



2017 ANNUAL REPORT

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

August 30, 2018

Kevin Kish, Director

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This report has been prepared pursuant to Government Code section 12930, subdivision k, which requires the Department of Fair Employment and Housing to “render annually to the Governor and the Legislature a written report of its activities and its recommendations.”

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LETTER FROM THE DIRECTOR

Over the past year, the Department of Fair Employment and Housing (DFEH) has focused intensively on increasing the accessibility of our services for all Californians, including people with disabilities and people with limited English proficiency. The centerpiece of this effort was the November 2017 launch of our new case filing and case management system, Cal Civil Rights System (CCRS).

The cloud-based platform allows members of the public and their representatives to submit complaints online for all of the civil rights laws DFEH enforces. Individuals can schedule appointments, view the status of their cases, submit notes to staff, request right-to-sue notices for court filing, or submit Public Records Act requests, all online. CCRS was designed to be compatible with screen readers and other assistive technologies, is securely encrypted, and can be modified to respond to changes in the law, advances in technology, and the needs of the public. The system is also available in Spanish.

Other advances in accessibility in the past year include the completion of a project to ensure all of our forms and publications are compatible with commonly used assistive technologies; ensuring that all DFEH employees have access to on-demand telephonic interpretation services at the office and in the field; and issuing a suite of fair housing materials developed in consultation with community members in the six most commonly spoken languages in the state.

As the state agency responsible for investigating and prosecuting complaints of sexual harassment, DFEH has an opportunity to both lead and respond to the public's demand for action in the era of #MeToo and #TimesUp. As part of the work of our Sexual Harassment Prevention Task Force, we issued a workplace harassment guide to provide employers and others with a clear roadmap of expectations for conducting workplace harassment investigations and identifying common mistakes and pitfalls. We will continue to focus both educational and enforcement efforts in this critical area.

Finally, 2017 saw significant changes and improvements in case processing. We completed a rulemaking project to update the regulations that govern our procedures and established a dedicated appeals unit to review case closure decisions. And despite an increased number of complaints over last year, the average amount of time it took to us conduct an intake interview decreased by 30 percent, and the average amount of time it took to close a case from the date an intake form is submitted decreased by 22 percent. We continue to work toward our vision of a California free of discrimination and welcome feedback from all stakeholders as we do so.

Sincerely,



Kevin Kish
Director, Department of Fair Employment and Housing

LETTER FROM THE CHAIR OF THE FAIR EMPLOYMENT AND HOUSING COUNCIL

I write to report on the Fair Employment and Housing Council's undertakings in 2017 and our activities thus far in 2018. In 2017, the Council held six public meetings. Two of the meetings were held in Sacramento, two were held in Los Angeles and the other meetings were held in Oakland and San Francisco. Thus far in 2018, the Council has met in Fresno, Los Angeles, and Oakland and has an upcoming meeting scheduled in Sacramento. All Council meetings are live-streamed on the Council's webpage so members of the public can participate remotely.

Two sets of regulations were finalized by the Council, approved by the Office of Administrative Law, and took effect on July 1, 2017. First is a set of regulations clarifying the obligation of employers to refrain from discriminating against transgender or gender non-conforming individuals in the workplace. The regulations provide guidance on a number of issues that have been the source of confusion in workplaces. These include employees' right to use facilities corresponding to their gender identity, forms of address and gender pronoun usage, and use of an individual's legal name and/or gender.

Second is a set of regulations addressing the potentially discriminatory impact of using criminal history information in employment decisions. After the regulations went into effect, AB 1008, California's Ban-the-Box law, was passed by the Legislature and signed by Governor Brown. AB 1008 makes it illegal for most employers in California to ask about the criminal record of job applicants before making a job offer, and it creates a process employers must follow if they decide to rescind a job offer based on a candidate's criminal history. The Council is currently working on draft regulations updating the earlier regulations with the new mandates of AB 1008.

Also in 2017, the Council worked on regulations addressing national origin discrimination that were completed and approved by the Office of Administrative Law on May 17, 2018. The regulations provide guidance and clarity about various potential forms of national origin discrimination, including the use of English-only policies, discrimination based on an employee's accent, and discrimination based on actual or perceived immigration status.

Throughout 2017, the Council continued work on a draft of the first ever regulations interpreting the Fair Employment and Housing Act's housing provisions. We anticipate finalizing the regulations and submitting them for approval by the Office of Administrative Law later this year.

The Council is also mindful of our statutory authority and duty to hold hearings and make recommendations to the Governor and the Legislature aimed at advancing civil rights in the state. To that end, the Council held a day-long public hearing in Fresno on April 20, 2018, where experts, advocates, and members of the public testified about civil rights issues affecting residents of the Central Valley. The public testimony is available to watch or read online.

The Council looks forward to continuing to be an effective partner to the Legislature through its efforts to proactively implement the state's anti-discrimination laws.

Sincerely,



Chaya M. Mandelbaum
Chair, Fair Employment and Housing Council

ORGANIZATIONAL OVERVIEW

The Department of Fair Employment and Housing (DFEH) is the largest state civil rights agency in the country with 220.8 authorized positions operating out of five offices throughout California. DFEH's mission is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence and human trafficking. To accomplish this mission, the Department receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, Ralph Civil Rights Act, Trafficking Victims Protection Act, and statutes prohibiting discrimination in state-funded activities and programs.¹

The Department's Enforcement Division consists of investigators who receive and investigate complaints. The Legal Division prosecutes cases referred by the Enforcement Division. A systemic litigation unit within the Legal Division focuses on systemic complaints, meaning complaints that allege a pattern or practice of discrimination impacting a large number of people. The Office of Compliance Programs, also within the Legal Division, monitors state contractors' compliance with nondiscrimination programs. The Dispute Resolution Division (DRD) mediates cases.

A critical component of meeting the Department's mission is giving employers, housing providers, businesses and the public clear, accurate and easily accessible information related to their rights and responsibilities under the laws enforced by the Department. This helps both to prevent discrimination from occurring and makes it more likely that it will be reported when it does occur. To meet this need, DFEH continues to develop and improve a suite of educational materials and website content. DFEH executives, managers and staff speak at events around the state each month as part of these outreach efforts. In 2017, DFEH staff participated in 87 outreach events around the state, reaching more than 14,000 individuals.

The Department partners with law schools and universities in California to provide students with hands-on experience in investigating, mediating and prosecuting discrimination cases. Since 2013, the Department has housed the Fair Employment and Housing Council, a seven-member body appointed by the Governor that issues regulations interpreting and implementing rights and obligations under the laws enforced by the Department.

