



## Civil Rights Department

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### CRD Announces Civil Rights Rulemaking for State Agencies and State-Funded Programs

*Proposed regulations are first in four decades to interpret California anti-discrimination law in State programs, services, and activities*

**Sacramento** – The California Civil Rights Council, the rulemaking body of the California Civil Rights Department (CRD), has announced a [proposed rulemaking](#) to interpret for the first time in more than four decades laws prohibiting discrimination in State programs, services, and activities.

First enacted in 1977, Government Code section 11135 and related statutes prohibit discrimination in programs, services, or activities that are conducted, operated, or administered by the State of California or any State agency, that are funded directly by the State, or that receive any financial assistance from the State. Existing regulations interpreting the law have not been updated since 1980.

“Our understanding of what it means to provide full and equal access to government services has evolved in the past four decades, and so too have the methods and technologies we use to ensure that access,” said CRD Director Kevin Kish. “In 2023, just as in 1977, no public funds should be spent in a way that entrenches or results in unlawful discrimination.”

“The Council’s action implements Governor Newsom’s [Executive Order](#) of September 13, 2022 to advance equity and equal opportunity for all Californians,” said Council Chair Gabriel Sandoval. “Equal access to government and government-funded programs is a core civil rights protection, and we look forward to robust public discussion of the proposed rules.”

Changes proposed in the rulemaking include the following:

- Ensure California law is interpreted in a way that is at least as protective as [Title VI of the Civil Rights Act of 1964](#), the federal law that similarly prohibits discrimination in programs and activities receiving federal financial assistance.
- Provide clear definitions about who is protected by the law and who must comply with it.
- Clarify standards for determining whether a practice is discriminatory or denies full and equal access, including legal standards for facial discrimination, intentional discrimination, and disparate impact discrimination.
- Clarify state-law standards for providing equal access to government programs to people with disabilities and people with limited English proficiency.

The Notice of Proposed Rulemaking, Initial Statement of Reasons, and proposed regulatory text are available at the Council’s webpage: <https://calcivilrights.ca.gov/civilrightscouncil/>.

The Department and Council encourage all stakeholders to participate in the regulatory process. Written comments must be submitted by April 3, 2023, at 5:00 p.m. by email to [FEHCouncil@dfeh.ca.gov](mailto:FEHCouncil@dfeh.ca.gov) or by writing to Civil Rights Council, c/o Rachael Langston, Senior Fair Employment and Housing Counsel, Civil Rights Department, 555 12th Street – Suite 2050, Oakland, CA 94607.

The Council will hold a virtual public hearing on the proposed rulemaking starting at 12:00 p.m. on April 3, 2023, at the following location:

<https://us02web.zoom.us/j/86905615920> and/or 1-669-444-9171 – Meeting ID: 869 056 15920.

To sign-up for email updates on this proposed rulemaking and other activities of the Council, subscribe to the Council’s listserv at <https://calcivilrights.ca.gov/subscriptions/>.

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*The CRD is the state agency charged with enforcing California’s civil rights laws. The mission of the CRD is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit CRD’s website at [calcivilrights.ca.gov](https://calcivilrights.ca.gov).*

