

WASHINGTON STATE HUMAN RIGHTS COMMISSION (WSHRC)

GUIDE TO HONORABLY DISCHARGED VETERAN AND MILITARY STATUS DISCRIMINATION

HOUSING

The Washington Law Against Discrimination (WLAD), RCW 49.60, prohibits discrimination against individuals on the basis of military status or being an honorably discharged veteran. This applies to the areas of employment, housing, public accommodation, and credit and lending transactions. The WLAD also has greater protections for people with disabilities, as compared to the federal Americans with Disabilities Act, and the Federal Fair Housing Act. This includes protections for people with traumatic brain injury, Post Traumatic Stress Disorder (PTSD), and depression or anxiety.

If I have questions about federal laws, who can I contact for more information?

There are many resources available. A good first point of contact is the Washington Department of Veteran Affairs (WDVA) at 1-800-562-2308. If your question is related to employment issues about the National Guard or Reserve, you may wish to contact Employer Support of the Guard and Reserve (ESGR) at 1-800-336-4590. ESGR is part of the U.S. Department of Defense.

If your question is about the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, you can also contact the U.S. Department of Labor at 1-800-487-2365.

I am a veteran with a disability. If I am discriminated against, would I file a complaint because of my disability or my veteran status?

It depends on the situation. The WSHRC looks at the facts specific to each case. In some situations, discrimination happens based on multiple protected classes. For example, an honorably discharged veteran who also has PTSD and was asked probing questions during the housing application process about having PTSD could file a discrimination complaint both because of military status and disability.

What kinds of questions can't be asked by a potential housing provider?

A housing provider should not ask questions based on stereotypes. For example, a housing provider should not ask questions about political beliefs related to military service or questions based on the assumption that veterans and service members have PTSD or other mental health conditions or disabilities.

My neighbors make fun of me because they say I have PTSD. What should I do?

PTSD is a medical condition and is considered a disability under the WLAD. The WLAD prohibits discrimination on the basis of real or perceived disability. Housing providers can be held liable for harassment based on a number of factors, including disability and veteran status. There are a number of options if you are being harassed by neighbors on the basis of a protected class. Document the incident, including what was said, time of day, and witnesses, if any.

While one or two incidents may not rise to the level of illegal discrimination, it is important to take note of what is said, in case the situation worsens. Try to solve the issue at the lowest level possible. Try talking to the harassing party and let them know that you do not appreciate their behavior. You can also notify your landlord about the incident(s). A landlord has the duty to keep multi-family housing free from harassment and discrimination.

If you have additional questions or concerns, visit our website at www.hum.wa.gov, or contact us at 1-800-233-3247.

I am in a twelve-month rental agreement, and after three months, the military is transferring me to another city. What should I do?

According to Section 535 of the Service members Civil Relief Act, housing providers are required to release you from your lease if you are required to transfer to a different location by any branch of the military. No additional consequences or extra fees should be applied to you in this situation.

I applied to rent an apartment, but the manager said she would not rent to me because I am in the Army; she said she has had bad experiences with tenants who are in the military who needed to break their leases when they went overseas for extended periods.

The WLAD prohibits discrimination against you based on your military or veteran status. This includes refusing to rent to you. You should contact WSHRC to discuss filing a complaint with our staff.

I am in the Navy, and I just rented a house for myself and my family. The landlord made me pay a \$2,000 deposit, which he says he will keep if I get transferred and we have to break our lease.

The WLAD prohibits applying different terms and conditions based on military or veteran status. You may wish to visit our website or contact our intake staff in order to file a complaint.

I am a veteran, and I have multiple disabilities as a result of my service in the Gulf War. My apartment manager requires that tenants pay rent with money orders, and deliver them personally to her office. Sometimes my disabilities prevent me from leaving my apartment, making it impossible to purchase a money order or deliver my rent payment in person. What can I do?

As a person with a disability, under WLAD you have the right to request reasonable accommodations. Reasonable accommodations are changes in a housing provider's practice or policy that allow you to have equal access to housing. In this case, it may be a reasonable accommodation to be allowed to send a personal check via mail to pay your rent. For more information on the reasonable accommodation process, visit our website or contact WSHRC staff at 1-800-233-3247.

I have had difficulty getting a mortgage loan to buy a house because of my military status.

Decisions in housing transactions cannot be made based on your protected class. If you believe you are being denied a loan because of your military status, you may wish to contact WSHRC staff to discuss filing a complaint.

I saw an advertisement in the newspaper encouraging current, active duty military personnel to apply for an apartment, and offering a discount. Is that allowed?

Yes. People who are NOT military/veterans are not protected, so it is ok to offer incentives to people who ARE military/veterans.