

THIS JUST IN

DFEH introduces free online training for nonsupervisors and supervisors to prevent sexual harassment in the workplace. Expect additional language trainings in August 2020.



HOT OFF THE PRESS

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF LGBTQ+ PEOPLE

FACT SHEET

In California, LGBTQ+ people have equal civil rights, dignity, and worth. The California Department of Fair Employment and Housing (DFEH) is here to help.

It is unlawful for employers, landlords, business owners of all kinds, health care providers and insurers, homeless shelters, state-funded programs and providers or real estate agents to discriminate against people or real estate agents based on their sexual orientation, gender identity, or gender expression. Similarly, it is against the law to harass or sexually assault anyone for their gender identity or expression because you are, or are perceived to be, or are a friend or family member of an LGBTQ+ person for any other sexual orientation or gender identity by a complainant with DFEH. Likewise, if you have experienced discrimination or harassment in one country you choose to visit or how you do your hair, like a complainant with DFEH.

And, don't forget that California law protects everyone from being "outed" or exposed from discrimination and violence based on race, national origin, disability, and other protected characteristics.

ADDITIONAL EXAMPLES OF UNLAWFUL DISCRIMINATION

- A state-funded program for small businesses turns you away for being LGBTQ+ or gender identity.
- A bank gives you less favorable loan terms or doesn't lend to you because you are LGBTQ+ or gender identity.
- A housing provider refuses to rent to you because you have a Section 8 voucher and a prior dog bite conviction.
- An employer won't even consider you for a job because you have a prior dog bite conviction and are an LGBTQ+ person.

If you have a disability that requires a reasonable accommodation, DFEH can assist you by phone or for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

TO FILE A COMPLAINT
Department of Fair Employment and Housing
dfeh.ca.gov
Toll Free: 800.884.6884
TDD: 800.705.2320

Combating Hate Crimes During the Coronavirus Pandemic

Californians are coming together to fight the COVID-19 crisis. Unfortunately, during this pandemic, we are also aware of reports of violence and harassment against various communities, including the Asian-American community.

Under the Fair Employment and Housing Act, it is against the law to harass or sexually assault anyone based on race, color, national origin, ancestry, immigration status, citizenship, primary language, sexual orientation, gender identity, and disability, among other protected characteristics. (California Civil Code section 51.7). California law further prohibits intentional sexual assault or attempted sexual assault, and sexual harassment by an employer or property manager. The acts forbidden by Civil Law may also be criminal acts.

While the COVID-19 pandemic can be very hard, hate violence, harassment, intimidation, and discrimination committed against any person because of who they are – a protected characteristic – is illegal.

In this time of uncertainty, there is no justification for hate-motivated violence. DFEH will pursue enforcement actions for violations of the Fair Employment and Housing Act.

AVAILABLE CIVIL REMEDIES

- Restoring victims to pre-harassment status.
- Actual (Money Damages) such as medical expenses, lost wages, property repair, and emotional suffering.
- Punitive (Money Damages) to punish harasser.
- Civil penalties of \$25,000.
- Attorney's fees.

