

July 14, 1992
hdm:Frhsgord

Introduced by: CYNTHIA SULLIVAN

Proposed No.: 92-390

ORDINANCE NO. **10469**

AN ORDINANCE relating to fair housing;
and amending Ordinance 5280, Sections 1,
3(A)(B) and (C), 4, 5, 6, 7, 9, 10, and
11, and K.C.C. 12.20.010, 12.20.020,
12.20.040- 12.20.130 and 12.20.140,
repealing Ordinance 5280, Section 8 and
K.C.C. 12.20.110, adding new sections to
K.C.C. 12.20 and amending Ordinance 2909,
Sections 201 and 202 and K.C.C. 23.12.010
and 23.12.020.

SECTION 1. Ordinance No. 5280, Section 1, and K.C.C.
12.20.010 are hereby amended to read as follows:

Purpose. This chapter is an exercise of the police power
of King County for the protection of the public welfare,
health, peace and safety of the citizens of King County and in
fulfillment of the provisions of the Constitution of this
state. The King County council finds and declares that
practices of housing discrimination against any persons on the
basis of race, color, religion, national origin, age, sex,
marital status, parental status, participation in the Section 8
program, sexual orientation, (~~the presence of any sensory,
mental or physical handicap~~) disability, or the use of a
trained dog guide by a (~~blind or deaf~~) person with a
disability constitute matters of local concern and are contrary
to the public welfare, health, peace and safety of the citizens
of King County. The provisions of this ordinance shall be
liberally construed for accomplishment of its policies and
purposes.

SECTION 2. Ordinance No. 5280, Section 1, as amended, and
K.C.C. 12.20.020 are hereby amended to read as follows:

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

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

1 B. "Real estate ((credit)) -related transaction" means
 2 ~~((any open or closed end credit transaction relating to real~~
 3 ~~estate, whether for personal or for business purposes, in which~~
 4 ~~a service, finance or interest charge is imposed, or which~~
 5 ~~provides for repayment in scheduled payments, when such credit~~
 6 ~~is extended in the course of the regular course of any trade or~~
 7 ~~commerce, including but not limited to transactions by banks,~~
 8 ~~savings and loan associations or other financial lending~~
 9 ~~institutions of whatever nature, stock brokers, or by a~~
 10 ~~merchant or mercantile establishment which as part of its~~
 11 ~~ordinary business permits or provides that payment for~~
 12 ~~purchases of property or service therefrom may be deferred))~~
 13 any of the following:

14 1. The making or purchasing of loans or providing other
 15 financial assistance--

16 a. for purchasing, construction, improving,
 17 repairing, or maintaining real property; or

18 b. secured by real property.

19 2. The selling, brokering, or appraising of real
 20 property.

21 C. "Director" means ~~((the director of the county~~
 22 ~~department of planning and community development. PROVIDED~~
 23 ~~THAT, after January 1, 1982, "Director" means))~~ the director of
 24 the county department of executive administration or his or her
 25 designee .

26 D. "Discriminate" means any action or failure to act,
 27 whether by single act or as part of a practice, the effect of
 28 which is to adversely affect or differentiate between or among
 29 individuals or groups of individuals, because of race, color,
 30 religion, national origin, age, sex, marital status, parental
 31 status, participation in the Section 8 program, sexual
 32 orientation, ~~((the presence of any sensory, mental or physical~~
 33 ~~handicap))~~ disability, or the use of a trained dog guide by a
 34 ~~((blind or deaf))~~ person with a disability.

1 ~~((E. "Dwelling" means dwelling as that term is defined in~~
 2 ~~Section 21.04.540.~~

3 ~~F. "Dwelling unit" means dwelling unit as that term is~~
 4 ~~defined by Section 21.04.560.))~~

5 E. "Dwelling" and "dwelling unit" mean any building,
 6 structure, or portion thereof which is occupied as, or designed
 7 or intended for occupancy as, a residence by one or more
 8 families or individuals, and any vacant land which is offered
 9 for sale or lease for the construction or location thereon of
 10 any such building, structure, or portion thereof.

11 ~~((G.))~~ F. "Senior citizens" means persons who are
 12 sixty-two years of age or older.

13 ~~((H.))~~ G. "Housing accommodations" means any dwelling or
 14 dwelling unit, rooming unit, rooming house, lot or parcel of
 15 land in unincorporated King County which is used, intended to
 16 be used, or arranged or designed to be used as, or improved
 17 with, a residential structure for one or more human beings.

18 ~~((I.))~~ H. "Marital status" means the presence or absence
 19 of a marital relationship and includes the status of married,
 20 separated, divorced, engaged, widowed, single or cohabitating.

21 ~~((J.))~~ I. "National origin" shall be interpreted to
 22 include ancestry.

23 ~~((K.))~~ J. "Party" means the person charging or making a
 24 complaint or upon whose behalf a complaint is made alleging an
 25 unfair practice, the person alleged or found to have committed
 26 an unfair practice, or the department of executive
 27 administration.

28 ~~((L.))~~ K. "Parental status" means being a parent,
 29 stepparent, adoptive parent, guardian, foster parent or other
 30 designated custodian of a minor child or children, which
 31 child or children shall permanently or temporarily occupy the
 32 real estate and includes any person who is pregnant or has
 33 initiated the legal process of securing custody of any
 34 individual who has not attained the age of 18 years.

1 custody of any individual who has not attained the age of 18
 2 years.

3 ((M-)) L. "Person" means one or more individuals,
 4 partnerships, associations, organizations, corporations,
 5 cooperatives, legal representatives, trustees and receivers or
 6 any group of persons; it includes any owner, lessee,
 7 proprietor, manager, agent or employee whether one or more
 8 natural persons; and further includes any political or civil
 9 subdivisions of the state and any agency or instrumentality of
 10 the state or of any political or civil subdivision thereof.

11 ((N. ~~"Planned Adult Residential Community" means a~~
 12 ~~complex or development consisting of building(s) and~~
 13 ~~facility(ies) specifically intended, designed, built, and~~
 14 ~~operated for habitation and use by adults living without~~
 15 ~~children.~~))

16 M. "Aggrieved person" includes any person who--

- 17 1. claims to have been injured by a discriminatory
 18 housing practice;
 19 2. believes that he or she will be injured by a
 20 discriminatory housing practice that is about to occur.

