

# Seattle Will Appeal Ruling Against "First in Time" Rental Law

by [Heidi Groover](#) • Apr 26, 2018 at 11:46 am

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JUSTIN SULLIVAN/GETTY

After losing in a lower court, the City of Seattle will ask the Washington State Supreme Court to reinstate its unique first-in-time rental law.

The law, passed by the city council in 2016, says landlords must rent to the first qualified applicant. Supporters said it was a way of addressing implicit bias, like landlords favoring white, straight, able-bodied tenants. Landlords sued, arguing the rule illegally restricted their ability to choose tenants. Last month, a King County Superior Court judge [sided with the landlords](#). Now, the City of Seattle has signaled it plans to appeal.

In a court filing, City Attorney Pete Holmes seeks review of the case by the Washington State Supreme Court, bypassing the Court of Appeals. The Supreme Court can accept or reject the case.

Beyond simply mandating "first come, first served," the first-in-time law required landlords to state openly in advertising their rental units what criteria they will use to pick tenants. That allowed them to consider things like credit scores and pets and require tenants to attend interviews or open houses. The law also allowed tenants to request

additional time to complete a rental application if their need for more time was related to a disability. The law didn't apply to backyard cottages or houses where the property owner also lived, but did apply to duplexes and triplexes where the owner lives. The plaintiffs in the case included an artist who rents out a house in West Seattle, a couple who rent out two units in a triplex they own, and several other landlords.

During [oral arguments in February](#), attorneys representing local landlords argued the first-in-time rule is an "unprecedented attempt to regulate subconscious thought" and an illegal infringement on property rights. The city argued that granting landlords the right to choose tenants amounts to also granting them the right to exclude people unfairly. Judge Suzanne Parisien, herself a landlord, was skeptical, saying landlords were seeking the right to "have their gut check." In March, Parisien [ruled against](#) the city, writing that the law is over-broad and, because of its rules about how landlords advertise their properties, restricts landlords' free speech.

The city has not yet filed a detailed legal argument challenging Parisien's decision.

After the ruling against the law, Seattle City Council member Lisa Herbold hinted at other possible recourse for the city. "If landlords won't screen tenant[s] in a way that intentionally addresses bias, we have no recourse but to increase fair housing law enforcement," she said.

In a statement Thursday, Ethan Blevins, a lawyer for the Pacific Legal Foundation who represented the landlords, called the appeal "another sign of the city's supreme confidence that they know best... Landlords—and everyone else—deserve the dignity of making reasonable choices about how they run their businesses and their personal lives."

The Seattle City Attorney's Office declined to comment.