
HOUSE BILL 2564

State of Washington

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By Representatives Kilmer, Strow, Wallace, Appleton, Morrell, Haler, Eickmeyer, Haigh, Campbell, Upthegrove, Hasegawa, McCoy, Ericks, Linville, Darneille, Green, Lantz, Ormsby, Woods, Moeller and Conway

Read first time 01/10/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to protecting persons with veteran or military
2 status from discrimination; amending RCW 49.60.010, 49.60.020,
3 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176,
4 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, and
5 49.60.225; and reenacting and amending RCW 49.60.222.

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

7 **Sec. 1.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read
8 as follows:

9 This chapter shall be known as the "law against
10 discrimination((=))." It is an exercise of the police power of the
11 state for the protection of the public welfare, health, and peace of
12 the people of this state, and in fulfillment of the provisions of the
13 Constitution of this state concerning civil rights. The legislature
14 hereby finds and declares that practices of discrimination against any
15 of its inhabitants because of race, creed, color, national origin,
16 families with children, sex, marital status, age, veteran or military
17 status, or the presence of any sensory, mental, or physical disability
18 or the use of a trained dog guide or service animal by a disabled
19 person are a matter of state concern, that such discrimination

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

12 **Sec. 2.** RCW 49.60.020 and 1993 c 510 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, age, veteran or military
19 status, or the presence of any sensory, mental, or physical disability,
20 other than a law which purports to require or permit doing any act
21 which is an unfair practice under this chapter. Nor shall anything
22 herein contained be construed to deny the right to any person to
23 institute any action or pursue any civil or criminal remedy based upon
24 an alleged violation of his or her civil rights.

25 **Sec. 3.** RCW 49.60.030 and 1997 c 271 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, veteran or military status, or the
29 presence of any sensory, mental, or physical disability or the use of
30 a trained dog guide or service animal by a disabled person is
31 recognized as and declared to be a civil right. This right shall
32 include, but not be limited to:

- 33 (a) The right to obtain and hold employment without discrimination;
- 34 (b) The right to the full enjoyment of any of the accommodations,
35 advantages, facilities, or privileges of any place of public resort,
36 accommodation, assemblage, or amusement;

1 (c) The right to engage in real estate transactions without
2 discrimination, including discrimination against families with
3 children;

4 (d) The right to engage in credit transactions without
5 discrimination;

6 (e) The right to engage in insurance transactions or transactions
7 with health maintenance organizations without discrimination:
8 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
9 48.44.220, or 48.46.370 does not constitute an unfair practice for the
10 purposes of this subparagraph; and

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

27 (2) Any person deeming himself or herself injured by any act in
28 violation of this chapter shall have a civil action in a court of
29 competent jurisdiction to enjoin further violations, or to recover the
30 actual damages sustained by the person, or both, together with the cost
31 of suit including reasonable attorneys' fees or any other appropriate
32 remedy authorized by this chapter or the United States Civil Rights Act
33 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
34 (42 U.S.C. Sec. 3601 et seq.).

35 (3) Except for any unfair practice committed by an employer against
36 an employee or a prospective employee, or any unfair practice in a real
37 estate transaction which is the basis for relief specified in the
38 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any

1 unfair practice prohibited by this chapter which is committed in the
2 course of trade or commerce as defined in the Consumer Protection Act,
3 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
4 matter affecting the public interest, is not reasonable in relation to
5 the development and preservation of business, and is an unfair or
6 deceptive act in trade or commerce.

7 **Sec. 4.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read
8 as follows:

9 ~~((As used in this chapter:))~~ The definitions in this section apply
10 throughout this chapter unless the context clearly requires otherwise.

11 (1) "Person" includes one or more individuals, partnerships,
12 associations, organizations, corporations, cooperatives, legal
13 representatives, trustees and receivers, or any group of persons; it
14 includes any owner, lessee, proprietor, manager, agent, or employee,
15 whether one or more natural persons; and further includes any political
16 or civil subdivisions of the state and any agency or instrumentality of
17 the state or of any political or civil subdivision thereof((+)).

18 (2) "Commission" means the Washington state human rights
19 commission((+)).

20 (3) "Employer" includes any person acting in the interest of an
21 employer, directly or indirectly, who employs eight or more persons,
22 and does not include any religious or sectarian organization not
23 organized for private profit((+)).

24 (4) "Employee" does not include any individual employed by his or
25 her parents, spouse, or child, or in the domestic service of any
26 person((+)).

27 (5) "Labor organization" includes any organization which exists for
28 the purpose, in whole or in part, of dealing with employers concerning
29 grievances or terms or conditions of employment, or for other mutual
30 aid or protection in connection with employment((+)).

