

1 5741 AMH H3173.1

2 **SB 5741** - H AMD TO TED COMM AMD (5741 AMH TED H3077.1) **515 ADOPTED**
3 By Representative **4-10-97**

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5 On page 4, line 6 of the amendment, after "counsel;" strike "and
6 (~~(ii)~~)" and insert "~~(and)~~
7 (ii)"

8 On page 4, line 10 of the amendment, after "declarant" insert "*i*
9 and

10 (kk) A notice that addresses compliance or noncompliance with the
11 housing for older persons act of 1995, P.L. 104-76, as enacted on
12 December 28, 1995"

1 **SB 5741** - H AMD TO TED COMM AMD (5741 AMH TED H3077.1)
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4 On page 7, after line 9 of the amendment, insert the following:

5 "Sec. 3. RCW 49.60.222 and 1995 c 259 s 3 are each amended to read
6 as follows:

7 (1) It is an unfair practice for any person, whether acting for
8 himself, herself, or another, because of sex, marital status, race,
9 creed, color, national origin, families with children status, the
10 presence of any sensory, mental, or physical disability, or the use of
11 a trained guide dog or service dog by a disabled person:

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

13 (b) To discriminate against a person in the terms, conditions, or
14 privileges of a real estate transaction or in the furnishing of
15 facilities or services in connection therewith;

16 (c) To refuse to receive or to fail to transmit a bona fide offer
17 to engage in a real estate transaction from a person;

18 (d) To refuse to negotiate for a real estate transaction with a
19 person;

20 (e) To represent to a person that real property is not available
21 for inspection, sale, rental, or lease when in fact it is so available,
22 or to fail to bring a property listing to his or her attention, or to
23 refuse to permit the person to inspect real property;

24 (f) To discriminate in the sale or rental, or to otherwise make
25 unavailable or deny a dwelling, to any person; or to a person residing
26 in or intending to reside in that dwelling after it is sold, rented, or
27 made available; or to any person associated with the person buying or
28 renting;

29 (g) To make, print, circulate, post, or mail, or cause to be so
30 made or published a statement, advertisement, or sign, or to use a form
31 of application for a real estate transaction, or to make a record or
32 inquiry in connection with a prospective real estate transaction, which
33 indicates, directly or indirectly, an intent to make a limitation,
34 specification, or discrimination with respect thereto;

35 (h) To offer, solicit, accept, use, or retain a listing of real
36 property with the understanding that a person may be discriminated

1 against in a real estate transaction or in the furnishing of facilities
2 or services in connection therewith;

3 (i) To expel a person from occupancy of real property;

4 (j) To discriminate in the course of negotiating, executing, or
5 financing a real estate transaction whether by mortgage, deed of trust,
6 contract, or other instrument imposing a lien or other security in real
7 property, or in negotiating or executing any item or service related
8 thereto including issuance of title insurance, mortgage insurance, loan
9 guarantee, or other aspect of the transaction. Nothing in this section
10 shall limit the effect of RCW 49.60.176 relating to unfair practices in
11 credit transactions; or

12 (k) To attempt to do any of the unfair practices defined in this
13 section.

14 (2) For the purposes of this chapter discrimination based on the
15 presence of any sensory, mental, or physical disability or the use of
16 a trained guide dog or service dog by a blind, deaf, or physically
17 disabled person includes:

18 (a) A refusal to permit, at the expense of the disabled person,
19 reasonable modifications of existing premises occupied or to be
20 occupied by such person if such modifications may be necessary to
21 afford such person full enjoyment of the dwelling, except that, in the
22 case of a rental, the landlord may, where it is reasonable to do so,
23 condition permission for a modification on the renter agreeing to
24 restore the interior of the dwelling to the condition that existed
25 before the modification, reasonable wear and tear excepted;

26 (b) To refuse to make reasonable accommodation in rules, policies,
27 practices, or services when such accommodations may be necessary to
28 afford a person with the presence of any sensory, mental, or physical
29 disability and/or the use of a trained guide dog or service dog by a
30 blind, deaf, or physically disabled person equal opportunity to use and
31 enjoy a dwelling; or

32 (c) To fail to design and construct covered multifamily dwellings
33 and premises in conformance with the federal fair housing amendments
34 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws
35 or regulations pertaining to access by persons with any sensory,
36 mental, or physical disability or use of a trained guide dog or service
37 dog. Whenever the requirements of applicable laws or regulations
38 differ, the requirements which require greater accessibility for
39 persons with any sensory, mental, or physical disability shall govern.

1 Nothing in (a) or (b) of this subsection shall apply to: (i) A
2 single-family house rented or leased by the owner if the owner does not
3 own or have an interest in the proceeds of the rental or lease of more
4 than three such single-family houses at one time, the rental or lease
5 occurred without the use of a real estate broker or salesperson, as
6 defined in RCW 18.85.010, and the rental or lease occurred without the
7 publication, posting, or mailing of any advertisement, sign, or
8 statement in violation of subsection (1)(g) of this section; or (ii)
9 rooms or units in dwellings containing living quarters occupied or
10 intended to be occupied by no more than four families living
11 independently of each other if the owner maintains and occupies one of
12 the rooms or units as his or her residence.

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

19 (4) Except pursuant to subsection (2)(a) of this section, this
20 section shall not be construed to require structural changes,
21 modifications, or additions to make facilities accessible to a disabled
22 person except as otherwise required by law. Nothing in this section
23 affects the rights, responsibilities, and remedies of landlords and
24 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to
25 post and enforce reasonable rules of conduct and safety for all tenants
26 and their guests, provided that chapters 59.18 and 59.20 RCW are only
27 affected to the extent they are inconsistent with the nondiscrimination
28 requirements of this chapter. Nothing in this section limits the
29 applicability of any reasonable federal, state, or local restrictions
30 regarding the maximum number of occupants permitted to occupy a
31 dwelling.

32 (5) Notwithstanding any other provision of this chapter, it shall
33 not be an unfair practice for any public establishment providing for
34 accommodations offered for the full enjoyment of transient guests as
35 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
36 families with children status. Nothing in this section shall limit the
37 effect of RCW 49.60.215 relating to unfair practices in places of
38 public accommodation.

1 (6) Nothing in this chapter prohibiting discrimination based on
2 families with children status applies to housing for older persons as
3 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
4 Sec. 3607(b)(1) through (3), as amended by the housing for older
5 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
6 Nothing in this chapter authorizes requirements for housing for older
7 persons different than the requirements in the federal fair housing
8 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
9 amended by the housing for older persons act of 1995, P.L. 104-76, as
10 enacted on December 28, 1995."

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