2017 KEY ACCOMPLISHMENTS

- Implemented a new case management and online complaint filing system—Cal Civil Rights System. This system provides the public with the ability to file complaints and Public Records Act requests through an accessible online portal, check the status of cases through controlled access to the back-end data base, and communicate with DFEH staff directly through the portal. The portal also enables most users to schedule their intake interview when they file their complaint.
- Completed a project to review and redesign all of our outreach materials and FAQs to improve clarity and accessibility.

¹ For more information on the specific protections provided by each of these laws, see Appendix A.

- Developed and distributed a workplace harassment guide as part of the work of our Sexual Harassment Prevention Task Force.
- Made immediate, on-demand telephonic interpretation available to all staff in more than 240 languages.
- Revised procedural regulations, including creating a streamlined appeals process to review case closures.
- Made improvements in our processing timeframes. For example, the average amount of time it took to conduct an intake interview after an intake form was submitted decreased by 30 percent in 2017, going from 86 days in 2016 to 60 days in 2017. The average amount of time it took to close a case after an Intake Form was submitted decreased by 22 percent, going from 413 days in 2016 to 319 days in 2017.

THE COMPLAINT PROCESS

DFEH received 24,779 complaints in 2017 from members of the public who alleged that their civil rights were violated. Over half of the claims were requests for an immediate “Right-to-Sue” in employment cases. In these cases, the complainants bypass DFEH’s investigation process, file a complaint with the Department and receive a Right-to-Sue letter from DFEH, which is required for a complainant to file a case in civil court alleging violations of the employment provisions of the FEHA. The remaining claims are investigated by DFEH.

To initiate the investigation process, a member of the public files an initial inquiry with DFEH. This can be done by calling the DFEH Communications Center, submitting a paper intake form, or submitting an intake form through the DFEH online portal. The intake is assigned to a DFEH investigator, who schedules and conducts an initial interview with the complainant and determines whether DFEH has jurisdiction to accept the complaint. If the complaint is accepted, a written complaint is drafted by the investigator.

Once a signed complaint is received by DFEH, pursuant to work-sharing agreements with the United States Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD), the investigator determines if the complaint meets the criteria for federal dual-filing status. If so, the complaint is also assigned a federal identification number. Complaints originally filed with DFEH that are dual-filed with EEOC or HUD are investigated by DFEH. DFEH receives funding from EEOC and HUD for handling these cases.

Complaints are served on the respondent by certified mail. The assigned consultant investigates the case by interviewing parties and witnesses and reviewing supporting documentation. The investigator may attempt to resolve the case with the parties, refer the case to the Dispute Resolution Division (DRD) for possible mediation, or refer the case to the Legal Division for possible prosecution. If the parties reach an agreement and execute a settlement, the case is closed. If the investigator determines there is insufficient evidence to prove a violation of the law, the case is closed. If the investigator determines the case is potentially meritorious and it is not resolved, the case is transferred to the Legal Division. When DFEH finds a complaint has merit, the FEHA requires in most circumstances that DFEH file a civil complaint within 365 days from the date the complaint was filed. Before a civil complaint can be filed, the law requires that the parties be referred to mandatory mediation conducted by DRD.

2017 CASE PROCESSING HIGHLIGHTS

Complaints Received—all inquiries that came into DFEH

- Complaints received = 24,779

Complaints Filed—complaints that resulted in a DFEH investigation or possibility of a private lawsuit

- Complaints filed = 19,032
- Complaints filed along with request for Right-to-Sue = 12,872
- Complaints investigated by DFEH = 6,160

Bases for Discrimination—most commonly cited reasons for discrimination on filed complaints

- Employment = Age, Disability, Engagement in a Protected Activity
- Housing = Disability, Race, Familial Status
- Hate Violence = Sex/gender, Race, Sexual Orientation

Cases settled—cases where DFEH facilitated resolution

- Settlements = 888
- Monetary value of settlements = \$12,984,367.92

Cases litigated—cases where DFEH filed a complaint in civil court

- Cases filed in court = 35
- Complainants represented = 46
- Most common basis for cases filed in court = Disability

COMPLAINTS FILED

DFEH received 24,779 complaints of discrimination in 2017. This number includes both 12,872 requests for an Immediate Right-to-Sue as well as 11,907 intake forms.

Of the total complaints received by the Department, 19,032 complaints were formally filed by DFEH in 2017. This number includes 12,872 employment complaints filed along with a request for an immediate Right-to-Sue letter and 6,160 complaints filed as the result of an intake interview conducted by a DFEH investigator. The table below shows the number of complaints filed by law in 2017.

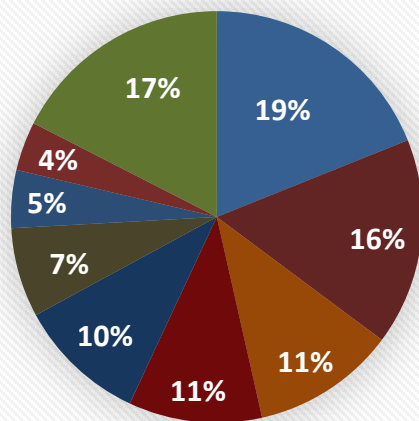
TABLE 1: COMPLAINTS FILED BY LAW IN 2017

Employment	4,346
Housing	969
Ralph Civil Rights Act	83
Unruh Civil Rights Act	736
Disabled Persons Act (CC54)	20
State Contract nondiscrimination requirement	0
Recipients of State Funding (11135)	6
Human Trafficking	0
Right-to-Sue	12,872
Total	19,032

BASES OF COMPLAINTS FILED

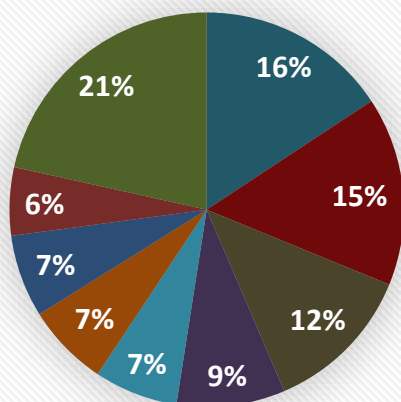
As shown in the pie charts below, people contacting the Department for employment matters most commonly complained of discrimination based on age and disability. People most often request right-to-sue letters based on engagement in a protected activity, more commonly known as “retaliation,” and age discrimination. People contacting the Department for housing matters most commonly complained about discrimination based on disability.

