
SUBSTITUTE SENATE BILL 5123

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe)

READ FIRST TIME 01/25/07.

1 AN ACT Relating to protecting persons with veteran or military
2 status from discrimination; and amending RCW 49.60.010, 49.60.020,
3 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176,
4 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223,
5 49.60.224, and 49.60.225.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 49.60.010 and 2006 c 4 s 1 are each amended to read as
8 follows:

9 This chapter shall be known as the "law against discrimination."
10 It is an exercise of the police power of the state for the protection
11 of the public welfare, health, and peace of the people of this state,
12 and in fulfillment of the provisions of the Constitution of this state
13 concerning civil rights. The legislature hereby finds and declares
14 that practices of discrimination against any of its inhabitants because
15 of race, creed, color, national origin, families with children, sex,
16 marital status, sexual orientation, age, honorably discharged veteran
17 or military status, or the presence of any sensory, mental, or physical
18 disability or the use of a trained dog guide or service animal by a
19 ((disabled)) person with a disability are a matter of state concern,

1 that such discrimination threatens not only the rights and proper
2 privileges of its inhabitants but menaces the institutions and
3 foundation of a free democratic state. A state agency is herein
4 created with powers with respect to elimination and prevention of
5 discrimination in employment, in credit and insurance transactions, in
6 places of public resort, accommodation, or amusement, and in real
7 property transactions because of race, creed, color, national origin,
8 families with children, sex, marital status, sexual orientation, age,
9 honorably discharged veteran or military status, or the presence of any
10 sensory, mental, or physical disability or the use of a trained dog
11 guide or service animal by a (~~disabled~~) person with a disability; and
12 the commission established hereunder is hereby given general
13 jurisdiction and power for such purposes.

14 **Sec. 2.** RCW 49.60.020 and 2006 c 4 s 2 are each amended to read as
15 follows:

16 The provisions of this chapter shall be construed liberally for the
17 accomplishment of the purposes thereof. Nothing contained in this
18 chapter shall be deemed to repeal any of the provisions of any other
19 law of this state relating to discrimination because of race, color,
20 creed, national origin, sex, marital status, sexual orientation, age,
21 honorably discharged veteran or military status, or the presence of any
22 sensory, mental, or physical disability, other than a law which
23 purports to require or permit doing any act which is an unfair practice
24 under this chapter. Nor shall anything herein contained be construed
25 to deny the right to any person to institute any action or pursue any
26 civil or criminal remedy based upon an alleged violation of his or her
27 civil rights. This chapter shall not be construed to endorse any
28 specific belief, practice, behavior, or orientation. Inclusion of
29 sexual orientation in this chapter shall not be construed to modify or
30 supersede state law relating to marriage.

31 **Sec. 3.** RCW 49.60.030 and 2006 c 4 s 3 are each amended to read as
32 follows:

33 (1) The right to be free from discrimination because of race,
34 creed, color, national origin, sex, honorably discharged veteran or
35 military status, sexual orientation, or the presence of any sensory,
36 mental, or physical disability or the use of a trained dog guide or

1 service animal by a ((disabled)) person with a disability is recognized
2 as and declared to be a civil right. This right shall include, but not
3 be limited to:

4 (a) The right to obtain and hold employment without discrimination;

5 (b) The right to the full enjoyment of any of the accommodations,
6 advantages, facilities, or privileges of any place of public resort,
7 accommodation, assemblage, or amusement;

8 (c) The right to engage in real estate transactions without
9 discrimination, including discrimination against families with
10 children;

11 (d) The right to engage in credit transactions without
12 discrimination;

13 (e) The right to engage in insurance transactions or transactions
14 with health maintenance organizations without discrimination:
15 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
16 48.44.220, or 48.46.370 does not constitute an unfair practice for the
17 purposes of this subparagraph; and

18 (f) The right to engage in commerce free from any discriminatory
19 boycotts or blacklists. Discriminatory boycotts or blacklists for
20 purposes of this section shall be defined as the formation or execution
21 of any express or implied agreement, understanding, policy or
22 contractual arrangement for economic benefit between any persons which
23 is not specifically authorized by the laws of the United States and
24 which is required or imposed, either directly or indirectly, overtly or
25 covertly, by a foreign government or foreign person in order to
26 restrict, condition, prohibit, or interfere with or in order to exclude
27 any person or persons from any business relationship on the basis of
28 race, color, creed, religion, sex, honorably discharged veteran or
29 military status, sexual orientation, the presence of any sensory,
30 mental, or physical disability, or the use of a trained dog guide or
31 service animal by a ((disabled)) person with a disability, or national
32 origin or lawful business relationship: PROVIDED HOWEVER, That nothing
33 herein contained shall prohibit the use of boycotts as authorized by
34 law pertaining to labor disputes and unfair labor practices.

