
Judiciary Committee

HB 1024

Title: An act relating to service animals.

Brief Description: Addressing service animals.

Sponsors: Representatives Moeller, Appleton, Ryu, Haigh, Cody and Upthegrove; by request of Human Rights Commission.

Brief Summary of Bill

- Amends the definition of "service animal" for purposes of unfair practices in real estate transactions.
- Provides that, with respect to unfair practices related to animals needed because of a disability in real estate transactions, discrimination based on the presence of any sensory, mental, or physical disability includes the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability equal opportunity to use and enjoy a dwelling.

Hearing Date: 1/16/13

Staff: Cece Clynch (786-7195).

Background:

Washington's Law Against Discrimination (WLAD).

Under Washington's Law Against Discrimination (WLAD), it is an unfair practice to discriminate in real estate transactions, facilities, or services on the basis of 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.

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.

For the purposes of this law, 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 who is blind, deaf, or physically disabled specifically includes:

- a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;
- a refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled equal opportunity to use and enjoy a dwelling; or
- a failure to design and construct covered multifamily dwellings and premises in conformance with the federal Fair Housing Act and all other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal.

For purposes of most sections of the WLAD, except for "food establishments," "service animal" means an animal that is trained for the purpose of assisting or accommodating a sensory, mental, or physical disability of a person with a disability. With respect to "food establishments," a "service animal" is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, or a miniature horse that has been so trained.

Federal Fair Housing Act (Fair Housing Act).

The federal Fair Housing Act provides that it is unlawful to discriminate:

- in the sale or rental of a dwelling to any buyer or renter because of a handicap of that buyer or renter, a person residing in or intending to reside in that dwelling after the transaction, or any person associated with that buyer or renter; or
- against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a handicap of that person, or a person residing in or intending to reside in that dwelling after the transaction, or any person associated with the buyer or renter.

For purposes of the Fair Housing Act, discrimination specifically includes:

- a refusal to permit, at the expense of the handicapped person, reasonable modification of existing premises occupied or to be occupied by such person if those modifications may be necessary to afford full enjoyment of the premises, except that the landlord may, where it is reasonable, condition permission to modify upon the renter agreeing to restore the interior of the premises to the prior condition, reasonable wear and tear excepted;
- a refusal to make reasonable accommodation in rules, policies, practices, or services, when those accommodations may be necessary to afford an equal opportunity to use and enjoy a dwelling; or
- a failure to design and construct multifamily dwellings in accordance with the requirements of the Fair Housing Act.

Unlike the WLAD, this federal law does not use or define "service animal." Species other than dogs, with or without training, as well as animals that provide emotional support, have been recognized under the Fair Housing Act as necessary assistance animals under the "reasonable accommodation" provisions of the Fair Housing Act.

Human Rights Commission (HRC).

The Human Rights Commission (HRC) is charged, under the WLAD, with formulating policies to effectuate the purposes of the WLAD. Complaints of discrimination under the WLAD may be filed with the HRC for investigation, elimination of any unfair practice by conference, conciliation, and persuasion, and administrative hearing. The HRC is specifically empowered to cooperate and act jointly or by division of labor with the federal government or other states to carry out the purposes of the WLAD, and to be reimbursed by such other agencies for its services.

Summary of Bill:

The WLAD's general definition of "service animal" is amended to provide that this general definition does not apply to unfair practices in real estate transactions. It is further specified that the section defining "service animal" for purposes of "food establishments" does not apply to unfair practices in real estate transactions. The phrase "the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled" is stricken from all of the WLAD provisions concerning discrimination in real estate transactions.

With respect to unfair practices related to animals needed because of a disability in real estate transactions, discrimination based on the presence of any sensory, mental, or physical disability includes the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability equal opportunity to use and enjoy a dwelling.

A reference to "real estate broker or salesperson" as defined in a section of code that has been repealed is updated to refer only to "broker" as that term is defined under the new section of code.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.