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**SUBSTITUTE HOUSE BILL 1766**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Ormsby, Darneille, Chase, Miloscia, Nelson, Green, Kagi, Kenney, Morrell, and Hasegawa)

READ FIRST TIME 02/20/09.

1           AN ACT Relating to discrimination based on lawful source of income;  
2 amending RCW 49.60.030, 49.60.222, 49.60.223, 49.60.224, and 49.60.225;  
3 and reenacting and amending RCW 49.60.040.

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

5           **Sec. 1.** RCW 49.60.030 and 2007 c 187 s 3 are each amended to read  
6 as follows:

7           (1) The right to be free from discrimination because of race,  
8 creed, color, national origin, sex, honorably discharged veteran or  
9 military status, sexual orientation, or the presence of any sensory,  
10 mental, or physical disability or the use of a trained dog guide or  
11 service animal by a person with a disability is recognized as and  
12 declared to be a civil right. This right shall include, but not be  
13 limited to:

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

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

18           (c) The right to engage in real estate transactions without

1 discrimination, including discrimination against families with children  
2 and discrimination against individuals due to lawful source of income;

3 (d) The right to engage in credit transactions without  
4 discrimination;

5 (e) The right to engage in insurance transactions or transactions  
6 with health maintenance organizations without discrimination:  
7 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
8 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
9 purposes of this subparagraph; and

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

27 (2) Any person deeming himself or herself injured by any act in  
28 violation of this chapter shall have a civil action in a court of  
29 competent jurisdiction to enjoin further violations, or to recover the  
30 actual damages sustained by the person, or both, together with the cost  
31 of suit including reasonable attorneys' fees or any other appropriate  
32 remedy authorized by this chapter or the United States Civil Rights Act  
33 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
34 (42 U.S.C. Sec. 3601 et seq.).

35 (3) Except for any unfair practice committed by an employer against  
36 an employee or a prospective employee, or any unfair practice in a real  
37 estate transaction which is the basis for relief specified in the  
38 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any

1 unfair practice prohibited by this chapter which is committed in the  
2 course of trade or commerce as defined in the Consumer Protection Act,  
3 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
4 matter affecting the public interest, is not reasonable in relation to  
5 the development and preservation of business, and is an unfair or  
6 deceptive act in trade or commerce.

7 **Sec. 2.** RCW 49.60.040 and 2007 c 317 s 2 and 2007 c 187 s 4 are  
8 each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Person" includes one or more individuals, partnerships,  
12 associations, organizations, corporations, cooperatives, legal  
13 representatives, trustees and receivers, or any group of persons; it  
14 includes any owner, lessee, proprietor, manager, agent, or employee,  
15 whether one or more natural persons; and further includes any political  
16 or civil subdivisions of the state and any agency or instrumentality of  
17 the state or of any political or civil subdivision thereof.

18 (2) "Commission" means the Washington state human rights  
19 commission.

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

24 (4) "Employee" does not include any individual employed by his or  
25 her parents, spouse, or child, or in the domestic service of any  
26 person.

27 (5) "Labor organization" includes any organization which exists for  
28 the purpose, in whole or in part, of dealing with employers concerning  
29 grievances or terms or conditions of employment, or for other mutual  
30 aid or protection in connection with employment.

31 (6) "Employment agency" includes any person undertaking with or  
32 without compensation to recruit, procure, refer, or place employees for  
33 an employer.

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

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

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

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

1 mausoleum, or cemetery operated or maintained by a bona fide religious  
2 or sectarian institution.

3 (11) "Real property" includes buildings, structures, dwellings,  
4 real estate, lands, tenements, leaseholds, interests in real estate  
5 cooperatives, condominiums, and hereditaments, corporeal and  
6 incorporeal, or any interest therein.

7 (12) "Real estate transaction" includes the sale, appraisal,  
8 brokering, exchange, purchase, rental, or lease of real property,  
9 transacting or applying for a real estate loan, or the provision of  
10 brokerage services.

