

FINAL BILL REPORT

ESB 5165

C 52 L 20
Synopsis as Enacted

Brief Description: Concerning discrimination based on citizenship or immigration status.

Sponsors: Senators Saldaña, Hasegawa, Wellman, Darneille, Keiser, Nguyen and Wilson, C.

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Washington's Law Against Discrimination. The Washington Law Against Discrimination (WLAD) prohibits discriminatory practices in employment; places of public resort, accommodation, or amusement; real estate transactions; and credit and insurance. The law protects persons from discrimination based on their race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, honorably discharged veterans, or military status. The law also protects persons from discrimination based on 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. WLAD prohibits retaliation against persons who oppose a discriminatory practice, and those who file health care and state employee whistleblower complaints.

Washington State Human Rights Commission. The Legislature established the Human Rights Commission (HRC) in 1949 as the state agency responsible for administering and enforcing WLAD. There are five commissioners appointed by the Governor, who appoint an executive director. The executive director appoints investigative staff, clerks, and other employees as needed to conduct the day-to-day operations of the agency. The commissioners provide policy direction, adopt regulations, and meet monthly to pass upon the investigative finding determinations recommended by staff, review and approve settlement agreements, and issue board orders setting forth the terms of the legally binding agreements, and may vote to grant or deny requests for reconsideration of previously issued investigative findings.

HRC provides services to any person regardless of their immigration or citizenship status, does not ask a person about their status, and does not record that information.

Fair Housing Under Federal and State Law. HRC has a cooperative agreement with the federal Department of Housing and Urban Development (HUD) to process and investigate dual-filed housing complaints for which HRC receives funding under the Fair Housing Assistance Program (FHAP). HRC is an FHAP agency because Washington's law is substantially equivalent to the federal Fair Housing Act. Most of HRC's housing cases are

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dual-filed with HUD; however, the state fair housing law has a broader scope, and occasionally HRC prepares a complaint using its jurisdiction only.

Summary: Discrimination based on citizenship or immigration status is an unfair practice and violates WLAD. A person or entity may make a distinction or treat someone differently based on citizenship or immigration status only if a state or federal law, regulation, or a government contract requires it. An employer, potential employer, labor organization, or employment agency commits an unfair employment practice if it discriminates against a person based on their citizenship or immigration status. A person or entity discriminates in a real estate transaction by refusing to sell or rent to someone who makes a bona fide offer, or refuses to negotiate for the sale or rental of a dwelling based on their citizenship or immigration status, subject to specific exceptions. Any person, their employee, or agent who excludes or overcharges at any place of public accommodation based on someone's citizenship or immigration status commits an unfair practice.

Votes on Final Passage:

2019 Regular Session

Senate 29 20

2020 Regular Session

Senate 26 20

House 57 39

Effective: June 11, 2020