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HOUSE BILL 1443

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State of Washington

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By Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller

Read first time 01/27/93. Referred to Committee on State Government.

1 AN ACT Relating to the jurisdiction of the Washington state human  
2 rights commission with respect to the elimination and prevention of  
3 discrimination in employment, housing, public accommodations, credit,  
4 insurance, and commercial transactions; amending RCW 49.60.010,  
5 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176,  
6 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223,  
7 49.60.224, 49.60.225 and 48.30.300; reenacting and amending RCW  
8 49.60.040 and 49.60.215; and adding a new section to chapter 49.60 RCW.

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

10 **Sec. 1.** RCW 49.60.010 and 1985 c 185 s 1 are each amended to read  
11 as follows:

12 This chapter shall be known as the "law against discrimination".  
13 It is an exercise of the police power of the state for the protection  
14 of the public welfare, health, and peace of the people of this state,  
15 and in fulfillment of the provisions of the Constitution of this state  
16 concerning civil rights. The legislature hereby finds and declares  
17 that practices of discrimination against any of its inhabitants because  
18 of race, creed, color, national origin, sex, marital status, familial  
19 status, sexual orientation, age, or the presence of any sensory,

1 mental, or physical handicap are a matter of state concern, that such  
2 discrimination threatens not only the rights and proper privileges of  
3 its inhabitants but menaces the institutions and foundation of a free  
4 democratic state. A state agency is herein created with powers with  
5 respect to elimination and prevention of discrimination in employment,  
6 in credit and insurance transactions, in places of public resort,  
7 accommodation, or amusement, and in real property transactions because  
8 of race, creed, color, national origin, sex, marital status, familial  
9 status, sexual orientation, age, or the presence of any sensory,  
10 mental, or physical handicap; and the commission established hereunder  
11 is hereby given general jurisdiction and power for such purposes.

12 **Sec. 2.** RCW 49.60.020 and 1973 c 214 s 2 are each amended to read  
13 as follows:

14 The provisions of this chapter shall be construed liberally for the  
15 accomplishment of the purposes thereof. Nothing contained in this  
16 chapter shall be deemed to repeal any of the provisions of any other  
17 law of this state relating to discrimination because of race, color,  
18 creed, national origin, sex, marital status, familial status, sexual  
19 orientation, age, or the presence of any sensory, mental, or physical  
20 handicap, other than a law which purports to require or permit doing  
21 any act which is an unfair practice under this chapter. Nor shall  
22 anything herein contained be construed to deny the right to any person  
23 to institute any action or pursue any civil or criminal remedy based  
24 upon an alleged violation of his civil rights.

25 **Sec. 3.** RCW 49.60.030 and 1984 c 32 s 2 are each amended to read  
26 as follows:

27 (1) The right to be free from discrimination because of race,  
28 creed, color, national origin, sex, marital status, sexual orientation,  
29 or the presence of any sensory, mental, or physical handicap is  
30 recognized as and declared to be a civil right. This right shall  
31 include, but not be limited to:

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

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

36 (c) The right to engage in real estate transactions without  
37 discrimination;

1 (d) The right to engage in credit transactions without  
2 discrimination;

3 (e) The right to engage in insurance transactions or transactions  
4 with health maintenance organizations without discrimination:  
5 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
6 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
7 purposes of this subparagraph; and

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

22 (2) Any person deeming himself injured by any act in violation of  
23 this chapter shall have a civil action in a court of competent  
24 jurisdiction to enjoin further violations, to recover the actual  
25 damages sustained by him, or both, together with the cost of suit  
26 including a reasonable attorney's fees or any other remedy authorized  
27 by this chapter or the United States Civil Rights Act of 1964; and

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

35 **Sec. 4.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are  
36 each reenacted and amended to read as follows:

37 As used in this chapter:

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 "Commission" means the Washington state human rights commission;

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

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

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

19 "Employment agency" includes any person undertaking with or without  
20 compensation to recruit, procure, refer, or place employees for an  
21 employer;

22 "Marital status" includes an individual who is married or  
23 unmarried;

24 "National origin" includes "ancestry";

25 "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,  
31 color, sex, or with any sensory, mental, or physical handicap, or a  
32 blind or deaf person using a trained dog guide, to be treated as not  
33 welcome, accepted, desired, or solicited;

