

Civil Rights Enforcement



Chalia Stallings-Ala'ilima
Assistant Attorney General
Wing Luke Civil Rights Unit



Washington State
Office of the Attorney General

Attorney General
Bob Ferguson

¡Bienvenido! 欢迎 歡迎

How may we help you?



[Home](#) [News](#) [Office Information](#) [Serve The People](#) [Initiatives](#) [Resources](#) [AG Opinions](#) [Employment](#)

AG's sweep uncovers illegal housing discrimination against veterans

Eight companies providing housing in five Washington counties stop discriminating as a result of AGO enforcement action



Wing Luke Civil Rights Unit



Wing Luke Civil Rights Unit



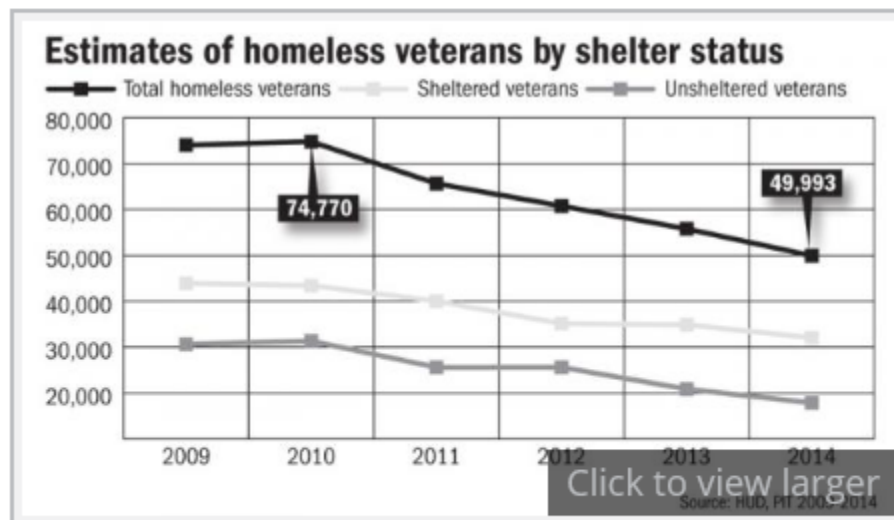
Veteran Vouchers and Housing



Homes for the brave

by *Rianna Hidalgo* | April 29th, 2015

Could an end to veteran homelessness finally be on the horizon?



Washington state's system of services for homeless veterans is getting a boost this year from the federal government: nearly \$1.6 million in funding and 240 additional rental assistance vouchers.



