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**SUBSTITUTE HOUSE BILL 1024**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Moeller, Appleton, Ryu, Haigh, Cody, and Upthegrove; by request of Human Rights Commission)

READ FIRST TIME 02/01/13.

1       AN ACT Relating to service animals; amending RCW 49.60.222,  
2       49.60.223, 49.60.224, and 49.60.225; reenacting and amending RCW  
3       49.60.040; and creating a new section.

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

5       NEW SECTION.   **Sec. 1.** The legislature finds that existing state  
6       law is in conflict with the federal fair housing amendments act of 1988  
7       (42 U.S.C. Sec. 3601 et seq.) in respect to animals that assist persons  
8       with disabilities for purposes of reasonable accommodation in housing.  
9       The legislature intends to provide that the requirements of the federal  
10      fair housing amendments act of 1988 and implementing regulations, as  
11      they existed on the effective date of this section, or such subsequent  
12      date as may be provided by the human rights commission by rule,  
13      consistent with the purposes of this section, govern these animals for  
14      purposes of reasonable accommodation in regard to housing.

15      **Sec. 2.** RCW 49.60.040 and 2009 c 187 s 3 are each reenacted and  
16      amended to read as follows:

17      The definitions in this section apply throughout this chapter  
18      unless the context clearly requires otherwise.

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

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

34 (3) "Commission" means the Washington state human rights  
35 commission.

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

1 (5) "Covered multifamily dwelling" means: (a) Buildings consisting  
2 of four or more dwelling units if such buildings have one or more  
3 elevators; and (b) ground floor dwelling units in other buildings  
4 consisting of four or more dwelling units.

5 (6) "Credit transaction" includes any open or closed end credit  
6 transaction, whether in the nature of a loan, retail installment  
7 transaction, credit card issue or charge, or otherwise, and whether for  
8 personal or for business purposes, in which a service, finance, or  
9 interest charge is imposed, or which provides for repayment in  
10 scheduled payments, when such credit is extended in the regular course  
11 of any trade or commerce, including but not limited to transactions by  
12 banks, savings and loan associations or other financial lending  
13 institutions of whatever nature, stock brokers, or by a merchant or  
14 mercantile establishment which as part of its ordinary business permits  
15 or provides that payment for purchases of property or service therefrom  
16 may be deferred.

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

- 19 (i) Is medically cognizable or diagnosable; or
- 20 (ii) Exists as a record or history; or
- 21 (iii) Is perceived to exist whether or not it exists in fact.

22 (b) A disability exists whether it is temporary or permanent,  
23 common or uncommon, mitigated or unmitigated, or whether or not it  
24 limits the ability to work generally or work at a particular job or  
25 whether or not it limits any other activity within the scope of this  
26 chapter.

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

29 (i) Any physiological disorder, or condition, cosmetic  
30 disfigurement, or anatomical loss affecting one or more of the  
31 following body systems: Neurological, musculoskeletal, special sense  
32 organs, respiratory, including speech organs, cardiovascular,  
33 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,  
34 and endocrine; or

35 (ii) Any mental, developmental, traumatic, or psychological  
36 disorder, including but not limited to cognitive limitation, organic  
37 brain syndrome, emotional or mental illness, and specific learning  
38 disabilities.

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

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

8 (ii) The employee must have put the employer on notice of the  
9 existence of an impairment, and medical documentation must establish a  
10 reasonable likelihood that engaging in job functions without an  
11 accommodation would aggravate the impairment to the extent that it  
12 would create a substantially limiting effect.

13 (e) For purposes of (d) of this subsection, a limitation is not  
14 substantial if it has only a trivial effect.

15 (8) "Dog guide" means a dog that is trained for the purpose of  
16 guiding blind persons or a dog that is trained for the purpose of  
17 assisting hearing impaired persons.

18 (9) "Dwelling" means any building, structure, or portion thereof  
19 that is occupied as, or designed or intended for occupancy as, a  
20 residence by one or more families, and any vacant land that is offered  
21 for sale or lease for the construction or location thereon of any such  
22 building, structure, or portion thereof.

23 (10) "Employee" does not include any individual employed by his or  
24 her parents, spouse, or child, or in the domestic service of any  
25 person.

26 (11) "Employer" includes any person acting in the interest of an  
27 employer, directly or indirectly, who employs eight or more persons,  
28 and does not include any religious or sectarian organization not  
29 organized for private profit.

30 (12) "Employment agency" includes any person undertaking with or  
31 without compensation to recruit, procure, refer, or place employees for  
32 an employer.

