2006 CHARTER REVIEW COMMISSION
BRIEFING PAPER
UPDATE NONDISCRIMINATION
JUNE 21, 2006

Prepared by
Stephen Beinzig Administrative Analyst
The Issue

*Update Non-Discrimination. Bring non-discrimination language in charter in line with state law*

Current Charter Language

Section 9.05 Nondiscrimination

In the exercise of its powers and in the performance of its duties, the county shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and shall take whatever action necessary to accomplish this purpose as defined in the state and federal constitutions and applicable court interpretations.


Current State Law

ESHB 2661 signed into law by the governor added sexual orientation to RCW 49.60. 49.60 also includes “use of a trained dog guide or service animal by disabled person” and uses disability rather than handicap.

Sexual orientation is defined as follows:

“Sexual orientation means heterosexuality, homosexuality, bisexuality and gender expression or identity. As used in this definition “gender expression or identity” means having or being perceived as having a gender identity, self image, appearance perceived as having a gender identity, self image, appearance, behavior or expression whether or not that gender identity, self image, appearance, behavior or expression is different from that transitonally associated with the sex assigned to that person at birth.”

HB 2564 which did not pass out of the legislature would have included veterans or military status to the list of protected groups in RCW 49.60.

Veteran or military status” means a person who is:

- A veteran as defined in RCW 41.04.007 o
- An active or reserve member in any branch of the armed forces of the United States including the national guard, coast guard and armed forces reserves.

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1 ESHB 2661, 59th Legislature 2006 Regular Session, Page 6
2 HB 2564 59th Legislature 2006 Regular Session, Page 7
### Other Home Rule Counties

<table>
<thead>
<tr>
<th>County</th>
<th>Clause</th>
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<tbody>
<tr>
<td>Whatcom</td>
<td>None</td>
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<tr>
<td>San Juan</td>
<td>None</td>
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<tr>
<td>Calallam</td>
<td>In the exercise of its powers or in the performance of its duties the County shall ensure that no person is discriminated against because of race, creed, color, sex, age, handicap or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose and after consideration of veterans’ preference, shall take whatever affirmative action necessary to accomplish this purpose as defined in the State and Federal constitutions and applicable court interpretations. In addition there is a section that requires the county to adopt a veterans policy.</td>
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<tr>
<td>Pierce</td>
<td>There shall be no discrimination in employment or compensation of county officers or employees on account of sex, race, color, national origin, religious affiliation or age except by minimum age and retirement provisions; and the county shall not enter into any contract with any person, firm, organization or corporation which discriminates on the basis of sex, race, color, national origin, religious affiliation or age except by minimum age and retirement provisions.</td>
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### Options

1. Maintain Current Chart Language
2. Add new state language related to sexual orientation and update related to trained animals and disability
3. Add 2 plus Veteran or military statuss
CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2661

59th Legislature
2006 Regular Session

Passed by the House January 20, 2006
Yea's 60  Nays 37

__________________________
Speaker of the House of Representatives

Passed by the Senate January 27, 2006
Yea's 25  Nays 23

__________________________
President of the Senate
Approved

CERTIFICATE

I, Richard Naftziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2661 as passed by the House of Representatives and the Senate on the dates hereon set forth.

__________________________
Chief Clerk

FILED

__________________________
Secretary of State
State of Washington
AN ACT Relating to the jurisdiction of the Washington human rights commission; amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.223, 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW 49.60.222.

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

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

This chapter shall be known as the "law against discrimination." It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, families with children, sex, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person are a matter of state concern, that such discrimination threatens not only
the rights and proper privileges of its inhabitants but menaces the
institutions and foundation of a free democratic state. A state agency
is herein created with powers with respect to elimination and
prevention of discrimination in employment, in credit and insurance
transactions, in places of public resort, accommodation, or amusement,
and in real property transactions because of race, creed, color,
national origin, families with children, sex, marital status, sexual
orientation, age, or the presence of any sensory, mental, or physical
disability or the use of a trained dog guide or service animal by a
disabled person; and the commission established hereunder is hereby
given general jurisdiction and power for such purposes.

