

Adopted: 06/01/16

Effective: 06/15/16

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 16-034

REENACTING AND AMENDING CHAPTER 2.460 OF SNOHOMISH COUNTY CODE  
PERTAINING TO THE HUMAN RIGHTS COMMISSION

WHEREAS, in the Law Against Discrimination, chapter 49.60 RCW, the state of Washington declared that practices of discrimination against any inhabitants of this state because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability are matters of state concern, and that such discrimination threatens the rights and proper privileges of the state's inhabitants and menaces the institutions and foundation of a free democratic state; and

WHEREAS, in chapter 3.57 SCC Snohomish county declared that it is the County's policy to provide equal employment opportunity to all its employees and applicants for employment, and to assure that there is no discrimination against any person on the basis of his or her race, color, sex, religion, marital status, national origin, age, sexual orientation, citizenship, veteran status, or the presence of any sensory, mental, or physical disability in accordance with state and federal laws; and

WHEREAS, the county further declared that in implementing chapter 3.57 SCC the county will carry out applicable federal, state, and local laws relating to equal employment opportunity and affirmative action; and

WHEREAS, recognizing the need to combat effects of bias and bigotry, the county council adopted a new chapter in Snohomish County Code, chapter 2.460 SCC, creating the Snohomish county commission on human rights, to provide advocacy and advice consistent with the county charter; and

WHEREAS, in creating the Snohomish county commission on human rights the county rejects discrimination beyond the employment context, and provides additional protections against certain forms of discrimination, including discrimination in the form of sexual harassment; and

WHEREAS, SCC 2.460.080 automatically repeals chapter 2.460 unless the chapter is reenacted prior to June 7, 2016; and

WHEREAS, the county council believes that the commission has been effective; and

WHEREAS, the county council therefore concludes that chapter 2.460 should be reenacted and amended as set forth herein.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council hereby adopts the foregoing recitals as findings of fact and conclusions as if set forth in full herein.

Section 2. Chapter 2.460 Snohomish County Code, adopted by Ordinance No. 10-021 on June 7, 2010, is reenacted and amended to read:

**Chapter 2.460**  
**Snohomish County Human Rights Commission**

Sections:

- 2.460.010 Statement of policy.
- 2.460.020 Commission on human rights created.
- 2.460.030 Powers and duties of commission.
- 2.460.040 Appointment to commission - qualifications, terms, organization.
- 2.460.050 Office of human rights created.
- 2.460.060 Definitions.
- 2.460.070 Unlawful discrimination by employers.
- 2.460.080 Unlawful discrimination by labor unions.
- 2.460.090 Unlawful discrimination by employment agencies.
- 2.460.100 Age discrimination - limitation.
- 2.460.110 Unlawful discrimination with respect to credit transactions.
- 2.460.120 Unlawful discrimination by places of public resort, accommodation, assemblage, amusement.
- 2.460.130 Unlawful discrimination with respect to real estate transactions, facilities, or services.
- 2.460.140 Unlawful discrimination with respect to blockbusting.
- 2.460.150 Relief for unlawful discrimination in real estate transactions - damages, penalty.
- 2.460.160 County facilities, services, and programs.
- 2.460.170 County contracts.
- 2.460.180 Unlawful discrimination to aid violation - retaliation.
- 2.460.190 Misdemeanor to interfere with office of human rights.
- 2.460.200 Application within cities and towns.
- 2.460.210 Complaints may be filed with office of human rights.
- 2.460.220 Investigation of complaints, conference, conciliation, findings, rules.
- 2.460.230 Hearing examiner to hear complaints - penalties, order.
- 2.460.240 Enforcement of orders of hearing examiner.
- 2.460.250 Appeal from orders of hearing examiner.
- 2.460.260 Relation to other laws.

1 2.460.270 Short title.

2 ((2.460.280—Sunset.))

3 2.460.290 Implementation to be phased.

4  
5 **2.460.010 Statement of policy.**

6 Prejudice, intolerance, bigotry, and discrimination occasioned thereby threaten  
7 the rights and privileges of the county's inhabitants and menace the institutions and  
8 foundation of a free democratic state. It is the policy of the county to reject  
9 discrimination which denies equal treatment to any individual because of his or her race,  
10 creed, color, national origin, families with children, sex, marital status, sexual  
11 orientation, age, honorably discharged veteran or military status, or the presence of any  
12 sensory, mental, or physical disability or the use of a trained dog guide or service  
13 animal by a person with a disability, as provided in the law against discrimination,  
14 Chapter 49.60 RCW, and this chapter. This ordinance is adopted to assure that  
15 persons within unincorporated Snohomish County are protected in the enjoyment of  
16 their civil rights and to promote mutual understanding and respect among all who live or  
17 work within the county. This chapter shall be liberally construed to accomplish its  
18 purpose. Nothing in this chapter shall be construed to limit rights granted under the  
19 laws of the state of Washington or the United States.

20  
21 **2.460.020 Commission on human rights created.**

22 There is hereby created the Snohomish county commission on human rights  
23 consisting of seven members appointed by the county executive and confirmed by the  
24 county council pursuant to the county charter and this chapter. The commission shall  
25 have the powers and duties set out in this chapter, except that implementation of this  
26 chapter shall be phased as provided in SCC 2.460.290. Members of the commission  
27 shall serve without compensation but may be reimbursed for mileage and other  
28 reasonable expenses approved by the county executive or office of human rights as  
29 provided in SCC 2.03.070.

