

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5165

Chapter 52, Laws of 2020

66th Legislature
2020 Regular Session

CITIZENSHIP AND IMMIGRATION STATUS--DISCRIMINATION

EFFECTIVE DATE: June 11, 2020

Passed by the Senate January 17, 2020
Yeas 26 Nays 20

CYRUS HABIB

President of the Senate

Passed by the House March 3, 2020
Yeas 57 Nays 39

LAURIE JINKINS

Speaker of the House of Representatives

Approved March 18, 2020 10:55 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5165** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 18, 2020

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5165

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/15/19. Referred to Committee on Law & Justice.

1 AN ACT Relating to discrimination based on citizenship or
2 immigration status; amending RCW 49.60.010, 49.60.020, 49.60.030,
3 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180,
4 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and
5 49.60.225; and adding a new section to chapter 49.60 RCW.

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

7 **Sec. 1.** RCW 49.60.010 and 2007 c 187 s 1 are each amended to
8 read as follows:

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

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

14 **Sec. 2.** RCW 49.60.020 and 2007 c 187 s 2 are each amended to
15 read as follows:

16 The provisions of this chapter shall be construed liberally for
17 the accomplishment of the purposes thereof. Nothing contained in this
18 chapter shall be deemed to repeal any of the provisions of any other
19 law of this state relating to discrimination because of race, color,
20 creed, national origin, citizenship or immigration status, sex,
21 marital status, sexual orientation, age, honorably discharged veteran
22 or military status, or the presence of any sensory, mental, or
23 physical disability, other than a law which purports to require or
24 permit doing any act which is an unfair practice under this chapter.
25 However, to the extent that distinction or differential treatment on
26 the basis of citizenship or immigration status is authorized by
27 federal or state law, regulation, or government contract, it is not
28 an unfair practice. Nor shall anything herein contained be construed
29 to deny the right to any person to institute any action or pursue any
30 civil or criminal remedy based upon an alleged violation of his or
31 her civil rights. This chapter shall not be construed to endorse any
32 specific belief, practice, behavior, or orientation. Inclusion of
33 sexual orientation in this chapter shall not be construed to modify
34 or supersede state law relating to marriage.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.60
36 RCW to read as follows:

37 It is not an unfair practice when a distinction or differential
38 treatment on the basis of citizenship or immigration status is

1 authorized by federal or state law, regulation, rule, or government
2 contract.

3 **Sec. 4.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to
4 read as follows:

5 (1) The right to be free from discrimination because of race,
6 creed, color, national origin, citizenship or immigration status,
7 sex, honorably discharged veteran or military status, sexual
8 orientation, or the presence of any sensory, mental, or physical
9 disability or the use of a trained dog guide or service animal by a
10 person with a disability is recognized as and declared to be a civil
11 right. This right shall include, but not be limited to:

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

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

17 (c) The right to engage in real estate transactions without
18 discrimination, including discrimination against families with
19 children;

20 (d) The right to engage in credit transactions without
21 discrimination;

22 (e) The right to engage in insurance transactions or transactions
23 with health maintenance organizations without discrimination:
24 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
25 48.44.220, or 48.46.370 does not constitute an unfair practice for
26 the purposes of this subparagraph;

27 (f) The right to engage in commerce free from any discriminatory
28 boycotts or blacklists. Discriminatory boycotts or blacklists for
29 purposes of this section shall be defined as the formation or
30 execution of any express or implied agreement, understanding, policy
31 or contractual arrangement for economic benefit between any persons
32 which is not specifically authorized by the laws of the United States
33 and which is required or imposed, either directly or indirectly,
34 overtly or covertly, by a foreign government or foreign person in
35 order to restrict, condition, prohibit, or interfere with or in order
36 to exclude any person or persons from any business relationship on
37 the basis of race, color, creed, religion, sex, honorably discharged
38 veteran or military status, sexual orientation, the presence of any
39 sensory, mental, or physical disability, or the use of a trained dog

1 guide or service animal by a person with a disability, or national
2 origin, citizenship or immigration status, or lawful business
3 relationship: PROVIDED HOWEVER, That nothing herein contained shall
4 prohibit the use of boycotts as authorized by law pertaining to labor
5 disputes and unfair labor practices; and

6 (g) The right of a mother to breastfeed her child in any place of
7 public resort, accommodation, assemblage, or amusement.

