



## Judges in the Classroom

### Housing Law

#### **Source:**

Adapted by Margaret Fisher, Institute for Citizen Education in the Law, Seattle, WA, from *Street Law: A Course in Practical Law* (8th ed.). The Board for Judicial Administration, Public Trust and Confidence Committee member, Jean Kang, updated the lesson in 2019. For more information, contact the Administrative Office of the Courts (AOC), Temple of Justice, 415 12<sup>th</sup> Ave SW, PO Box 41174, Olympia, WA 98504-1174. For an electronic copy of this lesson, or to view other lesson plans, visit Judges in the Classroom on the Washington Courts Web site at: [www.courts.wa.gov/education/](http://www.courts.wa.gov/education/).

#### **Objectives:**

1. Students will express their opinions about housing law.
2. Students will explain and justify their opinions.
3. Students will appraise Washington State housing law and compare the state of the law with their opinions.

#### **Grade Level:**

Grades 9-12

#### **Time:**

One class period (approximately 50 minutes)

#### **Materials:**

One copy of Handout 1 (Housing Law Opinion Poll) for each student

#### **Procedures:**

1. **Begin class by introducing yourself** and telling students a little bit about what you do if this is your first visit. Tell students they will now take an opinion poll about housing law. Pass out Handout 1. Explain they are to indicate whether they agree, disagree, or are undecided about each statement on Handout 1.

Note: This lesson is an ideal way to introduce the topic of housing law. The judge need not express his or her personal opinion when debriefing the opinion poll.

2. **Tell students** they are being asked for their opinions, not what the law is. Explain that if their answer is not in agreement with the state of the law, it does not make it wrong. Remind them they will be asked to give reasons for their opinions. Allow students time to complete the poll individually. (Allow 5-10 minutes.)
3. **Debrief student opinions.** First, develop a class composite by taking a show of hands for responses to each statement. Keep a chart on the board to record student responses. For example:

	Agree	Undecided	Disagree
1.	15	7	8
2.	6	5	19

4. **After the chart is complete,** go back and ask students to justify or give reasons for their opinions. Encourage exchange between students, rather than just yourself and the students, by asking students to respond to opinions opposite from their own.
5. **After discussion of opinions** about each statement, tell students what the state of the law in Washington State is in regard to the statement. When students' opinions vary from the law, ask whether they think the law should be changed. What could they do to impact that process? (Their answers might include to write to their legislator, vote, run for office when eligible, etc.) Allow 30-35 minutes for the debriefing of all questions.

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**Washington State Law Applicable to Opinion Poll Statements:**

1. **Statement:** An owner of rental property should be able to rent to whomever s/he wishes.

**Law:** An owner is prohibited by anti-discrimination statutes from refusing to rent to, or deal with, certain classes of individuals. There are federal, state, and local anti-discrimination laws. The state and local laws are often broader than the federal law. Washington State law prohibits discrimination on the basis of sex, marital status, sexual orientation, race, creed, color, national origin, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability. (List these on the board; they will be relevant to examples 7-12.) Owners are not, however, prevented from discriminating against individuals who are not covered by the law.

2. **Statement:** If I want to smoke dope in my house, my landlord has no right to interfere.

**Law:** Washington has a law that allows landlords to evict tenants for "drug-related activity," which includes the use of any illicit drug on the premises. If drugs are being manufactured, stored or sold on the premises with the landlord's knowledge, the police may have the right to confiscate and sell the house.

3. **Statement:** I own a run-down house, with no heat and broken windows. A homeless family offers to rent it for \$100 per month; I agree. The building inspector now says I must make the house fit to live in. I should have the right to evict the tenants and should not be required to fix up my house.

**Law:** The Washington Residential Landlord-Tenant Act requires all landlords to maintain leased property in accordance with local housing codes. If a landlord knowingly rents property that is in violation of local housing codes, or that has been condemned, the tenant is entitled to recover either three months' rent or three times the damages sustained as a result of the violation.

4. **Statement:** Alphretta's landlord refuses to fix her refrigerator, which broke last week. She should be allowed to withhold rent until the refrigerator is fixed.

**Law:** Washington law does not allow rent withholding, but does give tenants other alternatives to pressure landlords to make repairs. Under the Landlord-Tenant Act, the landlord is required to fix the refrigerator within 72 hours after notification of the problem. If the landlord does not fix it within that time, the tenant may either move out, repair and deduct the cost of the repair from her rent, or deposit her rent in escrow. The law should be consulted for details.

