

Fair Housing Violations in Unusual Places: No Child Left on Board (at this marina)

By the Seattle Office for Civil Rights

Two recent fair housing cases closed by the Seattle Office for Civil Rights (SOCR) demonstrate the far-reaching strength of the forty-one year old Fair Housing Act.

Late last year, a Seattle resident was negotiating to buy a boat from an owner currently moored at a local marina. The buyer told the seller he planned to live aboard, and sometimes his young daughter would join him for overnight stays.

That's when the seller told him that the marina barred children from living aboard boats in the marina. The buyer bought the boat anyway, moved it to a different marina, and filed a fair housing complaint with SOCR. In his complaint he also alleged that the management of the marina had confirmed the ban on live-aboard kids.

Before SOCR could pursue its investigation, the agency first had to settle a more basic question: Did fair housing laws even cover boats? SOCR found legal precedent for considering a live-aboard boat as a "dwelling" under the Fair Housing Act if someone was actually using it as a place of residence. The situation is similar to hotels and motels: short-term stays usually are covered by public accommodation laws, but longer-term stays are considered to be residencies and fall under the jurisdiction of fair housing laws.

The investigator assigned to the case had to weigh differing accounts of the story. The charging party and the man who sold him the boat both confirmed the charging party's allegation; the manager of the marina denied ever saying that children were barred from living aboard. But another resident testified that the manager also had told her the same thing. Moreover, the manager admitted that he did tell prospective marina live-aboards about the dangers to children; he felt the need to "educate" parents about conditions in and around the marina. At the time of the investigation, no children lived aboard boats in this particular marina.

SOCR issued a reasonable cause finding, based on the credibility of the three witnesses and the respondent's admission that he "cautioned" parents about having children on board. The charging party received \$500 in conciliation.