

SB 6091 -- Redline

Substitute to Bill -- Prohibiting real estate brokers from marketing residential properties to an exclusive group of prospective buyers or real estate brokers.

Deletions ~~struck~~ · Insertions underlined

~~S-4352.1~~S-3470.1 ~~SUBSTITUTE~~ SENATE BILL 6091 State of Washington 69th Legislature 2026 Regular Session By ~~Senate Housing (originally sponsored by~~ Senators Lias, Gildon, Bateman, Alvarado, Braun, Chapman, Hasegawa, Lovelett, Lovick, MacEwen, Nobles, Riccelli, Saldana, Salomon, Shewmake, Short, Warnick, and ~~Wellman)~~Wellman ~~READ~~Read ~~FIRST~~first ~~TIME~~time ~~02/02/26~~01/13/26.

Referred to Committee on Housing.

amending RCW ~~18.86.031~~18.86.031, 18.86.120, and ~~18.86.120~~49.60.222;

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

A violation of either RCW 18.86.030 or section 1 of this act is a violation of RCW 18.85.361.

~~1 SSB~~SB 6091 ~~A~~Sec. ~~violation of either RCW 18.86.030 or section 1 of this act is a violation of RCW 18.85.361.~~

~~Sec.~~

For Sellers ~~p-~~A real estate firm and broker must enter into a written services agreement with a seller to establish an agency relationship.

~~2 SSB 6091 A real estate firm and broker must enter into a written services agreement with a seller to establish an agency relationship.~~

~~The firm's~~sp. ~~designated broker and any managing broker responsible for the supervision of those brokers are also agents of the seller.~~

2 SB 6091 firm's designated broker and any managing broker responsible for the supervision of those brokers are also agents of the seller.

Written Services Agreement A written services agreement between the firm and principal must contain the following:

~~3 SSB~~SB 6091 ~~Written~~(1) Services~~The Agreement~~term A(duration) written~~of services agreement between the firm~~agreement; and principal must contain the following:

~~(1) The term (duration) of the agreement;~~

and ~~p-~~(8) To disclose in writing any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.

~~4 Property SSB Must 6091 Be (8) Marketed To Publicly disclose~~p. ~~in writing any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.~~

~~Property~~4 Must~~SB Be6091-Marketed Publicly~~ Brokers who represent a seller must market residential property to all members of the public and all other brokers and may not market the property to an exclusive group of buyers or brokers only, unless the health or safety of the owner or occupant requires.

and ~~p-~~(5) To make a good faith and continuous effort to find a property for the buyer and to find a buyer for the seller's property, until the principals have entered a contract for the purchase or sale of property or as agreed otherwise in writing.

~~5 p.-SSB 6091 (5) To make a good faith and continuous effort to find a property for the buyer and to find a buyer for the seller's property, until the principals have entered a contract for the purchase or sale of property or as agreed otherwise in writing.~~

5 SB 6091 Compensation In any real estate transaction, a firm's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between firms.

Sec.

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RCW 49.60.222 and 2020 c 52 s 14 are each 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, citizenship or immigration status, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability:

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

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6 SB 6091 (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;

(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.

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7 SB 6091 (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 person who is blind, deaf, or physically disabled includes:

(a) A refusal to permit, at the expense of the person with a disability, 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 person who is blind, deaf, or physically disabled 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 salesperson, or a broker as defined in RCW 18.85.011, 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.

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8 SB 6091 (3) It is an unfair practice for a real estate licensee to market the sale or lease of residential real estate to a limited or exclusive group of prospective buyers, prospective tenants, or real estate licensees, or any combination thereof, unless the real estate is concurrently marketed to the general public and all other real estate licensees, except as reasonably necessary to protect the

health or safety of the owner or occupant.

(4) 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)) (5) 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 person with a disability 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)) (6) 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)) (7) 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 persons act of 1995, P.L.

104-76, as enacted on December 28, 1995.

Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the p.

9 SB 6091 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)) (8) 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 sublessor.

For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

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