21 ((O-)) N. "Real property" includes but is not limited to
 22 buildings, structures, real estate, lands, tenements,
 23 leaseholds, interests in real estate cooperatives,
 24 condominiums, and hereditaments, corporeal and incorporeal, or
 25 any interest therein.

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

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

31 ((R-)) Q. "Sexual orientation" means male or female
 32 heterosexuality, bisexuality or homosexuality, and includes a
 33 person's attitudes, preferences, belief and practices
 34 pertaining to sex, but shall not include conduct which is a

1 public or private nuisance or is unlawful under ((city))
 2 county state or federal law.

3 R. "Settlement discussions" and "conference, conciliation
 4 and persuasion" mean the attempted resolution of issues raised
 5 by a complaint, or by the investigation of such complaint,
 6 through informal negotiations involving the charging party, the
 7 respondent, and the director.

8 S. "Disability" means, with respect to a person--

9 1. A physical or mental impairment which substantially
 10 limits one or more of such person's major life activities,
 11 either temporarily or permanently,

12 2. A record of having such an impairment, or

13 3. Being regarded as having such an impairment, but
 14 such term does not include current, illegal use of a controlled
 15 substance (as defined in section 102 of the Controlled
 16 Substances Act as of the date of passage of this section (21
 17 U.S.C 802)),

18 4. Any other condition which is a disability under the
 19 Washington State Law Against Discrimination as it pertains to
 20 real estate (R.C.W. 49.60).

21 T. "Use of a trained dog guide by a person with a
 22 disability" means the use of a "guide dog" as defined in R.C.W.
 23 70.84.020 by a blind or hearing impaired person and/or the use
 24 of a "service dog" as defined in R.C.W. 70.84.021 by a person
 25 with a physical disability.

26 U. "Participation in the Section 8 program" means
 27 participating in a federal, state, or local government program
 28 in which a tenant's rent is paid partially by the government
 29 (through a direct contract between the government program and
 30 the owner or lessor of the real property), and partially by the
 31 tenant.

32 SECTION 3. Ordinance No. 5280, Section 3(A) and K.C.C.
 33 12.20.040 are hereby amended to read as follows:

34 Unfair housing practices - Designated.

1 A. It is a discriminatory practice for any person, whether
2 acting for himself or for another, because of race, color,
3 religion, national origin, age, sex, marital status, parental
4 status, participation in the Section 8 program, sexual
5 orientation, (~~the presence of any sensory, mental or physical~~
6 ~~handicap~~) disability, or the use of a trained dog guide by a
7 (~~blind or deaf~~) person with a disability:

8 ((A-)) 1. To refuse to engage in a real estate
9 transaction with a person or to otherwise make unavailable or
10 deny a dwelling to any person;

11 ((B-)) 2. To discriminate against a person in the terms,
12 conditions or privileges of a real estate transaction,
13 including but not limited to financial terms and conditions
14 such as the setting of rents or damage deposits, or in the
15 furnishing of facilities or services in connection with any
16 real estate transaction; however, rents and damage deposits may
17 be adjusted to recognize the number of persons utilizing the
18 property except insofar as such adjustment might discriminate
19 based on race, color, religion, national origin, age, sex,
20 marital status, parental status, participation in the Section 8
21 program, sexual orientation, disability, or the use of a
22 trained assistance dog by a person with a disability;

23 ((C-)) 3. To refuse to receive or to fail to transmit a
24 bona fide offer to engage in a real estate transaction from a
25 person;

26 ((D-)) 4. To refuse to negotiate for a real estate
27 transaction, with a person;

28 ((E-)) 5. To represent to a person that real property is
29 not available for inspection, sale, rental or lease when in
30 fact it is so available, or to fail to bring a property listing
31 to his attention, or to refuse to permit him to inspect real
32 property;

33 ((F-)) 6. To make, print, circulate, publish, post or
34 mail or cause to be so made or published a statement,

1 advertisement, or sign, or to use a form of application for a
2 real estate transaction, or to make a record of inquiry in
3 connection with a prospective real estate transaction, which
4 indicates, directly or indirectly, an intent to make a
5 limitation, (~~(specification)~~) preference or discrimination with
6 respect thereto;

7 ~~((G-))~~ 7. To offer, solicit, accept, use or retain a
8 listing of real property with the understanding that a person
9 may be discriminated against in a real estate transaction or in
10 the furnishing of facilities or services in connection
11 therewith;

12 ~~((H-))~~ 8. To expel a person from occupancy of real
13 property;

14 ~~((I-))~~ 9. To discriminate against in the course of
15 negotiating, executing or financing a real estate transaction
16 whether by mortgage, deed of trust, contract or other
17 instrument imposing a lien or other security in real property
18 or in negotiating or executing any item or service related
19 thereto including issuance of title insurance, mortgage
20 insurance, loan guarantee or other aspect of the transaction.

21 10. To deny any person access to or membership or
22 participation in any multiple-listing service, real estate
23 brokers' organization or other service, organization, or
24 facility relating to the business of selling or renting
25 dwellings, or to discriminate against any person in the terms
26 or conditions of such access, membership, or participation;

27 ~~((J-))~~ B. It is a discriminatory practice for any person,
28 whether acting for himself or for another, to coerce,
29 intimidate, threaten, or interfere with any person in the
30 exercise or enjoyment of, or on account of his having exercised
31 or enjoyed, or on account of his having aided or encouraged any
32 other person in the exercise or enjoyment of, any right granted
33 or protected by this chapter;

1 ((L-)) C. It is a discriminatory practice for any person,
2 whether acting for himself or for another, to discriminate
3 against in the sale or rental of, or to otherwise make
4 unavailable or deny, a dwelling to any buyer or renter because
5 of a disability of:

6 1. that buyer or renter, and/or

7 2. a person residing in or intending to reside in
8 that dwelling after it is so sold, rented or made available;
9 and/or

10 3. any person associated with that buyer or renter;

11 D. It is a discriminatory practice for any person, whether
12 acting for himself or another, to discriminate against any
13 person in the terms, conditions, or privileges of sale or
14 rental of a dwelling, or in the provision of services or
15 facilities in connection with such dwelling, because of a
16 disability of:

17 1. that person, and/or

18 2. a person residing in or intending to reside in that
19 dwelling after it is so sold, rented or made available; and/or

20 3. any person associated with that buyer or renter.