33 (13) "Families with children status" means one or more individuals  
34 who have not attained the age of eighteen years being domiciled with a  
35 parent or another person having legal custody of such individual or  
36 individuals, or with the designee of such parent or other person having  
37 such legal custody, with the written permission of such parent or other

1 person. Families with children status also applies to any person who  
2 is pregnant or is in the process of securing legal custody of any  
3 individual who has not attained the age of eighteen years.

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

14 (15) "Honorably discharged veteran or military status" means a  
15 person who is:

16 (a) A veteran, as defined in RCW 41.04.007; or

17 (b) An active or reserve member in any branch of the armed forces  
18 of the United States, including the national guard, coast guard, and  
19 armed forces reserves.

20 (16) "Labor organization" includes any organization which exists  
21 for the purpose, in whole or in part, of dealing with employers  
22 concerning grievances or terms or conditions of employment, or for  
23 other mutual aid or protection in connection with employment.

24 (17) "Marital status" means the legal status of being married,  
25 single, separated, divorced, or widowed.

26 (18) "National origin" includes "ancestry."

27 (19) "Person" includes one or more individuals, partnerships,  
28 associations, organizations, corporations, cooperatives, legal  
29 representatives, trustees and receivers, or any group of persons; it  
30 includes any owner, lessee, proprietor, manager, agent, or employee,  
31 whether one or more natural persons; and further includes any political  
32 or civil subdivisions of the state and any agency or instrumentality of  
33 the state or of any political or civil subdivision thereof.

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

37 (21) "Real estate transaction" includes the sale, appraisal,

1 brokering, exchange, purchase, rental, or lease of real property,  
2 transacting or applying for a real estate loan, or the provision of  
3 brokerage services.

4 (22) "Real property" includes buildings, structures, dwellings,  
5 real estate, lands, tenements, leaseholds, interests in real estate  
6 cooperatives, condominiums, and hereditaments, corporeal and  
7 incorporeal, or any interest therein.

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

10 (24) "Service animal" means an animal that is trained for the  
11 purpose of assisting or accommodating a sensory, mental, or physical  
12 disability of a person with a disability. This subsection does not  
13 apply as follows:

14 (a) RCW 49.60.222, 49.60.223, 49.60.224, and 49.60.225 apply to  
15 unfair practices related to the use of an animal that is necessary as  
16 a reasonable accommodation in real estate transactions.

17 (b) RCW 49.60.218(3)(a) applies to unfair practices in food  
18 establishments.

19 (25) "Sex" means gender.

20 (26) "Sexual orientation" means heterosexuality, homosexuality,  
21 bisexuality, and gender expression or identity. As used in this  
22 definition, "gender expression or identity" means having or being  
23 perceived as having a gender identity, self-image, appearance,  
24 behavior, or expression, whether or not that gender identity, self-  
25 image, appearance, behavior, or expression is different from that  
26 traditionally associated with the sex assigned to that person at birth.

27 **Sec. 3.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to read  
28 as follows:

29 (1) It is an unfair practice for any person, whether acting for  
30 himself, herself, or another, because of sex, marital status, sexual  
31 orientation, race, creed, color, national origin, families with  
32 children status, honorably discharged veteran or military status((~~τ~~));  
33 the presence of any sensory, mental, or physical disability((~~τ~~));  
34 the use of a trained dog guide or service animal by a person with a  
35 disability; or the use of animals that are necessary as a reasonable  
36 accommodation to assist, support, or provide services to persons with  
37 disabilities as provided under the federal fair housing amendments act

1 of 1988 and implementing regulations, as they existed on the effective  
2 date of this section, or such subsequent date as may be provided by the  
3 human rights commission by rule, consistent with the purposes of this  
4 section:

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

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

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

11 (d) To refuse to negotiate for a real estate transaction with a  
12 person;

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

17 (f) To discriminate in the sale or rental, or to otherwise make  
18 unavailable or deny a dwelling, to any person; or to a person residing  
19 in or intending to reside in that dwelling after it is sold, rented, or  
20 made available; or to any person associated with the person buying or  
21 renting;

22 (g) To make, print, circulate, post, or mail, or cause to be so  
23 made or published a statement, advertisement, or sign, or to use a form  
24 of application for a real estate transaction, or to make a record or  
25 inquiry in connection with a prospective real estate transaction, which  
26 indicates, directly or indirectly, an intent to make a limitation,  
27 specification, or discrimination with respect thereto;

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

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

33 (j) To discriminate in the course of negotiating, executing, or  
34 financing a real estate transaction whether by mortgage, deed of trust,  
35 contract, or other instrument imposing a lien or other security in real  
36 property, or in negotiating or executing any item or service related  
37 thereto including issuance of title insurance, mortgage insurance, loan

