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HOUSE BILL 1024

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State of Washington

63rd Legislature

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By Representatives Moeller, Appleton, Ryu, Haigh, Cody, and Upthegrove; by request of Human Rights Commission

Prefiled 12/18/12. Read first time 01/14/13. Referred to Committee on Judiciary.

1 AN ACT Relating to service animals; amending RCW 49.60.218,  
2 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and  
3 amending RCW 49.60.040.

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

5 **Sec. 1.** RCW 49.60.040 and 2009 c 187 s 3 are each reenacted and  
6 amended to read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Aggrieved person" means any person who: (a) Claims to have  
10 been injured by an unfair practice in a real estate transaction; or (b)  
11 believes that he or she will be injured by an unfair practice in a real  
12 estate transaction that is about to occur.

13 (2) "Any place of public resort, accommodation, assemblage, or  
14 amusement" includes, but is not limited to, any place, licensed or  
15 unlicensed, kept for gain, hire, or reward, or where charges are made  
16 for admission, service, occupancy, or use of any property or  
17 facilities, whether conducted for the entertainment, housing, or  
18 lodging of transient guests, or for the benefit, use, or accommodation  
19 of those seeking health, recreation, or rest, or for the burial or

1 other disposition of human remains, or for the sale of goods,  
2 merchandise, services, or personal property, or for the rendering of  
3 personal services, or for public conveyance or transportation on land,  
4 water, or in the air, including the stations and terminals thereof and  
5 the garaging of vehicles, or where food or beverages of any kind are  
6 sold for consumption on the premises, or where public amusement,  
7 entertainment, sports, or recreation of any kind is offered with or  
8 without charge, or where medical service or care is made available, or  
9 where the public gathers, congregates, or assembles for amusement,  
10 recreation, or public purposes, or public halls, public elevators, and  
11 public washrooms of buildings and structures occupied by two or more  
12 tenants, or by the owner and one or more tenants, or any public library  
13 or educational institution, or schools of special instruction, or  
14 nursery schools, or day care centers or children's camps: PROVIDED,  
15 That nothing contained in this definition shall be construed to include  
16 or apply to any institute, bona fide club, or place of accommodation,  
17 which is by its nature distinctly private, including fraternal  
18 organizations, though where public use is permitted that use shall be  
19 covered by this chapter; nor shall anything contained in this  
20 definition apply to any educational facility, columbarium, crematory,  
21 mausoleum, or cemetery operated or maintained by a bona fide religious  
22 or sectarian institution.

23 (3) "Commission" means the Washington state human rights  
24 commission.

25 (4) "Complainant" means the person who files a complaint in a real  
26 estate transaction.

27 (5) "Covered multifamily dwelling" means: (a) Buildings consisting  
28 of four or more dwelling units if such buildings have one or more  
29 elevators; and (b) ground floor dwelling units in other buildings  
30 consisting of four or more dwelling units.

31 (6) "Credit transaction" includes any open or closed end credit  
32 transaction, whether in the nature of a loan, retail installment  
33 transaction, credit card issue or charge, or otherwise, and whether for  
34 personal or for business purposes, in which a service, finance, or  
35 interest charge is imposed, or which provides for repayment in  
36 scheduled payments, when such credit is extended in the regular course  
37 of any trade or commerce, including but not limited to transactions by  
38 banks, savings and loan associations or other financial lending

1 institutions of whatever nature, stock brokers, or by a merchant or  
2 mercantile establishment which as part of its ordinary business permits  
3 or provides that payment for purchases of property or service therefrom  
4 may be deferred.

5 (7)(a) "Disability" means the presence of a sensory, mental, or  
6 physical impairment that:

- 7 (i) Is medically cognizable or diagnosable; or
- 8 (ii) Exists as a record or history; or
- 9 (iii) Is perceived to exist whether or not it exists in fact.

10 (b) A disability exists whether it is temporary or permanent,  
11 common or uncommon, mitigated or unmitigated, or whether or not it  
12 limits the ability to work generally or work at a particular job or  
13 whether or not it limits any other activity within the scope of this  
14 chapter.

