

Fair Housing Laws & Litigation Conference

Pre-Conference Session I

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I. Fair Employment and Housing Act, Government Code § 12900, et seq.

- a. In general, the FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.
- b. Government Code § 12955.7 makes it “unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by [the housing provisions of the FEHA.]” Same standard as under the FHA.
- c. It is also a violation of the FEHA to violate the Unruh Civil Rights Act (Civil Code § 51) which applies to housing providers as business establishments.

II. Ralph Civil Rights Act, Civil Code § 51.7

All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of [sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.]

III. Unruh Civil Rights Act, Civil Code § 51

- a. “All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal

accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

- b. Landlord can defend against Unruh/FEHA claim by showing legitimate, non-discriminatory reason for action (i.e., legitimate business interest.)

IV. **DFEH statistics**

- a. In 2016, DFEH received 17,041 formal complaints.
- b. 1,006 alleged violations of the housing provisions of the FEHA.
 - Down from 1,365 in 2015
- c. 58 alleged violations of the Ralph Civil Rights Act (hate violence).
 - Down from 71 in 2015
- d. The most commonly cited bases for complaints of hate violence under the Ralph Act were sex (40%), race (9%) and disability (6%).
- e. DFEH filed one Ralph Act civil complaint in 2016 pertaining to housing

V. **Resources**

- a. Department of Fair Employment and Housing (www.dfeh.ca.gov)
- b. Hate Violence and Civil Rights (<http://www.dfeh.ca.gov/files/2017/01/DFEH-R01B-Ralph-rv20161229.pdf>)
- c. FHA resources generally apply to the FEHA