Bases of Employment Complaints



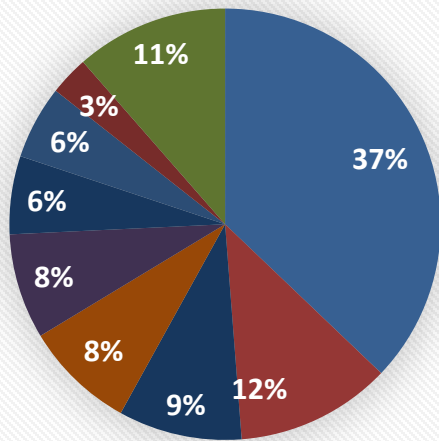
- 19% Age - 1,836
- 16% Disability - 1,579
- 11% Engagement in Protected Activity - 1,094
- 11% Sex - Gender - 1,018
- 10% Race - 984
- 7% Sexual Harassment - 683
- 5% Family Care - 441
- 4% National Origin - 374
- 17% All Other - 1,696

Bases of Right-to-Sue



- 16% Engagement in Protected Activity - 8,468
- 15% Age - 8,331
- 12% Disability (physical or mental) - 6,662
- 9% Sex - Gender - 4,792
- 7% Sexual Harassment (Sex - Gender + Harassment) - 3,698
- 7% Family Care - 3,653
- 7% Medical Condition (cancer or genetic characteristic) - 3,645
- 6% Race - 3,010
- 21% All Other - 11,594

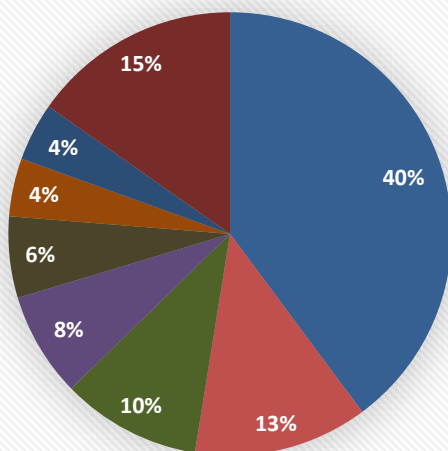
Bases of Housing Complaints



- 37% Disability (physical or mental) - 545
- 12% Race - 171
- 9% Familial Status - 136
- 8% Age - 122
- 8% Engagement in Protected Activity - 116
- 6% Sex - Gender - 86
- 6% National Origin (includes language restrictions) - 81

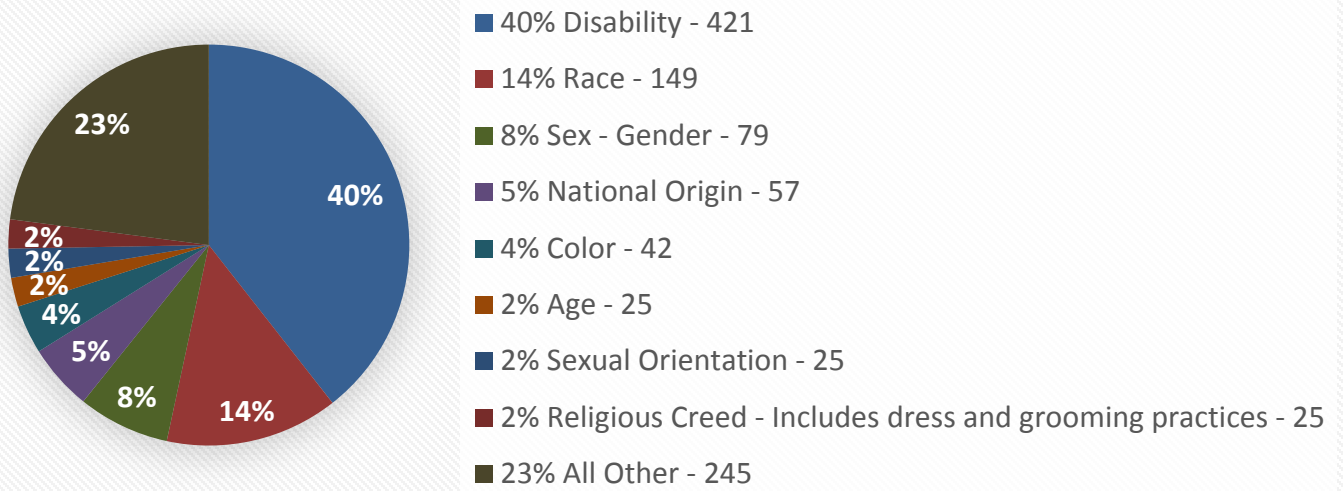
The pie charts below provide information on the bases of other types of complaints filed with DFEH. As shown in the charts, the most commonly cited basis for complaints of hate violence under the Ralph Civil Rights Act was sex-gender. People complaining of discrimination in public accommodations under the Unruh Civil Rights Act most commonly cited disability as the basis for their complaints. Complaints under the Disabled Persons Act are almost all filed on the basis of disability, although some complaints were also filed based on medical condition, engagement in a protected activity, and family care. And complaints under Government Code 11135, which prohibits discrimination by recipients of state funding, were most often filed on the basis of disability.

Bases of Ralph Civil Rights Act Complaints

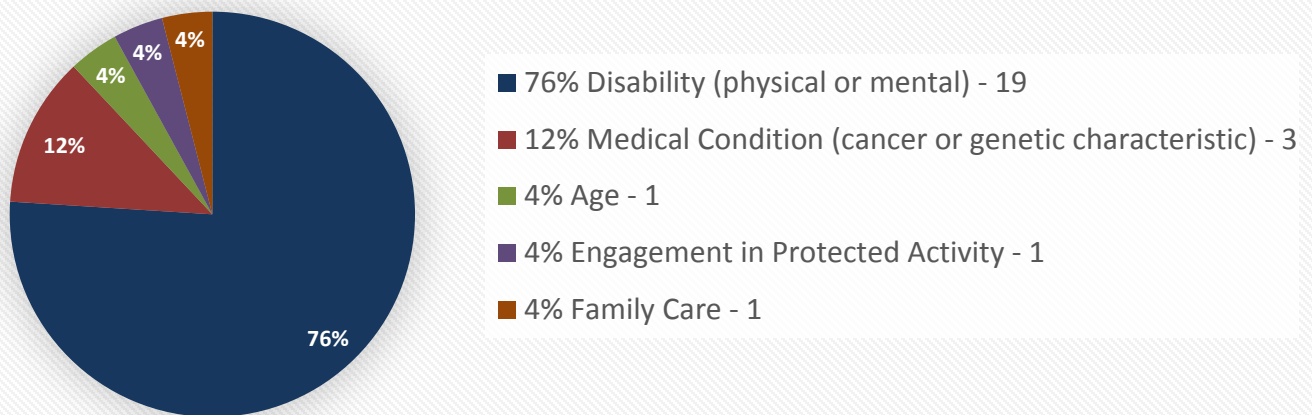


- 40% Sex - Gender - 47
- 13% Race - 15
- 10% Sexual Orientation - 12
- 7% Disability - 9
- 6% National Origin - 7
- 4% Color - 5
- 4% Ancestry - 5
- 15% All Other - 18

