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

9 STATE OF WASHINGTON,
10 Plaintiff,

NO.

COMPLAINT

v.

11 PREMIER RESIDENTIAL, LLC,
12 Defendant.

13 The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney
14 General, and Marsha J. Chien, Assistant Attorney General, files this action against Defendant
15 Premier Residential, LLC ("Premier").

16 **I. INTRODUCTION**

17 **1.1.** The State of Washington brings this action against Defendant to enforce Title VIII
18 of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42
19 U.S.C. §§ 3601-3619 ("FHA"); the Washington Law Against Discrimination, RCW 49.60.222
20 ("WLAD"), and the Washington Consumer Protection Act, RCW 19.86.020 ("CPA").

21 **1.2.** In Washington, racial disparities exist in the criminal justice system. African
22 Americans are arrested, convicted, and incarcerated at higher rates than non-African Americans.
23 As a result, criminal history restrictions on housing have a disparate impact on African American
24 renters. Absent a showing that a criminal history restriction is justified by a legitimate
25 nondiscriminatory interest and is tailored (i.e., considers when the underlying conduct occurred,
26

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, 42 U.S.C.
7 | §§ 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 Premier 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 5930 6th Ave, #A1,
23 | Tacoma, WA 98406. Defendant owns and operates multi-family residential rental properties,
24 | including The Park at Auburn Apartments located at 510 M Street SE, Auburn, WA 98002.
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 The Park At Auburn Apartments on Craigslist
4 via e-mail.

5 3.3. Defendant's Craigslist advertisement indicated that "NO FELONIES!!!" were
6 allowed. A true and accurate copy of The Park At Auburn Apartments Craigslist
7 advertisement is attached hereto as **Exhibit 1**.

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

10 3.5. Defendant's representative, Judy Xia, responded to the tester's e-mail, stating
11 that The Park At Auburn did not accept applicants with a felony charge. Judy Xia did not
12 consider when the tester's conviction occurred, what the underlying conduct entailed, or what
13 the tester had done since the 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 The Park At
16 Auburn 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

3.7.1. A refusal to rent, negotiate for the rental of, or otherwise make unavailable or deny dwellings to persons because of race or color, in violation of 42 U.S.C. § 3604(a) and/or RCW 49.60.222(f);

3.7.2. Statements with respect to the rental of a dwelling that indicate a preference, a limitation, or discrimination based on race or color, in violation of 42 U.S.C. § 3604(c) and/or RCW 49.60.222(g);

3.7.3. An unfair or deceptive practice in trade or commerce, in violation of RCW 19.86.020 and RCW 49.60.030(3);

3.7.4. An unfair or deceptive practice in trade or commerce in violation of RCW 19.86.020, notwithstanding RCW 49.60.030(3).

3.8. Persons who may have been victims of Defendant’s discriminatory housing practices are “aggrieved persons” as defined by RCW 49.60.040 and 42 U.S.C. § 3602(i).

IV. PRAYER FOR RELIEF

Wherefore, the State of Washington prays that the Court enter an order that:

4.1. Declares that Defendant's policies and practices, as alleged herein, violate the FHA, WLAD, and the CPA;

4.2. Enjoins Defendant, their officers, employees, agents, successors, managers and all other persons in active concern or participation with any of them, from:

4.2.1. Discriminating against any person on the basis of race or color in any aspect of the rental of a dwelling;

4.2.2. Applying a blanket prohibition against any rental applicant with a criminal history;

4.2.3. Failing to consider when the conviction occurred, what the underlying conduct entailed, and what the convicted person has done since the conviction, when considering a rental applicant's criminal history;

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 9 day of August, 2016.