30  
31 **2.460.030 Powers and duties of commission.**

32 (1) The commission shall serve in an advisory capacity to the county executive,  
33 county council, office of human rights, and other county officers and agencies in matters  
34 concerning human rights. The commission shall have authority to:

35 (a) Advise and consult with the county executive and council on all matters  
36 involving unlawful discrimination, including discrimination in the form of sexual  
37 harassment, and recommend executive or legislative action when needed to effectuate  
38 the policy of this chapter;

39 (b) Advise and consult with the county executive and council and other county  
40 officers and agencies on assuring and improving equality of county services to all  
41 eligible persons;

42 (c) Advise and consult with the department of human resources and other  
43 county officers and agencies on the development and implementation of programs to  
44 train county employees in methods of dealing with intergroup relations in order to  
45 develop respect for equal rights and to achieve equality of inhabitants regardless of

1 race, creed, color, national origin, families with children, sex, marital status, sexual  
2 orientation, age, honorably discharged veteran or military status, or the presence of any  
3 sensory, mental, or physical disability or the use of a trained dog guide or service  
4 animal by a person with a disability;

5 (d) Advise and consult with the office of human rights and hearing examiner on  
6 adoption of rules as may be needed to implement this chapter;

7 (e) Advise and consult with the county executive and council on preparation and  
8 implementation of affirmative action plans required by chapter 3.57 SCC;

9 (f) Apply for grants and conduct research, public forums, and educational  
10 programs relating to tensions between or practices of unlawful discrimination affecting  
11 racial, ethnic, religious, cultural, and social groups within the county: PROVIDED, That  
12 acceptance of grants requires county council approval;

13 (g) Conduct public hearings to ascertain the status and treatment of racial,  
14 ethnic, religious, cultural, and social groups within the county; means of alleviating  
15 unlawful discrimination within the county; and means of improving human relations  
16 within the county;

17 (h) Issue such publications as may assist in the performance of its functions,  
18 subject to appropriation of necessary funds; and

19 (i) Propose to the county executive and council written agreements between the  
20 county and any municipal government within the county, or any state or federal agency,  
21 providing for joint processing, transfer, or referral for processing and investigation of  
22 complaints alleging unlawful discrimination within the meaning of this chapter.

23 (2) The commission shall submit annual reports to the county executive and  
24 council on the activities and any recommendations of the commission, which reports  
25 shall be published by the county executive.

26 (3) The commission shall provide an annual report back to the council first  
27 quarter of each year on the previous year's activity.

#### 28 29 **2.460.040 Appointment to commission - qualifications, terms, organization.**

30 (1) The commission shall consist of seven members to include one member who  
31 resides in each council district and two at-large members. One at-large member shall  
32 represent the law enforcement community. The other at-large member shall represent  
33 the county executive. Notwithstanding, SCC 2.03.060(3), any at-large member may be  
34 a county employee. Appointments shall be made in accordance with chapter 2.03 SCC,  
35 except that nominations of at-large members representing law enforcement shall be  
36 made in consultation with the county sheriff. Nominations of other than at-large  
37 members shall be made after providing an opportunity for the council member  
38 representing the district for which the nomination is made to recommend potential  
39 nominees.

40 (2) In addition to meeting the requirements of SCC 2.03.060, each member of  
41 the commission must reside within the county. In nominating and confirming members  
42 of the commission the county executive and council shall take into account the diversity  
43 of communities and conditions protected by this chapter, and shall seek input from the  
44 affected communities.

1 (3) Of the initial appointees, three shall be appointed to terms ending on July 1  
2 of the year following their appointment, two shall be appointed to terms ending on July 1  
3 of the second year following their appointment, and two shall be appointed to terms  
4 ending on July 1 of the third year following their appointment. Thereafter, members  
5 shall be appointed to terms of three years.

6 (4) Vacancies on the commission shall be filled in the same manner as original  
7 appointments. Members may be removed by the county council for incompetence,  
8 substantial neglect of duty, gross misconduct, violation of law, or as authorized by SCC  
9 2.03.080: PROVIDED, that the member is provided written notice stating with  
10 particularity the grounds for removal and an opportunity to respond prior to final council  
11 action.

12 (5) At its first meeting after July 1 of each year the commission shall elect from  
13 its membership a chairperson and a vice-chairperson. The chairperson shall preside at  
14 all meetings of the commission, except that the vice-chairperson shall preside in the  
15 absence of the chairperson.

#### 16 17 **2.460.050 Office of human rights created.**

18 (1) There is hereby created as an executive department of county government  
19 an office of human rights. The office shall be responsible for administration and  
20 enforcement of this chapter. The office shall provide staff support to the commission  
21 established by SCC 2.460.020 to the extent consistent with budgetary constraints.

22 (2) The office shall be headed by an executive director who shall be appointed  
23 by the county executive and confirmed by the county council as provided in SCC  
24 3.68.030. Prior to appointing an executive director the county executive shall consult  
25 with the commission and provide an opportunity for the commission to recommend  
26 candidates and to interview candidates considered by the executive. The executive  
27 director may appoint staff as provided for in the applicable annual or biennial county  
28 budget.

29 (3) The executive director may, after consultation with the commission, adopt  
30 procedural rules to promote efficient and effective enforcement of this chapter. Such  
31 rules may address time requirements for filing and processing complaints, issuance of  
32 subpoenas in connection with office enforcement activities, and other matters relating to  
33 enforcement of this chapter: PROVIDED, That rules of procedure governing  
34 proceedings before the hearing examiner under SCC 2.460.230 shall be adopted by the  
35 hearing examiner. Rules for processing complaints alleging unlawful discrimination with  
36 respect to real estate transactions pursuant to SCC 2.460.130-2.460.140 shall be  
37 consistent with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601  
38 et seq.) and shall not exceed or be more restrictive than the requirements or standards  
39 of that act.

40 (4) Operation of this section shall be suspended for an indefinite period pending  
41 further action by ordinance as provided in SCC 2.460.290.

#### 42 43 **2.460.060 Definitions.**

44 In this chapter, unless the context clearly requires otherwise,

45 (1) "Age" means between 40 and 70 years of age;

1 (2) "Any place of public resort, accommodation, assemblage, or amusement"  
2 includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or  
3 reward, or where charges are made for admission, service, occupancy, or use of any  
4 property or facilities, whether conducted for the entertainment, housing, or lodging of  
5 transient guests, or for the benefit, use, or accommodation of those seeking health,  
6 recreation, or rest, or for the burial or other disposition of human remains, or for the sale  
7 of goods, merchandise, services, or personal property, or for the rendering of personal  
8 services, or for public conveyance or transportation on land, water, or in the air,  
9 including the stations and terminals thereof and the garaging of vehicles, or where food  
10 or beverages of any kind are sold for consumption on the premises, or where public  
11 amusement, entertainment, sports, or recreation of any kind is offered with or without  
12 charge, or where medical service or care is made available, or where the public gathers,  
13 congregates, or assembles for amusement, recreation, or public purposes, or public  
14 halls, public elevators, and public washrooms of buildings and structures occupied by  
15 two or more tenants, or by the owner and one or more tenants, or any public library or  
16 educational institution, or schools of special instruction, or nursery schools, or day care  
17 centers or children's camps: PROVIDED, That nothing contained in this definition shall  
18 be construed to include or apply to any institute, bona fide club, or place of  
19 accommodation, which is by its nature distinctly private, including fraternal  
20 organizations, though where public use is permitted that use shall be covered by this  
21 chapter; nor shall anything contained in this definition apply to any educational facility,  
22 columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona  
23 fide religious or sectarian institution;

