

FINAL BILL REPORT

SHB 2514

C 65 L 18
Synopsis as Enacted

Brief Description: Regarding discriminatory provisions found in written instruments related to real property.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kilduff, Muri, Sawyer, Frame, Jinkins, Gregerson, Valdez, Lovick, Stanford, Pollet, Santos and Stonier).

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

Washington's Law Against Discrimination (WLAD) makes it unlawful to discriminate in a number of arenas on the basis of the following protected classes:

- race;
- creed;
- color;
- sex;
- national origin;
- sexual orientation;
- families with children status;
- honorably discharged veteran or military status;
- any sensory, mental, or physical disability;
- or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled.

The WLAD declares void any provision in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease of the property to individuals within a protected class. If a written instrument contains a provision void under the WLAD, the owner, occupant, or tenant of the property or the homeowners association board may bring an action in superior court to have the provision stricken from the public records.

Additionally, homeowners association boards may, by simple majority vote, amend the association's governing documents for the purpose of removing any covenant, condition, or

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restriction that purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease to individuals on the basis of certain listed protected classes, a list which has not been amended since 2006 and does not include sexual orientation or honorably discharged veteran status. Upon receiving a written request to remove such a provision from a member of the association, the board must amend the governing documents within a reasonable time. Any such amendment must be recorded in the public records.

County auditors are county officials charged with maintaining documents and records that must be officially filed or recorded, including real property records, marriage licenses, and vital statistics documents. In charter counties, the responsibility for recording documents in the county records may be vested in another county official.

Summary:

The owner of property subject to a written instrument that contains a discriminatory provision void by reason of Washington's Law Against Discrimination (WLAD) may record a restrictive covenant modification document with the county auditor, or in charter counties the official charged with recording documents in the county records.

The modification document is a standard form created by the Washington State Association of State Auditors.

It must contain certain specific language as well as a recording reference to the original written instrument. The effective date of the modification document is the same as the effective date of the original written instrument. No filing or recording fees or otherwise authorized surcharges may be required for filing the modification document.

Any liability that may result from recording an unauthorized document is the sole responsibility of the owner who caused the document to be recorded, and the auditor or recording officer incurs no liability.

The provision which allows homeowner's associations to amend governing documents to remove discriminatory language is amended to refer to protected classes under the WLAD rather than separately listing the protected classes.

Votes on Final Passage:

House	97	0
Senate	48	1

Effective: June 7, 2018
January 1, 2019 (Section 1)