



## Washington Attorney General

### Racial discrimination for landlords not to rent to felons!

A recent court filing indicates that the Washington State Attorney General's Office believes that denying a prospective tenant with a felony conviction is racially discriminatory.

A member of the Attorney General's Civil Rights Unit served a Consent Decree on Dobler Management Company, a property management firm in Tacoma, after conducting a simulated test on whether the landlord was illegally discriminating against potential tenants.

According to the briefing sent to [KTTH's Todd Herman](#), in May, the state asked a tester to follow up on a rental property advertisement on Craigslist, which said the apartment complex would automatically deny renters with a felony record. The state's tester confirmed that the unit was still available and asked if he could apply for the unit despite having a felony conviction. The leasing consultant responded via email that a "felony would be an automatic denial."

"In denying the tester, the leasing consultant did not consider when the conviction occurred, what the underlying conduct entailed or what the tester had done since the conviction," the state wrote in a consent decree filed in Pierce County Superior Court.

The Fair Housing Council speculated that the AG's office moved forward in light of [guidance issued](#) by the U.S. Department of Housing and Urban Development in April of this year. "That guidance, which resulted in part from the Supreme Court's affirmation of disparate impact, makes clear that discrimination only arises when housing providers have unjustifiable blanket policies regarding an applicant's criminal background," the Fair Housing Council wrote in an email. "The guidance suggests that if housing providers do not do a more individualized inquiry into a person's background, and cannot otherwise show that their actions serve 'substantial, legitimate, nondiscriminatory interests,' they may be found in violation of the Fair Housing Act."

#### What should I do to protect my company?

1. Review your screening criteria **immediately** to ensure it does not provide a blank denial notice for criminal conviction.
2. Review your **policy** in regards to criminal convictions. What is your policy? Do you have a policy?
3. When reviewing applications, make sure you review them in their **entirety**.
4. **Educate** your staff on this matter and be sure they are well informed if they take phone calls or have direct contact with prospective applicants.

Please call or email me to discuss if you have any questions or comments.

Sincerely

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