1 guarantee, or other aspect of the transaction. Nothing in this section  
2 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
3 credit transactions; or

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

6 (2) For the purposes of this chapter discrimination based on the  
7 presence of any sensory, mental, or physical disability or the use of  
8 a trained dog guide or service animal by a person (~~who is blind, deaf,  
9 or physically disabled~~) with a disability or the use of animals that  
10 are necessary as a reasonable accommodation to assist, support, or  
11 provide services to persons with disabilities as provided under the  
12 federal fair housing amendments act of 1988 and implementing  
13 regulations, as they existed on the effective date of this section, or  
14 such subsequent date as may be provided by the human rights commission  
15 by rule, consistent with the purposes of this section, includes:

16 (a) A refusal to permit, at the expense of the person with a  
17 disability, reasonable modifications of existing premises occupied or  
18 to be occupied by such person if such modifications may be necessary to  
19 afford such person full enjoyment of the dwelling, except that, in the  
20 case of a rental, the landlord may, where it is reasonable to do so,  
21 condition permission for a modification on the renter agreeing to  
22 restore the interior of the dwelling to the condition that existed  
23 before the modification, reasonable wear and tear excepted;

24 (b) To refuse to make reasonable accommodation in rules, policies,  
25 practices, or services when such accommodations may be necessary to  
26 afford a person with the presence of any sensory, mental, or physical  
27 disability and/or the use of a trained dog guide or service animal by  
28 a person (~~who is blind, deaf, or physically disabled~~) with a  
29 disability or the use of animals that are necessary as a reasonable  
30 accommodation to assist, support, or provide services to persons with  
31 disabilities as provided under the federal fair housing amendments act  
32 of 1988 and implementing regulations, as they existed on the effective  
33 date of this section, or such subsequent date as may be provided by the  
34 human rights commission by rule, consistent with the purposes of this  
35 section, equal opportunity to use and 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



1 or regulations pertaining to access by persons with any sensory,  
2 mental, or physical disability (~~((or use of a trained dog guide or~~  
3 ~~service animal))~~). Whenever the requirements of applicable laws or  
4 regulations differ, the requirements which require greater  
5 accessibility for persons with any sensory, mental, or physical  
6 disability shall govern.

7 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
8 single-family house rented or leased by the owner if the owner does not  
9 own or have an interest in the proceeds of the rental or lease of more  
10 than three such single-family houses at one time, the rental or lease  
11 occurred without the use of a (~~(real-estate))~~ broker (~~(or~~  
12 ~~salesperson))~~, as defined in RCW (~~(18.85.010))~~ 18.85.011, and the  
13 rental or lease occurred without the publication, posting, or mailing  
14 of any advertisement, sign, or statement in violation of subsection  
15 (1)(g) of this section; or (ii) rooms or units in dwellings containing  
16 living quarters occupied or intended to be occupied by no more than  
17 four families living independently of each other if the owner maintains  
18 and occupies one of the rooms or units as his or her residence.

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

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

1 (5) Notwithstanding any other provision of this chapter, it shall  
2 not be an unfair practice for any public establishment providing for  
3 accommodations offered for the full enjoyment of transient guests as  
4 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of  
5 families with children status. Nothing in this section shall limit the  
6 effect of RCW 49.60.215 relating to unfair practices in places of  
7 public accommodation.

8 (6) Nothing in this chapter prohibiting discrimination based on  
9 families with children status applies to housing for older persons as  
10 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
11 Sec. 3607(b)(1) through (3), as amended by the housing for older  
12 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
13 Nothing in this chapter authorizes requirements for housing for older  
14 persons different than the requirements in the federal fair housing  
15 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
16 amended by the housing for older persons act of 1995, P.L. 104-76, as  
17 enacted on December 28, 1995.

18 (7) Nothing in this chapter shall apply to real estate transactions  
19 involving the sharing of a dwelling unit, or rental or sublease of a  
20 portion of a dwelling unit, when the dwelling unit is to be occupied by  
21 the owner or sublessor. For purposes of this section, "dwelling unit"  
22 has the same meaning as in RCW 59.18.030.

