

DISABILITY DISCRIMINATION

FACT SHEET

DFEH



CALIFORNIA FAIR HOUSING LAWS PROTECT YOU FROM DISCRIMINATION

The Fair Employment and Housing Act protects you from illegal discrimination and harassment in housing based on a mental or physical disability. Discrimination includes, but is not limited to, the following actions:

- Refusal to rent, lease, or sell housing accommodations
- Refusal to negotiate for the sale, rental, or lease of housing accommodations
- Representation that a housing accommodation is not available for inspection, sale, or rental when that housing accommodation is in fact available
- Provision of inferior terms, conditions, privileges, facilities, or services in connection with the housing accommodations
- Cancellation or termination of a sale or rental agreement
- Failure to design and construct multi-family dwellings in a manner that allows access to and use by persons with disabilities
- Provision of segregated or separated housing accommodations
- Refusal to permit, at the expense of the person with disabilities, reasonable modifications of existing premises occupied or to be occupied by the person with disabilities, when the modifications may be necessary to afford the person with disabilities full enjoyment of the premises
- Refusal to make reasonable accommodations in rules, policies, practices, or services when these accommodations may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling
- Discriminatory policies, practices, terms, or conditions that result in unequal access to housing or housing-related services

WHAT IS CONSIDERED A DISABILITY UNDER CALIFORNIA LAW?

Under California law, a disability is a mental or physical impairment, disorder, or condition that limits a major life activity. The definition of disability includes a diagnosis of HIV/AIDS, as well as medical conditions including any health impairment related to cancer, or an individual's genetic characteristics. The definition of disability also includes a perception that the person has a disability, or that the person is associated with a person who has, or is perceived to have, a disability.

The definition of disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

"Major life activities" is a broad category. Examples of major life activities include, but are not limited to, physical, mental, and social activities and working. Whether a disability or condition "limits" a major life activity must be determined without regard to any mitigating measures, such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

POTENTIAL CIVIL REMEDIES

1. Making available previously denied housing
2. Compensation for losses and emotional distress
3. Training and policy changes to prevent future discrimination
4. Other actions to eliminate the effects of discrimination, such as penalties, fines, reporting or monitoring

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IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION OR HARASSMENT, YOU CAN FILE A COMPLAINT WITH DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (DFEH) BY TAKING THE FOLLOWING STEPS WITHIN ONE YEAR OF THE INCIDENT:

1. Contact DFEH by using the information on the front of this flyer
2. Be prepared to present specific facts about the alleged discrimination or harassment
3. Keep any records and documents you have about the incident(s), such as rent receipts, applications, text messages or other electronic communication, and other potential proof of discrimination

If your complaint is accepted, DFEH will conduct an impartial investigation. We represent the State of California. 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 will litigate the case in civil court.

If a court decides in favor of the complaining party, remedies may include making available previously denied housing, compensation for losses and emotional distress, training and policy changes to prevent future discrimination, and other actions to eliminate the effects of discrimination.

You have the right to file a lawsuit on your own behalf in a California court within two years of the alleged discriminatory act. It is not necessary to file a complaint with DFEH prior to the filing of a housing lawsuit. The time that a complaint is pending with DFEH will not count when computing the two-year period.

WHAT RIGHTS DO I HAVE AS A TENANT WITH A DISABILITY?

Individuals with disabilities are entitled to be free from harassment and discrimination in all aspects of housing. They also have a right to reasonable accommodation in rules, policies, practices, or services related to housing when necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling. Individuals with disabilities are also permitted, at their own expense, to modify their dwellings to ensure full enjoyment of the premises. Furthermore, it is unlawful for owners of housing accommodations to make written or oral inquiries to determine whether a person seeking to purchase, rent, or lease a housing accommodation has a disability, unless as part of the interactive process for a tenant seeking a reasonable accommodation.

At a minimum, multi-family dwellings must have the following features:

1. At least one building entrance on an accessible route
2. Public and common areas that are readily accessible and usable by persons with disabilities
3. An accessible route into and through the covered dwelling unit
4. Doors, kitchens, and bathrooms designed to allow access, passage and maneuvering by persons using wheelchairs
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforcements in bathroom walls to allow later installation of safety grab bars around toilets, tubs, or shower stalls, and seats

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: 800.884.1684
TTY: 800.700.2320