24 (3) "Commission" means the Snohomish county commission on human rights  
25 created by SCC 2.460.020;

26 (4) "Complainant" means a person who has filed a complaint under authority of  
27 SCC 2.460.210;

28 (5) "Covered multifamily dwelling" means (a) buildings consisting of four or more  
29 dwelling units if such buildings have one or more elevators, and (b) ground floor  
30 dwelling units in other buildings consisting of four or more dwelling units;

31 (6) "Credit transaction" includes any open or closed end credit transaction,  
32 whether in the nature of a loan, retail installment transaction, credit card issue or  
33 charge, or otherwise, and whether for personal or for business purposes, in which a  
34 service, finance, or interest charge is imposed, or which provides for repayment in  
35 scheduled payments, when such credit is extended in the regular course of any trade or  
36 commerce, including but not limited to transactions by banks, savings and loan  
37 associations or other financial lending institutions of whatever nature, stock brokers, or  
38 by a merchant or mercantile establishment which as part of its ordinary business  
39 permits or provides that payment for purchases of property or service therefrom may be  
40 deferred;

41 (7) "Disability" means:

42 (a) The presence of a sensory, mental, or physical impairment that

43 (i) is medically cognizable or diagnosable; or

44 (ii) exists as a record or history; or

45 (iii) is perceived to exist whether or not it exists in fact;

1 (b) A disability exists whether it is temporary or permanent, common or  
2 uncommon, mitigated or unmitigated, or whether or not it limits the ability to work  
3 generally or work at a particular job or whether or not it limits any other activity within  
4 the scope of this chapter;

5 (c) For purposes of this definition, "impairment" includes, but is not limited to:

6 (i) Any physiological disorder, or condition, cosmetic disfigurement, or  
7 anatomical loss affecting one or more of the following body systems: Neurological,  
8 musculoskeletal, special sense organs, respiratory, including speech organs,  
9 cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and  
10 endocrine; or

11 (ii) Any mental, developmental, traumatic, or psychological disorder, including  
12 but not limited to cognitive limitation, organic brain syndrome, emotional or mental  
13 illness, and specific learning disabilities;

14 (d) Only for the purposes of qualifying for reasonable accommodation in  
15 employment, an impairment must be known or shown through an interactive process to  
16 exist in fact and:

17 (i) The impairment must have a substantially limiting effect upon the individual's  
18 ability to perform his or her job, the individual's ability to apply or be considered for a  
19 job, or the individual's access to equal benefits, privileges, or terms or conditions of  
20 employment; or

21 (ii) The employee must have put the employer on notice of the existence of an  
22 impairment, and medical documentation must establish a reasonable likelihood that  
23 engaging in job functions without an accommodation would aggravate the impairment to  
24 the extent that it would create a substantially limiting effect;

25 (e) For purposes of (d) of this subsection, a limitation is not substantial if it has  
26 only a trivial effect;

27 (8) "Dog guide" means a dog that is trained for the purpose of guiding blind  
28 persons or a dog that is trained for the purpose of assisting hearing impaired persons;

29 (9) "Dwelling" means any building, structure, or portion thereof that is occupied  
30 as, or designed or intended for occupancy as, a residence by one or more families, and  
31 any vacant land that is offered for sale or lease for the construction or location thereon  
32 of any such building, structure, or portion thereof;

33 (10) "Employee" does not include any individual employed by his or her parents,  
34 spouse, or child, or in the domestic service of any person;

35 (11) "Employer" includes the county and any person acting in the interest of an  
36 employer, directly or indirectly, who employs eight or more persons, and does not  
37 include any religious or sectarian organization not organized for private profit;

38 (12) "Employment agency" includes any person undertaking with or without  
39 compensation to recruit, procure, refer, or place employees for an employer;

40 (13) "Families with children status" means one or more individuals who have not  
41 attained the age of eighteen years being domiciled with a parent or another person  
42 having legal custody of such individual or individuals, or with the designee of such  
43 parent or other person having such legal custody, with the written permission of such  
44 parent or other person. Families with children status also applies to any person who is

1 pregnant or is in the process of securing legal custody of any individual who has not  
2 attained the age of eighteen years;

3 (14) "Full enjoyment of" includes the right to purchase any service, commodity,  
4 or article of personal property offered or sold on, or by, any establishment to the public,  
5 and the admission of any person to accommodations, advantages, facilities, or  
6 privileges of any place of public resort, accommodation, assemblage, or amusement,  
7 without acts directly or indirectly causing persons of any particular race, creed, color,  
8 sex, sexual orientation, national origin, or with any sensory, mental, or physical  
9 disability, or the use of a trained dog guide or service animal by a person with a  
10 disability, to be treated as not welcome, accepted, desired, or solicited;

11 (15) "Honorably discharged veteran or military status" means a person who is:

12 (a) A veteran, as defined in RCW 41.14.007; or

13 (b) An active or reserve member in any branch of the armed forces of the United  
14 States, including the national guard, coast guard, and armed forces reserves;

15 (16) "Labor organization" includes any organization which exists for the purpose,  
16 in whole or in part, of dealing with employers concerning grievances or terms or  
17 conditions of employment, or for other mutual aid or protection in connection with  
18 employment;

19 (17) "Marital status" means the legal status of being married, single, separated,  
20 divorced, or widowed;

21 (18) "National origin" includes "ancestry;"

22 (19) "Person" includes one or more individuals, partnerships, associations,  
23 organizations, corporations, cooperatives, legal representatives, trustees and receivers,  
24 or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or  
25 employee, whether one or more natural persons; and further includes any political or  
26 civil subdivisions of the state and any agency or instrumentality of the state or of any  
27 political or civil subdivision thereof;

28 (20) "Premises" means the interior or exterior spaces, parts, components, or  
29 elements of a building, including individual dwelling units and the public and common  
30 use areas of a building;