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LGBTQ+ Fact Sheet

Combating Hate Crimes During the Coronavirus Pandemic

FAIR HOUSING AND CRIMINAL HISTORY

FACT SHEET

7 THINGS YOU NEED TO KNOW

- Can't the rental housing with a criminal background? Yes. It is unlawful for a landlord or other housing provider to refuse a qualified person based on a criminal record from a conviction or conviction for a crime.
- Can a landlord use an enhanced background check? Yes. Generally, a landlord can check the criminal history of a prospective tenant. However, how a landlord may use that information is limited by the federal Fair Housing Act and state laws. Some states have enacted laws that prohibit landlords from using enhanced background checks to deny housing to a qualified person.
- If I have a criminal record, what should a landlord do? If a landlord intends to deny you housing based on a conviction or conviction for a crime, the landlord should follow certain guidelines. Among them, the landlord should consider the nature and circumstances surrounding the conviction or convictions, the time that has passed since your conviction or convictions, and whether you will be able to pay the rent. If you have a conviction or conviction for a crime, you may be able to request a letter of recommendation from a judge, employer, or other person who has had contact with you as a result of the conviction or conviction, and evidence of your rehabilitation.
- What information can a landlord not consider? A landlord is prohibited from using a conviction or conviction for a crime to deny you housing if the conviction or conviction is for a crime that is not a violent crime, a crime involving the use of a firearm, a crime involving the use of a dangerous weapon, a crime involving the use of a vehicle, or a crime involving the use of a firearm, a crime involving the use of a dangerous weapon, a crime involving the use of a vehicle, or a crime involving the use of a firearm.
- What can I expect from the landlord? Landlords should be able to provide a copy of their policy on the use of criminal history information and offer you an opportunity to present additional mitigating information that could inform their decision. They should also document your criminal history information and other qualifications that have been verified.
- What is mitigating information? Facts or circumstances surrounding the criminal conduct that help explain the event and show that you are still going to be a good tenant. This includes rehabilitation efforts, such as counseling, anger management, or other programs that you have completed since the conviction occurred, that the conduct occurred during your youth, or that you were already employed.
- What should I do if I think I have been unfairly discriminated? If you think you have been unfairly discriminated against based on your criminal history, you can contact the Department of Fair Employment and Housing. We can help. You also contacted your local fair housing agency, such as the San Diego County Fair Housing Council, or the San Diego County Fair Housing Council, or the San Diego County Fair Housing Council.

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Fair Housing And Criminal History

FAQ

The Fair Employment and Housing Act prohibits discrimination against tenants or homeowners based on various protected characteristics, such as race, national origin, ancestry, disability, sexual orientation, marital status, and gender identity.

Housing providers sometimes check whether a person has a criminal history when making a housing decision, such as whether to rent to an individual. While providers have legitimate interests in screening potential tenants to determine if they can fulfill their obligations as tenants, individuals with criminal histories face barriers to housing, even when their history bears no relationship to their ability to be responsible tenants. New regulations from the Department of Fair Employment and Housing (DFEH) address when and how housing providers may lawfully consider criminal histories, in order to protect against unlawful discrimination. DFEH is providing the guidance concerning the use of criminal history by providers or operators of housing providers.

1 | Which California laws apply to the use of criminal history by housing providers?

California's Fair Employment and Housing Act (FEHA) protects people from housing discrimination based on protected characteristics including race, color, national origin, religion, sex, marital status, sexual orientation, gender identity, ancestry, and disability. FEHA also prohibits discrimination on the basis of immigration status, citizenship, and primary language, among other things. A criminal history is not a protected characteristic under FEHA or the Unruh Act. However, regulations that went into effect on January 1, 2020, implement FEHA with respect to the use of criminal history in housing. California Code of Regulations, Title 2, Section 122262.276.

2 | When does a housing provider violate California law if they consider someone's criminal history?

A housing provider's policy or practice regarding criminal history will violate California law when it has an unjustified discriminatory effect on members of a protected class, even when the provider had no intent to discriminate. In California as in the rest of the nation, African Americans, Hispanics or Latinos, and other groups face higher rates of arrest, conviction, and incarceration than the general population. The use of criminal history information in housing decisions can therefore have a disproportionate negative effect on these protected groups. In addition, a housing provider's policy or practice regarding criminal history will violate California law if it constitutes intentional discrimination on the basis of a protected characteristic. For example, it is unlawful for housing providers to use criminal history screenings on criminal record groups, or treat individuals in different racial groups differently based on comparable criminal history information.

Additional information relevant to this question are provided in the FAQs below and the regulations.

APRIL 16, 2020 | DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Fair Housing and Criminal History Fact Sheet

Fair Housing and Criminal History FAQ

NOTE: Additional languages are available on our [Posters, Guides and Fact Sheets](#) webpage

UPCOMING EVENTS

- JULY 22 2020** California Department of Fish and Wildlife: Cannabis Employment
- JULY 27 2020** Fair Employment and Housing Council: Remote Teleconference
- JULY 29 2020** Shaw Law Group: COVID-19 and the Interactive Process
- JULY 30 2020** Chief Probation Officers of California: Reentry - Fair Chance Hiring & Unlocking Barriers to Obtaining Housing
- AUG 13 2020** The Regional Task Force on the Homeless: San Diego Continuum of Care (CoC) Meeting
- SEP 21 2020** Fair Employment and Housing Council: Hate Violence Hearing
- SEP 24 2020** Alameda County Bar Association (ACBA): Employment Law from Plaintiff, Defense & Government Perspectives