21 F. For the purposes of this chapter, discrimination based
22 on disability and/or the use of a trained dog guide includes:

23 1. To refuse to permit, at the expense of the person
24 with a disability, reasonable modifications of existing
25 premises occupied or to be occupied by such person if such
26 modifications may be necessary to afford such person full
27 enjoyment of the premises, except that, in the case of a
28 rental, the landlord may, where it is reasonable to do so,
29 condition permission for a modification on the renter agreeing
30 to restore the interior and exterior of the premises to the
31 condition that existed before the modification, reasonable wear
32 and tear excepted;

33 2. To refuse to make reasonable accommodations in
34 rules, policies, practices, or services, when such

1 accommodations may be necessary to afford a person or persons
 2 with disabilities equal opportunity to use and enjoy a
 3 dwelling; or

4 3. To fail to design, construct and alter dwellings in
 5 conformance with the Federal Fair Housing Act as amended (42
 6 U.S.C. 3601 et seq.), as of the date of passage of this
 7 section, the Washington State Barrier Free Regulations (Chapter
 8 51.20 of the W.A.C., as required by R.C.W. 19.27 and 70.92),
 9 regulations promulgated under these statutes, and all other
 10 applicable laws pertaining to access by persons with
 11 disabilities; whenever the requirements of applicable laws
 12 differ, the requirements which require greater accessibility
 13 for persons with disabilities will govern.

14 SECTION 4. Ordinance 5280, Section 3(B) and K.C.C.
 15 12.20.050 are hereby amended to read as follows:

16 Unfair housing practices - Real estate ((credit)) -related
 17 transactions. It is a discriminatory practice for any person,
 18 whether acting for himself or another in connection with any
 19 real estate ((credit)) -related transaction, whose business
 20 includes engaging in real estate-related transactions to
 21 discriminate against any person in making available such a
 22 transaction, or in the terms or conditions of such a
 23 transaction, because of race, color, religion, national origin,
 24 age, sex, marital status, parental status, participation in
 25 Section 8 program, sexual orientation, ((the presence of any
 26 sensory, mental or physical handicap)) disability, or the use
 27 of a trained dog guide by a ((blind or deaf)) person with a
 28 disability;

29 ((A. To deny credit to any person;

30 B. To increase the charges or fees for a collateral
 31 required to secure any credit extended to any person;

32 C. To restrict the amount or use of credit extended or to
 33 impose different terms or conditions with respect to the credit
 34 extended to any person or any item of service related

1 thereto)) provided that, nothing in this subsection shall
 2 prohibit any party to a real estate transaction or real estate
 3 ((credit)) -related transaction from considering the capacity
 4 to pay and credit history of any individual applicant; provided
 5 further, that nothing in ((this subsection)) Section 12.20.040,
 6 12.20.050, 12.20.060 and 12.20.135 shall prohibit any party to
 7 a real estate transaction or real estate ((credit)) -related
 8 transaction from considering the application of the community
 9 property law to the individual case or from taking reasonable
 10 action thereon.

11 SECTION 5. Ordinance 5280, Section 3(C) and K.C.C.
 12 12.20.060 is hereby amended to read as follows:

13 **Unfair housing practices - Blockbusting and steering.** It
 14 is a discriminatory practice for any person, whether acting for
 15 himself or others, whether or not acting for monetary gain,
 16 directly or indirectly to engage in the practices of
 17 blockbusting or steering, including, but not limited to, the
 18 commission of any one or more of the following acts:

19 A. Inducing or attempting to induce any person to sell or
 20 rent any real property by representation regarding the entry or
 21 prospective entry into the neighborhood or area of a person or
 22 persons of a particular race, color, religion, national origin,
 23 age, sex, marital status, participation in the Section 8
 24 program, sexual orientation, parental status, ((the presence of
 25 any sensory, mental or physical handicap)) disability, or the
 26 use of a trained dog guide by a ((blind or deaf)) person with a
 27 disability.

28 B. Showing or otherwise taking any action, the intention
 29 or effect of which is to steer a person or persons to any
 30 section of the county or to particular real property in a
 31 manner tending to segregate or maintain segregation on the
 32 basis of race, color, religion, national origin, age, sex,
 33 marital status, sexual orientation, parental status,
 34 participation in Section 8 program, ((the presence of any

1 ~~sensory, mental or physical handicap~~) disability, or the use
 2 of a trained dog guide by a (~~blind or deaf~~) person with a
 3 disability.

4 SECTION 6. Ordinance 5280, Section 4, as amended, and
 5 K.C.C. 12.20.070 are hereby amended to read as follows:

6 **Filing of a complaint.**

7 A. A complaint alleging an unfair housing practice may be
 8 filed by:

9 1. Any person who has reason to believe that an unfair
 10 housing practice is about to be committed or has been committed
 11 against him or her;

12 2. Any state, local or federal agency concerned with
 13 discrimination in housing, including the director, whenever it
 14 or he or she has reason to believe that an unfair housing
 15 practice has been or is being committed.

16 B. A complaint alleging an unfair housing practice shall
 17 be in writing and signed by the charging party. The complaint
 18 must be filed by the charging party with the office of civil
 19 rights and compliance within one hundred and eighty days after
 20 the occurrence or termination of the alleged unfair housing
 21 practice. The complaint must describe with particularity the
 22 practice complained of and the location of the practice and
 23 must identify the person being charged with committing an
 24 unfair housing practice; provided, that a complaint shall not
 25 be rejected as insufficient because of failure to include all
 26 required information, so long as it substantially meets the
 27 informational requirements necessary for processing.