34 "Familial status" means a parent, stepparent, adoptive parent,  
35 guardian, foster parent, or custodian who resides with his or her minor  
36 child or children, or a pregnant woman or person in the process of  
37 securing legal custody of a minor child or children. However, this  
38 definition does not apply with respect to real property under the  
39 following circumstances: (1) Where the real property is specifically

1 designed and operated under a federal or state program to assist  
2 elderly persons as defined in the program; (2) where the real property  
3 is intended for and is solely occupied by persons sixty-two years of  
4 age or older; or (3) where the real property is intended, as  
5 demonstrated by the publication of and adherence to policies and  
6 procedures, for occupancy by at least one person fifty-five years of  
7 age or older per unit, has significant facilities and services designed  
8 to meet physical and social needs of older persons, and has at least  
9 eighty percent of the units occupied by at least one person fifty-five  
10 years of age or older;

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

1 "Real property" includes buildings, structures, real estate, lands,  
2 tenements, leaseholds, interests in real estate cooperatives,  
3 condominiums, and hereditaments, corporeal and incorporeal, or any  
4 interest therein;

5 "Real estate transaction" includes the sale, exchange, purchase,  
6 rental, or lease of real property;

7 "Sex" means gender;

8 "Sexual orientation" includes heterosexuality, homosexuality, and  
9 bisexuality.

10 "Credit transaction" includes any open or closed end credit  
11 transaction, whether in the nature of a loan, retail installment  
12 transaction, credit card issue or charge, or otherwise, and whether for  
13 personal or for business purposes, in which a service, finance, or  
14 interest charge is imposed, or which provides for repayment in  
15 scheduled payments, when such credit is extended in the regular course  
16 of any trade or commerce, including but not limited to transactions by  
17 banks, savings and loan associations or other financial lending  
18 institutions of whatever nature, stock brokers, or by a merchant or  
19 mercantile establishment which as part of its ordinary business permits  
20 or provides that payment for purchases of property or service therefrom  
21 may be deferred.

22 **Sec. 5.** RCW 49.60.120 and 1985 c 185 s 10 are each amended to read  
23 as follows:

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

25 (1) To appoint an executive secretary and chief examiner, and such  
26 investigators, examiners, clerks, and other employees and agents as it  
27 may deem necessary, fix their compensation within the limitations  
28 provided by law, and prescribe their duties.

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

31 (3) To adopt, promulgate, amend, and rescind suitable rules and  
32 regulations to carry out the provisions of this chapter, and the  
33 policies and practices of the commission in connection therewith.

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

36 (5) To issue such publications and such results of investigations  
37 and research as in its judgment will tend to promote good will and  
38 minimize or eliminate discrimination because of sex, race, creed,

1 color, national origin, marital status, familial status, sexual  
2 orientation, age, or the presence of any sensory, mental, or physical  
3 handicap.

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

7 (7) To cooperate and act jointly or by division of labor with the  
8 United States or other states, and with political subdivisions of the  
9 state of Washington and their respective human rights agencies to carry  
10 out the purposes of this chapter. However, the powers which may be  
11 exercised by the commission under this subsection permit investigations  
12 and complaint dispositions only if the investigations are designed to  
13 reveal, or the complaint deals only with, allegations which, if proven,  
14 would constitute unfair practices under this chapter. The commission  
15 may perform such services for these agencies and be reimbursed  
16 therefor.

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

20 **Sec. 6.** RCW 49.60.130 and 1985 c 185 s 11 are each amended to read  
21 as follows:

22 The commission has power to create such advisory agencies and  
23 conciliation councils, local, regional, or state-wide, as in its  
24 judgment will aid in effectuating the purposes of this chapter. The  
25 commission may empower them to study the problems of discrimination in  
26 all or specific fields of human relationships or in specific instances  
27 of discrimination because of sex, race, creed, color, national origin,  
28 marital status, familial status, sexual orientation, age, or the  
29 presence of any sensory, mental, or physical handicap; to foster  
30 through community effort or otherwise good will, cooperation, and  
31 conciliation among the groups and elements of the population of the  
32 state, and to make recommendations to the commission for the  
33 development of policies and procedures in general and in specific  
34 instances, and for programs of formal and informal education which the  
35 commission may recommend to the appropriate state agency.

