



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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### **DFEH Reaches Agreement to End Discriminatory Housing Occupancy Policy in Bakersfield, CA**

*Federal and state laws prohibit discrimination against families with children through restrictive occupancy standards*

The Department of Fair Employment and Housing (DFEH) today announced it has reached a settlement with a Bakersfield landlord and property management company after a complaint was filed for housing discrimination based on familial status.

It was alleged that an employee of Five Star Property Management denied a Bakersfield family of 12 an opportunity to rent a 2,583 square-foot home because the family had “too many kids.”

Under terms of the settlement, the company will revise its policies, commit to annual fair housing training and submit to quarterly inspections. The company manages more than 100 single-family and multifamily properties. As part of the settlement, it has admitted no wrongdoing.

“Housing providers may not turn away families simply because of a preference for fewer children if a rental unit is otherwise appropriate for the size of the family,” said DFEH Director Kevin Kish.

DFEH follows the federal Department of Housing and Urban Development’s (HUD) policy that a home occupancy limit discriminates against families with children if its enforcement is unreasonable. Whether enforcement of an occupancy limit is reasonable depends on a home’s size and configuration, the size of the bedrooms, any physical limitations of the home, the occupancy permitted by state and local law, the ages of the children, discriminatory comments, and any other relevant factors. An occupancy limit can violate fair housing law when there is no consideration of the specific characteristics of a home or the family applying to live in it.

The company claimed to have used a two-plus-one occupancy standard: two persons per bedroom plus one additional person in the unit. For a family of 12, this would mean nothing less than a 6-bedroom house. As part of the settlement, it will end the use of any occupancy standard that has the effect of discriminating against families with children.

DFEH estimated that available homes with five or more bedrooms comprised less than 1% of Bakersfield’s total rental properties. As a result, widespread application of rental occupancy limits like the one here would not only constitute discrimination against families with children, it would also exclude large families like the complainants’ from virtually all available rental housing in Bakersfield.

*DFEH is the state agency charged with enforcing California’s civil rights laws. The mission of 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 [www.dfeh.ca.gov](http://www.dfeh.ca.gov).*