
SENATE BILL 6657

State of Washington 54th Legislature 1996 Regular Session

By Senators Thibaudeau, Prentice and Kohl

Read first time 01/23/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to the jurisdiction of the Washington human rights
2 commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040,
3 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190,
4 49.60.200, 49.60.215, 49.60.222, 49.60.224, 49.60.225, and 48.30.300;
5 reenacting and amending RCW 49.60.120 and 49.60.223; and creating a new
6 section.

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

8 **Sec. 1.** RCW 49.60.010 and 1995 c 259 s 1 are each amended to read
9 as follows:

10 This chapter shall be known as the "law against discrimination".
11 It is an exercise of the police power of the state for the protection
12 of the public welfare, health, and peace of the people of this state,
13 and in fulfillment of the provisions of the Constitution of this state
14 concerning civil rights. The legislature hereby finds and declares
15 that practices of discrimination against any of its inhabitants because
16 of race, creed, color, national origin, families with children, sex,
17 marital status, gender identity, age, or the presence of any sensory,
18 mental, or physical disability or the use of a trained guide dog or
19 service dog by a disabled person are a matter of state concern, that

1 such discrimination threatens not only the rights and proper privileges
2 of its inhabitants but menaces the institutions and foundation of a
3 free democratic state. A state agency is herein created with powers
4 with respect to elimination and prevention of discrimination in
5 employment, in credit and insurance transactions, in places of public
6 resort, accommodation, or amusement, and in real property transactions
7 because of race, creed, color, national origin, families with children,
8 sex, marital status, gender identity, age, or the presence of any
9 sensory, mental, or physical disability or the use of a trained guide
10 dog or service dog by a disabled person; and the commission established
11 hereunder is hereby given general jurisdiction and power for such
12 purposes.

13 **Sec. 2.** RCW 49.60.020 and 1993 c 510 s 2 are each amended to read
14 as follows:

15 The provisions of this chapter shall be construed liberally for the
16 accomplishment of the purposes thereof. Nothing contained in this
17 chapter shall be deemed to repeal any of the provisions of any other
18 law of this state relating to discrimination because of race, color,
19 creed, national origin, sex, marital status, gender identity, age, or
20 the presence of any sensory, mental, or physical disability, other than
21 a law which purports to require or permit doing any act which is an
22 unfair practice under this chapter. Nor shall anything herein
23 contained be construed to deny the right to any person to institute any
24 action or pursue any civil or criminal remedy based upon an alleged
25 violation of his or her civil rights. This chapter shall not be
26 construed to endorse any specific belief, practice, behavior, or
27 orientation.

28 **Sec. 3.** RCW 49.60.030 and 1995 c 135 s 3 are each amended to read
29 as follows:

30 (1) The right to be free from discrimination because of race,
31 creed, color, national origin, sex, gender identity, or the presence of
32 any sensory, mental, or physical disability or the use of a trained
33 guide dog or service dog by a disabled person is recognized as and
34 declared to be a civil right. This right shall include, but not be
35 limited to:

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

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

4 (c) The right to engage in real estate transactions without
5 discrimination, including discrimination against families with
6 children;

7 (d) The right to engage in credit transactions without
8 discrimination;

9 (e) The right to engage in insurance transactions or transactions
10 with health maintenance organizations without discrimination:
11 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
12 48.44.220, or 48.46.370 does not constitute an unfair practice for the
13 purposes of this subparagraph; and

14 (f) The right to engage in commerce free from any discriminatory
15 boycotts or blacklists. Discriminatory boycotts or blacklists for
16 purposes of this section shall be defined as the formation or execution
17 of any express or implied agreement, understanding, policy or
18 contractual arrangement for economic benefit between any persons which
19 is not specifically authorized by the laws of the United States and
20 which is required or imposed, either directly or indirectly, overtly or
21 covertly, by a foreign government or foreign person in order to
22 restrict, condition, prohibit, or interfere with or in order to exclude
23 any person or persons from any business relationship on the basis of
24 race, color, creed, religion, sex, gender identity, the presence of any
25 sensory, mental, or physical disability, or the use of a trained guide
26 dog or service dog by a disabled person, or national origin or lawful
27 business relationship: PROVIDED HOWEVER, That nothing herein contained
28 shall prohibit the use of boycotts as authorized by law pertaining to
29 labor disputes and unfair labor practices.