HUD.GOV



≡ HOME

Share 110

Tweet

Share



HUD No. 18-027
HUD Public Affairs
(202) 708-0685

FOR RELEASE

Friday

April 6, 2018

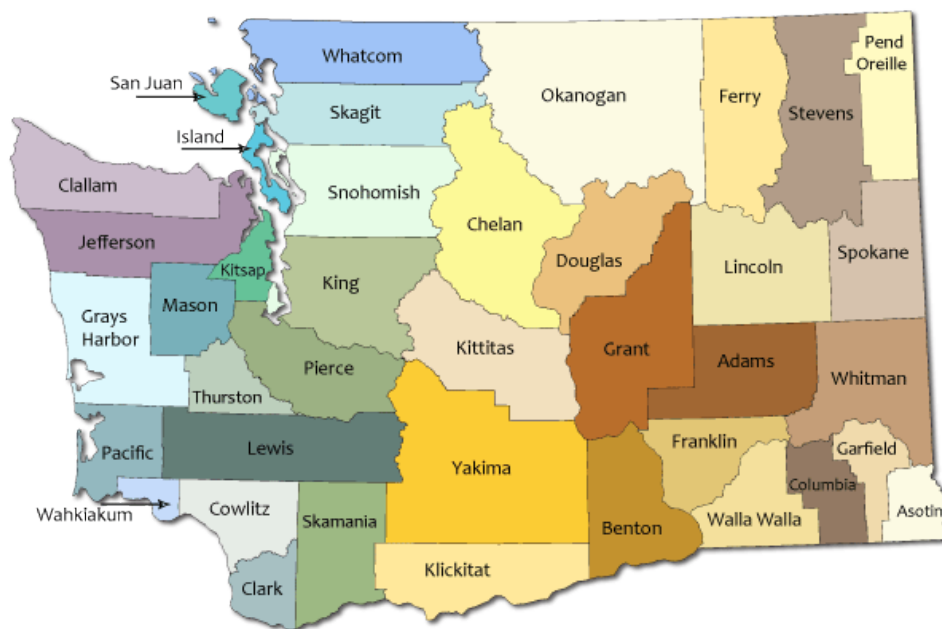
HUD, VA TEAM UP TO HELP HOMELESS VETERANS FIND PERMANENT HOMES

HUD-VASH vouchers to provide housing for 5,211 veterans

WASHINGTON - In a continued effort to end veteran homelessness, the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Veterans Affairs (VA) today announced \$43 million to 325 local public housing agencies (PHAs) across the country to provide a permanent home to more than 5,200 veterans experiencing homelessness. The supportive housing assistance announced today is provided through the [*HUD-Veterans Affairs Supportive Housing \(HUD-VASH\) Program*](#), which combines rental assistance from HUD with case management and clinical services provided by VA.

A component of the Housing Choice Voucher (HCV) program, the HUD-VASH vouchers being awarded today enable homeless veterans to obtain affordable, decent housing in the private market. These vouchers are critical tools in helping communities effectively end homelessness among veterans.

Veteran Vouchers and Housing in WA



2,609 VASH vouchers in Washington from 2010 to 2016

HUD April 6, 2018:

Washington Total	460	\$3,320,535
-----------------------------	------------	--------------------

Rent vouchers in hand, homeless Idaho veterans still struggle to find housing



Safe, affordable housing is tough for anyone to find, let alone for veteran voucher holders.

VA housing vouchers fizzle in hot SoCal rental market

After 35 minutes, Cindy Morrison arrived to unlock the door and deliver the same statement the two had been hearing all day--no, the building doesn't take federal rent assistance vouchers.

"Not even for veterans?" Carrillo asked.

"Not for anybody," Morrison said.

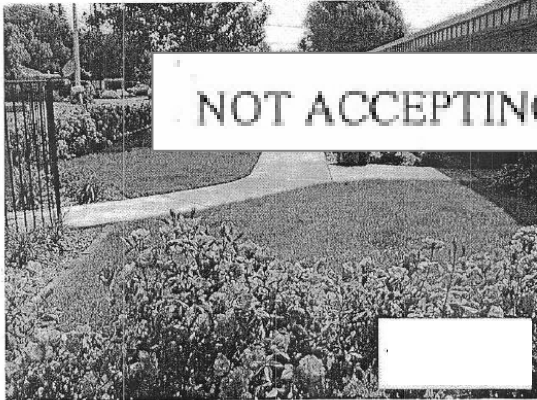
Veteran Vouchers and Housing in WA

CL spokane >
housing >
apts/housing for rent

Posted 2016-09-08 11:36am

\$585 / 1br - Lovely Garden Apartments!

Image 1 of 9



NOT ACCEPTING HOUSING ASSISTANCE AT THIS TIME

Lovely 1 bed/1 bath Ground Floor apartments available at

Apartments! \$585.00/month

- Air conditioning
- Lawns
- BBQ area and Garden Plots
- Two onsite laundry facilities.

Enjoy the convenience of living close to shopping, restaurants, major bus route and grocery stores!

We love our pets and welcome yours! (Certain restrictions apply)

Call today to reserve your new home!

(509) | www.l .net

NOT ACCEPTING HOUSING ASSISTANCE AT THIS TIME



Veteran Vouchers and Housing in WA



reply published Posted 7 days ago

✦ \$500 / 1br - 650ft² - Clean & spacious 1 bdr in Walla Walla

image 1 of 4



We do not take government housing assistance programs.



