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HOUSE BILL 2542

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State of Washington

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By Representatives Murray, Chopp, Tokuda, Mason, Cole, H. Sommers, Appelwick, Brown, Cody, Veloria, Dickerson and Costa

Read first time 01/12/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to the jurisdiction of the Washington human rights  
2 commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040,  
3 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190,  
4 49.60.200, 49.60.215, 49.60.222, 49.60.224, 49.60.225, and 48.30.300;  
5 and reenacting and amending RCW 49.60.120 and 49.60.223.

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

7 **Sec. 1.** RCW 49.60.010 and 1995 c 259 s 1 are each amended to read  
8 as follows:

9 This chapter shall be known as the "Cal Anderson law against  
10 discrimination((<sup>u</sup>)).\_" It is an exercise of the police power of the  
11 state for the protection of the public welfare, health, and peace of  
12 the people of this state, and in fulfillment of the provisions of the  
13 Constitution of this state concerning civil rights. The legislature  
14 hereby finds and declares that practices of discrimination against any  
15 of its inhabitants because of race, creed, color, national origin,  
16 families with children, sex, marital status, sexual orientation, age,  
17 or the presence of any sensory, mental, or physical disability or the  
18 use of a trained guide dog or service dog by a disabled person are a  
19 matter of state concern, that such discrimination threatens not only

1 the rights and proper privileges of its inhabitants but menaces the  
2 institutions and foundation of a free democratic state. A state agency  
3 is herein created with powers with respect to elimination and  
4 prevention of discrimination in employment, in credit and insurance  
5 transactions, in places of public resort, accommodation, or amusement,  
6 and in real property transactions because of race, creed, color,  
7 national origin, families with children, sex, marital status, sexual  
8 orientation, age, or the presence of any sensory, mental, or physical  
9 disability or the use of a trained guide dog or service dog by a  
10 disabled person; and the commission established hereunder is hereby  
11 given general jurisdiction and power for such purposes.

12 **Sec. 2.** RCW 49.60.020 and 1993 c 510 s 2 are each amended to read  
13 as follows:

14 The provisions of this chapter shall be construed liberally for the  
15 accomplishment of the purposes thereof. Nothing contained in this  
16 chapter shall be deemed to repeal any of the provisions of any other  
17 law of this state relating to discrimination because of race, color,  
18 creed, national origin, sex, marital status, sexual orientation, age,  
19 or the presence of any sensory, mental, or physical disability, other  
20 than a law which purports to require or permit doing any act which is  
21 an unfair practice under this chapter. Nor shall anything herein  
22 contained be construed to deny the right to any person to institute any  
23 action or pursue any civil or criminal remedy based upon an alleged  
24 violation of his or her civil rights. This chapter shall not be  
25 construed to endorse any specific belief, practice, behavior, or  
26 orientation.

27 **Sec. 3.** RCW 49.60.030 and 1995 c 135 s 3 are each amended to read  
28 as follows:

29 (1) The right to be free from discrimination because of race,  
30 creed, color, national origin, sex, sexual orientation, or the presence  
31 of any sensory, mental, or physical disability or the use of a trained  
32 guide dog or service dog by a disabled person is recognized as and  
33 declared to be a civil right. This right shall include, but not be  
34 limited to:

35 (a) The right to obtain and hold employment without discrimination;

1 (b) The right to the full enjoyment of any of the accommodations,  
2 advantages, facilities, or privileges of any place of public resort,  
3 accommodation, assemblage, or amusement;

4 (c) The right to engage in real estate transactions without  
5 discrimination, including discrimination against families with  
6 children;

7 (d) The right to engage in credit transactions without  
8 discrimination;

9 (e) The right to engage in insurance transactions or transactions  
10 with health maintenance organizations without discrimination:  
11 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
12 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
13 purposes of this subparagraph; and

14 (f) The right to engage in commerce free from any discriminatory  
15 boycotts or blacklists. Discriminatory boycotts or blacklists for  
16 purposes of this section shall be defined as the formation or execution  
17 of any express or implied agreement, understanding, policy or  
18 contractual arrangement for economic benefit between any persons which  
19 is not specifically authorized by the laws of the United States and  
20 which is required or imposed, either directly or indirectly, overtly or  
21 covertly, by a foreign government or foreign person in order to  
22 restrict, condition, prohibit, or interfere with or in order to exclude  
23 any person or persons from any business relationship on the basis of  
24 race, color, creed, religion, sex, sexual orientation, the presence of  
25 any sensory, mental, or physical disability, or the use of a trained  
26 guide dog or service dog by a disabled person, or national origin or  
27 lawful business relationship: PROVIDED HOWEVER, That nothing herein  
28 contained shall prohibit the use of boycotts as authorized by law  
29 pertaining to labor disputes and unfair labor practices.

