

**Introduced by Senator Leno**

February 16, 2016

An act to amend Section 12955 of the Government Code, relating to housing discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 1053, as introduced, Leno. Housing discrimination: applications.

Existing law generally prohibits housing discrimination with respect to various personal characteristics including source of income. Existing law defines "source of income" for these purposes as lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, which does not include a landlord.

This bill would amend the definition of "source of income" to also include specified federal, state, or local housing assistance or subsidies paid either to the tenant or directly to the landlord on behalf of the tenant.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12955 of the Government Code is
- 2 amended to read:
- 3 12955. It shall be unlawful:
- 4 (a) For the owner of any housing accommodation to discriminate
- 5 against or harass any person because of the race, color, religion,
- 6 sex, gender, gender identity, gender expression, sexual orientation,
- 7 marital status, national origin, ancestry, familial status, source of
- 8 income, disability, or genetic information of that person.

1 (b) For the owner of any housing accommodation to make or  
2 to cause to be made any written or oral inquiry concerning the  
3 race, color, religion, sex, gender, gender identity, gender  
4 expression, sexual orientation, marital status, national origin,  
5 ancestry, familial status, disability, or genetic information of any  
6 person seeking to purchase, rent, or lease any housing  
7 accommodation.

8 (c) For any person to make, print, or publish, or cause to be  
9 made, printed, or published any notice, statement, or advertisement,  
10 with respect to the sale or rental of a housing accommodation that  
11 indicates any preference, limitation, or discrimination based on  
12 race, color, religion, sex, gender, gender identity, gender  
13 expression, sexual orientation, marital status, national origin,  
14 ancestry, familial status, source of income, disability, or genetic  
15 information or an intention to make that preference, limitation, or  
16 discrimination.

17 (d) For any person subject to the provisions of Section 51 of  
18 the Civil Code, as that section applies to housing accommodations,  
19 to discriminate against any person on the basis of sex, gender,  
20 gender identity, gender expression, sexual orientation, color, race,  
21 religion, ancestry, national origin, familial status, marital status,  
22 disability, genetic information, source of income, or on any other  
23 basis prohibited by that section. Selection preferences based on  
24 age, imposed in connection with a federally approved housing  
25 program, do not constitute age discrimination in housing.

26 (e) For any person, bank, mortgage company or other financial  
27 institution that provides financial assistance for the purchase,  
28 organization, or construction of any housing accommodation to  
29 discriminate against any person or group of persons because of  
30 the race, color, religion, sex, gender, gender identity, gender  
31 expression, sexual orientation, marital status, national origin,  
32 ancestry, familial status, source of income, disability, or genetic  
33 information in the terms, conditions, or privileges relating to the  
34 obtaining or use of that financial assistance.

35 (f) For any owner of housing accommodations to harass, evict,  
36 or otherwise discriminate against any person in the sale or rental  
37 of housing accommodations when the owner's dominant purpose  
38 is retaliation against a person who has opposed practices unlawful  
39 under this section, informed law enforcement agencies of practices  
40 believed unlawful under this section, has testified or assisted in

1 any proceeding under this part, or has aided or encouraged a person  
2 to exercise or enjoy the rights secured by this part. Nothing herein  
3 is intended to cause or permit the delay of an unlawful detainer  
4 action.

5 (g) For any person to aid, abet, incite, compel, or coerce the  
6 doing of any of the acts or practices declared unlawful in this  
7 section, or to attempt to do so.

8 (h) For any person, for profit, to induce any person to sell or  
9 rent any dwelling by representations regarding the entry or  
10 prospective entry into the neighborhood of a person or persons of  
11 a particular race, color, religion, sex, gender, gender identity,  
12 gender expression, sexual orientation, marital status, ancestry,  
13 disability, genetic information, source of income, familial status,  
14 or national origin.

15 (i) For any person or other organization or entity whose business  
16 involves real estate-related transactions to discriminate against  
17 any person in making available a transaction, or in the terms and  
18 conditions of a transaction, because of race, color, religion, sex,  
19 gender, gender identity, gender expression, sexual orientation,  
20 marital status, national origin, ancestry, source of income, familial  
21 status, disability, or genetic information.

22 (j) To deny a person access to, or membership or participation  
23 in, a multiple listing service, real estate brokerage organization,  
24 or other service because of race, color, religion, sex, gender, gender  
25 identity, gender expression, sexual orientation, marital status,  
26 ancestry, disability, genetic information, familial status, source of  
27 income, or national origin.

28 (k) To otherwise make unavailable or deny a dwelling based  
29 on discrimination because of race, color, religion, sex, gender,  
30 gender identity, gender expression, sexual orientation, familial  
31 status, source of income, disability, genetic information, or national  
32 origin.

33 (l) To discriminate through public or private land use practices,  
34 decisions, and authorizations because of race, color, religion, sex,  
35 gender, gender identity, gender expression, sexual orientation,  
36 familial status, marital status, disability, genetic information,  
37 national origin, source of income, or ancestry. Discrimination  
38 includes, but is not limited to, restrictive covenants, zoning laws,  
39 denials of use permits, and other actions authorized under the

1 Planning and Zoning Law (Title 7 (commencing with Section  
2 65000)), that make housing opportunities unavailable.

3 Discrimination under this subdivision also includes the existence  
4 of a restrictive covenant, regardless of whether accompanied by a  
5 statement that the restrictive covenant is repealed or void.

6 (m) As used in this section, “race, color, religion, sex, gender,  
7 gender identity, gender expression, sexual orientation, marital  
8 status, national origin, ancestry, familial status, source of income,  
9 disability, or genetic information,” includes a perception that the  
10 person has any of those characteristics or that the person is  
11 associated with a person who has, or is perceived to have, any of  
12 those characteristics.

13 (n) To use a financial or income standard in the rental of housing  
14 that fails to account for the aggregate income of persons residing  
15 together or proposing to reside together on the same basis as the  
16 aggregate income of married persons residing together or proposing  
17 to reside together.

18 (o) In instances where there is a government rent subsidy, to  
19 use a financial or income standard in assessing eligibility for the  
20 rental of housing that is not based on the portion of the rent to be  
21 paid by the tenant.

22 (p) (1) For the purposes of this section, “source of income”  
23 means lawful, verifiable income paid directly to a tenant or paid  
24 to a representative of a tenant. ~~For the purposes of this section, a~~  
25 ~~landlord is not considered a representative of a tenant.~~ *tenant, or*  
26 *paid to a housing owner or landlord on behalf of a tenant,*  
27 *including federal, state, or local public assistance and federal,*  
28 *state, or local housing subsidies, including, but not limited to,*  
29 *federal housing assistance vouchers under Section 8 of the United*  
30 *States Housing Act of 1937 (42 U.S.C. Sec. 1437f).*

31 (2) For the purposes of this section, it shall not constitute  
32 discrimination based on source of income to make a written or  
33 oral inquiry concerning the level or source of income.