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SENATE BILL 5803

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State of Washington                      65th Legislature                      2017 Regular Session

By Senators Saldaña, Darneille, Hunt, Hasegawa, and Conway

1            AN ACT Relating to discrimination based on citizenship or  
2 immigration status; amending RCW 49.60.010, 49.60.020, 49.60.030,  
3 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180,  
4 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and  
5 49.60.225; and adding a new section to chapter 49.60 RCW.

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

7            **Sec. 1.** RCW 49.60.010 and 2007 c 187 s 1 are each amended to  
8 read as follows:

9            This chapter shall be known as the "law against discrimination."  
10 It is an exercise of the police power of the state for the protection  
11 of the public welfare, health, and peace of the people of this state,  
12 and in fulfillment of the provisions of the Constitution of this  
13 state concerning civil rights. The legislature hereby finds and  
14 declares that practices of discrimination against any of its  
15 inhabitants because of race, creed, color, national origin,  
16 citizenship or immigration status, families with children, sex,  
17 marital status, sexual orientation, age, honorably discharged veteran  
18 or military status, or the presence of any sensory, mental, or  
19 physical disability or the use of a trained dog guide or service  
20 animal by a person with a disability are a matter of state concern,  
21 that such discrimination threatens not only the rights and proper

1 privileges of its inhabitants but menaces the institutions and  
2 foundation of a free democratic state. A state agency is herein  
3 created with powers with respect to elimination and prevention of  
4 discrimination in employment, in credit and insurance transactions,  
5 in places of public resort, accommodation, or amusement, and in real  
6 property transactions because of race, creed, color, national origin,  
7 citizenship or immigration status, families with children, sex,  
8 marital status, sexual orientation, age, honorably discharged veteran  
9 or military status, or the presence of any sensory, mental, or  
10 physical disability or the use of a trained dog guide or service  
11 animal by a person with a disability; and the commission established  
12 hereunder is hereby given general jurisdiction and power for such  
13 purposes.

14 **Sec. 2.** RCW 49.60.020 and 2007 c 187 s 2 are each amended to  
15 read as follows:

16 The provisions of this chapter shall be construed liberally for  
17 the accomplishment of the purposes thereof. Nothing contained in this  
18 chapter shall be deemed to repeal any of the provisions of any other  
19 law of this state relating to discrimination because of race, color,  
20 creed, national origin, citizenship or immigration status, sex,  
21 marital status, sexual orientation, age, honorably discharged veteran  
22 or military status, or the presence of any sensory, mental, or  
23 physical disability, other than a law which purports to require or  
24 permit doing any act which is an unfair practice under this chapter.  
25 However, to the extent that distinction or differential treatment on  
26 the basis of citizenship or immigration status is required by federal  
27 or state law, regulation, or government contract, it is not an unfair  
28 practice. Nor shall anything herein contained be construed to deny  
29 the right to any person to institute any action or pursue any civil  
30 or criminal remedy based upon an alleged violation of his or her  
31 civil rights. This chapter shall not be construed to endorse any  
32 specific belief, practice, behavior, or orientation. Inclusion of  
33 sexual orientation in this chapter shall not be construed to modify  
34 or supersede state law relating to marriage.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.60  
36 RCW to read as follows:

37 It is not an unfair practice when a distinction or differential  
38 treatment on the basis of citizenship or immigration status is

1 required by federal or state law, regulation, rule, or government  
2 contract.

3 **Sec. 4.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to  
4 read as follows:

5 (1) The right to be free from discrimination because of race,  
6 creed, color, national origin, citizenship or immigration status,  
7 sex, honorably discharged veteran or military status, sexual  
8 orientation, or the presence of any sensory, mental, or physical  
9 disability or the use of a trained dog guide or service animal by a  
10 person with a disability is recognized as and declared to be a civil  
11 right. This right shall include, but not be limited to:

12 (a) The right to obtain and hold employment without  
13 discrimination;

14 (b) The right to the full enjoyment of any of the accommodations,  
15 advantages, facilities, or privileges of any place of public resort,  
16 accommodation, assemblage, or amusement;

17 (c) The right to engage in real estate transactions without  
18 discrimination, including discrimination against families with  
19 children;

20 (d) The right to engage in credit transactions without  
21 discrimination;

