
SENATE BILL 6431

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By Senators Murray, Moore, Wojahn, M. Kreidler and Craswell; by request of Human Rights Commission

Read first time 01/30/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to housing discrimination; amending RCW 49.60.030,
2 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.227, 49.60.230,
3 49.60.250, and 49.60.260; reenacting and amending RCW 49.60.040; adding
4 new sections to chapter 49.60 RCW; and prescribing penalties.

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

6 **Sec. 1.** RCW 49.60.030 and 1984 c 32 s 2 are each amended to read
7 as follows:

8 (1) The right to be free from discrimination because of race,
9 creed, color, national origin, sex, or the presence of any sensory,
10 mental, or physical handicap is recognized as and declared to be a
11 civil right. This right shall include, but not be limited to:

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

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

4 (c) The right to engage in real estate transactions without
5 discrimination, including discrimination against families with
6 children;

7 (d) The right to engage in credit transactions without
8 discrimination;

9 (e) The right to engage in insurance transactions or transactions
10 with health maintenance organizations without discrimination:
11 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
12 48.44.220, or 48.46.370 does not constitute an unfair practice for the
13 purposes of this subparagraph; and

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

28 (2) Any person deeming himself or herself injured by any act in
29 violation of this chapter shall have a civil action in a court of
30 competent jurisdiction to enjoin further violations, to seek

1 appropriate temporary or preliminary relief, to recover the actual
2 damages sustained by ~~((him, or both))~~ the person, and ordering such
3 affirmative actions as may be necessary, together with the cost of suit
4 including a reasonable attorney's fee((s)) or any other appropriate
5 remedy authorized by this chapter or the United States Civil Rights Act
6 of 1964 as amended, or the federal fair housing amendments act of 1988
7 (42 U.S.C. Sec. 3601 et seq.); and

8 (3) Notwithstanding any other provisions of this chapter, any act
9 prohibited by this chapter related to sex discrimination or
10 discriminatory boycotts or blacklists which is committed in the course
11 of trade or commerce in the state of Washington as defined in the
12 Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair
13 practice within the meaning of RCW 19.86.020 and 19.86.030 and subject
14 to all the provisions of chapter 19.86 RCW as now or hereafter amended.

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

17 (1) The superior courts of the state of Washington shall have
18 jurisdiction upon petition of the commission, through the attorney
19 general, to seek appropriate temporary or preliminary relief to enjoin
20 any unfair practice in violation of RCW 49.60.222 through 49.60.225,
21 from which prompt judicial action is necessary to carry out the
22 purposes of this chapter.

23 (2) The commencement of a civil action under this section does not
24 preclude the initiation or continuation of administrative proceedings
25 under this chapter.

26 **Sec. 3.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are
27 each reenacted and amended to read as follows:

28 As used in this chapter:

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

8 (2) "Commission" means the Washington state human rights
9 commission;

10 (3) "Employer" includes any person acting in the interest of an
11 employer, directly or indirectly, who employs eight or more persons,
12 and does not include any religious or sectarian organization not
13 organized for private profit;

14 (4) "Employee" does not include any individual employed by his or
15 her parents, spouse, or child, or in the domestic service of any
16 person;

17 (5) "Labor organization" includes any organization which exists for
18 the purpose, in whole or in part, of dealing with employers concerning
19 grievances or terms or conditions of employment, or for other mutual
20 aid or protection in connection with employment;

21 (6) "Employment agency" includes any person undertaking with or
22 without compensation to recruit, procure, refer, or place employees
23 for an employer;

24 (7) "National origin" includes "ancestry";

25 (8) "Full enjoyment of" includes the right to purchase any service,
26 commodity, or article of personal property offered or sold on, or by,
27 any establishment to the public, and the admission of any person to
28 accommodations, advantages, facilities, or privileges of any place of
29 public resort, accommodation, assemblage, or amusement, without acts
30 directly or indirectly causing persons of any particular race, creed,

