
SENATE BILL 6433

State of Washington 63rd Legislature 2014 Regular Session

By Senators Padden, Kline, and Darneille

Read first time 01/24/14. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting discrimination by an individual or
2 entity on the basis of creed; reenacting and amending RCW 49.60.040;
3 and adding a new section to chapter 49.60 RCW.

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

5 **Sec. 1.** RCW 49.60.040 and 2009 c 187 s 3 are each reenacted and
6 amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Aggrieved person" means any person who: (a) Claims to have
10 been injured by an unfair practice in a real estate transaction; or (b)
11 believes that he or she will be injured by an unfair practice in a real
12 estate transaction that is about to occur.

13 (2) "Any place of public resort, accommodation, assemblage, or
14 amusement" includes, but is not limited to, any place, licensed or
15 unlicensed, kept for gain, hire, or reward, or where charges are made
16 for admission, service, occupancy, or use of any property or
17 facilities, whether conducted for the entertainment, housing, or
18 lodging of transient guests, or for the benefit, use, or accommodation
19 of those seeking health, recreation, or rest, or for the burial or

1 other disposition of human remains, or for the sale of goods,
2 merchandise, services, or personal property, or for the rendering of
3 personal services, or for public conveyance or transportation on land,
4 water, or in the air, including the stations and terminals thereof and
5 the garaging of vehicles, or where food or beverages of any kind are
6 sold for consumption on the premises, or where public amusement,
7 entertainment, sports, or recreation of any kind is offered with or
8 without charge, or where medical service or care is made available, or
9 where the public gathers, congregates, or assembles for amusement,
10 recreation, or public purposes, or public halls, public elevators, and
11 public washrooms of buildings and structures occupied by two or more
12 tenants, or by the owner and one or more tenants, or any public library
13 or educational institution, or schools of special instruction, or
14 nursery schools, or day care centers or children's camps: PROVIDED,
15 That nothing contained in this definition shall be construed to include
16 or apply to any institute, bona fide club, or place of accommodation,
17 which is by its nature distinctly private, including fraternal
18 organizations, though where public use is permitted that use shall be
19 covered by this chapter; nor shall anything contained in this
20 definition apply to any educational facility, columbarium, crematory,
21 mausoleum, or cemetery operated or maintained by a bona fide religious
22 or sectarian institution.

23 (3) "Commission" means the Washington state human rights
24 commission.

25 (4) "Complainant" means the person who files a complaint in a real
26 estate transaction.

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

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

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

5 (7)(a) "Disability" means the presence of a sensory, mental, or
6 physical impairment that:

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

10 (b) A disability exists whether it is temporary or permanent,
11 common or uncommon, mitigated or unmitigated, or whether or not it
12 limits the ability to work generally or work at a particular job or
13 whether or not it limits any other activity within the scope of this
14 chapter.

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

17 (i) Any physiological disorder, or condition, cosmetic
18 disfigurement, or anatomical loss affecting one or more of the
19 following body systems: Neurological, musculoskeletal, special sense
20 organs, respiratory, including speech organs, cardiovascular,
21 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,
22 and endocrine; or

23 (ii) Any mental, developmental, traumatic, or psychological
24 disorder, including but not limited to cognitive limitation, organic
25 brain syndrome, emotional or mental illness, and specific learning
26 disabilities.

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

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

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

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

3 (8) "Dog guide" means a dog that is trained for the purpose of
4 guiding blind persons or a dog that is trained for the purpose of
5 assisting hearing impaired persons.

6 (9) "Dwelling" means any building, structure, or portion thereof
7 that is occupied as, or designed or intended for occupancy as, a
8 residence by one or more families, and any vacant land that is offered
9 for sale or lease for the construction or location thereon of any such
10 building, structure, or portion thereof.

11 (10) "Employee" does not include any individual employed by his or
12 her parents, spouse, or child, or in the domestic service of any
13 person.

14 (11) "Employer" includes any person acting in the interest of an
15 employer, directly or indirectly, who employs eight or more persons,
16 and does not include any religious or sectarian organization not
17 organized for private profit.