15 (c) For purposes of this definition, "impairment" includes, but is  
16 not limited to:

17 (i) Any physiological disorder, or condition, cosmetic  
18 disfigurement, or anatomical loss affecting one or more of the  
19 following body systems: Neurological, musculoskeletal, special sense  
20 organs, respiratory, including speech organs, cardiovascular,  
21 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,  
22 and endocrine; or

23 (ii) Any mental, developmental, traumatic, or psychological  
24 disorder, including but not limited to cognitive limitation, organic  
25 brain syndrome, emotional or mental illness, and specific learning  
26 disabilities.

27 (d) Only for the purposes of qualifying for reasonable  
28 accommodation in employment, an impairment must be known or shown  
29 through an interactive process to exist in fact and:

30 (i) The impairment must have a substantially limiting effect upon  
31 the individual's ability to perform his or her job, the individual's  
32 ability to apply or be considered for a job, or the individual's access  
33 to equal benefits, privileges, or terms or conditions of employment; or

34 (ii) The employee must have put the employer on notice of the  
35 existence of an impairment, and medical documentation must establish a  
36 reasonable likelihood that engaging in job functions without an  
37 accommodation would aggravate the impairment to the extent that it  
38 would create a substantially limiting effect.

1 (e) For purposes of (d) of this subsection, a limitation is not  
2 substantial if it has only a trivial effect.

3 (8) "Dog guide" means a dog that is trained for the purpose of  
4 guiding blind persons or a dog that is trained for the purpose of  
5 assisting hearing impaired persons.

6 (9) "Dwelling" means any building, structure, or portion thereof  
7 that is occupied as, or designed or intended for occupancy as, a  
8 residence by one or more families, and any vacant land that is offered  
9 for sale or lease for the construction or location thereon of any such  
10 building, structure, or portion thereof.

11 (10) "Employee" does not include any individual employed by his or  
12 her parents, spouse, or child, or in the domestic service of any  
13 person.

14 (11) "Employer" includes any person acting in the interest of an  
15 employer, directly or indirectly, who employs eight or more persons,  
16 and does not include any religious or sectarian organization not  
17 organized for private profit.

18 (12) "Employment agency" includes any person undertaking with or  
19 without compensation to recruit, procure, refer, or place employees for  
20 an employer.

21 (13) "Families with children status" means one or more individuals  
22 who have not attained the age of eighteen years being domiciled with a  
23 parent or another person having legal custody of such individual or  
24 individuals, or with the designee of such parent or other person having  
25 such legal custody, with the written permission of such parent or other  
26 person. Families with children status also applies to any person who  
27 is pregnant or is in the process of securing legal custody of any  
28 individual who has not attained the age of eighteen years.

29 (14) "Full enjoyment of" includes the right to purchase any  
30 service, commodity, or article of personal property offered or sold on,  
31 or by, any establishment to the public, and the admission of any person  
32 to accommodations, advantages, facilities, or privileges of any place  
33 of public resort, accommodation, assemblage, or amusement, without acts  
34 directly or indirectly causing persons of any particular race, creed,  
35 color, sex, sexual orientation, national origin, or with any sensory,  
36 mental, or physical disability, or the use of a trained dog guide or  
37 service animal by a person with a disability, to be treated as not  
38 welcome, accepted, desired, or solicited.

1 (15) "Honorably discharged veteran or military status" means a  
2 person who is:

3 (a) A veteran, as defined in RCW 41.04.007; or

4 (b) An active or reserve member in any branch of the armed forces  
5 of the United States, including the national guard, coast guard, and  
6 armed forces reserves.

7 (16) "Labor organization" includes any organization which exists  
8 for the purpose, in whole or in part, of dealing with employers  
9 concerning grievances or terms or conditions of employment, or for  
10 other mutual aid or protection in connection with employment.

11 (17) "Marital status" means the legal status of being married,  
12 single, separated, divorced, or widowed.

13 (18) "National origin" includes "ancestry."