22 (e) The right to engage in insurance transactions or transactions  
23 with health maintenance organizations without discrimination:  
24 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
25 48.44.220, or 48.46.370 does not constitute an unfair practice for  
26 the purposes of this subparagraph;

27 (f) The right to engage in commerce free from any discriminatory  
28 boycotts or blacklists. Discriminatory boycotts or blacklists for  
29 purposes of this section shall be defined as the formation or  
30 execution of any express or implied agreement, understanding, policy  
31 or contractual arrangement for economic benefit between any persons  
32 which is not specifically authorized by the laws of the United States  
33 and which is required or imposed, either directly or indirectly,  
34 overtly or covertly, by a foreign government or foreign person in  
35 order to restrict, condition, prohibit, or interfere with or in order  
36 to exclude any person or persons from any business relationship on  
37 the basis of race, color, creed, religion, sex, honorably discharged  
38 veteran or military status, sexual orientation, the presence of any  
39 sensory, mental, or physical disability, or the use of a trained dog

1 guide or service animal by a person with a disability, or national  
2 origin, citizenship or immigration status, or lawful business  
3 relationship: PROVIDED HOWEVER, That nothing herein contained shall  
4 prohibit the use of boycotts as authorized by law pertaining to labor  
5 disputes and unfair labor practices; and

6 (g) The right of a mother to breastfeed her child in any place of  
7 public resort, accommodation, assemblage, or amusement.

8 (2) Any person deeming himself or herself injured by any act in  
9 violation of this chapter shall have a civil action in a court of  
10 competent jurisdiction to enjoin further violations, or to recover  
11 the actual damages sustained by the person, or both, together with  
12 the cost of suit including reasonable attorneys' fees or any other  
13 appropriate remedy authorized by this chapter or the United States  
14 Civil Rights Act of 1964 as amended, or the Federal Fair Housing  
15 Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.).

16 (3) Except for any unfair practice committed by an employer  
17 against an employee or a prospective employee, or any unfair practice  
18 in a real estate transaction which is the basis for relief specified  
19 in the amendments to RCW 49.60.225 contained in chapter 69, Laws of  
20 1993, any unfair practice prohibited by this chapter which is  
21 committed in the course of trade or commerce as defined in the  
22 Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of  
23 applying that chapter, a matter affecting the public interest, is not  
24 reasonable in relation to the development and preservation of  
25 business, and is an unfair or deceptive act in trade or commerce.

26 **Sec. 5.** RCW 49.60.120 and 2007 c 187 s 5 are each amended to  
27 read as follows:

28 The commission shall have the functions, powers, and duties:

29 (1) To appoint an executive director and chief examiner, and such  
30 investigators, examiners, clerks, and other employees and agents as  
31 it may deem necessary, fix their compensation within the limitations  
32 provided by law, and prescribe their duties.

33 (2) To obtain upon request and utilize the services of all  
34 governmental departments and agencies.

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

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

1 (5) To issue such publications and results of investigations and  
2 research as in its judgment will tend to promote good will and  
3 minimize or eliminate discrimination because of sex, sexual  
4 orientation, race, creed, color, national origin, citizenship or  
5 immigration status, marital status, age, honorably discharged veteran  
6 or military status, or the presence of any sensory, mental, or  
7 physical disability, or the use of a trained dog guide or service  
8 animal by a person with a disability.

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

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

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

26 **Sec. 6.** RCW 49.60.130 and 2007 c 187 s 6 are each amended to  
27 read as follows:

28 The commission has power to create such advisory agencies and  
29 conciliation councils, local, regional, or statewide, as in its  
30 judgment will aid in effectuating the purposes of this chapter. The  
31 commission may empower them to study the problems of discrimination  
32 in all or specific fields of human relationships or in specific  
33 instances of discrimination because of sex, race, creed, color,  
34 national origin, citizenship or immigration status, marital status,  
35 sexual orientation, age, honorably discharged veteran or military  
36 status, or the presence of any sensory, mental, or physical  
37 disability or the use of a trained dog guide or service animal by a  
38 person with a disability; to foster through community effort or  
39 otherwise good will, cooperation, and conciliation among the groups

1 and elements of the population of the state, and to make  
2 recommendations to the commission for the development of policies and  
3 procedures in general and in specific instances, and for programs of  
4 formal and informal education which the commission may recommend to  
5 the appropriate state agency.