1 color, sex, or with any sensory, mental, or physical handicap, or a
2 blind or deaf person using a trained dog guide, to be treated as not
3 welcome, accepted, desired, or solicited;

4 (9) "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,

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

3 (10) "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 (11) "Real estate transaction" includes the sale, exchange,
8 purchase, transacting or applying for a loan, rental, or lease of real
9 property;

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

15 (13) "Sex" means gender((-));

16 (14) "Aggrieved person" means any person who: (a) Claims to have
17 been injured by a discriminatory housing practice; or (b) believes that
18 he or she will be injured by a discriminatory housing practice that is
19 about to occur;

20 (15) "Credit transaction" includes any open or closed end credit
21 transaction, whether in the nature of a loan, retail installment
22 transaction, credit card issue or charge, or otherwise, and whether for
23 personal or for business purposes, in which a service, finance, or
24 interest charge is imposed, or which provides for repayment in
25 scheduled payments, when such credit is extended in the regular course
26 of any trade or commerce, including but not limited to transactions by
27 banks, savings and loan associations or other financial lending
28 institutions of whatever nature, stock brokers, or by a merchant or
29 mercantile establishment which as part of its ordinary business permits

1 or provides that payment for purchases of property or service therefrom
2 may be deferred;

3 (16) "Families with children" status ensues when one or more
4 individuals who have not attained the age of eighteen years is
5 domiciled with a parent or another person having custody or
6 guardianship of such individual or individuals. Families with children
7 status also applies to any person who is pregnant or is in the process
8 of securing legal custody or guardianship of any individual who has not
9 attained the age of eighteen years.

10 **Sec. 4.** RCW 49.60.222 and 1989 c 61 s 1 are each amended to read
11 as follows:

12 (1) It is an unfair practice for any person, whether acting for
13 himself, herself, or another, because of sex, marital status, race,
14 creed, color, national origin, families with children status, the
15 presence of any sensory, mental, or physical handicap, or the use of a
16 trained guide dog or service dog by a blind, deaf, or physically
17 disabled person:

18 ~~((1))~~ (a) To refuse to engage in a real estate transaction with
19 a person;

20 ~~((2))~~ (b) To discriminate against a person in the terms,
21 conditions, or privileges of a real estate transaction or in the
22 furnishing of facilities or services in connection therewith;

23 ~~((3))~~ (c) To refuse to receive or to fail to transmit a bona fide
24 offer to engage in a real estate transaction from a person;

25 ~~((4))~~ (d) To refuse to negotiate for a real estate transaction
26 with a person;

27 ~~((5))~~ (e) To represent to a person that real property is not
28 available for inspection, sale, rental, or lease when in fact it is so
29 available, or to fail to bring a property listing to his or her

1 attention, or to refuse to permit (~~(him)~~) the person to inspect real
2 property;

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

9 (~~((7))~~) (g) To offer, solicit, accept, use, or retain a listing of
10 real property with the understanding that a person may be discriminated
11 against in a real estate transaction or in the furnishing of facilities
12 or services in connection therewith;

13 (~~((8))~~) (h) To expel a person from occupancy of real property;

14 (~~((9))~~) (i) To discriminate in the course of negotiating,
15 executing, or financing a real estate transaction whether by mortgage,
16 deed of trust, contract, or other instrument imposing a lien or other
17 security in real property, or in negotiating or executing any item or
18 service related thereto including issuance of title insurance, mortgage
19 insurance, loan guarantee, or other aspect of the transaction. Nothing
20 in this section shall limit the effect of RCW 49.60.176 relating to
21 unfair practices in credit transactions; or

22 (~~((10))~~) (j) To attempt to do any of the unfair practices defined
23 in this section.