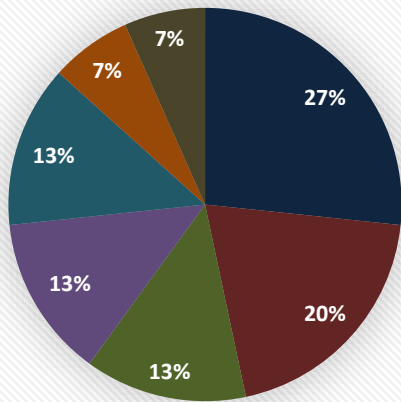
Bases of Unruh Civil Rights Act Complaints



Bases of the Disabled Persons Act Complaints



Bases of Government Code 11135 Complaints



- 27% Disability (physical or mental) - 4
- 20% National Origin (includes language restrictions) - 3
- 13% Sex - Gender - 2
- 13% Medical Condition (cancer or genetic characteristic) - 2
- 13% Race - 2
- 7% Color - 1
- 7% Religious Creed - Includes dress and grooming practices - 1

A complainant may allege discrimination on more than one basis. For example, an individual might allege that she has been discriminated against based on both her sex and her race, and that she has suffered retaliation, all in the same complaint. As a result, the number of bases is significantly higher than the number of complaints filed. Please see Appendix B for tables presenting these statistics, and definitions for some of the terms used in these charts.

COUNTY OF RESIDENCE OF COMPLAINANTS

As shown in the table below, the highest number of filed complaints came from people living in Los Angeles County followed by Orange County, San Diego County, Alameda County, and San Bernardino County. The numbers in the table are broadly consistent with the state’s population demographics, with the largest number of complaints originating in the most populous counties.

TABLE 2: COUNTY OF RESIDENCE OF COMPLAINANTS

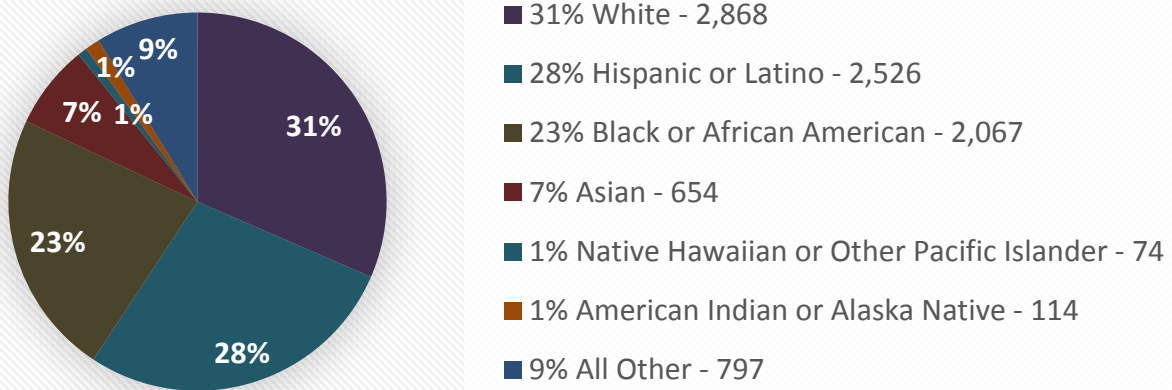
County	Right-to-Sue	Investigated	Totals
Los Angeles	4,255	1,459	5,714
Orange	1,220	385	1,605
San Diego	744	388	1,132
San Bernardino	544	218	762
Riverside	479	194	673
Alameda	473	356	829
Sacramento	438	472	910
San Francisco	410	250	660
Santa Clara	373	250	623
Ventura	218	97	315
Contra Costa	181	178	359
San Mateo	173	118	291
Kern	160	176	336
Fresno	136	198	334
San Joaquin	117	132	249
Santa Barbara	112	63	175
Stanislaus	98	92	190
Placer	80	59	139
Solano	68	67	135
Monterey	64	67	131
Marin	62	64	126
Sonoma	62	89	151
Tulare	48	45	93
Yolo	48	36	84
All Other CA Counties	370	455	825
Out of State / Unknown	1,939	252	2,191
Total	12,872	6,160	19,032

The table in Appendix C provides detailed information on the number of complaints filed under each of the laws enforced by the Department based on the county of the complainant.

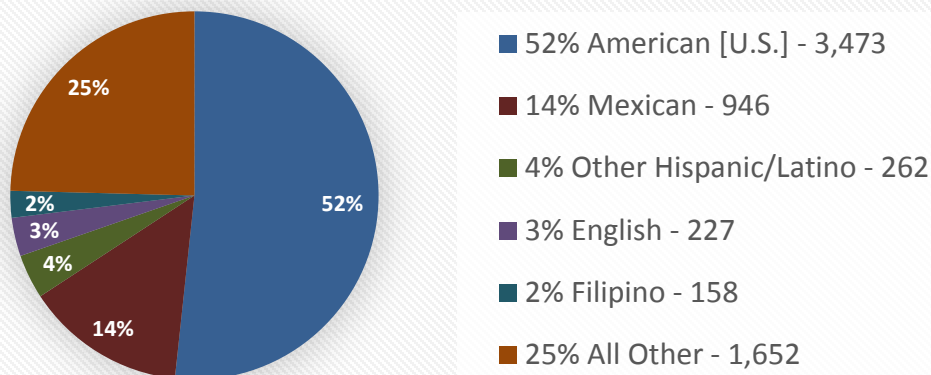
DEMOGRAPHICS

Individuals may voluntarily provide demographic information to DFEH when they submit a complaint. Of the 19,032 complaints filed by law in 2017, 9,100 complainants provided information on their race and 6,718 provided information on their national origin. As shown in the charts, below, of those individuals who identified their race, the most complaints were filed by individuals identifying themselves as white, followed by those identifying themselves as Hispanic or Latino and Black or African American. Fifty-two percent of complainants did not identify their race. Of those individuals who identified their national origin, the most complaints were filed by individuals identifying themselves as American [U.S.], followed by those identifying themselves as Mexican, Other Hispanic/Latino, English and Filipino. Sixty-five percent of complainants did not identify their national origin.

