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ENDORSED FILED
SUPERIOR COURT

AUG 19 2021

COWLITZ COUNTY
STACI MYKLEBUST, Clerk

**STATE OF WASHINGTON
COWLITZ COUNTY SUPERIOR COURT**

WASHINGTON STATE HUMAN
RIGHTS COMMISSION, presenting
the case in support of the complaint
filed by COURTNEY MILLER,

Plaintiff,

v.

TONI HAMILTON,

Defendant.

NO. 21-208607-08

CONSENT DECREE

(Clerk's Action Required)

I. INTRODUCTION

1.1 Plaintiff Washington State Human Rights Commission (Commission), filed a Complaint on August 4, 2021, against Defendant Toni Hamilton to enforce RCW 49.60.030(1)(c), RCW 49.60.222(1)(a), (f), and (g), and RCW 49.60.222(2)(b).

1.2 The Commission and Ms. Hamilton now agree to resolve the matters alleged in the Complaint by entry of this Consent Decree and without the need for trial or adjudication of any issue of law or fact as it affects Ms. Hamilton.

1.3 The Commission and Ms. Hamilton agree this Consent Decree does not constitute evidence or an admission regarding the existence or non-existence of any issue, fact, or violation of any law alleged by the Commission, with the exception that Ms. Hamilton admits those allegations in the Complaint necessary to the jurisdiction of this Court.

1 **1.4** The Commission and Ms. Hamilton affirm that this Consent Decree is entered
2 into voluntarily and waive any right they may have to appeal from this Consent Decree or to
3 otherwise contest the validity of this Consent Decree.

4 **Wherefore, it is ORDERED, ADJUDGED, and DECREED:**

5 **II. INJUNCTIONS**

6 **2.1** The injunctive provisions of this Consent Decree shall apply to Ms. Hamilton and
7 her officers, agents, servants, employees, representatives, successors, assigns, and all other
8 persons in active concert or participation with Ms. Hamilton.

9 **2.2** Ms. Hamilton shall immediately inform all officers, agents, servants, employees,
10 representatives, affiliated entities, and all other persons in active concert or participation with
11 her of the terms and conditions of this Consent Decree.

12 **2.3** Ms. Hamilton shall be enjoined and restrained from the following acts and
13 practices:

14 **2.3.1** Refusing to rent to, or negotiate with, prospective tenants of any of her
15 rental properties, on the basis that they are disabled and require a service or emotional
16 support animal to mitigate their disabilities;

17 **2.3.2** Refusing to allow or provide a reasonable accommodation to tenants, or
18 prospective tenants, who are disabled and require or use a service or emotional support
19 animal to mitigate their disabilities.

20 **2.3.3** Printing or publishing a notice, statement, or advertisement that indicates
21 a preference, limitation, or discrimination based on disability, or the need for a service
22 or emotional support animal to mitigate the disability.

23 **2.4** Upon entry of this Consent Decree, Ms. Hamilton shall implement the
24 Nondiscrimination and Reasonable Accommodation Policy appearing at **Appendix A**. The
25 Nondiscrimination and Reasonable Accommodation Policy shall apply to all of Ms. Hamilton's
26 rental properties.

1 **2.5** Within fourteen (14) days of entry of this Consent Decree, Ms. Hamilton shall
2 provide copies of the Nondiscrimination and Reasonable Accommodation Policy to new and
3 current tenants.

4 **2.6** Within fourteen (14) days of entry of the Consent Decree, Ms. Hamilton shall
5 attach notices to the rental applications for her rental houses that state as follows:

6 **I do not discriminate in any term, condition, or privilege of rental on**
7 **the basis of race, color, religion, national origin, citizenship or**
8 **immigration status, sex, sexual orientation, marital status, familial**
9 **status, honorably discharged veteran or military status, disability, or**
10 **use of a service or emotional support animal.**

11
12 **2.7** Within ninety (90) days of entry of the Consent Decree by the Cowlitz County
13 Superior Court, Ms. Hamilton shall undergo fair housing training (in-person or remote). The
14 training shall be conducted by an independent, qualified third party, approved in advance by the
15 Office of the Attorney General. Ms. Hamilton shall obtain confirmation of attendance including
16 the date, name of the course, length of the course, and name of the instructor. A copy of this
17 certificate, in the form of **Appendix B**, shall be submitted to the Office of the Attorney General.
18 Ms. Hamilton shall bear any expenses associated with this training.