24 (2) For the purposes of this chapter discrimination based on the
25 presence of any sensory, mental, or physical handicap or the use of a
26 trained guide dog or service dog by a blind, deaf, or physically
27 disabled person includes:

28 (a) To refuse to make reasonable accommodation in rules, policies,
29 practices, or services when such accommodations may be necessary to
30 afford a person with the presence of any sensory, mental, or physical

1 handicap and/or the use of a trained guide dog or service dog by a
2 blind, deaf, or physically disabled person equal opportunity to use and
3 enjoy a dwelling; or

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

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

18 (4) This section shall not be construed to require structural
19 changes, modifications, or additions to make facilities accessible to
20 a handicapped person except as otherwise required by law. Nothing in
21 this section affects the rights and responsibilities of landlords and
22 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to
23 post and enforce reasonable rules of conduct and safety for all tenants
24 and their guests. Nor does anything in this section limit the
25 applicability of any reasonable federal, state, or local restrictions
26 regarding the maximum number of occupants permitted to occupy a
27 dwelling.

28 (5) Notwithstanding any other provision of this chapter, it shall
29 not be an unfair practice for any public establishment providing for
30 accommodations offered for the full enjoyment of transient guests as

1 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
2 families with children status. Nothing in this section shall limit the
3 effect of RCW 49.60.215 relating to unfair practices in places of
4 public accommodation.

5 (6) Nothing in this chapter prohibiting discrimination based on
6 families with children status applies to housing for older persons as
7 defined by the federal fair housing amendments act of 1988, as amended,
8 42 U.S.C. Sec. 3607(b)(1) through (3) as of the effective date of this
9 section.

10 **Sec. 5.** RCW 49.60.223 and 1979 c 127 s 9 are each amended to read
11 as follows:

12 It is an unfair practice for any person, for profit, to induce or
13 attempt to induce any person to sell or rent any real property by
14 representations regarding the entry or prospective entry into the
15 neighborhood of a person or persons of a particular race, creed, color,
16 sex, national origin, families with children status, or with any
17 sensory, mental, or physical handicap or the use of a trained guide dog
18 or service dog by a blind, deaf, or physically disabled person.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 49.60 RCW
20 to read as follows:

21 It is an unlawful practice to coerce, intimidate, threaten, or
22 interfere with any person in the exercise or enjoyment of, or on
23 account of his or her having exercised or enjoyed, or on account of his
24 or her having aided or encouraged any other person in the exercise or
25 enjoyment of, rights secured by RCW 49.60.030, 49.60.040, and 49.60.222
26 through 49.60.224.

1 **Sec. 7.** RCW 49.60.224 and 1979 c 127 s 10 are each amended to read
2 as follows:

3 (1) Every provision in a written instrument relating to real
4 property which purports to forbid or restrict the conveyance,
5 encumbrance, occupancy, or lease thereof to individuals of a specified
6 race, creed, color, sex, national origin, families with children
7 status, or with any sensory, mental, or physical handicap, and every
8 condition, restriction, or prohibition, including a right of entry or
9 possibility of reverter, which directly or indirectly limits the use or
10 occupancy of real property on the basis of race, creed, color, sex,
11 national origin, families with children status, or the presence of any
12 sensory, mental, or physical handicap or the use of a trained guide dog
13 or service dog by a blind, deaf, or physically disabled person is void.

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

17 **Sec. 8.** RCW 49.60.225 and 1985 c 185 s 19 are each amended to read
18 as follows:

19 (1) When a determination has been made under RCW 49.60.250 that an
20 unfair practice involving real property has been committed, the
21 ~~((commission may, in addition to other relief authorized by RCW~~
22 ~~49.60.250, award the complainant up to one thousand dollars))~~
23 administrative law judge shall promptly issue an order for such relief
24 suffered by the aggrieved party as may be appropriate, which may
25 include actual damages as provided by Title VIII (42 U.S.C. Sec. 3601
26 et seq.) as amended, and injunctive or other equitable relief. Such
27 order may, to further the public interest, assess a civil penalty
28 against the respondent:

1 (a) In an amount up to ten thousand dollars if the respondent has
2 not been adjudged to have committed any prior discriminatory housing
3 practice;