31 (21) "Real estate transaction" includes the sale, appraisal, brokering, exchange,  
32 purchase, rental, or lease of real property, transacting or applying for a real estate loan,  
33 or the provision of brokerage services;

34 (22) "Real property" includes buildings, structures, dwellings, real estate, lands,  
35 tenements, leaseholds, interests in real estate cooperatives, condominiums, and  
36 hereditaments, corporeal and incorporeal, or any interest therein;

37 (23) "Respondent" means one against whom a complaint has been filed under  
38 authority of SCC 2.460.210;

39 (24) "Service animal" means an animal that is trained for the purpose of assisting  
40 or accommodating a sensory, mental, or physical disability of a person with a disability;

41 (25) "Sex" means gender;

42 (26) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and  
43 gender expression or identity. As used in this definition, "gender expression or identity"  
44 means having or being perceived as having a gender identity, self-image, appearance,  
45 behavior, or expression, whether or not that gender identity, self-image, appearance,



behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(27) "Unlawful discrimination" means conduct that is unlawful under SCC 2.460.070 - SCC 2.460.180.

#### **2.460.070 Unlawful discrimination by employers.**

It is unlawful for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That it shall not be an unlawful discrimination for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the Washington state human rights commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

#### **2.460.080 Unlawful discrimination by labor unions.**

It is unlawful for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person

1 because of age, sex, marital status, sexual orientation, race, creed, color, national  
2 origin, honorably discharged veteran or military status, or the presence of any sensory,  
3 mental, or physical disability or the use of a trained dog guide or service animal by a  
4 person with a disability.

5 (2) To expel from membership any person because of age, sex, marital status,  
6 sexual orientation, race, creed, color, national origin, honorably discharged veteran or  
7 military status, or the presence of any sensory, mental, or physical disability or the use  
8 of a trained dog guide or service animal by a person with a disability.

9 (3) To discriminate against any member, employer, employee, or other person to  
10 whom a duty of representation is owed because of age, sex, marital status, sexual  
11 orientation, race, creed, color, national origin, honorably discharged veteran or military  
12 status, or the presence of any sensory, mental, or physical disability or the use of a  
13 trained dog guide or service animal by a person with a disability.

#### 14 15 **2.460.090 Unlawful discrimination by employment agencies.**

16 It is unlawful for any employment agency to fail or refuse to classify properly or  
17 refer for employment, or otherwise to discriminate against, an individual because of age,  
18 sex, marital status, sexual orientation, race, creed, color, national origin, honorably  
19 discharged veteran or military status, or the presence of any sensory, mental, or  
20 physical disability or the use of a trained dog guide or service animal by a person with a  
21 disability, or to print or circulate, or cause to be printed or circulated any statement,  
22 advertisement, or publication, or to use any form of application for employment, or to  
23 make any inquiry in connection with prospective employment, which expresses any  
24 limitation, specification or discrimination as to age, sex, race, sexual orientation, creed,  
25 color, or national origin, honorably discharged veteran or military status, or the presence  
26 of any sensory, mental, or physical disability or the use of a trained dog guide or service  
27 animal by a person with a disability, or any intent to make any such limitation,  
28 specification, or discrimination, unless based upon a bona fide occupational  
29 qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign  
30 language.

#### 31 32 **2.460.100 Age discrimination - limitation.**

33 No person shall be considered to have engaged in a practice of unlawful  
34 discrimination on the basis of age discrimination unless the practice violates RCW  
35 49.44.090. It is a defense to any complaint of an unlawful age discrimination that the  
36 practice does not violate RCW 49.44.090.

#### 37 38 **2.460.110 Unlawful discrimination with respect to credit transactions.**

39 (1) It is unlawful for any person whether acting for himself, herself, or another in  
40 connection with any credit transaction because of race, creed, color, national origin,  
41 sex, marital status, honorably discharged veteran or military status, sexual orientation,  
42 or the presence of any sensory, mental, or physical disability or the use of a trained dog  
43 guide or service animal by a person with a disability:

44 (a) To deny credit to any person;

1 (b) To increase the charges or fees for or collateral required to secure any credit  
2 extended to any person;

3 (c) To restrict the amount or use of credit extended or to impose different terms  
4 or conditions with respect to the credit extended to any person or any item or service  
5 related thereto; or

6 (d) To attempt to do any of the unlawful acts defined in this section.

7 (2) Nothing in this section shall prohibit any party to a credit transaction from  
8 considering the credit history of any individual applicant.

9 (3) Further, nothing in this section shall prohibit any party to a credit transaction  
10 from considering the application of the community property law to the individual case or  
11 from taking reasonable action thereon.

12  
13 **2.460.120 Unlawful discrimination by places of public resort, accommodation,**  
14 **assemblage, amusement.**

15 It is unlawful for any person or the person's agent or employee to commit an act  
16 which directly or indirectly results in any distinction, restriction, or discrimination, or the  
17 requiring of any person to pay a larger sum than the uniform rates charged other  
18 persons, or the refusing or withholding from any person the admission, patronage,  
19 custom, presence, frequenting, dwelling, staying, or lodging in any place of public  
20 resort, accommodation, assemblage, or amusement, except for conditions and  
21 limitations established by law and applicable to all persons, regardless of race, creed,  
22 color, national origin, sexual orientation, sex, honorably discharged veteran or military  
23 status, status as a mother breastfeeding her child, the presence of any sensory, mental,  
24 or physical disability, or the use of a trained dog guide or service animal by a person  
25 with a disability: PROVIDED, That this section shall not be construed to require  
26 structural changes, modifications, or additions to make any place accessible to a person  
27 with a disability except as otherwise required by law: PROVIDED, That behavior or  
28 actions constituting a risk to property or other persons can be grounds for refusal and  
29 shall not constitute an unlawful act.

