

WASHINGTON STATE HUMAN RIGHTS COMMISSION

GUIDE TO SEXUAL ORIENTATION, GENDER IDENTITY, DISCRIMINATION, and WASHINGTON STATE LAWS

SELF-ASSESSMENT CHECKLIST FOR COMPLIANCE
and SUGGESTED BEST PRACTICES
for REAL ESTATE and HOUSING TRANSACTIONS



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The *Self-Assessment Checklist for Compliance and Suggested Best Practices* is a practical tool for realtors, landlords, property management companies and other covered entities. By following this Guide and developing and implementing appropriate policies and procedures, you can help prevent confusion and discrimination, foster an inclusive environment, and limit the likelihood that a discrimination complaint is filed against you.

This Guide is not intended to take the place of professional legal advice. Neither the State of Washington nor any agency shall be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information.

The Guide is divided into two sections: policies and actions required for compliance, and policies and actions suggested for compliance.

Note: This Guide is specific to realtors, landlords, property management companies and other covered entities who want concrete information about how to comply with the law. All housing providers and realtors are covered by the law except for owner-occupied dwellings. Where “Company” is referred to, we mean all covered entities that rent, manage, or sell housing or real estate in the State of Washington.

Note: This is an interim interpretive statement and a work in progress. Please let us know about your experience using this instrument, and any suggestions for improvement. For further information and to provide feedback and suggestions, please contact Seth Kirby, Program Specialist, at 1-800-322-3247.

Name of Company or Business:

Person/Title Completing Evaluation

Date / /

Directions: Please complete this form by circling either Yes or No. Responses should be based on supporting documentation that your company or business keeps on file.

SECTION 1: CHECKLIST FOR COMPLIANCE

Note: Where applicable, the policies and actions are required for compliance.

ADVERTISING REAL ESTATE OR RENTAL PROPERTY

- 1. Our company has notified all our advertising contractors of the addition to the Washington Law Against Discrimination that makes it illegal to discriminate based on a person’s sexual orientation or gender expression/ identity.

Yes No ACTION TAKEN

- 2. In advertising, our company does not use words or phrases that imply a preference for or against people with a certain sexual orientation and gender expression/identity.

Yes No ACTION TAKEN

- 3. Our company has a strict policy against steering people towards certain geographic areas or neighborhoods based on real or perceived sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

- 4. Our company has a strict policy against steering people towards certain buildings or complexes based on real or perceived sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

5. Our company includes sexual orientation and gender expression/identity * as part of our fair housing non-discrimination policy when publicizing information about our company, including in languages other than English.

*Note: “Sexual orientation means heterosexuality, homosexuality, bisexuality, and gender expression or identity. Gender expression or identity means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.” RCW 49.60.040(15).

Yes No ACTION TAKEN

APPLICATION and SCREENING PROCESS FOR REAL ESTATE AND RENTAL
PROPERTY TRANSACTIONS

1. Our company has notified all our screening contractors of the change to the Washington Law Against Discrimination that makes it illegal to discriminate based on a person’s sexual orientation or gender expression/ identity.

Yes No ACTION TAKEN

2. Our company has a clear screening policy in place to make sure screening is done without regard to sexual orientation and gender expression/identity.

Yes No ACTION TAKEN

3. Our employees are aware of our screening policy and are updated about changes to the law.

Yes No ACTION TAKEN

4. Our company has reviewed our standard tenant interview questions and application forms and removed any biased questions, as well as questions that might be used in a discriminatory way (e.g. “lifestyle” questions).

Yes No ACTION TAKEN

5. When screening potential applicants, we do not discriminate against families with children, regardless of whether the parents of the children are a same- or opposite-sex couple.

Yes No ACTION TAKEN

6. If our company asks an applicant for photo identification, the request is equally made to every applicant.

Yes No ACTION TAKEN

7. If our company asks for photo identification such as a state-issued license or identification card, our staff is aware that some people may have a legal name or gender inconsistent with their known name or gender. Our company has methods in place to protect the confidential nature of such information.

