

## Public Access Discrimination and Civil Rights

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 these laws by

- Investigating harassment and discrimination complaints;
- Assisting involved parties to voluntarily resolve complaints;
- Prosecuting violations of the law; and
- Educating Californians about the laws prohibiting harassment and discrimination 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 or medical condition. 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 provides a clear distinction between the rights 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.

### ***Senior Housing***

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.

### ***Businesses Covered Under the Law***

This law requires “Full 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

### ***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 his service animal is not allowed in a store.

### ***Filing a Complaint***

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

- Contact DFEH by calling the toll-free number at (800) 884-1684 to schedule an appointment.
- Be prepared to present specific facts about the alleged harassment or discrimination.
- Provide copies of documents that support the charges in the complaint.
- Keep records and documents about the complaint, such as receipts, stubs, bills, applications, and other materials.

Complaints must be filed within **one year** from the last act of discrimination. DFEH will conduct an impartial investigation. The Department is not an advocate for either the person complaining or the person complained against. DFEH represents the state. 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 issue an accusation and litigate the case before the Fair Employment and Housing Commission or in civil court.

This law provides for a variety of remedies that may include the following:

- Out-of-pocket expenses
- Cease and desist orders
- Damages for emotional distress
- Exemplary damages

Court-ordered damages may include a maximum of three times the amount of the complainant's actual damages. Persons wishing to file directly in court may do so without contacting DFEH.

For more information, contact DFEH toll free at (800) 884-1684  
Sacramento area and out of state at (916) 478-7200  
TTY number at (800) 700-2320  
Or visit our web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)