4 (b) In an amount up to twenty-five thousand dollars if the
5 respondent has been adjudged to have committed one other discriminatory
6 housing practice during the five-year period ending on the date of the
7 filing of this charge; or

8 (c) In an amount up to fifty thousand dollars if the respondent has
9 been adjudged to have committed two or more discriminatory housing
10 practices during the seven-year period ending on the date of the filing
11 of this charge, for loss of the right secured by RCW 49.60.010,
12 49.60.030, 49.60.040, and 49.60.222 through ((49.60.226)) 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, families with children status, or the presence
16 of any sensory, mental, or physical handicap or the use of a trained
17 guide dog or service dog by a blind, deaf, or physically disabled
18 person. Enforcement of the order and appeal therefrom by the
19 complainant or respondent ((shall)) may be made as provided in RCW
20 49.60.260 and 49.60.270. If acts constituting the discriminatory
21 housing practice that is the object of the charge are committed by the
22 same natural person who has been previously adjudged to have committed
23 acts constituting a discriminatory housing practice, then the civil
24 penalty may be imposed without regard to the period of time within
25 which any subsequent discriminatory housing practice occurred.

26 (2) Such order shall not affect any contract, sale, conveyance,
27 encumbrance, or lease consummated before the issuance of an order that
28 involves a bona fide purchaser, encumbrancer, or tenant without actual
29 notice of the charge filed under this chapter.

1 (3) Notwithstanding any other provision of this chapter, persons
2 awarded a remedy under this section may not receive additional damages
3 pursuant to RCW 49.60.250.

4 **Sec. 9.** RCW 49.60.227 and 1987 c 56 s 2 are each amended to read
5 as follows:

6 If a written instrument contains a provision that is void by reason
7 of RCW 49.60.224, either the owner, occupant, or tenant of the property
8 which is subject to the provision may cause the provision to be
9 stricken from the public records by bringing an action in the superior
10 court in the county in which the property is located. The action shall
11 be an in rem, declaratory judgment action whose title shall be the
12 description of the property. The necessary party to the action shall
13 be either the owner, occupant, or tenant of the property or any portion
14 thereof.

15 If the court finds that any provisions of the written instrument
16 are void under RCW 49.60.224, it shall enter an order striking the void
17 provisions from the public records and eliminating the void provisions
18 from the title or lease of the property described in the complaint.

19 **Sec. 10.** RCW 49.60.230 and 1985 c 185 s 21 are each amended to
20 read as follows:

21 (1) Who may file a complaint:

22 ~~((1))~~ (a) Any person claiming to be aggrieved by an alleged
23 unfair practice may, personally or by his or her attorney, make, sign,
24 and file with the commission a complaint in writing under oath. The
25 complaint shall state the name and address of the person alleged to
26 have committed the unfair practice and the particulars thereof, and
27 contain such other information as may be required by the commission.

1 (~~(2)~~) (b) Whenever it has reason to believe that any person has
2 been engaged or is engaging in an unfair practice, the commission may
3 issue a complaint.

4 (~~(3)~~) (c) Any employer or principal whose employees, or agents,
5 or any of them, refuse or threaten to refuse to comply with the
6 provisions of this chapter may file with the commission a written
7 complaint under oath asking for assistance by conciliation or other
8 remedial action.

9 (2) Any complaint filed pursuant to this section must be so filed
10 within six months after the alleged act of discrimination except that
11 complaints alleging discrimination with respect to real estate
12 transactions pursuant to RCW 49.60.222, 49.60.223, and 49.60.224 must
13 be so filed within one year after the alleged discriminatory housing
14 practice has occurred or terminated.

