

**SB 5123** - H COMM AMD

By Committee on State Government & Tribal Affairs

NOT ADOPTED 04/11/2007

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 49.60.010 and 2006 c 4 s 1 are each amended to read  
4 as follows:

5 This chapter shall be known as the "law against discrimination."  
6 It is an exercise of the police power of the state for the protection  
7 of the public welfare, health, and peace of the people of this state,  
8 and in fulfillment of the provisions of the Constitution of this state  
9 concerning civil rights. The legislature hereby finds and declares  
10 that practices of discrimination against any of its inhabitants because  
11 of race, creed, color, national origin, families with children, sex,  
12 marital status, sexual orientation, age, honorably discharged veteran  
13 or military status, or the presence of any sensory, mental, or physical  
14 disability or the use of a trained dog guide or service animal by a  
15 ((disabled)) person with a disability are a matter of state concern,  
16 that such discrimination threatens not only the rights and proper  
17 privileges of its inhabitants but menaces the institutions and  
18 foundation of a free democratic state. A state agency is herein  
19 created with powers with respect to elimination and prevention of  
20 discrimination in employment, in credit and insurance transactions, in  
21 places of public resort, accommodation, or amusement, and in real  
22 property transactions because of race, creed, color, national origin,  
23 families with children, sex, marital status, sexual orientation, age,  
24 honorably discharged veteran or military status, or the presence of any  
25 sensory, mental, or physical disability or the use of a trained dog  
26 guide or service animal by a ((disabled)) person with a disability; and  
27 the commission established hereunder is hereby given general  
28 jurisdiction and power for such purposes.

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

3       The provisions of this chapter shall be construed liberally for the  
4 accomplishment of the purposes thereof. Nothing contained in this  
5 chapter shall be deemed to repeal any of the provisions of any other  
6 law of this state relating to discrimination because of race, color,  
7 creed, national origin, sex, marital status, sexual orientation, age,  
8 honorably discharged veteran or military status, or the presence of any  
9 sensory, mental, or physical disability, other than a law which  
10 purports to require or permit doing any act which is an unfair practice  
11 under this chapter. Nor shall anything herein contained be construed  
12 to deny the right to any person to institute any action or pursue any  
13 civil or criminal remedy based upon an alleged violation of his or her  
14 civil rights. This chapter shall not be construed to endorse any  
15 specific belief, practice, behavior, or orientation. Inclusion of  
16 sexual orientation in this chapter shall not be construed to modify or  
17 supersede state law relating to marriage.

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

20       (1) The right to be free from discrimination because of race,  
21 creed, color, national origin, sex, honorably discharged veteran or  
22 military status, sexual orientation, 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 is recognized  
25 as and declared to be a civil right. This right shall include, but not  
26 be limited to:

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

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

31       (c) The right to engage in real estate transactions without  
32 discrimination, including discrimination against families with  
33 children;

34       (d) The right to engage in credit transactions without  
35 discrimination;

36       (e) The right to engage in insurance transactions or transactions  
37 with health maintenance organizations without discrimination:

1 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
2 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
3 purposes of this subparagraph; and

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

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

29 (3) Except for any unfair practice committed by an employer against  
30 an employee or a prospective employee, or any unfair practice in a real  
31 estate transaction which is the basis for relief specified in the  
32 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
33 unfair practice prohibited by this chapter which is committed in the  
34 course of trade or commerce as defined in the Consumer Protection Act,  
35 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
36 matter affecting the public interest, is not reasonable in relation to  
37 the development and preservation of business, and is an unfair or  
38 deceptive act in trade or commerce.

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

3       The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

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

12       (2) "Commission" means the Washington state human rights  
13 commission((+)).

14       (3) "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       (4) "Employee" does not include any individual employed by his or  
19 her parents, spouse, or child, or in the domestic service of any  
20 person((+)).

21       (5) "Labor organization" includes any organization which exists for  
22 the purpose, in whole or in part, of dealing with employers concerning  
23 grievances or terms or conditions of employment, or for other mutual  
24 aid or protection in connection with employment((+)).

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

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

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

31       (9) "Full enjoyment of" includes the right to purchase any service,  
32 commodity, or article of personal property offered or sold on, or by,  
33 any establishment to the public, and the admission of any person to  
34 accommodations, advantages, facilities, or privileges of any place of  
35 public resort, accommodation, assemblage, or amusement, without acts  
36 directly or indirectly causing persons of any particular race, creed,  
37 color, sex, sexual orientation, national origin, or with any sensory,

1 mental, or physical disability, or the use of a trained dog guide or  
2 service animal by a (~~disabled~~) person with a disability, to be  
3 treated as not welcome, accepted, desired, or solicited((+)).

