

SENATE BILL REPORT

HB 1476

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, MARCH 26, 1993

**Brief Description:** Revising provisions relating to meeting federal fair housing act requirements for housing equivalency.

**SPONSORS:** Representatives Wineberry, Ballard, Shin, G. Cole, Brough, Ogden, Forner, J. Kohl, Veloria, Vance, Leonard, Casada, Miller, Ballasiotes, Foreman, Chandler, Wood, Cooke, H. Myers and Lisk; by request of Human Rights Commission

**HOUSE COMMITTEE ON TRADE, ECONOMIC DEVELOPMENT & HOUSING**

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Barr, Fraser, McAuliffe, Newhouse, Pelz, Prince, Sutherland, and Vognild.

**Staff:** David Cheal (786-7576)

**Hearing Dates:** March 24, 1993; March 26, 1993

**BACKGROUND:**

The Federal 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 local agency is certified as administering laws substantially equivalent to the federal law. If the state or local law is not made 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 fair housing enforcement function, a state had to bring its fair housing laws and regulations into compliance with the new amendments by January 13, 1992. The U.S. Department of Housing and Urban Development may grant an extension 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 similar to the federal law.

Washington's law against discrimination administered by the Washington 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 guide dog.

**SUMMARY:**

The state's human rights laws are amended to make them substantially equivalent to federal law by: (1) adding families with children as a protected class in real estate transactions and public accommodations; (2) providing an exemption for housing that is designated for older persons; (3) adopting handicap accessibility standards for dwelling units; (4) adding all substantive rights, protections and remedies of the federal law; and (5) replacing the term "handicap" with "disability."

"Families with children" is defined as one or more individuals below the age of 18 years 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 who is pregnant or in the 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 and services designed to meet the physical and social needs of older persons.

Discrimination in real estate transactions involving families with children and persons with disabilities are considered unfair practices. Unfair practices include: (a) discriminating against families with children in public accommodations; (b) refusal to permit a person to make reasonable modifications to existing dwellings for a person with disabilities when it will be returned to original condition at the end of the tenancy; (c) refusal to make reasonable accommodations in rules, policies, practices or services when needed to allow use of the premise by a person with disability; and (d) failure to design and construct dwellings to federal accessibility standards.

Complaints related to unfair practices involving the renting or selling of real estate must be filed with the Washington State Human Rights Commission (WSHRC) within one year of the alleged discriminatory practice. In cases of valid complaints, WSHRC can either refer the case to the state Attorney General's Office or it can be handled through an administrative law judge. The Superior Court or 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; and (3) assess a civil penalty against a person found guilty of the unfair practice. The civil penalties are based on the federal 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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

It will allow the state to enforce fair housing laws because as a "substantial equivalency" state we will have the legal authority to do so and federal funds to make it possible.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Bill Hilliard; John Woodring; Merritt Long; Terri Hotveat; Judie Fortier; Rowland Thompson (with amendment)