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HOUSE BILL 2602

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State of Washington

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2020 Regular Session

By Representatives Morgan, Thai, Pettigrew, Entenman, Lovick, Slatter, Santos, Ryu, Duerr, Appleton, Bergquist, Stonier, Ramos, Leavitt, Corry, Orwall, Dolan, Frame, Valdez, Gregerson, Ortiz-Self, Peterson, Davis, Riccelli, Callan, J. Johnson, Fey, and Ramel

1 AN ACT Relating to hair discrimination; and amending RCW  
2 49.60.040.

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

4 **Sec. 1.** RCW 49.60.040 and 2018 c 176 s 2 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Aggrieved person" means any person who: (a) Claims to have  
9 been injured by an unfair practice in a real estate transaction; or  
10 (b) believes that he or she will be injured by an unfair practice in  
11 a real estate transaction that is about to occur.

12 (2) "Any place of public resort, accommodation, assemblage, or  
13 amusement" includes, but is not limited to, any place, licensed or  
14 unlicensed, kept for gain, hire, or reward, or where charges are made  
15 for admission, service, occupancy, or use of any property or  
16 facilities, whether conducted for the entertainment, housing, or  
17 lodging of transient guests, or for the benefit, use, or  
18 accommodation of those seeking health, recreation, or rest, or for  
19 the burial or other disposition of human remains, or for the sale of  
20 goods, merchandise, services, or personal property, or for the  
21 rendering of personal services, or for public conveyance or

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

21 (3) "Commission" means the Washington state human rights  
22 commission.

23 (4) "Complainant" means the person who files a complaint in a  
24 real estate transaction.

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

29 (6) "Credit transaction" includes any open or closed end credit  
30 transaction, whether in the nature of a loan, retail installment  
31 transaction, credit card issue or charge, or otherwise, and whether  
32 for personal or for business purposes, in which a service, finance,  
33 or interest charge is imposed, or which provides for repayment in  
34 scheduled payments, when such credit is extended in the regular  
35 course of any trade or commerce, including but not limited to  
36 transactions by banks, savings and loan associations or other  
37 financial lending institutions of whatever nature, stock brokers, or  
38 by a merchant or mercantile establishment which as part of its  
39 ordinary business permits or provides that payment for purchases of  
40 property or service therefrom may be deferred.

1 (7) (a) "Disability" means the presence of a sensory, mental, or  
2 physical impairment that:

3 (i) Is medically cognizable or diagnosable; or

4 (ii) Exists as a record or history; or

5 (iii) Is perceived to exist whether or not it exists in fact.

6 (b) A disability exists whether it is temporary or permanent,  
7 common or uncommon, mitigated or unmitigated, or whether or not it  
8 limits the ability to work generally or work at a particular job or  
9 whether or not it limits any other activity within the scope of this  
10 chapter.

11 (c) For purposes of this definition, "impairment" includes, but  
12 is not limited to:

13 (i) Any physiological disorder, or condition, cosmetic  
14 disfigurement, or anatomical loss affecting one or more of the  
15 following body systems: Neurological, musculoskeletal, special sense  
16 organs, respiratory, including speech organs, cardiovascular,  
17 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,  
18 and endocrine; or

19 (ii) Any mental, developmental, traumatic, or psychological  
20 disorder, including but not limited to cognitive limitation, organic  
21 brain syndrome, emotional or mental illness, and specific learning  
22 disabilities.

23 (d) Only for the purposes of qualifying for reasonable  
24 accommodation in employment, an impairment must be known or shown  
25 through an interactive process to exist in fact and:

26 (i) The impairment must have a substantially limiting effect upon  
27 the individual's ability to perform his or her job, the individual's  
28 ability to apply or be considered for a job, or the individual's  
29 access to equal benefits, privileges, or terms or conditions of  
30 employment; or

31 (ii) The employee must have put the employer on notice of the  
32 existence of an impairment, and medical documentation must establish  
33 a reasonable likelihood that engaging in job functions without an  
34 accommodation would aggravate the impairment to the extent that it  
35 would create a substantially limiting effect.

