

ORDINANCE NO. 7816

1
2 AN ORDINANCE relating to Unfair Housing
3 Practices; changing the filing period;
4 clarifying and expanding investigative
5 procedures; adding retaliation as a prohibited
6 practice; and amending Ordinance 5280, Sections
7 2, 4, and 5, and K.C.C. 12.20.020, 12.20.070
8 and 12.20.080.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Ordinance 5280, Section 2, and K.C.C. 12.20.020 are hereby
11 amended to read as follows:

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

14 A. "Charging party" means any person alleging an unfair housing practice
15 under this chapter.

16 B. "Real estate credit transaction" means any open or closed-end credit
17 transaction relating to real estate, whether for personal or for business
18 purposes, in which a service, finance or interest charge is imposed, or which
19 provides for repayment in scheduled payments, when such credit is extended in
20 the course of the regular course of any trade or commerce, including but not
21 limited to transactions by banks, savings and loan associations or other
22 financial lending institutions of whatever nature, stock brokers, or by a
23 merchant or mercantile establishment which as part of its ordinary business
24 permits or provides that payment for purchases of property or service
25 therefrom may be deferred.

26 C. "Director" means the director of the county department of planning and
27 community development; PROVIDED THAT, after January 1, 1982, "Director" means
28 the director of the county department of executive administration or his or
29 her designee.

30 D. "Discriminate" means any action or failure to act, whether by
31 single act or as part of a practice, the effect of which is to adversely
32 affect or differentiate between or among individuals or groups of individ-
33 uals, because of race, color, religion, national origin, age, sex, marital

1 status, parental status, sexual orientation, the presence of any sensory,
2 mental or physical handicap, or the use of a trained dog guide by a blind or
3 deaf person.

4 E. "Dwelling" means dwelling as that term is defined in Section 21.04.110.

5 F. "Dwelling unit" means dwelling unit as that term is defined by Section
6 21.04.114.

7 G. "Senior citizens" means persons who are sixty-two years of age or
8 older.

9 H. "Housing accommodations" means any dwelling or dwelling unit, rooming
10 unit, rooming house, lot or parcel of land in unincorporated King County which
11 is used, intended to be used, or arranged or designed to be used as, or
12 improved with a residential structure for one or more human beings.

13 I. "Marital status" means the presence or absence of a marital
14 relationship and includes the status of married, separated, divorced, engaged,
15 widowed, single or cohabitating.

16 ~~((I-))~~ J. "National origin" shall be interpreted to include ancestry.

17 ~~((J-))~~ K. "Party" means the person charging or making a complaint or upon
18 whose behalf a complaint is made alleging an unfair practice, or ~~((the~~
19 ~~Department-of-Planning-and-Community-Development))~~ the department of executive
20 administration.

21 ~~((K-))~~ L. "Parental status" means being a parent, stepparent, adoptive
22 parent, guardian, foster parent or custodian of a minor child or children,
23 which child or children shall permanently or temporarily occupy the real
24 estate.

25 ~~((L-))~~ M. "Person" means one or more individuals, partnerships, associa-
26 tions, organizations, corporations, cooperatives, legal representatives,
27 trustees and receivers or any group of person; it includes any owner,
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1 lessee, proprietor, manager, agent or employee whether one or more natural
2 persons; and further includes any political or civil subdivisions of the
3 state and any agency or instrumentality of the state or of any political or
4 civil subdivision thereof.

5 (~~(M.-)~~) N. "Planned Adult Residential Community" means a complex or
6 development consisting of building(s) and facility(ies) specifically intend-
7 ed, designed built, and operated for habitation and use by adults living
8 without children.

9 (~~(N.-)~~) O. "Real property" includes but is not limited to buildings,
10 structures, real estate, lands, tenements, leaseholds, interests in real
11 estate cooperatives, condominiums, and hereditaments, corporeal and incorpo-
12 real, or any interest therein.

13 (~~(O.-)~~) P. "Real estate transaction" includes but is not limited to the
14 sale, conveyance, exchange, purchase, rental, lease or sublease of real
15 property.

16 (~~(P.-)~~) Q. "Respondent" means any person who is alleged to have committed
17 an unfair practice prohibited by this chapter.

18 (~~(Q.-)~~) R. "Sexual orientation" means male or female heterosexuality,
19 bisexuality or homosexuality, and includes a persons's attitudes, prefer-
20 ences, belief and practices pertaining to sex, but shall not include conduct
21 which is a public or private nuisance or is unlawful under city, state or
22 federal law.

23 SECTION 2. Ordinance 5280, Section 4, and K.C.C. 12.20.070 are hereby
24 amended to read as follows:

25 Filing a complaint. A. A complaint alleging an unfair housing prac-
26 tice may be filed by:

27 1. Any person who has reason to believe that an unfair housing prac-
28 tice has been committed against him or her;

29 2. Any state, local or federal agency concerned with discrimination
30 in housing, whenever it has reason to believe that an unfair housing prac-
31 tice has been or is being committed.