Sec. 2. RCW 49.60.020 and 1993 c 510 s 2 are each amended to read
as follows:
The provisions of this chapter shall be construed liberally for the
accomplishment of the purposes thereof. Nothing contained in this
chapter shall be deemed to repeal any of the provisions of any other
law of this state relating to discrimination because of race, color,
creed, national origin, sex, marital status, sexual orientation, age,
or the presence of any sensory, mental, or physical disability, other
than a law which purports to require or permit doing any act which is
an unfair practice under this chapter. Nor shall anything herein
contained be construed to deny the right to any person to institute any
action or pursue any civil or criminal remedy based upon an alleged
violation of his or her civil rights. This chapter shall not be
construed to endorse any specific belief, practice, behavior, or
orientation. Inclusion of sexual orientation in this chapter shall not
be construed to modify or supersede state law relating to marriage.

Sec. 3. RCW 49.60.030 and 1997 c 271 s 2 are each amended to read
as follows:
(1) The right to be free from discrimination because of race,
creed, color, national origin, sex, sexual orientation, or the presence
of any sensory, mental, or physical disability or the use of a trained
dog guide or service animal by a disabled person is recognized as and
declared to be a civil right. This right shall include, but not be
limited to:
(a) The right to obtain and hold employment without discrimination;
(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
(c) The right to engage in real estate transactions without discrimination, including discrimination against families with children;
(d) The right to engage in credit transactions without discrimination;
(e) The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph; and
(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis of race, color, creed, religion, sex, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, or national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(2) Any person deeming himself or herself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by this chapter or the United States Civil Rights Act of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).
(3) Except for any unfair practice committed by an employer against an employee or a prospective employee, or any unfair practice in a real estate transaction which is the basis for relief specified in the amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any unfair practice prohibited by this chapter which is committed in the course of trade or commerce as defined in the Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of applying that chapter, a matter affecting the public interest, is not reasonable in relation to the development and preservation of business, and is an unfair or deceptive act in trade or commerce.

Sec. 4. RCW 49.60.040 and 1997 c 271 s 3 are each amended to read as follows:

((As used in this chapter:)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

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

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;
(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;
(8) "National origin" includes "ancestry";
(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;
(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be
covered by this chapter; nor shall anything contained in this
definition apply to any educational facility, columbarium, crematory,
mausoleum, or cemetery operated or maintained by a bona fide religious
or sectarian institution;
(11) "Real property" includes buildings, structures, dwellings,
real estate, lands, tenements, leaseholds, interests in real estate
cooperatives, condominiums, and hereditaments, corporeal and
incorporeal, or any interest therein;
(12) "Real estate transaction" includes the sale, appraisal,
brokering, exchange, purchase, rental, or lease of real property,
transacting or applying for a real estate loan, or the provision of
brokerage services;
(13) "Dwelling" means any building, structure, or portion thereof
that is occupied as, or designed or intended for occupancy as, a
residence by one or more families, and any vacant land that is offered
for sale or lease for the construction or location thereon of any such
building, structure, or portion thereof;
(14) "Sex" means gender;
(15) "Sexual orientation" means heterosexuality, homosexuality,
bisexuality, and gender expression or identity. As used in this
definition, "gender expression or identity" means having or being
perceived as having a gender identity, self-image, appearance,
behavior, or expression, whether or not that gender identity, self-
image, appearance, behavior, or expression is different from that
traditionally associated with the sex assigned to that person at birth;
(16) "Aggrieved person" means any person who: (a) Claims to have
been injured by an unfair practice in a real estate transaction; or (b)
believes that he or she will be injured by an unfair practice in a real
estate transaction that is about to occur;
((16)+) (17) "Complainant" means the person who files a complaint
in a real estate transaction;
((17)+) (18) "Respondent" means any person accused in a complaint
or amended complaint of an unfair practice in a real estate
transaction;
((18)+) (19) "Credit transaction" includes any open or closed end
credit transaction, whether in the nature of a loan, retail installment
transaction, credit card issue or charge, or otherwise, and whether for
personal or for business purposes, in which a service, finance, or
interest charge is imposed, or which provides for repayment in
scheduled payments, when such credit is extended in the regular course
of any trade or commerce, including but not limited to transactions by
banks, savings and loan associations or other financial lending
institutions of whatever nature, stock brokers, or by a merchant or
mercantile establishment which as part of its ordinary business permits
or provides that payment for purchases of property or service therefrom
may be deferred;