31 (6) "Employment agency" includes any person undertaking with or
32 without compensation to recruit, procure, refer, or place employees for
33 an employer((+)).

34 (7) "Marital status" means the legal status of being married,
35 single, separated, divorced, or widowed((+)).

36 (8) "National origin" includes "ancestry"((+)).

1 (9) "Full enjoyment of" includes the right to purchase any service,
2 commodity, or article of personal property offered or sold on, or by,
3 any establishment to the public, and the admission of any person to
4 accommodations, advantages, facilities, or privileges of any place of
5 public resort, accommodation, assemblage, or amusement, without acts
6 directly or indirectly causing persons of any particular race, creed,
7 color, sex, national origin, or with any sensory, mental, or physical
8 disability, or the use of a trained dog guide or service animal by a
9 disabled person, to be treated as not welcome, accepted, desired, or
10 solicited((+)).

11 (10) "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,

1 mausoleum, or cemetery operated or maintained by a bona fide religious
2 or sectarian institution((+)).
3 (11) "Real property" includes buildings, structures, dwellings,
4 real estate, lands, tenements, leaseholds, interests in real estate
5 cooperatives, condominiums, and hereditaments, corporeal and
6 incorporeal, or any interest therein((+)).
7 (12) "Real estate transaction" includes the sale, appraisal,
8 brokering, exchange, purchase, rental, or lease of real property,
9 transacting or applying for a real estate loan, or the provision of
10 brokerage services((+)).
11 (13) "Dwelling" means any building, structure, or portion thereof
12 that is occupied as, or designed or intended for occupancy as, a
13 residence by one or more families, and any vacant land that is offered
14 for sale or lease for the construction or location thereon of any such
15 building, structure, or portion thereof((+)).
16 (14) "Sex" means gender((+)).
17 (15) "Aggrieved person" means any person who: (a) Claims to have
18 been injured by an unfair practice in a real estate transaction; or (b)
19 believes that he or she will be injured by an unfair practice in a real
20 estate transaction that is about to occur((+)).
21 (16) "Complainant" means the person who files a complaint in a real
22 estate transaction((+)).
23 (17) "Respondent" means any person accused in a complaint or
24 amended complaint of an unfair practice in a real estate
25 transaction((+)).
26 (18) "Credit transaction" includes any open or closed end credit
27 transaction, whether in the nature of a loan, retail installment
28 transaction, credit card issue or charge, or otherwise, and whether for
29 personal or for business purposes, in which a service, finance, or
30 interest charge is imposed, or which provides for repayment in
31 scheduled payments, when such credit is extended in the regular course
32 of any trade or commerce, including but not limited to transactions by
33 banks, savings and loan associations or other financial lending
34 institutions of whatever nature, stock brokers, or by a merchant or
35 mercantile establishment which as part of its ordinary business permits
36 or provides that payment for purchases of property or service therefrom
37 may be deferred((+)).

1 (19) "Families with children status" means one or more individuals
2 who have not attained the age of eighteen years being domiciled with a
3 parent or another person having legal custody of such individual or
4 individuals, or with the designee of such parent or other person having
5 such legal custody, with the written permission of such parent or other
6 person. Families with children status also applies to any person who
7 is pregnant or is in the process of securing legal custody of any
8 individual who has not attained the age of eighteen years((+)).

9 (20) "Covered multifamily dwelling" means: (a) Buildings
10 consisting of four or more dwelling units if such buildings have one or
11 more elevators; and (b) ground floor dwelling units in other buildings
12 consisting of four or more dwelling units((+)).

13 (21) "Premises" means the interior or exterior spaces, parts,
14 components, or elements of a building, including individual dwelling
15 units and the public and common use areas of a building((+)).

16 (22) "Dog guide" means a dog that is trained for the purpose of
17 guiding blind persons or a dog that is trained for the purpose of
18 assisting hearing impaired persons((+)).

19 (23) "Service animal" means an animal that is trained for the
20 purpose of assisting or accommodating a disabled person's sensory,
21 mental, or physical disability.

22 (24) "Veteran or military status" means a person who is:

23 (a) A veteran, as defined in RCW 41.04.007; or

24 (b) An active or reserve member in any branch of the armed forces
25 of the United States, including the national guard, coast guard, and
26 armed forces reserves.

27 **Sec. 5.** RCW 49.60.120 and 1997 c 271 s 4 are each amended to read
28 as follows:

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

30 (1) To appoint an executive director and chief examiner, and such
31 investigators, examiners, clerks, and other employees and agents as it
32 may deem necessary, fix their compensation within the limitations
33 provided by law, and prescribe their duties.