30 (2) Any person deeming himself or herself injured by any act in
31 violation of this chapter shall have a civil action in a court of
32 competent jurisdiction to enjoin further violations, or to recover the
33 actual damages sustained by the person, or both, together with the cost
34 of suit including reasonable attorneys' fees or any other appropriate
35 remedy authorized by this chapter or the United States Civil Rights Act
36 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
37 (42 U.S.C. Sec. 3601 et seq.).

38 (3) Except for any unfair practice committed by an employer against
39 an employee or a prospective employee, or any unfair practice in a real

1 estate transaction which is the basis for relief specified in the
2 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
3 unfair practice prohibited by this chapter which is committed in the
4 course of trade or commerce as defined in the Consumer Protection Act,
5 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
6 matter affecting the public interest, is not reasonable in relation to
7 the development and preservation of business, and is an unfair or
8 deceptive act in trade or commerce.

9 **Sec. 4.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read
10 as follows:

11 As used in this chapter:

12 (1) "Person" includes one or more individuals, partnerships,
13 associations, organizations, corporations, cooperatives, legal
14 representatives, trustees and receivers, or any group of persons; it
15 includes any owner, lessee, proprietor, manager, agent, or employee,
16 whether one or more natural persons; and further includes any political
17 or civil subdivisions of the state and any agency or instrumentality of
18 the state or of any political or civil subdivision thereof;

19 (2) "Commission" means the Washington state human rights
20 commission;

21 (3) "Employer" includes any person acting in the interest of an
22 employer, directly or indirectly, who employs eight or more persons,
23 and does not include any religious or sectarian organization not
24 organized for private profit;

25 (4) "Employee" does not include any individual employed by his or
26 her parents, spouse, or child, or in the domestic service of any
27 person;

28 (5) "Gender identity" means a person's various individual
29 attributes or manifestations of such attributes as they are understood
30 to be masculine and/or feminine;

31 (6) "Labor organization" includes any organization which exists for
32 the purpose, in whole or in part, of dealing with employers concerning
33 grievances or terms or conditions of employment, or for other mutual
34 aid or protection in connection with employment;

35 (~~(6)~~) (7) "Employment agency" includes any person undertaking
36 with or without compensation to recruit, procure, refer, or place
37 employees for an employer;

1 ~~((7))~~ (8) "Marital status" means the legal status of being
2 married, single, separated, divorced, or widowed;
3 ~~((8))~~ (9) "National origin" includes "ancestry";
4 ~~((9))~~ (10) "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, gender identity, national origin, or with any sensory,
11 mental, or physical disability, or the use of a trained guide dog or
12 service dog by a disabled person, to be treated as not welcome,
13 accepted, desired, or solicited;
14 ~~((10))~~ (11) "Any place of public resort, accommodation,
15 assemblage, or amusement" includes, but is not limited to, any place,
16 licensed or unlicensed, kept for gain, hire, or reward, or where
17 charges are made for admission, service, occupancy, or use of any
18 property or facilities, whether conducted for the entertainment,
19 housing, or lodging of transient guests, or for the benefit, use, or
20 accommodation of those seeking health, recreation, or rest, or for the
21 burial or other disposition of human remains, or for the sale of goods,
22 merchandise, services, or personal property, or for the rendering of
23 personal services, or for public conveyance or transportation on land,
24 water, or in the air, including the stations and terminals thereof and
25 the garaging of vehicles, or where food or beverages of any kind are
26 sold for consumption on the premises, or where public amusement,
27 entertainment, sports, or recreation of any kind is offered with or
28 without charge, or where medical service or care is made available, or
29 where the public gathers, congregates, or assembles for amusement,
30 recreation, or public purposes, or public halls, public elevators, and
31 public washrooms of buildings and structures occupied by two or more
32 tenants, or by the owner and one or more tenants, or any public library
33 or educational institution, or schools of special instruction, or
34 nursery schools, or day care centers or children's camps: PROVIDED,
35 That nothing contained in this definition shall be construed to include
36 or apply to any institute, bona fide club, or place of accommodation,
37 which is by its nature distinctly private, including fraternal
38 organizations, though where public use is permitted that use shall be
39 covered by this chapter; nor shall anything contained in this

