 of the Seattle Municipal Code is amended as follows:

#### SMC 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, political ideology, age, creed, religion, ancestry, national origin, 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 in furtherance of this policy.

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Section 2. Section 14.04.030 of the Seattle Municipal Code is amended by amending Subsection F and by adding a new Subsection R as follows:

#### SMC 14.04.030 Definitions.

When used in this chapter, unless the context otherwise requires:

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F. "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, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status(;;), or the presence of any sensory, mental or physical handicap.

\*\*\*

R. "Honorably discharged veteran or military status" means:

(1) A veteran, as defined in RCW 41.04.007; or

(2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 3. Subsection C of section 14.04.040 of the Seattle Municipal Code is amended as follows:

#### SMC 14.04.040 Unfair employment practices designated.

It is unfair employment practice within the City for any:

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## State of Washington, King County

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, political ideology, age, creed, religion, ancestry, national origin, honorably discharged veteran or military status or the presence of any sensory, mental or physical handicap; provided that, nothing in this chapter 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, honorably discharged veteran or military status or the presence of any sensory, mental or physical handicap 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;

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Section 4. Section 14.06.020 of the Seattle Municipal Code is amended by amending Subsection L and by adding a new Subsection Y as follows:

#### SMC 14.06.020 Definitions.

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

\*\*\*

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, 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 or the use of a trained dog guide or service animal by a disabled person.

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Y. "Honorably discharged veteran or military status" means:

(1) A veteran, as defined in RCW 41.04.007; or

(2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 5. Subsections B (5) and C of section 14.06.030 of the Seattle Municipal Code are amended as follows:

#### SMC 14.06.030 Unfair practices.

A. Unfair practices as defined in this chapter are contrary to the public peace, health, safety and general welfare and are prohibited by the City in the exercise of its police power.

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

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5. Harassing, intimidating, or otherwise abusing any person or person's friends or associates because of race, color, creed, religion, ancestry, national origin, 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, 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; or

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C. Compliance with conditions and limitations established by law and applicable to all persons regardless of race, color, creed, religion, ancestry, national origin, 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 a disability, or the use of a trained dog guide or service animal by a disabled person is not an unfair practice under this section.

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Section 6. Section 14.08.015 of the Seattle Municipal Code is amended as follows:

#### SMC 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 is subject to a fine of One Hundred Twenty-Five Dollars (\$125) for a first violation and a fine of Five Hundred Dollars (\$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, 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 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 which shall include the availability of such posters from the Department.

Section 7. Section 14.08.020 of the Seattle Municipal Code is amended by amending Subsection M and by adding a new Subsection KK as follows:

#### SMC 14.08.020 Definitions.

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

\*\*\*

M. "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, 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 or the use of a trained dog guide or service animal by a disabled person.

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KK. "Honorably discharged veteran or military status" means:

(1) A veteran, as defined in RCW 41.04.007; or

(2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 8. Subsection B of section 14.08.045 of the Seattle Municipal Code is amended as follows:

#### SMC 14.08.045 Retaliation, harassment, or coercion.

It is an unfair practice for any person to:

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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, 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, 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 or the right to quiet or peaceful possession or enjoyment of any real property.

Section 9. Section 14.08.070 of the Seattle Municipal code is amended as follows:

#### SMC 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, 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 a 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 SMC 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, or sign of any kind relating to a real estate transaction or listing of real property which indicates directly or indirectly an intention to make any preference, limitation or specification based on race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, honorably discharged veteran or military status, the participation in a Section 8 program, the presence of a disability, or the use of a trained dog guide or service animal by a disabled person.

Section 10. Subsection B of section 14.08.190 of the Seattle Municipal Code is amended as follows:

#### SMC 14.08.190 Exclusions.

Nothing in this chapter shall:

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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, 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, 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;

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Section 11. Section 14.10.010 of the Seattle Municipal Code is amended as follows:

**SMC 14.10.010 Statement of purpose.**

The ordinance codified in this chapter 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, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of Seattle. The provisions of this chapter 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. Nothing in this chapter 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 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 on the part of the City by its officers, employees or agents. Nothing in this chapter shall be presumed to toll the statute of limitations for any claims under federal or state statute. Nothing in this chapter 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 12. Section 14.10.020 of the Seattle Municipal Code is amended as follows:

**SMC 14.10.020 Definitions.**

When used in this chapter, unless the context otherwise requires:

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"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, honorably discharged veteran or military status or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

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<p<u>>"Honorably discharged veteran or military status" means:

- (1) A veteran, as defined in RCW 41.04.007; or
- (2) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Section 13. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 15th day of June, 2009, and signed by me in open session in authentication of its passage this

15th day of June, 2009.

RICHARD CONLIN,

President of the City Council

Approved by me this 22nd day of June, 2009.

GREGORY J. NICKELS,

Mayor

Filed by me this 24th day of June, 2009.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH E. PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, June 26, 2009.

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Ordinance 123014

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