

CHL Terms: Non-Discrimination Policy

Non-Discrimination Policy

PLEASE READ THE FOLLOWING INFORMATION REGARDING UNLAWFUL DISCRIMINATION.

By using the ASUCD Community Housing Listing service, you acknowledge and agree to abide by all Non-Discrimination policies.

<http://www.dca.ca.gov/publications/landlordbook/discrimination.shtml>

What is unlawful discrimination?

A landlord cannot refuse to rent to a tenant, or engage in any other type of **discrimination**, on the basis of group characteristics specified by law that are not closely related to the landlord's business needs.³⁵ Race and religion are examples of group characteristics specified by law. Arbitrary discrimination on the basis of any personal characteristic such as those listed under this heading also is prohibited.³⁶ Indeed, the California Legislature has declared that the opportunity to seek, obtain and hold housing without unlawful discrimination is a civil right.³⁷

Under California law, it is unlawful for a landlord, managing agent, real estate broker, or salesperson to discriminate against a person or harass a person because of the person's race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability.

³⁹ California law also prohibits discrimination based on any of the following:

- A person's medical condition or mental or physical disability; or
- Personal characteristics, such as a person's physical appearance or sexual orientation that are not related to the responsibilities of a tenant;⁴⁰ or
- A perception of a person's race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability or medical condition, or a perception that a person is associated with another person who may have any of these characteristics.⁴¹

Under California law, a landlord cannot use a financial or income standard for persons who want to live together and combine their incomes that is different from the landlord's standard for married persons who combine their incomes. In the case of a government rent subsidy, a landlord who is assessing a potential tenant's eligibility for a rental unit must use a financial or income standard that is based on the portion of rent that the tenant would pay.⁴² A landlord cannot apply rules, regulations or policies to unmarried couples who are registered domestic partners that do not apply to married couples.⁴³ Nor can a landlord inquire as to the immigration status of the tenant or prospective tenant or require that a tenant or prospective tenant make any statement concerning his or her immigration or citizenship status.⁴⁴ However, a landlord can request information or documents in order to verify and applicant's identity and financial qualifications.⁴⁵

It is illegal for landlords to discriminate against families with children under 18. However, housing for senior citizens may exclude families with children. "Housing for senior citizens" includes housing that is occupied only by persons who are at least age 62, or housing that is operated for occupancy by persons who are at least age 55 and that meets other occupancy, policy and reporting requirements stated in the law.⁴⁶

Limited exceptions for single rooms and roommates

If the owner of an owner-occupied, single-family home rents out a room in the home to a roomer or a boarder, and there are no other roomers or boarders living in the household, the owner is not subject to the restrictions listed under "[Examples of unlawful discrimination](#)".

However, the owner cannot make oral or written statements, or use notices or advertisements which indicate any preference, limitation, or discrimination based on race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, familial status, source of income, or disability.⁴⁷ Further, the owner cannot discriminate on the basis of medical condition or age.⁴⁸

A person in a single-family dwelling who advertises for a roommate may express a preference on the basis of gender, if living areas (such as the kitchen, living room, or bathroom) will be shared by the roommate.⁴⁹

Examples of Unlawful Discrimination

Unlawful housing discrimination can take a variety of forms. Under California's Fair Employment and Housing Act and Unruh Civil Rights Act, it is unlawful for a landlord, managing agent, real estate broker, or salesperson to discriminate against any person because of the person's race, color, religion, sex (including pregnancy, childbirth or medical conditions related to them, as well as gender and perception of gender), sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, medical condition, or age in any of the following ways:

- Refusing to sell, rent, or lease.
- Refusing to negotiate for a sale, rental, or lease.
- Representing that housing is not available for inspection, sale, or rental when it is, in fact, available.
- Otherwise denying or withholding housing accommodations.
- Providing inferior housing terms, conditions, privileges, facilities, or services.
- Harassing a person in connection with housing accommodations.
- Canceling or terminating a sale or rental agreement.
- Providing segregated or separated housing accommodations.
- Refusing to permit a person with a disability, at the person with a disability's own expense, to make reasonable modifications to a rental unit that are necessary to allow the person with a disability "full enjoyment of the premises." As a condition of making the modifications, the landlord may require the person with a disability to enter into an agreement to restore the interior of the rental unit to its previous condition at the end of the tenancy (excluding reasonable wear and tear).
- Refusing to make reasonable accommodations in rules, policies, practices, or services when necessary to allow a person with a disability "equal opportunity to use and enjoy a dwelling" (for example, refusing to allow a person with a disability's companion or service dog).³⁸

According to FEHA, at Gov. Code section 12955 states that it is unlawful:

For any person to make, print, or publish, or cause to be made, printed, or published an notice, state, or advertisement, with respect to the sale or rental of a housing accommodation that indicated any preference, limitation, or discrimination based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, familial status, source of income, disability, or genetic information or an intention to make the preference, limitation, or discrimination.

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