

COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

## FILING A COMPLAINT

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

## PUBLIC ACCESS DISCRIMINATION AND CIVIL RIGHTS



If you believe you are a victim of illegal discrimination, you can file a complaint with DFEH by following these steps:

- 1 *Contact DFEH by using the information on the back of this brochure*
- 2 *Be prepared to present specific facts about the alleged discrimination or harassment*
- 3 *Provide copies of documents that support the charges in the complaint*
- 4 *Keep records and documents about the incident(s), such as receipts, stubs, bills, applications, and other materials*

DFEH will conduct an impartial investigation. We represent the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint.

If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may litigate the case in civil court.

If a court decides in favor of the complaining party, remedies may include out-of-pocket expenses, cease and desist orders, damages for emotional distress, statutory damages, attorney's fees and costs, and punitive damages. Court-ordered damages may include a maximum of three times the amount of the complainant's actual damages.

Individuals wishing to file directly in court may do so without contacting DFEH.

### FOR MORE INFORMATION

Department of Fair Employment and Housing  
Toll Free: (800) 884-1684  
TTY: (800) 700-2320  
Online: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Also find us on:



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

*DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.*

*Contact DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov) to discuss your preferred format to access our materials or webpages.*

### THE FACTS

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.

### 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.*



## PROTECTIONS UNDER THE LAW

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, mental or physical disability, age, medical condition, genetic information, marital status, or sexual orientation. 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.

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

## 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
- Public agencies
- Retail establishments

### SENIOR HOUSING

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The Unruh Civil Rights Act also 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.

## 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