28 C. Upon the filing of such a complaint, the director
 29 shall serve notice upon the charging party acknowledging such
 30 filing and advising the charging party of the time limits
 31 provided under this chapter and of the choice of forums
 32 provided by this chapter.

33 ((C.)) D. The charging party or the director may amend a
 34 complaint in any respect as a matter of right before service of

1 notice of hearing on the matter, as provided under Section
2 12.20.100, and thereafter may amend a complaint only with
3 permission of the hearing examiner, which permission shall be
4 granted when justice will be served thereby, and all parties
5 shall be allowed time to prepare their case with respect to
6 additional or expanded charges which they did not and could not
7 have reasonably foreseen would be an issue at the hearing.

8 SECTION 7. Ordinance 5280, Section 5, as amended, and
9 K.C.C. 12.20.080 are hereby amended to read as follows:

10 Investigation of complaint.

11 A. After the filing of a complaint, the director shall
12 cause to be served on or mailed to the respondent, by certified
13 mail, return receipt requested, a copy of the complaint, along
14 with a notice advising of procedural rights and obligations of
15 respondents under this title ((on the respondent)) promptly and
16 in no case longer than ((within)) twenty days after the filing
17 of said charge. ((and shall promptly make an investigation
18 thereof.)) Each respondent may file an answer to such
19 complaint, not later than 10 days after receipt of notice from
20 the director. If the respondent is unable to file a response
21 within 10 days, he or she may request an extension of time from
22 the director not to exceed 5 days. The extension may be
23 granted if good cause is shown.

24 B. The investigation shall be commenced promptly and in
25 no event later than 30 days after receipt of the complaint. It
26 shall be directed to ascertain the facts concerning the unfair
27 practice alleged in the complaint and shall be conducted in an
28 objective and impartial manner. The investigation shall be
29 completed within 100 days after the filing of the complaint,
30 unless it is impracticable to do so. If the director is unable
31 to complete the investigation within 100 days after the filing
32 of the complaint, the director shall notify the charging party
33 and respondent, in writing, of the reasons for not doing so.
34 The director shall make final administrative disposition of a

1 complaint within one year of the date of receipt of the
2 complaint, unless it is impracticable to do so. If the
3 director is unable to do so, he or she shall notify the
4 charging party and respondent, in writing, of the reasons for
5 not doing so.

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

10 D. A person who is not named as a respondent in a
11 complaint, but who is identified as a respondent in the course
12 of investigation, may be joined as an additional or substitute
13 respondent upon written notice, under paragraph A., to such
14 person from the director. Such notice, in addition to meeting
15 the requirements of paragraph A., shall explain the basis for
16 the director's belief that the person to whom the notice is
17 addressed is properly joined as a respondent.

18 E. During the period beginning with the filing of the
19 complaint and ending with the issuance of the findings of fact,
20 the director shall, to the extent feasible, engage in
21 settlement discussions with respect to the complaint. Nothing
22 said or done in the course of such settlement discussions may
23 be made public or used as evidence in a subsequent proceeding
24 under this chapter without the written consent of the persons
25 concerned. A pre-finding settlement agreement arising out of
26 such settlement discussions shall be an agreement between the
27 respondent and the charging party, and shall be subject to
28 approval by the director. Each pre-finding settlement
29 agreement shall be made public unless the charging party and
30 respondent otherwise agree and the director determines that
31 disclosure is not required to further the purposes of this
32 title. Failure to comply with the terms of the pre-finding
33 settlement agreement may be enforced under the provisions of
34 Section 12.20.120 B.

1 (~~D~~)F. The director shall seek the voluntary
2 cooperation of all persons to obtain access to premises,
3 records, documents, individuals, and other possible sources of
4 information; to examine, record, and copy necessary materials;
5 and to take and record testimony or statements of persons
6 reasonably necessary for the furtherance of the investigation.
7 The director may conduct discovery in aid of the investigation
8 by the following methods or others: deposition upon oral
9 examination or written questions; written interrogatories;
10 requests for the production of documents or evidence; for
11 inspection and other purposes, and physical and mental
12 examinations; and requests for admissions. The director shall
13 have authority to sign and issue subpoenas requiring the
14 attendance and testimony of witnesses, the production of
15 evidence including but not limited to books, records,
16 correspondence or documents in the possession or under the
17 control of the person subpoenaed, and access to evidence for
18 the purpose of examination and copying as are necessary for the
19 investigation. The director shall consult with the prosecuting
20 attorney before issuing any subpoena under this section.

21 (~~E~~)G. If an individual fails to obey a subpoena, or
22 obeys a subpoena but refuses to testify when requested
23 concerning any matter under investigation, the director may
24 invoke the aid of the King County prosecuting attorney who
25 shall petition to the Superior Court for King County for an
26 order or other appropriate action necessary to secure
27 enforcement of the subpoena. The petition shall be accompanied
28 by a copy of the subpoena and proof of service, and shall set
29 forth in what specific manner the subpoena has not been
30 complied with, and shall ask an order of the court to compel
31 the witness to appear and testify or cooperate in the
32 investigation of the unfair housing practice.

33 H. If the director concludes at any time after the filing
34 of a complaint that prompt judicial action is necessary to

1 carry out the purposes of this title, the director may invoke
 2 the aid of the prosecuting attorney who shall file a civil
 3 action for appropriate temporary, injunctive or preliminary
 4 relief pending final disposition of the complaint.

5 ((F-))I. The results of the investigation shall be
 6 reduced to written findings of fact and a finding shall be made
 7 that there either is or is not reasonable cause for believing
 8 that an unfair housing practice has been or is being committed.

9 ((G-))J. If a finding is made that there is no reasonable
 10 cause, said finding shall be served on the charging party and
 11 respondent. Within thirty days after service of such negative
 12 finding, the charging party shall have the right to file a
 13 written request with the director asking for reconsideration of
 14 the finding. The charging party will be furnished with
 15 information regarding how to request reconsideration. The
 16 director shall respond in writing within a reasonable time by
 17 granting or denying the request.