30  
31 **2.460.130 Unlawful discrimination with respect to real estate transactions,**  
32 **facilities, or services.**

33 (1) It is unlawful for any person, whether acting for himself, herself, or another,  
34 because of sex, marital status, sexual orientation, race, creed, color, national origin,  
35 families with children status, honorably discharged veteran or military status, the  
36 presence of any sensory, mental, or physical disability, or the use of a trained dog guide  
37 or service animal by a person with a disability:

38 (a) To refuse to engage in a real estate transaction with a person;

39 (b) To discriminate against a person in the terms, conditions, or privileges of a  
40 real estate transaction or in the furnishing of facilities or services in connection  
41 therewith;

42 (c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real  
43 estate transaction from a person;

44 (d) To refuse to negotiate for a real estate transaction with a person;

1 (e) To represent to a person that real property is not available for inspection,  
2 sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to  
3 his or her attention, or to refuse to permit the person to inspect real property;

4 (f) To discriminate in the sale or rental, or to otherwise make unavailable or deny  
5 a dwelling, to any person; or to a person residing in or intending to reside in that  
6 dwelling after it is sold, rented, or made available; or to any person associated with the  
7 person buying or renting;

8 (g) To make, print, circulate, post, or mail, or cause to be so made or published  
9 a statement, advertisement, or sign, or to use a form of application for a real estate  
10 transaction, or to make a record or inquiry in connection with a prospective real estate  
11 transaction, which indicates, directly or indirectly, an intent to make a limitation,  
12 specification, or discrimination with respect thereto;

13 (h) To offer, solicit, accept, use, or retain a listing of real property with the  
14 understanding that a person may be discriminated against in a real estate transaction or  
15 in the furnishing of facilities or services in connection therewith;

16 (i) To expel a person from occupancy of real property;

17 (j) To discriminate in the course of negotiating, executing, or financing a real  
18 estate transaction whether by mortgage, deed of trust, contract, or other instrument  
19 imposing a lien or other security in real property, or in negotiating or executing any item  
20 or service related thereto including issuance of title insurance, mortgage insurance, loan  
21 guarantee, or other aspect of the transaction. Nothing in this section shall limit the  
22 effect of SCC 2.460.110 relating to unlawful discrimination in credit transactions; or

23 (k) To attempt to do any of the unlawful acts defined in this section.

24 (2) For the purposes of this chapter discrimination based on the presence of any  
25 sensory, mental, or physical disability or the use of a trained dog guide or service  
26 animal by a person who is blind, deaf, or physically disabled includes:

27 (a) A refusal to permit, at the expense of the person with a disability, reasonable  
28 modifications of existing premises occupied or to be occupied by such person if such  
29 modifications may be necessary to afford such person full enjoyment of the dwelling,  
30 except that, in the case of a rental, the landlord may, where it is reasonable to do so,  
31 condition permission for a modification on the renter agreeing to restore the interior of  
32 the dwelling to the condition that existed before the modification, reasonable wear and  
33 tear excepted;

34 (b) To refuse to make reasonable accommodation in rules, policies, practices, or  
35 services when such accommodations may be necessary to afford a person with the  
36 presence of any sensory, mental, or physical disability and/or the use of a trained dog  
37 guide or service animal by a person who is blind, deaf, or physically disabled equal  
38 opportunity to use and enjoy a dwelling; or

39 (c) To fail to design and construct covered multifamily dwellings and premises in  
40 conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec.  
41 3601 et seq.) and all other applicable laws or regulations pertaining to access by  
42 persons with any sensory, mental, or physical disability or use of a trained dog guide or  
43 service animal. Whenever the requirements of applicable laws or regulations differ, the  
44 requirements which require greater accessibility for persons with any sensory, mental,  
45 or physical disability shall govern.

1 (d) Nothing in (a) or (b) of this subsection shall apply to:

2 (i) A single-family house rented or leased by the owner if the owner does not  
3 own or have an interest in the proceeds of the rental or lease of more than three such  
4 single-family houses at one time, the rental or lease occurred without the use of a real  
5 estate broker, as defined in RCW 18.85.011, and the rental or lease occurred without  
6 the publication, posting, or mailing of any advertisement, sign, or statement in violation  
7 of subsection (1)(g) of this section; or

8 (ii) rooms or units in dwellings containing living quarters occupied or intended to  
9 be occupied by no more than four families living independently of each other if the  
10 owner maintains and occupies one of the rooms or units as his or her residence.

11 (3) Notwithstanding any other provision of this chapter, it shall not be unlawful  
12 discrimination for any public or private educational institution to separate the sexes or  
13 give preference to or limit use of dormitories, residence halls, or other student housing  
14 to persons of one sex or to make distinctions on the basis of marital or families with  
15 children status.

16 (4) Except pursuant to subsection (2)(a) of this section, this section shall not be  
17 construed to require structural changes, modifications, or additions to make facilities  
18 accessible to a person with a disability except as otherwise required by law. Nothing in  
19 this section affects the rights, responsibilities, and remedies of landlords and tenants  
20 pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce  
21 reasonable rules of conduct and safety for all tenants and their guests. Nothing in this  
22 section limits the applicability of any reasonable federal, state, or local restrictions  
23 regarding the maximum number of occupants permitted to occupy a dwelling.

24 (5) Notwithstanding any other provision of this chapter, it shall not be unlawful  
25 discrimination for any public establishment providing for accommodations offered for the  
26 full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make  
27 distinctions on the basis of families with children status. Nothing in this section shall  
28 limit the effect of SCC 2.460.120 relating to unlawful discrimination in places of public  
29 accommodation.

30 (6) Nothing in this chapter prohibiting discrimination based on families with  
31 children status applies to housing for older persons as defined by the federal fair  
32 housing amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as amended  
33 by the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28,  
34 1995. Nothing in this chapter authorizes requirements for housing for older persons  
35 different than the requirements in the federal fair housing amendments act of 1988, 42  
36 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of  
37 1995, P.L. 104-76, as enacted on December 28, 1995.

38 (7) Nothing in this chapter shall apply to real estate transactions involving the  
39 sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the  
40 dwelling unit is to be occupied by the owner or sublessor. For purposes of this section,  
41 "dwelling unit" has the same meaning as in RCW 59.18.030.

42  
43 **2.460.140 Unlawful discrimination with respect to blockbusting.**

44 It is unlawful for any person, for profit, to induce or attempt to induce any person  
45 to sell or rent any real property by representations regarding the entry or prospective

1 entry into the neighborhood of a person or persons of a particular race, creed, color,  
2 sex, national origin, sexual orientation, families with children status, honorably  
3 discharged veteran or military status, or with any sensory, mental, or physical disability  
4 and/or the use of a trained dog guide or service animal by a person who is blind, deaf,  
5 or physically disabled.

