

1 retaliated against her for exercising her fair housing rights, in violation of RCW
2 49.60.222(2)(b) and RCW 49.60.2235. The Commission further alleges that Ms. Haring
3 unlawfully discriminated against Ms. Brasuell, Mr. Chavez, and their three children when she
4 terminated their tenancy because of disability, in violation of RCW 49.60.222(1)(f) and (i).

5 **II. JURISDICTION**

6 3. The Commission has authority to prosecute this case pursuant to RCW
7 49.60.340. RCW 49.60.240(1)(c) requires the Commission to investigate complaints of
8 housing discrimination and, if it makes a finding of reasonable cause to believe discrimination
9 has occurred, to seek relief for such discrimination. If, after a finding of reasonable cause, an
10 agreement to eliminate the unfair practices is not reached, either complainant or respondent
11 may elect to have the claims on which reasonable cause was found decided in a civil action in
12 superior court under RCW 49.60.030(2). RCW 49.60.340(1)–(2). Ms. Brasuell made such an
13 election.

14 4. This Court has jurisdiction over this matter pursuant to RCW 49.60.340(2), as
15 the Commission has commenced this action within thirty days of Ms. Brasuell's election to
16 have the claims herein decided in a civil action under RCW 49.60.030(2).

17 5. The violations alleged in this Complaint were committed, in whole or in part,
18 in Clark County. Venue is thus proper in Clark County pursuant to RCW 4.12.020. On
19 information and belief, Ms. Haring resides and transacts business in Clark County, such that
20 venue is also proper in Clark County pursuant to RCW 4.12.025.

21 **III. FACTUAL ALLEGATIONS**

22 6. In May 2014, Ms. Brasuell leased a duplex unit, located at 9418 NE 20th Place,
23 Vancouver, Washington, 98655 (the Rental Home) from Ms. Haring. Ms. Brasuell, her
24 husband, Mr. Chavez, and their three children (ages 8, 11, and 14 at the time) moved into the
25 Rental Home that same month.

1 7. Ms. Haring owns, rents, and manages all aspects of rental related to the Rental
2 Home. Carrie Armstrong, Ms. Haring's daughter, assists her mother in the management of the
3 Rental Home. In addition to the Rental Home, Ms. Haring owns, rents, and manages at least
4 three other residential rental properties in Clark County.

5 8. In approximately November 2017, Ms. Brasuell underwent a partial
6 thyroidectomy and was subsequently diagnosed with thyroid cancer. The partial removal of
7 her thyroid gland affected Ms. Brasuell's ability to regulate her body temperature.

8 9. Ms. Brasuell was scheduled to undergo a second thyroidectomy on or about
9 December 29, 2017, to remove the remaining organ following her cancer diagnosis.

10 10. Ms. Brasuell is a person with a disability as defined by the Washington Law
11 Against Discrimination. *See* RCW 49.60.040(7).

12 11. On or about December 10, 2017, Ms. Brasuell notified Ms. Haring that holes in
13 the Rental Home's heating ducts were letting cold air into the Rental Home and the central
14 heating system could not be used. Several days later, on or about December 13, 2017,
15 Ms. Armstrong brought two space heater units to Ms. Brasuell's home. These space heaters
16 were not fully functional—one was assembled improperly and kept falling over, while the
17 other heater was covered with animal hair and dirt.

18 12. On or about December 14, 2017, Ms. Haring sent a maintenance man to repair
19 the holes in the Rental Home's heating ducts. During his visit, the maintenance man discovered
20 that rats had entered the Rental Home's heating ducts and either chewed holes in or
21 disconnected the heating ducts. The maintenance man attempted to repair the holes in the
22 Rental Home's heating ducts with duct tape and told Ms. Brasuell and Mr. Chavez they could
23 continue using the Rental Home's central heating system.

24 13. After the maintenance man's visit, Ms. Brasuell and her family could not use
25 the Rental Home's central heating system because cold air, now contaminated by the smell of
26 rat urine and feces, blew into the Rental Home. The following day, on or about December 15,

1 2017, Ms. Brasuell contacted Ms. Armstrong to let her know that the Rental Home's heating
2 ducts had not been fixed and she could not use the Rental Home's central heating system.

3 14. A week after she received notice that the heat at the Rental Home was not
4 working properly, Ms. Haring visited the Rental Home on December 17, 2017. During this
5 visit, Ms. Brasuell notified Ms. Haring that she had cancer, explained that she was scheduled
6 to have cancer removal surgery on December 29, 2017, explained that her immune system
7 would be compromised, and asked Ms. Haring to replace the Rental Home's heating ducts
8 because rats had gotten into them and she was concerned for the health of herself and her
9 family.

10 15. After hearing about Ms. Brasuell's cancer diagnosis and upcoming surgery and
11 treatment, Ms. Haring questioned how Ms. Brasuell was going to pay the rent.

12 16. Between December 18, 2017, and December 27, 2017, Ms. Brasuell contacted
13 Ms. Haring several additional times to inquire when the Rental Home's heating ducts would
14 be repaired. On December 27, 2017, the maintenance man hired by Ms. Haring to repair the
15 heating ducts returned to the Rental Home and confirmed there were rats inside the heating
16 ducts. The maintenance man did not repair the heating ducts or provide another source of heat
17 for the Rental Home.

18 17. On or about December 28, 2017, Ms. Brasuell messaged Ms. Haring again
19 because the Rental Home's heating ducts were still not repaired. Ms. Brasuell again reminded
20 Ms. Haring that she was set to undergo cancer-removal surgery the following day, and asked
21 when the heating ducts would be fixed. Ms. Haring subsequently called Ms. Brasuell.