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

17 (1) Any complainant or respondent on whose behalf the reasonable
18 cause finding was made, may elect to have the claims on which
19 reasonable cause was found decided in a civil action under RCW
20 49.60.030(2) in lieu of a hearing under RCW 49.60.250. This election
21 must be made not later than twenty days after the receipt by the
22 electing person of service of the reasonable cause finding. The person
23 making such election shall give notice of doing so to the commission
24 and to all other parties and respondents to whom the charge relates.
25 Any reasonable cause finding issued by the commission pursuant to the
26 procedures contained in this chapter shall become final twenty days
27 after service of the reasonable cause finding unless a written notice
28 of election is received by the commission within the twenty-day period.

1 (2) If an election is made under subsection (1) of this section,
2 the commission shall authorize not later than thirty days after the
3 election is made, and the attorney general shall commence, a civil
4 action on behalf of the aggrieved person in a court of the state of
5 Washington seeking relief under this section.

6 (3) Any aggrieved person with respect to the issues to be
7 determined in a civil action under this section may intervene as of
8 right in that civil action.

9 (4) In a civil action under this section, if the court finds that
10 a discriminatory housing practice has occurred or is about to occur,
11 the court may grant any relief that a court could grant with respect to
12 such discriminatory housing practice in a civil action under RCW
13 49.60.030(2). If monetary relief is sought for the benefit of an
14 aggrieved person who does not intervene in the civil action, the court
15 shall not award such relief if that aggrieved person has not complied
16 with discovery orders entered by the court.

17 (5) In any administrative proceeding brought under this section or
18 any court proceeding arising under this section, the court in its
19 discretion may allow the prevailing party reasonable attorneys' fees
20 and costs.

21 **Sec. 12.** RCW 49.60.250 and 1989 c 175 s 115 are each amended to
22 read as follows:

23 (1) In case of failure to reach an agreement for the elimination of
24 such unfair practice, and upon the entry of findings to that effect,
25 the entire file, including the complaint and any and all findings made,
26 shall be certified to the chairperson of the commission. The
27 chairperson of the commission shall thereupon request the appointment
28 of an administrative law judge under Title 34 RCW to hear the complaint
29 and shall cause to be issued and served in the name of the commission

1 a written notice, together with a copy of the complaint, as the same
2 may have been amended, requiring the respondent to answer the charges
3 of the complaint at a hearing before the administrative law judge, at
4 a time and place to be specified in such notice.

5 (2) The place of any such hearing may be the office of the
6 commission or another place designated by it. The case in support of
7 the complaint shall be presented at the hearing by counsel for the
8 commission: PROVIDED, That the complainant may retain independent
9 counsel and submit testimony and be fully heard. No member or employee
10 of the commission who previously made the investigation or caused the
11 notice to be issued shall participate in the hearing except as a
12 witness, nor shall the member or employee participate in the
13 deliberations of the administrative law judge in such case. Any
14 endeavors or negotiations for conciliation shall not be received in
15 evidence.

16 (3) The respondent shall file a written answer to the complaint and
17 appear at the hearing in person or otherwise, with or without counsel,
18 and submit testimony and be fully heard. The respondent has the right
19 to cross-examine the complainant.

20 (4) The administrative law judge conducting any hearing may permit
21 reasonable amendment to any complaint or answer. Testimony taken at
22 the hearing shall be under oath and recorded.

23 (5) If, upon all the evidence, the administrative law judge finds
24 that the respondent has engaged in any unfair practice, the
25 administrative law judge shall state findings of fact and shall issue
26 and file with the commission and cause to be served on such respondent
27 an order requiring such respondent to cease and desist from such unfair
28 practice and to take such affirmative action, including, (but not
29 limited to) hiring, reinstatement or upgrading of employees, with or
30 without back pay, an admission or restoration to full membership rights

1 in any respondent organization, or to take such other action as, in the
2 judgment of the administrative law judge, will effectuate the purposes
3 of this chapter, including action that could be ordered by a court,
4 except that damages for humiliation and mental suffering shall not
5 exceed ((one)) ten thousand dollars, and including a requirement for
6 report of the matter on compliance. Relief available for violations of
7 RCW 49.60.222 through 49.60.224 shall be limited to the relief
8 specified in RCW 49.60.225.

