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STATE OF WASHINGTON
YAKIMA COUNTY SUPERIOR COURT

WASHINGTON STATE HUMAN
RIGHTS COMMISSION,

Plaintiff,

v.

ELVIA GOMEZ LOPEZ,

Defendant

NO. 2020023239

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

I. INTRODUCTION

1. Plaintiff Washington State Human Rights Commission (the Commission), by and through its attorneys, Robert W. Ferguson, Attorney General, and Mitchell A. Riese, Assistant Attorney General, files this action against Defendant Elvia Gomez Lopez to remedy unlawful discrimination in the rental of residential housing.

2. This is an action under the Washington Law Against Discrimination to correct unlawful and discriminatory housing practices, and to provide appropriate relief to Kelly Sanchez (Ms. Sanchez), Traci Schulz (Ms. Schulz), and Ms. Schulz' three minor children, who were adversely affected by such practices. The Commission alleges that Defendant Elvia Gomez Lopez (Ms. Gomez) unlawfully discriminated against Ms. Sanchez, Ms. Schulz and Ms. Schulz' children when Ms. Gomez refused to rent a residence on the basis of Ms. Sanchez'

1 and Ms. Schultz' status as a family with children, in violation of RCW 49.60.030(1)(c) and
2 RCW 49.60.222(1)(a).

3 II. JURISDICTION

4 3. The Commission has jurisdiction to prosecute this case. RCW 49.60.030(2),
5 RCW 49.60.340. RCW 49.60.240(1)(c) requires the Commission to investigate complaints of
6 housing discrimination and, if it makes a finding of reasonable cause to believe discrimination
7 has occurred, to seek relief for such discrimination. If an agreement to eliminate the unfair
8 practice is not reached, the Complainants or Respondent may elect to have the claims on which
9 reasonable cause was found decided in a civil action under RCW 49.60.030(2). The
10 Complainants and Respondent herein have each made such an election.

11 4. This Court has jurisdiction over this matter pursuant to RCW 49.60.340(2), as
12 the Commission has commenced this action within thirty days of Complainants' and
13 Respondent's election to have the claims herein decided in a civil action under RCW
14 49.60.030(2).

15 5. The violations alleged in this Complaint were committed, in whole or in part,
16 in Yakima County, and Defendant resides and transacts business in Yakima County. Venue is
17 thus proper pursuant to RCW 4.12.020 and RCW 4.12.025.

18 III. FACTUAL ALLEGATIONS

19 6. On or about March 12, 2018, Ms. Sanchez and Ms. Schulz, along with at least
20 two of Ms. Schulz' minor children, met with Ms. Gomez and toured a house owned by Ms.
21 Gomez located at 1423 S. 18th Street, Yakima, Washington that Ms. Gomez had advertised for
22 rent. The house had a three-bedroom apartment on the second floor and another apartment on
23 the first floor. Ms. Gomez told Ms. Schulz and Ms. Sanchez that they were applying for the
24 three-bedroom apartment on the second floor.

1 7. Ms. Sanchez and Ms. Schulz are mother and daughter and reside together along
2 with Ms. Schulz' three minor children, who were ages five, two, and one at the time of the acts
3 alleged herein.

4 8. While Ms. Sanchez and Ms. Schulz were being shown the house by Ms. Gomez,
5 Ms. Gomez stated that she was concerned about renting the apartment to a family with young
6 children because the balcony railings on the two second-floor balconies were constructed such
7 that the balconies were not safe for young children. Ms. Sanchez and Ms. Schulz responded
8 that they would install locks and keep the doors to the balconies locked to prevent the children
9 from going on the balconies.

10 9. Ms. Sanchez and Ms. Schulz submitted an application to Ms. Gomez on or
11 about March 12, 2018, to rent the upstairs apartment. Ms. Gomez told Ms. Sanchez and Ms.
12 Schulz that they had sufficient income to pay the rent. Ms. Sanchez and Ms. Schulz otherwise
13 met the minimum qualifications to rent the property.