Yes No ACTION TAKEN

8. Our staff does not make decisions about the terms or conditions of real estate or rental transactions based on an applicant's real or perceived sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

9. When screening potential applicants, we do not discriminate against a person based on marital status, including whether someone has a same- or opposite-sex partner.

Yes No ACTION TAKEN

10. When screening potential applicants, we do not discriminate against families with children, regardless of whether the parents of the children are single or those of a same- or opposite-sex couple.

Yes No ACTION TAKEN

CREDIT and MORTGAGE LENDING FOR REAL ESTATE OR RENTAL PROPERTY TRANSACTIONS

1. When discussing credit and lending with potential buyers and/ or tenants, our company does not ask biased questions that might be used in a discriminatory way (e.g. "lifestyle" questions).

Yes No ACTION TAKEN

2. Our company uses the same considerations when reviewing the income of same- and opposite-sex applicants.

Yes No ACTION TAKEN

- 3. Our company charges unmarried same- and opposite-sex applicants the same screening fee.*

*Note: It is not considered discrimination for a housing provider to charge one application fee for married couples and two application fees for unmarried couples. RCW 49.60.176 (3). However, it would be considered discriminatory to charge all heterosexual couples (married and unmarried) one application fee and gay and lesbian couples a higher application fee.

Yes No ACTION TAKEN

- 4. Our company has a policy against predatory lending* based on characteristics prohibited from consideration under the law.

*Predatory lending refers to the practice of applying unfair loan terms to borrowers through deception or confusingly complicated transactions.

Yes No ACTION TAKEN

- 5. When screening potential applicants, we do not discriminate against families with children, regardless of whether the parents of the children are a same- or opposite-sex couple.

Yes No ACTION TAKEN

COMPARABLE RATES, TERMS, AND CONDITIONS FOR REAL ESTATE OR RENTAL PROPERTY TRANSACTIONS

Note: Comparable rates, terms and conditions must be provided equally regardless of the applicant’s sexual orientation or gender expression/identity. In addition, all unmarried couples (both same- and opposite-sex) must be treated equally (e.g. a company would not be in compliance by offering a different screening rate to unmarried opposite-sex couples and not offering the same rate to same-sex couples).

- 1. Our company does not charge a higher or lower rate based on a buyer or tenant’s sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

- 2. Our company does not offer different terms or conditions of a purchase or lease based on the applicant’s sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

3. If our company offers use of a guest hall, common area, or other amenity, all tenants are equally allowed to access the building, regardless of sexual orientation and gender expression/identity.

Yes No ACTION TAKEN

4. If our company offers use of a guest hall, common area, or other amenity, tenants are allowed to access the appropriate restroom within the building.*

*Note: For example, policies must allow a transgender tenant to use the restroom and/ or locker room matching the gender he or she publicly asserts.

Yes No ACTION TAKEN

PROPERTY OWNER and PROPERTY MANAGER RESPONSIBILITIES

1. Have all current employees been made aware of the new protections under the law and its impact on real estate and housing transactions?

Yes No ACTION TAKEN

If Yes, how have employees been made aware?

Announcement in Company Newsletter

Announcement Posting

Announcement in Staff Meeting

Employee Training

Other - please list:

2. Our company has a published internal grievance procedure providing for prompt and equitable resolution of complaints alleging discrimination based on sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

3. Our company's human resources department has updated policies and procedures for investigating and resolving complaints of discrimination based on a person's real or perceived sexual orientation, or gender expression/identity.

Yes No ACTION TAKEN

4. Our company provides education or training for staff including an overview of our tenant and applicant non-discrimination policy covering sexual orientation and gender expression/identity.

Yes No ACTION TAKEN

Date of Last Training: / / Date of Next Training: / /

5. Our company has a clear non-harassment policy that includes sexual orientation and gender expression/ identity.* The policy should apply to employees, tenants, applicants, and contractors.

