

SENATE BILL REPORT

HB 2598

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, FEBRUARY 28, 1992

Brief Description: Clarifying remedies for discriminatory housing practices.

SPONSORS: Representatives Nelson, Winsley, Anderson, Wineberry, Leonard, Franklin, Ogden, Paris, Brough, Mitchell and Brekke

HOUSE COMMITTEE ON HOUSING

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray, and Skratek.

Staff: Jonathan Seib (786-7427)

Hearing Dates: February 27, 1992; February 28, 1992

BACKGROUND:

Federal law requires the Department of Housing and Urban Development (HUD) to refer complaints of housing discrimination to the state and local agency where the complaint arises, if the agency is certified as administering laws substantially equivalent to the federal law. To obtain substantial equivalency, a state or local law must prohibit the same practices, and provide equivalent rights, remedies and review procedures as the federal law.

If state laws are not substantially equivalent, HUD assumes all enforcement authority, with associated funding, to investigate charges of housing discrimination.

The Fair Housing Amendments Act of 1988 amended federal law to extend fair housing protection to the handicapped and to families with children. It also established an enforcement mechanism for discriminatory housing practices.

To maintain substantial equivalency, a state must have brought its laws into compliance with these federal amendments by January 13, 1992, with an extension granted until September 13, 1992 for exceptional circumstances.

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

Under the state law, a person guilty of discriminatory unfair practices 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:

The state's human rights laws are amended to make them substantially equivalent to federal law with regard to housing discrimination by (1) adding families with children as a protected class in real estate transactions, but exempting housing that is designated housing for older persons; (2) adding transacting or applying for a loan as a protected real estate transaction; (3) providing dwelling accessibility standards for the protection of the handicapped; and (4) adding all the substantive rights, protections and remedies of the federal law.

Complaints of discrimination in real estate transactions must be filed with the human rights commission within one year of the alleged discriminatory practice. The administrative law judge can (1) require affirmative actions to correct the unfair practice; (2) determine the amount of relief, including actual damages as provided in federal law, to award to parties affected by the practice; (3) assess a civil penalty against a person found guilty of the discriminatory practice. The civil penalties are based on a three tier 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 maximum damages available for humiliation and mental suffering for discrimination in other than real estate transactions is raised to \$10,000.

Appropriation: none

Revenue: none

Fiscal Note: available

SUMMARY OF PROPOSED SENATE AMENDMENT:

Substantial technical and grammatical changes are made to maintain consistency throughout the bill and consistency with the language in the federal law, to clarify the bill, and to correct statutory references.

Language is added providing that for purposes of the dwelling accessibility standards, a dwelling is a structure intended for occupancy as a residence by four or more families.

Language is added making it explicit that the Human Rights Commission is to impartially investigate and pass upon discrimination complaints.

The civil penalties assessed under the discriminatory housing provisions are to be paid into the State Treasury and deposited into the general fund.

Language is added providing that nothing in the state statute authorizes requirements for housing for older persons different than the requirements of the federal law.

Authority is given to first class cities and counties to enact laws consistent with the statute and to provide administrative and/or judicial remedies for their violation.

The maximum damages available for humiliation and mental suffering for discrimination in other than real estate transactions is \$5,000.

TESTIMONY FOR:

The bill is needed to make the state's laws substantially equivalent to new federal laws. This will allow the Human Rights Commission and local human rights departments to handle housing discrimination complaints and receive federal funds to do so. This will allow enforcement by state and local agencies rather than a federal agency, which is preferred by the housing industry.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Nelson; Kathy Friedt, Washington State Human Rights Commission; John Woodring, Mobile Home Park Owners; Lonnie David, Washington State Bar Association