

SENATE BILL REPORT

SB 6591

As Reported by Senate Committee On:
Judiciary, February 2, 2010

Title: An act relating to complaints filed with the human rights commission.

Brief Description: Revising the procedure for complaints filed with the human rights commission.

Sponsors: Senators Kline, Berkey, Gordon, Keiser and Prentice.

Brief History:

Committee Activity: Judiciary: 1/29/10, 2/02/10 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6591 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon, Hargrove and Roach.

Staff: Kim Johnson (786-7472)

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. A real estate transaction includes the sale, purchase, rental, or leasing of real property.

The Washington State Human Rights Commission (Commission) is responsible, in part, for administering and enforcing the WLAD. The Commission receives and investigates all 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 through 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.

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 (Recommended Substitute): The initial review and investigation requirements of complaints alleging unfair practices in violation of the WLAD are changed. Upon receipt of a complaint, Commission staff must first review and evaluate the complaint. If the facts as stated in the complaint do not constitute an unfair practice under the WLAD, a finding of no reasonable cause may be made without further investigation. If the the facts stated in the complaint could constitute an unfair practice, then the Commission staff conducts a full investigation and ascertainment of the facts.

As part of the review and evaluation of the complaint, if the complainant has limitations related to language proficiency or a cognitive impairment, then the Commission staff are required to contact the complainant directly and make the appropriate inquiries regarding the facts of the complaint.

However, if the complaint alleges an unfair practice in a real estate transaction, then the Commission staff must conduct a full investigation and ascertainment of the facts.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): Language was added to require that if the complainant has limitations related to language proficiency or a cognitive impairment, then the Commission staff must contact the complainant directly and make the appropriate inquiries regarding the facts of the complaint.

Appropriation: None.

Fiscal Note: Available on original bill.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: I introduced this legislation to avoid situations where the Commission staff have to spend a great deal of staff time investigating cases that on their face do not meet the prima facie case of discrimination. This bill will allow the Commission to focus on the cases where there may be discrimination.

OTHER: The Commission supports this bill. This will allow us to focus investigator time on those cases that allege facts that may be a violation of the WLAD. This bill will give the Commission the ability to achieve some efficiencies that are critical as our budget is being reduced and our caseload is remaining the same. It is important to note that the bill provides the same protections for those persons whose complaint is found to be insufficient in the initial review process as are available for complaints that go through the full investigation process.

We have had conversations with some groups who have suggested language to provide certain safeguards for complaints filed by persons with a disability or a language barrier. We support those changes.

Persons Testifying: PRO: Senator Kline, prime sponsor.

OTHER: Laura Lindstrand, Human Rights Commission.