18 SECTION 8. Ordinance 5280, Section 6, and K.C.C. 12.20.090
 19 are hereby amended to read as follows:

20 **Conference and conciliation.**

21 A. If the finding is made initially or on request for
 22 reconsideration that reasonable cause exists to believe that an
 23 unfair housing practice has occurred, or is about to occur, the
 24 director shall endeavor to eliminate the unfair practice by
 25 conference, conciliation and persuasion, which may include as a
 26 condition of settlement the elimination of the unfair housing
 27 practice, ~~((rent refunds or credits not in excess of the amount~~
 28 ~~of monetary damage actually incurred)) actual damages,~~
 29 reinstatement to tenancy, the payment of a civil penalty to
 30 vindicate the public interest up to the limits set out in the
 31 Federal Fair Housing Act, as amended in 1988, at 42 U.S.C. Sec.
 32 3612 (g) (3), as of the date of passage of this section, which
 33 penalty shall be paid to the comptroller division for deposit in
 34 the county general fund or such other requirements as may

1 lawfully be agreed upon by the parties and the director. Any
2 post-finding settlement agreement shall be reduced to writing and
3 signed by ((the respondent)) all parties, with the approval of
4 the director. An order shall then be entered by the director
5 setting forth the terms of the agreement. Failure to comply with
6 the terms of the post-finding agreement or order may be enforced
7 under the provisions of section 12.20.120 B. Copies of such
8 order shall be delivered to all affected parties and the original
9 thereof filed with the division of records and elections. Each
10 post-finding settlement agreement shall be made public unless the
11 charging party and respondent otherwise agree and the director
12 concurs and determines that disclosure is not required to further
13 the purposes of this title.

14 B. If no agreement can be reached, a finding to that effect
15 shall be made by the director and incorporated in an
16 ((preliminary)) order, with a copy thereof furnished to the
17 charging party and the respondent. The ((preliminary)) order
18 shall also include:

- 19 1. A finding that an unfair housing practice is about to
20 occur or, has occurred;
- 21 2. The basis for such finding; and
- 22 3. An order requiring the respondent to cease and desist
23 from such unfair practice and to take appropriate affirmative
24 action, including but not limited to, ~~((rent refund or credit not~~
25 ~~in excess of the amount of monetary damage actually incurred))~~
26 payment of actual damages (including damages caused by
27 humiliation and embarrassment), reinstatement to tenancy or to
28 take such other action as in the judgement of the director will
29 effectuate the purposes of this chapter, which may include the
30 requirement for report on the matter of compliance, injunctive
31 relief and the payment of a civil penalty to vindicate the public
32 interest up to the limits set out in the Federal Fair Housing
33 Act, as amended in 1988, at 42 U.S.C. Sec. 3612 (g)(3), as of the
34 date of passage of this section.

1 (~~C. In the event the director finds that the respondent~~
2 ~~willfully or knowingly committed any unfair housing practice, the~~
3 ~~director may further order the respondent to pay a civil penalty~~
4 ~~of up to five hundred dollars per violation, which penalty shall~~
5 ~~be paid to the comptroller division for deposit in the county~~
6 ~~general fund.))~~

7 SECTION 9. Ordinance 5280, Section 7, and K.C.C. 12.20.100
8 are hereby amended to read as follows:

9 Hearing.

10 A. Any charging party, respondent, or aggrieved person on
11 whose behalf the finding was made, after an order of the director
12 is made pursuant to Section 12.20.090 B, may elect to have the
13 claims on which reasonable cause was found decided in a civil
14 action under Section 14 or in a hearing before the hearing
15 examiner. The charging party, respondent and aggrieved person on
16 whose behalf the finding was made shall be provided with
17 information regarding how to make the election. This election
18 must be made not later than 30 days after the receipt by the
19 electing person of service of the order. The person making such
20 election shall give notice of the election stating which forum is
21 elected to the director and to all other charging parties and
22 respondents to whom the charge relates. Any order issued by the
23 director pursuant to Section 12.20.090 B shall become final
24 thirty days after service of the order unless a written notice of
25 election is received by the director within the 30 day period.
26 If the order becomes final, parties violating the order are
27 subject to the penalty provisions of Section 12.20.120, including
28 finest allowed by that section.

29 B. If no election of civil action is made, and an election
30 for hearing is made ((In the case of failure to reach an
31 agreement for the elimination of such unfair housing practice,
32 and upon the entry of a preliminary order,)) the complaint, any
33 and all findings made and affirmative action measures and/or

1 civil penalties required shall be certified by the director to
2 the office of the King County hearing examiner for hearing.

3 ((B-)) C. A hearing shall be conducted by the office of
4 the hearing examiner for the purpose of affirming, denying, or
5 modifying the ((preliminary)) order. There shall be a verbatim
6 record kept of ((F))the hearing ((shall be conducted on the
7 record)) and the hearing examiner shall have such rule-making and
8 other powers necessary for conduct of the hearing as are
9 specified by Section 20.24.((150)) 170. The office of civil
10 rights and compliance will maintain the action and the director's
11 order shall not be accorded the presumption of correctness. Such
12 hearing shall be conducted within a reasonable time after receipt
13 of the certification. Written notice of the time and place of
14 the hearing shall be given at least ten days prior to the date of
15 the hearing to each affected party and to the director.

16 ((E-)) D. Each party shall have the following rights,
17 among others:

- 18 1. To call and examine witnesses on any matter relevant
19 to the issues of the complaint;
- 20 2. To introduce documentary and physical evidence;
- 21 3. To cross-examine opposing witnesses on any matter
22 relevant to the issues of the complaint;
- 23 4. To impeach any witness regardless of which party first
24 called him to testify;
- 25 5. To rebut evidence against him; and
- 26 6. To represent himself or to be represented by anyone
27 of his choice who is lawfully permitted to do so.

28 ((D-)) E. Following review of the evidence submitted, the
29 hearing examiner presiding at the hearing shall enter written
30 findings and conclusions and shall affirm or modify the order
31 previously issued if the hearing examiner finds that a
32 violation is about to occur or has occurred ((render a written
33 decision)). The hearing examiner shall reverse the order if he
34 finds no violation occurred. The hearing examiner may grant as

1 relief any relief which the director could grant under section
 2 12.20.090(B). A copy of the hearing examiner's ((Such))
 3 findings, conclusions and decision shall be ((certified to the
 4 director and a copy)) served on all affected parties. The
 5 order of the hearing examiner shall be final unless reviewed by
 6 a court of competent jurisdiction under the provisions of
 7 Section 20.24.240 B.

