

Tenants: New Legal Protection from Discrimination Based on Source of Income

Intro

A new state law effective September 30, 2018 makes it illegal for landlords in Washington state to discriminate against tenants and would-be tenants based on their source of income.

What does “source of income” mean?

It includes:

- Federal, state, and local public benefits, such as Social Security, Veteran’s benefits, retirement, Temporary Assistance to Needy Families (TANF) or Aged, Blind and Disabled (ABD)
- Rent subsidies from federal, state or local housing programs, such as the Section 8 voucher program, Share Aspire or Housing and Essential Needs (HEN)
- Short-term rental assistance, for example from organizations like Catholic Community Services or Lutheran Community Services

I am looking for a place to rent. How does the new law protect me?

A landlord cannot

- Refuse to rent to you because of the source of your income.
- Cannot charge you more rent than someone who does not get benefits.
- Tell you the unit is not available when it is.

- Advertise a property for rent only for tenants with certain types of income.

I am already renting a place. I just started getting public benefits. Does the new law protect me?

Yes. Your landlord cannot

- End your lease or evict you just because you now get benefits.
- Treat you differently than any tenant who does not get benefits, just because you are now getting benefits.

Does the new law apply to all landlords?

Starting September 30, 2018, it applies to all landlords as defined by the state [Residential Landlord Tenant Act \(RLTA\)](#). It does not apply in situations such as

- Farmworkers living in employer-provided housing
- People getting housing in exchange for work
- People living in hotels or motels

See [RCW 59.18.040](#) for the full list.

Can a landlord still turn down my application for other reasons?

Yes. The landlord can refuse to rent to you if all of these are true:

- The property must pass inspection for you to keep your rental assistance.
- It will cost more than \$1,500 to make sure the property will pass that inspection.
- The landlord cannot get the money to make the improvements.

❖ [Tenant Screening: Your Rights](#) has more about your rights when applying for a rental.

I have a section 8 voucher. I am applying for an apartment after September 30, 2018. The landlord requires me to have income two or three times more than the rent amount. Does the landlord count just my portion of the rent?

Yes. A landlord who uses the amount of your household income in deciding whether to rent to you can count only the portion of rent you are responsible for in determining if your income is enough.

Example: Jane applies for a unit renting for \$1,000/month. Jane's Section 8 Voucher will cover \$600 of the rent. The landlord requires all tenants to have a monthly income that is twice the rent amount. Before, Jane's income would have to be \$2,000 to qualify for the apartment. Under the new law, the landlord must subtract the voucher amount (\$600) from the total rent (\$1,000) before calculating if Jane's income is enough. In this case, Jane's portion of the rent is

\$400. So $2 \times$ Jane's portion of rent = \$800. Jane's monthly income only needs to be \$800 to qualify.

I think the landlord denied my rental application because of my income. What can I do?

You can take the landlord to court. If the judge agrees that the landlord illegally discriminated against you because of your source of income, you could win up to four and one-half times the amount of the monthly rent, plus costs and attorneys fees.

What else?

The law also offers help to landlords to recover costs for damages to the apartment. If you have a subsidy like Section 8, and your landlord claims you damaged the unit, your landlord may be able to get these damages, up to \$5,000, paid for by the state.

A landlord can only get money from this state fund (the "mitigation fund") for damages beyond normal wear and tear. **A landlord who gets money from this state fund cannot then go after you for reimbursement for those damages.**

A landlord can also use money from the mitigation fund to pay for initial repairs and any rent lost between the time when they agree to rent to you and when you actually move in. A landlord who uses the mitigation fund for these things is required to rent to you.

Can I get legal help?

If you are low-income, [you may apply online](#) or call 1-888-201-1014 to speak with a free lawyer or paralegal at CLEAR.

Where can I read the law?

Here:

<http://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/House%20Passed%20Legislature/2578-S2.PL.pdf#page=1>.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of October 2018.

© 2018 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial use only.)