

# SENATE BILL REPORT

## SB 5672

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As of February 22, 2009

**Title:** An act relating to protecting consumers from discrimination based on lawful source of income.

**Brief Description:** Protecting consumers from discrimination based on lawful source of income.

**Sponsors:** Senators Kline and Kohl-Welles.

**Brief History:**

**Committee Activity:** Labor, Commerce & Consumer Protection: 2/23/09.

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Staff:** Alison Mendiola (786-7483)

**Background:** Under the Washington Law Against Discrimination (WLAD), it is an unfair practice to discriminate in real estate transactions based on race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, families with children 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.

The Washington State Human Rights Commission (Commission) is responsible, in part, for administering and enforcing the WLAD. The Commission receives and investigates complaints that allege unfair practices in violation of the WLAD. If the Commission finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If the parties do not reach an agreement, the Commission must refer the matter to an administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

If an administrative law judge determines that the respondent engaged in discrimination in the rental of a dwelling, the judge may award damages and injunctive relief. In addition, the administrative law judge may 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:** The bill as referred to committee not considered.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill (Proposed Substitute):** It is an unfair practice for any person to discriminate in a real estate transaction with a person because of the person's lawful source of income. "Lawful source of income" means verifiable legal income used in the renting or leasing of real property, including income derived from:

- employment;
- social security;
- supplemental security income;
- other retirement programs;
- child support;
- alimony; and
- any federal, state, local government, or nonprofit-administered benefit or subsidy program, including housing assistance, public assistance, and general assistance programs.

The prohibition on discrimination based on a person's lawful source of income does not apply to real estate 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.

If an administrative law judge finds that the respondent has engaged in discrimination based on a person's lawful source of income, the judge may award actual and injunctive relief, and may assess the respondent a civil penalty of:

- a maximum of \$10,000 for the first unfair practice in a real estate transaction;
- a maximum of \$25,000 if the respondent has committed one other unfair practice in a real estate transaction within a five-year period; or
- a maximum of \$50,000 if the respondent has committed two or more unfair practices in a real estate transaction within a seven-year period.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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