



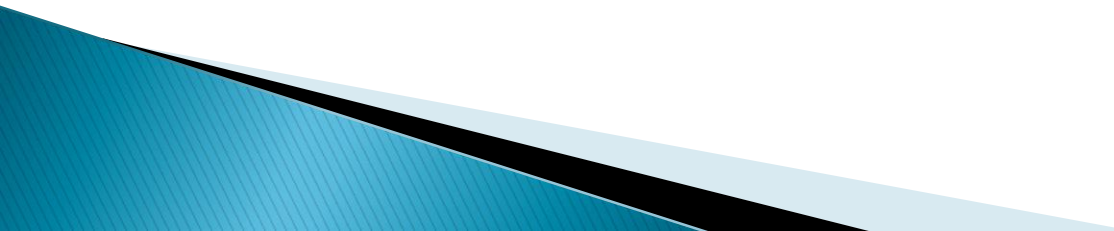
Veteran's Status in Housing

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Washington State Human
Rights Commission

Coverage Under RCW 49.60

RCW 49.60.10:

“The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of... honorably discharged veteran or military status... are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.”



RCW 49.60 (Continued)

RCW 49.60.030: Freedom from Discrimination – Declaration of Civil Rights

Right to be free from discrimination, including:

- ▶ The right to obtain and hold employment without discrimination;
- ▶ The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(Continued)



RCW 49.60 (Continued)

- ▶ The right to engage in credit transactions without discrimination;
- ▶ The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination;
- ▶ The right to engage in commerce free from any discriminatory boycotts or blacklists;

(Continued)



RCW 49.60 (Continued)

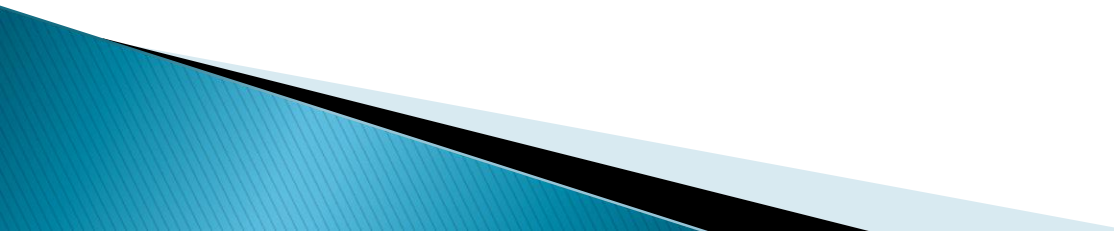
And: The right to engage in real estate transactions without discrimination.



Veterans and Disabilities

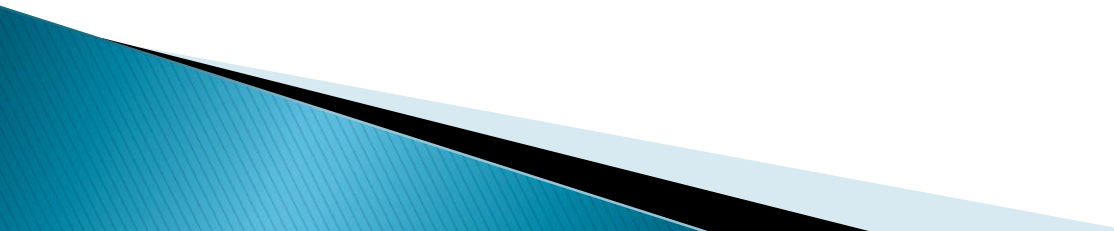
The WLAD also has greater protections for people with disabilities, as compared to the federal Americans with Disabilities Act, and the Federal Fair Housing Act.

This includes protections for people with traumatic brain injury, Post Traumatic Stress Disorder (PTSD), physical disabilities and depression or anxiety.



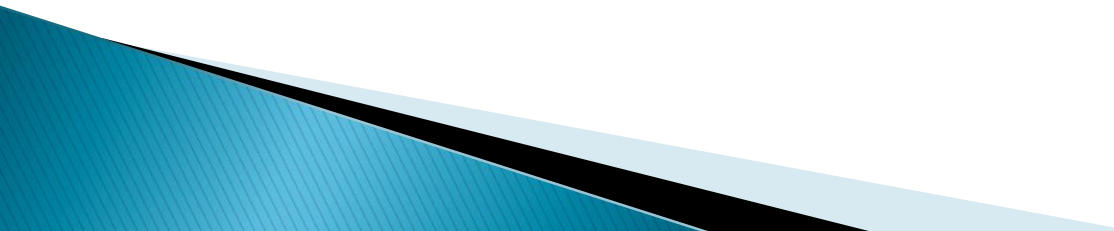
What kinds of questions cannot be asked by a potential housing provider?

