

March 24, 1997

**BILL ANALYSIS**

TO: Members, Committee on Trade and Economic Development

FROM: Kenny Pittman, Research Analyst (786-7392)

RE: **SB 5518 - Clarifying the application of the housing for older persons act.**

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**BACKGROUND:**

The federal Civil Rights Act of 1968, prohibits discrimination in real estate transactions based on sex, marital status, race, creed, color, or national origin. The federal government allows states to assume primary enforcement responsibility of the Fair Housing Act if the state enacts fair housing laws that offer at least as much protection against discrimination as the federal law. The Washington law against discrimination is substantially equivalent to the federal law, and the state Human Rights Commission has the responsibility for enforcing fair housing laws in Washington.

The Civil Rights Act of 1968, was amended by the Fair Housing Amendments Act of 1988. The federal law was amended to provide an effective enforcement system against discriminatory housing practices and to prohibit discrimination against persons with disabilities and discrimination based on familial status (having children who are under the age of 18). An exception to the provision prohibiting discrimination based on familial status is made for housing for older persons. In order to qualify for the housing for older persons exemption the facility must: (1) be constructed with assistance from a governmental program designed to assist the elderly; or (2) meet **one** of the following requirements: (a) at least 80 percent of the units are occupied by at least one person 55 or older and the facility provides significant facilities and services for older persons; **or** (b) 100 percent of the units are intended for and occupied by persons 62 years of age or older.

The Housing for Older Persons Act of 1995, amended the requirements of the 55 and older exemption. The 1995 Act, eliminates the significant facilities requirement and allows

greater flexibility regarding the type of facilities and services required to meet the housing for older persons exemption. As amendments are made to the federal act, state law must keep pace if the state is to continue to have primary enforcement authority. Without changes to the state law, the state Human Rights Commission only has authority to enforce the law as it existed prior to the federal amendments in 1995.

**SUMMARY:**

The state anti-discrimination law is amended to reflect the changes made under the federal Housing for Older Persons Act of 1995, regarding flexibility for the type of facilities and services required to qualify for the 55 and older exemption.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.