9 (6) The final order of the administrative law judge shall include
10 a notice to the parties of the right to obtain judicial review of the
11 order by appeal in accordance with the provisions of RCW 34.05.510
12 through 34.05.598, and that such appeal must be served and filed within
13 thirty days after the service of the order on the parties.

14 (7) If, upon all the evidence, the administrative law judge finds
15 that the respondent has not engaged in any alleged unfair practice, the
16 administrative law judge shall state findings of fact and shall
17 similarly issue and file an order dismissing the complaint.

18 (8) An order dismissing a complaint may include an award of
19 reasonable attorneys' fees in favor of the respondent if the
20 administrative law judge concludes that the complaint was frivolous,
21 unreasonable, or groundless.

22 (9) The commission shall establish rules of practice to govern,
23 expedite, and effectuate the foregoing procedure.

24 **Sec. 13.** RCW 49.60.260 and 1989 c 175 s 116 are each amended to
25 read as follows:

26 (1) The commission ((shall)) or any person entitled to relief under
27 any final order may petition the court within the county wherein any
28 unfair practice occurred or wherein any person charged with an unfair
29 practice resides or transacts business for the enforcement of any final

1 order which is not complied with and is issued by the commission or an
2 administrative law judge under the provisions of this chapter and for
3 appropriate temporary relief or a restraining order, and shall certify
4 and file in court the final order sought to be enforced. Within five
5 days after filing such petition in court, the commission or any person
6 entitled to relief under any final order shall cause a notice of the
7 petition to be sent by certified mail to all parties or their
8 representatives.

9 (2) If before the expiration of sixty days after the date the
10 administrative law judge's order is entered, no petition has been filed
11 under subsection (1) of this section and the commission has not sought
12 enforcement of the final order under this section, any person entitled
13 to relief under any final order may petition for a decree enforcing the
14 order in the superior courts of the state of Washington for the county
15 in which the discriminatory housing practice under RCW 49.60.222
16 through 49.60.224 is alleged to have occurred.

17 (3) From the time the petition is filed, the court shall have
18 jurisdiction of the proceedings and of the questions determined
19 thereon, and shall have the power to grant such temporary relief or
20 restraining order as it deems just and suitable.

21 ~~((3))~~ (4) If the petition shows that there is a final order
22 issued by the commission or administrative law judge under RCW
23 49.60.240 or 49.60.250 and that the order has not been complied with in
24 whole or in part, the court shall issue an order directing the person
25 who is alleged to have not complied with the administrative order to
26 appear in court at a time designated in the order, not less than ten
27 days from the date thereof, and show cause why the administrative order
28 should not be enforced according to the terms. The commission or any
29 person entitled to relief of any final order shall immediately serve

1 the ((~~person~~)) noncomplying party with a copy of the court order and
2 the petition.

3 ((~~(4)~~)) (5) The administrative order shall be enforced by the court
4 if the person does not appear, or if the person appears and the court
5 finds that:

6 (a) The order is regular on its face;

7 (b) The order has not been complied with; and

8 (c) The person's answer discloses no valid reason why the order
9 should not be enforced, or that the reason given in the person's answer
10 could have been raised by review under RCW 34.05.510 through 34.05.598,
11 and the person has given no valid excuse for failing to use that
12 remedy.

13 ((~~(5)~~)) (6) The jurisdiction of the court shall be exclusive and
14 its judgment and decree shall be final, except that the same shall be
15 subject to appellate review by the supreme court or the court of
16 appeals, on appeal, by either party, irrespective of the nature of the
17 decree or judgment. The review shall be taken and prosecuted in the
18 same manner and form and with the same effect as is provided in other
19 cases.

20 NEW SECTION. Sec. 14. A new section is added to chapter 49.60 RCW
21 to read as follows:

22 Sections 1 through 12 of this act apply prospectively only and not
23 retroactively. Sections 1 through 12 of this act apply only to causes
24 of action that arise or that are decided on or after the effective date
25 of this section.