18 (12) "Employment agency" includes any person undertaking with or
19 without compensation to recruit, procure, refer, or place employees for
20 an employer.

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

29 (14) "Full enjoyment of" includes the right to purchase any
30 service, commodity, or article of personal property offered or sold on,
31 or by, any establishment to the public, and the admission of any person
32 to accommodations, advantages, facilities, or privileges of any place
33 of public resort, accommodation, assemblage, or amusement, without acts
34 directly or indirectly causing persons of any particular race, creed,
35 color, sex, sexual orientation, national origin, or with any sensory,
36 mental, or physical disability, or the use of a trained dog guide or
37 service animal by a person with a disability, to be treated as not
38 welcome, accepted, desired, or solicited.

- 1 (15) "Honorably discharged veteran or military status" means a
2 person who is:
- 3 (a) A veteran, as defined in RCW 41.04.007; or
 - 4 (b) An active or reserve member in any branch of the armed forces
5 of the United States, including the national guard, coast guard, and
6 armed forces reserves.
- 7 (16) "Labor organization" includes any organization which exists
8 for the purpose, in whole or in part, of dealing with employers
9 concerning grievances or terms or conditions of employment, or for
10 other mutual aid or protection in connection with employment.
- 11 (17) "Marital status" means the legal status of being married,
12 single, separated, divorced, or widowed.
- 13 (18) "National origin" includes "ancestry."
- 14 (19) "Person" includes one or more individuals, partnerships,
15 associations, organizations, corporations, cooperatives, legal
16 representatives, trustees and receivers, or any group of persons; it
17 includes any owner, lessee, proprietor, manager, agent, or employee,
18 whether one or more natural persons; and further includes any political
19 or civil subdivisions of the state and any agency or instrumentality of
20 the state or of any political or civil subdivision thereof.
- 21 (20) "Premises" means the interior or exterior spaces, parts,
22 components, or elements of a building, including individual dwelling
23 units and the public and common use areas of a building.
- 24 (21) "Real estate transaction" includes the sale, appraisal,
25 brokering, exchange, purchase, rental, or lease of real property,
26 transacting or applying for a real estate loan, or the provision of
27 brokerage services.
- 28 (22) "Real property" includes buildings, structures, dwellings,
29 real estate, lands, tenements, leaseholds, interests in real estate
30 cooperatives, condominiums, and hereditaments, corporeal and
31 incorporeal, or any interest therein.
- 32 (23) "Respondent" means any person accused in a complaint or
33 amended complaint of an unfair practice in a real estate transaction.
- 34 (24) "Service animal" means an animal that is trained for the
35 purpose of assisting or accommodating a sensory, mental, or physical
36 disability of a person with a disability.
- 37 (25) "Sex" means gender.

1 (26) "Sexual orientation" means heterosexuality, homosexuality,
2 bisexuality, and gender expression or identity. As used in this
3 definition, "gender expression or identity" means having or being
4 perceived as having a gender identity, self-image, appearance,
5 behavior, or expression, whether or not that gender identity, self-
6 image, appearance, behavior, or expression is different from that
7 traditionally associated with the sex assigned to that person at birth.

8 (27) "Creed" has the same meaning as provided in Article I, section
9 11 of the state Constitution.

10 NEW SECTION. Sec. 2. A new section is added to chapter 49.60 RCW
11 to read as follows:

12 An individual or entity may not discriminate against another
13 individual on the basis of creed in regard to the protected practices
14 under this chapter. Discrimination against an individual on the basis
15 of creed includes not making reasonable accommodations for the known
16 creed or religious observance, practice, and belief of an individual;
17 unless the individual or entity involved in the provision of a
18 reasonable accommodation can demonstrate that the accommodation would
19 impose an undue hardship on the operation or business of the individual
20 or entity. An undue hardship means an action requiring significant
21 difficulty or expense when considered in light of the following factors
22 including, but not limited to:

- 23 (1) The nature and cost of the necessary accommodation;
- 24 (2) The overall financial resources of the individual or entity
25 involved in the provision of the accommodation;
- 26 (3) The effect on the operation or business of the individual or
27 entity involved in the provision of the accommodation.

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