

Service

After a complaint is filed, a copy is served on the party who is alleged to have violated the law. The complaint may also be referred to a federal agency with concurrent jurisdiction.

No-Fault Settlement

A no-fault settlement provides an opportunity to resolve the complaint voluntarily without a determination as to its merits. A case may be settled at any time after the complaint is filed. Settlement can occur in several ways. For example, the respondent may contact the Department with an offer or may approach the complainant directly. If this occurs, the complainant should contact the Department for assistance. Settlements may also result from negotiations initiated by the Department.

The Department will discuss all settlement offers with the complainant, who is free to accept or reject them. The Department will determine appropriate settlement terms for any agreement it signs.

After the parties reach agreement on settlement terms, the terms are put in writing for signature by the complainant, the respondent and the Department. A settlement signed by the Department is enforceable in a court of law.

Investigation

If the complaint is not resolved during the preliminary stages, it will be fully investigated. If the investigation is not completed within 100 days, the parties will be advised of the reason for the delay and the complaining party will be advised of his/her right to file a lawsuit. A Department staff member may need to:

- ◆ Interview the party against whom the complaint is filed, as well as other witnesses.
- ◆ Have access to pertinent records and documents.
- ◆ Make an on-site inspection of facilities and operations.
- ◆ Issue subpoenas or require that witnesses be deposed.

Conciliation

If the complaint is substantiated, a formal conciliation conference may be scheduled with

Department staff. Corrective measures to resolve the complaint may require:

- ◆ The previously denied housing be made available.
- ◆ Compensation for any losses incurred because of the discrimination.
- ◆ Compensation for the victim's emotional distress.
- ◆ Correction of other harm(s) resulting from the violation(s).
- ◆ Modification of practices that adversely affect persons protected under the law.
- ◆ Other actions to eliminate the effects of discrimination.

The terms of any corrective measure will be formalized in a written agreement. The agreement will become part of the public record unless the parties, including the Department, agree that it will be held confidential.

Prosecution

If the Department determines that the law has been violated and is unable to resolve the complaint through conciliation, the Director may issue an accusation of discrimination. The accusation should be issued within 100 days of the filing of the complaint, unless it is impracticable to do so. However, the accusation **must** be issued within one year of the date a complaint is filed. After the accusation is issued, the parties have 20 days to elect either to have the matter heard by the Fair Employment and Housing Commission or to transfer the matter to court.

◆ Choice of Forum

There is a possibility that the Fair Employment and Housing Commission's authority to award damages for emotional distress could be overturned on an appeal. If that were to occur, it is possible that damages for emotional or other intangible injuries may only be available through a civil action filed under *Government Code section 12989*. The Department encourages complainants to consider this when deciding whether to elect to have a Department attorney represent them in court rather than in a hearing before the Commission.

◆ Fair Employment and Housing Commission

If neither of the parties elects to have the matter transferred to court, it will be heard by the Commission. The Commission will hear testimony under oath, render a decision and issue a legally enforceable order. The Commission's proceedings should be completed within one year of the date the complaint was filed, unless it is impracticable to do so. If the proceeding is not completed within one year, the Department must notify the parties of the reason for the delay.

The Commission may order remedies for out-of-pocket losses, injunctive relief, access to the housing previously denied, additional damages for emotional distress and civil penalties which are awarded to the complainant.

The Commission's order may be appealed to or enforced by a Superior Court.

◆ Court

If either party elects to have the matter transferred to court, the Department will file a lawsuit on behalf of the complainant within 30 days of the election. Damages in court are unlimited.

Right to File a Lawsuit

Any person who believes that he/she has been discriminated against in violation of the housing discrimination provisions of the *California Fair Employment and Housing Act* may, within two years of the alleged discriminatory act, file a lawsuit. It is not necessary to file a complaint with the Department of Fair Employment and Housing prior to the filing of a lawsuit. The time during which a complaint was pending with the Department of Fair Employment and Housing will not count when computing the two-year period within which a lawsuit must be filed.

Notice

Pursuant to *California Government Code section 12980(d)*, this document constitutes notice to a complainant of the time limits, rights of the parties and choice of forums provided by the housing discrimination provisions of the *California Fair Employment and Housing Act*.

A Guide For Complainants (Housing)

The Department of Fair Employment and Housing accepts complaints of discrimination in housing based on race, color, ancestry, religion, sex, marital status, disability (including AIDS and HIV diagnosis), national origin, familial status, sexual orientation or source of income. Complaints of arbitrary discrimination based on other personal characteristics may also be accepted.

People who believe they have experienced discrimination may file a complaint with the Department of Fair Employment and Housing. The person filing is the complainant. The landlord or individual filed against is the respondent. The complaint is the written document that states what happened (complainant was evicted, unable to rent, etc.) and why the complainant believes the action or incident was illegal.

It is essential that complainants cooperate fully with the Department. They should provide accurate information, such as names, addresses, telephone numbers, dates and places. They will be asked to identify witnesses and supply documents (notices, rent receipts, etc.) to substantiate the charges listed in the complaint.

THE PROCESS

Complaint

In California, it is illegal to discriminate in housing against anyone because of race, color, ancestry, religion, sex, marital status, disability (including AIDS and HIV diagnosis), national origin, familial status, sexual orientation or source of income. Arbitrary discrimination based on other personal characteristics may also be unlawful. Complaints may be filed by an individual or by the Director of the Department of Fair Employment and Housing.



State of California
Department of Fair Employment & Housing
2014 T Street, Suite 210
Sacramento, CA 95814

For more information,
contact the Department
toll free at:
(800) 233-3212

TTY Number
(800) 700-2320

or visit our website at:
www.dfeh.ca.gov