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

14 **Sec. 7.** RCW 49.60.175 and 2007 c 187 s 7 are each amended to  
15 read as follows:

16 It shall be an unfair practice to use the sex, race, creed,  
17 color, national origin, citizenship or immigration status, marital  
18 status, honorably discharged veteran or military status, sexual  
19 orientation, or the presence of any sensory, mental, or physical  
20 disability of any person, or the use of a trained dog guide or  
21 service animal by a person with a disability, concerning an  
22 application for credit in any credit transaction to determine the  
23 creditworthiness of an applicant.

24 **Sec. 8.** RCW 49.60.176 and 2007 c 187 s 8 are each amended to  
25 read as follows:

26 (1) It is an unfair practice for any person whether acting for  
27 himself, herself, or another in connection with any credit  
28 transaction because of race, creed, color, national origin,  
29 citizenship or immigration status, sex, marital status, honorably  
30 discharged veteran or military status, sexual orientation, or the  
31 presence of any sensory, mental, or physical disability or the use of  
32 a trained dog guide or service animal by a person with a disability:

33 (a) To deny credit to any person;

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

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

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

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

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

10 **Sec. 9.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read  
11 as follows:

12 It is an unfair practice for any person whether acting for  
13 himself, herself, or another in connection with an insurance  
14 transaction or transaction with a health maintenance organization to  
15 cancel or fail or refuse to issue or renew insurance or a health  
16 maintenance agreement to any person because of sex, marital status,  
17 sexual orientation, race, creed, color, national origin, citizenship  
18 or immigration status, or the presence of any sensory, mental, or  
19 physical disability or the use of a trained dog guide or service  
20 animal by a ((disabled)) person with disabilities: PROVIDED, That a  
21 practice which is not unlawful under RCW 48.30.300, 48.44.220, or  
22 48.46.370 does not constitute an unfair practice for the purposes of  
23 this section. For the purposes of this section, "insurance  
24 transaction" is defined in RCW 48.01.060, health maintenance  
25 agreement is defined in RCW 48.46.020, and "health maintenance  
26 organization" is defined in RCW 48.46.020.

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

30 The insurance commissioner, under RCW 48.30.300, and the human  
31 rights commission, under chapter 49.60 RCW, shall have concurrent  
32 jurisdiction under this section and shall enter into a working  
33 agreement as to procedure to be followed in complaints under this  
34 section.

35 **Sec. 10.** RCW 49.60.180 and 2007 c 187 s 9 are each amended to  
36 read as follows:

37 It is an unfair practice for any employer:

1 (1) To refuse to hire any person because of age, sex, marital  
2 status, sexual orientation, race, creed, color, national origin,  
3 citizenship or immigration status, honorably discharged veteran or  
4 military status, or the presence of any sensory, mental, or physical  
5 disability or the use of a trained dog guide or service animal by a  
6 person with a disability, unless based upon a bona fide occupational  
7 qualification: PROVIDED, That the prohibition against discrimination  
8 because of such disability shall not apply if the particular  
9 disability prevents the proper performance of the particular worker  
10 involved: PROVIDED, That this section shall not be construed to  
11 require an employer to establish employment goals or quotas based on  
12 sexual orientation.

13 (2) To discharge or bar any person from employment because of  
14 age, sex, marital status, sexual orientation, race, creed, color,  
15 national origin, citizenship or immigration status, honorably  
16 discharged veteran or military status, or the presence of any  
17 sensory, mental, or physical disability or the use of a trained dog  
18 guide or service animal by a person with a disability.

19 (3) To discriminate against any person in compensation or in  
20 other terms or conditions of employment because of age, sex, marital  
21 status, sexual orientation, race, creed, color, national origin,  
22 citizenship or immigration status, honorably discharged veteran or  
23 military status, or the presence of any sensory, mental, or physical  
24 disability or the use of a trained dog guide or service animal by a  
25 person with a disability: PROVIDED, That it shall not be an unfair  
26 practice for an employer to segregate washrooms or locker facilities  
27 on the basis of sex, or to base other terms and conditions of  
28 employment on the sex of employees where the commission by regulation  
29 or ruling in a particular instance has found the employment practice  
30 to be appropriate for the practical realization of equality of  
31 opportunity between the sexes.