36 Such advisory agencies and conciliation councils shall be composed  
37 of representative citizens, serving without pay, but with reimbursement  
38 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as

1 now existing or hereafter amended, and the commission may make  
2 provision for technical and clerical assistance to such agencies and  
3 councils and for the expenses of such assistance. The commission may  
4 use organizations specifically experienced in dealing with questions of  
5 discrimination.

6 **Sec. 7.** RCW 49.60.175 and 1979 c 127 s 4 are each amended to read  
7 as follows:

8 It shall be an unfair practice to use the sex, race, creed, color,  
9 national origin, marital status, sexual orientation, or the presence of  
10 any sensory, mental, or physical handicap of any person concerning an  
11 application for credit in any credit transaction to determine the  
12 credit worthiness of an applicant.

13 **Sec. 8.** RCW 49.60.176 and 1979 c 127 s 5 are each amended to read  
14 as follows:

15 (1) It is an unfair practice for any person whether acting for  
16 himself or another in connection with any credit transaction because of  
17 race, creed, color, national origin, sex, marital status, sexual  
18 orientation, or the presence of any sensory, mental, or physical  
19 handicap:

20 (a) To deny credit to any person;

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

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

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

28 (2) Nothing in this section shall prohibit any party to a credit  
29 transaction from considering the credit history of any individual  
30 applicant.

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

35 **Sec. 9.** RCW 49.60.178 and 1984 c 32 s 1 are each amended to read  
36 as follows:



1 It is an unfair practice for any person whether acting for himself  
2 or another in connection with an insurance transaction or transaction  
3 with a health maintenance organization to cancel or fail or refuse to  
4 issue or renew insurance or a health maintenance agreement to any  
5 person because of sex, marital status, sexual orientation, race,  
6 creed, color, national origin, or the presence of any sensory, mental,  
7 or physical handicap: PROVIDED, That a practice which is not unlawful  
8 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an  
9 unfair practice for the purposes of this section. For the purposes of  
10 this section, "insurance transaction" is defined in RCW 48.01.060,  
11 health maintenance agreement is defined in RCW 48.46.020, and "health  
12 maintenance organization" is defined in RCW 48.46.020.

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

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

21 **Sec. 10.** RCW 49.60.180 and 1985 c 185 s 16 are each amended to  
22 read as follows:

23 It is an unfair practice for any employer:

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

36 (3) To discriminate against any person in compensation or in other  
37 terms or conditions of employment because of age, sex, marital status,  
38 sexual orientation, race, creed, color, national origin, or the

1 presence of any sensory, mental, or physical handicap: PROVIDED, That  
2 it shall not be an unfair practice for an employer to segregate  
3 washrooms or locker facilities on the basis of sex, or to base other  
4 terms and conditions of employment on the sex of employees where the  
5 commission by regulation or ruling in a particular instance has found  
6 the employment practice to be appropriate for the practical realization  
7 of equality of opportunity between the sexes.

8 (4) To print, or circulate, or cause to be printed or circulated  
9 any statement, advertisement, or publication, or to use any form of  
10 application for employment, or to make any inquiry in connection with  
11 prospective employment, which expresses any limitation, specification,  
12 or discrimination as to age, sex, marital status, sexual orientation,  
13 race, creed, color, national origin, or the presence of any sensory,  
14 mental, or physical handicap, or any intent to make any such  
15 limitation, specification, or discrimination, unless based upon a bona  
16 fide occupational qualification: PROVIDED, Nothing contained herein  
17 shall prohibit advertising in a foreign language.

18 **Sec. 11.** RCW 49.60.190 and 1985 c 185 s 17 are each amended to  
19 read as follows:

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

21 (1) To deny membership and full membership rights and privileges to  
22 any person because of age, sex, marital status, sexual orientation,  
23 race, creed, color, national origin, or the presence of any sensory,  
24 mental, or physical handicap.

25 (2) To expel from membership any person because of age, sex,  
26 marital status, sexual orientation, race, creed, color, national  
27 origin, or the presence of any sensory, mental, or physical handicap.

28 (3) To discriminate against any member, employer, employee, or  
29 other person to whom a duty of representation is owed because of age,  
30 sex, marital status, sexual orientation, race, creed, color, national  
31 origin, or the presence of any sensory, mental, or physical handicap.

