

HOUSE BILL REPORT

ESB 5165

As Passed House:
March 3, 2020

Title: An act relating to discrimination based on citizenship or immigration status.

Brief Description: Concerning discrimination based on citizenship or immigration status.

Sponsors: Senators Saldaña, Hasegawa, Wellman, Darneille, Keiser, Nguyen and Wilson, C.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/15/19, 3/22/19 [DP], 2/19/20, 2/28/20 [DP].

Floor Activity:

Passed House: 3/3/20, 57-39.

Brief Summary of Engrossed Bill

- Expands the Washington Law Against Discrimination to include a prohibition on discrimination based on immigration or citizenship status, unless differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, or government contract.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Kilduff, Chair; Thai, Vice Chair; Goodman, Hansen, Kirby, Orwall, Peterson, Rude, Valdez and Walen.

Minority Report: Do not pass. Signed by 5 members: Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Graham, Klippert and Ybarra.

Staff: Ingrid Lewis (786-7289).

Background:

Washington Law Against Discrimination.

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.

Washington's Law Against Discrimination (WLAD) establishes that it is a civil right to be free from discrimination based on race, color, creed, national origin, sex, sexual orientation, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. This right applies to employment; places of public resort, accommodation, assemblage, or amusement; and real estate, credit, and insurance transactions. To effectuate the right to be free from discrimination, the law defines certain practices as being unfair. There are some exceptions to the WLAD. For example, employers with fewer than eight employees are exempt from these laws.

The Washington State Human Rights Commission (HRC) is responsible for administering and enforcing the WLAD. The HRC receives and investigates complaints made by persons alleging unfair practices in violation of the WLAD. If the HRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If this process fails, the HRC must refer the matter to an administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

Citizenship and Immigration.

In the context of employment, federal law prohibits employers from discriminating against individuals based on their citizenship or immigration status, or their national origin, during the hiring, firing, recruiting processes. United States (U.S.) citizens and nationals, permanent residents, lawful temporary residents, asylees, and refugees are protected from this type of discrimination.

There are federal and state laws that condition or qualify an activity based on citizenship or immigration status. For example, a person must be a U.S. citizen to vote in federal and state elections; federal law authorizes states to determine eligibility requirements for public benefits, including benefits offered to and eligibility requirements for noncitizens.

Summary of Bill:

The Washington Law Against Discrimination is expanded to prohibit discrimination based on a person's citizenship or immigration status, unless differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, or government contract.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Washington is an international trade-dependent state, and there are many people working in this state who are here on different kinds of visas. There has been an increased focus on immigration in recent years. There are people who are not working, because they

are perceived to not have legal immigration status. The values of the state are to be welcoming and inclusive. This bill furthers this goal by implementing an immigration inclusion in the state anti-discrimination statute. Discrimination is not limited to immigrants who may not have legal status. In some communities, individuals who have legal status have dealt with landlords who, because of a perception that the individual may lack legal status, have treated the individual differently than other tenants. For example, landlords have required higher security deposits or increased rent for the same type of unit. In addition, some landlords have threatened to contact immigration officials when a person submits a service request. This bill does not supersede federal law, but rather allows the state to maximize protections.

(Opposed) None.

Persons Testifying: Senator Saldaña, prime sponsor; Matthew Sutherland, Graduate and Professional Student Association of Washington State University; Samantha Cruz Mendoza, Associated Students of Washington State University; and Alex Hur, OneAmerica.

Persons Signed In To Testify But Not Testifying: None.