



1 conviction), a housing provider's blanket policy of refusing to rent to tenants with a criminal  
2 history discriminates based on race or color and violates the FHA, WLAD, and the CPA.

3 **II. JURISDICTION AND VENUE**

4 **2.1** This action is brought by the State of Washington to enforce Title VIII of the Civil  
5 Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988,  
6 42 U.S.C. §§ 3601-3619 ("FHA"); the Washington Law Against Discrimination, RCW 49.60.222  
7 ("WLAD"), and the Washington Consumer Protection Act, RCW 19.86.020 ("CPA").

8 **2.2** The Attorney General is authorized to commence this action pursuant to  
9 RCW 43.10.030(1) and RCW 19.86.080.

10 **2.3** The State of Washington also brings this action under the doctrine of *parens*  
11 *patriae*. The State of Washington has a quasi-sovereign interest in the health and welfare of its  
12 citizens, including ensuring that Washington residents are not denied housing for unlawful or  
13 discriminatory reasons. The State of Washington also has an interest in ensuring that its residents  
14 are not excluded from the protections provided against discrimination under federal law.

15 **2.4** The violations alleged in this Complaint were committed in whole or in part in  
16 Pierce County, by the Defendant named herein.

17 **2.5** Venue is proper in Pierce County pursuant to RCW 4.12.020 and RCW 4.12.025.

18 **III. FACTUAL ALLEGATIONS**

19 **3.1** Defendant DMCI is a for-profit business in the state of Washington that is  
20 engaged in the rental of residential dwellings as defined by 42 U.S.C. § 3602(b) and  
21 RCW 49.60.040(9). Defendant's principal place of business is located at 3012 South 47<sup>th</sup>  
22 Street, Suite 2, Tacoma, WA 98411. Defendant owns and operates multi-family residential  
23 rental properties, including Alder Court Apartments located at 3105 S. 47<sup>th</sup> Street, Tacoma,  
24 WA 98409 and Calypso Apartments located at 3201 S. 47<sup>th</sup> Street, Tacoma, WA 98409.

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 on Craigslist via e-mail.

4           **3.3**     Defendant's Craigslist advertisement indicated that the apartment complex  
5 "do[es] not accept felonies." A true and accurate copy of Defendant's 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 leasing agent responded to the tester's e-mail, stating that a "felony  
10 would be an automatic denial." The leasing agent did not consider when the tester's conviction  
11 occurred, what the underlying conduct entailed, or what the tester had done since the  
12 conviction.

13           **3.6**     The testing undertaken by the State of Washington revealed that Defendant is  
14 engaged in housing practices that discriminate on the basis of race or color at Alder Court  
15 Apartments and Calypso Apartments, including:

16                   **3.6.1**   Denying, or refusing to negotiate for the rental of, or otherwise making  
17 unavailable a dwelling, because of race or color;

18                   **3.6.2**   Denying a dwelling to rental applicants with a criminal history without  
19 consideration of when the criminal conviction occurred, what the underlying conduct  
20 entailed, and/or what the convicted person has done since the conviction;

21                   **3.6.3**   Making statements in connection with the rental of a dwelling that  
22 express a prohibition against any person with a criminal history and that discourage  
23 applicants with criminal histories.

24           **3.7**     The conduct of Defendant described above constitutes:  
25  
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.

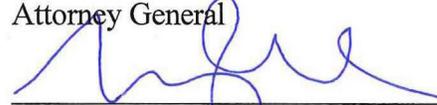
13           **4.4** Assesses a civil penalty against Defendant pursuant to RCW 19.86.140; and

14           **4.5** 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 1<sup>st</sup> day of November, of 2016

19  
20           ROBERT W. FERGUSON  
21           Attorney General



22           MARSHA CHIEN, WSBA #47020

23           Assistant Attorney General  
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              marshac@atg.wa.gov

# Exhibit 1

CL seattle >  
tacoma >  
housing >  
apts/housing for rent

Posted: 2016-05-18 12:52pm

## \$690 / 500ft<sup>2</sup> - Beautiful Top Floor Studio, With Mt. Rainier View! (Tacoma)

image 1 of 4



Corner unit, Make Calypso your new home!

Open floor plan, kitchen equipped with electric appliances ~ stove, fridge & microwave and open to living room, over sized living room windows for extra light & fresh air, ceiling fan & mountain view from Bonus Space!

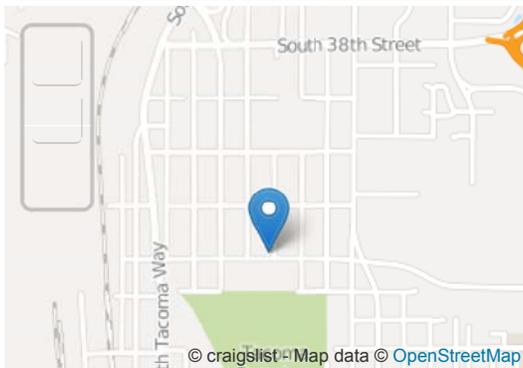
We are conveniently located near local restaurants, shopping, entertainment and highways, I5, 512 & Highway 16. Just a 3 minute walk to the Bus Transit Center and only 12 minutes to JBLM.

- \*Professional Staff
- \*Pet friendly
- \*Close to public transportation
- \*Onsite Laundry Care Center
- \*Residents Pay Own Utilities

We do not accept felonies, misdemeanors of a violent nature, or evictions and we do not participate in the Section 8 program. Please call to inquire about other screening criteria as well as specific pet policy.

We look forward to helping you find your new home with Calypso.  
Call for an appointment!

Calypso Apts.  
3201 S. 47th St.  
Tacoma WA 98409



3201 S. 47th st

0BR / 1Ba 500ft<sup>2</sup> available may 19

cats are OK - purrr

dogs are OK - woof

apartment

laundry on site

**contact name:**

Calypso Apts.

**call:**

☎ (253) 472-3481

**reply by email:**

[xs8cz-5592802294@hous.craigslist.org](mailto:xs8cz-5592802294@hous.craigslist.org)



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