
SENATE BILL 5780

State of Washington

56th Legislature

1999 Regular Session

By Senator Prentice

Read first time 02/08/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

1 AN ACT Relating to discrimination based on source of household
2 income; amending RCW 49.60.010, 49.60.030, and 49.60.040; and
3 reenacting and amending RCW 49.60.222.

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

5 **Sec. 1.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read
6 as follows:

7 This chapter shall be known as the "law against discrimination".
8 It is an exercise of the police power of the state for the protection
9 of the public welfare, health, and peace of the people of this state,
10 and in fulfillment of the provisions of the Constitution of this state
11 concerning civil rights. The legislature hereby finds and declares
12 that practices of discrimination against any of its inhabitants because
13 of race, creed, color, national origin, families with children, source
14 of household income, sex, marital status, age, or the presence of any
15 sensory, mental, or physical disability or the use of a trained dog
16 guide or service animal by a disabled person are a matter of state
17 concern, that such discrimination threatens not only the rights and
18 proper privileges of its inhabitants but menaces the institutions and
19 foundation of a free democratic state. A state agency is herein

1 created with powers with respect to elimination and prevention of
2 discrimination in employment, in credit and insurance transactions, in
3 places of public resort, accommodation, or amusement, and in real
4 property transactions because of race, creed, color, national origin,
5 families with children, source of household income, sex, marital
6 status, age, or the presence of any sensory, mental, or physical
7 disability or the use of a trained dog guide or service animal by a
8 disabled person; and the commission established hereunder is hereby
9 given general jurisdiction and power for such purposes.

10 **Sec. 2.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read
11 as follows:

12 (1) The right to be free from discrimination because of race,
13 creed, color, national origin, sex, or the presence of any sensory,
14 mental, or physical disability or the use of a trained dog guide or
15 service animal by a disabled person is recognized as and declared to be
16 a civil right. This right shall include, but not be limited to:

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

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

21 (c) The right to engage in real estate transactions without
22 discrimination, including discrimination against families with
23 children;

24 (d) The right to engage in credit transactions without
25 discrimination, which includes discrimination because of source of
26 household income when that source can be verified as to its amount,
27 length of time received, and regularity;

28 (e) The right to engage in insurance transactions or transactions
29 with health maintenance organizations without discrimination:
30 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
31 48.44.220, or 48.46.370 does not constitute an unfair practice for the
32 purposes of this subparagraph; and

33 (f) The right to engage in commerce free from any discriminatory
34 boycotts or blacklists. Discriminatory boycotts or blacklists for
35 purposes of this section shall be defined as the formation or execution
36 of any express or implied agreement, understanding, policy or
37 contractual arrangement for economic benefit between any persons which
38 is not specifically authorized by the laws of the United States and

1 which is required or imposed, either directly or indirectly, overtly or
2 covertly, by a foreign government or foreign person in order to
3 restrict, condition, prohibit, or interfere with or in order to exclude
4 any person or persons from any business relationship on the basis of
5 race, color, creed, religion, sex, the presence of any sensory, mental,
6 or physical disability, or the use of a trained dog guide or service
7 animal by a disabled person, or national origin or lawful business
8 relationship: PROVIDED HOWEVER, That nothing herein contained shall
9 prohibit the use of boycotts as authorized by law pertaining to labor
10 disputes and unfair labor practices.

11 (2) Any person deeming himself or herself injured by any act in
12 violation of this chapter shall have a civil action in a court of
13 competent jurisdiction to enjoin further violations, or to recover the
14 actual damages sustained by the person, or both, together with the cost
15 of suit including reasonable attorneys' fees or any other appropriate
16 remedy authorized by this chapter or the United States Civil Rights Act
17 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
18 (42 U.S.C. Sec. 3601 et seq.).

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

29 **Sec. 3.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read
30 as follows:

31 As used in this chapter:

32 (1) "Person" includes one or more individuals, partnerships,
33 associations, organizations, corporations, cooperatives, legal
34 representatives, trustees and receivers, or any group of persons; it
35 includes any owner, lessee, proprietor, manager, agent, or employee,
36 whether one or more natural persons; and further includes any political
37 or civil subdivisions of the state and any agency or instrumentality of
38 the state or of any political or civil subdivision thereof;

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

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

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

10 (5) "Labor organization" includes any organization which exists for
11 the purpose, in whole or in part, of dealing with employers concerning
12 grievances or terms or conditions of employment, or for other mutual
13 aid or protection in connection with employment;

14 (6) "Employment agency" includes any person undertaking with or
15 without compensation to recruit, procure, refer, or place employees for
16 an employer;

17 (7) "Marital status" means the legal status of being married,
18 single, separated, divorced, or widowed;

19 (8) "National origin" includes "ancestry";

20 (9) "Full enjoyment of" includes the right to purchase any service,
21 commodity, or article of personal property offered or sold on, or by,
22 any establishment to the public, and the admission of any person to
23 accommodations, advantages, facilities, or privileges of any place of
24 public resort, accommodation, assemblage, or amusement, without acts
25 directly or indirectly causing persons of any particular race, creed,
26 color, sex, national origin, or with any sensory, mental, or physical
27 disability, or the use of a trained dog guide or service animal by a
28 disabled person, to be treated as not welcome, accepted, desired, or
29 solicited;

30 (10) "Any place of public resort, accommodation, assemblage, or
31 amusement" includes, but is not limited to, any place, licensed or
32 unlicensed, kept for gain, hire, or reward, or where charges are made
33 for admission, service, occupancy, or use of any property or
34 facilities, whether conducted for the entertainment, housing, or
35 lodging of transient guests, or for the benefit, use, or accommodation
36 of those seeking health, recreation, or rest, or for the burial or
37 other disposition of human remains, or for the sale of goods,
38 merchandise, services, or personal property, or for the rendering of
39 personal services, or for public conveyance or transportation on land,