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

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

37 (12) "Real estate transaction" includes the sale, appraisal,

1 brokering, exchange, purchase, rental, or lease of real property,  
2 transacting or applying for a real estate loan, or the provision of  
3 brokerage services((+)).

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

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

10 (15) "Sexual orientation" means heterosexuality, homosexuality,  
11 bisexuality, and gender expression or identity. As used in this  
12 definition, "gender expression or identity" means having or being  
13 perceived as having a gender identity, self-image, appearance,  
14 behavior, or expression, whether or not that gender identity, self-  
15 image, appearance, behavior, or expression is different from that  
16 traditionally associated with the sex assigned to that person at  
17 birth((+)).

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

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

24 (18) "Respondent" means any person accused in a complaint or  
25 amended complaint of an unfair practice in a real estate  
26 transaction((+)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (7) To cooperate and act jointly or by division of labor with the  
17 United States or other states, with other Washington state agencies,  
18 commissions, and other government entities, and with political  
19 subdivisions of the state of Washington and their respective human  
20 rights agencies to carry out the purposes of this chapter. However,  
21 the powers which may be exercised by the commission under this  
22 subsection permit investigations and complaint dispositions only if the  
23 investigations are designed to reveal, or the complaint deals only  
24 with, allegations which, if proven, would constitute unfair practices  
25 under this chapter. The commission may perform such services for these  
26 agencies and be reimbursed therefor.

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

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

32 The commission has power to create such advisory agencies and  
33 conciliation councils, local, regional, or statewide, as in its  
34 judgment will aid in effectuating the purposes of this chapter. The  
35 commission may empower them to study the problems of discrimination in  
36 all or specific fields of human relationships or in specific instances  
37 of discrimination because of sex, race, creed, color, national origin,

1 marital status, sexual orientation, age, honorably discharged veteran  
2 or military status, or the presence of any sensory, mental, or physical  
3 disability or the use of a trained dog guide or service animal by a  
4 ((disabled)) person with a disability; to foster through community  
5 effort or otherwise good will, cooperation, and conciliation among the  
6 groups and elements of the population of the state, and to make  
7 recommendations to the commission for the development of policies and  
8 procedures in general and in specific instances, and for programs of  
9 formal and informal education which the commission may recommend to the  
10 appropriate state agency.

11 Such advisory agencies and conciliation councils shall be composed  
12 of representative citizens, serving without pay, but with reimbursement  
13 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as  
14 now existing or hereafter amended, and the commission may make  
15 provision for technical and clerical assistance to such agencies and  
16 councils and for the expenses of such assistance. The commission may  
17 use organizations specifically experienced in dealing with questions of  
18 discrimination.

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

21 It shall be an unfair practice to use the sex, race, creed, color,  
22 national origin, marital status, honorably discharged veteran or  
23 military status, sexual orientation, or the presence of any sensory,  
24 mental, or physical disability of any person, or the use of a trained  
25 dog guide or service animal by a ((disabled)) person with a disability,  
26 concerning an application for credit in any credit transaction to  
27 determine the credit worthiness of an applicant; provided that a  
28 creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April  
29 1, 2007, may consider whether any person is a covered member or  
30 dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each  
31 exists on April 1, 2007, in connection with an application for or an  
32 extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as  
33 it exists on April 1, 2007.

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

36 (1) It is an unfair practice for any person whether acting for

1 himself, herself, or another in connection with any credit transaction  
2 because of race, creed, color, national origin, sex, marital status,  
3 honorably discharged veteran or military status, sexual orientation, 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 (~~disabled~~) person with  
6 a disability:

7 (a) To deny credit to any person;

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

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

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

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

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

22 (4) Notwithstanding any other provision of this section or this  
23 chapter, it shall not be an unfair practice or a denial of civil rights  
24 for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on  
25 April 1, 2007, to refuse to offer, to deny, to offer different terms  
26 and conditions, or to otherwise place restrictions on an extension of  
27 consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on  
28 April 1, 2007, offered to or entered into with a covered member or  
29 dependent because such person is a covered member or dependent, as  
30 defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1,  
31 2007.