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

16 (3) Except for any unfair practice committed by an employer
17 against an employee or a prospective employee, or any unfair practice
18 in a real estate transaction which is the basis for relief specified
19 in the amendments to RCW 49.60.225 contained in chapter 69, Laws of
20 1993, any unfair practice prohibited by this chapter which is
21 committed in the course of trade or commerce as defined in the
22 Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of
23 applying that chapter, a matter affecting the public interest, is not
24 reasonable in relation to the development and preservation of
25 business, and is an unfair or deceptive act in trade or commerce.

26 **Sec. 5.** RCW 49.60.120 and 2007 c 187 s 5 are each amended to
27 read as follows:

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

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

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

35 (3) To adopt, amend, and rescind suitable rules to carry out the
36 provisions of this chapter, and the policies and practices of the
37 commission in connection therewith.

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

1 (5) To issue such publications and results of investigations and
2 research as in its judgment will tend to promote good will and
3 minimize or eliminate discrimination because of sex, sexual
4 orientation, race, creed, color, national origin, citizenship or
5 immigration status, marital status, age, honorably discharged veteran
6 or military status, or the presence of any sensory, mental, or
7 physical disability, or the use of a trained dog guide or service
8 animal by a person with a disability.

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

12 (7) To cooperate and act jointly or by division of labor with the
13 United States or other states, with other Washington state agencies,
14 commissions, and other government entities, and with political
15 subdivisions of the state of Washington and their respective human
16 rights agencies to carry out the purposes of this chapter. However,
17 the powers which may be exercised by the commission under this
18 subsection permit investigations and complaint dispositions only if
19 the investigations are designed to reveal, or the complaint deals
20 only with, allegations which, if proven, would constitute unfair
21 practices under this chapter. The commission may perform such
22 services for these agencies and be reimbursed therefor.

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

26 **Sec. 6.** RCW 49.60.130 and 2007 c 187 s 6 are each amended to
27 read as follows:

28 The commission has power to create such advisory agencies and
29 conciliation councils, local, regional, or statewide, as in its
30 judgment will aid in effectuating the purposes of this chapter. The
31 commission may empower them to study the problems of discrimination
32 in all or specific fields of human relationships or in specific
33 instances of discrimination because of sex, race, creed, color,
34 national origin, citizenship or immigration status, marital status,
35 sexual orientation, age, honorably discharged veteran or military
36 status, or the presence of any sensory, mental, or physical
37 disability or the use of a trained dog guide or service animal by a
38 person with a disability; to foster through community effort or
39 otherwise good will, cooperation, and conciliation among the groups

1 and elements of the population of the state, and to make
2 recommendations to the commission for the development of policies and
3 procedures in general and in specific instances, and for programs of
4 formal and informal education which the commission may recommend to
5 the appropriate state agency.

6 Such advisory agencies and conciliation councils shall be
7 composed of representative citizens, serving without pay, but with
8 reimbursement for travel expenses in accordance with RCW 43.03.050
9 and 43.03.060 as now existing or hereafter amended, and the
10 commission may make provision for technical and clerical assistance
11 to such agencies and councils and for the expenses of such
12 assistance. The commission may use organizations specifically
13 experienced in dealing with questions of discrimination.

14 **Sec. 7.** RCW 49.60.175 and 2007 c 187 s 7 are each amended to
15 read as follows:

16 It shall be an unfair practice to use the sex, race, creed,
17 color, national origin, citizenship or immigration status, marital
18 status, honorably discharged veteran or military status, sexual
19 orientation, or the presence of any sensory, mental, or physical
20 disability of any person, or the use of a trained dog guide or
21 service animal by a person with a disability, concerning an
22 application for credit in any credit transaction to determine the
23 creditworthiness of an applicant.

24 **Sec. 8.** RCW 49.60.176 and 2007 c 187 s 8 are each amended to
25 read as follows:

26 (1) It is an unfair practice for any person whether acting for
27 himself, herself, or another in connection with any credit
28 transaction because of race, creed, color, national origin,
29 citizenship or immigration status, sex, marital status, honorably
30 discharged veteran or military status, sexual orientation, or the
31 presence of any sensory, mental, or physical disability or the use of
32 a trained dog guide or service animal by a person with a disability:

- 33 (a) To deny credit to any person;
- 34 (b) To increase the charges or fees for or collateral required to
35 secure any credit extended to any person;
- 36 (c) To restrict the amount or use of credit extended or to impose
37 different terms or conditions with respect to the credit extended to
38 any person or any item or service related thereto;

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

3 (2) Nothing in this section shall prohibit any party to a credit
4 transaction from considering the credit history of any individual
5 applicant.