8 SECTION 10 Ordinance 5280, Section 8, and K.C.C.
 9 12.20.110 are each repealed.

10 NEW SECTION. SECTION 11. There is added to K.C.C. 12.20
 11 a new section to read as follows:

12 **Notification of Governmental Agencies.**

13 A. In the case of an order with respect to a
 14 discriminatory housing practice that occurred in the course of
 15 a business subject to a licensing or regulation by a
 16 governmental agency, the director shall, not later than 30 days
 17 after the date of the issuance of such order (or, if such order
 18 is judicially reviewed, 30 days after such order is in
 19 substance affirmed upon such review):

- 20 1. send copies of the findings of fact, conclusions of
 21 law, and the order, to that governmental agency; and
- 22 2. recommend to that governmental agency appropriate
 23 disciplinary action (including, where appropriate, the
 24 suspension or revocation of the license of the respondent.)

25 SECTION 12. Ordinance 5280, Section 9, and K.C.C.
 26 12.20.120 are hereby amended to read as follows:

27 **Enforcement.**

28 A. In the event that the respondent refuses or fails to
 29 comply with any order of the director and the order has not
 30 been appealed pursuant to the provisions of Section 12.20.100,
 31 the director is authorized to enforce the order against such
 32 person utilizing the misdemeanor, civil penalty and other
 33 enforcement provisions of Title 23. Notwithstanding the
 34 monetary amount provided in K.C.C. Title 23, the penalty shall

1 be up to five hundred dollars (\$500.00) per day for each day
2 the respondent refuses or fails to comply with any order of the
3 director if an appeal is not pending.

4 B. Whenever the director has reasonable cause to believe
5 that a respondent has breached a pre-finding or post-finding
6 settlement agreement or has violated an order of the hearing
7 examiner issued pursuant to section 12.20.100, the director
8 shall refer the matter to the prosecuting attorney for the
9 filing of a civil action under subsection C for the enforcement
10 of such agreement.

11 C. The prosecuting attorney may commence a civil action in
12 King County Superior Court for appropriate relief with respect
13 to breach of a pre-finding or post-finding settlement agreement
14 or violation of an order of the hearing examiner issued
15 pursuant to section 12.20.100. This action may be commenced no
16 later than 90 days after the referral of the alleged breach
17 under subsection B.

18 NEW SECTION. SECTION 13. There is added to K.C.C. 12.20
19 a new section to read as follows:

20 **Enforcement by Private Persons**

21 A. An aggrieved person may commence a civil action in
22 King County Superior Court not later than 1 year after the
23 occurrence or the termination of an alleged discriminatory
24 housing practice, whichever occurs last, to obtain appropriate
25 relief with respect to such discriminatory housing practice.

26 B. The computation of such 1 year period shall not
27 include any time during which an administrative proceeding
28 under this chapter was pending with respect to a complaint or
29 charge under this chapter based upon such discriminatory
30 housing practice.

31 C. An aggrieved person may commence a civil action under
32 this subsection whether or not a complaint has been filed under
33 Section 12.20.070 and without regard to the status of any such
34 complaint, but if the county office of civil rights and

1 compliance or the U.S. Department of Housing and Urban
2 Development has obtained a pre-finding or post-finding
3 settlement or conciliation agreement with the consent of an
4 aggrieved person, no action may be filed under this subsection
5 by such aggrieved person with respect to the alleged
6 discriminatory housing practice which forms the basis for such
7 complaint except for the purpose of enforcing the terms of such
8 agreement.

9 D. An aggrieved person may not commence a civil action
10 under this subsection with respect to an alleged discriminatory
11 housing practice which forms the basis of a complaint if a
12 hearing on the complaint has been convened by the Office of the
13 King County Hearing Examiner.

14 E. In a civil action under subsection A., if the court
15 finds that a discriminatory practice has occurred or is about
16 to occur, the court may order remedies as allowed by the
17 federal Fair Housing Act, as amended in 1988, at 42 U.S.C. 3613
18 (c), as of the date of passage of this section, and, subject to
19 the restrictions of subsection F., may grant as relief, as the
20 court deems appropriate, any permanent or temporary injunction,
21 temporary restraining order, or other order, (including an
22 order enjoining the defendant from engaging in such practice or
23 ordering such affirmative action as may be appropriate). The
24 court may also allow reasonable attorney's fees and costs to
25 the prevailing party.

26 F. Effect on Certain Sales, Encumbrances, and Rentals.
27 Relief granted under this section shall not affect any
28 contract, sale, encumbrance, or lease consumated before the
29 granting of such relief and involving a bona fide purchaser,
30 encumbrancer, or tenant, without actual notice of the filing of
31 a complaint with the director or civil action under this title.

32 G. Intervention by Prosecuting Attorney. Upon timely
33 application, the prosecuting attorney may intervene in such

1 civil action, if the prosecuting attorney certifies that the
2 case is of general public importance.

3 NEW SECTION. SECTION 14. There is added to K.C.C. 12.20
4 a new section to read as follows:

5 **Civil Enforcement When Election Is Made for Such Civil**
6 **Action.**

7 A. If an election is made under Section 12.20.100 for the
8 claims to be decided in a civil action, the director shall
9 authorize, and not later than 30 days after the election is
10 made, shall commence, a civil action on behalf of the charging
11 party in King County Superior Court seeking relief under this
12 chapter.

13 B. Any aggrieved person with respect to the issues to be
14 determined in a civil action under this subsection may
15 intervene as of right in that civil action.

16 C. In a civil action under this subsection, if the court
17 finds that a discriminatory housing practice has occurred, or
18 is about to occur, the court may grant as relief any relief
19 which a court could grant with respect to such discriminatory
20 housing practice in a civil action under section 13 of this
21 ordinance. Any relief so granted that would accrue to an
22 aggrieved person in a civil action commenced by that aggrieved
23 person under section 13 of this ordinance shall also accrue to
24 that aggrieved person in a civil action under this subsection.
25 If monetary relief is sought for the benefit of an aggrieved
26 person who does not intervene in that civil action, the court
27 shall not award such relief if that aggrieved person has not
28 complied with discovery orders entered by the court.