32 (4) To print, or circulate, or cause to be printed or circulated  
33 any statement, advertisement, or publication, or to use any form of  
34 application for employment, or to make any inquiry in connection with  
35 prospective employment, which expresses any limitation,  
36 specification, or discrimination as to age, sex, marital status,  
37 sexual orientation, race, creed, color, national origin, citizenship  
38 or immigration status, honorably discharged veteran or military  
39 status, or the presence of any sensory, mental, or physical  
40 disability or the use of a trained dog guide or service animal by a



1 person with a disability, or any intent to make any such limitation,  
2 specification, or discrimination, unless based upon a bona fide  
3 occupational qualification: PROVIDED, Nothing contained herein shall  
4 prohibit advertising in a foreign language.

5 **Sec. 11.** RCW 49.60.190 and 2007 c 187 s 10 are each amended to  
6 read as follows:

7 It is an unfair practice for any labor union or labor  
8 organization:

9 (1) To deny membership and full membership rights and privileges  
10 to any person because of age, sex, marital status, sexual  
11 orientation, race, creed, color, national origin, citizenship or  
12 immigration status, honorably discharged veteran or military status,  
13 or the presence of any sensory, mental, or physical disability or the  
14 use of a trained dog guide or service animal by a person with a  
15 disability.

16 (2) To expel from membership any person because of age, sex,  
17 marital status, sexual orientation, race, creed, color, national  
18 origin, citizenship or immigration status, honorably discharged  
19 veteran or military status, or the presence of any sensory, mental,  
20 or physical disability or the use of a trained dog guide or service  
21 animal by a person with a disability.

22 (3) To discriminate against any member, employer, employee, or  
23 other person to whom a duty of representation is owed because of age,  
24 sex, marital status, sexual orientation, race, creed, color, national  
25 origin, citizenship or immigration status, honorably discharged  
26 veteran or military status, or the presence of any sensory, mental,  
27 or physical disability or the use of a trained dog guide or service  
28 animal by a person with a disability.

29 **Sec. 12.** RCW 49.60.200 and 2007 c 187 s 11 are each amended to  
30 read as follows:

31 It is an unfair practice for any employment agency to fail or  
32 refuse to classify properly or refer for employment, or otherwise to  
33 discriminate against, an individual because of age, sex, marital  
34 status, sexual orientation, race, creed, color, national origin,  
35 citizenship or immigration status, honorably discharged veteran or  
36 military status, or the presence of any sensory, mental, or physical  
37 disability or the use of a trained dog guide or service animal by a  
38 person with a disability, or to print or circulate, or cause to be

1 printed or circulated any statement, advertisement, or publication,  
2 or to use any form of application for employment, or to make any  
3 inquiry in connection with prospective employment, which expresses  
4 any limitation, specification or discrimination as to age, sex, race,  
5 sexual orientation, creed, color, or national origin, citizenship or  
6 immigration status, honorably discharged veteran or military status,  
7 or the presence of any sensory, mental, or physical disability or the  
8 use of a trained dog guide or service animal by a person with a  
9 disability, or any intent to make any such limitation, specification,  
10 or discrimination, unless based upon a bona fide occupational  
11 qualification: PROVIDED, Nothing contained herein shall prohibit  
12 advertising in a foreign language.

13 **Sec. 13.** RCW 49.60.215 and 2011 c 237 s 1 are each amended to  
14 read as follows:

15 (1) It shall be an unfair practice for any person or the person's  
16 agent or employee to commit an act which directly or indirectly  
17 results in any distinction, restriction, or discrimination, or the  
18 requiring of any person to pay a larger sum than the uniform rates  
19 charged other persons, or the refusing or withholding from any person  
20 the admission, patronage, custom, presence, frequenting, dwelling,  
21 staying, or lodging in any place of public resort, accommodation,  
22 assemblage, or amusement, except for conditions and limitations  
23 established by law and applicable to all persons, regardless of race,  
24 creed, color, national origin, citizenship or immigration status,  
25 sexual orientation, sex, honorably discharged veteran or military  
26 status, status as a mother breastfeeding her child, the presence of  
27 any sensory, mental, or physical disability, or the use of a trained  
28 dog guide or service animal by a person with a disability: PROVIDED,  
29 That this section shall not be construed to require structural  
30 changes, modifications, or additions to make any place accessible to  
31 a person with a disability except as otherwise required by law:  
32 PROVIDED, That behavior or actions constituting a risk to property or  
33 other persons can be grounds for refusal and shall not constitute an  
34 unfair practice.