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

10 **Sec. 9.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read
11 as follows:

12 It is an unfair practice for any person whether acting for
13 himself, herself, or another in connection with an insurance
14 transaction or transaction with a health maintenance organization to
15 cancel or fail or refuse to issue or renew insurance or a health
16 maintenance agreement to any person because of sex, marital status,
17 sexual orientation, race, creed, color, national origin, citizenship
18 or immigration status, or the presence of any sensory, mental, or
19 physical disability or the use of a trained dog guide or service
20 animal by a ((disabled)) person with disabilities: PROVIDED, That a
21 practice which is not unlawful under RCW 48.30.300, 48.44.220, or
22 48.46.370 does not constitute an unfair practice for the purposes of
23 this section. For the purposes of this section, "insurance
24 transaction" is defined in RCW 48.01.060, health maintenance
25 agreement is defined in RCW 48.46.020, and "health maintenance
26 organization" is defined in RCW 48.46.020.

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

30 The insurance commissioner, under RCW 48.30.300, and the human
31 rights commission, under chapter 49.60 RCW, shall have concurrent
32 jurisdiction under this section and shall enter into a working
33 agreement as to procedure to be followed in complaints under this
34 section.

35 **Sec. 10.** RCW 49.60.180 and 2007 c 187 s 9 are each amended to
36 read as follows:

37 It is an unfair practice for any employer:

1 (1) To refuse to hire any person because of age, sex, marital
2 status, sexual orientation, race, creed, color, national origin,
3 citizenship or immigration status, honorably discharged veteran or
4 military status, or the presence of any sensory, mental, or physical
5 disability or the use of a trained dog guide or service animal by a
6 person with a disability, unless based upon a bona fide occupational
7 qualification: PROVIDED, That the prohibition against discrimination
8 because of such disability shall not apply if the particular
9 disability prevents the proper performance of the particular worker
10 involved: PROVIDED, That this section shall not be construed to
11 require an employer to establish employment goals or quotas based on
12 sexual orientation.

13 (2) To discharge or bar any person from employment because of
14 age, sex, marital status, sexual orientation, race, creed, color,
15 national origin, citizenship or immigration status, honorably
16 discharged veteran or military status, or the presence of any
17 sensory, mental, or physical disability or the use of a trained dog
18 guide or service animal by a person with a disability.

19 (3) To discriminate against any person in compensation or in
20 other terms or conditions of employment because of age, sex, marital
21 status, sexual orientation, race, creed, color, national origin,
22 citizenship or immigration status, honorably discharged veteran or
23 military status, or the presence of any sensory, mental, or physical
24 disability or the use of a trained dog guide or service animal by a
25 person with a disability: PROVIDED, That it shall not be an unfair
26 practice for an employer to segregate washrooms or locker facilities
27 on the basis of sex, or to base other terms and conditions of
28 employment on the sex of employees where the commission by regulation
29 or ruling in a particular instance has found the employment practice
30 to be appropriate for the practical realization of equality of
31 opportunity between the sexes.

32 (4) To print, or circulate, or cause to be printed or circulated
33 any statement, advertisement, or publication, or to use any form of
34 application for employment, or to make any inquiry in connection with
35 prospective employment, which expresses any limitation,
36 specification, or discrimination as to age, sex, marital status,
37 sexual orientation, race, creed, color, national origin, citizenship
38 or immigration status, honorably discharged veteran or military
39 status, or the presence of any sensory, mental, or physical
40 disability or the use of a trained dog guide or service animal by a

1 person with a disability, or any intent to make any such limitation,
2 specification, or discrimination, unless based upon a bona fide
3 occupational qualification: PROVIDED, Nothing contained herein shall
4 prohibit advertising in a foreign language.

5 **Sec. 11.** RCW 49.60.190 and 2007 c 187 s 10 are each amended to
6 read as follows:

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

9 (1) To deny membership and full membership rights and privileges
10 to any person because of age, sex, marital status, sexual
11 orientation, race, creed, color, national origin, citizenship or
12 immigration status, honorably discharged veteran or military status,
13 or the presence of any sensory, mental, or physical disability or the
14 use of a trained dog guide or service animal by a person with a
15 disability.