19
20 ROBERT W. FERGUSON
21 Attorney General



22 MARSHA CHIEN, WSBA #47020
23 Assistant Attorney General
24 Civil Rights Unit
25 Office of the Attorney General
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Exhibit 1

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

Posted: 2016-05-18 12:12pm

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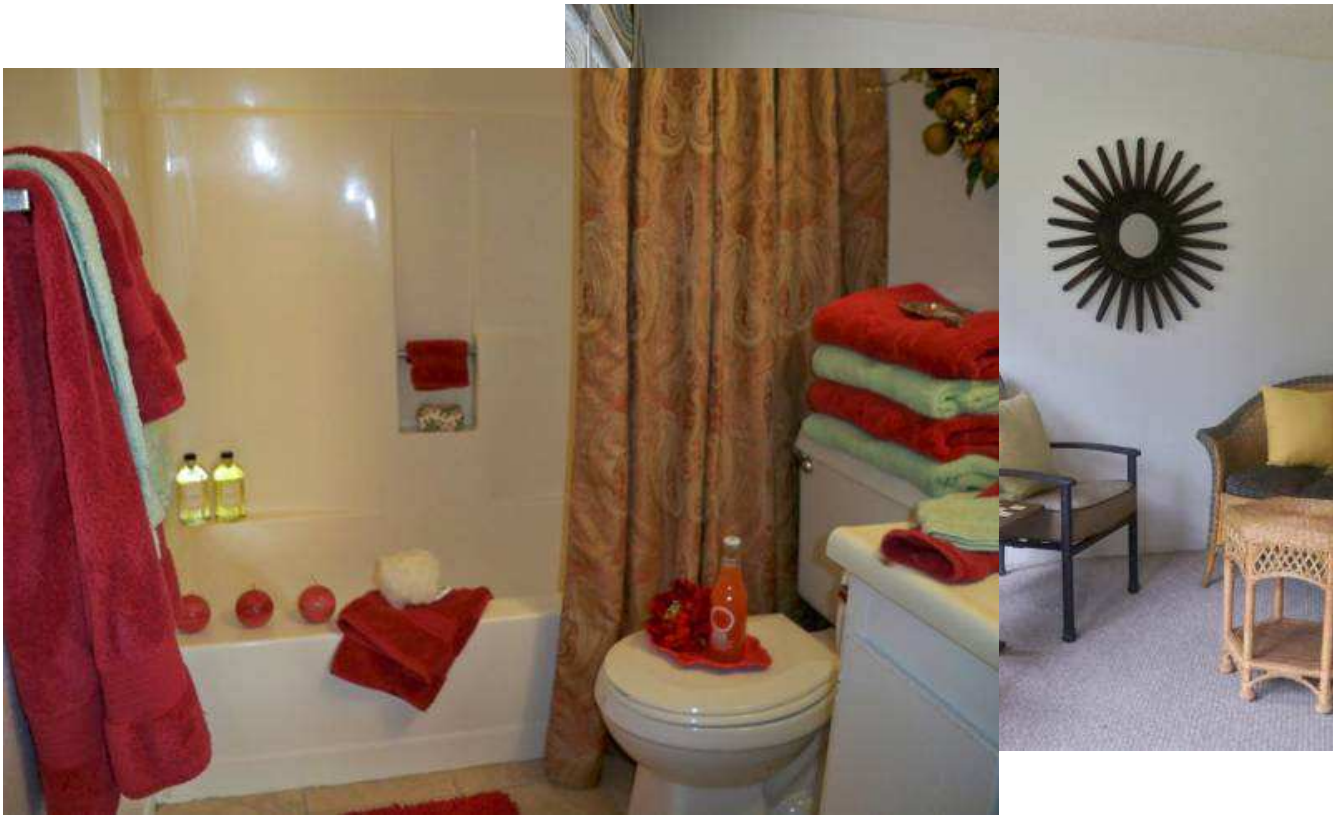
NO PETS ALLOWED!!! NO FELONIES!!! NO EVICTIONS LESS THAN SIX YEARS !!!

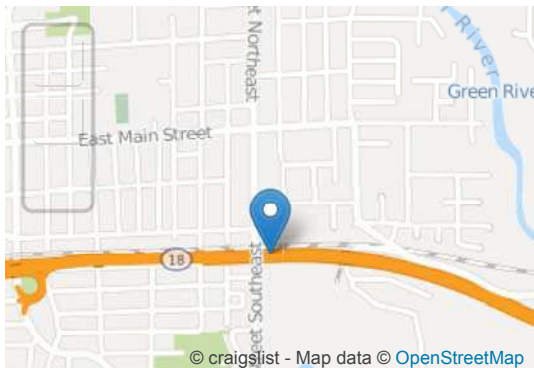
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