35 (2) This section does not apply to food establishments, as  
36 defined in RCW 49.60.218, with respect to the use of a trained dog  
37 guide or service animal by a person with a disability. Food  
38 establishments are subject to RCW 49.60.218 with respect to trained  
39 dog guides and service animals.

1       **Sec. 14.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to  
2 read as follows:

3       (1) It is an unfair practice for any person, whether acting for  
4 himself, herself, or another, because of sex, marital status, sexual  
5 orientation, race, creed, color, national origin, citizenship or  
6 immigration status, families with children status, honorably  
7 discharged veteran or military status, the presence of any sensory,  
8 mental, or physical disability, or the use of a trained dog guide or  
9 service animal by a person with a disability:

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

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

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

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

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

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

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

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

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

1 (j) To discriminate in the course of negotiating, executing, or  
2 financing a real estate transaction whether by mortgage, deed of  
3 trust, contract, or other instrument imposing a lien or other  
4 security in real property, or in negotiating or executing any item or  
5 service related thereto including issuance of title insurance,  
6 mortgage insurance, loan guarantee, or other aspect of the  
7 transaction. Nothing in this section shall limit the effect of RCW  
8 49.60.176 relating to unfair practices in credit transactions; or

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

11 (2) For the purposes of this chapter discrimination based on the  
12 presence of any sensory, mental, or physical disability or the use of  
13 a trained dog guide or service animal by a person who is blind, deaf,  
14 or physically disabled includes:

15 (a) A refusal to permit, at the expense of the person with a  
16 disability, reasonable modifications of existing premises occupied or  
17 to be occupied by such person if such modifications may be necessary  
18 to afford such person full enjoyment of the dwelling, except that, in  
19 the case of a rental, the landlord may, where it is reasonable to do  
20 so, condition permission for a modification on the renter agreeing to  
21 restore the interior of the dwelling to the condition that existed  
22 before the modification, reasonable wear and tear excepted;

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

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

38 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
39 single-family house rented or leased by the owner if the owner does  
40 not own or have an interest in the proceeds of the rental or lease of

1 more than three such single-family houses at one time, the rental or  
2 lease occurred without the use of a (~~real-estate~~) salesperson, or a  
3 broker (~~or salesperson,~~) as defined in RCW (~~18.85.010~~) 18.85.011,  
4 and the rental or lease occurred without the publication, posting, or  
5 mailing of any advertisement, sign, or statement in violation of  
6 subsection (1)(g) of this section; or (ii) rooms or units in  
7 dwellings containing living quarters occupied or intended to be  
8 occupied by no more than four families living independently of each  
9 other if the owner maintains and occupies one of the rooms or units  
10 as his or her residence.

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

17 (4) Except pursuant to subsection (2)(a) of this section, this  
18 section shall not be construed to require structural changes,  
19 modifications, or additions to make facilities accessible to a person  
20 with a disability except as otherwise required by law. Nothing in  
21 this section affects the rights, responsibilities, and remedies of  
22 landlords and tenants pursuant to chapter 59.18 or 59.20 RCW,  
23 including the right to post and enforce reasonable rules of conduct  
24 and safety for all tenants and their guests, provided that chapters  
25 59.18 and 59.20 RCW are only affected to the extent they are  
26 inconsistent with the nondiscrimination requirements of this chapter.  
27 Nothing in this section limits the applicability of any reasonable  
28 federal, state, or local restrictions regarding the maximum number of  
29 occupants permitted to occupy a dwelling.

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

37 (6) Nothing in this chapter prohibiting discrimination based on  
38 families with children status applies to housing for older persons as  
39 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
40 Sec. 3607(b)(1) through (3), as amended by the housing for older

1 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.  
2 Nothing in this chapter authorizes requirements for housing for older  
3 persons different than the requirements in the federal fair housing  
4 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as  
5 amended by the housing for older persons act of 1995, P.L. 104-76, as  
6 enacted on December 28, 1995.