16 (2) To expel from membership any person because of age, sex,
17 marital status, sexual orientation, race, creed, color, national
18 origin, citizenship or immigration status, honorably discharged
19 veteran or military status, or the presence of any sensory, mental,
20 or physical disability or the use of a trained dog guide or service
21 animal by a person with a disability.

22 (3) To discriminate against any member, employer, employee, or
23 other person to whom a duty of representation is owed because of age,
24 sex, marital status, sexual orientation, race, creed, color, national
25 origin, citizenship or immigration status, honorably discharged
26 veteran or military status, or the presence of any sensory, mental,
27 or physical disability or the use of a trained dog guide or service
28 animal by a person with a disability.

29 **Sec. 12.** RCW 49.60.200 and 2007 c 187 s 11 are each amended to
30 read as follows:

31 It is an unfair practice for any employment agency to fail or
32 refuse to classify properly or refer for employment, or otherwise to
33 discriminate against, an individual because of age, sex, marital
34 status, sexual orientation, race, creed, color, national origin,
35 citizenship or immigration status, honorably discharged veteran or
36 military status, or the presence of any sensory, mental, or physical
37 disability or the use of a trained dog guide or service animal by a
38 person with a disability, or to print or circulate, or cause to be

1 printed or circulated any statement, advertisement, or publication,
2 or to use any form of application for employment, or to make any
3 inquiry in connection with prospective employment, which expresses
4 any limitation, specification or discrimination as to age, sex, race,
5 sexual orientation, creed, color, or national origin, citizenship or
6 immigration status, honorably discharged veteran or military status,
7 or the presence of any sensory, mental, or physical disability or the
8 use of a trained dog guide or service animal by a person with a
9 disability, or any intent to make any such limitation, specification,
10 or discrimination, unless based upon a bona fide occupational
11 qualification: PROVIDED, Nothing contained herein shall prohibit
12 advertising in a foreign language.

13 **Sec. 13.** RCW 49.60.215 and 2018 c 176 s 3 are each amended to
14 read as follows:

15 It shall be an unfair practice for any person or the person's
16 agent or employee to commit an act which directly or indirectly
17 results in any distinction, restriction, or discrimination, or the
18 requiring of any person to pay a larger sum than the uniform rates
19 charged other persons, or the refusing or withholding from any person
20 the admission, patronage, custom, presence, frequenting, dwelling,
21 staying, or lodging in any place of public resort, accommodation,
22 assemblage, or amusement, except for conditions and limitations
23 established by law and applicable to all persons, regardless of race,
24 creed, color, national origin, citizenship or immigration status,
25 sexual orientation, sex, honorably discharged veteran or military
26 status, status as a mother breastfeeding her child, the presence of
27 any sensory, mental, or physical disability, or the use of a trained
28 dog guide or service animal by a person with a disability: PROVIDED,
29 That this section shall not be construed to require structural
30 changes, modifications, or additions to make any place accessible to
31 a person with a disability except as otherwise required by law:
32 PROVIDED, That behavior or actions constituting a risk to property or
33 other persons can be grounds for refusal and shall not constitute an
34 unfair practice.

35 **Sec. 14.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to
36 read as follows:

37 (1) It is an unfair practice for any person, whether acting for
38 himself, herself, or another, because of sex, marital status, sexual

1 orientation, race, creed, color, national origin, citizenship or
2 immigration status, families with children status, honorably
3 discharged veteran or military status, the presence of any sensory,
4 mental, or physical disability, or the use of a trained dog guide or
5 service animal by a person with a disability:

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

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

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

13 (d) To refuse to negotiate for a real estate transaction with a
14 person;

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

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

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

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

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

37 (j) To discriminate in the course of negotiating, executing, or
38 financing a real estate transaction whether by mortgage, deed of
39 trust, contract, or other instrument imposing a lien or other
40 security in real property, or in negotiating or executing any item or

1 service related thereto including issuance of title insurance,
2 mortgage insurance, loan guarantee, or other aspect of the
3 transaction. Nothing in this section shall limit the effect of RCW
4 49.60.176 relating to unfair practices in credit transactions; or

