

California Fair Housing Fact Sheet

California prohibits discrimination in all aspects of the housing business. This fact sheet provides a brief overview of California's most significant housing discrimination laws and how they are enforced.

The Fair Employment & Housing Act (FEHA) [Gov. Code §§ 12900 *et seq.*] is the primary state law prohibiting discrimination in the sale, rental, lease negotiation, or financing of housing based on a person's race, religion, national origin, color, sex, marital status, ancestry, family status, disability, sexual orientation, and source of income. *In California, physical and mental disability is defined as a condition that limits a major life activity*, without regard to mitigating measures [Gov. Code § 12926, subds. (i), (k), (l); § 12926.1]. California's definition of disability is broader than the federal definition, which requires a "substantial limitation." The FEHA also incorporates the protections of the Unruh Act (discussed below) which includes medical condition as a protected category [Gov. Code § 12921(b).]

Some examples of illegal discrimination under the FEHA include:

- Refusal to sell, rent, or lease housing
- Representation that housing is not available for inspection, sale, or rental when that housing is in fact available
- Provision of segregated or separated housing
- Making any statement or printed notice that indicates any preference, limitation or discrimination
- Harassing, evicting, or otherwise discriminating against a person who has exercised or helped another person exercise rights under FEHA
- Discriminating through private or public land use practices
- Using a financial or income standard that fails to account for the aggregate income of persons residing together
- When a tenant has a government rent subsidy, using a financial or income standard for eligibility that is not based on the tenant's share of rent

The FEHA covers all housing *except the renting of an owner-occupied single family house to one boarder* [Gov. Code §12927(c)(2)(A)]. However, FEHA will also apply to these rentals if the owner makes a discriminatory statement or advertisement.

The Unruh Civil Rights Act [Civ. Code § 51] prohibits discrimination in "all business establishments of every kind whatsoever." This provision has been interpreted to include businesses and persons engaged in the sale or rental of housing accommodations. Like FEHA, the Unruh Act prohibits discrimination against persons who are perceived to be a member of a protected

class, or who associate with a member of a protected class. The Unruh Act covers any form of housing which can be termed a “business establishment.” This term has been broadly interpreted by the courts to apply to virtually any type of housing accommodation, such as motels and hotels, real estate brokers and agents, owners of duplexes, non-owner occupied single family dwellings, mobile home parks, and condominium homeowners’ associations.

Damages under Unruh

Whoever discriminates in violation of the Unruh act is liable for each offense for actual damages and a minimum of \$4,000 up to three times the amount of actual damages, along with attorney’s fees. (Civ. Code § 52.)

Civil Code § 53 prohibits restrictive covenants and other “blockbusting” provisions in real estate documents.

Restrictions and prohibitions on who may acquire, lease, or occupy real property are void if based on sex, race, color, religion, ancestry, national origin, or disability.

Service and Guide Dogs. Civil Code § 54.1(B)(6) states that refusing to lease or rent housing to a person with a disability, on the basis that the person uses a guide, signal or service dog, is a denial of equal access to housing accommodations. Violators of section 54.1 are liable for actual damages and a minimum of \$1,000 up to three times the amount of actual damages, along with attorney’s fees. [Civ. Code § 54.3.]

The Ralph Civil Rights Act [Civ. Code § 51.7] imposes civil penalties for intimidation by threat of violence and other hate crimes committed against persons or property because of protected status, such as race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or perception that the person belongs to a protected category. The Ralph Act prohibits violence or threats of violence in rental housing situations.

Enforcement: DFEH Complaint or Private Lawsuit?

You can enforce your rights under California fair housing law either by filing a claim with the DFEH, or by filing a private lawsuit. If you believe someone has discriminated against you, you can file a complaint with the DFEH within one year after the discriminatory act occurs. If you choose to file a private lawsuit, you must do so within two years. It is not necessary to file a complaint with DFEH before filing a private lawsuit. Note that if you file a private lawsuit, the DFEH will not act on any complaint you may have filed.

Administrative Complaint Process

When you file a complaint with the DFEH, the Department will begin to investigate and attempt to resolve the complaint. If the complaint is not resolved within 100 days, you will be advised of your right to file a lawsuit. The DFEH may make further attempts to resolve the complaint at a conciliation conference. If the complaint cannot be

resolved through conciliation, the parties may choose either to have a hearing before the Fair Employment and Housing Commission, or to have a suit in Superior Court.

Sources: Gov. Code §§ 12900 et seq., Civ. Code §§ 51 et seq., Department of Fair Employment & Housing, Fair Housing Hotline Project.

DFEH Contact Information

www.dfeh.ca.gov

-800-233-3212 (Within California) 1-510-622-2945 (Outside California)

Hate Violence:

1-866-460-HELP (4357)

TTY Number: 1-800-700-2320