



HOUSING DISCRIMINATION BASED ON ARBITRARY REASONS

What is the Unruh Civil Rights Act?

In addition to the federal Fair Housing Amendments Act and California's Fair Employment and Housing Act, California has a law called the Unruh Civil Rights Act. The Unruh Act prohibits businesses, including landlords, from discriminating against people based on race, national origin, sex, religion, or disability. The Unruh Act also prohibits businesses from discriminating based on any arbitrary characteristics.

What are considered “arbitrary characteristics” under the law?

A landlord cannot discriminate on the basis of characteristics that bear no relation to the person's ability to be a good tenant. The courts have in mind personal traits, beliefs, or characteristics, such as sexual orientation, age, personal appearance (such as the length of hair or eye color), political party, or membership in a group.

What is discrimination?

A landlord cannot refuse to rent to a tenant or choose to evict a tenant because of an arbitrary characteristic of that tenant. The landlord also cannot require higher qualifications for people with an arbitrary characteristic or impose different rules on tenants with that characteristic.

What if a landlord does not rent to people who are homosexual because it is against the landlord's religious beliefs?

That is illegal because the landlord is treating some people differently than others because of an arbitrary characteristic – homosexuality. Landlords are not allowed to impose their religious beliefs on tenants.

Can a landlord discriminate based on a person's financial status or income?

The law only prohibits discrimination based on characteristics that have no bearing on the person's ability to be a good tenant. A landlord would probably be able to show that an applicant's financial status is related to the tenant's ability to pay the rent. If the characteristic is relevant to the landlord's business, then the landlord's consideration of that characteristic is not illegal.

Can landlords only rent to tenants of certain ages?

In general, age is an arbitrary characteristic and landlords may not distinguish between tenants based on age. However, the law creates an exception which allows age discrimination in some, but not all, housing established to serve senior citizens.

Some examples of arbitrary discrimination:

“All homosexuals are sinners.”

“I’m sorry – I don’t get along with Republicans.”

“We don’t want any transvestites around here – there are little kids here.”

“We only accept people over age 21.”

“I don’t feel comfortable renting to two men who are a couple.”

“Body piercings disgust me. I won’t rent to you.”

“I don’t think your hippie style would fit in here.”

“Now that we’re the new owners, you and everyone like you will have to leave.”

“If you are changing your gender, you can change your residence too.”

“I am interested in renting to clean-cut, traditional people.”

What should someone do who has been discriminated against?

Call Project Sentinel at (408) 287-HOME (4663). Project Sentinel will investigate your complaint. After the investigation, the case may be referred to the lawyers at Fair Housing Law Project or Asian Law Alliance for assistance with an administrative complaint to the Department of Fair Employment and Housing, mediation, or litigation. You may also ask one of these three agencies to conciliate your complaint by reaching a settlement agreement with the housing provider.