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

((420+)) (21) "Covered multifamily dwelling" means: (a) Buildings
consisting of four or more dwelling units if such buildings have one or
more elevators; and (b) ground floor dwelling units in other buildings
consisting of four or more dwelling units;

((421+)) (22) "Premises" means the interior or exterior spaces,
parts, components, or elements of a building, including individual
dwelling units and the public and common use areas of a building;

((422+)) (23) "Dog guide" means a dog that is trained for the
purpose of guiding blind persons or a dog that is trained for the
purpose of assisting hearing impaired persons;

((423+)) (24) "Service animal" means an animal that is trained for
the purpose of assisting or accommodating a disabled person's sensory,
mental, or physical disability.

Sec. 5. RCW 49.60.120 and 1997 c 271 s 4 are each amended to read
as follows:
The commission shall have the functions, powers, and duties:
(1) To appoint an executive director and chief examiner, and such
investigators, examiners, clerks, and other employees and agents as it
may deem necessary, fix their compensation within the limitations
provided by law, and prescribe their duties.
(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, ((promulgate)) amend, and rescind suitable rules ((and regulations)) to carry out the provisions of this chapter, and the policies and practices of the commission in connection therewith.

(4) To receive, impartially investigate, and pass upon complaints alleging unfair practices as defined in this chapter.

(5) To issue such publications and ((such)) results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, sexual orientation, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

(7) To cooperate and act jointly or by division of labor with the United States or other states, with other Washington state agencies, commissions, and other government entities, and with political subdivisions of the state of Washington and their respective human rights agencies to carry out the purposes of this chapter. However, the powers which may be exercised by the commission under this subsection permit investigations and complaint dispositions only if the investigations are designed to reveal, or the complaint deals only with, allegations which, if proven, would constitute unfair practices under this chapter. The commission may perform such services for these agencies and be reimbursed therefor.

(8) To foster good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Sec. 6. RCW 49.60.130 and 1997 c 271 s 5 are each amended to read as follows:

The commission has power to create such advisory agencies and conciliation councils, local, regional, or statewide, as in its judgment will aid in effectuating the purposes of this chapter. The commission may empower them to study the problems of discrimination in
all or specific fields of human relationships or in specific instances
of discrimination because of sex, race, creed, color, national origin,
marital status, sexual orientation, age, or the presence of any
sensory, mental, or physical disability or the use of a trained dog
guide or service animal by a disabled person; to foster through
community effort or otherwise good will, cooperation, and conciliation
among the groups and elements of the population of the state, and to
make recommendations to the commission for the development of policies
and procedures in general and in specific instances, and for programs
of formal and informal education which the commission may recommend to
the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed
of representative citizens, serving without pay, but with reimbursement
for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as
now existing or hereafter amended, and the commission may make
provision for technical and clerical assistance to such agencies and
councils and for the expenses of such assistance. The commission may
use organizations specifically experienced in dealing with questions of
discrimination.

Sec. 7. RCW 49.60.175 and 1997 c 271 s 7 are each amended to read
as follows:

It shall be an unfair practice to use the sex, race, creed, color,
national origin, marital status, sexual orientation, or the presence of
any sensory, mental, or physical disability of any person, or the use
of a trained dog guide or service animal by a disabled person,
concerning an application for credit in any credit transaction to
determine the credit worthiness of an applicant.