A housing provider should not ask questions based on stereotypes. For example:

- ▶ questions about political beliefs related to military service; or
 - ▶ questions based on the assumption that veterans and service members have PTSD or other mental health conditions or disabilities.
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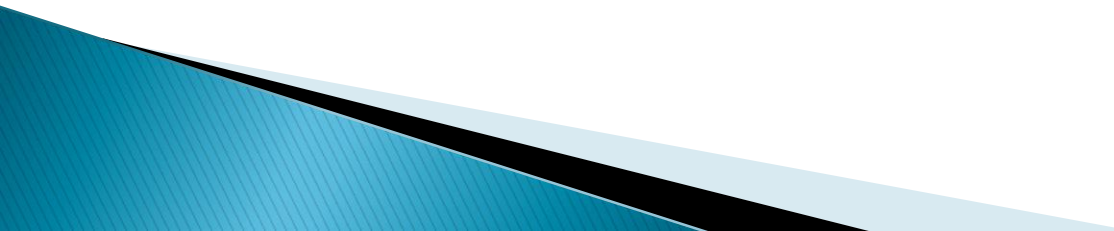
What kinds of questions can be asked by a potential housing provider?

Questions that are asked of all applicants:

- ▶ Do you have adequate income or resources to pay the rent?
 - ▶ Do you have rental references?
 - ▶ Will you follow the rules of the lease?
 - ▶ Who will occupy the dwelling?
 - ▶ Does your credit history meet my requirements?
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SERVICEMEMBERS CIVIL RELIEF ACT (“SCRA”)

50 U.S.C. App. §§501–597b

- ▶ The purposes of this Act are—
 - ▶ (1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation;
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SERVICEMEMBERS CIVIL RELIEF ACT (Continued)

- ▶ (2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

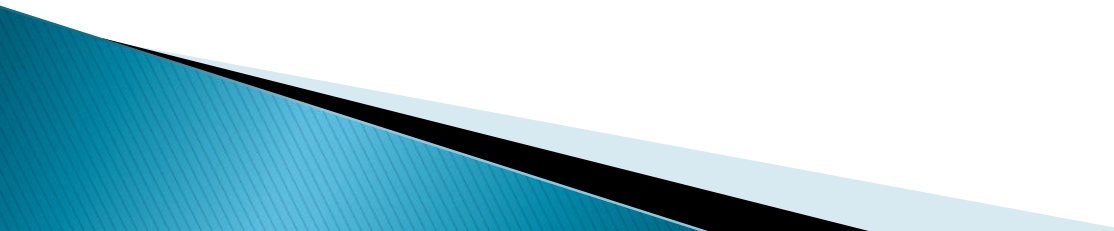
SCRA (Continued)

- ▶ SCRA is enforced by the United States Attorney General;
- ▶ WSHRC and HUD do not enforce the SCRA;
- ▶ Individuals may also file a private lawsuit in a court of law regarding SCRA violations.

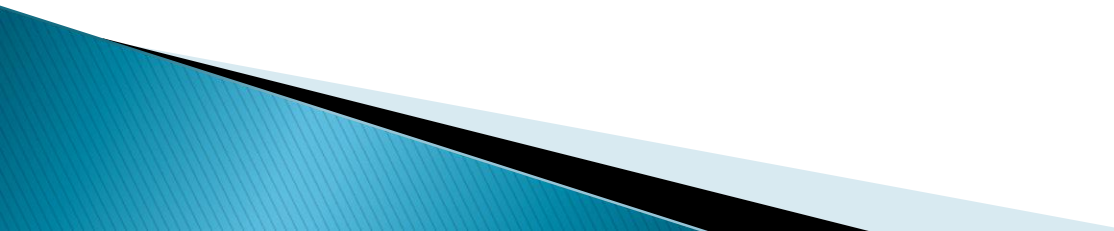
Violations of SCRA could be found to violate the RCW 49.60 protections for Veteran and Military status.



