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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

STATE OF WASHINGTON,  
Plaintiff,  
v.  
COHO REAL ESTATE GROUP, LLC,  
Defendant.

NO.  
COMPLAINT

The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney General, and Marsha J. Chien, Assistant Attorney General, files this action against Defendant Coho Real Estate Group, LLC. (“Coho”).

**I. INTRODUCTION**

**1.1** The State of Washington brings this action against Defendant to enforce Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601-3619 (“FHA”); the Washington Law Against Discrimination, RCW 49.60.222 (“WLAD”); and the Washington Consumer Protection Act, RCW 19.86.020 (“CPA”).

**1.2** In Washington, racial disparities exist in the criminal justice system. African Americans are arrested, convicted, and incarcerated at higher rates than non-African Americans. As a result, criminal history restrictions on housing have a disparate impact on African American renters. Absent a showing that a criminal history restriction is justified by a legitimate nondiscriminatory interest and is tailored (i.e., considers when the underlying conduct occurred,

1 what the underlying conduct entailed, or what the convicted person has done since the  
2 conviction), a housing provider's blanket policy of refusing to rent to tenants with a criminal  
3 history discriminates based on race or color and violates the FHA, WLAD, and the CPA.

## 4 II. JURISDICTION AND VENUE

5 2.1 This action is brought by the State of Washington to enforce Title VIII of the Civil  
6 Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988,  
7 42 U.S.C. §§ 3601-3619 ("FHA"); the Washington Law Against Discrimination, RCW 49.60.222  
8 ("WLAD"), and the Washington Consumer Protection Act, RCW 19.86.020 ("CPA").

9 2.2 The Attorney General is authorized to commence this action pursuant to  
10 RCW 43.10.030(1) and RCW 19.86.080.

11 2.3 The State of Washington also brings this action under the doctrine of *parens*  
12 *patriae*. The State of Washington has a quasi-sovereign interest in the health and welfare of its  
13 citizens, including ensuring that Washington residents are not denied housing for unlawful or  
14 discriminatory reasons. The State of Washington also has an interest in ensuring that its residents  
15 are not excluded from the protections provided against discrimination under federal law.

16 2.4 The violations alleged in this Complaint were committed in whole or in part in  
17 King County, by the Defendant named herein.

18 2.5 Venue is proper in King County pursuant to RCW 4.12.020 and RCW 4.12.025.

## 19 III. FACTUAL ALLEGATIONS

20 3.1 Defendant Coho is a for-profit business in the state of Washington that is  
21 engaged in the rental of residential dwellings as defined by 42 U.S.C. § 3602(b) and  
22 RCW 49.60.040(9). Defendant's principal place of business is located at 4223 12<sup>th</sup> Ave NE,  
23 Seattle, WA 98105. Defendant owns and operates multi-family residential rental properties,  
24 including Hong Kong Apartments located at 507 Maynard Ave South, Seattle, WA 98104.  
25  
26

1           **3.2**     In May 2016, the State of Washington conducted testing to evaluate Defendant's  
2 compliance with the FHA, the WLAD and the CPA. During this test, a tester responded to  
3 Defendant's advertisement for a rental unit at Hong Kong Apartments on Craigslist via e-mail.

4           **3.3**     Defendant's Craigslist advertisement indicated that rental applicants with felony  
5 convictions would be denied. A true and accurate copy of Hong Kong Craigslist advertisement  
6 is attached hereto as **Exhibit 1**.

7           **3.4**     After confirming the rental was still available, the tester disclosed that he had a  
8 felony conviction and asked if he could still apply for the rental.

9           **3.5**     Defendant's representative responded to the tester's e-mail, stating that Hong  
10 Kong Apartments prohibits any renter whose criminal background results in a felony. In  
11 denying the tester, Defendant's representative did not consider when the tester's conviction  
12 occurred, what the underlying conduct entailed, or what the tester had done since the  
13 conviction.

