SENATE BILL REPORT
SSB 6091

As Passed Senate, February 10, 2026

Title: An act relating to prohibiting real estate brokers from marketing residential properties to an exclusive group of prospective buyers or real estate brokers, unless the residential property is also concurrently marketed to the general public and other real estate brokers, except as reasonably necessary to protect the health or safety of the owner or occupant.

Brief Description: Prohibiting real estate brokers from marketing residential properties to an exclusive group of prospective buyers or real estate brokers.

Sponsors: Senate Committee on Housing (originally sponsored by Senators Liias, Gildon, Bateman, Alvarado, Braun, Chapman, Hasegawa, Lovelett, Lovick, MacEwen, Nobles, Riccelli, Saldaña, Salomon, Shewmake, Short, Warnick and Wellman).

Brief History:

Committee Activity: Housing: 1/23/26, 1/30/26 [DPS].

Floor Activity: Passed Senate: 2/10/26, 49-0.

Brief Summary of First Substitute Bill

- Prohibits a real estate broker, except as reasonably necessary to protect the health or safety of the owner or occupant, from marketing the sale or lease of residential real estate to a limited or exclusive group of prospective buyers or brokers unless the real estate is concurrently marketed to the general public and all other brokers.
- Provides for disciplinary actions by the Washington State Department of Licensing.

SENATE COMMITTEE ON HOUSING

Majority Report: That Substitute Senate Bill No. 6091 be substituted therefor, and the substitute bill do pass.

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

Signed by Senators Bateman, Chair; Alvarado, Vice Chair; Goehner, Ranking Member; Gildon, Orwall, Salomon and Trudeau.

Staff: John Kim (786-7453)

Background: Private Real Estate Listings. Private real estate listings are listings of properties not visible to the general public on regular real estate websites or on multiple listing service platforms, but are instead marketed exclusively through the listing agent's network of contacts.

Regulation of Real Estate Brokers. The Washington State Department of Licensing licenses and regulates the conduct of real estate brokers in this state. A broker who is found to have committed specified prohibited actions is subject to disciplinary actions for unprofessional conduct, including:

- revocation of the license for an interval of time;
- suspension of the license for a fixed or indefinite term;
- restriction or limitation of the practice;
- satisfactory completion of a specific program of remedial education or treatment;
- monitoring of the practice in a manner directed by the disciplinary authority;
- censure or reprimand;
- compliance with conditions of probation for a designated period of time;
- payment of a fine for each violation found by the disciplinary authority, not to exceed $500 per violation;
- denial of an initial or renewal license application for an interval of time; or
- other corrective action.

Summary of First Substitute Bill: Requirement to Publicly Market Residential Real Estate. A broker may not market the sale or lease of residential real estate to a limited or exclusive group of prospective buyers or brokers, or any combination thereof, unless the real estate is concurrently marketed to the general public and all other brokers, except as reasonably necessary to protect the health or safety of the owner or occupant.

Marketing to the general public does not require an owner to allow access onto the residential real estate or into the residence.

Information regarding the requirement must be included in a pamphlet currently required to be provided by brokers to their principals.

A violation of the requirement is subject to disciplinary action by the Washington State Department of Licensing.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is about competition and fairness in access to housing. It addresses an emerging model in which real estate firms and brokers only market property to a select group of buyers, renters, or brokers. It creates a two-tiered system where insiders get to see and compete for inventory earlier and with less competition, while outsiders including first-time homebuyers, immigrants, and lower wealth households may be shut out of opportunities. If someone wants to sell their property privately, they can do a private party sale without listing it. But when I decide to list it for sale, that listing should be available to everybody. The bill is platform- and technology-neutral; it does not mandate how public marketing must occur. We also don't describe what marketing means - you don't have to put up a sign or allow open houses, but everybody must know the home is for sale and be able to make an offer. We look forward to working with the Attorney General to make sure we have the appropriate enforcement mechanism for the bill.

It does not ban private marketing but ensures concurrent public marketing. Private listing networks limit buyer access, promote misleading, disadvantageous choices for sellers, and reduces competition. They are poised to drive in broker consolidation. As a small brokerage, I cannot compete against a larger brokerage with a private listing network. Private listings distort the market by limiting sales data, which can negatively impact appraisals and weaken confidence in pricing and valuation.

Subtle forms of discrimination persist, often hidden within exclusive marketing strategies or selective outreach. Discrimination can be explicit, implicit, or simply unconscious. One study found that hidden listings may be reinforcing racial divides. People who want to live a neighborhood, who historically they may have been pushed out of, are going to continue to stay pushed out because they have no access to the information, and I can't provide it to them because I don't work for that brokerage. This is about the largest company in the country wanting to get both sides, the buyer's side and the seller's side, of the compensation.

The bill ensures transparency with no opt-out, preventing companies from leveraging scale to monopolize.

Public listings maximize the seller's audience and helps them get the best price for their house; gives buyers a level playing field; and helps agents, who need accurate and complete information to advise our sellers and buyers.

CON: This bill effectively strips Washington homeowners of the right to decide how their private property is marketed and becomes an unfair housing practice for that constituency. The bill would make it illegal for a broker to respect a homeowner's request for a private or

off-market sale, even if that privacy is the primary goal for the sale. The true beneficiaries of this bill is not the homeowner, but the dominant third-party platform providers whose business models rely on the harvesting of data of every available listing. Further, the bill creates a significant legal peril for brokers and the public. A broker could face the loss of their license simply for providing a client with a choice and options following a client's lawful instructions. We request an amendment to sections 1 and 4 of the bill to add an exception if the homeowner otherwise requests in writing; this is how the law was adopted in Wisconsin.

The bill discriminates against seniors. After an acute injury or ailment, their homes are a mess and they need to access the funds in their equity for their care. They do not have the ability to interview agents, seek a personal buyer, or allow random people into their homes to see what's going on. They need a realtor who has access to people who can work with the senior to respect their timeline and privacy. Requiring them to publicly market their home would be degrading. The bill needs to be rewritten to let the homeowner choose. The bill disadvantages elderly sellers, divorcees, and estates who don't have the means or energy to prepare their homes for the open market, even after being advised the preparation would yield the highest and best price for them. It will have unintended consequences on vulnerable groups.

OTHER: The Attorney General's Office supports a competitive marketplace, but has concerns about amending the WLAD and using that statute to enforce this law. The bill may protect members of protected classes, but it does not expressly include protections based on immutable traits for which antidiscrimination provisions within the WLAD are really for. Where discrimination is already occurring, the WLAD is already a powerful tool that can be used in this space. We recommend finding a more appropriate enforcement mechanism outside of the WLAD.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Noel Le, MindCast AI; Sol Villarreal; Ryan Donohue, Habitat for Humanity Seattle-King & Kittitas Counties; Bill Clarke, Washington Realtors; James Fisher, Washington Realtor; OB Jacobi, Windermere Real Estate; Nicole Bascomb-Green, Bascomb Real Estate Group; Christina Janis; Anna Boone, Zillow; Adria Buchanan, Fair Housing Center of Washington; Ken Short, AWB.

CON: Michael Orbino; Brandi Huff, Compass Washington/Seattle; Jennifer Ng.

OTHER: Chalia Stallings-Ala'ilima, Washington State Attorney General's Office.

Persons Signed In To Testify But Not Testifying: No one.