36 (e) For purposes of (d) of this subsection, a limitation is not  
37 substantial if it has only a trivial effect.

38 (8) "Dog guide" means a dog that is trained for the purpose of  
39 guiding blind persons or a dog that is trained for the purpose of  
40 assisting hearing impaired persons.

1 (9) "Dwelling" means any building, structure, or portion thereof  
2 that is occupied as, or designed or intended for occupancy as, a  
3 residence by one or more families, and any vacant land that is  
4 offered for sale or lease for the construction or location thereon of  
5 any such building, structure, or portion thereof.

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

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

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

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

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

35 (15) "Honorably discharged veteran or military status" means a  
36 person who is:

37 (a) A veteran, as defined in RCW 41.04.007; or

38 (b) An active or reserve member in any branch of the armed forces  
39 of the United States, including the national guard, coast guard, and  
40 armed forces reserves.

1 (16) "Labor organization" includes any organization which exists  
2 for the purpose, in whole or in part, of dealing with employers  
3 concerning grievances or terms or conditions of employment, or for  
4 other mutual aid or protection in connection with employment.

5 (17) "Marital status" means the legal status of being married,  
6 single, separated, divorced, or widowed.

7 (18) "National origin" includes "ancestry."

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

16 (20) "Premises" means the interior or exterior spaces, parts,  
17 components, or elements of a building, including individual dwelling  
18 units and the public and common use areas of a building.

19 (21) "Real estate transaction" includes the sale, appraisal,  
20 brokering, exchange, purchase, rental, or lease of real property,  
21 transacting or applying for a real estate loan, or the provision of  
22 brokerage services.

23 (22) "Real property" includes buildings, structures, dwellings,  
24 real estate, lands, tenements, leaseholds, interests in real estate  
25 cooperatives, condominiums, and hereditaments, corporeal and  
26 incorporeal, or any interest therein.

27 (23) "Respondent" means any person accused in a complaint or  
28 amended complaint of an unfair practice in a real estate transaction.

29 (24) "Service animal" means any dog or miniature horse, as  
30 discussed in RCW 49.60.214, that is individually trained to do work  
31 or perform tasks for the benefit of an individual with a disability,  
32 including a physical, sensory, psychiatric, intellectual, or other  
33 mental disability. The work or tasks performed by the service animal  
34 must be directly related to the individual's disability. Examples of  
35 work or tasks include, but are not limited to, assisting individuals  
36 who are blind or have low vision with navigation and other tasks,  
37 alerting individuals who are deaf or hard of hearing to the presence  
38 of people or sounds, providing nonviolent protection or rescue work,  
39 pulling a wheelchair, assisting an individual during a seizure,  
40 alerting individuals to the presence of allergens, retrieving items

1 such as medicine or the telephone, providing physical support and  
2 assistance with balance and stability to individuals with mobility  
3 disabilities, and helping persons with psychiatric and neurological  
4 disabilities by preventing or interrupting impulsive or destructive  
5 behaviors. The crime deterrent effects of an animal's presence and  
6 the provision of emotional support, well-being, comfort, or  
7 companionship do not constitute work or tasks. This subsection does  
8 not apply to RCW 49.60.222 through 49.60.227 with respect to housing  
9 accommodations or real estate transactions.

10 (25) "Sex" means gender.

11 (26) "Sexual orientation" means heterosexuality, homosexuality,  
12 bisexuality, and gender expression or identity. As used in this  
13 definition, "gender expression or identity" means having or being  
14 perceived as having a gender identity, self-image, appearance,  
15 behavior, or expression, whether or not that gender identity, self-  
16 image, appearance, behavior, or expression is different from that  
17 traditionally associated with the sex assigned to that person at  
18 birth.

19 (27) "Race" is inclusive of traits historically associated or  
20 perceived to be associated with race including, but not limited to,  
21 hair texture and protective hairstyles. For purposes of this  
22 subsection, "protective hairstyles" includes, but is not limited to,  
23 such hairstyles as afros, braids, locks, and twists.

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