14 (19) "Person" includes one or more individuals, partnerships,  
15 associations, organizations, corporations, cooperatives, legal  
16 representatives, trustees and receivers, or any group of persons; it  
17 includes any owner, lessee, proprietor, manager, agent, or employee,  
18 whether one or more natural persons; and further includes any political  
19 or civil subdivisions of the state and any agency or instrumentality of  
20 the state or of any political or civil subdivision thereof.

21 (20) "Premises" means the interior or exterior spaces, parts,  
22 components, or elements of a building, including individual dwelling  
23 units and the public and common use areas of a building.

24 (21) "Real estate transaction" includes the sale, appraisal,  
25 brokering, exchange, purchase, rental, or lease of real property,  
26 transacting or applying for a real estate loan, or the provision of  
27 brokerage services.

28 (22) "Real property" includes buildings, structures, dwellings,  
29 real estate, lands, tenements, leaseholds, interests in real estate  
30 cooperatives, condominiums, and hereditaments, corporeal and  
31 incorporeal, or any interest therein.

32 (23) "Respondent" means any person accused in a complaint or  
33 amended complaint of an unfair practice in a real estate transaction.

34 (24) "Service animal" means an animal that is trained for the  
35 purpose of assisting or accommodating a sensory, mental, or physical  
36 disability of a person with a disability. This subsection does not  
37 apply to unfair practices in real estate transactions under RCW

1 49.60.222, 49.60.223, 49.60.224, and 49.60.225. RCW 49.60.222(2)(b)  
2 applies to unfair practices related to animals needed because of a  
3 disability in real estate transactions.

4 (25) "Sex" means gender.

5 (26) "Sexual orientation" means heterosexuality, homosexuality,  
6 bisexuality, and gender expression or identity. As used in this  
7 definition, "gender expression or identity" means having or being  
8 perceived as having a gender identity, self-image, appearance,  
9 behavior, or expression, whether or not that gender identity, self-  
10 image, appearance, behavior, or expression is different from that  
11 traditionally associated with the sex assigned to that person at birth.

12 **Sec. 2.** RCW 49.60.218 and 2011 c 237 s 2 are each amended to read  
13 as follows:

14 (1) It shall be an unfair practice for any person or the person's  
15 agent or employee to commit an act which directly or indirectly results  
16 in any distinction, restriction, or discrimination, or the requiring of  
17 any person to pay a larger sum than the uniform rates charged other  
18 persons, or the refusing or withholding from any person the admission,  
19 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
20 in any food establishment, except for conditions and limitations  
21 established by law and applicable to all persons, on the basis of the  
22 use of a dog guide or service animal by a person with a disability:  
23 PROVIDED, That this section shall not be construed to require  
24 structural changes, modifications, or additions to make any place  
25 accessible to a person with a disability except as otherwise required  
26 by law: PROVIDED, That behavior or actions constituting a risk to  
27 property or other persons can be grounds for refusal and shall not  
28 constitute an unfair practice.

29 (2) A food establishment shall make reasonable modifications in  
30 policies, practices, or procedures to permit the use of a miniature  
31 horse by an individual with a disability in accordance with subsection  
32 (1) of this section if the miniature horse has been individually  
33 trained to do work or perform tasks for the benefit of the individual  
34 with a disability. In determining whether reasonable modifications in  
35 policies, practices, or procedures can be made to allow a miniature  
36 horse into a facility, a food establishment shall act in accordance  
37 with all applicable laws and regulations.

1 (3) For the purposes of this section:

2 (a)(i) "Service animal" means any dog that is individually trained  
3 to do work or perform tasks for the benefit of an individual with a  
4 disability, including a physical, sensory, psychiatric, intellectual,  
5 or other mental disability. Except as provided in subsection (2) of  
6 this section, other species of animals, whether wild or domestic,  
7 trained or untrained, are not service animals. The work or tasks  
8 performed by a service animal must be directly related to the  
9 individual's disability. Examples of work or tasks include, but are  
10 not limited to, assisting individuals who are blind or have low vision  
11 with navigation and other tasks, alerting individuals who are deaf or  
12 hard of hearing to the presence of people or sounds, providing  
13 nonviolent protection or rescue work, pulling a wheelchair, assisting  
14 an individual during a seizure, alerting individuals to the presence of  
15 allergens, retrieving items such as medicine or the telephone,  
16 providing physical support and assistance with balance and stability to  
17 individuals with mobility disabilities, and helping persons with  
18 psychiatric and neurological disabilities by preventing or interrupting  
19 impulsive or destructive behaviors. The crime deterrent effects of an  
20 animal's presence and the provision of emotional support, well-being,  
21 comfort, or companionship do not constitute work or tasks.