35 (2) Any person deeming himself or herself injured by any act in
36 violation of this chapter shall have a civil action in a court of
37 competent jurisdiction to enjoin further violations, or to recover the
38 actual damages sustained by the person, or both, together with the cost

1 of suit including reasonable attorneys' fees or any other appropriate
2 remedy authorized by this chapter or the United States Civil Rights Act
3 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
4 (42 U.S.C. Sec. 3601 et seq.).

5 (3) Except for any unfair practice committed by an employer against
6 an employee or a prospective employee, or any unfair practice in a real
7 estate transaction which is the basis for relief specified in the
8 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
9 unfair practice prohibited by this chapter which is committed in the
10 course of trade or commerce as defined in the Consumer Protection Act,
11 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
12 matter affecting the public interest, is not reasonable in relation to
13 the development and preservation of business, and is an unfair or
14 deceptive act in trade or commerce.

15 **Sec. 4.** RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as
16 follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

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

26 (2) "Commission" means the Washington state human rights
27 commission((+)).

28 (3) "Employer" includes any person acting in the interest of an
29 employer, directly or indirectly, who employs eight or more persons,
30 and does not include any religious or sectarian organization not
31 organized for private profit((+)).

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

35 (5) "Labor organization" includes any organization which exists for
36 the purpose, in whole or in part, of dealing with employers concerning

1 grievances or terms or conditions of employment, or for other mutual
2 aid or protection in connection with employment((+)).

3 (6) "Employment agency" includes any person undertaking with or
4 without compensation to recruit, procure, refer, or place employees for
5 an employer((+)).

6 (7) "Marital status" means the legal status of being married,
7 single, separated, divorced, or widowed((+)).

8 (8) "National origin" includes "ancestry"((+)).

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

19 (10) "Any place of public resort, accommodation, assemblage, or
20 amusement" includes, but is not limited to, any place, licensed or
21 unlicensed, kept for gain, hire, or reward, or where charges are made
22 for admission, service, occupancy, or use of any property or
23 facilities, whether conducted for the entertainment, housing, or
24 lodging of transient guests, or for the benefit, use, or accommodation
25 of those seeking health, recreation, or rest, or for the burial or
26 other disposition of human remains, or for the sale of goods,
27 merchandise, services, or personal property, or for the rendering of
28 personal services, or for public conveyance or transportation on land,
29 water, or in the air, including the stations and terminals thereof and
30 the garaging of vehicles, or where food or beverages of any kind are
31 sold for consumption on the premises, or where public amusement,
32 entertainment, sports, or recreation of any kind is offered with or
33 without charge, or where medical service or care is made available, or
34 where the public gathers, congregates, or assembles for amusement,
35 recreation, or public purposes, or public halls, public elevators, and
36 public washrooms of buildings and structures occupied by two or more
37 tenants, or by the owner and one or more tenants, or any public library
38 or educational institution, or schools of special instruction, or

1 nursery schools, or day care centers or children's camps: PROVIDED,
2 That nothing contained in this definition shall be construed to include
3 or apply to any institute, bona fide club, or place of accommodation,
4 which is by its nature distinctly private, including fraternal
5 organizations, though where public use is permitted that use shall be
6 covered by this chapter; nor shall anything contained in this
7 definition apply to any educational facility, columbarium, crematory,
8 mausoleum, or cemetery operated or maintained by a bona fide religious
9 or sectarian institution((+)).

10 (11) "Real property" includes buildings, structures, dwellings,
11 real estate, lands, tenements, leaseholds, interests in real estate
12 cooperatives, condominiums, and hereditaments, corporeal and
13 incorporeal, or any interest therein((+)).