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

36 (3) To adopt, promulgate, amend, and rescind suitable rules and

1 regulations to carry out the provisions of this chapter, and the
2 policies and practices of the commission in connection therewith.

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

5 (5) To issue such publications and such results of investigations
6 and research as in its judgment will tend to promote good will and
7 minimize or eliminate discrimination because of sex, race, creed,
8 color, national origin, marital status, age, veteran or military
9 status, or the presence of any sensory, mental, or physical disability,
10 or the use of a trained dog guide or service animal by a disabled
11 person.

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

15 (7) To cooperate and act jointly or by division of labor with the
16 United States or other states, with other Washington state agencies,
17 commissions, and other government entities, and with political
18 subdivisions of the state of Washington and their respective human
19 rights agencies to carry out the purposes of this chapter. However,
20 the powers which may be exercised by the commission under this
21 subsection permit investigations and complaint dispositions only if the
22 investigations are designed to reveal, or the complaint deals only
23 with, allegations which, if proven, would constitute unfair practices
24 under this chapter. The commission may perform such services for these
25 agencies and be reimbursed therefor.

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

29 **Sec. 6.** RCW 49.60.130 and 1997 c 271 s 5 are each amended to read
30 as follows:

31 The commission has power to create such advisory agencies and
32 conciliation councils, local, regional, or statewide, as in its
33 judgment will aid in effectuating the purposes of this chapter. The
34 commission may empower them to study the problems of discrimination in
35 all or specific fields of human relationships or in specific instances
36 of discrimination because of sex, race, creed, color, national origin,
37 marital status, age, veteran or military status, or the presence of any

1 sensory, mental, or physical disability or the use of a trained dog
2 guide or service animal by a disabled person; to foster through
3 community effort or otherwise good will, cooperation, and conciliation
4 among the groups and elements of the population of the state, and to
5 make recommendations to the commission for the development of policies
6 and procedures in general and in specific instances, and for programs
7 of formal and informal education which the commission may recommend to
8 the appropriate state agency.

9 Such advisory agencies and conciliation councils shall be composed
10 of representative citizens, serving without pay, but with reimbursement
11 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
12 now existing or hereafter amended, and the commission may make
13 provision for technical and clerical assistance to such agencies and
14 councils and for the expenses of such assistance. The commission may
15 use organizations specifically experienced in dealing with questions of
16 discrimination.

17 **Sec. 7.** RCW 49.60.175 and 1997 c 271 s 7 are each amended to read
18 as follows:

19 It shall be an unfair practice to use the sex, race, creed, color,
20 national origin, marital status, veteran or military status, or the
21 presence of any sensory, mental, or physical disability of any person,
22 or the use of a trained dog guide or service animal by a disabled
23 person, concerning an application for credit in any credit transaction
24 to determine the credit worthiness of an applicant.

25 **Sec. 8.** RCW 49.60.176 and 1997 c 271 s 8 are each amended to read
26 as follows:

27 (1) It is an unfair practice for any person whether acting for
28 himself, herself, or another in connection with any credit transaction
29 because of race, creed, color, national origin, sex, marital status,
30 veteran or military status, or the presence of any sensory, mental, or
31 physical disability or the use of a trained dog guide or service animal
32 by a disabled person:

33 (a) To deny credit to any person;

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

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

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

6 (2) Nothing in this section shall prohibit any party to a credit
7 transaction from considering the credit history of any individual
8 applicant.

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

13 **Sec. 9.** RCW 49.60.180 and 1997 c 271 s 10 are each amended to read
14 as follows:

15 It is an unfair practice for any employer:

16 (1) To refuse to hire any person because of age, sex, marital
17 status, race, creed, color, national origin, veteran or military
18 status, or the presence of any sensory, mental, or physical disability
19 or the use of a trained dog guide or service animal by a disabled
20 person, unless based upon a bona fide occupational qualification:
21 PROVIDED, That the prohibition against discrimination because of such
22 disability shall not apply if the particular disability prevents the
23 proper performance of the particular worker involved.

24 (2) To discharge or bar any person from employment because of age,
25 sex, marital status, race, creed, color, national origin, veteran or
26 military status, or the presence of any sensory, mental, or physical
27 disability or the use of a trained dog guide or service animal by a
28 disabled person.