1 definition apply to any educational facility, columbarium, crematory,
2 mausoleum, or cemetery operated or maintained by a bona fide religious
3 or sectarian institution;

4 ~~((11))~~ (12) "Real property" includes buildings, structures,
5 dwellings, real estate, lands, tenements, leaseholds, interests in real
6 estate cooperatives, condominiums, and hereditaments, corporeal and
7 incorporeal, or any interest therein;

8 ~~((12))~~ (13) "Real estate transaction" includes the sale,
9 appraisal, brokering, exchange, purchase, rental, or lease of real
10 property, transacting or applying for a real estate loan, or the
11 provision of brokerage services;

12 ~~((13))~~ (14) "Dwelling" means any building, structure, or portion
13 thereof that is occupied as, or designed or intended for occupancy as,
14 a residence by one or more families, and any vacant land that is
15 offered for sale or lease for the construction or location thereon of
16 any such building, structure, or portion thereof;

17 ~~((14))~~ (15) "Sex" means gender;

18 ~~((15))~~ (16) "Aggrieved person" means any person who: (a) Claims
19 to have been injured by an unfair practice in a real estate
20 transaction; or (b) believes that he or she will be injured by an
21 unfair practice in a real estate transaction that is about to occur;

22 ~~((16))~~ (17) "Complainant" means the person who files a complaint
23 in a real estate transaction;

24 ~~((17))~~ (18) "Respondent" means any person accused in a complaint
25 or amended complaint of an unfair practice in a real estate
26 transaction;

27 ~~((18))~~ (19) "Credit transaction" includes any open or closed end
28 credit transaction, whether in the nature of a loan, retail installment
29 transaction, credit card issue or charge, or otherwise, and whether for
30 personal or for business purposes, in which a service, finance, or
31 interest charge is imposed, or which provides for repayment in
32 scheduled payments, when such credit is extended in the regular course
33 of any trade or commerce, including but not limited to transactions by
34 banks, savings and loan associations or other financial lending
35 institutions of whatever nature, stock brokers, or by a merchant or
36 mercantile establishment which as part of its ordinary business permits
37 or provides that payment for purchases of property or service therefrom
38 may be deferred;

1 (~~(19)~~) (20) "Families with children status" means one or more
2 individuals who have not attained the age of eighteen years being
3 domiciled with a parent or another person having legal custody of such
4 individual or individuals, or with the designee of such parent or other
5 person having such legal custody, with the written permission of such
6 parent or other person. Families with children status also applies to
7 any person who is pregnant or is in the process of securing legal
8 custody of any individual who has not attained the age of eighteen
9 years;

10 (~~(20)~~) (21) "Covered multifamily dwelling" means: (a) Buildings
11 consisting of four or more dwelling units if such buildings have one or
12 more elevators; and (b) ground floor dwelling units in other buildings
13 consisting of four or more dwelling units;

14 (~~(21)~~) (22) "Premises" means the interior or exterior spaces,
15 parts, components, or elements of a building, including individual
16 dwelling units and the public and common use areas of a building.

17 **Sec. 5.** RCW 49.60.120 and 1993 c 510 s 6 and 1993 c 69 s 4 are
18 each reenacted and amended to read as follows:

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

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

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

26 (3) To adopt, promulgate, amend, and rescind suitable rules and
27 regulations to carry out the provisions of this chapter, and the
28 policies and practices of the commission in connection therewith.

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

31 (5) To issue such publications and such results of investigations
32 and research as in its judgment will tend to promote good will and
33 minimize or eliminate discrimination because of sex, race, creed,
34 color, national origin, marital status, gender identity, age, or the
35 presence of any sensory, mental, or physical disability, or the use of
36 a trained guide dog or service dog by a disabled person.