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

16 (14) "Sex" means gender.

17 (15) "Sexual orientation" means heterosexuality, homosexuality,  
18 bisexuality, and gender expression or identity. As used in this  
19 definition, "gender expression or identity" means having or being  
20 perceived as having a gender identity, self-image, appearance,  
21 behavior, or expression, whether or not that gender identity, self-  
22 image, appearance, behavior, or expression is different from that  
23 traditionally associated with the sex assigned to that person at birth.

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

28 (17) "Complainant" means the person who files a complaint in a real  
29 estate transaction.

30 (18) "Respondent" means any person accused in a complaint or  
31 amended complaint of an unfair practice in a real estate transaction.

32 (19) "Credit transaction" includes any open or closed end credit  
33 transaction, whether in the nature of a loan, retail installment  
34 transaction, credit card issue or charge, or otherwise, and whether for  
35 personal or for business purposes, in which a service, finance, or  
36 interest charge is imposed, or which provides for repayment in  
37 scheduled payments, when such credit is extended in the regular course  
38 of any trade or commerce, including but not limited to transactions by

1 banks, savings and loan associations or other financial lending  
2 institutions of whatever nature, stock brokers, or by a merchant or  
3 mercantile establishment which as part of its ordinary business permits  
4 or provides that payment for purchases of property or service therefrom  
5 may be deferred.

6 (20) "Families with children status" means one or more individuals  
7 who have not attained the age of eighteen years being domiciled with a  
8 parent or another person having legal custody of such individual or  
9 individuals, or with the designee of such parent or other person having  
10 such legal custody, with the written permission of such parent or other  
11 person. Families with children status also applies to any person who  
12 is pregnant or is in the process of securing legal custody of any  
13 individual who has not attained the age of eighteen years.

14 (21) "Covered multifamily dwelling" means: (a) Buildings  
15 consisting of four or more dwelling units if such buildings have one or  
16 more elevators; and (b) ground floor dwelling units in other buildings  
17 consisting of four or more dwelling units.

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

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

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

27 (25)(a) "Disability" means the presence of a sensory, mental, or  
28 physical impairment that:

- 29 (i) Is medically cognizable or diagnosable; or
- 30 (ii) Exists as a record or history; or
- 31 (iii) Is perceived to exist whether or not it exists in fact.

32 (b) A disability exists whether it is temporary or permanent,  
33 common or uncommon, mitigated or unmitigated, or whether or not it  
34 limits the ability to work generally or work at a particular job or  
35 whether or not it limits any other activity within the scope of this  
36 chapter.

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

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

7 (ii) Any mental, developmental, traumatic, or psychological  
8 disorder, including but not limited to cognitive limitation, organic  
9 brain syndrome, emotional or mental illness, and specific learning  
10 disabilities.

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

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

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

23 (e) For purposes of (d) of this subsection, a limitation is not  
24 substantial if it has only a trivial effect.

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

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

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

31 (27) "Lawful source of income" means verifiable legal income used  
32 in the renting or leasing of real property, including income derived  
33 from employment, social security, supplemental security income, other  
34 retirement programs, child support, alimony, and any federal, state,  
35 local, or nonprofit-administered benefit or subsidy programs, including  
36 housing assistance, public assistance, and general assistance programs.

