

SENATE BILL REPORT

SB 5748

As Passed Senate, March 10, 1995

Title: An act relating to expanding the state law against discrimination.

Brief Description: Expanding the state law against discrimination.

Sponsors: Senators Prentice, Fraser, Sellar, Rinehart, Prince, Smith, C. Anderson, Franklin, Kohl, Heavey, Pelz and Wojahn; by request of Human Rights Commission.

Brief History:

Committee Activity: Financial Institutions & Housing: 2/17/95, 2/23/95 [DP].
Passed Senate, 3/10/95, 46-0.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & HOUSING

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair; Hale, Roach, Sellar and Sutherland.

Staff: David Cheal (786-7576)

Background: The federal Fair Housing Act allows states to assume primary enforcement responsibility of the act if the state enacts fair housing laws that offer at least as much protection against discrimination as the federal act.

The Washington law against discrimination meets that standard generally and the state Human Rights Commission has the responsibility for enforcing fair housing in Washington.

As amendments are made to the federal act, state law must keep pace if a state is to continue to have primary enforcement authority. Several amendments were made to the Washington law against discrimination in 1993 to reflect major amendments to the federal fair housing law that were made in 1988. These changes added prohibitions against discrimination on the basis of physical disability and the status of being a family with children. Additional amendments have been identified as being necessary to make state law consistent with federal law. Time periods for processing complaints under federal law differ slightly from the general schedule under the Washington law against discrimination.

Summary of Bill: The inadvertent omission of the phrase "families with children" from the intent section of the law is corrected. Changes are made in the definitions section to make terms apply to the entire chapter and not just the portion that deals with real estate transactions. Other changes are made in the definitions section to achieve consistency with federal law.

An inaccurate reference to federal law is removed. The commission is given authority to adopt rules with respect to time requirements for processing unfair housing claims.

Other technical changes are made to achieve internal consistency and clarity.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: The bill takes effect on July 1, 1995.

Testimony For: Amendments to the law against discrimination are needed to make Washington law coincide with the federal Fair Housing Act, which in turn allows the state Human Rights Commission to enforce fair housing in Washington. Real estate and property management representatives testified that they would rather deal with the state agency on fair housing issues than with the federal agency.

Testimony Against: None.

Testified: Merritt D. Long, WSHRC (pro); Terri Hotvedt, Realtors (pro); Clif Finch, AWB (pro); John Woodring; Mark Gjurasic.

House Amendment(s): The definitions of "aggrieved person," "complainant," and "respondent" are changed. The definition of "dwelling unit" is deleted. The requirement to design and construct new buildings in conformance with the federal fair housing amendments is limited to "covered multifamily dwellings" and "premises." Rule-making authority contained in the original bill is limited to rules which do not exceed or are not more restrictive than the requirements of the relevant federal act. Exemptions from the provisions making it an unfair practice to refuse to allow a disabled person to make reasonable modifications to a dwelling or premises or to refuse to make accommodations in rules or policies needed to allow a disabled person equal use and enjoyment of the dwelling are provided. These exemptions are: (1) the rental or lease of a single-family house by the owner, as long as the rental or lease occurred without the use of a broker and the owner has no more than three such single-family houses at one time; and (2) units in dwellings containing no more than four units if the owner maintains one of the units as his or her residence.