14 (12) "Real estate transaction" includes the sale, appraisal,
15 brokering, exchange, purchase, rental, or lease of real property,
16 transacting or applying for a real estate loan, or the provision of
17 brokerage services((+)).

18 (13) "Dwelling" means any building, structure, or portion thereof
19 that is occupied as, or designed or intended for occupancy as, a
20 residence by one or more families, and any vacant land that is offered
21 for sale or lease for the construction or location thereon of any such
22 building, structure, or portion thereof((+)).

23 (14) "Sex" means gender((+)).

24 (15) "Sexual orientation" means heterosexuality, homosexuality,
25 bisexuality, and gender expression or identity. As used in this
26 definition, "gender expression or identity" means having or being
27 perceived as having a gender identity, self-image, appearance,
28 behavior, or expression, whether or not that gender identity, self-
29 image, appearance, behavior, or expression is different from that
30 traditionally associated with the sex assigned to that person at
31 birth((+)).

32 (16) "Aggrieved person" means any person who: (a) Claims to have
33 been injured by an unfair practice in a real estate transaction; or (b)
34 believes that he or she will be injured by an unfair practice in a real
35 estate transaction that is about to occur((+)).

36 (17) "Complainant" means the person who files a complaint in a real
37 estate transaction((+)).

1 (18) "Respondent" means any person accused in a complaint or
2 amended complaint of an unfair practice in a real estate
3 transaction((+)).

4 (19) "Credit transaction" includes any open or closed end credit
5 transaction, whether in the nature of a loan, retail installment
6 transaction, credit card issue or charge, or otherwise, and whether for
7 personal or for business purposes, in which a service, finance, or
8 interest charge is imposed, or which provides for repayment in
9 scheduled payments, when such credit is extended in the regular course
10 of any trade or commerce, including but not limited to transactions by
11 banks, savings and loan associations or other financial lending
12 institutions of whatever nature, stock brokers, or by a merchant or
13 mercantile establishment which as part of its ordinary business permits
14 or provides that payment for purchases of property or service therefrom
15 may be deferred((+)).

16 (20) "Families with children status" means one or more individuals
17 who have not attained the age of eighteen years being domiciled with a
18 parent or another person having legal custody of such individual or
19 individuals, or with the designee of such parent or other person having
20 such legal custody, with the written permission of such parent or other
21 person. Families with children status also applies to any person who
22 is pregnant or is in the process of securing legal custody of any
23 individual who has not attained the age of eighteen years((+)).

24 (21) "Covered multifamily dwelling" means: (a) Buildings
25 consisting of four or more dwelling units if such buildings have one or
26 more elevators; and (b) ground floor dwelling units in other buildings
27 consisting of four or more dwelling units((+)).

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

31 (23) "Dog guide" means a dog that is trained for the purpose of
32 guiding blind persons or a dog that is trained for the purpose of
33 assisting hearing impaired persons((+)).

34 (24) "Service animal" means an animal that is trained for the
35 purpose of assisting or accommodating a ~~((disabled person's))~~ person
36 with a disability's sensory, mental, or physical disability.

37 (25) "Honorably discharged veteran or military status" means a
38 person who is:

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

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

5 **Sec. 5.** RCW 49.60.120 and 2006 c 4 s 5 are each amended to read as
6 follows:

7 The commission shall have the functions, powers, and duties:

8 (1) To appoint an executive director and chief examiner, and such
9 investigators, examiners, clerks, and other employees and agents as it
10 may deem necessary, fix their compensation within the limitations
11 provided by law, and prescribe their duties.

12 (2) To obtain upon request and utilize the services of all
13 governmental departments and agencies.

14 (3) To adopt, amend, and rescind suitable rules to carry out the
15 provisions of this chapter, and the policies and practices of the
16 commission in connection therewith.

17 (4) To receive, impartially investigate, and pass upon complaints
18 alleging unfair practices as defined in this chapter.

19 (5) To issue such publications and results of investigations and
20 research as in its judgment will tend to promote good will and minimize
21 or eliminate discrimination because of sex, sexual orientation, race,
22 creed, color, national origin, marital status, age, honorably
23 discharged veteran or military status, or the presence of any sensory,
24 mental, or physical disability, or the use of a trained dog guide or
25 service animal by a (~~disabled~~) person with a disability.