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

7 (2) For the purposes of this chapter discrimination based on the
8 presence of any sensory, mental, or physical disability or the use of
9 a trained dog guide or service animal by a person who is blind, deaf,
10 or physically disabled includes:

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

19 (b) To refuse to make reasonable accommodation in rules,
20 policies, practices, or services when such accommodations may be
21 necessary to afford a person with the presence of any sensory,
22 mental, or physical disability and/or the use of a trained dog guide
23 or service animal by a person who is blind, deaf, or physically
24 disabled equal opportunity to use and enjoy a dwelling; or

25 (c) To fail to design and construct covered multifamily dwellings
26 and premises in conformance with the federal fair housing amendments
27 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable
28 laws or regulations pertaining to access by persons with any sensory,
29 mental, or physical disability or use of a trained dog guide or
30 service animal. Whenever the requirements of applicable laws or
31 regulations differ, the requirements which require greater
32 accessibility for persons with any sensory, mental, or physical
33 disability shall govern.

34 Nothing in (a) or (b) of this subsection shall apply to: (i) A
35 single-family house rented or leased by the owner if the owner does
36 not own or have an interest in the proceeds of the rental or lease of
37 more than three such single-family houses at one time, the rental or
38 lease occurred without the use of a (~~real-estate~~) salesperson, or a
39 broker (~~(or salesperson,)~~) as defined in RCW (~~(18.85.010)~~) 18.85.011,
40 and the rental or lease occurred without the publication, posting, or

1 mailing of any advertisement, sign, or statement in violation of
2 subsection (1)(g) of this section; or (ii) rooms or units in
3 dwellings containing living quarters occupied or intended to be
4 occupied by no more than four families living independently of each
5 other if the owner maintains and occupies one of the rooms or units
6 as his or her residence.

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

13 (4) Except pursuant to subsection (2)(a) of this section, this
14 section shall not be construed to require structural changes,
15 modifications, or additions to make facilities accessible to a person
16 with a disability except as otherwise required by law. Nothing in
17 this section affects the rights, responsibilities, and remedies of
18 landlords and tenants pursuant to chapter 59.18 or 59.20 RCW,
19 including the right to post and enforce reasonable rules of conduct
20 and safety for all tenants and their guests, provided that chapters
21 59.18 and 59.20 RCW are only affected to the extent they are
22 inconsistent with the nondiscrimination requirements of this chapter.
23 Nothing in this section limits the applicability of any reasonable
24 federal, state, or local restrictions regarding the maximum number of
25 occupants permitted to occupy a dwelling.

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

33 (6) Nothing in this chapter prohibiting discrimination based on
34 families with children status applies to housing for older persons as
35 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
36 Sec. 3607(b)(1) through (3), as amended by the housing for older
37 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
38 Nothing in this chapter authorizes requirements for housing for older
39 persons different than the requirements in the federal fair housing
40 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as

1 amended by the housing for older persons act of 1995, P.L. 104-76, as
2 enacted on December 28, 1995.

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

8 **Sec. 15.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to
9 read as follows:

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

20 **Sec. 16.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to
21 read as follows:

22 (1) Every provision in a written instrument relating to real
23 property which purports to forbid or restrict the conveyance,
24 encumbrance, occupancy, or lease thereof to individuals of a
25 specified race, creed, color, sex, national origin, citizenship or
26 immigration status, sexual orientation, families with children
27 status, honorably discharged veteran or military status, or with any
28 sensory, mental, or physical disability or the use of a trained dog
29 guide or service animal by a person who is blind, deaf, or physically
30 disabled, and every condition, restriction, or prohibition, including
31 a right of entry or possibility of reverter, which directly or
32 indirectly limits the use or occupancy of real property on the basis
33 of race, creed, color, sex, national origin, citizenship or
34 immigration status, sexual orientation, families with children
35 status, honorably discharged veteran or military status, or the
36 presence of any sensory, mental, or physical disability or the use of
37 a trained dog guide or service animal by a person who is blind, deaf,
38 or physically disabled 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
4 title.

5 **Sec. 17.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to
6 read as follows:

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

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

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

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

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

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

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

Passed by the Senate January 17, 2020.

Passed by the House March 3, 2020.

Approved by the Governor March 18, 2020.

Filed in Office of Secretary of State March 18, 2020.

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