30 (2) Any person deeming himself or herself injured by any act in  
31 violation of this chapter shall have a civil action in a court of  
32 competent jurisdiction to enjoin further violations, or to recover the  
33 actual damages sustained by the person, or both, together with the cost  
34 of suit including reasonable attorneys' fees or any other appropriate  
35 remedy authorized by this chapter or the United States Civil Rights Act  
36 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
37 (42 U.S.C. Sec. 3601 et seq.).

38 (3) Except for any unfair practice committed by an employer against  
39 an employee or a prospective employee, or any unfair practice in a real

1 estate transaction which is the basis for relief specified in the  
2 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
3 unfair practice prohibited by this chapter which is committed in the  
4 course of trade or commerce as defined in the Consumer Protection Act,  
5 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
6 matter affecting the public interest, is not reasonable in relation to  
7 the development and preservation of business, and is an unfair or  
8 deceptive act in trade or commerce.

9       **Sec. 4.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read  
10 as follows:

11       As used in this chapter:

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

19       (2) "Commission" means the Washington state human rights  
20 commission;

21       (3) "Employer" includes any person acting in the interest of an  
22 employer, directly or indirectly, who employs eight or more persons,  
23 and does not include any religious or sectarian organization not  
24 organized for private profit;

25       (4) "Employee" does not include any individual employed by his or  
26 her parents, spouse, or child, or in the domestic service of any  
27 person;

28       (5) "Labor organization" includes any organization which exists for  
29 the purpose, in whole or in part, of dealing with employers concerning  
30 grievances or terms or conditions of employment, or for other mutual  
31 aid or protection in connection with employment;

32       (6) "Employment agency" includes any person undertaking with or  
33 without compensation to recruit, procure, refer, or place employees  
34 for an employer;

35       (7) "Marital status" means the legal status of being married,  
36 single, separated, divorced, or widowed;

37       (8) "National origin" includes "ancestry";

1 (9) "Full enjoyment of" includes the right to purchase any service,  
2 commodity, or article of personal property offered or sold on, or by,  
3 any establishment to the public, and the admission of any person to  
4 accommodations, advantages, facilities, or privileges of any place of  
5 public resort, accommodation, assemblage, or amusement, without acts  
6 directly or indirectly causing persons of any particular race, creed,  
7 color, sex, sexual orientation, national origin, or with any sensory,  
8 mental, or physical disability, or the use of a trained guide dog or  
9 service dog by a disabled person, to be treated as not welcome,  
10 accepted, desired, or solicited;

11 (10) "Any place of public resort, accommodation, assemblage, or  
12 amusement" includes, but is not limited to, any place, licensed or  
13 unlicensed, kept for gain, hire, or reward, or where charges are made  
14 for admission, service, occupancy, or use of any property or  
15 facilities, whether conducted for the entertainment, housing, or  
16 lodging of transient guests, or for the benefit, use, or accommodation  
17 of those seeking health, recreation, or rest, or for the burial or  
18 other disposition of human remains, or for the sale of goods,  
19 merchandise, services, or personal property, or for the rendering of  
20 personal services, or for public conveyance or transportation on land,  
21 water, or in the air, including the stations and terminals thereof and  
22 the garaging of vehicles, or where food or beverages of any kind are  
23 sold for consumption on the premises, or where public amusement,  
24 entertainment, sports, or recreation of any kind is offered with or  
25 without charge, or where medical service or care is made available, or  
26 where the public gathers, congregates, or assembles for amusement,  
27 recreation, or public purposes, or public halls, public elevators, and  
28 public washrooms of buildings and structures occupied by two or more  
29 tenants, or by the owner and one or more tenants, or any public library  
30 or educational institution, or schools of special instruction, or  
31 nursery schools, or day care centers or children's camps: PROVIDED,  
32 That nothing contained in this definition shall be construed to include  
33 or apply to any institute, bona fide club, or place of accommodation,  
34 which is by its nature distinctly private, including fraternal  
35 organizations, though where public use is permitted that use shall be  
36 covered by this chapter; nor shall anything contained in this  
37 definition apply to any educational facility, columbarium, crematory,  
38 mausoleum, or cemetery operated or maintained by a bona fide religious  
39 or sectarian institution;

