

Fair Employment and Housing Act (FEHA)

The *Fair Employment and Housing Act* (FEHA) prohibits harassment and discrimination in **employment** because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (Government Code sections 12940, 12945, 12945.2) and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions. You may file a private lawsuit under the *Fair Employment & Housing Act*. For employment discrimination issues, you **are required** to exhaust your administrative remedies with the Department by securing your Notice of Right to Sue.

Complaints of discrimination must be filed with the Department within **one year** from the date of the alleged discriminatory act. For victims who are under the age of 18, complaints of discrimination must be filed no later than one year following that person's 18th birthday. Please [contact us](#) immediately if there is any likelihood that this one-year period is about to expire.

This law specifically provides protection from harassment or discrimination in employment because of:

- Age (40 and over)
- Ancestry
- Color
- Religious Creed (including religious dress and grooming practices)
- Denial of Family and Medical Care Leave
- Disability (mental and physical) including HIV and AIDS
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- Genetic Information
- Military and Veteran Status
- National Origin (including language use restrictions)
- Race
- Sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding)
- Gender, Gender Identity, and Gender Expression
- Sexual Orientation

Accessibility Guidelines

All new housing construction of buildings consisting of four or more dwelling units must be designed and constructed in a manner that allows access to, and use by, disabled persons.

At a minimum, the housing must have the following features:

- All covered multi-family dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site. The burden of establishing impracticality because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility.
- All covered multi-family dwellings with a building entrance on an accessible route shall be designed and constructed in a manner that complies with all of the following:

- The public and common areas are readily accessible to and usable by persons with disabilities.
- All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheelchairs
- All premises within covered multifamily dwelling units contain the following features of adaptable design:
 - An accessible route into and through the covered dwelling unit
 - Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
 - Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where such facilities are provided
 - Usable kitchens and bathrooms such that individuals in a wheelchair can maneuver about the space

Disability Discrimination

The Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) because of a persons disability. Disability is defined as:

- A physical or mental impairment that limits one or more of a person's major life activities
- A record of having, or being perceived as having, a physical or mental impairment. It does not include current illegal use of, or addiction to, a controlled substance (as defined by Section 102 of the Federal Controlled Substance Act, 21 U.S.C. Sec. 802).

Service Animals

Guide, Signal or Service Dogs or Other Animals

Persons with disabilities have the right to use the services of a guide, signal or service dog or other such designated animal and to keep such animals in or around their dwellings. Landlords may reasonably regulate the presence of the animals on their premises but may not impose any extra charges or security deposits. Tenants, however, are liable for any damage caused by their animals when proof of such damage exists.

Reasonable Accommodation

At the request of a person with a disability, a housing provider must make reasonable accommodations in rules, policies, practices or services when these accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling.

This includes, but is not limited to:

- Making an exemption to a "no pet" policy to enable a disabled tenant to have a service animal
- Changing parking rules to enable a disabled tenant to have parking that meets his/her needs

A housing provider may ask a tenant for medical verification of the need for reasonable accommodation. This is limited to verification that the person is disabled within the meaning of the law and that there is a need for the requested accommodation. However, the housing provider is not entitled to any information about the nature of the disability.

Reasonable Modification

A housing provider must allow a person with a disability to reasonably modify existing premises if the modifications are necessary to afford the disabled person full enjoyment of the premises. The tenant is responsible for the cost of the modification. In some circumstances, a landlord may require that the tenant agree to restore the interior of the premises to the original condition. Examples of reasonable modifications include:

- Widening doorways
- Lowering cabinets
- Installing a wheelchair ramp

Discrimination

The Fair Employment and Housing Act prohibits discrimination in all aspects of housing (rental, lease, terms and conditions, etc.) because of the presence of children in the household (familial status).

Familial status is defined as having one or more individuals under 18 years of age who reside with a parent or with another person with care and legal custody of that individual (including foster parents) or with a designee of that parent or other person with legal custody. Familial status also includes a pregnant woman or a person who is in the process of adopting or otherwise securing legal custody of any individual under 18 years of age.

Senior Housing Exemption

Housing that meets the legal definition of senior housing or housing for older persons is exempt from the familial status provisions of the Fair Employment and Housing Act. This means that such housing can legally discriminate against families with children.

There are three (3) categories of housing that meet this definition:

- Housing provided under any state or federal program that the Secretary of Housing and Urban Development (HUD) determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program
- Housing that meets the standards for senior housing in sections 51.2, 51.3 and 51.4 of the Civil Code (Unruh Civil Rights Act)
- Mobile home parks that meet the standards for "housing for older persons" as defined in the Federal Fair Housing Amendments Act of 1988 and implementing regulations