

SENATE BILL REPORT

SB 5518

As Passed Senate, March 12, 1997

Title: An act relating to unfair practices with respect to real estate transactions, facilities, or services.

Brief Description: Clarifying the application of the housing for older persons act.

Sponsors: Senators McCaslin, Hale, Horn, Winsley and Oke.

Brief History:

Committee Activity: Financial Institutions, Insurance & Housing: 2/5/97, 2/13/97 [DP]. Passed Senate, 3/12/97, 45-0.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, INSURANCE & HOUSING

Majority Report: Do pass.

Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Heavey, Kline and Prentice.

Staff: Dave Cheal (786-7576)

Background: Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in real estate transactions based on sex, marital status, race, creed, color, national origin, familial status, or the presence of sensory, mental, or physical disability.

The law is enforced through private lawsuits, or complaints filed with the appropriate federal or state agency. States are given the authority to enforce the law, provided a state law is in place that provides protection at least equal to the federal act.

An exception to the provision prohibiting discrimination on the basis of familial status is made for housing facilities that serve persons 55 years of age and older. In order to qualify for this exception, those facilities must provide certain services and meet other requirements.

In 1995, Congress amended the requirements relating to housing facilities intended and operated for occupancy by persons 55 years of age and older. These changes generally introduced flexibility into the facilities and services required to meet that definition.

The comparable provision in state law relating to housing for older persons make reference to the federal act prior to the 1995 amendments. Without further amendment to state law, the Washington State Human Rights Commission only has authority to enforce the law as it existed prior to the federal amendments in 1995.

Summary of Bill: The state antidiscrimination law exemption for housing for older persons is amended to include a reference to the Housing for Older Persons Act passed by Congress in 1995.

Appropriation: None.

Fiscal Note: Requested on February 4, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The state fair housing statute needs to parallel federal law to preserve the state Human Rights Commission's authority to administer both the federal and state act. Referencing the new federal act amendments of 1995 will allow senior housing providers to take advantage of the flexibility provided by the 1995 amendments to the federal act.

Testimony Against: None.

Testified: John Woodring, Terri Hotvedt, Realtors (pro); Lois Gaddy, Manufacturing Housing Comm. (pro); Idolina Reta, Washington State Human Rights.