1           **Sec. 3.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to read  
2 as follows:

3           (1) It is an unfair practice for any person, whether acting for  
4 himself, herself, or another, because of sex, marital status, sexual  
5 orientation, race, creed, color, national origin, lawful source of  
6 income, families with children status, honorably discharged veteran or  
7 military status, the presence of any sensory, mental, or physical  
8 disability, or the use of a trained dog guide or service animal by a  
9 person with a disability:

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

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

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

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

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

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

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

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

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



1 (j) To discriminate in the course of negotiating, executing, or  
2 financing a real estate transaction whether by mortgage, deed of trust,  
3 contract, or other instrument imposing a lien or other security in real  
4 property, or in negotiating or executing any item or service related  
5 thereto including issuance of title insurance, mortgage insurance, loan  
6 guarantee, or other aspect of the transaction. Nothing in this section  
7 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
8 credit transactions; or

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

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

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

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

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

37 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
38 single-family house rented or leased by the owner if the owner does not

1 own or have an interest in the proceeds of the rental or lease of more  
2 than three such single-family houses at one time, the rental or lease  
3 occurred without the use of a real estate broker or salesperson, as  
4 defined in RCW ((~~18.85.010~~)) 18.85.011, and the rental or lease  
5 occurred without the publication, posting, or mailing of any  
6 advertisement, sign, or statement in violation of subsection (1)(g) of  
7 this section; or (ii) rooms or units in dwellings containing living  
8 quarters occupied or intended to be occupied by no more than four  
9 families living independently of each other if the owner maintains and  
10 occupies one of the rooms or units as his or her residence.

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

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

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

37 (6) Nothing in this chapter prohibiting discrimination based on  
38 families with children status applies to housing for older persons as

1 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
2 Sec. 3607(b)(1) through (3), as amended by the housing for older  
3 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
4 Nothing in this chapter authorizes requirements for housing for older  
5 persons different than the requirements in the federal fair housing  
6 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
7 amended by the housing for older persons act of 1995, P.L. 104-76, as  
8 enacted on December 28, 1995.

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

14 **Sec. 4.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to read  
15 as follows:

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

25 **Sec. 5.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to read  
26 as follows:

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

1 of real property on the basis of race, creed, color, sex, national  
2 origin, lawful source of income, sexual orientation, families with  
3 children status, honorably discharged veteran or military status, or  
4 the presence of any sensory, mental, or physical disability or the use  
5 of a trained dog guide or service animal by a person who is blind,  
6 deaf, or physically disabled is void.

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

10 **Sec. 6.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to read  
11 as follows:

12 (1) When a reasonable cause determination has been made under RCW  
13 49.60.240 that an unfair practice in a real estate transaction has been  
14 committed and a finding has been made that the respondent has engaged  
15 in any unfair practice under RCW 49.60.250, the administrative law  
16 judge shall promptly issue an order for such relief suffered by the  
17 aggrieved person as may be appropriate, which may include actual  
18 damages as provided by the federal fair housing amendments act of 1988  
19 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
20 relief. Such order may, to further the public interest, assess a civil  
21 penalty against the respondent:

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

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

29 (c) In an amount up to fifty thousand dollars if the respondent has  
30 been determined to have committed two or more unfair practices in a  
31 real estate transaction during the seven-year period ending on the date  
32 of the filing of this charge, for loss of the right secured by RCW  
33 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
34 now or hereafter amended, to be free from discrimination in real  
35 property transactions because of sex, marital status, race, creed,  
36 color, national origin, lawful source of income, sexual orientation,  
37 families with children status, honorably discharged veteran or military

1 status, or the presence of any sensory, mental, or physical disability  
2 or the use of a trained dog guide or service animal by a person who is  
3 blind, deaf, or physically disabled. Enforcement of the order and  
4 appeal therefrom by the complainant or respondent may be made as  
5 provided in RCW 49.60.260 and 49.60.270. If acts constituting the  
6 unfair practice in a real estate transaction that is the object of the  
7 charge are determined to have been committed by the same natural person  
8 who has been previously determined to have committed acts constituting  
9 an unfair practice in a real estate transaction, then the civil penalty  
10 of up to fifty thousand dollars may be imposed without regard to the  
11 period of time within which any subsequent unfair practice in a real  
12 estate transaction occurred. All civil penalties assessed under this  
13 section shall be paid into the state treasury and credited to the  
14 general fund.

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

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

22 NEW SECTION. **Sec. 7.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

--- END ---