Sec. 8. RCW 49.60.176 and 1997 c 271 s 8 are each amended to read
as follows:

(1) It is an unfair practice for any person whether acting for
himself, herself, or another in connection with any credit transaction
because of race, creed, color, national origin, sex, marital status,
sexual orientation, or the presence of any sensory, mental, or physical
disability or the use of a trained dog guide or service animal by a
disabled person:

(a) To deny credit to any person;
(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

d) To attempt to do any of the unfair practices defined in this section,

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

Sec. 9. RCW 49.60.178 and 1997 c 271 s 9 are each amended to read as follows:

It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 49.01.060, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.

The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.
Sec. 10. RCW 49.60.180 and 1997 c 271 s 10 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such
limitation, specification, or discrimination, unless based upon a bona
dide occupational qualification: PROVIDED, Nothing contained herein
shall prohibit advertising in a foreign language.

Sec. 11. RCW 49.60.190 and 1997 c 271 s 11 are each amended to
read as follows:

It is an unfair practice for any labor union or labor organization:
(1) To deny membership and full membership rights and privileges to
any person because of age, sex, marital status, sexual orientation,
race, creed, color, national origin, or the presence of any sensory,
mental, or physical disability or the use of a trained dog guide or
service animal by a disabled person.
(2) To expel from membership any person because of age, sex,
marital status, sexual orientation, race, creed, color, national
origin, or the presence of any sensory, mental, or physical disability
or the use of a trained dog guide or service animal by a disabled
person.
(3) To discriminate against any member, employer, employee, or
other person to whom a duty of representation is owed because of age,
sex, marital status, sexual orientation, race, creed, color, national
origin, or the presence of any sensory, mental, or physical disability
or the use of a trained dog guide or service animal by a disabled
person.

Sec. 12. RCW 49.60.200 and 1997 c 271 s 12 are each amended to
read as follows:

It is an unfair practice for any employment agency to fail or
refuse to classify properly or refer for employment, or otherwise to
discriminate against, an individual because of age, sex, marital
status, sexual orientation, race, creed, color, national origin, or the
presence of any sensory, mental, or physical disability or the use of
a trained dog guide or service animal by a disabled person, or to print
or circulate, or cause to be printed or circulated any statement,
advertisement, or publication, or to use any form of application for
employment, or to make any inquiry in connection with prospective
employment, which expresses any limitation, specification or
discrimination as to age, sex, race, sexual orientation, creed, color,
or national origin, or the presence of any sensory, mental, or physical
disability or the use of a trained dog guide or service animal by a
disabled person, or any intent to make any such limitation,
specification, or discrimination, unless based upon a bona fide
occupational qualification: PROVIDED, Nothing contained herein shall
prohibit advertising in a foreign language.

Sec. 13. RCW 49.60.215 and 1997 c 271 s 13 are each amended to
read as follows:

It shall be an unfair practice for any person or the person's agent
or employee to commit an act which directly or indirectly results in
any distinction, restriction, or discrimination, or the requiring of
any person to pay a larger sum than the uniform rates charged other
persons, or the refusing or withholding from any person the admission,
patronage, custom, presence, frequenting, dwelling, staying, or lodging
in any place of public resort, accommodation, assemblage, or amusement,
except for conditions and limitations established by law and applicable
to all persons, regardless of race, creed, color, national origin,
sexual orientation, sex, the presence of any sensory, mental, or
physical disability, or the use of a trained dog guide or service
animal by a disabled person: PROVIDED, That this section shall not be
construed to require structural changes, modifications, or additions to
make any place accessible to a disabled person except as otherwise
required by law: PROVIDED, That behavior or actions constituting a
risk to property or other persons can be grounds for refusal and shall
not constitute an unfair practice.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person includes:
(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