22 (ii) The definition of "service animal" in (a)(i) of this  
23 subsection applies only to food establishments, and does not apply to  
24 unfair practices in real estate transactions under RCW 49.60.222,  
25 49.60.223, 49.60.224, and 49.60.225. RCW 49.60.222(2)(b) applies to  
26 unfair practices related to animals needed because of a disability in  
27 real estate transactions.

28 (b) "Food establishment" means a place of business that sells or  
29 serves food for human consumption with a North American industry  
30 classification system code within "445110," "445120," "445210,"  
31 "445220," "445230," "445291," "445292," "445299," "452910," "722110,"  
32 "722211," "722212," "722213," or "722410."

33 **Sec. 3.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to read  
34 as follows:

35 (1) It is an unfair practice for any person, whether acting for  
36 himself, herself, or another, because of sex, marital status, sexual  
37 orientation, race, creed, color, national origin, families with

1 children status, honorably discharged veteran or military status, the  
2 presence of any sensory, mental, or physical disability(~~(, or the use~~  
3 ~~of a trained dog guide or service animal by a person with a~~  
4 ~~disability))):~~

5 (a) To refuse to engage in a real estate transaction with a person;

6 (b) To discriminate against a person in the terms, conditions, or  
7 privileges of a real estate transaction or in the furnishing of  
8 facilities or services in connection therewith;

9 (c) To refuse to receive or to fail to transmit a bona fide offer  
10 to engage in a real estate transaction from a person;

11 (d) To refuse to negotiate for a real estate transaction with a  
12 person;

13 (e) To represent to a person that real property is not available  
14 for inspection, sale, rental, or lease when in fact it is so available,  
15 or to fail to bring a property listing to his or her attention, or to  
16 refuse to permit the person to inspect real property;

17 (f) To discriminate in the sale or rental, or to otherwise make  
18 unavailable or deny a dwelling, to any person; or to a person residing  
19 in or intending to reside in that dwelling after it is sold, rented, or  
20 made available; or to any person associated with the person buying or  
21 renting;

22 (g) To make, print, circulate, post, or mail, or cause to be so  
23 made or published a statement, advertisement, or sign, or to use a form  
24 of application for a real estate transaction, or to make a record or  
25 inquiry in connection with a prospective real estate transaction, which  
26 indicates, directly or indirectly, an intent to make a limitation,  
27 specification, or discrimination with respect thereto;

28 (h) To offer, solicit, accept, use, or retain a listing of real  
29 property with the understanding that a person may be discriminated  
30 against in a real estate transaction or in the furnishing of facilities  
31 or services in connection therewith;

32 (i) To expel a person from occupancy of real property;

33 (j) To discriminate in the course of negotiating, executing, or  
34 financing a real estate transaction whether by mortgage, deed of trust,  
35 contract, or other instrument imposing a lien or other security in real  
36 property, or in negotiating or executing any item or service related  
37 thereto including issuance of title insurance, mortgage insurance, loan



1 guarantee, or other aspect of the transaction. Nothing in this section  
2 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
3 credit transactions; or

4 (k) To attempt to do any of the unfair practices defined in this  
5 section.