Number of Complainants by Race



Number of Complaints by National Origin



Full details on the race and national origin of complainants for each of the law types enforced by DFEH are shown in Appendices D (race) and E (national origin).

CASES SETTLED

Cases may be resolved through settlement at different points in the DFEH complaint process. Investigators within the Enforcement Division may conciliate (that is, attempt to bring the parties together to negotiate) a settlement at any point in their investigations. They also refer some cases to DRD to determine if the parties are interested in participating in voluntary mediation conducted by DRD. Once the Department’s Legal Division takes a case, the law requires that the case be referred to DRD for mandatory mediation before the case can be filed in civil court. However, the Legal Division may also settle the case on its own before or after mandatory mediation occurs.

The amounts listed below reflect what respondents or defendants agreed to pay, and complainants or real parties agreed to accept, in order to resolve their discrimination cases. As shown in the table, the Department settled a total of 888 cases in 2017 for a total of \$12,984,367.92 in monetary recovery.

TABLE 3: NUMBER OF CASES SETTLED BY DIVISION IN 2017

	Number of Settlements	Total Settlement Amount
Enforcement Division	353	\$3,165,116.70
Dispute Resolution Division - Voluntary	408	\$5,761,761.61
Dispute Resolution Division/Legal (SB 1038 & Post-Civil)	76	\$1,889,349.07
Legal Division	51	\$2,168,140.54
Total	888	\$12,984,367.92

The reported settlement amounts reflect monetary recovery only. Most Department settlements also include “affirmative relief” in the form of injunctions, training and monitoring, or changes in policies that increase fair employment or housing opportunities, or that decrease the likelihood of future discrimination or hate violence. Some settlements include only affirmative relief and no economic recovery.

Case Highlight: DFEH v. Riverside Mobile Home Park Owners

Residents of a Riverside mobile home park experienced discrimination and harassment by a manager of the park. A property manager harassed children at the park by taking pictures of them and by calling them, “Mexican bastards.” The manager also issued a rule to the tenants stating that children would only be allowed to play in their own yards and not in the common areas of the park.

The mobile home park owners agreed to pay \$125,000 to the Riverside Fair Housing Council and to five Hispanic tenants who filed the complaint. The settlement also requires the mobile home park to attend fair housing training, revise all housing rules that discriminate against Hispanic tenants and residents with children, and to post DFEH’s housing discrimination rights notices in Spanish and English.

Case Highlight: DFEH v. Palace Entertainment

Muslim and Sikh customers at several Boomers! amusement park locations allege the park’s “no headwear” policy was selectively enforced against them. The customers were barred from various attractions at the amusement parks because they each wore an Islamic headscarf (hijab) or Sikh turban.

After the allegations were investigated by the DFEH, Palace Entertainment agreed to pay \$4,000 in compensation to each of the eight individuals turned away from its go-karts because of their religious headwear, totaling \$32,000. As part of the settlement, the company also agreed to provide anti-discrimination training to staff and revise its policies.

CASES REFERRED TO DISPUTE RESOLUTION DIVISION

The tables below provide additional information regarding the cases referred to and settled by the Dispute Resolution Division (DRD) for each of the last three years. As shown in the tables, the number of cases referred to DRD, as well as the number of cases mediated, continues to grow.

The number of complaints referred exceeds the number of mediations conducted because complaints referred for voluntary mediation are not all prescreened for agreement to mediate and cannot proceed to mediation unless all parties agree. Similarly, the number of SB 1038 mandatory mediations and post-civil complaint mediations referred to DRD differs from the number of mediations conducted, because some matters are settled or withdrawn before formal mediation or may not be mediated until the subsequent year when they are referred to DRD close to a year’s end.

TABLE 4: NUMBER OF CASES REFERRED TO DISPUTE RESOLUTION DIVISION BY YEAR AND LAW TYPE

Referral Type ²	2015	2016	2017
Voluntary	1,157	1,400	1,762
SB 1038 (Mandatory)	122	87	123
Post-Civil	11	14	3
Totals	1,304	1,501	1,888

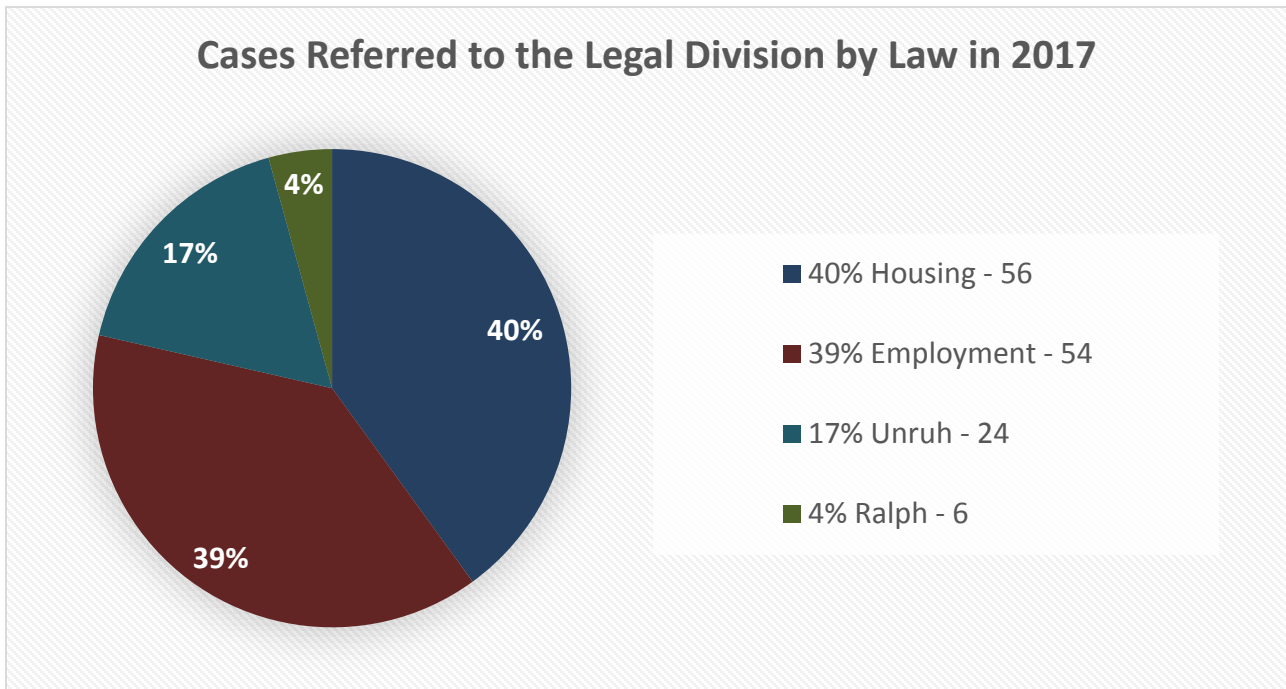
² The DRD controls the number of complaints it will accept for voluntary mediation based on the number of mediators available to mediate cases and the percentage of referrals that result in an agreement to mediate.

