



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: May 04, 2022

TIME: 10:16 AM

WSR 22-10-101

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	1-2:30 p.m.	Zoom Virtual Hearing: 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/j/kcrucLsXAg	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. If you would like to submit a written comment, these are considered with the same gravity as those that are submitted at the public hearing and can be emailed to rulescoordinator@dol.wa.gov .

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:

Contact _____
Phone:
Fax:
TTY:
Email:
Other:
By (date) _____

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? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes 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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Stephanie Sams	405 Black Lake, Olympia, WA 98502	
Implementation:	Tim Allen	405 Black Lake, Olympia, WA 98502	
Enforcement:	Tim Allen	405 Black Lake, Olympia, WA 98502	

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:

Fax:
TTY:
Email:
Other:

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:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)
((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:

Signature:

Date: 05/04/2022

Name: Ellis Starrett

Title: Agency Rules Coordinator

A handwritten signature in black ink, appearing to read 'Ellis Starrett', is written over the signature line.