

AUG 05 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,

Defendants.

NO. 21 2 00607 08

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES UNDER
THE WASHINGTON LAW AGAINST
DISCRIMINATION

I. INTRODUCTION

1.1 Plaintiff Washington State Human Rights Commission (the Commission), by and through its attorney Emily C. Nelson, Assistant Attorney General, files this action against Defendant Toni Hamilton to remedy unlawful discrimination in the rental of residential housing.

1.2 This is an action under the Washington Law Against Discrimination (WLAD) to correct unlawful and discriminatory housing practices, and to provide appropriate relief to prospective resident and Complainant, Courtney Miller, who was adversely affected by such practices. The Commission alleges that Defendant Hamilton unlawfully discriminated against Ms. Miller, a member of a protected class, when she refused to rent a residence to Ms. Miller on

1 the basis of her disability, in violation of RCW 49.60.030(1)(c), RCW 49.60.222(1)(a), and
2 RCW 49.30.222(1)(f); and further refused to make a reasonable accommodation in the rules,
3 policies, and practices of the residence in order to afford Ms. Miller an equal opportunity to use
4 and enjoy the residence, in violation of RCW 49.60.222(2)(b). The Commission also alleges that
5 Defendant Hamilton violated RCW 49.60.222(1)(g) by publishing advertisements and/or
6 making statements that, directly or indirectly, express an intent to exclude individuals with
7 disabilities who require certain reasonable accommodations from the rental property.

8 **II. JURISDICTION AND VENUE**

9 **2.1** The Commission has jurisdiction to prosecute this case. RCW 49.60.030(2),
10 RCW 49.60.340. RCW 49.60.240(1)(c) requires the Commission to investigate complaints of
11 housing discrimination, and if it makes a finding of reasonable cause to believe discrimination
12 has occurred, to seek relief for such discrimination. If an agreement to eliminate the unfair
13 practice is not reached, the Complainant or Defendant may elect to have the claims on which
14 reasonable cause was found decided in a civil action in Superior Court under RCW 49.60.030(2),
15 RCW 49.60.340(1)-(2). After the Commission's reasonable cause finding, Complainant
16 Courtney Miller made such an election.

17 **2.2** This Court has jurisdiction over this matter pursuant to RCW 49.60.340(2), as the
18 Commission has commenced this action within thirty days of Complainant's election to have the
19 claims decided in a civil action under RCW 49.60.030(2).

20 **2.3** The violations alleged in this Complaint were committed, in whole or in part, in
21 Cowlitz County, and Defendant resides and transacts business in Cowlitz County. Venue is thus
22 proper in Cowlitz County pursuant to RCW 4.12.020 and RCW 4.12.025.

23 **III. PARTIES**

24 **3.1** Plaintiff is the Washington State Human Rights Commission

25 **3.2** Defendant Toni Hamilton is a resident of Cowlitz County, Washington, who
26 owns and leases rental properties in Cowlitz County.

IV. FACTUAL ALLEGATIONS

4.1 Defendant Toni Hamilton resides in Longview, Washington. On information and belief, Hamilton owns and manages a single-family rental property: 409 Coal Creek Road, Longview, WA 98632.

4.2 On or about April 11, 2019, Hamilton advertised this property online with a local news agency located in Longview, Washington (<http://tdn.com>).

4.3 Hamilton's advertisement stated the following: "(1) 3 bed, 2 bath; (1) 2 bed 1 both duplex, fireplace, washer, dryer, fully furnished. All utilities paid by landlord, from \$1500./mo. NO PETS. 360.430.7671."

4.4 On or about June 1, 2019, Complainant Courtney Miller learned through the Daily News website that Hamilton's duplex was for rent. Miller had not previously rented from Hamilton. Miller has a disability and uses an emotional support animal to mitigate that disability.

4.5 On or about June 1, 2019, Miller called Hamilton to inquire about the duplex and arrange a time to view the property. Hamilton told Miller that the duplex had three bedrooms, acres of land for Miller and her son to run and have fun, and "the kitchen was so big that we could skin fish."

4.6 On or about June 5, 2019, Miller, along with her father and minor son, went to see Hamilton's duplex. After viewing the rental, Miller told Hamilton that she had an emotional support animal. Hamilton stated that it was ridiculous for people to have emotional support animals, and began questioning Miller's disability. When Miller attempted to explain her need for the emotional support animal, Hamilton responded that people with Miller's disability should not have children. Hamilton then pulled the rental application out of Miller's hands, stating that the property was not for her and she wouldn't need the application.