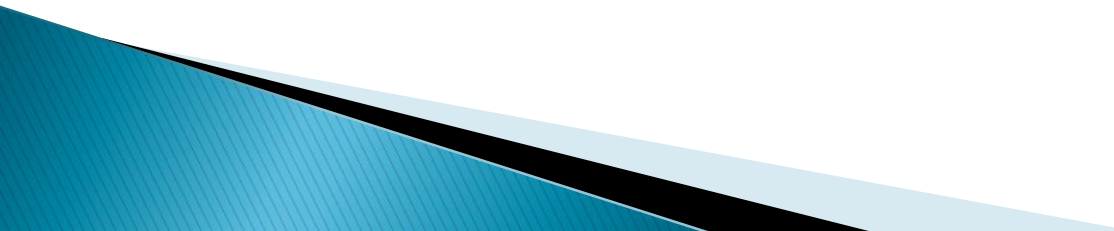
SCRA and Eviction from Housing

- ▶ Except by court order, a housing provider may not evict a servicemember or the dependents of a servicemember from a dwelling which:
 - Is occupied primarily as a residence; and
 - The rental rate, as adjusted for inflation, does not exceed \$3,217.81 (amount for 2013).
 - ▶ A housing provider also may not subject the household to distress during the service period.
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SCRA and Eviction (Continued)

- ▶ If a housing provider seeks an eviction or takes other “distressing” action during the servicemember’s military service time, a court can:
 - Stay the proceeding for 90 days (or for a longer or shorter time, as appropriate); and
 - Adjust the lease obligation to preserve the interests of all parties.
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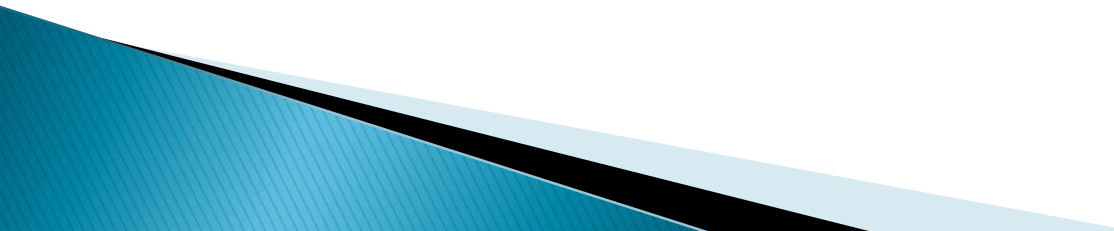
SCRA and Eviction(Continued)

- ▶ It is a misdemeanor for a housing provider to evict or take “distressing” actions against a servicemember or servicemember’s family;
 - ▶ Such an action can result in:
 - Fines as outlined in Title 18 of the United States Code; or
 - Imprisonment for up to one year; or
 - Both.
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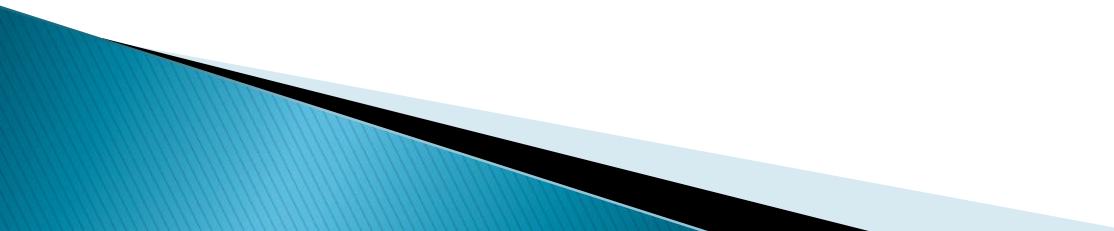
SCRA and Contracts / Leases

- ▶ After a servicemember enters military service, it is not permitted to rescind or terminate a contract with that person due to that person's breach of contract, regarding:
 - The purchase of real estate; and
 - The lease or rental of real estate.
- ▶ A court order is required to repossess such property.