29 SECTION 15. Ordinance 5280, Section 10, as amended, and
30 K.C.C. 12.20.130 are hereby amended to read as follows:

31 **Exceptions.**

32 A. Nothing in this chapter shall:

33 ~~((A. Apply to the renting, subrenting, leasing or~~
34 ~~subleasing of a single family or duplex dwelling unit wherein~~

1 ~~the owner or person entitled to possession thereof normally~~
 2 ~~maintains, or intends to maintain, a permanent residence, home~~
 3 ~~or abode;))~~

4 1. Prohibit treating any person or persons meeting the
 5 definition of parental status or any person or persons with a
 6 disability more favorably than others providing that such
 7 favorable treatment not discriminate against persons on the
 8 basis of race, color, religion, national origin, age, sex,
 9 marital status, parental status, participation in the Section 8
 10 program, sexual orientation, disability, or the use of a
 11 trained dog guide by a person with a disability;

12 ((B-)) 2. Prohibit a religious organization,
 13 association or society, or any nonprofit institution or
 14 organization operated, supervised or controlled by or in
 15 conjunction with a religious organization, association, or
 16 society, from limiting the sale, rental or occupancy of
 17 dwellings which it owns or operates for other than a commercial
 18 purpose, to persons of the same religion, or from giving
 19 preference to such persons, PROVIDED THAT:

20 ((1-)) a. Membership in such religion is not
 21 restricted on account of race, color or national origin.

22 ((2-)) b. Such limitation or preference is
 23 reasonable in the furtherance of a religious purpose or
 24 activity, as of the date of passage of this section.

25 ((G-)) 3. Prohibit any person from limiting the rental or
 26 occupancy of housing accommodations in any YWCA, YMCA, sorority,
 27 fraternity, school dormitory or similar residential facility to
 28 persons of one sex where considerations of personal privacy
 29 exist;

30 ((D-)) 4. Prohibit any person from limiting, on the basis
 31 of age or parental status, the sale, rental or occupancy of
 32 housing accommodations which fully qualify as housing for older
 33 persons ((to senior citizens, persons)) age 55 ((or)) and over
 34 ((where the project fully meets)) under the requirements of the

1 ((3601)) 3607 (b) (2) (C) and (b) (3), ((or handicapped persons
2 in any housing facility operated exclusively for senior citizens
3 or handicapped persons or operated for age 55 and over in
4 compliance with all federal requirements and which has received
5 county council approval as a Master Plan Development consistent
6 with the provisions of an adopted community plan;)) as

7 subsequently amended.

8 5. Prohibit any person from limiting the sale, rental or
9 occupancy of housing accommodations to persons with disabilities
10 in any housing facility operated for persons with disabilities or
11 to senior citizens in any housing facility operated exclusively
12 for senior citizens.

13 ((E-)) 6. Require any person to rent or lease a housing
14 accommodation to a minor;

15 ((F-)) 7. Require or permit any sale, rental or occupancy
16 otherwise prohibited by law;

17 ((G-)) 8. Be interpreted to prohibit any person from making
18 a choice among prospective purchasers or tenants of real property
19 on the basis of factors other than race, color, religion,
20 national origin, age, sex, marital status, parental status,
21 sexual orientation, participation in the Section 8 program, ((the
22 presence of any sensory, mental or physical handicap))
23 disability, or the use of a trained dog guide by a ((blind or
24 deaf)) person with a disability;

25 ((H. ~~Apply to the renting, subrenting, leasing or~~

26 ~~subleasing exclusively to adults of any dwelling unit in a duplex~~

27 ~~or multifamily building or any pad in a mobile home park where~~

28 ~~such building or park was held for rent or lease exclusively to~~

29 ~~adults for at least one year prior to January 31, 1982. This~~

30 ~~exception shall also apply if the building or park was first held~~

1 ~~open for tenancies during the one year period and has been rented~~
 2 ~~or leased exclusively to adults since the inception of~~
 3 ~~tenancies;))~~

4 ((~~F.~~) 9. Prohibit any person from placing limitations on
 5 the maximum number of tenants permitted per unit on account of
 6 reasonable space limitations or requirements of law;

7 ((~~J. Prohibit any person from limiting on the basis of~~
 8 ~~parental status the rental of a certain percentage of dwelling~~
 9 ~~units within an apartment complex, so long as the following~~
 10 ~~conditions are met:~~

11 1. ~~At least fifty percent of the dwelling units in the~~
 12 ~~complex are rented without regard to parental status, and~~

13 2. ~~The total number of dwelling units in the complex~~
 14 ~~exceeds forty.)~~

15 ((~~K. Apply to the renting, subrenting, leasing, subleasing,~~
 16 ~~or sale exclusively to adults of any dwelling or dwelling unit in~~
 17 ~~a planned adult residential community which has received county~~
 18 ~~approval as a Planned Unit Development (K.C.C. Chapter 21.56)~~
 19 ~~prior to January 31, 1981, or which has received County Council~~
 20 ~~approval as a Planned Unit Development on the express condition~~
 21 ~~that it be a planned adult residential community or has received~~
 22 ~~approval from the director of the department of planning and~~
 23 ~~community development after review by the King County affirmative~~
 24 ~~action committee. Such approval by the director of the~~
 25 ~~department of planning and community development may be granted~~
 26 ~~only upon a finding that there is an adequate number of housing~~
 27 ~~units within the community which are available without regard to~~
 28 ~~parental status. The developer of the planned adult residential~~
 29 ~~community shall provide evidence necessary for the director to~~
 30 ~~reach such a finding and pay a fee which approximately covers the~~
 31 ~~county's costs in processing the request.))~~

32 B. Nothing in this ordinance, except Section 12.20.040(F),
 33 shall apply to the renting, subrenting, leasing or subleasing of

1 a single-family or duplex dwelling unit wherein the owner or
2 person entitled to possession thereof normally maintains, or
3 intends to maintain, a permanent residence, home or abode.