1 (11) "Real property" includes buildings, structures, dwellings,  
2 real estate, lands, tenements, leaseholds, interests in real estate  
3 cooperatives, condominiums, and hereditaments, corporeal and  
4 incorporeal, or any interest therein;

5 (12) "Real estate transaction" includes the sale, appraisal,  
6 brokering, exchange, purchase, rental, or lease of real property,  
7 transacting or applying for a real estate loan, or the provision of  
8 brokerage services;

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

14 (14) "Sex" means gender;

15 (15) "Sexual orientation" means heterosexuality, homosexuality, and  
16 bisexuality;

17 (16) "Aggrieved person" means any person who: (a) Claims to have  
18 been injured by an unfair practice in a real estate transaction; or (b)  
19 believes that he or she will be injured by an unfair practice in a real  
20 estate transaction that is about to occur;

21 (~~(16)~~) (17) "Complainant" means the person who files a complaint  
22 in a real estate transaction;

23 (~~(17)~~) (18) "Respondent" means any person accused in a complaint  
24 or amended complaint of an unfair practice in a real estate  
25 transaction;

26 (~~(18)~~) (19) "Credit transaction" includes any open or closed end  
27 credit transaction, whether in the nature of a loan, retail installment  
28 transaction, credit card issue or charge, or otherwise, and whether for  
29 personal or for business purposes, in which a service, finance, or  
30 interest charge is imposed, or which provides for repayment in  
31 scheduled payments, when such credit is extended in the regular course  
32 of any trade or commerce, including but not limited to transactions by  
33 banks, savings and loan associations or other financial lending  
34 institutions of whatever nature, stock brokers, or by a merchant or  
35 mercantile establishment which as part of its ordinary business permits  
36 or provides that payment for purchases of property or service therefrom  
37 may be deferred;

38 (~~(19)~~) (20) "Families with children status" means one or more  
39 individuals who have not attained the age of eighteen years being

1 domiciled with a parent or another person having legal custody of such  
2 individual or individuals, or with the designee of such parent or other  
3 person having such legal custody, with the written permission of such  
4 parent or other person. Families with children status also applies to  
5 any person who is pregnant or is in the process of securing legal  
6 custody of any individual who has not attained the age of eighteen  
7 years;

8 (~~(20)~~) (21) "Covered multifamily dwelling" means: (a) Buildings  
9 consisting of four or more dwelling units if such buildings have one or  
10 more elevators; and (b) ground floor dwelling units in other buildings  
11 consisting of four or more dwelling units;

12 (~~(21)~~) (22) "Premises" means the interior or exterior spaces,  
13 parts, components, or elements of a building, including individual  
14 dwelling units and the public and common use areas of a building.

15 **Sec. 5.** RCW 49.60.120 and 1993 c 510 s 6 and 1993 c 69 s 4 are  
16 each reenacted and amended to read as follows:

17 The commission shall have the functions, powers, and duties:

18 (1) To appoint an executive director and chief examiner, and such  
19 investigators, examiners, clerks, and other employees and agents as it  
20 may deem necessary, fix their compensation within the limitations  
21 provided by law, and prescribe their duties.

22 (2) To obtain upon request and utilize the services of all  
23 governmental departments and agencies.

24 (3) To adopt, promulgate, amend, and rescind suitable rules and  
25 regulations to carry out the provisions of this chapter, and the  
26 policies and practices of the commission in connection therewith.

27 (4) To receive, impartially investigate, and pass upon complaints  
28 alleging unfair practices as defined in this chapter.

29 (5) To issue such publications and such results of investigations  
30 and research as in its judgment will tend to promote good will and  
31 minimize or eliminate discrimination because of sex, race, creed,  
32 color, national origin, marital status, sexual orientation, age, or the  
33 presence of any sensory, mental, or physical disability, or the use of  
34 a trained guide dog or service dog by a disabled person.