people map

1BR / 1Ba - 650ft² - available now

apartment
laundry in bldg
no smoking
off-street parking

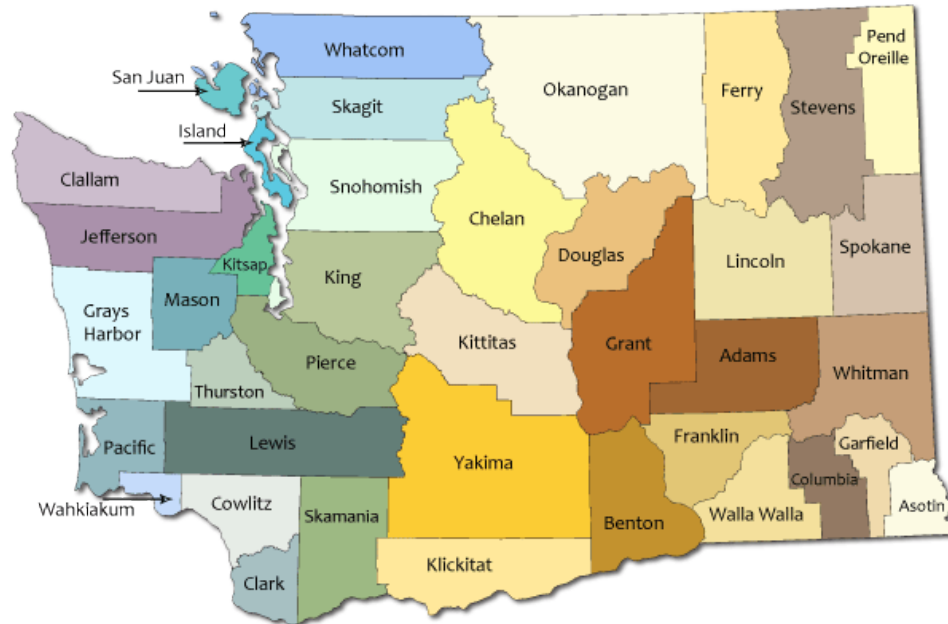


Much light in this open floor plan, located on 1st floor, step over kitchen with space for table, large deck, lots of storage. Electric heat. On site laundry. 1 assigned parking space. Sq. ft. approx. We do not take government housing assistance programs. No pets.

• do NOT contact me with unsolicited services or offers

post id: 5840951768 posted: 2 days ago updated: 1 day ago email to friend best of

Veteran Vouchers and Housing in WA



- 70 tests across the State
- Most “got it right”

Veteran Vouchers and Housing in WA



Kevin Smith <kev1956smith@gmail.com>

Good afternoon. Apt on

4 messages

Kevin Smith <kev1956smith@gmail.com>

Wed, Oct 19, 2016 at 11:17 AM

To: pg26t-5835320118@hous.craigslist.org

I was looking into the apartment on Sharp, the one on the 3rd floor.
Is it available soon?

Also, do you take veteran Vash vouchers? I have one that helps me pay a really good portion of my rent.

Thank you for any information ahead of time.

Kevin

craigslist 5835320118 <pg26t-5835320118@hous.craigslist.org>

Wed, Oct 19, 2016 at 12:03 PM

To: 3fb6f3ffed08320fb03c6187523f3858@reply.craigslist.org

Thanks for your interest. I am not taking vouchers at this time.

I am not taking vouchers at this time.

John Tyler <john7tyler@gmail.com>

Wed, Oct 26, 2016 at 3:51 PM

To: craigslist 5840463768 <tdmb9-5840463768@hous.craigslist.org>

Oh okay. For future reference, would you all take VASH Vouchers? Just trying to see who around town does.
Thanks,

John

[Quoted text hidden]

craigslist 5840463768 <tdmb9-5840463768@hous.craigslist.org>

Wed, Oct 26, 2016 at 6:49 PM

To: bd14b8e992bf36838b75985555dfd549@reply.craigslist.org

No, I do not.

No, I do not.