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

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

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

18 **Sec. 6.** RCW 49.60.130 and 1993 c 510 s 7 are each amended to read
19 as follows:

20 The commission has power to create such advisory agencies and
21 conciliation councils, local, regional, or state-wide, as in its
22 judgment will aid in effectuating the purposes of this chapter. The
23 commission may empower them to study the problems of discrimination in
24 all or specific fields of human relationships or in specific instances
25 of discrimination because of sex, race, creed, color, national origin,
26 marital status, gender identity, age, or the presence of any sensory,
27 mental, or physical disability or the use of a trained guide dog or
28 service dog by a disabled person; to foster through community effort or
29 otherwise good will, cooperation, and conciliation among the groups and
30 elements of the population of the state, and to make recommendations to
31 the commission for the development of policies and procedures in
32 general and in specific instances, and for programs of formal and
33 informal education which the commission may recommend to the
34 appropriate state agency.

35 Such advisory agencies and conciliation councils shall be composed
36 of representative citizens, serving without pay, but with reimbursement
37 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
38 now existing or hereafter amended, and the commission may make

1 provision for technical and clerical assistance to such agencies and
2 councils and for the expenses of such assistance. The commission may
3 use organizations specifically experienced in dealing with questions of
4 discrimination.

5 **Sec. 7.** RCW 49.60.175 and 1993 c 510 s 9 are each amended to read
6 as follows:

7 It shall be an unfair practice to use the sex, race, creed, color,
8 national origin, marital status, gender identity, or the presence of
9 any sensory, mental, or physical disability of any person, or the use
10 of a trained guide dog or service dog by a disabled person, concerning
11 an application for credit in any credit transaction to determine the
12 credit worthiness of an applicant.

13 **Sec. 8.** RCW 49.60.176 and 1993 c 510 s 10 are each amended to read
14 as follows:

15 (1) It is an unfair practice for any person whether acting for
16 himself, herself, or another in connection with any credit transaction
17 because of race, creed, color, national origin, sex, marital status,
18 gender identity, or the presence of any sensory, mental, or physical
19 disability or the use of a trained guide dog or service dog by a
20 disabled person:

21 (a) To deny credit to any person;

22 (b) To increase the charges or fees for or collateral required to
23 secure any credit extended to any person;

24 (c) To restrict the amount or use of credit extended or to impose
25 different terms or conditions with respect to the credit extended to
26 any person or any item or service related thereto;

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

29 (2) Nothing in this section shall prohibit any party to a credit
30 transaction from considering the credit history of any individual
31 applicant.

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

1 **Sec. 9.** RCW 49.60.178 and 1993 c 510 s 11 are each amended to read
2 as follows:

3 It is an unfair practice for any person whether acting for himself,
4 herself, or another in connection with an insurance transaction or
5 transaction with a health maintenance organization to cancel or fail or
6 refuse to issue or renew insurance or a health maintenance agreement to
7 any person because of sex, marital status, gender identity, race,
8 creed, color, national origin, or the presence of any sensory, mental,
9 or physical disability or the use of a trained guide dog or service dog
10 by a disabled person: PROVIDED, That a practice which is not unlawful
11 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an
12 unfair practice for the purposes of this section. For the purposes of
13 this section, "insurance transaction" is defined in RCW 48.01.060,
14 health maintenance agreement is defined in RCW 48.46.020, and "health
15 maintenance organization" is defined in RCW 48.46.020.

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

19 The insurance commissioner, under RCW 48.30.300, and the human
20 rights commission, under chapter 49.60 RCW, shall have concurrent
21 jurisdiction under this section and shall enter into a working
22 agreement as to procedure to be followed in complaints under this
23 section.

24 **Sec. 10.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to
25 read as follows:

26 (1) It is an unfair practice for any employer:

27 ((+1)) (a) To refuse to hire any person because of age, sex,
28 marital status, gender identity, race, creed, color, national origin,
29 or the presence of any sensory, mental, or physical disability or the
30 use of a trained guide dog or service dog by a disabled person, unless
31 based upon a bona fide occupational qualification: PROVIDED, That the
32 prohibition against discrimination because of such disability shall not
33 apply if the particular disability prevents the proper performance of
34 the particular worker involved.