26 (6) To make such technical studies as are appropriate to effectuate
27 the purposes and policies of this chapter and to publish and distribute
28 the reports of such studies.

29 (7) To cooperate and act jointly or by division of labor with the
30 United States or other states, with other Washington state agencies,
31 commissions, and other government entities, and with political
32 subdivisions of the state of Washington and their respective human
33 rights agencies to carry out the purposes of this chapter. However,
34 the powers which may be exercised by the commission under this
35 subsection permit investigations and complaint dispositions only if the
36 investigations are designed to reveal, or the complaint deals only

1 with, allegations which, if proven, would constitute unfair practices
2 under this chapter. The commission may perform such services for these
3 agencies and be reimbursed therefor.

4 (8) To foster good relations between minority and majority
5 population groups of the state through seminars, conferences,
6 educational programs, and other intergroup relations activities.

7 **Sec. 6.** RCW 49.60.130 and 2006 c 4 s 6 are each amended to read as
8 follows:

9 The commission has power to create such advisory agencies and
10 conciliation councils, local, regional, or statewide, as in its
11 judgment will aid in effectuating the purposes of this chapter. The
12 commission may empower them to study the problems of discrimination in
13 all or specific fields of human relationships or in specific instances
14 of discrimination because of sex, race, creed, color, national origin,
15 marital status, sexual orientation, age, honorably discharged veteran
16 or military status, or the presence of any sensory, mental, or physical
17 disability or the use of a trained dog guide or service animal by a
18 ((disabled)) person with a disability; to foster through community
19 effort or otherwise good will, cooperation, and conciliation among the
20 groups and elements of the population of the state, and to make
21 recommendations to the commission for the development of policies and
22 procedures in general and in specific instances, and for programs of
23 formal and informal education which the commission may recommend to the
24 appropriate state agency.

25 Such advisory agencies and conciliation councils shall be composed
26 of representative citizens, serving without pay, but with reimbursement
27 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
28 now existing or hereafter amended, and the commission may make
29 provision for technical and clerical assistance to such agencies and
30 councils and for the expenses of such assistance. The commission may
31 use organizations specifically experienced in dealing with questions of
32 discrimination.

33 **Sec. 7.** RCW 49.60.175 and 2006 c 4 s 7 are each amended to read as
34 follows:

35 It shall be an unfair practice to use the sex, race, creed, color,
36 national origin, marital status, honorably discharged veteran or

1 military status, sexual orientation, or the presence of any sensory,
2 mental, or physical disability of any person, or the use of a trained
3 dog guide or service animal by a (~~disabled~~) person with a disability,
4 concerning an application for credit in any credit transaction to
5 determine the credit worthiness of an applicant. A licensee under
6 chapter 31.45 RCW that does not market small loans as defined in
7 chapter 31.45 RCW to, or does not enter into those transactions with,
8 armed services members pursuant to and as defined in section 670,
9 subtitle F, of the defense authorization act of 2007, shall not be in
10 violation of this act.

11 **Sec. 8.** RCW 49.60.176 and 2006 c 4 s 8 are each amended to read as
12 follows:

13 (1) It is an unfair practice for any person whether acting for
14 himself, herself, or another in connection with any credit transaction
15 because of race, creed, color, national origin, sex, marital status,
16 honorably discharged veteran or military status, sexual orientation, or
17 the presence of any sensory, mental, or physical disability or the use
18 of a trained dog guide or service animal by a (~~disabled~~) person with
19 a disability:

20 (a) To deny credit to any person;

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

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

26 (d) To attempt to do any of the unfair practices defined in this
27 section.

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

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

35 **Sec. 9.** RCW 49.60.180 and 2006 c 4 s 10 are each amended to read
36 as follows:

1 It is an unfair practice for any employer:

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

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

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

31 (4) To print, or circulate, or cause to be printed or circulated
32 any statement, advertisement, or publication, or to use any form of
33 application for employment, or to make any inquiry in connection with
34 prospective employment, which expresses any limitation, specification,
35 or discrimination as to age, sex, marital status, sexual orientation,
36 race, creed, color, national origin, honorably discharged veteran or
37 military status, or the presence of any sensory, mental, or physical
38 disability or the use of a trained dog guide or service animal by a

1 ((disabled)) person with a disability, or any intent to make any such
2 limitation, specification, or discrimination, unless based upon a bona
3 fide occupational qualification: PROVIDED, Nothing contained herein
4 shall prohibit advertising in a foreign language.