4 NEW SECTION. SECTION 16. There is added to K.C.C. 12.20 a
5 new section to read as follows:

6 **Authorization to implement procedures.** The director is
7 authorized to implement such forms, administrative processes, and
8 operational procedures as are necessary to comply with the
9 provisions of this chapter; provided that such forms, processes
10 and procedures shall be promulgated in compliance with K.C.C.
11 2.98, Rules of County Agencies.

12 SECTION 17. Ordinance 5280, Section 11 and Ordinance 7816,
13 Section 5 and K.C.C. 12.20.140 are hereby amended to read as
14 follows:

15 **Severability.** Should any section, subsection, paragraph,
16 sentence, clause or phrase of this chapter be declared
17 unconstitutional or invalid for any reason, such decision shall
18 not affect the validity of the remaining portions of the chapter
19 or the validity of its application to other persons or
20 circumstances.

21 SECTION 18. Ordinance 2909, Section 201 and K.C.C.
22 23.12.010 are amended to read as follows:

23 **Initiation.** A. Whenever a director has reason to believe
24 that a use or condition exists in violation of any land use or
25 public health ordinance, or rules and regulations adopted
26 thereunder, he shall initiate enforcement action under Sections
27 23.08.080 or 23.08.060, and/or, at his option, he shall commence
28 an administrative notice and order proceeding under this chapter
29 to cause the assessment of a civil penalty pursuant to Section
30 23.08.090, abatement pursuant to Section 23.08.050, or suspension
31 and revocation of any permits issued pursuant to Chapter 23.16.
32 Whenever a complaint has been filed pursuant to the provisions of
33 Chapter 12.20, the director of the department of executive

1 administration, or his or her designee, shall initiate an
2 investigation under the provisions of that Chapter.

3 B. Pending commencement and completion of the notice and
4 order procedure provided for in this chapter, a director may
5 cause a stop work order to be posted on the subject property or
6 served on persons engaged in any work or activity in violation of
7 a land use or public health ordinance. The effect of such a stop
8 work order shall be to require the immediate cessation of such
9 work or activity until authorized by a director to proceed;
10 provided, however, in the case of a violation of the sensitive
11 areas code as defined in K.C.C. Chapter 21.54, a stop work order
12 shall require that all activity on the development proposal site
13 cease until authorized by a director to proceed.

14 C. Upon issuance of any notice of order, the director may
15 file a copy of the same with the office of records and elections.
16 Following satisfactory resolution of the notice and order, the
17 director shall file a notice of satisfaction with the office of
18 records and elections.

19 SECTION 19 Ordinance 2909, Section 202 and K.C.C.
20 23.12.020

21 are hereby amended to read as follows:

22 **Issuance - Contents.** A. Whenever a director has reason to
23 believe that violation of a land use or public health ordinance
24 or any rules and regulations adopted thereunder will be most
25 promptly and equitably terminated by an administrative notice and
26 order proceeding, he shall issue a written notice and order
27 directed either to the owner or operator of the source of the
28 violation, the person in possession of the property where the
29 violation originates, or the person otherwise causing or
30 responsible for the violation. Such notice and order may be
31 issued by any director alone or, where violations of more than
32 one county ordinance, rule or regulation exist, in conjunction
33 with a notice and order issued by another director.

34 B. The notice and order shall contain:

1 1. The street address, when available, and a legal
2 description of real property and/or description of personal
3 property sufficient for identification of where the violation
4 occurred or is located;

5 2. A statement that a director has found the person to
6 be in violation of a land use or public health ordinance with a
7 brief and concise description of the conditions found to be in
8 violation;

9 3. A statement of the corrective action required to be
10 taken. If a director has determined that corrective work is
11 required, the order shall require that all required permits be
12 secured and the work physically commence within such time and be
13 completed within such time as a director determines is reasonable
14 under the circumstances;

15 4. A statement specifying the amount of any civil
16 penalty assessed on account of the violation and, if applicable,
17 the conditions on which assessment of such civil penalty is
18 contingent;

19 5. Statements advising that:

20 a. If any required work is not commenced or completed
21 within the time specified, a director will proceed to abate the
22 violation and cause the work to be done and charge the costs
23 thereof as a lien against the property and as a joint and
24 separate personal obligation of any person in violation, and

25 b. If any assessed civil penalty is not paid, a
26 director will charge the amount of the penalty as a lien against
27 the property and as a joint and separate personal obligation of
28 any person in violation;

29 6. A statement advising that the order shall become
30 final, unless, no later than ten days after the notice and order
31 are served, any person aggrieved by the order requests in writing
32 an appeal before the hearing examiner.

33 C. Whenever a director has determined that a violation has
34 occurred of the fair housing ordinance or any rules and

1 regulations adopted thereunder, is about to occur, or has
2 occurred, he shall issue an order pursuant to the provisions of
3 Chapter 12.20. With respect to violations of Chapter 12.20, the
4 notice, service and hearings provisions contained in Chapter
5 12.20 shall control over this title.

6 NEW SECTION. SECTION 20. Effective Date. Sections 6(C),
7 9(A), 9(B), 12(A) and 14 shall have no force and effect unless
8 and until the council adopts an ordinance finding that the United
9 State Department of Housing and Urban Development has certified
10 the applicable provisions of this ordinance and their enforcement
11 as substantially equivalent to Title VIII, Civil Rights Act of
12 1968 (42 U.S.C. Section 3601 et seq.), as amended and the
13 effective date shall be the effective date of the ordinance
14 making such findings.

15 All other sections will become effective as provided in the
16 King County Charter.

17 INTRODUCED AND READ for the first time this 26th day of
18 May, 1992.

19 PASSED this 13th day of July, 1992.

20 KING COUNTY COUNCIL
21 KING COUNTY, WASHINGTON

22 William G. Sawyer
23 Chair

24 ATTEST:

25 Ronald G. Peterson
26 Clerk of the Council

27 APPROVED this 24th day of July, 1992.

28 Jim Hill
29 King County Executive