5. **Statement:** Landlords should have the right to check on their tenants at any time, without giving notice, in order to ensure the tenants are following the rules written in the lease.

**Law:** Washington law guarantees that tenants are entitled to privacy and that landlords may not enter the leased property without giving two days' notice, unless there is an emergency. Only one day's notice is necessary if the landlord is showing the apartment to a prospective tenant or purchaser.

6. **Statement:** Andre has organized the tenants in his apartment building to demand that the landlord fix the elevator, which has been broken for a month. The landlord has the right to raise Andre's rent when his lease is up next month.

**Law:** Washington law protects tenants from retaliation by a landlord. Because Andre is engaged in activity permitted by the law (requesting that the landlord maintain common areas, which the landlord is obligated to do anyway), he should not be punished by the landlord. State law provides that if the landlord raises the rent, or evicts a tenant within 90 days after the tenant exercises a right guaranteed by the law, the landlord is deemed to be acting in retaliation.

7. **Statement:** Chen owns an apartment building and shows an apartment for rent to Sophia. Chen decides not to rent to Sophia after he learns that she is an opera singer; he thinks she might disturb other tenants. Chen has the right to exclude Sophia just because she is an opera singer.

**Law:** Since opera singers are not a protected class under any of the anti-discrimination laws, Chen can exclude Sophia, because she might actually disturb tenants. This example and the next are included to point out that the laws prohibit discrimination against only those groups, or classes of individuals, specifically

mentioned in the statute.

8. **Statement:** Chen then interviews Marilyn, a very attractive blonde. He refuses to rent to her because he has heard that blondes have lots of wild parties. Chen has a right to exclude Marilyn because she is a blonde.

**Law:** Again, the anti-discrimination laws do not prohibit discrimination against blondes. The laws do, however, prohibit discrimination on the basis of sex, so if Marilyn can show that Chen would have rented to a blonde man, she might have a case.

9. **Statement:** Finally, Chen interviews William, who is infected with the AIDS virus. Chen refuses to rent to William because he has AIDS. Chen has a right to exclude William for this reason.

**Law:** Chen is barred by both the federal and state fair housing laws from discriminating against William because he has AIDS. Those who have AIDS or are HIV positive are included under the definition of "disabled."

10. **Statement:** Carlos has a very well-behaved dog. Ellen refuses to rent to Carlos unless he gets rid of the dog. Ellen is entitled to enforce her "no pets" policy.

**Law:** A landlord is free to exclude pets, unless it is a trained guide dog for a disabled person.

11. **Statement:** Karl is blind and has a guide dog. Ellen refuses to rent to Karl, stating that no pets are allowed in her apartments. Ellen is entitled to enforce her "no pets" policy.

**Law:** Federal, state, and local fair housing laws prohibit discrimination on the basis of a disabled person's use of a trained guide dog.

12. **Statement:** Lisa is in a wheelchair and needs assistance to open doors at the movie theater. Her wheelchair also sometimes strikes other patrons as she goes down the aisle. The theater owner has the right to refuse to admit Lisa.

**Law:** This example is based on a case in Tacoma. The hearing examiner ruled that the theater had unfairly discriminated against Lisa, and violated Tacoma's human rights ordinance, by treating her differently from other customers. The Americans With Disabilities Act, passed in 1990, requires public accommodations (which includes movie theaters) to provide access to disabled individuals unless that access poses a direct threat to the health or safety of others, the denial is the result of applying a legitimate eligibility criteria, or the denial results from an inability to modify policies, practices or procedures without a fundamental alteration of the nature of its business or the imposition of an undue burden. Clearly, this would not impose an undue burden on the business to provide a viewing area in the theatre and to provide assistance getting through the doors.

13. **Statement:** Nancy loves flowers and has flowers in pots all around her apartment, both inside and out. She is on a month-to-month lease; she has paid her rent on time during the five years she has lived in the apartment. Her landlord asks her to remove the

flowers; she refuses. The landlord should be able to evict Nancy for not removing the flowers.

**Law:** This example is loosely based on a real case from King County. Landlords can evict tenants on month-to-month leases for no reason, unless the municipality has a "just cause" eviction law, such as the Just Cause Eviction Ordinance in the city of Seattle.

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**6. Ask students where they can go** if they have problems with their landlord, or questions about a housing law problem.

Students could call the nearest legal services office for people who live at or below the federal poverty level.

Northwest Justice Project (NJP) provides legal services to the poor, and operates a toll-free client referral and advice system, named "CLEAR." Small client service offices have been set up around the state.