5 **Sec. 10.** RCW 49.60.190 and 2006 c 4 s 11 are each amended to read
6 as follows:

7 It is an unfair practice for any labor union or labor organization:

8 (1) To deny membership and full membership rights and privileges to
9 any person because of age, sex, marital status, sexual orientation,
10 race, creed, color, national origin, honorably discharged veteran or
11 military status, or the presence of any sensory, mental, or physical
12 disability or the use of a trained dog guide or service animal by a
13 ((disabled)) person with a disability.

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

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

27 **Sec. 11.** RCW 49.60.200 and 2006 c 4 s 12 are each amended to read
28 as follows:

29 It is an unfair practice for any employment agency to fail or
30 refuse to classify properly or refer for employment, or otherwise to
31 discriminate against, an individual because of age, sex, marital
32 status, sexual orientation, race, creed, color, national origin,
33 honorably discharged veteran or military status, or the presence of any
34 sensory, mental, or physical disability or the use of a trained dog
35 guide or service animal by a ((disabled)) person with a disability, or
36 to print or circulate, or cause to be printed or circulated any

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

12 **Sec. 12.** RCW 49.60.215 and 2006 c 4 s 13 are each amended to read
13 as follows:

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

32 **Sec. 13.** RCW 49.60.222 and 2006 c 4 s 14 are each amended to read
33 as follows:

34 (1) It is an unfair practice for any person, whether acting for
35 himself, herself, or another, because of sex, marital status, sexual
36 orientation, race, creed, color, national origin, families with

1 children status, honorably discharged veteran or military status, the
2 presence of any sensory, mental, or physical disability, or the use of
3 a trained dog guide or service animal by a (~~disabled~~) person with a
4 disability:

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

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

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

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

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

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

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

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

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

33 (j) To discriminate in the course of negotiating, executing, or
34 financing a real estate transaction whether by mortgage, deed of trust,
35 contract, or other instrument imposing a lien or other security in real
36 property, or in negotiating or executing any item or service related
37 thereto including issuance of title insurance, mortgage insurance, loan

1 guarantee, or other aspect of the transaction. Nothing in this section
2 shall limit the effect of RCW 49.60.176 relating to unfair practices in
3 credit transactions; or

4 (k) To attempt to do any of the unfair practices defined in this
5 section.

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

10 (a) A refusal to permit, at the expense of the (~~(disabled)~~) person
11 with a disability, reasonable modifications of existing premises
12 occupied or to be occupied by such person if such modifications may be
13 necessary to afford such person full enjoyment of the dwelling, except
14 that, in the case of a rental, the landlord may, where it is reasonable
15 to do so, condition permission for a modification on the renter
16 agreeing to restore the interior of the dwelling to the condition that
17 existed before the modification, reasonable wear and tear excepted;

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

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

32 Nothing in (a) or (b) of this subsection shall apply to: (i) A
33 single-family house rented or leased by the owner if the owner does not
34 own or have an interest in the proceeds of the rental or lease of more
35 than three such single-family houses at one time, the rental or lease
36 occurred without the use of a real estate broker or salesperson, as
37 defined in RCW 18.85.010, and the rental or lease occurred without the
38 publication, posting, or mailing of any advertisement, sign, or

1 statement in violation of subsection (1)(g) of this section; or (ii)
2 rooms or units in dwellings containing living quarters occupied or
3 intended to be occupied by no more than four families living
4 independently of each other if the owner maintains and occupies one of
5 the rooms or units as his or her residence.

6 (3) Notwithstanding any other provision of this chapter, it shall
7 not be an unfair practice or a denial of civil rights for any public or
8 private educational institution to separate the sexes or give
9 preference to or limit use of dormitories, residence halls, or other
10 student housing to persons of one sex or to make distinctions on the
11 basis of marital or families with children status.