19 **III. REPORTING AND DOCUMENTATION RETENTION REQUIREMENTS**

20 **3.1** For a period of three (3) years following entry of this Consent Decree,
21 Ms. Hamilton shall preserve all records related to her obligations under this Consent Decree in a
22 centralized location, including all documents, whether in paper or electronic form, that relate to
23 the following:

24 **3.1.1** Advertising and marketing materials concerning all of Ms. Hamilton's
25 rental properties;

26 **3.1.2** All policies, procedures, and documents reflecting any requirements to

1 reside in Ms. Hamilton's rental properties; and Ms. Hamilton's non-discrimination and
2 reasonable accommodation policies;

3 3.1.3 Records of any contacts and communications with prospective tenants
4 about the requirements to reside in one of Ms. Hamilton's rental properties;

5 3.1.4 All records of the training required by this Consent Decree, and
6 photocopies of the application notice required by this Consent Decree;

7 3.1.5 Any written complaints received by Ms. Hamilton from any current or
8 prospective tenant regarding disability discrimination or failure to reasonably
9 accommodate a disability.

10 3.2 For a period of three (3) years following entry of this Consent Decree,
11 Ms. Hamilton agrees to, no later than seven (7) days after occurrence, provide to the Attorney
12 General notification and documentation of any complaint made by a current or prospective tenant
13 of her rental properties alleging disability discrimination or failure to reasonably accommodate
14 a disability, or an emotional support or service animal. The notification shall include the full
15 details of the complaint, including the complainant's name, address, and telephone number. If
16 the complaint is written, Ms. Hamilton shall provide a copy of the written complaint with the
17 notification. Upon the Attorney General's request, Ms. Hamilton shall also provide, within
18 fourteen (14) days of the request, all information concerning any such complaint and the
19 substance of any resolution of such complaint.

20 3.3 Within ninety (90) days after entry of this Consent Decree, Ms. Hamilton shall
21 provide proof of completion of the required fair housing training, using a completed verification
22 form as specified in **Appendix B**.

23 3.4 Upon reasonable notice to Ms. Hamilton, representatives of the Office of the
24 Attorney General may seek to monitor compliance with this Consent Decree, and Ms. Hamilton
25 agrees to cooperate with all reasonable requests to do so.
26

1 **IV. ENFORCEMENT**

2 **4.1** The undersigned parties agree that the Court shall retain jurisdiction over this
3 Consent Decree to enforce its terms.

4 **4.2** If, after fourteen (14) days' written notice to Ms. Hamilton, and an opportunity
5 to be heard at an evidentiary hearing, the Court finds by a preponderance of the evidence that
6 Ms. Hamilton has violated a material condition of the Consent Decree, the Commission may
7 seek imposition of additional conditions, damages, injunctive relief, or such other remedies as
8 the Court may deem appropriate.

9 **4.3** In any successful action to enforce this Consent Decree against Ms. Hamilton,
10 Ms. Hamilton shall bear the Commission's reasonable costs, including attorneys' fees.

11 **V. ADDITIONAL PROVISIONS**

12 **5.1** Ms. Hamilton acknowledges and agrees that no other promises, representations,
13 or agreements of any nature have been made or entered into by the parties. The parties further
14 acknowledge that this Consent Decree constitutes a single and entire agreement that is not
15 severable or divisible, except that if any provisions herein are found to be legally insufficient or
16 unenforceable, the remaining provisions shall continue in full force and effect.


17 **5.2** All communications related to this Consent Decree shall be directed to: Civil
18 Rights Division, Office of the Attorney General, 800 Fifth Avenue, Suite 2000, Seattle,
19 WA 98104.