4.7 The duplex remained available thereafter. On June 20, 2019, Hamilton began advertising the duplex online again, and continued to advertise the rental on September 26, 2019, and October 24, 2019.

4.8 Miller was harmed and suffered damages as a result of Hamilton's actions.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of the Washington Law Against Discrimination – Discriminatory Refusal to Rent Property)

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

5.2 Individuals have the right to be free from discrimination because of a disability, including, but not limited to, the right to engage in real estate transactions without discrimination. RCW 49.60.030(1)(c).

5.3 It is an unfair practice to refuse to rent property to a prospective tenant because of a disability. RCW 49.60.222(1)(a).

5.4 Defendant Hamilton unlawfully discriminated against Complainant Miller by refusing to rent to her because of her disability—specifically, that she requires an emotional support animal to mitigate her disability, in violation of RCW 49.60.030(1)(c) and RCW 49.60.222(1)(a).

SECOND CAUSE OF ACTION

(Violation of the Washington Law Against Discrimination – Making Housing Unavailable)

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

5.6 It is an unfair practice for a housing provider to make a rental unavailable to a person because of a disability. RCW 49.60.222(1)(f).

5.7 Defendant Hamilton unlawfully discriminated against Complainant Miller by refusing to allow her to apply for Hamilton's otherwise available rental property because of her disability and need for an emotional support animal, in violation of RCW 49.60.222(1)(f).

THIRD CAUSE OF ACTION
(Violation of the Washington Law Against Discrimination - Discriminatory Housing
Advertisements)

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

5.9 It is an unfair practice for a housing provider to make, print, circulate, post, or mail, or cause to be so made or published a statement, advertisement, or sign, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination on the basis of disability. RCW 49.60.222(1)(g).

5.10 Defendant Hamilton unlawfully discriminated against Complainant Miller, and other similarly situated individuals, by publishing advertisements on the Daily News website, and making verbal statements, that purported to indicate a preference, limitation, or discrimination based on whether an individual has a disability, in violation of RCW 49.60.222(1)(g).

FOURTH CAUSE OF ACTION
(Violation of the Washington Law Against Discrimination – Failure to Provide a Reasonable Accommodation in Housing)

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

5.12 It is an unfair practice for a housing provider to refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory, mental, or physical disability equal opportunity to use and enjoy a dwelling. RCW 49.60.222(2)(b).

5.13 Defendant Hamilton unlawfully discriminated against Complainant Miller by refusing to make a reasonable accommodation for Miller's emotional support animal, in violation of RCW 49.60.222(2)(b).

1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff Washington State Human Rights Commission prays that the Court:

3 **5.1** Adjudge and decree that Defendant has engaged in the conduct complained of
4 herein.

5 **5.2** Adjudge and decree that Defendant's conduct violates the Washington Law Against
6 Discrimination, including RCW 49.60.030(1)(c); RCW 49.60.222(1)(a), (f), and (g); and
7 RCW 49.60.222(2)(b).

8 **5.3** Enjoin Defendant from discriminating against persons based on a disability and
9 require Defendant to change their policies and procedures to comply with this injunction.

10 **5.4** Order other equitable relief which the Court finds necessary to eliminate the
11 effects of past discrimination, and to position Complainant Miller as close as possible to the
12 situation she would have been in but for the discrimination. This includes retaining jurisdiction
13 if necessary to fully effectuate this Court's order.

14 **5.5** Order Defendant to attend a complete session of fair housing training approved
15 in advance by the Civil Rights Division of the Attorney General's Office.

16 **5.6** Award damages or other appropriate monetary relief to Complainant Miller in an
17 amount to be proven at trial.

18 **5.7** Assess a civil penalty against Defendant in the amount of up to \$10,000 pursuant
19 to RCW 49.60.225(1)(a).

20 **5.8** Award such other relief as the Court may deem just and proper.

21
22 //


23 //

24 //

25 //

1 DATED this 2nd day of August, 2021.

2
3 ROBERT W. FERGUSON
Attorney General

4 
5 EMILY C. NELSON, WSBA #48440
6 Assistant Attorney General
7 Office of the Attorney General
8 Wing Luke Civil Rights Division
800 5th Avenue, Suite 2000
Seattle, WA 98104
(206) 342-6405
Emily.Nelson@atg.wa.gov

9
10 Attorney for Plaintiff Washington State Human
Rights Commission
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26