35 ((+2)) (b) To discharge or bar any person from employment because
36 of age, sex, marital status, gender identity, race, creed, color,
37 national origin, or the presence of any sensory, mental, or physical

1 disability or the use of a trained guide dog or service dog by a
2 disabled person.

3 ~~((+3+))~~ (c) To discriminate against any person in compensation or
4 in other terms or conditions of employment because of age, sex, marital
5 status, gender identity, race, creed, color, national origin, or the
6 presence of any sensory, mental, or physical disability or the use of
7 a trained guide dog or service dog by a disabled person: PROVIDED,
8 That it shall not be an unfair practice for an employer to segregate
9 washrooms or locker facilities on the basis of sex, or to base other
10 terms and conditions of employment on the sex of employees where the
11 commission by regulation or ruling in a particular instance has found
12 the employment practice to be appropriate for the practical realization
13 of equality of opportunity between the sexes.

14 ~~((+4+))~~ (d) To print, or circulate, or cause to be printed or
15 circulated any statement, advertisement, or publication, or to use any
16 form of application for employment, or to make any inquiry in
17 connection with prospective employment, which expresses any limitation,
18 specification, or discrimination as to age, sex, marital status, gender
19 identity, race, creed, color, national origin, or the presence of any
20 sensory, mental, or physical disability or the use of a trained guide
21 dog or service dog by a disabled person, or any intent to make any such
22 limitation, specification, or discrimination, unless based upon a bona
23 fide occupational qualification: PROVIDED, Nothing contained herein
24 shall prohibit advertising in a foreign language.

25 (2) This section shall not be construed to require an employer to
26 establish employment goals or quotas based on gender identity or on any
27 other basis.

28 **Sec. 11.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to
29 read as follows:

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

31 (1) To deny membership and full membership rights and privileges to
32 any person because of age, sex, marital status, gender identity, race,
33 creed, color, national origin, or the presence of any sensory, mental,
34 or physical disability or the use of a trained guide dog or service dog
35 by a disabled person.

36 (2) To expel from membership any person because of age, sex,
37 marital status, gender identity, race, creed, color, national origin,

1 or the presence of any sensory, mental, or physical disability or the
2 use of a trained guide dog or service dog by a disabled person.

3 (3) To discriminate against any member, employer, employee, or
4 other person to whom a duty of representation is owed because of age,
5 sex, marital status, gender identity, race, creed, color, national
6 origin, or the presence of any sensory, mental, or physical disability
7 or the use of a trained guide dog or service dog by a disabled person.

8 **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to
9 read as follows:

10 It is an unfair practice for any employment agency to fail or
11 refuse to classify properly or refer for employment, or otherwise to
12 discriminate against, an individual because of age, sex, marital
13 status, gender identity, race, creed, color, national origin, or the
14 presence of any sensory, mental, or physical disability or the use of
15 a trained guide dog or service dog by a disabled person, or to print or
16 circulate, or cause to be printed or circulated any statement,
17 advertisement, or publication, or to use any form of application for
18 employment, or to make any inquiry in connection with prospective
19 employment, which expresses any limitation, specification or
20 discrimination as to age, sex, race, gender identity, creed, color,
21 ((or)) national origin, or the presence of any sensory, mental, or
22 physical disability or the use of a trained guide dog or service dog by
23 a disabled person, or any intent to make any such limitation,
24 specification, or discrimination, unless based upon a bona fide
25 occupational qualification: PROVIDED, Nothing contained herein shall
26 prohibit advertising in a foreign language.

