

# Seattle's new first-come, first-serve tenant screening rule

Seattle is apparently breaking new ground by requiring landlords in the city to rent their housing units to qualified applicants on a first-come, first-served basis.

**Effective January 1, 2017.**

Officials say they're unaware of any other U.S. city with a policy like the one the [Seattle City Council approved Monday](#), along with other rental-housing changes.

The goal is to ensure prospective renters are treated equally, according to Councilmember Lisa Herbold, who championed the policy. When landlords pick one renter among multiple qualified applicants, their own biases — conscious or unconscious — may come into play, she says.

Some landlords don't mind [the policy](#), saying they already operate on a first-come, first-served basis. But others are upset, saying they should be able to use their own judgment to choose the renters they believe will be most reliable.

## **What do you think?**

*Columnist Jon Talton's poll*

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Even proponents of the policy acknowledge it could have unintended consequences, and some details still need to be worked out before it takes effect Jan. 1.

“There seems to be a strong common-sense argument for this,” said Leland Jones, regional spokesman for U.S. Department of Housing and Urban Development. “But we'll have to wait and see.”

## **How it will work**

Once Mayor Ed Murray signs the policy into law, the Seattle Office of Civil Rights (SOCR) will begin work on how to implement and enforce it and will launch a public-education campaign aimed at renters and landlords, spokesman Elliott Bronstein said.

But the basic requirements were set Monday, said Andra Kranzler, a Herbold aide.

Before accepting a prospective renter's application materials, a landlord will need to provide the renter with information on the landlord's minimum screening criteria, Kranzler said.

When the landlord receives a completed application — in person, electronically or through the mail — the landlord will be required to make note of the date and time.

The landlord will be required to screen multiple applications in the order in which they were received and make offers to qualified renters in that order.

A prospective renter won't necessarily know her position in line, but she can ask SOCR to investigate by checking the landlord's records.

Prospective renters will also have the option to sue a landlord when they think they've been skipped — an aspect of the policy that bothers landlord groups.

There will be some exceptions. Landlords will be able to ignore the policy when renting to a specific vulnerable population, such as domestic-violence survivors.

When a prospective renter can show she needs extra time to complete an application — because she has a disability, for example — the policy will require a landlord to give her a spot in line based on the time and date of her extra-time request, rather than the date and time of her application.

### **Tool against bias**

Proponents of the policy hope it will reduce discrimination.

Ann LoGerfo, a directing attorney with Columbia Legal Services who pushed for the policy, offered an example: A landlord with two qualified applicants picks a name he associates with his own ethnicity, rather than a name that sounds foreign to him.

Under Seattle's new policy, if the latter completes her application first and meets the landlord's criteria, the landlord will be required to offer her the unit.

One Seattle landlord who likes the idea is Jason Truesdell, who rents out a duplex in Madison Valley. Truesdell says he practices first-come, first-served now.

"Because my goal is to get a unit occupied as quickly as possible by someone reliable," he said.

And Shanna Smith, president of the National Fair Housing Alliance, said the policy means Seattle is taking a leadership role.

"We've been asking people to address this issue for years," but landlords always push back, said Smith.

She added, "We know landlords skip people all the time, and often the people they skip are people of color, people with vouchers and families with children."

Not everyone is happy about the policy, however. Don Taylor, who rents out a small building off Aurora Avenue North, said he doesn't need policing.

"How do I do it? Part of it is just feel," Taylor said, recalling an instance in which he chose one qualified applicant over another because her salary was lower and he guessed she'd be less likely to buy a home and move out.

"The longer you can keep a tenant, the better off you are," the landlord said. "I don't care whether you're black, white or purple."

Sean Martin, spokesman for the Rental Housing Association of Washington, says the group already advises landlords to operate on a first-come, first-served basis — to avoid discrimination claims. But he's worried about unintended consequences.

He wonders whether the race-to-apply policy will give an advantage to people with cars, smartphones and free time over people who ride the bus and work three jobs.

Liz Etta, executive director of the Tenants Union of Washington State, said she understands that concern. But she said, "We can see a larger swath of people being discriminated against without it (the policy)."

The council included a provision Monday requesting an audit in 2018.

### **Enforcement**

Then there's the question of enforcement. Taylor says he'll keep going with his gut. "I plan to find a way to work around the law," he said.

False times and dates. Different screening criteria. Pre-application interviews. Those are all possibilities, said Truesdell, who plans to adhere to the policy.

“I can easily imagine how this could be gamed,” he said.

That’s why Smith, the national expert, says Seattle will need to ramp up its sting operations.

According to SOCR, it will need to add two staffers to handle work related to the first-come, first-served policy — to the tune of more than \$200,000 next year.

[Daniel Beekman](#)

*Seattle Times staff reporter*