

Chart: Major Fair Housing Laws Compared

Component	Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)	Fair Employment and Housing Act (FEHA)	Unruh Civil Rights Act	Civil Code §§ 54-54.3
Coverage:	<p>Prohibits discrimination in the sale, rental, lease, or negotiations for housing accommodations and in terms, conditions, privileges, services or facilities in connection with housing, based on:</p> <ul style="list-style-type: none"> • Race • Color • Religion • Sex • National Origin • Familial Status • Disability (includes mental disability, alcoholism, drug addiction not resulting from current abuse of controlled substances.) (42 U.S.C. § 3602, subd. (h); 42 U.S.C. § 3604.) 	<p>Similar to federal law; four additional protected bases: marital status, ancestry, sexual orientation and source of income. (Gov. Code, § 12955.)</p> <ul style="list-style-type: none"> • "Sex" includes a person's gender. Gov. Code § 12926(p) prohibits discrimination against transgendered people in housing per <i>The Gender Non-Discrimination Act of 2003</i>. • Expressly provides that discrimination includes harassment, and also includes a perception that a person has a protected characteristic or that a person is associated with another individual who has, or who is perceived to have, any of these characteristics. (Gov. Code § 12927, subd. (c) (1), 12955, subd. (o)). • Prohibits the use of 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. (Gov. Code § 12955, subd. (n)). • Prohibits the use of 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, in instances where the tenant receives a government rent subsidy (Gov. Code § 12955, subd. (o)). 	<p>Unruh prohibits discrimination by business establishments based on sex, race, color, religion, ancestry, national origin, disability, medical condition and arbitrary discrimination against other, non-enumerated classes based on person characteristics (e.g., sexual orientation, age, etc.).</p> <p>Unruh (Civ. Code § 51) is incorporated into the FEHA, for purposes of housing discrimination, through Government Code § 12955, subdivision (d).</p> <p>The Civil Rights Act of 2005 clarified that people are protected from discrimination by business establishments regardless of their sexual orientation, gender identity or marital status. Civil Code § 51(e)(5)</p>	<ul style="list-style-type: none"> • Prohibits persons from discriminating against individuals with disabilities in housing accommodations offered for rent, lease, or compensation (Civ. Code § 54.1, subd. (b)(1)). • Includes provision that it shall be deemed a denial of equal access to housing accommodations to deny individuals who are blind, visually impaired, hearing impaired, or otherwise disable the right to use the service of a guide dog, signal dog or service dog, or the right to keep such dogs on their premises (Civ. Code § 54.1, subd. (b)(6)(A)). • Prohibits refusal to rent to individual with a disability on the basis that the individual with a disability is partially or wholly dependent upon the income of his or her spouse, if the spouse is a party to the rental agreement (Civ. Code § 54.1, subd. (b)(7)). • Provides that visually impaired, hearing impaired, other individuals with a disability, <u>and</u> persons authorized to train guide, signal and service dogs for individuals with a disability may take such dogs to housing accommodations for the purpose of training them. Requires that such dogs be on a leash and tagged as a guide, signal or service dog. (Civ. Code § 54.1, subd. (c)). Although no extra charge or security deposit may be charged for such dogs, individuals will be liable for any damages done to the premises by his or her dog. (Civ. Code § 54.2, subs (a) and (b)). <p>Prohibits interference with rights of an individual with a disability under sections 54, 54.1, and 54.2 (Civ. Code § 54.3, subd. (a)).</p>
Prohibits:	<ul style="list-style-type: none"> • Intentional discrimination (42 U.S.C. § 3604) • Adverse impact (by judicial interpretation: see, e.g., <i>Keith v. Volpe</i> (9th Cir. 1988) 858 F.2d 467). 	<ul style="list-style-type: none"> • Intentional discrimination (Gov. Code § 12955.8, subd. (a).) • Adverse impact (Gov. Code § 12955.8, subd. (b).) 	<p>Intentional discrimination <u>only</u>. See <i>Harris v. Capital Growth Investors</i> (1991) 52 Cal 3d 1142.</p>	<p>Civil Code Section 54 is silent on whether adverse impact claims are included.</p>

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Exemption for Small Housing Providers:	<p>Discrimination provisions (except advertising requirements) do not apply to:</p> <p>1) Any single family house sold or rented by owner, provided owner does not own more than three such houses at one time, <u>and</u> sale or rental does not use services of a real estate broker or agent;</p> <p>2) rooms or units in owner-occupied living quarters intended for and occupied by no more than four families living independently of one another. (42 U.S.C. § 3603 (b).)</p>	<p>Discrimination provisions (except advertising requirements) do not apply to owner-occupied single-family houses that rent to only one roomer or boarder. (Gov. Code § 12927 subd. (c).)</p>	<p>Discrimination provisions apply only to "business establishments." See <i>DFEH v. Baker</i>, (1999) FEHC Dec. No 99-14</p>	<p>Discrimination provisions do not apply to single family residences in which the occupants rent, lease, or furnish for compensation only one room.</p>
Exemption for Religious Organization	<p>Allows religious organization to use religious preference in non-commercial housing, unless membership in the religion is restricted on account of race, color, or national origin. (42 U.S.C. § 3607 (a).)</p>	<p>Same as federal law (Gov. Code, § 12955.4)</p>	<p>Discrimination provisions apply only to "business establishments." See <i>DFEH v. Baker</i>, (1999) FEHC Dec. No 99-14</p>	<p>No specific exemption.</p>
Familial Status:	<p>Prohibits familial status discrimination. (Gov. Code § 12955.)</p>	<p>Prohibits familial status discrimination (Civ. Code §§ 51 and 51.2, subd. (a)) See <i>Marina Point Limited v. Wolfson</i>, (1982) 30 C3d 721</p>	<p>N/A</p>	