
HOUSE BILL 1376

State of Washington 64th Legislature 2015 Regular Session

By Representatives Shea, Holy, and McCaslin

Read first time 01/19/15. Referred to Committee on Judiciary.

1 AN ACT Relating to excluding an accommodation maintained by a
2 not-for-profit sectarian organization from the definition of "any
3 place of public resort, accommodation, assemblage, or amusement"; and
4 reenacting and amending RCW 49.60.040.

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

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

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

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

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

1 goods, merchandise, services, or personal property, or for the
2 rendering of personal services, or for public conveyance or
3 transportation on land, water, or in the air, including the stations
4 and terminals thereof and the garaging of vehicles, or where food or
5 beverages of any kind are sold for consumption on the premises, or
6 where public amusement, entertainment, sports, or recreation of any
7 kind is offered with or without charge, or where medical service or
8 care is made available, or where the public gathers, congregates, or
9 assembles for amusement, recreation, or public purposes, or public
10 halls, public elevators, and public washrooms of buildings and
11 structures occupied by two or more tenants, or by the owner and one
12 or more tenants, or any public library or educational institution, or
13 schools of special instruction, or nursery schools, or day care
14 centers or children's camps: PROVIDED, That nothing contained in this
15 definition shall be construed to include or apply to any institute,
16 bona fide club, or place of accommodation, which is by its nature
17 distinctly private, including fraternal organizations, though where
18 public use is permitted that use shall be covered by this chapter;
19 nor shall anything contained in this definition be construed to
20 include or apply to any educational facility, columbarium, crematory,
21 mausoleum, or cemetery operated or maintained by a bona fide
22 religious or sectarian institution; nor shall anything contained in
23 this definition be construed to include or apply to any accommodation
24 that is owned, operated, or maintained by any religious or sectarian
25 organization not organized for profit.

26 (3) "Commission" means the Washington state human rights
27 commission.

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

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

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

1 transactions by banks, savings and loan associations or other
2 financial lending institutions of whatever nature, stock brokers, or
3 by a merchant or mercantile establishment which as part of its
4 ordinary business permits or provides that payment for purchases of
5 property or service therefrom may be deferred.

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

8 (i) Is medically cognizable or diagnosable; or

9 (ii) Exists as a record or history; or

10 (iii) Is perceived to exist whether or not it exists in fact.

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

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

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

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

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

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

36 (ii) The employee must have put the employer on notice of the
37 existence of an impairment, and medical documentation must establish
38 a reasonable likelihood that engaging in job functions without an
39 accommodation would aggravate the impairment to the extent that it
40 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
9 offered for sale or lease for the construction or location thereon of
10 any such building, structure, or portion thereof.

11 (10) "Employee" does not include any individual employed by his
12 or 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
20 for an employer.

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

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

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

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

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

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

35 (24) "Service animal" means an animal that is trained for the
36 purpose of assisting or accommodating a sensory, mental, or physical
37 disability of a person with a disability.

38 (25) "Sex" means gender.

39 (26) "Sexual orientation" means heterosexuality, homosexuality,
40 bisexuality, and gender expression or identity. As used in this

1 definition, "gender expression or identity" means having or being
2 perceived as having a gender identity, self-image, appearance,
3 behavior, or expression, whether or not that gender identity, self-
4 image, appearance, behavior, or expression is different from that
5 traditionally associated with the sex assigned to that person at
6 birth.

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