6  
7 **2.460.150 Relief for unlawful discrimination in real estate transaction - damages,**  
8 **penalty.**

9 (1) When a reasonable cause determination has been made under SCC  
10 2.460.220 of unlawful discrimination in a real estate transaction and a finding has been  
11 made that the respondent has engaged in unlawful conduct in a real estate transaction  
12 under SCC 2.460.230, the hearing examiner shall promptly issue an order for such relief  
13 suffered by the aggrieved person as may be appropriate, which may include actual  
14 damages as provided by the federal fair housing amendments act of 1988 (42 U.S.C.  
15 Sec. 3601 et seq.), and injunctive or other equitable relief. Such order may, to further  
16 the public interest, assess a civil penalty against the respondent:

17 (a) In an amount up to ten thousand dollars if the respondent has not been  
18 determined to have committed any prior act of unlawful discrimination in a real estate  
19 transaction;

20 (b) In an amount up to twenty-five thousand dollars if the respondent has been  
21 determined to have committed one other act of unlawful discrimination in a real estate  
22 transaction during the five-year period ending on the date of the filing of this charge; or

23 (c) In an amount up to fifty thousand dollars if the respondent has been  
24 determined to have committed two or more acts of unlawful discrimination in a real  
25 estate transaction during the seven-year period ending on the date of the filing of this  
26 charge, for loss of the right secured by SCC 2.460.130 or 2.460.140, as now or  
27 hereafter amended, to be free from discrimination in real property transactions because  
28 of sex, marital status, race, creed, color, national origin, sexual orientation, families with  
29 children status, honorably discharged veteran or military status, or the presence of any  
30 sensory, mental, or physical disability or the use of a trained dog guide or service  
31 animal by a person who is blind, deaf, or physically disabled. Enforcement of the order  
32 and appeal therefrom by the complainant or respondent may be made as provided in  
33 SCC 2.460.240 and 2.460.250. If acts constituting the unlawful discrimination in a real  
34 estate transaction that is the object of the charge are determined to have been  
35 committed by the same natural person who has been previously determined to have  
36 committed acts constituting unlawful discrimination in a real estate transaction, then the  
37 civil penalty of up to fifty thousand dollars may be imposed without regard to the period  
38 of time within which any subsequent unlawful discrimination in a real estate transaction  
39 occurred. All civil penalties assessed under this section shall be paid into the county  
40 and credited to the general fund created by SCC 4.07.010.

41 (2) Such order shall not affect any contract, sale, conveyance, encumbrance, or  
42 lease consummated before the issuance of an order that involves a bona fide  
43 purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed  
44 under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to SCC 2.460.230.

**2.460.160 County facilities, services, and programs.**

(1) It is unlawful for any person to discriminate against or grant preferential treatment to any individual or group on the basis of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability in the provision or distribution of any county facilities, services, or programs.

(2) This section shall not affect any otherwise lawful classification that:

(a) Is based on sex and is necessary for sexual privacy or medical or psychological treatment; or

(b) Is necessary for undercover law enforcement or for film, video, audio, or theatrical casting;

(c) Provides for separate athletic teams for each sex; or

(d) Must be taken to establish or maintain eligibility for any federal or state program, if ineligibility would result in a loss of federal or state funds to the county.

**2.460.170 County contracts.**

(1) The county executive, purchasing manager, and other county officers authorized to enter into contracts on behalf of the county shall include a provision in all county contracts that sets forth or incorporates the requirements of this chapter and requires the contractor to certify the contractor's compliance with those requirements. All county contracts must provide that if the contractor is found to have violated that provision, or furnished false or misleading information in an investigation or proceeding conducted pursuant to this chapter, the contract may be subject to a declaration of default and termination at the county's discretion.

(2) This section applies to contracts executed after January 1, 2011. This section does not apply to contracts with the state or federal governments or to other contracts for which its application is determined by the purchasing manager to violate competitive bidding or other legal requirements.

**2.460.180 Unlawful discrimination to aid violation - retaliation.**

(1) It is unlawful for any person to aid, abet, encourage, or incite the commission of any discrimination that is unlawful under this chapter, or to attempt to obstruct or prevent any other person from complying with the provisions of this chapter or any order issued under this chapter.

(2) It is unlawful for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practice forbidden by this chapter, or because the person has filed a charge, testified, or assisted in any proceeding under this chapter.

**2.460.190 Misdemeanor to interfere with office of human rights.**

Any person who willfully prevents, impedes, or interferes with the office of human rights or any of its representatives in the performance of duty under this chapter is guilty of a misdemeanor and upon conviction is punishable as provided in SCC 1.01.100.

**2.460.200 Application within cities and towns.**

(1) This chapter shall apply and may be enforced within a city or town located within the county if the city or town adopts or incorporates the provisions of this ordinance by lawful ordinance or resolution and has entered into an agreement with the county pursuant to the interlocal cooperation act, chapter 39.34 RCW, that provides for application and enforcement of this chapter within the city or town.

(2) If a complaint is filed pursuant to SCC 2.460.210 relating to actions within a city or town to which this ordinance does not apply, the officer receiving the complaint shall promptly forward the complaint to the Washington state human rights commission for processing in accordance with chapter 49.60 RCW.

(3) This section shall not affect application of this chapter within a city or town to county employment, facilities, services, or programs.

**2.460.210 Complaints may be filed with office of human rights.**

(1) Who may file a complaint:

(a) Any person claiming to be aggrieved by alleged unlawful discrimination may, personally or by his or her attorney, make, sign, and file with the office of human rights a complaint in writing under oath or by declaration. The complaint shall state the name of the person alleged to have committed the unlawful discrimination and the particulars thereof, and contain such other information as may be required by the office.

(b) Whenever it has reason to believe that any person has been engaged or is engaging in unlawful discrimination, the office of human rights may issue a complaint.

(c) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the office of human rights a written complaint under oath or by declaration asking for assistance by conciliation or other remedial action.

(2) Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination except that complaints alleging unlawful discrimination in a real estate transaction pursuant to SCC 2.460.130-2.460.140 must be so filed within one year after the alleged unlawful discrimination in a real estate transaction has occurred or terminated, and except as provided in chapter 42.41 RCW.