1 B. A complaint alleging an unfair housing practice shall be in writing
2 and signed by the charging party. The complaint must be filed by the
3 charging party within (~~sixty days of the date when the charging party knew~~
4 ~~or reasonably should have known or been aware of the~~) one hundred and
5 eighty days after the occurrence of the alleged unfair housing practice.
6 The complaint must describe with particularity the practice complained of
7 and the location of the practice and must identify the person being charged
8 with committing an unfair housing practice;

9 PROVIDED THAT, a complaint shall not be rejected as insufficient
10 because of failure to include all required information, so long as it
11 substantially meets the informational requirements necessary for processing.

12 C. The charging party may amend a complaint in any respect as a matter
13 of right before service of notice of hearing on the matter, and thereafter
14 may amend a complaint only with permission of the hearing examiner, which
15 permission shall be granted when justice will be served thereby, and all
16 parties shall be allowed time to prepare their case with respect to addi-
17 tional or expanded charges which they did not and could not have reasonably
18 foreseen would be an issue at the hearing.

19 SECTION 3. Ordinance 5280, Section 5, and K.C.C. 12.20.080 are hereby
20 amended to read as follows:

21 Investigation of complaint. A. After the filing of a complaint, the
22 director shall (~~serve notice of the complaint and a copy thereof on the~~
23 ~~respondent. The results of the investigation shall be reduced to written~~
24 ~~findings of fact and a finding shall be made that there either is or is not~~
25 ~~reasonable cause for believing that an unfair housing practice has been or~~
26 ~~is being committed.)) cause to be served or mailed, by certified mail,
27 return receipt requested, a copy of the complaint on the respondent within
28 twenty days after the filing of said charge and shall promptly make an
29 investigation thereof.
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1 B. The investigation shall be directed to ascertain the facts concerning
2 the unfair practice alleged in the complaint and shall be conducted in an
3 objective and impartial manner.,

4 C. During the investigation, the director shall consider any statement of
5 position or evidence with respect to the allegations of the complaint which
6 the charging party or the respondent wishes to submit.

7 D. The director shall have authority to sign and issue subpoenas
8 requiring the attendance and testimony of witnesses, the production of
9 evidence including but not limited to books, records, correspondence or
10 documents in the possession or under the control of the person subpoenaed, and
11 access to evidence for the purpose of examination and copying as are necessary
12 for the investigation. The director shall consult with the prosecuting
13 attorney before issuing any subpoena under this section.

14 E. If an individual fails to obey a subpoena, or obeys a subpoena but
15 refuses to testify when requested concerning any matter under investigation,
16 the director may invoke the aid of the King County prosecuting attorney who
17 shall petition to the Superior Court for King County for an order or other
18 appropriate action necessary to secure enforcement of the subpoena. The
19 petition shall be accompanied by a copy of the subpoena and proof of service,
20 and shall set forth in what specific manner the subpoena has not been complied
21 with, and shall ask an order of the court to compel the witness to appear and
22 testify or cooperate in the investigation of the unfair housing practice.

23 F. The results of the investigation shall be reduced to written findings
24 of fact and a finding shall be made that there either is or is not reasonable
25 cause for believing that an unfair housing practice has been or is being
26 committed.

27 ~~(B.)~~ G. If a finding is made that there is no reasonable cause, said
28 finding shall be served on the charging party and respondent. Within thirty
29 days after service of such negative finding, the charging party shall have the
30 right to file a written request with the director asking for reconsideration
31 of the finding. The director shall respond in writing within a reasonable
32 time by granting or denying the request.

1 NEW SECTION. SECTION 4. There is added to Ordinance 5280, Section 3, and
2 K.C.C. 12.20 a new section to read as follows:

3 Retaliation. It is a discriminatory practice to retaliate or otherwise
4 discriminate against any person because such person has complied or proposed
5 to comply with provisions of this chapter or has filed a complaint, testified,
6 or assisted in any proceedings under this chapter, or any order issued
7 thereunder.

8 NEW SECTION. SECTION 5. Severability. Should any section, subsection,
9 paragraph, sentence, clause or phrase of this ordinance be declared
10 unconstitutional or invalid for any reason, such decision shall not affect the
11 validity of the remaining portions of the ordinance.

12 INTRODUCED AND READ for the first time this 7th day of July,
13 1986.

14 PASSED this 13th day of October, 19 86.

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 Audrey Meyer
18 Chair

19 ATTEST:

20 Dorothy M. Owen
21 Clerk of the Council

22 APPROVED this 22nd day of October, 1986.

23 Jim Hill
24 King County Executive