35 (6) To make such technical studies as are appropriate to effectuate  
36 the purposes and policies of this chapter and to publish and distribute  
37 the reports of such studies.

1 (7) To cooperate and act jointly or by division of labor with the  
2 United States or other states, with other Washington state agencies,  
3 commissions, and other government entities, and with political  
4 subdivisions of the state of Washington and their respective human  
5 rights agencies to carry out the purposes of this chapter. However,  
6 the powers which may be exercised by the commission under this  
7 subsection permit investigations and complaint dispositions only if the  
8 investigations are designed to reveal, or the complaint deals only  
9 with, allegations which, if proven, would constitute unfair practices  
10 under this chapter. The commission may perform such services for these  
11 agencies and be reimbursed therefor.

12 (8) To foster good relations between minority and majority  
13 population groups of the state through seminars, conferences,  
14 educational programs, and other intergroup relations activities.

15 **Sec. 6.** RCW 49.60.130 and 1993 c 510 s 7 are each amended to read  
16 as follows:

17 The commission has power to create such advisory agencies and  
18 conciliation councils, local, regional, or state-wide, as in its  
19 judgment will aid in effectuating the purposes of this chapter. The  
20 commission may empower them to study the problems of discrimination in  
21 all or specific fields of human relationships or in specific instances  
22 of discrimination because of sex, race, creed, color, national origin,  
23 marital status, sexual orientation, age, or the presence of any  
24 sensory, mental, or physical disability or the use of a trained guide  
25 dog or service dog by a disabled person; to foster through community  
26 effort or otherwise good will, cooperation, and conciliation among the  
27 groups and elements of the population of the state, and to make  
28 recommendations to the commission for the development of policies and  
29 procedures in general and in specific instances, and for programs of  
30 formal and informal education which the commission may recommend to the  
31 appropriate state agency. Nothing in chapter . . . , Laws of 1996 (this  
32 act) authorizes formal or informal education promoting sexual  
33 orientation in common schools as defined in RCW 28A.150.020 or in  
34 institutions of higher education as defined in RCW 28B.10.016.

35 Such advisory agencies and conciliation councils shall be composed  
36 of representative citizens, serving without pay, but with reimbursement  
37 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as  
38 now existing or hereafter amended, and the commission may make



1 provision for technical and clerical assistance to such agencies and  
2 councils and for the expenses of such assistance. The commission may  
3 use organizations specifically experienced in dealing with questions of  
4 discrimination.

5 **Sec. 7.** RCW 49.60.175 and 1993 c 510 s 9 are each amended to read  
6 as follows:

7 It shall be an unfair practice to use the sex, race, creed, color,  
8 national origin, marital status, sexual orientation, or the presence of  
9 any sensory, mental, or physical disability of any person, or the use  
10 of a trained guide dog or service dog by a disabled person, concerning  
11 an application for credit in any credit transaction to determine the  
12 credit worthiness of an applicant.

13 **Sec. 8.** RCW 49.60.176 and 1993 c 510 s 10 are each amended to read  
14 as follows:

15 (1) It is an unfair practice for any person whether acting for  
16 himself, herself, or another in connection with any credit transaction  
17 because of race, creed, color, national origin, sex, marital status,  
18 sexual orientation, or the presence of any sensory, mental, or physical  
19 disability or the use of a trained guide dog or service dog by a  
20 disabled person:

21 (a) To deny credit to any person;

22 (b) To increase the charges or fees for or collateral required to  
23 secure any credit extended to any person;

24 (c) To restrict the amount or use of credit extended or to impose  
25 different terms or conditions with respect to the credit extended to  
26 any person or any item or service related thereto;

27 (d) To attempt to do any of the unfair practices defined in this  
28 section.

29 (2) Nothing in this section shall prohibit any party to a credit  
30 transaction from considering the credit history of any individual  
31 applicant.

32 (3) Further, nothing in this section shall prohibit any party to a  
33 credit transaction from considering the application of the community  
34 property law to the individual case or from taking reasonable action  
35 thereon.