Columbia Legal Services (CLS) has offices in the following areas: Olympia, Seattle, Moses Lake, Tri-Cities, Wenatchee, and Yakima. With much reduced resources, Columbia Legal Services represents low income individuals and groups on legal issues that affect a large number of low income people, usually where there is no other legal aid organization available to assist.

CLS represents homeless and other vulnerable, low-income households – renters, manufactured housing owners, and others – struggling to find or maintain safe and decent housing they can afford. They generally represent clients who cannot be represented by other members of the Alliance for Equal Justice or who have problems that are best addressed in ways that others are less able to undertake, for example through representation of clients before legislatures or administrative agencies to ensure that federal, state, and local governments recognize and address the housing needs of homeless households and those most at risk of becoming homeless.

Students could also contact the Tenant's Union, the Washington State's Attorney General's Office, or the Washington State Bar Association Lawyer Referral Service. The Washington State Human Rights Commission handles complaints about discrimination in housing; their number is 1-800-233-3247. List other resources in the community.

**7. Finally, review by asking students** what they have learned about housing law. List responses on the board. Possible responses include:

- Property owners are prohibited by law from discriminating against certain classes of persons.
- Landlords can evict tenants for drug-related activity.

- Landlords are required by law to maintain their rental property up to a certain standard.
  - There is a law that governs the relationship between residential landlords and their tenants. If they have detailed questions, they should consult a lawyer. (Refer to the resources above.)
8. **Since the opinion poll** is designed to introduce the students to some of the issues that will be addressed in the Housing and the Consumer Chapter and Discrimination Chapter of *Street Law*, the teacher may want to ask students to keep a record of their opinions and attitudes now, so they can compare them to their opinions after the chapter is completed.

## Handout 1

### Housing Law Opinion Poll

**Directions:** Read the statements below and decide whether you agree (A), are undecided (U), or disagree (D). Be prepared to give reasons for your opinion.

- \_\_\_\_\_ 1. An owner of rental property should be able to rent to whomever s/he wishes.
- \_\_\_\_\_ 2. If I want to smoke dope in my house, my landlord has no right to interfere.
- \_\_\_\_\_ 3. I own a run-down house, with no heat and broken windows. A homeless family offers to rent it for \$100 per month; I agree. The building inspector now says I must make the house fit to live in. I should have the right to evict the tenants and should not be required to fix up my house.
- \_\_\_\_\_ 4. Alphretta's landlord refuses to fix her refrigerator, which broke last week. She should be allowed to withhold rent until the refrigerator is fixed.
- \_\_\_\_\_ 5. Landlords should have the right to check on their tenants at any time, without giving notice, in order to ensure the tenants are following the rules written in the lease.
- \_\_\_\_\_ 6. Andre has organized the tenants in his apartment building to demand that the landlord fix the elevator, which has been broken for a month. The landlord has the right to raise Andre's rent when his lease is up next month.
- \_\_\_\_\_ 7. Chen owns an apartment building, and shows an apartment for rent to Sophia. Chen decides not to rent to Sophia after he learned that she is an opera singer; he thinks she might disturb other tenants. Chen has the right to exclude Sophia just because she is an opera singer.
- \_\_\_\_\_ 8. Chen then interviews Marilyn, a very attractive blonde. He refuses to rent to her, because he has heard that blondes have lots of wild parties. Chen has a right to exclude Marilyn because she is a blonde.
- \_\_\_\_\_ 9. Finally, Chen interviews William, who is infected with the AIDS virus. Chen refuses to rent to William because he has AIDS. Chen has a right to exclude William for this reason.
- \_\_\_\_\_ 10. Carlos has a very well-behaved dog. Ellen refuses to rent to Carlos unless he gets rid of the dog. Ellen is entitled to enforce her "no pets" policy.

- \_\_\_\_\_ 11. Karl is blind and has a guide dog. Ellen refuses to rent to Karl, stating that no pets are allowed in her apartments. Ellen is entitled to enforce her "no pets" policy.
- \_\_\_\_\_ 12. Lisa is in a wheelchair, and needs assistance to open doors at the movie theater. Her wheelchair also sometimes strikes other patrons as she goes down the aisle. The theater owner has the right to refuse to admit Lisa.
- \_\_\_\_\_ 13. Nancy loves flowers and has flowers in pots all around her apartment, both inside and out. She is on a month-to-month lease; she has paid her rent on time during the five years she has lived in the apartment. Her landlord asks her to remove the flowers; she refuses. The landlord should be able to evict Nancy for not removing the flowers.