7 (7) Nothing in this chapter shall apply to real estate  
8 transactions involving the sharing of a dwelling unit, or rental or  
9 sublease of a portion of a dwelling unit, when the dwelling unit is  
10 to be occupied by the owner or sublessor. For purposes of this  
11 section, "dwelling unit" has the same meaning as in RCW 59.18.030.

12 **Sec. 15.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to  
13 read as follows:

14 It is an unfair practice for any person, for profit, to induce or  
15 attempt to induce any person to sell or rent any real property by  
16 representations regarding the entry or prospective entry into the  
17 neighborhood of a person or persons of a particular race, creed,  
18 color, sex, national origin, citizenship or immigration status,  
19 sexual orientation, families with children status, honorably  
20 discharged veteran or military status, or with any sensory, mental,  
21 or physical disability and/or the use of a trained dog guide or  
22 service animal by a person who is blind, deaf, or physically  
23 disabled.

24 **Sec. 16.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to  
25 read as follows:

26 (1) Every provision in a written instrument relating to real  
27 property which purports to forbid or restrict the conveyance,  
28 encumbrance, occupancy, or lease thereof to individuals of a  
29 specified race, creed, color, sex, national origin, citizenship or  
30 immigration status, sexual orientation, families with children  
31 status, honorably discharged veteran or military status, or with any  
32 sensory, mental, or physical disability or the use of a trained dog  
33 guide or service animal by a person who is blind, deaf, or physically  
34 disabled, and every condition, restriction, or prohibition, including  
35 a right of entry or possibility of reverter, which directly or  
36 indirectly limits the use or occupancy of real property on the basis  
37 of race, creed, color, sex, national origin, citizenship or  
38 immigration status, sexual orientation, families with children

1 status, honorably discharged veteran or military status, or the  
2 presence of any sensory, mental, or physical disability or the use of  
3 a trained dog guide or service animal by a person who is blind, deaf,  
4 or physically disabled is void.

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

9 **Sec. 17.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to  
10 read as follows:

11 (1) When a reasonable cause determination has been made under RCW  
12 49.60.240 that an unfair practice in a real estate transaction has  
13 been committed and a finding has been made that the respondent has  
14 engaged in any unfair practice under RCW 49.60.250, the  
15 administrative law judge shall promptly issue an order for such  
16 relief suffered by the aggrieved person as may be appropriate, which  
17 may include actual damages as provided by the federal fair housing  
18 amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive  
19 or other equitable relief. Such order may, to further the public  
20 interest, assess a civil penalty against the respondent:

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

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

28 (c) In an amount up to fifty thousand dollars if the respondent  
29 has been determined to have committed two or more unfair practices in  
30 a real estate transaction during the seven-year period ending on the  
31 date of the filing of this charge, for loss of the right secured by  
32 RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224,  
33 as now or hereafter amended, to be free from discrimination in real  
34 property transactions because of sex, marital status, race, creed,  
35 color, national origin, citizenship or immigration status, sexual  
36 orientation, families with children status, honorably discharged  
37 veteran or military status, or the presence of any sensory, mental,  
38 or physical disability or the use of a trained dog guide or service  
39 animal by a person who is blind, deaf, or physically disabled.

1 Enforcement of the order and appeal therefrom by the complainant or  
2 respondent may be made as provided in RCW 49.60.260 and 49.60.270. If  
3 acts constituting the unfair practice in a real estate transaction  
4 that is the object of the charge are determined to have been  
5 committed by the same natural person who has been previously  
6 determined to have committed acts constituting an unfair practice in  
7 a real estate transaction, then the civil penalty of up to fifty  
8 thousand dollars may be imposed without regard to the period of time  
9 within which any subsequent unfair practice in a real estate  
10 transaction occurred. All civil penalties assessed under this section  
11 shall be paid into the state treasury and credited to the general  
12 fund.

13 (2) Such order shall not affect any contract, sale, conveyance,  
14 encumbrance, or lease consummated before the issuance of an order  
15 that involves a bona fide purchaser, encumbrancer, or tenant who does  
16 not have actual notice of the charge filed under this chapter.

17 (3) Notwithstanding any other provision of this chapter, persons  
18 awarded damages under this section may not receive additional damages  
19 pursuant to RCW 49.60.250.

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