

RECEIVED

1.2.1

SEP 19 1996

OFFICE OF OPERATIONS

PLANNING AND RESEARCH
DIVISION

NOTICE NO. 45

September 13, 1996

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: **HANDLING OF DISCRIMINATORY SOLICITATIONS FOR RENTAL
PROPERTY**

PURPOSE

This Notice provides information to Office of Operations (O.O.) personnel dealing with potential civil rights violations involving discrimination in the sale or rental of housing.

INFORMATION

Recent news reports involving a local Southland landlord posting "For Rent" signs of a discriminatory nature have prompted the Department to remind O.O. personnel of Federal and State Sections which prohibit such practices. Although the Department does not generally become involved in civil disputes of this nature, we are required to maintain the peace and attempt to direct the involved parties to the appropriate Federal/State resources.

Federal Fair Housing Act Section 804 [42 United State Code (U.S.C.) 3604] addresses discrimination in the sale or rental of housing and other prohibited practices (Attachment 1). This Federal statute makes it illegal to discriminate against any person based on race, color, religion, sex, handicap, familial status, national origin, or any intention to make any such preference, limitation, or discrimination.

In addition, while the Federal Fair Housing Act offers no protection from discrimination based on sexual orientation, California State Law does under Section 55, the UNRUH ACT and RALPH ACT and related statutes [Civil Code, Division I, Part 2] (Attachment 2). Discrimination against an individual based on sexual orientation is specifically incorporated in the Fair Employment And Housing Act [Government Code, Title 2, Division 3, Part 2.8] Section 12955(d) (Attachment 3).

Handling of Discriminatory Solicitations
For Rental Property

Page 2
1.2.1

PROCEDURES

Effective immediately, officers who respond to an incident involving the posting of discriminatory housing solicitations signs shall:

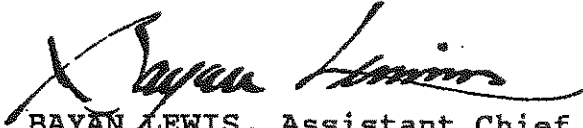
- * Request a supervisor to respond to the scene;
- * Advise the complainant to file a discrimination complaint with the Department of Housing and Urban Development (HUD), at (800) 347-3739 (enter 12), for violation of the Federal Fair Housing Act, Section 804;
- * Advise the complainant to file a discrimination complaint with the Department of Fair Employment and Housing, Housing Unit, at (800) 233-3212, for violation of the California State Law, Section 55;

NOTE: Neither HUD nor the Department of Fair Employment and Housing will accept complaints from the Police Department on behalf of the complainant.

- * Contact and inform the violator of the provisions of the Federal Fair Housing Act, Section 804 and California State Law, Section 55;
- * Request the violator to voluntarily comply with the civil sections by removing the offending sign(s).

NOTE: Officers shall not seize, disturb or remove any signs posted on the violator's private property. Referring the complainant to the appropriate State agency is the course of action officers shall take in these circumstances. However, if the sign is posted on private property (other than the violator's) without permission from the owner or posted on public property, officers may remove the sign, complete a Property Report, Form No. 10.1, and book it as abandoned property.

Questions regarding these procedures should be directed to the O.O., Evaluation and Audit Unit, at extension 5-4111.


BAYAN LEWIS, Assistant Chief
Director
Office of Operations

Attachments

DISTRIBUTION "A"

Sec. 804. [42 U.S.C. 3604] Discrimination in sale or rental of housing and other prohibited practices

As made applicable by section 803 of this title and except as exempted by sections 803 (b) and 807 of this title, it shall be unlawful--

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

**UNRUH ACT And RALPH ACT
And Related Statutes
[Civil Code, Division I, Part 2]**

**§51. Unruh Civil Rights Act; equal rights; business establishments;
violation**

This section shall be known, and may be cited, as the Unruh Civil Rights Act.

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This section shall not be construed to confer any right or privilege on a person which is conditioned or limited by law or which is applicable alike to persons of every sex, color, race, religion, ancestry, national origin, or disability.

Nothing in this section shall be construed to require any construction, alteration, repair, structural or otherwise, or modification of any sort whatsoever to any new or existing establishment, facility, building, improvement, or any other structure, or to augment, restrict, or alter in any way the authority of the State Architect to require construction, alteration, repair, or modifications that the State Architect otherwise possesses pursuant to other provisions of the law.

A violation of the right of any individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) shall also constitute a violation of this section.

FAIR EMPLOYMENT AND HOUSING ACT
[Government Code, Title 2, Division 3, Part 2.8]

§12955. Unlawful practices

It shall be unlawful:

(a) For the owner of any housing accommodation to discriminate against any person because of the race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability of that person.

(b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry concerning the race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability of any person seeking to purchase, rent or lease any housing accommodation.

(c) For any person to make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a housing accommodation that indicates any preference, limitation, or discrimination based on race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability or an intention to make any such preference, limitation, or discrimination.

(d) For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, to discriminate against any person on the basis of sex, color, race, religion, ancestry, national origin, familial status, marital status, physical disability or on any other basis prohibited by that section