

SENATE BILL REPORT

SB 5378

As of January 21, 2016

Title: An act relating to ensuring housing options for participants in government assistance programs.

Brief Description: Concerning the preservation of housing options for participants in government assistance programs.

Sponsors: Senators Kohl-Welles, Miloscia, Frockt, Darneille, Pedersen, Jayapal, Hobbs, McAuliffe, Keiser and Chase.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 1/21/16.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Staff: Alison Mendiola (786-7444)

Background: The Residential Landlord-Tenant Act regulates the creation of residential tenancies and the relationship between landlords and tenants of residential dwelling units.

Laws against discrimination. Under Washington's laws against discrimination, a landlord may not discriminate against a prospective or current tenant with regard to sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

Source of income discrimination. Twelve states - California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Wisconsin - and the District of Columbia have statutes that prohibit a landlord from discriminating against a tenant in regard to the tenant's lawful source of income. Except for California and Utah's statutes, these laws specifically prohibit discrimination based on a tenant's use of Section 8 or other government assistance or subsidies. It should also be noted that in California, there is case law that clarifies that "source of income" does not include Section 8. In Washington; Seattle, King County, Redmond, Kirkland, Bellevue, Redmond, and Vancouver have ordinances which prohibit a landlord from discriminating against a tenant who receives Section 8 subsidy, and some ordinances include additional types of government assistance.

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: A person is prohibited from taking certain acts based on the source of income of an otherwise eligible applicant or tenant. Prohibited acts include, but are not limited to:

- refusing to lease or rent any real property to an applicant;
- expelling a tenant from any real property;
- making any distinction, discrimination, or restriction against an applicant or tenant in the price, terms, conditions, or privileges relating to the rental;
- attempting to discourage the rental or lease of any real property;
- publishing, circulating, issuing, or displaying any communication of any kind relating to the rental or lease of real property that indicates any source of income; and
- assisting another to commit a prohibited act.

Source of income includes income derived from social security, supplemental security income, other retirement programs, and any federal, state, local, or nonprofit-administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance programs. Source of income does not include income derived in an illegal manner.

These prohibitions do not apply with respect to housing for older persons as defined by federal law. The prohibitions are also not applicable to local, state, and federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit.

A person who violates a listed act may be held liable for up to treble damages. The prevailing party may also recover court costs and reasonable attorneys' fees.

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.