

# CITIZENSHIP AND IMMIGRATION STATUS

WASHINGTON LAW AGAINST  
DISCRIMINATION

RCW 49.60

Laura Lindstrand, Policy Analyst

1

## Washington State Human Rights Commission

- Enforces the Washington State Law Against Discrimination, RCW 49.60
  - Prohibits discrimination in the areas of employment, housing, public accommodation, credit and insurance on the basis of protected class
- This agency investigates and resolves complaints of discrimination

2

## Citizenship and Immigration Status

- New protected class of Citizenship or Immigration Status added in 2020.
  - Went into effect June 11, 2020
  - No definition in the law itself
    - Merriam-Webster Dictionary defines citizenship as “the status of being a citizen”
    - Citizen is defined as a “member of a state” and “a native or naturalized person who owes allegiance to a government and is entitled to protection from it”
    - Immigration is defined as “travel into a country for the purpose of permanent residence there”
  - National Origin has been a protected class for many years, and cases involving Citizenship and Immigration status often also involve National Origin issues, and are investigated using a similar analysis as National Origin discrimination

3

## Legal Requirements

- Covered entities, such as housing providers, cannot discriminate against someone because of that person’s citizenship status
- Covered entities cannot give preference to someone because of that person’s citizenship status
  - Treat everyone the same regardless if the person is a native-born US citizen, a naturalized citizen, are not a citizen, or are in the process of becoming a citizen
- Covered entities cannot discriminate against a person because of that person’s immigration status
- Covered entities cannot give preference to someone because of that person’s immigration status
  - Treat everyone the same regardless if the person is an immigrant, if they were born in the U.S, if they intend to become a citizen or permanent resident, or if they intend to return to their country of origin.

4

## Enforcement

- Enforcement based on citizenship and immigration status will be similar to enforcement based on national origin, which was a protected class for many years prior to 2020
  - The WSHRC had treated citizenship and immigration status as under the umbrella of national origin
  - The new law clarifies that citizenship and immigration status are protected
  - Covered entities should not see big changes to enforcement; the same people will still be protected under the law in the same manner
  - We have come across a few situations in the employment area in which the person's immigration status has been a factor, but not their national origin, but have not come had any such complaints in the area of housing (yet)

5

## Obligations of Housing Providers

- Cannot deny housing to an otherwise qualified tenant
- Cannot require a higher security deposit or rent
- Cannot demand cash payments
- Cannot treat a person, their family, or their roommates differently
- Cannot threaten to call ICE if a tenant complains about conditions of the dwelling
- Cannot refuse to make repair and cannot delay repairs
- Must take action if they become aware that a person is being harassed by another tenant due to citizenship or immigration status (or any other protected class)

6

## Screening – Alternate Methods

- Cannot screen someone more rigorously due to citizenship/immigration status
- Cannot charge a higher application fee if alternate screening methods are used
- Alternate screening methods may need to be utilized by the housing provider if traditional screening methods cannot be used
  - If a prospective tenant does not have a social security number, the housing provider should accept alternate forms of identifying the prospective tenant
    - Passport
    - Citizenship or consulate card
    - INS form I-864 Sponsorship verification
    - Certificate of Naturalization
    - Resident card
    - Military card
    - School ID
    - Driver's license

7

## To Establish Rental History and Income

- Utility records
- Information from a former landlord
- Copy of a past lease
- Bank records
- Pay stubs
- Paid utility bills
- Letter from an employer

8

## Questions?

Please email your questions to

[policy@hum.wa.gov](mailto:policy@hum.wa.gov)