1       **Sec. 9.** RCW 49.60.178 and 1993 c 510 s 11 are each amended to read  
2 as follows:

3       It is an unfair practice for any person whether acting for himself,  
4 herself, or another in connection with an insurance transaction or  
5 transaction with a health maintenance organization to cancel or fail or  
6 refuse to issue or renew insurance or a health maintenance agreement to  
7 any person because of sex, marital status, sexual orientation, race,  
8 creed, color, national origin, or the presence of any sensory, mental,  
9 or physical disability or the use of a trained guide dog or service dog  
10 by a disabled person: PROVIDED, That a practice which is not unlawful  
11 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an  
12 unfair practice for the purposes of this section. For the purposes of  
13 this section, "insurance transaction" is defined in RCW 48.01.060,  
14 health maintenance agreement is defined in RCW 48.46.020, and "health  
15 maintenance organization" is defined in RCW 48.46.020.

16       The fact that such unfair practice may also be a violation of  
17 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an  
18 action brought under this section.

19       The insurance commissioner, under RCW 48.30.300, and the human  
20 rights commission, under chapter 49.60 RCW, shall have concurrent  
21 jurisdiction under this section and shall enter into a working  
22 agreement as to procedure to be followed in complaints under this  
23 section.

24       **Sec. 10.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to  
25 read as follows:

26       (1) It is an unfair practice for any employer:

27       ((+1)) (a) To refuse to hire any person because of age, sex,  
28 marital status, sexual orientation, race, creed, color, national  
29 origin, or the presence of any sensory, mental, or physical disability  
30 or the use of a trained guide dog or service dog by a disabled person,  
31 unless based upon a bona fide occupational qualification: PROVIDED,  
32 That the prohibition against discrimination because of such disability  
33 shall not apply if the particular disability prevents the proper  
34 performance of the particular worker involved.

35       ((+2)) (b) To discharge or bar any person from employment because  
36 of age, sex, marital status, sexual orientation, race, creed, color,  
37 national origin, or the presence of any sensory, mental, or physical

1 disability or the use of a trained guide dog or service dog by a  
2 disabled person.

3 ~~((+3))~~ (c) To discriminate against any person in compensation or  
4 in other terms or conditions of employment because of age, sex, marital  
5 status, sexual orientation, race, creed, color, national origin, or the  
6 presence of any sensory, mental, or physical disability or the use of  
7 a trained guide dog or service dog by a disabled person: PROVIDED,  
8 That it shall not be an unfair practice for an employer to segregate  
9 washrooms or locker facilities on the basis of sex, or to base other  
10 terms and conditions of employment on the sex of employees where the  
11 commission by regulation or ruling in a particular instance has found  
12 the employment practice to be appropriate for the practical realization  
13 of equality of opportunity between the sexes.

14 ~~((+4))~~ (d) To print, or circulate, or cause to be printed or  
15 circulated any statement, advertisement, or publication, or to use any  
16 form of application for employment, or to make any inquiry in  
17 connection with prospective employment, which expresses any limitation,  
18 specification, or discrimination as to age, sex, marital status, sexual  
19 orientation, race, creed, color, national origin, or the presence of  
20 any sensory, mental, or physical disability or the use of a trained  
21 guide dog or service dog by a disabled person, or any intent to make  
22 any such limitation, specification, or discrimination, unless based  
23 upon a bona fide occupational qualification: PROVIDED, Nothing  
24 contained herein shall prohibit advertising in a foreign language.

25 (2) This section shall not be construed to require an employer to  
26 establish employment goals or quotas based on sexual orientation or on  
27 any other basis.

28 **Sec. 11.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to  
29 read as follows:

30 It is an unfair practice for any labor union or labor organization:

31 (1) To deny membership and full membership rights and privileges to  
32 any person because of age, sex, marital status, sexual orientation,  
33 race, creed, color, national origin, or the presence of any sensory,  
34 mental, or physical disability or the use of a trained guide dog or  
35 service dog by a disabled person.

36 (2) To expel from membership any person because of age, sex,  
37 marital status, sexual orientation, race, creed, color, national

1 origin, or the presence of any sensory, mental, or physical disability  
2 or the use of a trained guide dog or service dog by a disabled person.

3 (3) To discriminate against any member, employer, employee, or  
4 other person to whom a duty of representation is owed because of age,  
5 sex, marital status, sexual orientation, race, creed, color, national  
6 origin, or the presence of any sensory, mental, or physical disability  
7 or the use of a trained guide dog or service dog by a disabled person.