29 (3) To discriminate against any person in compensation or in other
30 terms or conditions of employment because of age, sex, marital status,
31 race, creed, color, national origin, veteran or military status, or the
32 presence of any sensory, mental, or physical disability or the use of
33 a trained dog guide or service animal by a disabled person: PROVIDED,
34 That it shall not be an unfair practice for an employer to segregate
35 washrooms or locker facilities on the basis of sex, or to base other
36 terms and conditions of employment on the sex of employees where the

1 commission by regulation or ruling in a particular instance has found
2 the employment practice to be appropriate for the practical realization
3 of equality of opportunity between the sexes.

4 (4) To print, or circulate, or cause to be printed or circulated
5 any statement, advertisement, or publication, or to use any form of
6 application for employment, or to make any inquiry in connection with
7 prospective employment, which expresses any limitation, specification,
8 or discrimination as to age, sex, marital status, race, creed, color,
9 national origin, veteran or military status, or the presence of any
10 sensory, mental, or physical disability or the use of a trained dog
11 guide or service animal by a disabled person, or any intent to make any
12 such limitation, specification, or discrimination, unless based upon a
13 bona fide occupational qualification: PROVIDED, Nothing contained
14 herein shall prohibit advertising in a foreign language.

15 **Sec. 10.** RCW 49.60.190 and 1997 c 271 s 11 are each amended to
16 read as follows:

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

18 (1) To deny membership and full membership rights and privileges to
19 any person because of age, sex, marital status, race, creed, color,
20 national origin, veteran or military status, or the presence of any
21 sensory, mental, or physical disability or the use of a trained dog
22 guide or service animal by a disabled person.

23 (2) To expel from membership any person because of age, sex,
24 marital status, race, creed, color, national origin, veteran or
25 military status, or the presence of any sensory, mental, or physical
26 disability or the use of a trained dog guide or service animal by a
27 disabled person.

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, race, creed, color, national origin, veteran or
31 military status, or the presence of any sensory, mental, or physical
32 disability or the use of a trained dog guide or service animal by a
33 disabled person.

34 **Sec. 11.** RCW 49.60.200 and 1997 c 271 s 12 are each amended to
35 read as follows:

36 It is an unfair practice for any employment agency to fail or

1 refuse to classify properly or refer for employment, or otherwise to
2 discriminate against, an individual because of age, sex, marital
3 status, race, creed, color, national origin, veteran or military
4 status, or the presence of any sensory, mental, or physical disability
5 or the use of a trained dog guide or service animal by a disabled
6 person, or to print or circulate, or cause to be printed or circulated
7 any statement, advertisement, or publication, or to use any form of
8 application for employment, or to make any inquiry in connection with
9 prospective employment, which expresses any limitation, specification
10 or discrimination as to age, sex, race, creed, color, or national
11 origin, veteran or military status, or the presence of any sensory,
12 mental, or physical disability or the use of a trained dog guide or
13 service animal by a disabled person, or any intent to make any such
14 limitation, specification, or discrimination, unless based upon a bona
15 fide occupational qualification: PROVIDED, Nothing contained herein
16 shall prohibit advertising in a foreign language.

17 **Sec. 12.** RCW 49.60.215 and 1997 c 271 s 13 are each amended to
18 read as follows:

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

1 **Sec. 13.** RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are
2 each reenacted and amended to read as follows:

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

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

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

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

15 (d) To refuse to negotiate for a real estate transaction with a
16 person;

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

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

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

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

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

37 (j) To discriminate in the course of negotiating, executing, or
38 financing a real estate transaction whether by mortgage, deed of trust,

1 contract, or other instrument imposing a lien or other security in real
2 property, or in negotiating or executing any item or service related
3 thereto including issuance of title insurance, mortgage insurance, loan
4 guarantee, or other aspect of the transaction. Nothing in this section
5 shall limit the effect of RCW 49.60.176 relating to unfair practices in
6 credit transactions; or

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

9 (2) For the purposes of this chapter discrimination based on the
10 presence of any sensory, mental, or physical disability or the use of
11 a trained dog guide or service animal by a blind, deaf, or physically
12 disabled person includes:

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

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

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

35 Nothing in (a) or (b) of this subsection shall apply to: (i) A
36 single-family house rented or leased by the owner if the owner does not
37 own or have an interest in the proceeds of the rental or lease of more
38 than three such single-family houses at one time, the rental or lease

1 occurred without the use of a real estate broker or salesperson, as
2 defined in RCW 18.85.010, and the rental or lease occurred without the
3 publication, posting, or mailing of any advertisement, sign, or
4 statement in violation of subsection (1)(g) of this section; or (ii)
5 rooms or units in dwellings containing living quarters occupied or
6 intended to be occupied by no more than four families living
7 independently of each other if the owner maintains and occupies one of
8 the rooms or units as his or her residence.