32 **Sec. 9.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read as  
33 follows:

34 It is an unfair practice for any person whether acting for himself,  
35 herself, or another in connection with an insurance transaction or  
36 transaction with a health maintenance organization to cancel or fail or  
37 refuse to issue or renew insurance or a health maintenance agreement to

1 any person because of sex, marital status, honorably discharged veteran  
2 or military status, sexual orientation, race, creed, color, national  
3 origin, or the presence of any sensory, mental, or physical disability  
4 or the use of a trained dog guide or service animal by a ((disabled))  
5 person with a disability: PROVIDED, That a practice which is not  
6 unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not  
7 constitute an unfair practice for the purposes of this section. For  
8 the purposes of this section, "insurance transaction" is defined in RCW  
9 48.01.060, health maintenance agreement is defined in RCW 48.46.020,  
10 and "health maintenance organization" is defined in RCW 48.46.020.

11 The fact that such unfair practice may also be a violation of  
12 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an  
13 action brought under this section.

14 The insurance commissioner, under RCW 48.30.300, and the human  
15 rights commission, under chapter 49.60 RCW, shall have concurrent  
16 jurisdiction under this section and shall enter into a working  
17 agreement as to procedure to be followed in complaints under this  
18 section.

19 **Sec. 10.** RCW 49.60.180 and 2006 c 4 s 10 are each amended to read  
20 as follows:

21 It is an unfair practice for any employer:

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

33 (2) To discharge or bar any person from employment because of age,  
34 sex, marital status, sexual orientation, race, creed, color, national  
35 origin, honorably discharged veteran or military status, or the  
36 presence of any sensory, mental, or physical disability or the use of

1 a trained dog guide or service animal by a ((disabled)) person with a  
2 disability.

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

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

27 **Sec. 11.** RCW 49.60.190 and 2006 c 4 s 11 are each amended to read  
28 as follows:

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

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

36 (2) To expel from membership any person because of age, sex,  
37 marital status, sexual orientation, race, creed, color, national

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

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

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

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

35 It shall be an unfair practice for any person or the person's agent  
36 or employee to commit an act which directly or indirectly results in

1 any distinction, restriction, or discrimination, or the requiring of  
2 any person to pay a larger sum than the uniform rates charged other  
3 persons, or the refusing or withholding from any person the admission,  
4 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
5 in any place of public resort, accommodation, assemblage, or amusement,  
6 except for conditions and limitations established by law and applicable  
7 to all persons, regardless of race, creed, color, national origin,  
8 sexual orientation, sex, honorably discharged veteran or military  
9 status, the presence of any sensory, mental, or physical disability, or  
10 the use of a trained dog guide or service animal by a ((disabled))  
11 person with a disability: PROVIDED, That this section shall not be  
12 construed to require structural changes, modifications, or additions to  
13 make any place accessible to a ((disabled)) person with a disability  
14 except as otherwise required by law: PROVIDED, That behavior or  
15 actions constituting a risk to property or other persons can be grounds  
16 for refusal and shall not constitute an unfair practice.

17 **Sec. 14.** RCW 49.60.222 and 2006 c 4 s 14 are each amended to read  
18 as follows:

19 (1) It is an unfair practice for any person, whether acting for  
20 himself, herself, or another, because of sex, marital status, sexual  
21 orientation, race, creed, color, national origin, families with  
22 children status, honorably discharged veteran or military status, the  
23 presence of any sensory, mental, or physical disability, or the use of  
24 a trained dog guide or service animal by a ((disabled)) person with a  
25 disability:

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

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

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

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

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

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

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

12 (h) To offer, solicit, accept, use, or retain a listing of real  
13 property with the understanding that a person may be discriminated  
14 against in a real estate transaction or in the furnishing of facilities  
15 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  
18 financing a real estate transaction whether by mortgage, deed of trust,  
19 contract, or other instrument imposing a lien or other security in real  
20 property, or in negotiating or executing any item or service related  
21 thereto including issuance of title insurance, mortgage insurance, loan  
22 guarantee, or other aspect of the transaction. Nothing in this section  
23 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
24 credit transactions; or

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

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

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

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

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

15 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
16 single-family house rented or leased by the owner if the owner does not  
17 own or have an interest in the proceeds of the rental or lease of more  
18 than three such single-family houses at one time, the rental or lease  
19 occurred without the use of a real estate broker or salesperson, as  
20 defined in RCW 18.85.010, and the rental or lease occurred without the  
21 publication, posting, or mailing of any advertisement, sign, or  
22 statement in violation of subsection (1)(g) of this section; or (ii)  
23 rooms or units in dwellings containing living quarters occupied or  
24 intended to be occupied by no more than four families living  
25 independently of each other if the owner maintains and occupies one of  
26 the rooms or units as his or her residence.