8 **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to  
9 read as follows:

10 It is an unfair practice for any employment agency to fail or  
11 refuse to classify properly or refer for employment, or otherwise to  
12 discriminate against, an individual because of age, sex, marital  
13 status, sexual orientation, race, creed, color, national origin, or the  
14 presence of any sensory, mental, or physical disability or the use of  
15 a trained guide dog or service dog by a disabled person, or to print or  
16 circulate, or cause to be printed or circulated any statement,  
17 advertisement, or publication, or to use any form of application for  
18 employment, or to make any inquiry in connection with prospective  
19 employment, which expresses any limitation, specification or  
20 discrimination as to age, sex, race, sexual orientation, creed, color,  
21 ((or)) national origin, or the presence of any sensory, mental, or  
22 physical disability or the use of a trained guide dog or service dog by  
23 a disabled person, or any intent to make any such limitation,  
24 specification, or discrimination, unless based upon a bona fide  
25 occupational qualification: PROVIDED, Nothing contained herein shall  
26 prohibit advertising in a foreign language.

27 **Sec. 13.** RCW 49.60.215 and 1993 c 510 s 16 are each amended to  
28 read as follows:

29 It shall be an unfair practice for any person or the person's agent  
30 or employee to commit an act which directly or indirectly results in  
31 any distinction, restriction, or discrimination, or the requiring of  
32 any person to pay a larger sum than the uniform rates charged other  
33 persons, or the refusing or withholding from any person the admission,  
34 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
35 in any place of public resort, accommodation, assemblage, or amusement,  
36 except for conditions and limitations established by law and applicable  
37 to all persons, regardless of race, creed, color, national origin,

1 sexual orientation, sex, the presence of any sensory, mental, or  
2 physical disability, or the use of a trained guide dog or service dog  
3 by a disabled person: PROVIDED, That this section shall not be  
4 construed to require structural changes, modifications, or additions to  
5 make any place accessible to a disabled person except as otherwise  
6 required by law: PROVIDED, That behavior or actions constituting a  
7 risk to property or other persons can be grounds for refusal and shall  
8 not constitute an unfair practice.

9 **Sec. 14.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read  
10 as follows:

11 (1) It is an unfair practice for any person, whether acting for  
12 himself, herself, or another, because of sex, marital status, sexual  
13 orientation, race, creed, color, national origin, families with  
14 children status, the presence of any sensory, mental, or physical  
15 disability, or the use of a trained guide dog or service dog by a  
16 disabled person:

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

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

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

23 (d) To refuse to negotiate for a real estate transaction with a  
24 person;

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

29 (f) To discriminate in the sale or rental, or to otherwise make  
30 unavailable or deny a dwelling, to any person; or to a person residing  
31 in or intending to reside in that dwelling after it is sold, rented, or  
32 made available; or to any person associated with the person buying or  
33 renting;

34 (g) To make, print, circulate, post, or mail, or cause to be so  
35 made or published a statement, advertisement, or sign, or to use a form  
36 of application for a real estate transaction, or to make a record or  
37 inquiry in connection with a prospective real estate transaction, which

1 indicates, directly or indirectly, an intent to make a limitation,  
2 specification, or discrimination with respect thereto;

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

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

8 (j) To discriminate in the course of negotiating, executing, or  
9 financing a real estate transaction whether by mortgage, deed of trust,  
10 contract, or other instrument imposing a lien or other security in real  
11 property, or in negotiating or executing any item or service related  
12 thereto including issuance of title insurance, mortgage insurance, loan  
13 guarantee, or other aspect of the transaction. Nothing in this section  
14 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
15 credit transactions; or

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

18 (2) For the purposes of this chapter discrimination based on the  
19 presence of any sensory, mental, or physical disability or the use of  
20 a trained guide dog or service dog by a blind, deaf, or physically  
21 disabled person includes:

22 (a) A refusal to permit, at the expense of the disabled person,  
23 reasonable modifications of existing premises occupied or to be  
24 occupied by such person if such modifications may be necessary to  
25 afford such person full enjoyment of the dwelling, except that, in the  
26 case of a rental, the landlord may, where it is reasonable to do so,  
27 condition permission for a modification on the renter agreeing to  
28 restore the interior of the dwelling to the condition that existed  
29 before the modification, reasonable wear and tear excepted;

