

HOUSE BILL REPORT

HB 2598

*As Passed House
February 14, 1992*

Title: An act relating to housing discrimination.

Brief Description: Clarifying remedies for discriminatory housing practices.

Sponsor(s): Representatives Nelson, Winsley, Anderson, Wineberry, Leonard, Franklin, Ogden, Paris, Brough, Mitchell and Brekke.

Brief History:

Reported by House Committee on:
Housing, January 31, 1992, DP;
Passed House, February 14, 1992, 92-0.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *Do pass.* Signed by 8 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Staff: Kenny Pittman (786-7392).

Background: The Fair Housing Amendments Act of 1988, effective March 12, 1989, amends Title VIII of the Civil Rights Act of 1968 to extend fair housing protection to the handicapped and to families with children. It also establishes an administrative and judicial enforcement mechanism for discriminatory housing practices.

Under federal law, the U.S. Department of Housing and Urban Development (HUD) must refer complaints to the state and the local agency where the complaint arises, if the state or agency is certified as administering laws substantially equivalent to the federal law. If a state does not become substantially equivalent within the time allowed, HUD would assume all enforcement authority, with associated funding to investigate charges of illegal housing discrimination, for that state or local agency.

To retain their enforcement function, a state must bring its fair housing laws and regulations into compliance with the new amendments by January 13, 1992. The United States Department of Housing and Urban Development may grant an extension, until September 13, 1992, for exceptional circumstances. To obtain substantial equivalency, a state or local law must prohibit the same discriminatory housing practices, and provide equivalent rights and remedies, procedures and a judicial review process as the federal law.

Washington's law against discrimination, administered by the Washington State Human Rights Commission, prohibits discrimination in real estate transactions on the basis of sex, marital status, race, creed, color, national origin, handicap, or use of a trained dog guide.

A person found guilty of unfair practices, under the state's human rights law, must take affirmative action to correct the violation and is subject to damages for humiliation and mental suffering not to exceed \$1,000 plus costs and fees. The administrative law judge may award additional damages not to exceed \$1,000 for discrimination involving real property.

Summary of Bill: The state's human rights laws are amended to make them substantially equivalent to the federal law by: (1) adding families with children as a protected class in real estate transactions; (2) providing an exemption for housing that is designated housing for older persons; (3) providing accessibility standards for the protection of the handicapped; and (4) adding all the substantive rights, protections and remedies of the federal law.

"Families with children" is defined as one or more individuals below the age of 18 years old and where such individual(s) lives with a parent or another person that has legal custody of the child or children. The term also applies to a person that is pregnant or in process of obtaining legal custody of any person that is below the age of 18 years old.

"Housing for older persons" is defined as housing: (a) that is occupied solely by persons 62 years of age or older; or (b) where at least 80 percent of the occupied units are occupied by a person 55 years of age or older, and must contain facilities services designed to meet the physical and social needs of older persons.

A person found guilty of engaging in unfair practices, not involving real property, must take affirmative action to correct the unfair practice. The administrative law judge may award relief to the parties subject to the unfair

practice, not involving real property. The award can not exceed \$10,000 for humiliation and mental suffering.

Complaints related to unfair practices involving real property estate must be filed, with the Washington State Human Rights Commission, within one year of the alleged discriminatory practice. The administrative law judge can: (a) require affirmative actions to correct the unfair practice; (b) determine the amount of relief, including actual damages as provided in federal law, to award to parties affected by the unfair practice; and (c) assess a civil penalty against a person found guilty of the unfair practice. The civil penalties are based on a three tiers system with fines up to: \$10,000 for the first offense; \$25,000 for the second offense; and \$50,000 for the third offense.

The increased relief and civil penalties awarded to parties subject to the unfair practices would apply to cases that arise or are decided after the effective date of this bill.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is needed to make the state's human rights law equivalent to federal law against discrimination. These changes will allow the Washington State Human Rights Commission and local government human rights departments: (1) to handle discrimination complaints against families with children; and (2) to receive funds from the federal government for fair housing enforcement. This will eliminate duplication of efforts by federal, state, and local officials and ensure full protection to all residents of the state.

Testimony Against: None.

Witnesses: Kurt Creager, Vancouver Housing Authority (Pro); Mike Ryherd, Low-Income Housing Congress (Pro); Kathy Friedt, Washington State Human Rights Commission (Pro); David Hashimoto, U.S. Department of Housing and Urban Development (Pro); Alan Correll, City of Tacoma; Bill Hilyard, City of Seattle; and John Woodring, Washington Association of Realtors, Washington Apartment Association, and Washington Mobile Park Owners Association (Pro).