TABLE 5: NUMBER OF MEDIATIONS CONDUCTED

Referral Type	2015	2016	2017
Voluntary	524	695	779
SB 1038	96	82	117
Post-Civil	12	6	1
Totals	632	783	897

CIVIL COMPLAINTS FILED

The Enforcement Division refers cases to the Legal Division for prosecution after the Enforcement Division makes a determination of cause (finding that the case has merit) and if the case is not resolved by settlement in the Enforcement Division. The Legal Division makes the final determination regarding cause, and refers cases it intends to prosecute to the DRD for SB 1038 mandatory mediation prior to filing a civil complaint. As shown in the chart below, the Enforcement Division referred 140 cases to the Legal Division in 2017, most of them housing or employment cases.



The 140 cases referred to the Legal Division in 2017 resulted in 35 civil complaints, filed on behalf of 49 individual complainants. The number of complaints filed is smaller than the number of complainants, because civil complaints often are filed on behalf of multiple complainants. The table below shows the bases of discrimination alleged in these complaints. The number of bases exceeds the number of civil complaints filed because complaints may allege harm on more than one basis. For example, the Department may file a civil complaint that alleges that an employer discriminated against an employee because of her race as well as her sexual orientation.

TABLE 6: BASES OF CIVIL COMPLAINTS FILED BY THE LEGAL DIVISION

Complaint Type	Basis	#
Employment	Ancestry	1
Employment	Disability - Mental and Physical	11
Employment	National Origin	2
Employment	Race	3
Employment	Religion	1
Employment	Retaliation	10
Employment	Sex - Gender	4
Employment	Sex - Pregnancy	3
Employment	Sexual Harassment	6
Gov. Code, § 11135	Disability - Mental and Physical	1
Gov. Code, § 11135	Sex - Gender	1
Gov. Code, § 11135	Sexual Harassment	1
Housing	Disability - Mental and Physical	7
Housing	Familial Status (Children)	1
Housing	Retaliation	3
Housing	Sex - Gender	0
Ralph	Sex - Gender	4
Ralph	Sexual Orientation	1
Unruh	Disability - Mental and Physical	8
Unruh	Other	1
TOTAL		69

As shown in the table above, the most common basis for civil complaints filed by the Department is disability discrimination.

Case Highlight: DFEH v. Rural Human Services

While employed from September 2015 to January 2016, a former program director alleged that the executive director of Rural Human Services (RHS) subjected her to unwanted touching during a business trip, offensive and grossly inappropriate comments that were sexual in nature, and unlawful retaliation after she reported the behavior to RHS's human resources personnel and to RHS's Board of Directors.

After unsuccessfully mediating the claim, the DFEH filed suit with the California Superior Court in Sacramento County and eventually obtained a \$152,500 settlement. In addition to the payment, RHS and the executive agreed to cease all unlawful employment practices, disseminate a written policy against sexual harassment and retaliation to all RHS employees, and conduct an anti-discrimination education and training program. The defendants also agreed to develop and implement a formal complaint process that allows employees to file complaints of unlawful discrimination, harassment and retaliation.

Case Highlight: DFEH v. Airbnb Host

An Airbnb guest communicated with an Airbnb host via the Airbnb mobile app regarding her reservation. Despite having sent confirming text messages approving of additional guests, the host denied that she had agreed to additional guests and cancelled the reservation. In a series of communications using the Airbnb mobile app, the host stated, “I wouldn't rent it to u if u were the last person on earth” and “One word says it all. Asian.”

After the guest complained to Airbnb, the company conducted an investigation and permanently banned the host from the online platform. The guest also filed a complaint with DFEH and after investigation, DFEH reached an agreement with the former host. The agreement includes a personal apology, an agreement for the host to attend training, to take a college level course in Asian American studies, to participate in a community education panel, to perform volunteer service at a civil rights organization, and to report rental data to DFEH for a period of four years. The host also agreed to pay monetary damages of \$5,000.

Earlier in 2017, the Department reached an agreement with Airbnb in which the company agreed to allow the DFEH to conduct fair housing testing of certain California hosts, to advise all users with complaints of racial discrimination of their right to file a complaint with the Department, and to report to the Department on rates of guest acceptances by hosts by race of the guest.

U VISA CERTIFICATION APPLICATIONS

The federal Victims of Trafficking and Violence Protection Act of 2000 created the U Visa, which is available to immigrant victims of serious crimes. To obtain a U Visa, victims of qualifying crimes must demonstrate to United States Citizenship and Immigration Services their willingness to cooperate in the investigation or prosecution of the crime, among other requirements (please see [U.S. Citizenship and Immigration Services, Victims of Criminal Activity: U Nonimmigrant Status](#) website). A U Visa application must be supported by a certification from a law enforcement agency, prosecutor's office, judge, family protective services office, the EEOC, a department of labor, or another similar investigative agency.

As a state investigative agency, DFEH is able to provide U Visa certifications and is required to report data about those certifications to the Legislature pursuant to California Penal Code section 679.10. In 2017, DFEH received eight requests for Form I-918 Supplement B certifications. Seven requests were signed and one request was not signed.

APPENDIX A: LAWS ENFORCED BY DFEH

The Department of Fair Employment and Housing's statutory mandate is to protect the people of California from employment, housing and public accommodations discrimination, and hate violence and human trafficking, pursuant to the California Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act.