**2.460.220 Investigation of complaints, conference, conciliation, findings, rules.**

(1) (a) Except as provided for in (c) of this subsection, after the filing of any complaint, the office of human rights shall promptly review and evaluate the complaint. If the facts as stated in the complaint do not constitute unlawful discrimination under this chapter, a finding of no reasonable cause may be made without further investigation. If the facts as stated could constitute unlawful discrimination under this chapter, an investigation and ascertainment of the facts shall be conducted.



1 (b) If it appears that the complainant has limitations related to language  
2 proficiency or cognitive or other disability, the office must contact the complainant  
3 directly and make appropriate inquiry of the complainant as to the facts of the complaint.

4 (c) After the filing of a complaint alleging an unfair practice in a real estate  
5 transaction pursuant to SCC 2.460.130 through 2.460.150, the office shall promptly  
6 investigate and ascertain the facts alleged in the complaint.

7 (2) The investigation shall be limited to the alleged facts contained in the  
8 complaint. The results of the investigation shall be reduced to written findings of fact,  
9 and a finding shall be made that there is or that there is not reasonable cause for  
10 believing that unlawful discrimination has been or is being committed. A copy of the  
11 findings shall be provided to the complainant and respondent.

12 (3) If the finding is made that there is reasonable cause for believing that  
13 unlawful discrimination has been or is being committed, the office of human rights shall  
14 immediately endeavor to eliminate the unlawful discrimination by conference,  
15 conciliation, and persuasion.

16 (4) If an agreement is reached for the elimination of such unlawful discrimination  
17 as a result of such conference, conciliation, and persuasion, the agreement shall be  
18 reduced to writing and signed by the respondent, and an order shall be entered by the  
19 executive director setting forth the terms of the agreement. No order shall be entered at  
20 this stage of the proceedings except upon such written agreement. Conciliation  
21 agreements shall be subject to public disclosure except as provided in chapter 42.56  
22 RCW.

23 (4) If no such agreement can be reached, a finding to that effect shall be made  
24 and reduced to writing, with a copy thereof provided to the complainant and the  
25 respondent.

## 26 27 **2.460.230 Hearing examiner to hear complaints - penalties, order.**

28 (1) In case of failure to reach an agreement for the elimination of such unlawful  
29 discrimination, and upon the entry of findings to that effect, the office of human rights  
30 shall refer the matter to the hearing examiner for hearing and disposition pursuant to  
31 chapter 2.02 SCC. The office shall cause to be issued and served a written notice,  
32 together with a copy of the complaint, as the same may have been amended, requiring  
33 the respondent to answer the charges of the complaint in such form as the hearing  
34 examiner may prescribe by rule.

35 (2) The place of any such hearing shall be determined by the hearing examiner.  
36 The case in support of the complaint shall be presented at the hearing by the office of  
37 human rights, which may be represented by the prosecuting attorney: PROVIDED, That  
38 the complainant may retain independent counsel and submit testimony and be fully  
39 heard. No member or employee of the office who previously made the investigation or  
40 caused the notice to be issued shall participate in the deliberations of the hearing  
41 examiner. Any endeavors or negotiations for conciliation shall not be received in  
42 evidence.

43 (3) The respondent shall file a written answer to the complaint and appear at the  
44 hearing in person or otherwise, with or without counsel, and submit testimony and be  
45 fully heard. The respondent shall have the right to cross-examine the complainant.

1 (4) The hearing examiner may permit reasonable amendment to any complaint  
2 or answer. The hearing examiner may issue subpoenas and may enter protective  
3 orders as provided by rule. Testimony taken at the hearing shall be under oath and  
4 recorded.

5 (5) If, upon all the evidence, the hearing examiner finds that the respondent has  
6 engaged in unlawful discrimination within the meaning of this chapter, the examiner  
7 shall state findings of fact and shall issue and file with the office of human rights and  
8 cause to be served on such respondent an order requiring such respondent to cease  
9 and desist from such unlawful discrimination and to take such affirmative action,  
10 including, but not limited to, hiring, reinstatement or upgrading of employees, with or  
11 without back pay, an admission or restoration to full membership rights in any  
12 respondent organization, or to take such other action as, in the judgment of the  
13 examiner, will effectuate the purposes of this chapter, including action that could be  
14 ordered by a court, except that damages for humiliation and mental suffering shall not  
15 exceed twenty thousand dollars, and including a requirement for report of the matter on  
16 compliance. Relief available for violations of SCC 2.460.130-2.460.140 shall be limited  
17 to the relief specified in SCC 2.460.150.

18 (6) The final order of the hearing examiner shall include a notice to the parties of  
19 the right to obtain judicial review of the order by appeal in accordance with the  
20 provisions of SCC 2.02.195 and 2.460.250.

21 (7) If, upon all the evidence, the hearing examiner finds that the respondent has  
22 not engaged in any alleged unlawful discrimination within the meaning of this chapter,  
23 the examiner shall state findings of fact and shall similarly issue and file an order  
24 dismissing the complaint.

25 (8) An order dismissing a complaint may include an award of reasonable  
26 attorneys' fees in favor of the respondent if the hearing examiner concludes that the  
27 complaint was frivolous, unreasonable, or groundless.

## 28 29 **2.460.240 Enforcement of orders of hearing examiner.**

30 (1) The office of human rights or any person entitled to relief under a final order  
31 may petition the superior court for the enforcement of any final order issued by the  
32 hearing examiner under SCC 2.460.230 which is not complied with and for appropriate  
33 temporary relief or a restraining order, and shall certify and file in court the final order  
34 sought to be enforced. The office of human rights or person entitled to relief under a  
35 final order shall cause a notice of the petition to be served upon all parties as provided  
36 by law.

37 (2) From the time the petition is filed, the superior court shall have jurisdiction  
38 over the proceedings and shall have the power to grant such temporary relief or  
39 restraining order as it deems just and suitable.

40 (4) If the petition shows that there is a final order issued by the hearing examiner  
41 under SCC 2.460.230 and that the order has not been complied with in whole or in part,  
42 the superior court shall issue an order directing the person who is alleged to have not  
43 complied with the administrative order to appear in court at a time designated in the  
44 order and show cause why the administrative order should not be enforced according to  
45 its terms. The office of human rights or any person entitled to relief under any final

1 order shall immediately serve the noncomplying party with a copy of the court order and  
2 the petition.