32 **Sec. 12.** RCW 49.60.200 and 1973 1st ex.s. c 214 s 9 are each  
33 amended to read as follows:

34 It is an unfair practice for any employment agency to fail or  
35 refuse to classify properly or refer for employment, or otherwise to  
36 discriminate against, an individual because of age, sex, marital  
37 status, sexual orientation, race, creed, color, national origin, or the

1 presence of any sensory, mental, or physical handicap, or to print or  
2 circulate, or cause to be printed or circulated any statement,  
3 advertisement, or publication, or to use any form of application for  
4 employment, or to make any inquiry in connection with prospective  
5 employment, which expresses any limitation, specification or  
6 discrimination as to age, sex, race, creed, color, ((or)) national  
7 origin, or sexual orientation, or the presence of any sensory, mental,  
8 or physical handicap, or any intent to make any such limitation,  
9 specification, or discrimination, unless based upon a bona fide  
10 occupational qualification: PROVIDED, Nothing contained herein shall  
11 prohibit advertising in a foreign language.

12 **Sec. 13.** RCW 49.60.215 and 1985 c 203 s 1 and 1985 c 90 s 6 are  
13 each reenacted and amended to read as follows:

14 It shall be an unfair practice for any person or his agent or  
15 employee to commit an act which directly or indirectly results in any  
16 distinction, restriction, or discrimination, or the requiring of any  
17 person to pay a larger sum than the uniform rates charged other  
18 persons, or the refusing or withholding from any person the admission,  
19 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
20 in any place of public resort, accommodation, assemblage, or amusement,  
21 except for conditions and limitations established by law and applicable  
22 to all persons, regardless of race, creed, color, national origin,  
23 sexual orientation, sex, the presence of any sensory, mental, or  
24 physical handicap, or the use of a trained dog guide by a blind, deaf,  
25 or physically disabled person: PROVIDED, That this section shall not  
26 be construed to require structural changes, modifications, or additions  
27 to make any place accessible to a handicapped person except as  
28 otherwise required by law: PROVIDED, That behavior or actions  
29 constituting a risk to property or other persons can be grounds for  
30 refusal and shall not constitute an unfair practice.

31 **Sec. 14.** RCW 49.60.222 and 1989 c 61 s 1 are each amended to read  
32 as follows:

33 It is an unfair practice for any person, whether acting for himself  
34 or another, because of sex, marital status, familial status, sexual  
35 orientation, race, creed, color, national origin, the presence of any  
36 sensory, mental, or physical handicap, or the use of a trained guide  
37 dog or service dog by a blind, deaf, or physically disabled person:

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

2 (2) To discriminate against a person in the terms, conditions, or  
3 privileges of a real estate transaction or in the furnishing of  
4 facilities or services in connection therewith;

5 (3) To refuse to receive or to fail to transmit a bona fide offer  
6 to engage in a real estate transaction from a person;

7 (4) To refuse to negotiate for a real estate transaction with a  
8 person;

9 (5) To represent to a person that real property is not available  
10 for inspection, sale, rental, or lease when in fact it is so available,  
11 or to fail to bring a property listing to his attention, or to refuse  
12 to permit him to inspect real property;

13 (6) To print, circulate, post, or mail, or cause to be so published  
14 a statement, advertisement, or sign, or to use a form of application  
15 for a real estate transaction, or to make a record or inquiry in  
16 connection with a prospective real estate transaction, which indicates,  
17 directly or indirectly, an intent to make a limitation, specification,  
18 or discrimination with respect thereto;

19 (7) To offer, solicit, accept, use, or retain a listing of real  
20 property with the understanding that a person may be discriminated  
21 against in a real estate transaction or in the furnishing of facilities  
22 or services in connection therewith;

23 (8) To expel a person from occupancy of real property;

24 (9) To discriminate in the course of negotiating, executing, or  
25 financing a real estate transaction whether by mortgage, deed of  
26 trust, contract, or other instrument imposing a lien or other security  
27 in real property, or in negotiating or executing any item or service  
28 related thereto including issuance of title insurance, mortgage  
29 insurance, loan guarantee, or other aspect of the transaction. Nothing  
30 in this section shall limit the effect of RCW 49.60.176 relating to  
31 unfair practices in credit transactions; or

32 (10) To attempt to do any of the unfair practices defined in this  
33 section.

