
SENATE BILL 5518

State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin, Hale, Horn, Winsley and Oke

Read first time 01/29/97. Referred to Committee on Financial Institutions, Insurance & Housing.

1 AN ACT Relating to unfair practices with respect to real estate
2 transactions, facilities, or services; and amending RCW 49.60.222.

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

4 **Sec. 1.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read
5 as follows:

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

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

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

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

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

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

5 (f) To discriminate in the sale or rental, or to otherwise make
6 unavailable or deny a dwelling, to any person; or to a person residing
7 in or intending to reside in that dwelling after it is sold, rented, or
8 made available; or to any person associated with the person buying or
9 renting;

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

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

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

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

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

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

35 (a) A refusal to permit, at the expense of the disabled person,
36 reasonable modifications of existing premises occupied or to be
37 occupied by such person if such modifications may be necessary to
38 afford such person full enjoyment of the dwelling, except that, in the
39 case of a rental, the landlord may, where it is reasonable to do so,

1 condition permission for a modification on the renter agreeing to
2 restore the interior of the dwelling to the condition that existed
3 before the modification, reasonable wear and tear excepted;

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

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

18 Nothing in (a) or (b) of this subsection shall apply to: (i) A
19 single-family house rented or leased by the owner if the owner does not
20 own or have an interest in the proceeds of the rental or lease of more
21 than three such single-family houses at one time, the rental or lease
22 occurred without the use of a real estate broker or salesperson, as
23 defined in RCW 18.85.010, and the rental or lease occurred without the
24 publication, posting, or mailing of any advertisement, sign, or
25 statement in violation of subsection (1)(g) of this section; or (ii)
26 rooms or units in dwellings containing living quarters occupied or
27 intended to be occupied by no more than four families living
28 independently of each other if the owner maintains and occupies one of
29 the rooms or units as his or her residence.

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

36 (4) Except pursuant to subsection (2)(a) of this section, this
37 section shall not be construed to require structural changes,
38 modifications, or additions to make facilities accessible to a disabled
39 person except as otherwise required by law. Nothing in this section

1 affects the rights, responsibilities, and remedies of landlords and
2 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to
3 post and enforce reasonable rules of conduct and safety for all tenants
4 and their guests, provided that chapters 59.18 and 59.20 RCW are only
5 affected to the extent they are inconsistent with the nondiscrimination
6 requirements of this chapter. Nothing in this section limits the
7 applicability of any reasonable federal, state, or local restrictions
8 regarding the maximum number of occupants permitted to occupy a
9 dwelling.

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

17 (6) Nothing in this chapter prohibiting discrimination based on
18 families with children status applies to housing for older persons as
19 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
20 Sec. 3607(b)(1) through (3), as amended by the housing for older
21 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
22 Nothing in this chapter authorizes requirements for housing for older
23 persons different than the requirements in the federal fair housing
24 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
25 amended by the housing for older persons act of 1995, P.L. 104-76, as
26 enacted on December 28, 1995.

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