
Housing Committee

HB 1956

Brief Description: Prohibiting discrimination based on lawful source of income.

Sponsors: Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa.

Brief Summary of Bill

- Adds "lawful source of income" to the list of individual characteristics that may not be used to discriminate against a Washington resident in certain real estate transactions.

Hearing Date: 2/12/07

Staff: Robyn Dupuis (786-7166).

Background:

Under the current Human Rights Commission statutes, known as the "law against discrimination", the legislature declares that in certain real estate transactions, the practice of discrimination because of characteristics including race, creed, color, sex, national origin, sexual orientation, families with children status, or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability is illegal.

The Human Rights Commission is charged with eliminating and preventing such discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation or amusement and in real estate transactions.

Penalties for unfair practices in real estate transactions include fines up to \$50,000 depending upon the recent existence of any prior unfair practice violations.

A number of other states include language in their statutes to prohibit discrimination in real estate transactions due to an individual's lawful source of income. These states include California, Connecticut, District of Columbia, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oregon, Utah, Vermont and Wisconsin.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

An individual in a protected class, which includes race, creed, color, national origin, sex, marital status, sexual orientation, or the presence of a disability may not be discriminated against due to his or her lawful source of income in real estate transactions.

Concerning real estate transactions, this prohibited practice is further defined as discriminating against the person:

1. In the terms, conditions or privileges of a real estate transaction;
2. By refusing or failing to receive or transmit a bona fide offer;
3. By falsely representing to a person that a property is not available for inspection, sale, rental or lease when in fact it is;
4. By discriminating in the sale or rental of a property, or otherwise make a property unavailable;
5. By expelling a person from occupancy of real property;
6. By inducing a person to sell or rent using representations regarding the entry of a person with certain sources of income; and
7. By forbidding or restricting a conveyance or lease.

Every provision in a written instrument relating to real property which restricts the conveyance or occupancy of real property based upon an individual's lawful source of income is void.

"Lawful Source of Income" is defined as verifiable, legal income including income derived from one of the following sources:

1. Employment
2. Social Security
3. Supplemental Security Income
4. Other retirement programs
5. Child support
6. Alimony
7. Federal, state, local or non-profit administered benefit or subsidy programs, including housing assistance, public assistance, and general assistance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.