The FEHA (Gov. Code, § 12900 *et seq.*) prohibits workplace discrimination and harassment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, and military and veteran status, or because another person perceives the employee to have one or more of these characteristics.

Included in the FEHA is the California Family Rights Act (CFRA), which requires employers of 50 or more employees to provide protected leave of up to 12 work weeks in a 12-month period to eligible employees to care for their own serious health condition or that of an eligible family member. Included as well is California's Pregnancy Disability Leave Act (PDLA), which requires an employer to provide employees disabled by pregnancy, childbirth, or a related medical condition leave of up to four months and the right to return to work.

As of January 1, 2018, the FEHA also includes the New Parent Leave Act, which requires employers of at least 20 employees to allow their employees to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement.

With regard to housing, the FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), 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.

The FEHA also mandates reasonable accommodation of religious beliefs or observances in the workplace, including religious dress and grooming practices; requires employers and housing providers to reasonably accommodate persons with disabilities; and prohibits covered entities from retaliating against any person because the person opposed practices forbidden by the FEHA or filed a complaint, testified, or assisted in any DFEH or court proceeding related to a FEHA claim.

The Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, primary language, citizenship or immigration status. Similarly, the Disabled Persons Act (Civ. Code, § 54 *et seq.*) provides that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of streets, highways, sidewalks, walkways, public buildings, medical facilities (including hospitals, clinics, and physicians' offices), and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

The Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California 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, or sexual orientation, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

As of January 1, 2017, DFEH has jurisdiction to investigate and prosecute violations of the California Trafficking Victims Protection Act (Civ. Code, § 52.5). The law provides a civil cause of action for victims of human trafficking, defined by California law as the deprivation or violation of the personal liberty of another person with the intent to obtain forced labor or services, including sex.

As of January 1, 2017, DFEH has jurisdiction to investigate and prosecute violations of statutes (Gov. Code, § 11135 *et seq.*) prohibiting recipients of state funding from discriminating in their activities or programs because of sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), race, color, gender identity, gender expression, religion, creed, ancestry, national origin, ethnic group identification, age, physical disability, mental disability, medical condition, genetic information, marital status, or sexual orientation.

APPENDIX B: COMPLAINTS FILED BY BASIS

TABLE 7: EMPLOYMENT COMPLAINTS FILED BY BASIS³
(RIGHT-TO-SUE LETTERS NOT INCLUDED)

Age	1,836
Ancestry	233
Association with a member of a protected class	124
Color	340
Disability	1,579
Engagement in Protected Activity	1,094
Family Care	441
Genetic Information	10
Marital Status	66
Medical Condition	193
Military or Veteran Status	71
National Origin	374
Race	984
Religion	137
Sex - Gender	1,018
Sex - Gender Identity	47
Sex – Pregnancy	288
Sexual Harassment ⁴	683
Sexual Orientation	187
Total Employment Bases	9,705

³ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Employment Complaints filed = 4,346.

⁴ Due to the way the Department previously captured information regarding bases of complaints, the number of sexual harassment complaints reported throughout this document is calculated in two different ways. Through late November 2017, the calculation is based on the number of complaints filed where someone complained of “harassment” as one of the harms they had suffered and indicated “sex” as one of the bases for the alleged harm(s). This number may over-count the number of sexual harassment complaints, since it includes any case where a person alleges discrimination on the basis of sex and harassment on a different basis. Starting at the end of November 2017, the Department has separately captured data on the number of sexual harassment cases, and this number is included in the figures in the report.

TABLE 8: RIGHT-TO-SUE LETTERS BY BASIS⁵

Age	8,331
Ancestry	1,129
Association with a member of a protected class	1,880
Color	1,675
Disability	6,662
Engagement in Protected Activity	8,468
Family Care	3,653
Genetic Information	268
Marital Status	472
Medical Condition	3,645
Military or Veteran Status	144
National Origin	1,693
Race	3,010
Religion	591
Sex - Gender	4,792
Sexual Harassment ⁶	3,698
Sex - Gender Identity	460
Sex - Pregnancy	1,002
Sexual Orientation	698
Other	1,582
Total	53,853

⁵ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Right-to-Sue Letters = 12,872.

⁶ Due to the way the Department previously captured information regarding bases of complaints, the number of sexual harassment complaints reported throughout this document is calculated in two different ways. Through late November 2017, the calculation is based on the number of complaints filed where someone complained of “harassment” as one of the harms they had suffered and indicated “sex” as one of the bases for the alleged harm(s). This number may over-count the number of sexual harassment complaints, since it includes any case where a person alleges discrimination on the basis of sex and harassment on a different basis. Starting at the end of November 2017, the Department has separately captured data on the number of sexual harassment cases, and this number is included in the figures in the report.

TABLE 9: HOUSING COMPLAINTS FILED BY BASIS⁷

Age	122
Ancestry	2
Association with a Member of a Protected Class	10
Color	37
Disability	545
Engagement in Protected Activity	116
Familial Status	136
Genetic Information	1
Marital Status	25
National Origin	81
Race	171
Religion	25
Sex – Gender	86
Sex - Gender Identity	5
Sex – Pregnancy	2
Sexual Harassment ⁸	43
Sexual Orientation	30
Source of income	31
Total Housing Bases	1,468

⁷ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Housing Complaints filed = 969.

⁸ Due to the way the Department previously captured information regarding bases of complaints, the number of sexual harassment complaints reported throughout this document is calculated in two different ways. Through late November 2017, the calculation is based on the number of complaints filed where someone complained of “harassment” as one of the harms they had suffered and indicated “sex” as one of the bases for the alleged harm(s). This number may over-count the number of sexual harassment complaints, since it includes any case where a person alleges discrimination on the basis of sex and harassment on a different basis. Starting at the end of November 2017, the Department has separately captured data on the number of sexual harassment cases, and this number is included in the figures in the report.

TABLE 10: RALPH COMPLAINTS FILED BY BASIS⁹

Age	2
Ancestry	5
Color	5
Disability	9
National Origin	7
Other	7
Position in Labor	2
Race	15
Religion	3
Sex – Gender	47
Sex - Gender Identity	3
Sex – Pregnancy	1
Sexual Orientation	12
Total	118

⁹ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Ralph Complaints filed = 83.

