
SUBSTITUTE SENATE BILL 6591

State of Washington

61st Legislature

2010 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, Berkey, Gordon, Keiser, and Prentice)

READ FIRST TIME 02/04/10.

1 AN ACT Relating to complaints filed with the human rights
2 commission; and amending RCW 49.60.240.

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

4 **Sec. 1.** RCW 49.60.240 and 1995 c 259 s 5 are each amended to read
5 as follows:

6 (1)(a) Except as provided for in (c) of this subsection, after the
7 filing of any complaint, the chairperson of the commission shall refer
8 it to the appropriate section of the commission's staff for prompt
9 ((investigation and ascertainment of the facts alleged in)) review and
10 evaluation of the complaint. If the facts as stated in the complaint
11 do not constitute an unfair practice under this chapter, a finding of
12 no reasonable cause may be made without further investigation. If the
13 facts as stated could constitute an unfair practice under this chapter,
14 a full investigation and ascertainment of the facts shall be conducted.

15 (b) If the complainant has limitations related to language
16 proficiency or cognitive or other disability, as part of the review and
17 evaluation under (a) of this subsection, the commission's staff must
18 contact the complainant directly and make appropriate inquiry of the
19 complainant as to the facts of the complaint.

1 (c) After the filing of a complaint alleging an unfair practice in
2 a real estate transaction pursuant to RCW 49.60.222 through 49.60.225,
3 the chairperson of the commission shall refer it to the appropriate
4 section of the commission's staff for prompt investigation and
5 ascertainment of the facts alleged in the complaint.

6 (2) The investigation shall be limited to the alleged facts
7 contained in the complaint. The results of the investigation shall be
8 reduced to written findings of fact, and a finding shall be made that
9 there is or that there is not reasonable cause for believing that an
10 unfair practice has been or is being committed. A copy of (~~said~~) the
11 findings shall be provided to the complainant and to the person named
12 in such complaint, hereinafter referred to as the respondent.

13 (3) If the finding is made that there is reasonable cause for
14 believing that an unfair practice has been or is being committed, the
15 commission's staff shall immediately endeavor to eliminate the unfair
16 practice by conference, conciliation, and persuasion.

17 If an agreement is reached for the elimination of such unfair
18 practice as a result of such conference, conciliation, and persuasion,
19 the agreement shall be reduced to writing and signed by the respondent,
20 and an order shall be entered by the commission setting forth the terms
21 of said agreement. No order shall be entered by the commission at this
22 stage of the proceedings except upon such written agreement, except
23 that during the period beginning with the filing of complaints alleging
24 an unfair practice with respect to real estate transactions pursuant to
25 RCW 49.60.222 through 49.60.225, and ending with the filing of a
26 finding of reasonable cause or a dismissal by the commission, the
27 commission staff shall, to the extent feasible, engage in conciliation
28 with respect to such complaint. Any conciliation agreement arising out
29 of conciliation efforts by the commission shall be an agreement between
30 the respondent and the complainant and shall be subject to the approval
31 of the commission. Each conciliation agreement shall be made public
32 unless the complainant and respondent otherwise agree and the
33 commission determines that disclosure is not required to further the
34 purposes of this chapter.

35 If no such agreement can be reached, a finding to that effect shall
36 be made and reduced to writing, with a copy thereof provided to the
37 complainant and the respondent.

1 (4) The commission may adopt rules, including procedural time
2 requirements, for processing complaints alleging an unfair practice
3 with respect to real estate transactions pursuant to RCW 49.60.222
4 through 49.60.225 and which may be consistent with the federal fair
5 housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), but which
6 in no case shall exceed or be more restrictive than the requirements or
7 standards of such act.

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