

SENATE BILL REPORT

EHB 1956

As of February 28, 2008

Title: An act relating to discrimination based on lawful source of income.

Brief Description: Prohibiting discrimination based on lawful source of income.

Sponsors: Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa.

Brief History: Passed House: 3/09/07, 72-25; 1/18/08, 63-34.

Committee Activity: Consumer Protection & Housing: 3/16/07, 1/29/08 [w/oRec-JUD].

Judiciary: 2/29/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Dawn Noel (786-7472)

Background: Under the Washington Law Against Discrimination (WLAD), it is an unfair practice to discriminate in the rental of a dwelling based on sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability.

Any person claiming to be aggrieved by an alleged unfair practice may file a complaint with the Human Rights Commission (Commission). If the Commission finds that reasonable cause exists that an unfair practice has been or is being committed, the Commission's staff must attempt to eliminate the unfair practice by conference, conciliation, or persuasion. If the parties do not reach agreement, the Commission must enter findings to that effect and request the appointment of an administrative law judge (ALJ) to hear the complaint.

If an ALJ determines that the respondent engaged in discrimination in the rental of a dwelling, the ALJ may award damages and injunctive relief. In addition, the ALJ may, to further the public interest, assess a civil penalty against the respondent up to \$50,000 depending on whether the respondent has committed any unfair practices in the past.

Summary of Bill: It is an unfair practice for any person to discriminate in the rental of a dwelling to, or refuse to negotiate or enter into a rental agreement with, a person because of the person's lawful source of income. "Lawful source of income" means verifiable legal income, including:

- income derived from employment;
- social security;
- supplemental security income;

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- other retirement programs;
- child support;
- alimony; and
- any federal, state, local government, or nonprofit-administered benefit or subsidy program, including rental assistance programs, public assistance, and general assistance programs.

If an ALJ finds that the respondent has engaged in this unfair practice, the ALJ is limited to providing the following relief. The ALJ must issue an order for appropriate relief, which may include actual damages and injunctive or other equitable relief. The order may, to further the public interest, assess certain civil penalties against the respondent, not to exceed \$10,000 depending on whether the respondent has committed any unfair practices under this section in the past five to seven years. The civil penalties must be paid into the state treasury and credited to the General Fund.

This section does not apply to transactions involving the sharing of a dwelling, or the rental or sublease of a portion of a dwelling, when the dwelling is occupied by the owner or sublessor. This section also does not limit the applicability of current laws relating to unfair practices in real estate transactions.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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