TABLE 11: UNRUH COMPLAINTS FILED BY BASIS¹⁰

Age	25
Ancestry	17
Color	42
Disability	421
Engagement in Protected Activity	5
Familial Status	5
Genetic Information	1
Immigration Status	1
Marital Status	24
Medical Condition	4
National Origin	57
Primary Language	4
Race	149
Religion	25
Sex – Gender	79
Sex - Gender Identity	14
Sex – Pregnancy	3
Sexual Orientation	25
Source of Income	3
Other	164
Total	1,068

¹⁰ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Unruh Complaints filed = 736.

TABLE 12: DISABLED PERSONS ACT COMPLAINTS FILED BY BASIS¹¹

Age	1
Disability	19
Engagement in Protected Activity	1
Family Care	1
Medical Condition	3
Total	25

¹¹ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Disabled Persons Act Complaints filed = 20.

TABLE 13: GOVERNMENT CODE 11135 COMPLAINTS FILED BY BASIS¹²

Disability	1
Engagement in Protected Activity	4
Medical Condition	2
National Origin	3
Race	2
Religion	1
Sex - Gender	2
Total	15

¹² Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Government Code 11135 Complaints filed = 6.

APPENDIX C: COUNTY OF RESIDENCE OF COMPLAINANTS FOR COMPLAINTS FILED BY DFEH

TABLE 14: COUNTY OF RESIDENCE OF COMPLAINANTS FOR COMPLAINTS FILED BY DFEH

County	Disabled							Total
	Persons Act	Employment	Housing	Ralph	GC11135	Right-to-Sue	Unruh	
Alameda	1	267	55	2		473	31	829
Amador		6	2			3		11
Butte		17	6			34	3	60
Calaveras						2		2
Colusa		6	1	1		3		11
Contra Costa		124	26	2		181	26	359
Del Norte		4	1	1		1		7
El Dorado		21	6			12	12	51
Fresno	1	162	19	5		136	11	334
Glenn		5				3		8
Humboldt		13	2			10	1	26
Imperial		17	2	1		25	1	46
Inyo		2				4		6
Kern	1	143	13			160	19	336
Kings		20	1			14		35
Lake		7	3			4	3	17
Lassen		4	1			2		7
Los Angeles	5	934	292	18	2	4,255	208	5,714
Madera		15	1	1		18		35
Marin		38	12	1		62	13	126
Mariposa		3				3		6
Mendocino		9	1	1		14	1	26
Merced		24	5			32	2	63
Modoc		7		4		1		12
Mono		1	1			1	1	4
Monterey	1	49	11	1		64	5	131
Napa		27	6			32	7	72
Nevada	1	4	1			8	2	16
Orange		245	67	5		1,220	68	1,605
Placer	1	35	9	2	1	80	11	139
Plumas		2				1		3
Riverside		149	29	4		479	12	673
Sacramento	1	360	56	5	1	438	49	910
San Benito		1				9		10
San Bernardino	1	185	26			544	6	762
San Diego	1	244	82	4	1	744	56	1,132

San Francisco		180	36	5		410	29	660
San Joaquin		99	22	2		117	9	249
San Luis Obispo		26	8			42	6	82
San Mateo		86	18	1		173	13	291
Santa Barbara		45	9	4		112	5	175
Santa Clara		191	33	4		373	22	623
Santa Cruz		30	7			32	3	72
Shasta		24	6	2	1	19	1	53
Siskiyou		3	1			3		7
Solano		40	20	2		68	5	135
Sonoma	2	44	20	1		62	22	151
Stanislaus	1	71	12	1		98	7	190
Sutter		6	2			18	2	28
Tehama		12				5		17
Trinity		1				1		2
Tulare	1	33	5	1		48	5	93
Tuolumne		6				7		13
Ventura		58	21	1		218	17	315
Yolo		24	9			48	3	84
Yuba		4	3			7	3	17
Not Specified		6		1		406	6	419
Outside California	2	207				1,533	30	1,772
Total	20	4,346	969	83	6	12,872	736	19,032

APPENDIX D: DEMOGRAPHIC INFORMATION - RACE

TABLE 15: DEMOGRAPHIC INFORMATION - RACE

Race	Disabled Persons Act	Employment	Housing	Ralph	Unruh	GC11135	Right-to-Sue	Total
American Indian or Alaska Native		64	16		1		33	114
Asian		253	25		3		373	654
Black or African American	3	828	120	6	35		1,075	2,067
Hispanic or Latino	2	850	64	14	19		1,577	2,526
Native Hawaiian or Other Pacific Islander		42	2		1		29	74
White	8	1,151	130	12	36	1	1,530	2,868
Other		273	34	1	22		467	797
Not Identified								9,932
Total								19,032

APPENDIX E: DEMOGRAPHIC INFORMATION – NATIONAL ORIGIN

TABLE 16: DEMOGRAPHIC INFORMATION – NATIONAL ORIGIN

National Origin	Disabled Persons Act	Employment	Housing	Ralph	Unruh	GC11135	Right-to-Sue	Total
Afghani		4			1		7	12
American [U.S.]	9	1,601	199	9	47	1	1,607	3,473
Asian Indian		25	3		3		31	62
Cambodian		4					4	8
Canadian		7			1		9	17
Chinese		33	5		1		67	106
Cuban		2	1		-		7	10
Dominican		2	2		1		5	10
Egyptian		9	1				18	28
English		139	17	1	4		66	227
Ethiopian		7					6	13
Fijian		4					1	5
Filipino		70	6				82	158
German		12	3		3		5	23
Ghanian								0
Guamanian		1						1
Haitian		2					1	3
Hawaiian		1			1		2	4
Hmong		2					2	4
Indonesian		3					6	9
Iranian		16	2		2		56	76
Iraqi		3					9	12
Irish	1	12	1		1		5	20
Israeli		5					9	14
Italian		25	2	1			8	36
Japanese		6					6	12
Korean		17	1				27	45
Laotian		3					1	4
Lebanese		5					9	14
Malaysian		2	1				1	4
Mexican	1	352	30	8	11		544	946
Nigerian		9					10	19
Other African		20	3				20	43
Other Asian		24	3				15	42
Other Caribbean		2					5	7
Other European		42	9		2		45	98

Other Hispanic/Latino		82	7	1	2		170	262
Other Middle Eastern		10	1		2		46	59
Pakistani		8	1				15	24
Puerto Rican		9	2				7	18
Salvadoran		22					40	62
Samoan		5	1				1	7
Sri Lankan		4					4	8
Taiwanese		7	1				5	13
Thai		1					1	2
Vietnamese		6					43	49
Other		233	25	1	6		384	649
Not Identified								12,314
Total								19,032