23 **Sec. 4.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to read  
24 as follows:

25 It is an unfair practice for any person, for profit, to induce or  
26 attempt to induce any person to sell or rent any real property by  
27 representations regarding the entry or prospective entry into the  
28 neighborhood of a person or persons of a particular race, creed, color,  
29 sex, national origin, sexual orientation, families with children  
30 status, honorably discharged veteran or military status, or with any  
31 sensory, mental, or physical disability and/or the use of a trained dog  
32 guide or service animal by a person (~~who is blind, deaf, or physically~~  
33 ~~disabled~~) with a disability or the use of animals that are necessary  
34 as a reasonable accommodation to assist, support, or provide services  
35 to persons with disabilities as provided under the federal fair housing  
36 amendments act of 1988 and implementing regulations, as they existed on

1 the effective date of this section, or such subsequent date as may be  
2 provided by the human rights commission by rule, consistent with the  
3 purposes of this section.

4 **Sec. 5.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to read  
5 as follows:

6 (1) Every provision in a written instrument relating to real  
7 property which purports to forbid or restrict the conveyance,  
8 encumbrance, occupancy, or lease thereof to individuals of a specified  
9 race, creed, color, sex, national origin, sexual orientation, families  
10 with children status, honorably discharged veteran or military status,  
11 or with any sensory, mental, or physical disability or the use of a  
12 trained dog guide or service animal by a person (~~who is blind, deaf,~~  
13 ~~or physically disabled~~) with a disability or the use of animals that  
14 are necessary as a reasonable accommodation to assist, support, or  
15 provide services to persons with disabilities as provided under the  
16 federal fair housing amendments act of 1988 and implementing  
17 regulations, as they existed on the effective date of this section, or  
18 such subsequent date as may be provided by the human rights commission  
19 by rule, consistent with the purposes of this section, and every  
20 condition, restriction, or prohibition, including a right of entry or  
21 possibility of reverter, which directly or indirectly limits the use or  
22 occupancy of real property on the basis of race, creed, color, sex,  
23 national origin, sexual orientation, families with children status,  
24 honorably discharged veteran or military status, or the presence of any  
25 sensory, mental, or physical disability or the use of a trained dog  
26 guide or service animal by a person (~~who is blind, deaf, or physically~~  
27 disabled)) with a disability or the use of animals that are necessary  
28 as a reasonable accommodation to assist, support, or provide services  
29 to persons with disabilities as provided under the federal fair housing  
30 amendments act of 1988 and implementing regulations, as they existed on  
31 the effective date of this section, or such subsequent date as may be  
32 provided by the human rights commission by rule, consistent with the  
33 purposes of this section, is void.

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

1       **Sec. 6.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to read  
2 as follows:

3       (1) When a reasonable cause determination has been made under RCW  
4 49.60.240 that an unfair practice in a real estate transaction has been  
5 committed and a finding has been made that the respondent has engaged  
6 in any unfair practice under RCW 49.60.250, the administrative law  
7 judge shall promptly issue an order for such relief suffered by the  
8 aggrieved person as may be appropriate, which may include actual  
9 damages as provided by the federal fair housing amendments act of 1988  
10 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
11 relief. Such order may, to further the public interest, assess a civil  
12 penalty against the respondent:

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

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

20       (c) In an amount up to fifty thousand dollars if the respondent has  
21 been determined to have committed two or more unfair practices in a  
22 real estate transaction during the seven-year period ending on the date  
23 of the filing of this charge, for loss of the right secured by RCW  
24 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
25 now or hereafter amended, to be free from discrimination in real  
26 property transactions because of sex, marital status, race, creed,  
27 color, national origin, sexual orientation, families with children  
28 status, honorably discharged veteran or military status, or the  
29 presence of any sensory, mental, or physical disability or the use of  
30 a trained dog guide or service animal by a person (~~who is blind, deaf,  
31 or physically disabled~~) with a disability or the use of animals that  
32 are necessary as a reasonable accommodation to assist, support, or  
33 provide services to persons with disabilities as provided under the  
34 federal fair housing amendments act of 1988 and implementing  
35 regulations, as they existed on the effective date of this section, or  
36 such subsequent date as may be provided by the human rights commission  
37 by rule, consistent with the purposes of this section. Enforcement of  
38 the order and appeal therefrom by the complainant or respondent may be

1 made as provided in RCW 49.60.260 and 49.60.270. If acts constituting  
2 the unfair practice in a real estate transaction that is the object of  
3 the charge are determined to have been committed by the same natural  
4 person who has been previously determined to have committed acts  
5 constituting an unfair practice in a real estate transaction, then the  
6 civil penalty of up to fifty thousand dollars may be imposed without  
7 regard to the period of time within which any subsequent unfair  
8 practice in a real estate transaction occurred. All civil penalties  
9 assessed under this section shall be paid into the state treasury and  
10 credited to the general fund.

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

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

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