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

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

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest in the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a real estate broker or salesperson, as defined in RCW 18.85.010, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement in violation of subsection (1)(g) of this section; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

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

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

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

(6) Nothing in this chapter prohibiting discrimination based on
families with children status applies to housing for older persons as
defined by the federal fair housing amendments act of 1988, 42 U.S.C.
Sec. 3607(b)(1) through (3), as amended by the housing for older
Nothing in this chapter authorizes requirements for housing for older
persons different than the requirements in the federal fair housing
amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
amended by the housing for older persons act of 1995, P.L. 104-76, as
enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions
involving the sharing of a dwelling unit, or rental or sublease of a
portion of a dwelling unit, when the dwelling unit is to be occupied by
the owner or sublessee. For purposes of this section, "dwelling unit"
has the same meaning as in RCW 59.18.030.
Sec. 15. RCW 49.60.223 and 1997 c 271 s 15 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability and/or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person.

Sec. 16. RCW 49.60.224 and 1997 c 271 s 16 are each amended to read as follows:

1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a blind, deaf, or physically disabled person, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of 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 blind, deaf, or physically disabled person is void.

2. It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 17. RCW 49.60.225 and 1997 c 271 s 17 are each amended to read as follows:

1. When a reasonable cause determination has been made under RCW 49.60.240 that an unfair practice in a real estate transaction has been committed and a finding has been made that the respondent has engaged in any unfair practice under RCW 49.60.250, the administrative law judge shall promptly issue an order for such relief suffered by the
aggrieved person as may be appropriate, which may include actual
damages as provided by the federal fair housing amendments act of 1988
(42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
relief. Such order may, to further the public interest, assess a civil
penalty against the respondent:

(a) In an amount up to ten thousand dollars if the respondent has
not been determined to have committed any prior unfair practice in a
real estate transaction;

(b) In an amount up to twenty-five thousand dollars if the
respondent has been determined to have committed one other unfair
practice in a real estate transaction during the five-year period
ending on the date of the filing of this charge; or

(c) In an amount up to fifty thousand dollars if the respondent has
been determined to have committed two or more unfair practices in a
real estate transaction during the seven-year period ending on the date
of the filing of this charge, for loss of the right secured by RCW
49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as
now or hereafter amended, to be free from discrimination in real
property transactions because of sex, marital status, race, creed,
color, 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 blind, deaf,
or physically disabled person. Enforcement of the order and appeal
therefrom by the complainant or respondent may be made as provided in
RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice
in a real estate transaction that is the object of the charge are
determined to have been committed by the same natural person who has
been previously determined to have committed acts constituting an
unfair practice in a real estate transaction, then the civil penalty of
up to fifty thousand dollars may be imposed without regard to the
period of time within which any subsequent unfair practice in a real
estate transaction occurred. All civil penalties assessed under this
section shall be paid into the state treasury and credited to the
general fund.

(2) Such order shall not affect any contract, sale, conveyance,
encumbrance, or lease consummated before the issuance of an order that
involves a bona fide purchaser, encumbrancer, or tenant who does not
have actual notice of the charge filed under this chapter.
(3) Notwithstanding any other provision of this chapter, persons awarded damages under this section may not receive additional damages pursuant to RCW 49.60.250.

Sec. 18. RCW 48.30.300 and 2005 c 223 s 19 are each amended to read as follows:

Notwithstanding any provision contained in Title 48 RCW to the contrary:

A person or entity engaged in the business of insurance in this state may not refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex (♀♂) or marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the sex (♀♂) or marital status, or sexual orientation, or be restricted, modified, excluded, or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. This subsection does not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

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Expands the jurisdiction of the human rights commission to include cases of discrimination because of a person's sexual orientation.

Provides that this act shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

Provides that inclusion of sexual orientation in chapter 49.60 RCW shall not be construed to modify or supersede state law relating to marriage.