6 (2) For the purposes of this chapter discrimination based on the  
7 presence of any sensory, mental, or physical disability (~~or the use of~~  
8 ~~a trained dog guide or service animal by a person who is blind, deaf,~~  
9 ~~or physically disabled~~)) includes:

10 (a) A refusal to permit, at the expense of the person with a  
11 disability, reasonable modifications of existing premises occupied or  
12 to be occupied by such person if such modifications may be necessary to  
13 afford such person full enjoyment of the dwelling, except that, in the  
14 case of a rental, the landlord may, where it is reasonable to do so,  
15 condition permission for a modification on the renter agreeing to  
16 restore the interior of the dwelling to the condition that existed  
17 before the modification, reasonable wear and tear excepted;

18 (b) To refuse to make reasonable accommodation in rules, policies,  
19 practices, or services when such accommodations may be necessary to  
20 afford a person with the presence of any sensory, mental, or physical  
21 disability (~~and/or the use of a trained dog guide or service animal by~~  
22 ~~a person who is blind, deaf, or physically disabled~~)) equal opportunity  
23 to use and enjoy a dwelling; or

24 (c) To fail to design and construct covered multifamily dwellings  
25 and premises in conformance with the federal fair housing amendments  
26 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws  
27 or regulations pertaining to access by persons with any sensory,  
28 mental, or physical disability or use of a trained dog guide or service  
29 animal. Whenever the requirements of applicable laws or regulations  
30 differ, the requirements which require greater accessibility for  
31 persons with any sensory, mental, or physical disability shall govern.

32 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
33 single-family house rented or leased by the owner if the owner does not  
34 own or have an interest in the proceeds of the rental or lease of more  
35 than three such single-family houses at one time, the rental or lease  
36 occurred without the use of a (~~real-estate~~) broker (~~or~~  
37 ~~salesperson~~), as defined in RCW (~~18.85.010~~) 18.85.011, and the  
38 rental or lease occurred without the publication, posting, or mailing

1 of any advertisement, sign, or statement in violation of subsection  
2 (1)(g) of this section; or (ii) rooms or units in dwellings containing  
3 living quarters occupied or intended to be occupied by no more than  
4 four families living independently of each other if the owner maintains  
5 and occupies one of the rooms or units as his or her residence.

6 (3) Notwithstanding any other provision of this chapter, it shall  
7 not be an unfair practice or a denial of civil rights for any public or  
8 private educational institution to separate the sexes or give  
9 preference to or limit use of dormitories, residence halls, or other  
10 student housing to persons of one sex or to make distinctions on the  
11 basis of marital or families with children status.

12 (4) Except pursuant to subsection (2)(a) of this section, this  
13 section shall not be construed to require structural changes,  
14 modifications, or additions to make facilities accessible to a person  
15 with a disability except as otherwise required by law. Nothing in this  
16 section affects the rights, responsibilities, and remedies of landlords  
17 and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right  
18 to post and enforce reasonable rules of conduct and safety for all  
19 tenants and their guests, provided that chapters 59.18 and 59.20 RCW  
20 are only affected to the extent they are inconsistent with the  
21 nondiscrimination requirements of this chapter. Nothing in this  
22 section limits the applicability of any reasonable federal, state, or  
23 local restrictions regarding the maximum number of occupants permitted  
24 to occupy a dwelling.

25 (5) Notwithstanding any other provision of this chapter, it shall  
26 not be an unfair practice for any public establishment providing for  
27 accommodations offered for the full enjoyment of transient guests as  
28 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of  
29 families with children status. Nothing in this section shall limit the  
30 effect of RCW 49.60.215 relating to unfair practices in places of  
31 public accommodation.

32 (6) Nothing in this chapter prohibiting discrimination based on  
33 families with children status applies to housing for older persons as  
34 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
35 Sec. 3607(b)(1) through (3), as amended by the housing for older  
36 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
37 Nothing in this chapter authorizes requirements for housing for older  
38 persons different than the requirements in the federal fair housing

1 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
2 amended by the housing for older persons act of 1995, P.L. 104-76, as  
3 enacted on December 28, 1995.

4 (7) Nothing in this chapter shall apply to real estate transactions  
5 involving the sharing of a dwelling unit, or rental or sublease of a  
6 portion of a dwelling unit, when the dwelling unit is to be occupied by  
7 the owner or sublesor. For purposes of this section, "dwelling unit"  
8 has the same meaning as in RCW 59.18.030.

