PROPOSED RULE MAKING

CR-102 (December 2017)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Licensing
☐ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____
☐ Preproposal Statement of Inquiry was filed as WSR 22-04-013; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
☐ Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 308-124A-785 Broker first active renewal; WAC 308-124A-790 Continuing education clock hour requirements; NEW WAC 308-124A-802 Defining prescribed Washington real estate fair housing curriculum; 308-124H -810 Course titles reserved for prescribed curriculum courses; 308-124H-820 General requirements for course approval; 308-124H-825 Secondary education provider course content approval application.

Hearing location(s):
Date: Time: Location: (be specific) Comment:
June 8, 2022 1:00-2:30 p.m. Zoom Virtual Hearing: If hearing participants have any issues accessing the public hearing web link or calling in, they can email rulescoordinator@dol.wa.gov and we will contact you to assist.
Web Link: https://dol-wa.zoom.us/j/84564602549?pwd=aVh0a0VFam1aL1dhRnJDU0paZmxmdz09
Meeting ID: 845 6460 2549 Passcode: 903319
Call In: One tap mobile
12532158782, 84564602549,903319# US (Tacoma)
14086380968, 84564602549,903319# US (San Jose)
Meeting ID: 845 6460 2549 Passcode: 903319
Find your local number: https://dol-wa.zoom.us/u/kcrucLSxAg

Date of intended adoption: June 9, 2022 (Note: This is NOT the effective date)
Submit written comments to:
Name: Stephanie Sams
Address: 405 Black Lake; Olympia, WA 98502
Email: doleducation5378@dol.wa.gov
Fax:
Other:
By (date) May 23, 2022
Assistance for persons with disabilities:
Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department of Licensing is conducting rulemaking related to implementing fair housing for Real Estate licensees. This is the result of Substitute Senate Bill (SSB) 5378, which passed the Washington State Legislature in 2021. This requires new and current Professional Real Estate licensees in Washington to take instructional hours in Fair Housing. DOL is tasked with providing the Fair Housing and prevention of unfair practices curriculum for Real Estate Licensees. The proposed rules incorporate the ‘Washington State Real Estate Fair Housing’ course into existing rules, make non-substantive technical and grammatical edits for clarity, and clarifies that licensees attest to meeting certain requirements and are subject to audit. Please see attached itemized summary of WAC changes.

Reasons supporting proposal: To update existing administrative rules to incorporate the new fair housing and consumer protection requirements outlined in SSB 5378 (2021).

Statutory authority for adoption: RCW 18.85.041; RCW

Statute being implemented: RCW 18.85.041; RCW 18.85.101; RCW 18.85.211

Is rule necessary because of a:
- Federal Law? ☒ No
- Federal Court Decision? ☒ No
- State Court Decision? ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Department of Licensing ☒ Governmental

Name of agency personnel responsible for:

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<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting</td>
<td>Stephanie Sams 405 Black Lake, Olympia, WA 98502</td>
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<tr>
<td>Implementation</td>
<td>Tim Allen 405 Black Lake, Olympia, WA 98502</td>
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<tr>
<td>Enforcement</td>
<td>Tim Allen 405 Black Lake, Olympia, WA 98502</td>
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Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here: The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Is a cost-benefit analysis required under RCW 34.05.328?
☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
   Name:
   Address:
   Phone:
   Fax:
   TTY:
   Email:
   Other:
☒ No: Please explain: The legislation imposes additional requirements on all new and current Professional Real Estate licensees in Washington; to take an additional 6hrs of instruction in Fair Housing. The rules adopt changes necessary to implement SSB 5378 (2021) in regard to fair housing and consumer protection education required for real estate licensees. The rule changes proposed include adding “Washington State Real Estate Fair Housing” to the list of required courses, clarifies that licensees must attest to completion of required training and may be subject to audit, and makes some grammatical and streamlining edits for clarification purposes. These requirements are dictated by statute, and are being further clarified in rule, without adding additional requirements or new practices/procedures for licensees.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:
This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):
☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
   RCW 34.05.310 (4)(b) (Correct or clarify language)
   (Internal government operations)
   RCW 34.05.310 (4)(c) (Set or adjust fees)
   (Incorporation by reference)
   ☒ RCW 34.05.310 (4)(d) (Dictated by statute)
   ☒ RCW 34.05.310 (4)(e) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)
☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of exemptions, if necessary: This rulemaking will adopt changes necessary to implement SSB 5378 (2021) in regard to fair housing and consumer protection education required for real estate licensees. The rule changes proposed include adding “Washington State Real Estate Fair Housing” to the list of required courses, clarifies that licensees must attest to completion of required training and may be subject to audit, and makes some grammatical and streamlining edits for clarification purposes.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES
If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?
☐ No  Briefly summarize the agency’s analysis showing how costs were calculated. ______
☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:
The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name: 
- Address: 
- Phone: 
- Fax: 
- TTY: 
- Email: 
- Other: 

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<thead>
<tr>
<th>Date: 05/04/2022</th>
<th>Signature:</th>
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<tbody>
<tr>
<td>Name: Ellis Starrett</td>
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<tr>
<td>Title: Agency Rules Coordinator</td>
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