

ATTACHMENT C

**List of Possible Topics for Future Fair Housing Regulations
Fair Employment and Housing Council
Housing Regulations Subcommittee
Public Hearing, October 19, 2018**

This document lists possible future topics for housing regulations, mostly organized by reference to the statutes. It notes which topics have been addressed in the first set of housing regulations. The Housing Regulations Subcommittee proposes that the highlighted items be the subject of the next set of housing regulations. These topics are foundational for other future regulations.

Definitions of protected bases – Government Code 12920, 12955, 12993, 12993.5, and other sections as noted

- a) Race
- b) Color
- c) Religion [See also 12955.4, 12926.2]
- d) Sex, gender, gender identity, gender expression, sexual orientation
- e) Marital status
- f) National origin
- g) Ancestry
- h) Familial status [See also 12955.2]
- i) Source of income/use of aggregate income [includes 12927(i)] [See also 12955(o) - (p) and other specific provisions]
- j) Disability [See various specific provisions, including 12927(c)(1)]
- k) Genetic information [Govt Code 12926(g) and Civ Code 510(e)(2)(A)]
- l) Age [See also 12955.9 and 12957]
- m) Unruh Act and additional protected classes: (see citizenship, primary language, immigration status, and other arbitrary discrimination);
- n) Medical condition [See 12926(i)]
- o) Military or veteran status [See 12926(l)]
- p) Not specifically enumerated in 12955: Intersectionality

Specific Government Code sections

Section 12927(c)(1): Definition of “discrimination” (includes reasonable modifications, segregated or separated housing accommodations, and other topics)

Section 12927(c)(2) Exceptions to definition of discrimination (including boarders and roommates); [See also 12955.4; 12955.5; 12955.9]

Section 12955, various provisions:

- (a) For the owner of any housing accommodation to discriminate against or harass any person
- (b) For the owner of any housing accommodation to make or to cause to be made any written or oral inquiry...
- (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...
- (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...Selection preferences based on age, imposed in connection with a federally approved housing program, do not constitute age discrimination in housing. [covers Unruh, Age exception] See also 12955.9.
- (e) For any person, bank, mortgage company or other financial institution that provides financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of ... [financial]
- (f) Retaliation (done)
- (g) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so. [Coercion, threats] [see also 12955.7]
- (h) For any person, for profit, 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...[blockbusting]
- (i) For any person or other organization or entity whose business involves real estate-related transactions to discriminate against any person in making available a transaction, or in the terms and conditions of a transaction, because of...[Real estate transactions]
- (j) To deny a person access to, or membership or participation in, a multiple listing service, real estate brokerage organization, or other service because of...[Real estate brokerage]
- (k) To otherwise make unavailable or deny a dwelling based on discrimination because of...[broadens all of the above]
- (l) To discriminate through public or private land use practices, decisions, and authorizations because of ... [done, except for possible elaboration of restrictive covenants; See also 12956.1 and 12956.2].
- (m) As used in this section ... includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics. [perception, association]

- (n) To use a financial or income standard in the rental of housing that fails to account for the aggregate income of persons residing together or proposing to reside together on the same basis as the aggregate income of married persons residing together or proposing to reside together. [rental standards]
- (o) In instances where there is a government rent subsidy, to use a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant. [rental standards – Section 8]

Sections 12955.1 and 12955.1.1. Accessible construction requirements; See also Civ. Code 59(d).

Section 12955.6; 12993; 12993.5: Construction with other laws

Section 12955.8(a) (intentional discrimination)

Section 12955.8(b) (discriminatory effect) (done)

Section 12955.9 (senior housing)

Section 12956. Retention of records upon notice of complaint

Occupancy standards (implicates race, familial status and national origin)

Sections 12956.1 and 1256.2 (restrictive covenants)

Sections 12995 (postsecondary education housing, overlaps with gender and familial status and age; preferences)