

2 SHB 2189 - S AMD TO FIIH COMM AMD (S2747.1) - 286  
3 By Senators Winsley and McCaslin

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5 On page 3, after line 13 of the amendment, insert the following:

6 "Sec. 4. RCW 49.60.222 and 1995 c 259 s 3 are each amended to read  
7 as follows:

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

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

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

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

19 (d) To refuse to negotiate for a real estate transaction with a  
20 person;

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

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

30 (g) To make, print, circulate, post, or mail, or cause to be so  
31 made or published a statement, advertisement, or sign, or to use a form  
32 of application for a real estate transaction, or to make a record or  
33 inquiry in connection with a prospective real estate transaction, which  
34 indicates, directly or indirectly, an intent to make a limitation,  
35 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), as amended by the housing for older  
7 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
8 Nothing in this chapter authorizes requirements for housing for older  
9 persons different than the requirements in the federal fair housing  
10 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
11 amended by the housing for older persons act of 1995, P.L. 104-76, as  
12 enacted on December 28, 1995."

13 Renumber the remaining section consecutively.

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17 On page 3, line 14 of the amendment, strike "This act expires" and  
18 insert "Sections 1 through 3 of this act expire"

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22 On page 3, line 19 of the title amendment, after "insert " insert  
23 "amending RCW 49.60.222;"

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