

# PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS

## FACT SHEET



### THE UNRUH CIVIL RIGHTS ACT PROVIDES PROTECTION FROM DISCRIMINATION BY ALL BUSINESS ESTABLISHMENTS IN CALIFORNIA

The unruh civil rights act provides protection from discrimination by all business establishments in California, including housing and public accommodations. The term “business establishments” may include governmental and public entities as well.

The language of the Unruh Civil Rights Act specifically outlaws discrimination in housing and public accommodations based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. However, the California Supreme Court has held that protections under the Unruh Act are not necessarily restricted to these characteristics.

The Act is meant to cover all arbitrary and intentional discrimination by a business establishment on the basis of personal characteristics similar to those listed above.

The law also protects the rights of individuals with disabilities to use streets, highways, and other public places; public conveyances; places of public accommodation, amusement or resort, and housing accommodations; and guide, signal, or service animals or alternative accommodations for persons with disabilities. The law clearly distinguishes between the right of a business to refuse service based on conduct as opposed to personal characteristics. The misconduct or disruptive behavior of particular individuals may be grounds for refusing to do business with them or denying them services.

### BUSINESSES COVERED UNDER THE LAW

The Unruh Civil Rights Act requires “[f]ull and equal accommodations, advantages, facilities, privileges or services in all business establishments.” This includes, but is not limited to, the following places:

- Hotels and motels
- Nonprofit organizations that have a business purpose or are a public accommodation
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations – including rental housing and shared-economy housing
- Public agencies
- Retail establishments

### SENIOR HOUSING

The Unruh Civil Rights Act contains provisions regulating the establishment of specialized housing designed to meet the physical and/or social needs of senior citizens.

Housing that meets these requirements is exempt from the familial status and age provisions of the Fair Employment and Housing Act and may, therefore, legally exclude households with children. Similar provisions are provided for senior citizen mobile home parks under federal fair housing laws.

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# DFEH



## EXAMPLES OF UNRUH ACT VIOLATIONS

The following examples represent potential violations of the Unruh Civil Rights Act. Other situations may also qualify as Unruh Act violations depending on the specific circumstances:

- A hotel charges a \$100 service fee only to guests of a certain racial group but not to other guests of the hotel
- A doctor refuses to treat a patient who has been diagnosed as HIV positive
- A same-sex couple is denied a table at a restaurant even though there are vacant tables available and other customers are seated immediately
- A visually impaired individual is told their service animal is not allowed in a store
- Charging men and women different prices for comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar
- Promoting a business with “ladies night” discounts on admission and services

## WHAT DFEH DOES

**The Department of Fair Employment and Housing (DFEH) enforces this law by:**

- 1. Investigating harassment and discrimination complaints;**
- 2. Assisting involved parties to voluntarily resolve complaints;**
- 3. Prosecuting violations of the law; and**
- 4. Educating Californians about the Unruh Act by providing written materials and participating in seminars and conferences.**

**If you think you have been a victim of housing discrimination based on a protected class, file a complaint. A DFEH complaint must be filed within one year from the date the last act of discrimination.**

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

## TO FILE A COMPLAINT

**Department of Fair Employment and Housing**

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320