3 (5) The administrative order shall be enforced by the court if the person does not  
4 appear, or if the person appears and the court finds that:

5 (a) The order is regular on its face;

6 (b) The order has not been complied with; and

7 (c) The person's answer discloses no valid reason why the order should not be  
8 enforced, or that the reason given in the person's answer could have been raised by  
9 review under SCC 2.02.195 and 2.460.250, and the person has given no valid excuse  
10 for failing to use that remedy.

11 (6) The jurisdiction of the court shall be exclusive and its judgment and decree  
12 shall be final, except that the same shall be subject to appellate review. The review  
13 shall be taken and prosecuted in the same manner and form and with the same effect  
14 as is provided in other cases.

#### 15 16 **2.460.250 Appeal from orders of hearing examiner.**

17 Any respondent or complainant, including the office of human rights, aggrieved  
18 by a final order issued by the hearing examiner under SCC 2.460.230 may obtain  
19 judicial review of such order as provided in SCC 2.02.195. From the time an action  
20 seeking review is filed, the court has jurisdiction to grant to any party such temporary  
21 relief or restraining order as it deems just and suitable. If the court affirms the order, it  
22 shall enter a judgment and decree enforcing the order as affirmed.

#### 23 24 **2.460.260 Relation to other laws.**

25 (1) This chapter is adopted pursuant to RCW 49.60.330 to provide additional  
26 administrative and judicial remedies for certain forms of discrimination that are  
27 proscribed by the state law against discrimination, chapter 49.60 RCW.

28 (2) No complainant may secure relief under this chapter if relief has been  
29 granted or proceedings are continuing in any federal agency, court, or state or local  
30 instrumentality, unless such proceeding have been deferred pending action under this  
31 chapter. Except as provided in SCC 2.460.190, SCC 1.01.100 shall not apply to  
32 violations of this chapter.

#### 33 34 **2.460.270 Short title.**

35 This chapter may be known and cited as the "Snohomish county human rights  
36 ordinance."

#### 37 38 ~~**((2.460.280 Sunset.**~~

39 ~~\_\_\_\_\_This chapter is repealed effective on the date six years following enactment~~  
40 ~~unless re-enacted prior to that date as provided in section 2.115 of the county charter.))~~

#### 41 42 **2.460.290 Implementation to be phased.**

43 (1) This chapter shall be implemented in two phases in order to accommodate  
44 county budget and staffing constraints. The first phase shall begin on the effective date  
45 of this ordinance. The second phase shall begin on the effective date of a separate

1 ordinance that terminates the suspension imposed by SCC 2.460.050(4) and this  
2 section.

3 (2) During the first phase the commission shall operate as provided in this  
4 chapter but the office of human rights shall not be created and its functions shall not be  
5 performed by the commission. Staff support for the commission shall be provided by  
6 the county executive using such staff under the supervision of the executive as the  
7 executive determines appropriate. Any person claiming to be aggrieved by alleged  
8 unlawful discrimination may file a complaint as described in SCC 2.460.210 with the  
9 executive. Promptly after receiving a complaint under this subsection the executive  
10 shall refer the complaint to the Washington state human rights commission for  
11 processing in accordance with chapter 49.60 RCW, which in this phase shall be the  
12 exclusive source of legal remedies. Copies of complaints filed after appointment and  
13 confirmation of all commission members shall also be filed with the commission. During  
14 this phase the commission may, if requested and supervised by the Washington state  
15 human rights commission and after such training or certification as the Washington  
16 state human rights commission determines appropriate, endeavor to investigate and  
17 resolve complaints by conference, conciliation, and persuasion; PROVIDED, That the  
18 commission shall first obtain the consent of the complainant and respondent, and may  
19 not compel the complainant or respondent to attend, provide documents, or participate  
20 in such investigation, conference, conciliation, or persuasion, or agree to a particular  
21 resolution. The commission may refer information obtained during the first phase to the  
22 Washington state human rights commission.

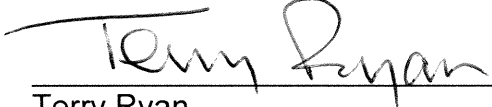
23 (3) During the second phase the commission and the office of human rights shall  
24 operate as provided in this chapter, except that the office of human rights may refer  
25 complaints to the Washington state human rights commission until such time as the  
26 office acquires sufficient staff resources and adopts necessary rules that enable it to  
27 fully discharge its responsibilities under this chapter. The office of human rights will  
28 thereafter process complaints in accordance with the procedures set out in SCC  
29 2.460.210-2.460.240.

30 (4) All decisions relating to the investigation of complaints and enforcement of  
31 this chapter shall be made by the office of human rights under the supervision of the  
32 county executive, except that nothing in this chapter shall prevent the commission from  
33 reviewing complaints and providing advice pursuant to SCC 2.460.030 or this section.  
34

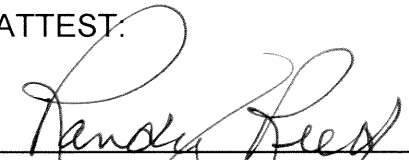
35 Section 3. If any section, sentence, clause, or phrase of this ordinance is held to  
36 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
37 unconstitutionality shall not affect the validity or constitutionality of any other section,  
38 sentence, clause, or phrase of this ordinance, provided, however, that if any section,  
39 sentence, clause or phrase of this ordinance is held to be invalid by a court of  
40 competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the  
41 effective date of this ordinance, shall be in full force and effect for that individual section,  
42 sentence, clause or phrase as if this ordinance had never been adopted.  
43  
44  
45

1  
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3  
4 PASSED this 1<sup>st</sup> day of June, 2016.  
5  
6

7 SNOHOMISH COUNTY COUNCIL  
8 Snohomish County, Washington  
9

10   
11 \_\_\_\_\_  
12 Terry Ryan  
13 Chairperson  
14

15 ATTEST:


16   
17 \_\_\_\_\_  
18 Randy Rees  
19 Asst. Clerk of the Council  
20

21 ☒ APPROVED

22  
23 ☐ EMERGENCY

24  
25 ☐ VETOED  
26

27 DATE: 6/5, 2016.  
28

29   
30 \_\_\_\_\_  
31 Dave Somers  
32 County Executive  
33

34 ATTEST:

35   
36 \_\_\_\_\_  
37 Cora E. Palmer  
38

39  
40 Approved as to form only:  
41

42  
43 \_\_\_\_\_  
44 Deputy Prosecuting Attorney

D-8