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

33 (4) Except pursuant to subsection (2)(a) of this section, this  
34 section shall not be construed to require structural changes,  
35 modifications, or additions to make facilities accessible to a  
36 (~~(disabled)~~) person with a disability except as otherwise required by  
37 law. Nothing in this section affects the rights, responsibilities, and  
38 remedies of landlords and tenants pursuant to chapter 59.18 or 59.20

1 RCW, including the right to post and enforce reasonable rules of  
2 conduct and safety for all tenants and their guests, provided that  
3 chapters 59.18 and 59.20 RCW are only affected to the extent they are  
4 inconsistent with the nondiscrimination requirements of this chapter.  
5 Nothing in this section limits the applicability of any reasonable  
6 federal, state, or local restrictions regarding the maximum number of  
7 occupants permitted to occupy a dwelling.

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

15 (6) Nothing in this chapter prohibiting discrimination based on  
16 families with children status applies to housing for older persons as  
17 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
18 Sec. 3607(b)(1) through (3), as amended by the housing for older  
19 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
20 Nothing in this chapter authorizes requirements for housing for older  
21 persons different than the requirements in the federal fair housing  
22 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
23 amended by the housing for older persons act of 1995, P.L. 104-76, as  
24 enacted on December 28, 1995.

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

30 **Sec. 15.** RCW 49.60.223 and 2006 c 4 s 15 are each amended to read  
31 as follows:

32 It is an unfair practice for any person, for profit, to induce or  
33 attempt to induce any person to sell or rent any real property by  
34 representations regarding the entry or prospective entry into the  
35 neighborhood of a person or persons of a particular race, creed, color,  
36 sex, national origin, sexual orientation, families with children  
37 status, honorably discharged veteran or military status, or with any

1 sensory, mental, or physical disability and/or the use of a trained dog  
2 guide or service animal by a person who is blind, deaf, or physically  
3 disabled ((~~person~~)).

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

6 (1) Every provision in a written instrument relating to real  
7 property which purports to forbid or restrict the conveyance,  
8 encumbrance, occupancy, or lease thereof to individuals of a specified  
9 race, creed, color, sex, national origin, sexual orientation, families  
10 with children status, honorably discharged veteran or military status,  
11 or with any sensory, mental, or physical disability or the use of a  
12 trained dog guide or service animal by a person who is blind, deaf, or  
13 physically disabled ((~~person~~)), and every condition, restriction, or  
14 prohibition, including a right of entry or possibility of reverter,  
15 which directly or indirectly limits the use or occupancy of real  
16 property on the basis of race, creed, color, sex, national origin,  
17 sexual orientation, families with children status, honorably discharged  
18 veteran or military status, or the presence of any sensory, mental, or  
19 physical disability or the use of a trained dog guide or service animal  
20 by a person who is blind, deaf, or physically disabled ((~~person~~)) is  
21 void.

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

25 **Sec. 17.** RCW 49.60.225 and 2006 c 4 s 17 are each amended to read  
26 as follows:

27 (1) When a reasonable cause determination has been made under RCW  
28 49.60.240 that an unfair practice in a real estate transaction has been  
29 committed and a finding has been made that the respondent has engaged  
30 in any unfair practice under RCW 49.60.250, the administrative law  
31 judge shall promptly issue an order for such relief suffered by the  
32 aggrieved person as may be appropriate, which may include actual  
33 damages as provided by the federal fair housing amendments act of 1988  
34 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
35 relief. Such order may, to further the public interest, assess a civil  
36 penalty against the respondent:

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

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

8 (c) In an amount up to fifty thousand dollars if the respondent has  
9 been determined to have committed two or more unfair practices in a  
10 real estate transaction during the seven-year period ending on the date  
11 of the filing of this charge, for loss of the right secured by RCW  
12 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
13 now or hereafter amended, to be free from discrimination in real  
14 property transactions because of sex, marital status, race, creed,  
15 color, national origin, sexual orientation, families with children  
16 status, 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 person who is blind, deaf,  
19 or physically disabled (~~(person)~~). Enforcement of the order and appeal  
20 therefrom by the complainant or respondent may be made as provided in  
21 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice  
22 in a real estate transaction that is the object of the charge are  
23 determined to have been committed by the same natural person who has  
24 been previously determined to have committed acts constituting an  
25 unfair practice in a real estate transaction, then the civil penalty of  
26 up to fifty thousand dollars may be imposed without regard to the  
27 period of time within which any subsequent unfair practice in a real  
28 estate transaction occurred. All civil penalties assessed under this  
29 section shall be paid into the state treasury and credited to the  
30 general fund.

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

35 (3) Notwithstanding any other provision of this chapter, persons  
36 awarded damages under this section may not receive additional damages  
37 pursuant to RCW 49.60.250."

1 Correct the title.

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