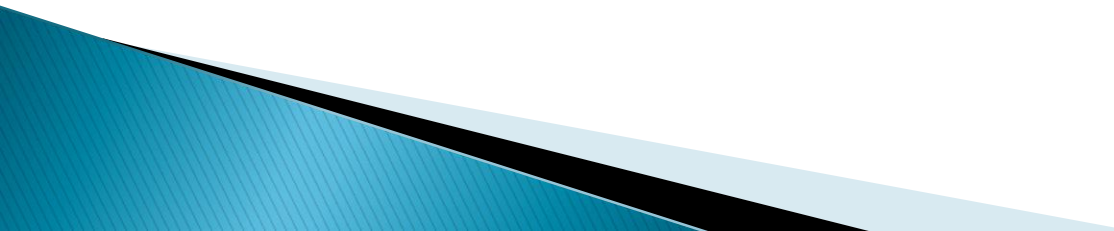
SCRA and Contracts / Leases (Continued)

- ▶ Housing providers must permit servicemembers and their dependents to terminate leases and rental agreements if the servicemember receives orders from the military that require a move or transfer.
 - ▶ This also terminates the obligations of any dependents who are on the lease.
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SCRA and How to Terminate Lease

- ▶ Servicemembers are to do the following to terminate their lease under SCRA:
 - Provide written notice of termination;
 - Provide a copy of the military orders that necessitate the lease termination; and
 - Hand deliver, deliver via third party, or mail the notice to the lessor.
 - ▶ Termination is effective 30 days after the end of the current rental period; and
 - ▶ No early termination fees can be imposed.
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SCRA – After a Lease Termination

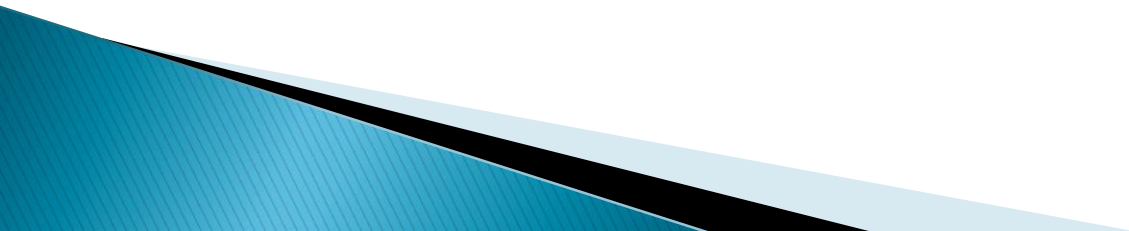
- ▶ Rent due after the termination notice is served for the next month must still be paid by the servicemember;
 - ▶ The servicemember is still responsible for damage to the premises;
 - ▶ Any pre-paid rent that is not used to cover the final month must be returned to the servicemember within 30 days of the lease end.
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RCW 49.60 and Veteran/Military Status Protections

- ▶ Under RCW 49.60, it is unlawful to:
 - Subject anyone to different treatment than other applicants or tenants based on Military Status;
 - Charging higher deposit amounts
 - Offering different lengths of leases
 - Subject anyone to discriminatory comments or advertising based on Military Status;
 - Evict someone based on Military Status; or
 - Refuse to rent to someone based on Military Status.

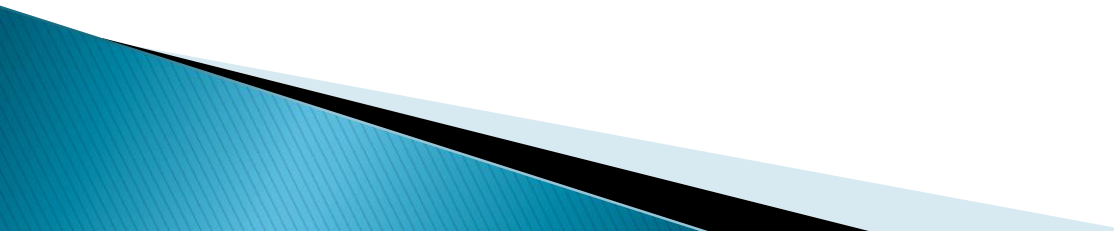
Scenario #1

I am in a twelve-month rental agreement, and after three months, the military is transferring me to another city. What should I do?



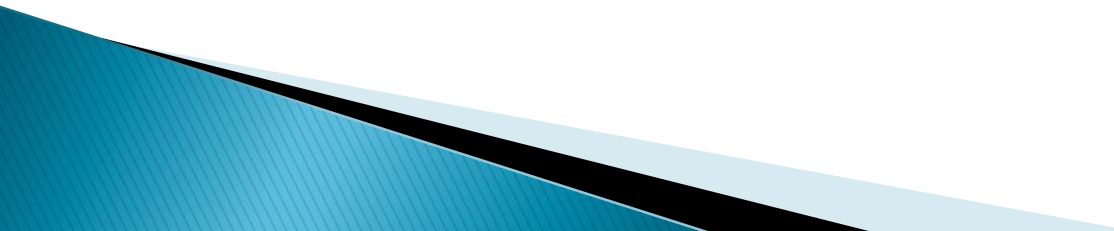
Scenario #2

A tenant provided the manager with a request to terminate tenancy based on military deployment, but has not yet provided the military orders. The manager was unaware that the tenant was even in the military before receiving the notice to terminate. What can the manager do?