27 **Sec. 13.** RCW 49.60.215 and 1993 c 510 s 16 are each amended to
28 read as follows:

29 It shall be an unfair practice for any person or the person's agent
30 or employee to commit an act which directly or indirectly results in
31 any distinction, restriction, or discrimination, or the requiring of
32 any person to pay a larger sum than the uniform rates charged other
33 persons, or the refusing or withholding from any person the admission,
34 patronage, custom, presence, frequenting, dwelling, staying, or lodging
35 in any place of public resort, accommodation, assemblage, or amusement,
36 except for conditions and limitations established by law and applicable
37 to all persons, regardless of race, creed, color, national origin,

1 gender identity, sex, the presence of any sensory, mental, or physical
2 disability, or the use of a trained guide dog or service dog by a
3 disabled person: PROVIDED, That this section shall not be construed to
4 require structural changes, modifications, or additions to make any
5 place accessible to a disabled person except as otherwise required by
6 law: PROVIDED, That behavior or actions constituting a risk to
7 property or other persons can be grounds for refusal and shall not
8 constitute an unfair practice.

9 **Sec. 14.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read
10 as follows:

11 (1) It is an unfair practice for any person, whether acting for
12 himself, herself, or another, because of sex, marital status, gender
13 identity, race, creed, color, national origin, families with children
14 status, the presence of any sensory, mental, or physical disability, or
15 the use of a trained guide dog or service dog by a disabled person:

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

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

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

22 (d) To refuse to negotiate for a real estate transaction with a
23 person;

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

28 (f) To discriminate in the sale or rental, or to otherwise make
29 unavailable or deny a dwelling, to any person; or to a person residing
30 in or intending to reside in that dwelling after it is sold, rented, or
31 made available; or to any person associated with the person buying or
32 renting;

33 (g) To make, print, circulate, post, or mail, or cause to be so
34 made or published a statement, advertisement, or sign, or to use a form
35 of application for a real estate transaction, or to make a record or
36 inquiry in connection with a prospective real estate transaction, which
37 indicates, directly or indirectly, an intent to make a limitation,
38 specification, or discrimination with respect thereto;

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

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

6 (j) To discriminate in the course of negotiating, executing, or
7 financing a real estate transaction whether by mortgage, deed of trust,
8 contract, or other instrument imposing a lien or other security in real
9 property, or in negotiating or executing any item or service related
10 thereto including issuance of title insurance, mortgage insurance, loan
11 guarantee, or other aspect of the transaction. Nothing in this section
12 shall limit the effect of RCW 49.60.176 relating to unfair practices in
13 credit transactions; or

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

16 (2) For the purposes of this chapter discrimination based on the
17 presence of any sensory, mental, or physical disability or the use of
18 a trained guide dog or service dog by a blind, deaf, or physically
19 disabled person includes:

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

28 (b) To refuse to make reasonable accommodation in rules, policies,
29 practices, or services when such accommodations may be necessary to
30 afford a person with the presence of any sensory, mental, or physical
31 disability and/or the use of a trained guide dog or service dog by a
32 blind, deaf, or physically disabled person equal opportunity to use and
33 enjoy a dwelling; or

34 (c) To fail to design and construct covered multifamily dwellings
35 and premises in conformance with the federal fair housing amendments
36 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws
37 or regulations pertaining to access by persons with any sensory,
38 mental, or physical disability or use of a trained guide dog or service
39 dog. Whenever the requirements of applicable laws or regulations

1 differ, the requirements which require greater accessibility for
2 persons with any sensory, mental, or physical disability shall govern.

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

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

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

34 (5) Notwithstanding any other provision of this chapter, it shall
35 not be an unfair practice for any public establishment providing for
36 accommodations offered for the full enjoyment of transient guests as
37 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
38 families with children status. Nothing in this section shall limit the

1 effect of RCW 49.60.215 relating to unfair practices in places of
2 public accommodation.

3 (6) Nothing in this chapter prohibiting discrimination based on
4 families with children status applies to housing for older persons as
5 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
6 Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes
7 requirements for housing for older persons different than the
8 requirements in the federal fair housing amendments act of 1988, 42
9 U.S.C. Sec 3607(b)(1) through (3).