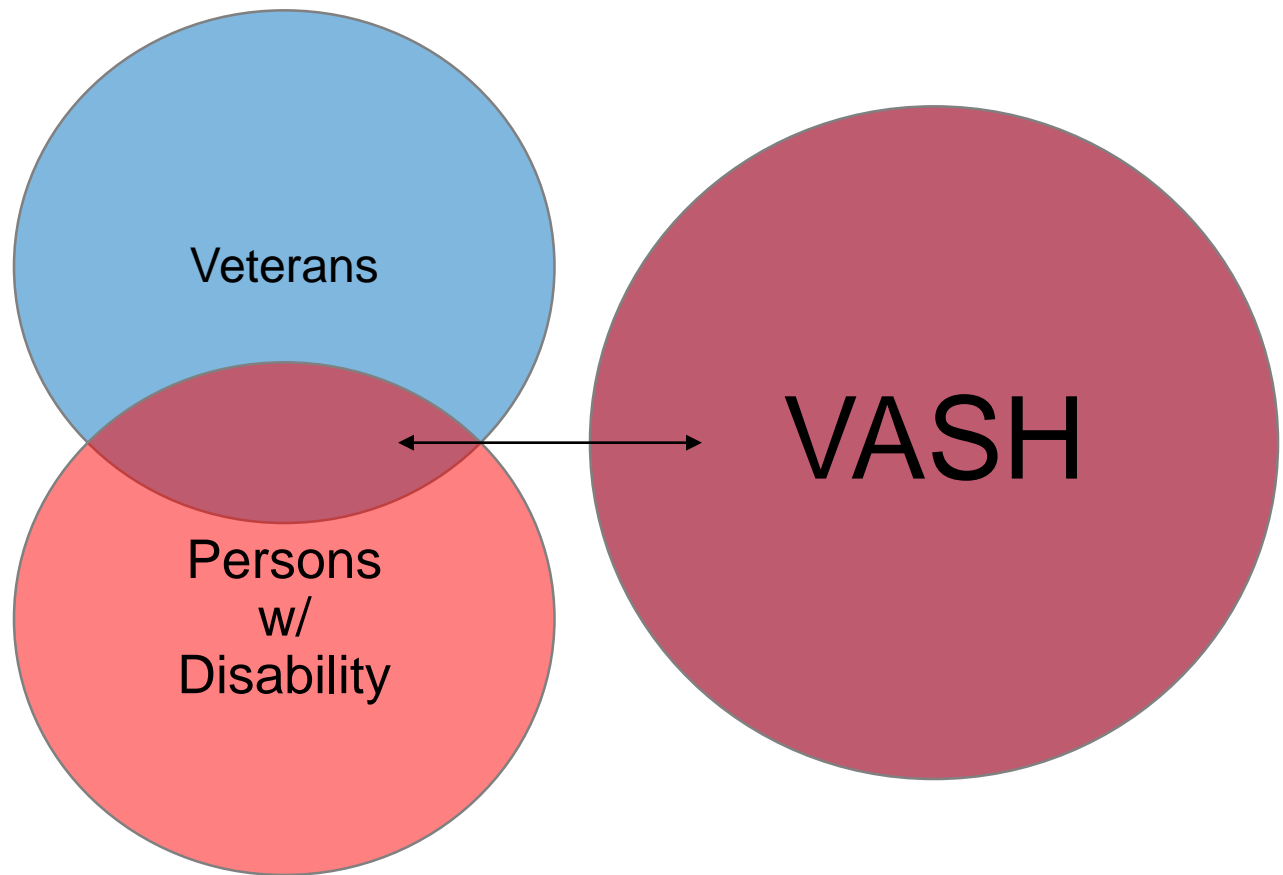


Discrimination



- **Targeting attributes exclusive to a particular class of people presumes targeting the class itself.** *E.g., Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 270 (1993) ("A tax on wearing yarmulkes is a tax on Jews.").
- **FHA prohibits housing providers from employing policies that have a disparate impact on protected classes.** 24 C.F.R. § 100.500 ("Discriminatory effect prohibited"); *Tex. Dep't of Hous. & Cmty. Affairs v. Inclusive Cmty. Project*, 135 S. Ct. 2507, 2525 (2015) (disparate impact claims are cognizable under the FHA).
- **WLAD prohibits practices that, though not motivated by discriminatory intent, have a disparate impact on a protected group.** *Kumar v. Gate Gourmet Inc.*, 180 Wn.2d 481, 503 (2014) ("[T]he WLAD creates a cause of action for disparate impact.").
- Housing providers may maintain a policy that causes a disparate impact only "if they can prove it is **necessary to achieve a valid interest.**" *Inclusive Cmty. Project*, which "**could not be served by another practice that has a less discriminatory effect.**" 24 C.F.R. § 100.500(b)(1); *Oliver v. Pac. Nw. Bell Tel. Co.*, 106 Wn.2d 675, 679 (1986) (explaining "business necessity" defense to disparate impact claim under the WLAD).

VASH = 100% Veteran w/ Disability



AG'S SWEEP UNCOVERS ILLEGAL HOUSING DISCRIMINATION AGAINST VETERANS



FOR IMMEDIATE RELEASE:

Feb 27 2018

Eight companies providing housing in five Washington counties stop discriminating as a result of AGO enforcement action

OLYMPIA — Attorney General Bob Ferguson announced today the completion of a sweep to crack down on illegal housing discrimination against veterans with disabilities, resulting in enforcement action against eight companies across the state.