14           **3.6**     The testing undertaken by the State of Washington revealed that Defendant is  
15 engaged in housing practices that discriminate on the basis of race or color at Hong Kong  
16 Apartments, including:

17                   **3.6.1**   Denying, or refusing to negotiate for the rental of, or otherwise making  
18 unavailable a dwelling, because of race or color;

19                   **3.6.2**   Denying a dwelling to rental applicants with a criminal history without  
20 consideration of when the criminal conviction occurred, what the underlying conduct  
21 entailed, and/or what the convicted person has done since the conviction;

22                   **3.6.3**   Making statements in connection with the rental of a dwelling that  
23 express a prohibition against any person with a criminal history and that discourage  
24 applicants with criminal histories.

25           **3.7**     The conduct of Defendant described above constitutes:  
26



1           **4.2.4** Failing or refusing to notify the public that dwellings owned or operated by  
2 Defendant are available to all persons, including those with criminal histories, on a non-  
3 discriminatory basis;

4           **4.2.5** Failing or refusing to notify rental applicants that any criminal history will  
5 be considered in light of when the conviction occurred, what the underlying conduct  
6 entailed, and what the convicted person has done since the conviction;

7           **4.2.6** Failing or refusing to take such affirmative steps as may be necessary to  
8 restore, as nearly as practicable, the victims of Defendant's unlawful practices to the  
9 position they would have been in but for the discriminatory conduct; and

10           **4.2.7** Failing or refusing to take such affirmative steps as may be necessary to  
11 prevent the recurrence of any discriminatory conduct in the future and to eliminate, to the  
12 extent practicable, the effects of Defendant's unlawful practices.

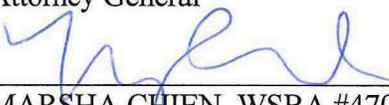
13           **4.3** Assesses a civil penalty against Defendant pursuant to RCW 19.86.140; and

14           **4.4** Awards attorneys' costs and fees incurred in monitoring and ensuring compliance  
15 with applicable law pursuant to RCW 19.86.080 and RCW 49.60.030(2).

16           The State of Washington further prays for such additional relief as the interest of justice  
17 may require.

18           Dated this 3<sup>rd</sup> day of November, 2016

19  
20           ROBERT W. FERGUSON  
21           Attorney General

22             
23           MARSHA CHIEN, WSBA #47020  
24           Assistant Attorney General  
25           Civil Rights Unit  
26           Office of the Attorney General  
              800 Fifth Avenue, Suite 2000  
              Seattle, WA 98104  
              (206) 389-3886  
              [marshac@atg.wa.gov](mailto:marshac@atg.wa.gov)

# Exhibit 1

CL [seattle](#) >  
[seattle](#) >  
[housing](#) >  
[apts/housing for rent](#)

Posted: 10 days ago

### \$1395 / 2br - 700ft<sup>2</sup> - 2-bedroom downtown! Washer / Dryer! (Downtown / Chinatown / Pioneer Square)

image 1 of 4



The Hong Kong apartments were remodeled a few years ago with new appliances, floors, walls, etc. The building is very well maintained with on-site management and full time maintenance.

(1 of the bedrooms has the washer / dryer in the apartment, and no windows. Could also be used as an office space.)

The apartment is located near downtown Seattle and the S King Street transit station and bus tunnels.

Application fee \$35  
 Deposit \$550  
 Move-in costs: First, last, and deposit.

- \* Full Kitchen (including appliances and dishwasher, disposal.)
- \* Elevator
- \* Secure Entry
- \* On-site maintenance and management
- \* 2 blocks from bus tunnel/King St. Station
- \* Walk to supermarket, banks, restaurants

Our rental policy requires:

- No felonies or violent/dishonest misdemeanors.
- Credit below 600 is denied. Credit 600-700 requires co-signer. Credit above 700 is approved.
- Monthly Income must be greater than 3x the rent. Income below that requires a co-signer.

Located within walking distance of:

- Safeco field
- Century Link Stadium
- Seattle University
- King Street Station
- Pioneer Square
- Westlake Mall

Utilities are not included (Estimated \$50-\$80 per person depending on usage) Please, no pets.

Our leasing office is open for viewings, by appointment, Mondays through Fridays, from 12 noon to 5:45pm. E-mail us to set-up a viewing at your convenience! We reply to e-mails within 24-hours.

12-month lease.



S King St at Maynard Ave S

2BR / 1Ba 700ft<sup>2</sup> available now

apartment  
 laundry in bldg  
 attached garage



• do NOT contact me with unsolicited services or offers