22 18. When Ms. Brasuell and Ms. Haring spoke, Ms. Haring told Ms. Brasuell that
23 she would not resolve the issue with the Rental Home's heating ducts, that she did not want to
24 deal with Ms. Brasuell anymore, and that she wanted Ms. Brasuell and her family to vacate the
25 Rental Home.

1 19. After her cancer-removal surgery, Ms. Brasuell experienced extreme chills and
2 uncontrollable shivers. Because Ms. Haring had not repaired the Rental Home’s heating ducts,
3 the lack of heat in the Rental Home intensified the cold Ms. Brasuell experienced and made it
4 difficult for her to live in the home, including by making it difficult for Ms. Brasuell to shower
5 in the Rental Home.

6 20. On December 31, 2017—two days after Ms. Brasuell’s cancer-removal
7 surgery—Ms. Haring served Ms. Brasuell and her family with an End of Tenancy Notice.
8 According to the notice, Ms. Brasuell and her family were required to vacate the Rental Home
9 by February 28, 2018.

10 21. Ms. Haring’s service of the End of Tenancy Notice devastated Ms. Brasuell,
11 Mr. Chavez, and their three children. Ms. Brasuell, who had just undergone cancer-removal
12 surgery, felt at a loss and was anguished to think that, on top of dealing with her cancer, her
13 family was also facing the possibility of homelessness during the winter months. Mr. Chavez
14 was also emotionally distraught and stressed by the prospect of having no place for his family
15 to live during winter. Ms. Brasuell’s children (two of whom were minors) were also affected:
16 on top of contending with the possibility of losing a parent to cancer, they also had to deal with
17 the stress and anxiety of losing their home.

18 22. Only after giving notice to Ms. Brasuell that Ms. Haring was terminating her
19 tenancy, and nearly a month after Ms. Brasuell first requested repair of the Rental Home’s
20 heating system, Ms. Haring finally replaced the Rental Home’s heating ducts on January 4,
21 2018.

22 23. On February 23, 2018, Ms. Brasuell and her family moved out of the Rental
23 Home.

24 24. Ms. Brasuell, Mr. Chavez, and their three children were injured and suffered
25 damages as a result of Ms. Haring’s actions.
26

1 **IV. FIRST CAUSE OF ACTION**
2 **(Violation of the Washington Law Against Discrimination – Failure or Refusal to Provide**
3 **Reasonable Accommodation Related to Disability)**

4 25. The Commission re-alleges and incorporates by reference the allegations set
5 forth in each of the preceding paragraphs of this Complaint.

6 26. It is an unfair practice to refuse to make reasonable accommodation in rules,
7 policies, practices, or services when such accommodations may be necessary to afford a person
8 with a disability equal opportunity to use and enjoy a dwelling. RCW 49.60.222(2)(b).

9 27. Ms. Brasuell is a person with a disability. RCW 49.60.040(7). In December
10 2017, Ms. Brasuell both notified Ms. Haring of her disability and requested a reasonable
11 accommodation—in the form of required repairs to the heating ducts in the Rental Home—so
12 she could resume use of the Rental Home’s central heating system before and after her cancer-
removal surgery on December 29, 2017.

13 28. Ms. Haring discriminated against Ms. Brasuell by refusing to reasonably
14 accommodate Ms. Brasuell, in violation of RCW 49.60.222(2)(b).

15 **V. SECOND CAUSE OF ACTION**
16 **(Violation of the Washington Law Against Discrimination – Retaliation)**

17 29. The Commission re-alleges and incorporates by reference the allegations set
18 forth in each of the preceding paragraphs of this Complaint.

19 30. It is an unfair practice to retaliate against any person on account of her having
20 exercised her right to be free from discrimination in housing, including by requesting
21 reasonable accommodations based on a disability. RCW 49.60.2235.

22 31. Ms. Haring unlawfully retaliated against Ms. Brasuell by terminating her
23 tenancy because of Ms. Brasuell’s request for a reasonable accommodation, in violation of
24 RCW 49.60.2235.

1 **VI. THIRD CAUSE OF ACTION**
2 **(Violation of the Washington Law Against Discrimination – Discriminatory Termination**
3 **of Tenancy)**

4 32. The Commission re-alleges and incorporates by reference the allegations set
5 forth in each of the preceding paragraphs of this Complaint.

6 33. It is an unfair practice to make unavailable or deny a dwelling to a person
7 residing in that dwelling after it is rented, or to any person associated with the person renting
8 the dwelling, or to expel a person from occupancy of real property, because of disability. RCW
9 49.60.222(1)(f), (i).

10 34. Ms. Haring unlawfully discriminated against Ms. Brasuell, Mr. Chavez, and
11 their three children by terminating their tenancy in response to Ms. Brasuell's request for a
12 reasonable accommodation, in violation of RCW 49.60.222(1)(f) and (i).

13 **VII. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays that the Court:

15 35. Adjudge and decree that Ms. Haring has engaged in the conduct complained of
16 herein;

17 36. Adjudge and decree that Ms. Haring's conduct violated the Washington Law
18 Against Discrimination, RCW 49.60.222(1)(f) and (i), RCW 49.60.222(2)(b), and RCW
19 49.60.2235;

20 37. Enjoin Ms. Haring from discriminating against persons based on disability and
21 require that Ms. Haring change her rental policies and procedures to comply with this
22 injunction;

23 38. Order Ms. Haring to attend a complete session of fair housing training
24 approved in advance by the Commission and/or Attorney General's Civil Rights Division;

25 39. Award damages or other appropriate monetary relief to Ms. Brasuell,
26 Mr. Chavez, and their three children in an amount to be proven at trial;