As part of the enforcement action, the eight companies will stop discriminating.

“Veterans are protected from discrimination by Washington law,” Ferguson said. “No veteran should be denied a roof over their head based on how they plan to pay their rent.”

The Wing Luke Civil Rights Unit investigation, which began in 2016, uncovered property management companies around the state that were improperly rejecting Veterans Affairs Supportive Housing (VASH) vouchers. Eight of those companies entered into agreements with the Attorney General’s Office to end their discrimination and consider VASH vouchers as payment.

VASH is a joint program between the U.S. departments of Housing & Urban Development (HUD) and Veterans Affairs (VA). The program offers housing vouchers combined with VA support services for veterans who have a disability, including a serious mental illness, a history of substance abuse disorder or a physical disability.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON,

Plaintiff,

v.

NO.

CONSENT DECREE

• 3 year Compliance

• Policy Change

APPENDIX A
NONDISCRIMINATION POLICY

It is the policy of _____ to comply with Title VIII of the Civil Rights Act of 1968, as amended, commonly known as the Fair Housing Act, the Washington Law Against Discrimination, and the Washington Consumer Protection Act, by ensuring that apartments are available to all persons without regard to race, color, religion, national origin, sex, sexual orientation, marital status, familial status, honorably discharged veteran or military status, or disability. This policy means that, among other things _____ and all their agents and employees with the responsibility for showing, renting, or managing any dwelling units must not discriminate in any aspect of the rental of dwellings against qualified applicants or tenants. Specifically, they may not:

- A. Refuse to rent, refuse to negotiate for the rental of, or otherwise make unavailable or deny, a dwelling to any person based on any the characteristics underlined above;

• Training

- ✓ In-person fair housing training with specific emphasis on veteran status and disability discrimination
- ✓ Conducted by an independent, qualified third party, approved in advance by the AGO



Tips for Housing Providers



- Case by case considerations
- Evaluate policies and practices:
 - Think about who is affected
 - E.G.: Some sources of income are tied to protected status
 - Veterans Affairs Supportive Housing (VASH)
 - Social Security Disability Insurance (SSDI)
 - Refugee Assistance Program Benefits
 - Pregnant Women Assistance Program (PWA)

Case Examples



- *State v. Realty Mart Prop. Mgmt.* (Spokane County Superior Court)
 - Policy of charging double damage deposit to tenants with income from SSDI
 - More of a risk to landlord because “your income is not from employment”
 - Tenant met all other criteria, including a 3:1 income-to-rent ratio

Case Examples



➤ *State v. Realty Mart Prop. Mgmt.* (Spokane County Superior Court)

- Settlement with company requiring them to:
 - Change their policy
 - Send all staff to training
 - Report any future discrimination complaints to us
 - Pay \$5,500 in state costs and fees

Case Examples



- *State v. Weidner Prop. Mgmt.* (King County Superior Court)
 - Properties across Washington and in AK, AZ, CA, CO, MN, OK, TX, and UT
 - Published, company-wide policy that “any applicant will be denied” if they have “any felony conviction”
 - Also required “current and legitimate work visa” from any “non-citizen” applicant

Case Examples



- *State v. Weidner Prop. Mgmt.* (King County Superior Court)
 - Settlement with company requiring them to:
 - Change their policy
 - Send all staff to training
 - Report any future discrimination complaints to us
 - Pay \$6,000 in state costs and fees

Case Examples



- *Yakima Neighborhood Health Services v. City of Yakima* (E.D. Wash.)
 - Non-profit serving medical, dental, health needs of homeless and pre-homeless population.
 - Clients often have mental or physical disabilities
 - Applies to convert old grocery store into community resource center with: case mgmt., employment assistance, health care, 30 units of transitional housing
 - City contorts land-use process and denies application

Case Examples



➤ *Yakima Neighborhood Health Services v. City of Yakima* (E.D. Wash.)

- Lawsuit by YNHS in federal court
- Yakima claims, among other things, that city land use decisions are exempt from the WLAD
- AGO files amicus brief explaining that city decisions are subject to *both* the FHA and the WLAD where they affect residential uses
- Parties settle shortly thereafter

Keeping in Touch



- Email: civilrights@atg.wa.gov
- Phone: (844) 323-3864 and (206) 442-4492
- Website: <http://www.atg.wa.gov/wing-luke-civil-rights-unit>.
- Guidance