9 **Sec. 4.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to read  
10 as follows:

11 It is an unfair practice for any person, for profit, to induce or  
12 attempt to induce any person to sell or rent any real property by  
13 representations regarding the entry or prospective entry into the  
14 neighborhood of a person or persons of a particular race, creed, color,  
15 sex, national origin, sexual orientation, families with children  
16 status, honorably discharged veteran or military status, or with any  
17 sensory, mental, or physical disability (~~(and/or the use of a trained  
18 dog guide or service animal by a person who is blind, deaf, or  
19 physically disabled)~~)).

20 **Sec. 5.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to read  
21 as follows:

22 (1) Every provision in a written instrument relating to real  
23 property which purports to forbid or restrict the conveyance,  
24 encumbrance, occupancy, or lease thereof to individuals of a specified  
25 race, creed, color, sex, national origin, sexual orientation, families  
26 with children status, honorably discharged veteran or military status,  
27 or with any sensory, mental, or physical disability (~~(or the use of a  
28 trained dog guide or service animal by a person who is blind, deaf, or  
29 physically disabled)~~), and every condition, restriction, or  
30 prohibition, including a right of entry or possibility of reverter,  
31 which directly or indirectly limits the use or occupancy of real  
32 property on the basis of race, creed, color, sex, national origin,  
33 sexual orientation, families with children status, honorably discharged  
34 veteran or military status, or the presence of any sensory, mental, or  
35 physical disability (~~(or the use of a trained dog guide or service~~

1 ~~animal by a person who is blind, deaf, or physically disabled))~~ is  
2 void.

3 (2) It is an unfair practice to insert in a written instrument  
4 relating to real property a provision that is void under this section  
5 or to honor or attempt to honor such a provision in the chain of title.

6 **Sec. 6.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to read  
7 as follows:

8 (1) When a reasonable cause determination has been made under RCW  
9 49.60.240 that an unfair practice in a real estate transaction has been  
10 committed and a finding has been made that the respondent has engaged  
11 in any unfair practice under RCW 49.60.250, the administrative law  
12 judge shall promptly issue an order for such relief suffered by the  
13 aggrieved person as may be appropriate, which may include actual  
14 damages as provided by the federal fair housing amendments act of 1988  
15 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
16 relief. Such order may, to further the public interest, assess a civil  
17 penalty against the respondent:

18 (a) In an amount up to ten thousand dollars if the respondent has  
19 not been determined to have committed any prior unfair practice in a  
20 real estate transaction;

21 (b) In an amount up to twenty-five thousand dollars if the  
22 respondent has been determined to have committed one other unfair  
23 practice in a real estate transaction during the five-year period  
24 ending on the date of the filing of this charge; or

25 (c) In an amount up to fifty thousand dollars if the respondent has  
26 been determined to have committed two or more unfair practices in a  
27 real estate transaction during the seven-year period ending on the date  
28 of the filing of this charge, for loss of the right secured by RCW  
29 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
30 now or hereafter amended, to be free from discrimination in real  
31 property transactions because of sex, marital status, race, creed,  
32 color, national origin, sexual orientation, families with children  
33 status, honorably discharged veteran or military status, or the  
34 presence of any sensory, mental, or physical disability (~~or the use of  
35 a trained dog guide or service animal by a person who is blind, deaf,  
36 or physically disabled~~). Enforcement of the order and appeal  
37 therefrom by the complainant or respondent may be made as provided in

1 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice  
2 in a real estate transaction that is the object of the charge are  
3 determined to have been committed by the same natural person who has  
4 been previously determined to have committed acts constituting an  
5 unfair practice in a real estate transaction, then the civil penalty of  
6 up to fifty thousand dollars may be imposed without regard to the  
7 period of time within which any subsequent unfair practice in a real  
8 estate transaction occurred. All civil penalties assessed under this  
9 section shall be paid into the state treasury and credited to the  
10 general fund.

11 (2) Such order shall not affect any contract, sale, conveyance,  
12 encumbrance, or lease consummated before the issuance of an order that  
13 involves a bona fide purchaser, encumbrancer, or tenant who does not  
14 have actual notice of the charge filed under this chapter.

15 (3) Notwithstanding any other provision of this chapter, persons  
16 awarded damages under this section may not receive additional damages  
17 pursuant to RCW 49.60.250.

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