1 water, or in the air, including the stations and terminals thereof and
2 the garaging of vehicles, or where food or beverages of any kind are
3 sold for consumption on the premises, or where public amusement,
4 entertainment, sports, or recreation of any kind is offered with or
5 without charge, or where medical service or care is made available, or
6 where the public gathers, congregates, or assembles for amusement,
7 recreation, or public purposes, or public halls, public elevators, and
8 public washrooms of buildings and structures occupied by two or more
9 tenants, or by the owner and one or more tenants, or any public library
10 or educational institution, or schools of special instruction, or
11 nursery schools, or day care centers or children's camps: PROVIDED,
12 That nothing contained in this definition shall be construed to include
13 or apply to any institute, bona fide club, or place of accommodation,
14 which is by its nature distinctly private, including fraternal
15 organizations, though where public use is permitted that use shall be
16 covered by this chapter; nor shall anything contained in this
17 definition apply to any educational facility, columbarium, crematory,
18 mausoleum, or cemetery operated or maintained by a bona fide religious
19 or sectarian institution;

20 (11) "Real property" includes buildings, structures, dwellings,
21 real estate, lands, tenements, leaseholds, interests in real estate
22 cooperatives, condominiums, and hereditaments, corporeal and
23 incorporeal, or any interest therein;

24 (12) "Real estate transaction" includes the sale, appraisal,
25 brokering, exchange, purchase, rental, or lease of real property,
26 transacting or applying for a real estate loan, or the provision of
27 brokerage services;

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

33 (14) "Sex" means gender;

34 (15) "Aggrieved person" means any person who: (a) Claims to have
35 been injured by an unfair practice in a real estate transaction; or (b)
36 believes that he or she will be injured by an unfair practice in a real
37 estate transaction that is about to occur;

38 (16) "Complainant" means the person who files a complaint in a real
39 estate transaction;

1 (17) "Respondent" means any person accused in a complaint or
2 amended complaint of an unfair practice in a real estate transaction;

3 (18) "Credit transaction" includes any open or closed end credit
4 transaction, whether in the nature of a loan, retail installment
5 transaction, credit card issue or charge, or otherwise, and whether for
6 personal or for business purposes, in which a service, finance, or
7 interest charge is imposed, or which provides for repayment in
8 scheduled payments, when such credit is extended in the regular course
9 of any trade or commerce, including but not limited to transactions by
10 banks, savings and loan associations or other financial lending
11 institutions of whatever nature, stock brokers, or by a merchant or
12 mercantile establishment which as part of its ordinary business permits
13 or provides that payment for purchases of property or service therefrom
14 may be deferred;

15 (19) "Families with children status" means one or more individuals
16 who have not attained the age of eighteen years being domiciled with a
17 parent or another person having legal custody of such individual or
18 individuals, or with the designee of such parent or other person having
19 such legal custody, with the written permission of such parent or other
20 person. Families with children status also applies to any person who
21 is pregnant or is in the process of securing legal custody of any
22 individual who has not attained the age of eighteen years;

23 (20) "Covered multifamily dwelling" means: (a) Buildings
24 consisting of four or more dwelling units if such buildings have one or
25 more elevators; and (b) ground floor dwelling units in other buildings
26 consisting of four or more dwelling units;

27 (21) "Premises" means the interior or exterior spaces, parts,
28 components, or elements of a building, including individual dwelling
29 units and the public and common use areas of a building;

30 (22) "Dog guide" means a dog that is trained for the purpose of
31 guiding blind persons or a dog that is trained for the purpose of
32 assisting hearing impaired persons;

33 (23) "Service animal" means an animal that is trained for the
34 purpose of assisting or accommodating a disabled person's sensory,
35 mental, or physical disability;

36 (24) "Source of household income" includes the receipt of social
37 security; supplemental security income; public assistance; other
38 federal, state, or local assistance; child support or spousal

1 maintenance; or the receipt of federal, state, or local housing
2 assistance, including rental subsidies and rent supplements.

3 **Sec. 4.** RCW 49.60.222 and 1997 c 400 s 3 and 1997 c 271 s 14 are
4 each reenacted and amended to read as follows:

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

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

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

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

17 (d) To refuse to negotiate for a real estate transaction with a
18 person;

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

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

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

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

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

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

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

11 (2) For the purposes of this chapter discrimination based on the
12 presence of any sensory, mental, or physical disability or the use of
13 a trained dog guide or service animal by a blind, deaf, or physically
14 disabled person includes:

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

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

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

37 Nothing in (a) or (b) of this subsection shall apply to: (i) A
38 single-family house rented or leased by the owner if the owner does not
39 own or have an interest in the proceeds of the rental or lease of more

1 than three such single-family houses at one time, the rental or lease
2 occurred without the use of a real estate broker or salesperson, as
3 defined in RCW 18.85.010, and the rental or lease occurred without the
4 publication, posting, or mailing of any advertisement, sign, or
5 statement in violation of subsection (1)(g) of this section; or (ii)
6 rooms or units in dwellings containing living quarters occupied or
7 intended to be occupied by no more than four families living
8 independently of each other if the owner maintains and occupies one of
9 the rooms or units as his or her residence.

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

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

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

36 (6) Nothing in this chapter prohibiting discrimination based on
37 families with children status applies to housing for older persons as
38 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
39 Sec. 3607(b)(1) through (3), as amended by the housing for older

1 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
2 Nothing in this chapter authorizes requirements for housing for older
3 persons different than the requirements in the federal fair housing
4 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
5 amended by the housing for older persons act of 1995, P.L. 104-76, as
6 enacted on December 28, 1995.

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