14 10. On or about March 15, 2018, Ms. Schulz and Ms. Gomez spoke on the
15 telephone. Ms. Schulz asked about the status of the application. Ms. Gomez stated that she was
16 denying Ms. Sanchez' and Ms. Schulz' application to rent the apartment because of Ms.
17 Gomez' concerns about the safety of the children in the apartment and the condition of the
18 balcony railings. Ms. Gomez stated words to the effect that she would have rented the
19 apartment to Ms. Gomez and Ms. Schulz if Ms. Schulz did not have children. Ms. Gomez
20 stated that she had decided to accept another applicant's application instead.

21 11. As a result of Ms. Gomez' rejection of Ms. Sanchez' and Ms. Schulz'
22 application, Ms. Schulz and her children were unable to find substitute housing and became
23 homeless for approximately three months, during which time they were required to stay at a
24 motel or with friends until other housing could be obtained.

1 12. Ms. Sanchez' and Ms. Schulz' status as a family with children was a substantial
2 factor in Ms. Gomez' decision to deny Ms. Sanchez' and Ms. Schulz' application to rent the
3 home.

4 13. Ms. Sanchez, Ms. Schulz, and Ms. Schulz' children have been injured and
5 suffered damages as a result of Ms. Gomez' actions.

6 **IV. CAUSE OF ACTION**
7 **(Violation of the Washington Law Against Discrimination –Refusal to Rent Because of**
8 **Familial Status)**

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

11 15. It is an unfair practice to refuse to engage in a real estate transaction because of
12 familial status.

13 16. By the actions described above, Ms. Gomez has discriminated against Ms.
14 Sanchez, Ms. Schulz, and Ms. Schulz' three minor children on the basis of familial status, in
15 violation of RCW 49.60.030(1)(c) and RCW 49.60.222(1)(a).

16 **V. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays that the Court:

18 17. Adjudge and decree that Defendant has engaged in the conduct complained of
19 herein.

20 18. Adjudge and decree that Defendant's conduct violates the Washington Law
21 Against Discrimination, RCW 49.60.030(1)(c) and RCW 49.60.222(1)(a).

22 19. Enjoin Defendant from discriminating against persons based on familial status
23 and require Defendant to change her rental policies and procedures to comply with this
24 injunction

25 20. Order Defendant to attend a complete session of fair housing training approved
26 in advance by the Commission and/or the Civil Rights Division of the Attorney General's
Office.

1 21. Award damages or other appropriate monetary relief to Ms. Sanchez, Ms.
2 Schulz, and Ms. Schulz' three minor children in an amount to be proven at trial.

3 22. Award Plaintiff its costs pursuant to RCW 4.84.010.

4 23. Award such other relief as the Court may deem just and proper.
5

6 DATED this 21st day of January, 2020.
7

8 ROBERT W. FERGUSON
9 Attorney General

10 Mitchell A. Riese WSBA #11947

11 Assistant Attorney General
12 Attorney for the Washington State Human Rights
13 Commission

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

WASHINGTON STATE HUMAN
RIGHTS COMMISSION,

Plaintiff,

v.

ELVIA LOPEZ GOMEZ,

Defendant.

NO.

DECLARATION OF RACHEL
CHAVEZ IN SUPPORT OF GR 17

Rachel Chavez, declares under penalty of perjury under the laws of the state of Washington that the following is true and correct.

1. I am a Legal Assistant for the Attorney General's Office. I make this Declaration based on my own personal knowledge. I am competent to testify to the facts stated herein.

2. This Declaration is filed in accordance with GR 17.

3. On the 21st day of January, 2020, I received the Complaint by electronic mail, from Legal Assistant Vanessa Salinas of the Civil Rights Division of the Attorney General's Office. I have examined the document, which consists of 6 pages, including this Declaration.

4. The foregoing document is a complete and legible facsimile transmitted original signed by Assistant Attorney General Mitchell Riese.


RACHEL CHAVEZ
(509) 575-2468
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