20 **5.3** The parties agree that, as of the date of the entry of this Consent Decree, litigation
21 is not "reasonably foreseeable" concerning the matters described above. To the extent that either
22 party previously implemented a litigation hold to preserve documents, electronically stored
23 information (ESI), or things related to the matters described above, the party is no longer required
24 to maintain such litigation hold. Nothing in this paragraph relieves either party of any other
25 obligations imposed by this Consent Decree.
26

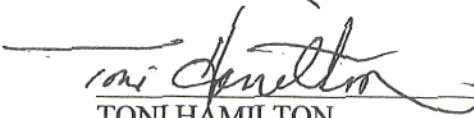
1 APPROVED on this 19 day of August of 2021.

2
3 **THAD E. SCUDDER**
4 JUDGE/COURT COMMISSIONER

5 Presented by:
6 ROBERT W. FERGUSON
7 Attorney General

8 
9 EMILY C. NELSON, WSBA #48440
10 Assistant Attorney General
11 Office of the Attorney General
12 Wing Luke Civil Rights Division
13 800 5th Avenue, Suite 2000
14 Seattle, WA 98104
15 (206) 342-6405
16 Emily.Nelson@atg.wa.gov

Agreed to and approved for entry by:

17 
18 TONI HAMILTON
19 934 22nd Avenue
20 Longview, WA 98632
21 (360) 430-7671
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APPENDIX A
NONDISCRIMINATION AND REASONABLE ACCOMMODATION POLICY

Nondiscrimination Policy: It is the policy of Toni Hamilton to comply with the Washington Law Against Discrimination by ensuring that rental housing is available to all persons without regard to race, color, religion, national origin, citizenship or immigration status, sex, sexual orientation, marital status, familial status, honorably discharged veteran or military status, disability, or use of a service or emotional support animal. This policy means that, among other things, Toni Hamilton and all of her agents, managers, employees, or representatives with the responsibility for showing, renting, or managing any housing units must not discriminate in any aspect of the rental of dwellings against qualified applicants or tenants.

Reasonable Accommodation Policy: It is the policy of Toni Hamilton to provide reasonable accommodation(s) to applicants and tenants who have disabilities. Under the Washington Law Against Discrimination (WLAD), a disability means the presence of a sensory, mental, or physical impairment that:

- Is medically cognizable or diagnosable; or
- Exists as a record or history; or
- Is perceived to exist, whether or not it exists in fact.

Under the WLAD, a disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated.

Toni Hamilton will promptly consider any request for a reasonable accommodation; engage in an interactive dialogue with the requester, in good faith, concerning the request; and notify the requester, in writing, whether the request is (1) granted, (2) denied, or (3) a different, but reasonable, accommodation is offered that affords the requester full and equal use and enjoyment of the dwelling, explaining the reason(s) for any denial or offer of a different accommodation than requested. If Toni Hamilton denies the request, or offers a different accommodation than requested, the written notice will provide the person requesting the accommodation(s) with an opportunity to provide more information for Toni Hamilton to consider in further evaluating the request. All provisions of this policy, including the procedure and confidentiality provisions below, apply to Toni Hamilton's agent(s), manager(s), employee(s), or representative(s).

Any person who requests an accommodation under this Policy shall not be subjected to adverse treatment or retaliation because they made a reasonable accommodation request.

Confidentiality: All information provided by an applicant or tenant in requesting a reasonable accommodation will be kept confidential and only be used to help provide the person who requests a reasonable accommodation an equal opportunity to enjoy housing.

1 Any agent, manager, employee, or representative who fails to comply with this
2 Nondiscrimination and Reasonable Accommodation Policy will be subject to appropriate
3 disciplinary action. Any action taken by an agent, manager, employee, or representative that
4 results in unequal service to, treatment of, or behavior toward tenants or applicants on the basis
5 of race, color, religion, national origin, citizenship or immigration status, sex, sexual orientation,
6 marital status, familial status, honorably discharged veteran or military status, disability, or use
7 of a service or emotional support animal, may constitute a violation of state and/or federal fair
8 housing laws. Any tenant or applicant who believes that any of the above policies have been
9 violated may contact the Washington Attorney General's office toll-free at (844) 323-3864 or
10 the Washington State Human Rights Commission at (800) 233-3247.
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