*Note: The non-harassment policy should prohibit harassment, intimidation, and abusive, foul or threatening language or behavior directed at people because of their sexual orientation or gender expression/identity. The policy should clearly state where a person can go to file a complaint, including the Washington State Human Rights Commission. The policy should outline the types of behavior that are grounds for eviction. These behaviors should not discriminate.

Yes No ACTION TAKEN

6. Our company prohibits retaliation against a person who brings forward a claim of discrimination, including claims of discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

7. Our company has clear policies and procedures outlining how to investigate claims of discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

8. Our company has a standard procedure allowing for tenants to use a preferred name on door plates and security intercoms.

Yes No ACTION TAKEN

9. Our company has a standard policy to provide repairs requested by tenants based on objective criteria (i.e. “first come, first served” or “emergencies are given priority” basis).

Yes No ACTION TAKEN

10. Our company allows our tenants, regardless of whether a same- and opposite-sex couple, the same right to public displays of affection.

Yes No ACTION TAKEN

11. Our company has a standard procedure tenants can use to change their legal names on leases and related documents.

Yes No ACTION TAKEN

12. Our company has policies in place that protect the confidentiality of tenants who are transitioning* or who have transitioned (e.g. the landlord will not disclose confidential information about an individual's transgender status including former name, legal gender, or medical status).

*Note: "Transition" refers to the social and/ or physical process a transgender person undergoes to assert his or her gender identity. The transition process can include changing one's name, changing one's preferred pronoun, taking hormones, or having gender reassignment surgery.

Yes No ACTION TAKEN

13. Our company has a clear policy that outlines the situations in which a tenant is given an eviction notice. The policy ensures that tenants are not evicted based on sexual orientation or gender expression/identity.

Yes No ACTION TAKEN

SECTION 2: CHECKLIST FOR SUGGESTED BEST PRACTICES

Note: Companies have the opportunity to go beyond strict compliance. Doing so can help limit claims of discrimination and foster good relations with the community. The policies and actions below are recommended for compliance.

1. Our company advertises in newspapers and other publications that include gay, lesbian, bisexual, and transgender (GLBT) people.

Yes No ACTION TAKEN

2. Our company does not advertise with logos or images that imply a preference for or against people with a certain sexual orientation and gender expression/identity (e.g. A company advertising with images of couples should not only use images of opposite-sex couples or only use images of same-sex couples).

Yes No ACTION TAKEN

3. Our company routinely disseminates information to tenants and potential home buyers regarding our nondiscrimination policies.

Yes No ACTION TAKEN

4. Our company has an alternative dispute resolution model in place should tenants/landlords need to resolve a dispute, including disputes regarding GLBT issues.

Yes No ACTION TAKEN

5. Our company's mediator(s) are sensitive to the needs and concerns of GLBT people and families.

Yes No ACTION TAKEN

PRACTICE CHANGES

1. Our company provided updated training to all staff, including an overview of our company policies and procedures with respect to non-discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

2. Our company provided staff with a revised policy and procedure manual, including information about our policies about non-discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

3. Our company developed a timetable with milestones to address or revise our non-discrimination policy, including non-discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

MONITOR INTERNAL COMPLIANCE

1. Our company tracks complaints of discrimination.

Yes No ACTION TAKEN

2. Our company handles all complaints of discrimination promptly and fairly.

Yes No ACTION TAKEN

3. Our company monitors implementation of the action plan.

Yes No ACTION TAKEN

4. Our company has explicit policies that allow tenants to make complaints without fear of retaliation.

Yes No ACTION TAKEN

EVALUATE SUCCESS

1. Our employees, from senior management to new hires, are made aware of and agree to adhere to our non-discrimination policy that includes sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

2. Since implementing this plan, our company feels better able to handle any challenges, claims or discrimination, or concerns regarding the sexual orientation or gender expression/ identity of our customers and tenants.

Yes No ACTION TAKEN

3. Our company has received few internal complaints of discrimination based on sexual orientation and gender expression/ identity.

Yes No ACTION TAKEN

END