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SENATE BILL 6591

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, Berkey, Gordon, Keiser, and Prentice

Read first time 01/18/10. Referred to Committee on Judiciary.

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 provide for in (b) 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) After the filing of a complaint alleging an unfair practice in  
16 a real estate transaction pursuant to RCW 49.60.222 through 49.60.225,  
17 the chairperson of the commission shall refer it to the appropriate  
18 section of the commission's staff for prompt investigation and  
19 ascertainment of the facts alleged in the complaint.

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

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

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

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

33       (4) The commission may adopt rules, including procedural time  
34 requirements, for processing complaints alleging an unfair practice  
35 with respect to real estate transactions pursuant to RCW 49.60.222  
36 through 49.60.225 and which may be consistent with the federal fair  
37 housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), but which

1 in no case shall exceed or be more restrictive than the requirements or  
2 standards of such act.

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