34 Notwithstanding any other provision of law, it shall not be an  
35 unfair practice or a denial of civil rights for any public or private  
36 educational institution to separate the sexes or give preference to or  
37 limit use of dormitories, residence halls, or other student housing to  
38 persons of one sex or to make distinctions on the basis of marital or  
39 (~~family~~) familial status.

1 This section shall not be construed to require structural changes,  
2 modifications, or additions to make facilities accessible to a  
3 handicapped person except as otherwise required by law. Nothing in  
4 this section affects the rights and responsibilities of landlords and  
5 tenants pursuant to chapter 59.18 RCW.

6 **Sec. 15.** RCW 49.60.223 and 1979 c 127 s 9 are each amended to read  
7 as follows:

8 It is an unfair practice for any person, for profit, to induce or  
9 attempt to induce any person to sell or rent any real property by  
10 representations regarding the entry or prospective entry into the  
11 neighborhood of a person or persons of a particular race, creed, color,  
12 national origin, marital status, familial status, or sexual  
13 orientation, or with any sensory, mental, or physical handicap.

14 **Sec. 16.** RCW 49.60.224 and 1979 c 127 s 10 are each amended to  
15 read as follows:

16 (1) Every provision in a written instrument relating to real  
17 property which purports to forbid or restrict the conveyance,  
18 encumbrance, occupancy, or lease thereof to individuals of a specified  
19 race, creed, color, national origin, marital status, familial status,  
20 or sexual orientation, or with any sensory, mental, or physical  
21 handicap, and every condition, restriction, or prohibition, including  
22 a right of entry or possibility of reverter, which directly or  
23 indirectly limits the use or occupancy of real property on the basis of  
24 race, creed, color, national origin, marital status, familial status,  
25 or sexual orientation, or the presence of any sensory, mental, or  
26 physical handicap is void.

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

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

32 When a determination has been made under RCW 49.60.250 that an  
33 unfair practice involving real property has been committed, the  
34 commission may, in addition to other relief authorized by RCW  
35 49.60.250, award the complainant up to one thousand dollars for loss of  
36 the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222

1 through 49.60.226, as now or hereafter amended, to be free from  
2 discrimination in real property transactions because of sex, marital  
3 status, race, creed, color, national origin, familial status, sexual  
4 orientation, or the presence of any sensory, mental, or physical  
5 handicap. Enforcement of the order and appeal therefrom by the  
6 complainant or respondent shall be made as provided in RCW 49.60.260  
7 and 49.60.270.

8 NEW SECTION. **Sec. 18.** A new section is added to chapter 49.60 RCW  
9 to read as follows:

10 Notwithstanding any other provision in this chapter, the commission  
11 shall have the authority to provide the same administrative remedies  
12 under state law that are available to federal agencies under federal  
13 law regarding discrimination in housing, including compensatory  
14 damages, injunctive relief, punitive damages, and attorneys' fees. The  
15 federal procedural guidelines shall apply to administrative remedies  
16 used by the commission under this section, such as statutes of  
17 limitation and applicable timetables.

18 **Sec. 19.** RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each  
19 amended to read as follows:

20 No person or entity engaged in the business of insurance in this  
21 state shall refuse to issue any contract of insurance or cancel or  
22 decline to renew such contract because of the sex ((~~or~~)), marital  
23 status, or sexual orientation as defined in RCW 49.60.040, or the  
24 presence of any sensory, mental, or physical handicap of the insured or  
25 prospective insured. The amount of benefits payable, or any term,  
26 rate, condition, or type of coverage shall not be restricted, modified,  
27 excluded, increased or reduced on the basis of the sex ((~~or~~)), marital  
28 status, or sexual orientation, or be restricted, modified, excluded or  
29 reduced on the basis of the presence of any sensory, mental, or  
30 physical handicap of the insured or prospective insured. These  
31 provisions shall not prohibit fair discrimination on the basis of sex,  
32 or marital status, or the presence of any sensory, mental, or physical  
33 handicap when bona fide statistical differences in risk or exposure  
34 have been substantiated.

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