10 **Sec. 15.** RCW 49.60.223 and 1993 c 510 s 18 and 1993 c 69 s 6 are
11 each reenacted and amended to read as follows:

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

20 **Sec. 16.** RCW 49.60.224 and 1993 c 69 s 8 are each amended to read
21 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 specified
25 race, creed, color, sex, national origin, gender identity, families
26 with children status, or with any sensory, mental, or physical
27 disability or the use of a trained guide dog or service dog by a blind,
28 deaf, or physically disabled person, and every condition, restriction,
29 or prohibition, including a right of entry or possibility of reverter,
30 which directly or indirectly limits the use or occupancy of real
31 property on the basis of race, creed, color, sex, national origin,
32 gender identity, families with children status, or the presence of any
33 sensory, mental, or physical disability or the use of a trained guide
34 dog or service dog by a blind, deaf, or physically disabled person is
35 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 title.

4 **Sec. 17.** RCW 49.60.225 and 1995 c 259 s 4 are each amended to read
5 as follows:

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

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

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

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

1 unfair practice in a real estate transaction, then the civil penalty of
2 up to fifty thousand dollars may be imposed without regard to the
3 period of time within which any subsequent unfair practice in a real
4 estate transaction occurred. All civil penalties assessed under this
5 section shall be paid into the state treasury and credited to the
6 general fund.

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

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

14 **Sec. 18.** RCW 48.30.300 and 1993 c 492 s 287 are each amended to
15 read as follows:

16 Notwithstanding any provision contained in Title 48 RCW to the
17 contrary:

18 (1) No person or entity engaged in the business of insurance in
19 this state shall refuse to issue any contract of insurance or cancel or
20 decline to renew such contract because of the sex ~~((or))~~, marital
21 status, or gender identity as defined in RCW 49.60.040, or the presence
22 of any sensory, mental, or physical handicap of the insured or
23 prospective insured. The amount of benefits payable, or any term,
24 rate, condition, or type of coverage shall not be restricted, modified,
25 excluded, increased or reduced on the basis of the sex ~~((or))~~, marital
26 status, or gender identity, or be restricted, modified, excluded or
27 reduced on the basis of the presence of any sensory, mental, or
28 physical handicap of the insured or prospective insured. Subject to
29 the provisions of subsection (2) of this section these provisions shall
30 not prohibit fair discrimination on the basis of sex, or marital
31 status, or the presence of any sensory, mental, or physical handicap
32 when bona fide statistical differences in risk or exposure have been
33 substantiated.

34 (2) With respect to disability policies issued or renewed on and
35 after July 1, 1994, that provide coverage against loss arising from
36 medical, surgical, hospital, or emergency care services:

37 (a) Policies shall guarantee continuity of coverage. Such
38 provision, which shall be included in every policy, shall provide that:

1 (i) The policy may be canceled or nonrenewed without the prior
2 written approval of the commissioner only for nonpayment of premium or
3 as permitted under RCW 48.18.090; and

4 (ii) The policy may be canceled or nonrenewed because of a change
5 in the physical or mental condition or health of a covered person only
6 with the prior written approval of the commissioner. Such approval
7 shall be granted only when the insurer has discharged its obligation to
8 continue coverage for such person by obtaining coverage with another
9 insurer, health care service contractor, or health maintenance
10 organization, which coverage is comparable in terms of premiums and
11 benefits as defined by rule of the commissioner.

12 (b) It is an unfair practice for a disability insurer to modify the
13 coverage provided or rates applying to an in-force disability insurance
14 policy and to fail to make such modification in all such issued and
15 outstanding policies.

16 (c) Subject to rules adopted by the commissioner, it is an unfair
17 practice for a disability insurer to:

18 (i) Cease the sale of a policy form unless it has received prior
19 written authorization from the commissioner and has offered all
20 policyholders covered under such discontinued policy the opportunity to
21 purchase comparable coverage without health screening; or

22 (ii) Engage in a practice that subjects policyholders to rate
23 increases on discontinued policy forms unless such policyholders are
24 offered the opportunity to purchase comparable coverage without health
25 screening.

26 The insurer may limit an offer of comparable coverage without
27 health screening to a period not less than thirty days from the date
28 the offer is first made.

29 NEW SECTION. **Sec. 19.** This act may be known and cited as the Cal
30 Anderson antidiscrimination act.

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