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

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

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

35 (6) Nothing in this chapter prohibiting discrimination based on
36 families with children status applies to housing for older persons as
37 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
38 Sec. 3607(b)(1) through (3), as amended by the housing for older

1 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
2 Nothing in this chapter authorizes requirements for housing for older
3 persons different than the requirements in the federal fair housing
4 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
5 amended by the housing for older persons act of 1995, P.L. 104-76, as
6 enacted on December 28, 1995.

7 **Sec. 14.** RCW 49.60.223 and 1997 c 271 s 15 are each amended to
8 read as follows:

9 It is an unfair practice for any person, for profit, to induce or
10 attempt to induce any person to sell or rent any real property by
11 representations regarding the entry or prospective entry into the
12 neighborhood of a person or persons of a particular race, creed, color,
13 sex, national origin, families with children status, veteran or
14 military status, or with any sensory, mental, or physical disability
15 and/or the use of a trained dog guide or service animal by a blind,
16 deaf, or physically disabled person.

17 **Sec. 15.** RCW 49.60.224 and 1997 c 271 s 16 are each amended to
18 read as follows:

19 (1) Every provision in a written instrument relating to real
20 property which purports to forbid or restrict the conveyance,
21 encumbrance, occupancy, or lease thereof to individuals of a specified
22 race, creed, color, sex, national origin, families with children
23 status, veteran or military status, or with any sensory, mental, or
24 physical disability or the use of a trained dog guide or service animal
25 by a blind, deaf, or physically disabled person, and every condition,
26 restriction, or prohibition, including a right of entry or possibility
27 of reverter, which directly or indirectly limits the use or occupancy
28 of real property on the basis of race, creed, color, sex, national
29 origin, families with children status, veteran or military status, or
30 the presence of any sensory, mental, or physical disability or the use
31 of a trained dog guide or service animal by a blind, deaf, or
32 physically disabled person is void.

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

1 **Sec. 16.** RCW 49.60.225 and 1997 c 271 s 17 are each amended to
2 read as follows:

3 (1) When a reasonable cause determination has been made under RCW
4 49.60.240 that an unfair practice in a real estate transaction has been
5 committed and a finding has been made that the respondent has engaged
6 in any unfair practice under RCW 49.60.250, the administrative law
7 judge shall promptly issue an order for such relief suffered by the
8 aggrieved person as may be appropriate, which may include actual
9 damages as provided by the federal fair housing amendments act of 1988
10 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
11 relief. Such order may, to further the public interest, assess a civil
12 penalty against the respondent:

13 (a) In an amount up to ten thousand dollars if the respondent has
14 not been determined to have committed any prior unfair practice in a
15 real estate transaction;

16 (b) In an amount up to twenty-five thousand dollars if the
17 respondent has been determined to have committed one other unfair
18 practice in a real estate transaction during the five-year period
19 ending on the date of the filing of this charge; or

20 (c) In an amount up to fifty thousand dollars if the respondent has
21 been determined to have committed two or more unfair practices in a
22 real estate transaction during the seven-year period ending on the date
23 of the filing of this charge, for loss of the right secured by RCW
24 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as
25 now or hereafter amended, to be free from discrimination in real
26 property transactions because of sex, marital status, race, creed,
27 color, national origin, families with children status, veteran or
28 military status, or the presence of any sensory, mental, or physical
29 disability or the use of a trained dog guide or service animal by a
30 blind, deaf, or physically disabled person. Enforcement of the order
31 and appeal therefrom by the complainant or respondent may be made as
32 provided in RCW 49.60.260 and 49.60.270. If acts constituting the
33 unfair practice in a real estate transaction that is the object of the
34 charge are determined to have been committed by the same natural person
35 who has been previously determined to have committed acts constituting
36 an unfair practice in a real estate transaction, then the civil penalty
37 of up to fifty thousand dollars may be imposed without regard to the
38 period of time within which any subsequent unfair practice in a real

1 estate transaction occurred. All civil penalties assessed under this
2 section shall be paid into the state treasury and credited to the
3 general fund.

4 (2) Such order shall not affect any contract, sale, conveyance,
5 encumbrance, or lease consummated before the issuance of an order that
6 involves a bona fide purchaser, encumbrancer, or tenant who does not
7 have actual notice of the charge filed under this chapter.

8 (3) Notwithstanding any other provision of this chapter, persons
9 awarded damages under this section may not receive additional damages
10 pursuant to RCW 49.60.250.

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