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

25 (5) Notwithstanding any other provision of this chapter, it shall
26 not be an unfair practice for any public establishment providing for
27 accommodations offered for the full enjoyment of transient guests as
28 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
29 families with children status. Nothing in this section shall limit the
30 effect of RCW 49.60.215 relating to unfair practices in places of
31 public accommodation.

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

1 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
2 amended by the housing for older persons act of 1995, P.L. 104-76, as
3 enacted on December 28, 1995.

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

9 **Sec. 14.** RCW 49.60.223 and 2006 c 4 s 15 are each amended to read
10 as follows:

11 It is an unfair practice for any person, for profit, to induce or
12 attempt to induce any person to sell or rent any real property by
13 representations regarding the entry or prospective entry into the
14 neighborhood of a person or persons of a particular race, creed, color,
15 sex, national origin, sexual orientation, families with children
16 status, honorably discharged veteran or military status, or with any
17 sensory, mental, or physical disability and/or the use of a trained dog
18 guide or service animal by a person who is blind, deaf, or physically
19 disabled ((~~person~~)).

20 **Sec. 15.** RCW 49.60.224 and 2006 c 4 s 16 are each amended to read
21 as follows:

22 (1) Every provision in a written instrument relating to real
23 property which purports to forbid or restrict the conveyance,
24 encumbrance, occupancy, or lease thereof to individuals of a specified
25 race, creed, color, sex, national origin, sexual orientation, families
26 with children status, honorably discharged veteran or military status,
27 or with any sensory, mental, or physical disability or the use of a
28 trained dog guide or service animal by a person who is blind, deaf, or
29 physically disabled ((~~person~~)), and every condition, restriction, or
30 prohibition, including a right of entry or possibility of reverter,
31 which directly or indirectly limits the use or occupancy of real
32 property on the basis of race, creed, color, sex, national origin,
33 sexual orientation, families with children status, honorably discharged
34 veteran or military status, or the presence of any sensory, mental, or
35 physical disability or the use of a trained dog guide or service animal

1 by a person who is blind, deaf, or physically disabled (~~(person)~~) is
2 void.

3 (2) It is an unfair practice to insert in a written instrument
4 relating to real property a provision that is void under this section
5 or to honor or attempt to honor such a provision in the chain of title.

6 **Sec. 16.** RCW 49.60.225 and 2006 c 4 s 17 are each amended to read
7 as follows:

8 (1) When a reasonable cause determination has been made under RCW
9 49.60.240 that an unfair practice in a real estate transaction has been
10 committed and a finding has been made that the respondent has engaged
11 in any unfair practice under RCW 49.60.250, the administrative law
12 judge shall promptly issue an order for such relief suffered by the
13 aggrieved person as may be appropriate, which may include actual
14 damages as provided by the federal fair housing amendments act of 1988
15 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
16 relief. Such order may, to further the public interest, assess a civil
17 penalty against the respondent:

18 (a) In an amount up to ten thousand dollars if the respondent has
19 not been determined to have committed any prior unfair practice in a
20 real estate transaction;

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

25 (c) In an amount up to fifty thousand dollars if the respondent has
26 been determined to have committed two or more unfair practices in a
27 real estate transaction during the seven-year period ending on the date
28 of the filing of this charge, for loss of the right secured by RCW
29 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as
30 now or hereafter amended, to be free from discrimination in real
31 property transactions because of sex, marital status, race, creed,
32 color, national origin, sexual orientation, families with children
33 status, honorably discharged veteran or military status, or the
34 presence of any sensory, mental, or physical disability or the use of
35 a trained dog guide or service animal by a person who is blind, deaf,
36 or physically disabled (~~(person)~~). Enforcement of the order and appeal
37 therefrom by the complainant or respondent may be made as provided in

1 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice
2 in a real estate transaction that is the object of the charge are
3 determined to have been committed by the same natural person who has
4 been previously determined to have committed acts constituting an
5 unfair practice in a real estate transaction, then the civil penalty of
6 up to fifty thousand dollars may be imposed without regard to the
7 period of time within which any subsequent unfair practice in a real
8 estate transaction occurred. All civil penalties assessed under this
9 section shall be paid into the state treasury and credited to the
10 general fund.

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

15 (3) Notwithstanding any other provision of this chapter, persons
16 awarded damages under this section may not receive additional damages
17 pursuant to RCW 49.60.250.

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