CASE FILINGS, SETTLEMENTS, & NEWS

Department of Fair Employment & Housing

June 30, 2020
For Immediate Release

Contact: Fabian Alon (916) 585-7076
fabian.alon@dfeh.ca.gov

DFEH Sues Cisco Systems, Inc. And Former Managers For Caste-Based Discrimination

Federal Suit Alleges Managers Discriminated Against Engineer Because He Is Public, Formerly Disabled

SACRAMENTO – The California Department of Fair Employment and Housing (DFEH) filed a lawsuit against Cisco Systems, Inc. and two former managers of Cisco Systems, Inc. (Cisco) and one former manager of Cisco Systems, Inc. (Cisco) for caste-based discrimination against a public employee.

The lawsuit alleges that managers at Cisco's San Jose headquarters company, which employs a predominantly South Asian workforce, harassed, discriminated, and retaliated against an employee because he is a public employee and a former manager of Cisco Systems, Inc. (Cisco) and one former manager of Cisco Systems, Inc. (Cisco). The lawsuit also alleges that Cisco's former managers discriminated against the employee because he is a public employee and a former manager of Cisco Systems, Inc. (Cisco) and one former manager of Cisco Systems, Inc. (Cisco).

"It is unacceptable for workplace conditions and opportunities to be determined by a beneficiary's race, national origin, ancestry, disability, and other protected characteristics," said DFEH Director Kevin Kwik. "We are committed to ensuring that all workers have equal opportunities to advance and prosper in their careers."

On January 1, 2020, California Assembly Bill No. 1851 went into effect, authorizing DFEH to file lawsuits for violations of certain federal and state laws, including Title VII.

Chief Counsel Jenette Wigger, Senior Staff Counsel Sid Thomsen, and Staff Counsel Joseph Hines have represented DFEH in this matter. The case is captioned Department of Fair Employment and Housing v. Cisco Systems, Inc., et al., Case No. 2019-04774 (Northern District of California).

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DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH 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 the DFEH's web site at www.dfeh.ca.gov.

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DFEH Sues Cisco Systems, Inc. And Former Managers For Caste-Based Discrimination

View Press Release

June 30, 2020

Department of Fair Employment & Housing

June 15, 2020
For Immediate Release

Contact: Fabian Alon (916) 585-7076
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San Diego Homeowners Association, Board Members and Property Management Co. to pay \$120,000 to Settle Housing Retaliation Case

San Diego Homeowners Association, Board Members and Property Management Co. to pay \$120,000 to Settle Housing Retaliation Case

SACRAMENTO – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in a housing discrimination case against a San Diego homeowners association, two members of its board, and the association's former property management company based on board members' retaliation against a homeowner who reported the wrong being wrongfully harassed by an employee of the former property management company.

The complainant filed a complaint with DFEH in November 2015 alleging retaliation after he reported the sexual harassment. One board member allegedly spread lies about the complainant's sexual orientation and gender identity to other board members and make retaliatory remarks against him in a board meeting. The complainant also alleged another board member retaliated against him by reporting him to the police.

DFEH filed suit to enforce its settlement with the San Diego Homeowners Association and Board Members and Property Management Co. on February 17, 2017 against The Victorian Condominium Maintenance Corporation, the two individual board members, former property management company i.e. Janiche, Inc. (a unit of Associa Northern California, Inc.) and its representative.

"The landlords, homeowners associations have a duty to investigate and address reports of harassment by owners and tenants and must not retaliate against those exercising their rights," said DFEH Director Kevin Kwik.

In settlement, respondents will pay \$120,000 in damages and attorney's fees as well as stipulate the association's nondiscrimination policies, post fair housing notices, complete fair housing training, and provide fair housing training to all employees.

Senior Staff Counsel Jenette Wigger and Amanda Saffel represented DFEH in this proceeding.

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