30 (b) To refuse to make reasonable accommodation in rules, policies,  
31 practices, or services when such accommodations may be necessary to  
32 afford a person with the presence of any sensory, mental, or physical  
33 disability and/or the use of a trained guide dog or service dog by a  
34 blind, deaf, or physically disabled person equal opportunity to use and  
35 enjoy a dwelling; or

36 (c) To fail to design and construct covered multifamily dwellings  
37 and premises in conformance with the federal fair housing amendments  
38 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws  
39 or regulations pertaining to access by persons with any sensory,

1 mental, or physical disability or use of a trained guide dog or service  
2 dog. Whenever the requirements of applicable laws or regulations  
3 differ, the requirements which require greater accessibility for  
4 persons with any sensory, mental, or physical disability shall govern.

5 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
6 single-family house rented or leased by the owner if the owner does not  
7 own or have an interest in the proceeds of the rental or lease of more  
8 than three such single-family houses at one time, the rental or lease  
9 occurred without the use of a real estate broker or salesperson, as  
10 defined in RCW 18.85.010, and the rental or lease occurred without the  
11 publication, posting, or mailing of any advertisement, sign, or  
12 statement in violation of subsection (1)(g) of this section; or (ii)  
13 rooms or units in dwellings containing living quarters occupied or  
14 intended to be occupied by no more than four families living  
15 independently of each other if the owner maintains and occupies one of  
16 the rooms or units as his or her residence.

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

23 (4) Except pursuant to subsection (2)(a) of this section, this  
24 section shall not be construed to require structural changes,  
25 modifications, or additions to make facilities accessible to a disabled  
26 person except as otherwise required by law. Nothing in this section  
27 affects the rights, responsibilities, and remedies of landlords and  
28 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
29 post and enforce reasonable rules of conduct and safety for all tenants  
30 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
31 affected to the extent they are inconsistent with the nondiscrimination  
32 requirements of this chapter. Nothing in this section limits the  
33 applicability of any reasonable federal, state, or local restrictions  
34 regarding the maximum number of occupants permitted to occupy a  
35 dwelling.

36 (5) Notwithstanding any other provision of this chapter, it shall  
37 not be an unfair practice for any public establishment providing for  
38 accommodations offered for the full enjoyment of transient guests as  
39 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of

1 families with children status. Nothing in this section shall limit the  
2 effect of RCW 49.60.215 relating to unfair practices in places of  
3 public accommodation.

4 (6) Nothing in this chapter prohibiting discrimination based on  
5 families with children status applies to housing for older persons as  
6 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
7 Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes  
8 requirements for housing for older persons different than the  
9 requirements in the federal fair housing amendments act of 1988, 42  
10 U.S.C. Sec 3607(b)(1) through (3).

11 **Sec. 15.** RCW 49.60.223 and 1993 c 510 s 18 and 1993 c 69 s 6 are  
12 each reenacted and amended to read as follows:

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

21 **Sec. 16.** RCW 49.60.224 and 1993 c 69 s 8 are each amended to read  
22 as follows:

23 (1) Every provision in a written instrument relating to real  
24 property which purports to forbid or restrict the conveyance,  
25 encumbrance, occupancy, or lease thereof to individuals of a specified  
26 race, creed, color, sex, national origin, sexual orientation, families  
27 with children status, or with any sensory, mental, or physical  
28 disability or the use of a trained guide dog or service dog by a blind,  
29 deaf, or physically disabled person, and every condition, restriction,  
30 or 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, or the presence of  
34 any sensory, mental, or physical disability or the use of a trained  
35 guide dog or service dog by a blind, deaf, or physically disabled  
36 person is void.