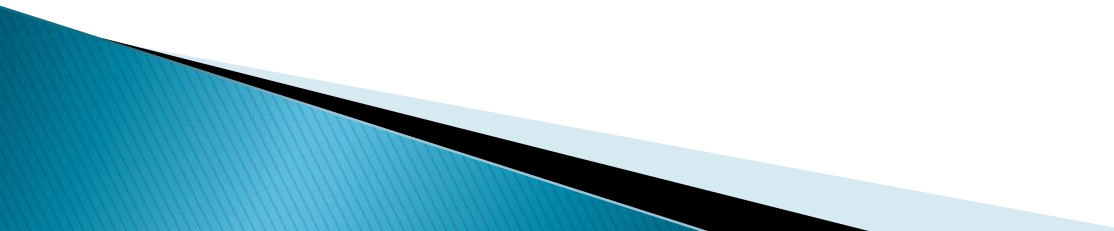
Scenario #3

The manager of the ABC Apartments just had a lease broken by a military serviceman without proper notice and discovered that there was excessive damage to the apartment. Is the manager justified in charging higher deposits to military personnel in the future? Is it ok to refuse to rent to military personnel to avoid the lease being terminated early?



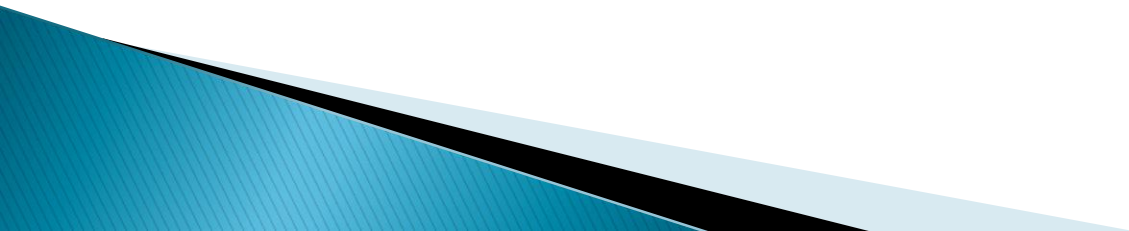
Scenario #4

I am a veteran, and I have multiple disabilities as a result of my service in the Gulf War. My apartment manager requires that tenants pay rent with money orders, and deliver them personally to her office. Sometimes my disabilities prevent me from leaving my apartment, making it impossible to purchase a money order or deliver my rent payment in person. What can I do?

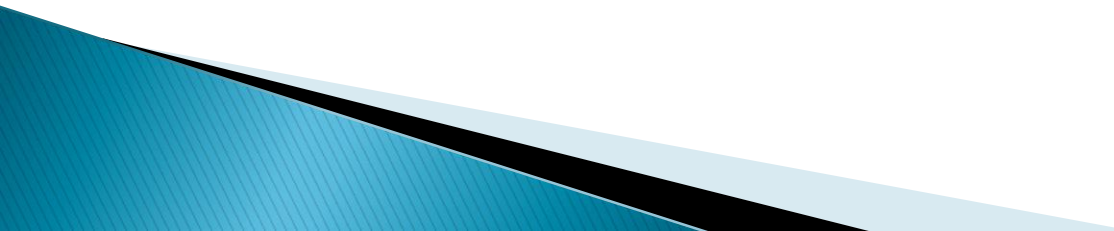


Scenario #5

I saw an advertisement in the newspaper encouraging current, active duty military personnel to apply for an apartment, and offering a discount. Is that allowed?



Questions about the Federal Laws?

- ▶ Washington Department of Veteran Affairs (WDVA) at 1-800-562-2308
 - ▶ Employer Support of the Guard and Reserve (ESGR) at 1-800-336-4590 (employment issues)
 - ▶ Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 – U.S. Department of Labor at 1-800-487-2365
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Questions?