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

4 **Sec. 17.** RCW 49.60.225 and 1995 c 259 s 4 are each amended to read  
5 as follows:

6 (1) When a reasonable cause determination has been made under RCW  
7 49.60.240 that an unfair practice in a real estate transaction has been  
8 committed and a finding has been made that the respondent has engaged  
9 in any unfair practice under RCW 49.60.250, the administrative law  
10 judge shall promptly issue an order for such relief suffered by the  
11 aggrieved person as may be appropriate, which may include actual  
12 damages as provided by the federal fair housing amendments act of 1988  
13 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
14 relief. Such order may, to further the public interest, assess a civil  
15 penalty against the respondent:

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

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

23 (c) In an amount up to fifty thousand dollars if the respondent has  
24 been determined to have committed two or more unfair practices in a  
25 real estate transaction during the seven-year period ending on the date  
26 of the filing of this charge, for loss of the right secured by RCW  
27 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
28 now or hereafter amended, to be free from discrimination in real  
29 property transactions because of sex, marital status, race, creed,  
30 color, national origin, sexual orientation, families with children  
31 status, or the presence of any sensory, mental, or physical disability  
32 or the use of a trained guide dog or service dog by a blind, deaf, or  
33 physically disabled person. Enforcement of the order and appeal  
34 therefrom by the complainant or respondent may be made as provided in  
35 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice  
36 in a real estate transaction that is the object of the charge are  
37 determined to have been committed by the same natural person who has  
38 been previously determined to have committed acts constituting an

1 unfair practice in a real estate transaction, then the civil penalty of  
2 up to fifty thousand dollars may be imposed without regard to the  
3 period of time within which any subsequent unfair practice in a real  
4 estate transaction occurred. All civil penalties assessed under this  
5 section shall be paid into the state treasury and credited to the  
6 general fund.

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

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

14 **Sec. 18.** RCW 48.30.300 and 1993 c 492 s 287 are each amended to  
15 read as follows:

16 Notwithstanding any provision contained in Title 48 RCW to the  
17 contrary:

18 (1) No person or entity engaged in the business of insurance in  
19 this state shall refuse to issue any contract of insurance or cancel or  
20 decline to renew such contract because of the sex ~~((or))~~, marital  
21 status, or sexual orientation as defined in RCW 49.60.040, or the  
22 presence of any sensory, mental, or physical handicap of the insured or  
23 prospective insured. The amount of benefits payable, or any term,  
24 rate, condition, or type of coverage shall not be restricted, modified,  
25 excluded, increased or reduced on the basis of the sex ~~((or))~~, marital  
26 status, or sexual orientation, or be restricted, modified, excluded or  
27 reduced on the basis of the presence of any sensory, mental, or  
28 physical handicap of the insured or prospective insured. Subject to  
29 the provisions of subsection (2) of this section these provisions shall  
30 not prohibit fair discrimination on the basis of sex, or marital  
31 status, or the presence of any sensory, mental, or physical handicap  
32 when bona fide statistical differences in risk or exposure have been  
33 substantiated.

34 (2) With respect to disability policies issued or renewed on and  
35 after July 1, 1994, that provide coverage against loss arising from  
36 medical, surgical, hospital, or emergency care services:

37 (a) Policies shall guarantee continuity of coverage. Such  
38 provision, which shall be included in every policy, shall provide that:

1 (i) The policy may be canceled or nonrenewed without the prior  
2 written approval of the commissioner only for nonpayment of premium or  
3 as permitted under RCW 48.18.090; and

4 (ii) The policy may be canceled or nonrenewed because of a change  
5 in the physical or mental condition or health of a covered person only  
6 with the prior written approval of the commissioner. Such approval  
7 shall be granted only when the insurer has discharged its obligation to  
8 continue coverage for such person by obtaining coverage with another  
9 insurer, health care service contractor, or health maintenance  
10 organization, which coverage is comparable in terms of premiums and  
11 benefits as defined by rule of the commissioner.

12 (b) It is an unfair practice for a disability insurer to modify the  
13 coverage provided or rates applying to an in-force disability insurance  
14 policy and to fail to make such modification in all such issued and  
15 outstanding policies.

16 (c) Subject to rules adopted by the commissioner, it is an unfair  
17 practice for a disability insurer to:

18 (i) Cease the sale of a policy form unless it has received prior  
19 written authorization from the commissioner and has offered all  
20 policyholders covered under such discontinued policy the opportunity to  
21 purchase comparable coverage without health screening; or

22 (ii) Engage in a practice that subjects policyholders to rate  
23 increases on discontinued policy forms unless such policyholders are  
24 offered the opportunity to purchase comparable coverage without health  
25 screening.

26 The insurer may limit an offer of comparable coverage without  
27 health screening to a period not less than thirty days from the date  
28 the offer is first made.

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