

Introduced by Senator LiuFebruary 19, 2016

An act to repeal Section 261 of the Education Code, and to amend Sections 11135, 11136, 11137, 11139, 12930, and 12935 of, to add Section 12957 to, to add Chapter 18 (commencing with Section 7400) and Chapter 18.1 (commencing with Section 7405) to Division 7 of Title 1 of, and to repeal Sections 11138, 11139.3, 11139.5, 11139.6, and 11139.7 of, the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 1442, as introduced, Liu. Discrimination: regulations and enforcement.

Existing law prohibits discrimination in employment, housing, and eligibility for government programs and benefits based upon specified personal characteristics. Under existing law, the Department of Fair Employment and Housing within the Business, Consumer Services, and Housing Agency, is charged with enforcement of civil rights violations, including discrimination. Existing law authorizes the department, and other state agencies that administer programs or activities funded by the state or that receive financial assistance from the state and that enter into contracts for services to be provided to the public, as specified, to promulgate regulations to prohibit discrimination.

This bill would reorganize various statutes regarding discrimination. The bill would also remove the authority of those state agencies to promulgate regulations to prohibit discrimination and would require the investigation and enforcement of the above-described antidiscrimination provisions to be performed by to the department.

Existing law authorizes the provision of housing for homeless youth, as defined, and occupies the field of regulation of housing for homeless

youth. This bill would reorganize these provisions by making them part of the Fair Employment and Housing Act. The bill would also make conforming changes.

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 Section 261 of the Education Code is repealed.
2 ~~261. The provisions of this chapter shall be implemented~~
3 ~~pursuant to existing regulations and procedures promulgated~~
4 ~~pursuant to Section 11138 of the Government Code, governing~~
5 ~~the filing and handling of written complaints of prohibited~~
6 ~~discrimination.~~

7 SEC. 2. Chapter 18 (commencing with Section 7400) is added
8 to Division 7 of Title 1 of the Government Code, to read:

9
10 CHAPTER 18. BIDDING AND OUTREACH PROGRAMS

11
12 7400. (a) (1) The Legislature finds and declares that
13 subdivision (a) of Section 31 of Article I of the California
14 Constitution prohibits state and local government agencies from
15 discriminating against or granting preferential treatment to any
16 individual or group on the basis of race, sex, color, ethnicity, or
17 national origin in the operation of public employment, public
18 education, and public contracting. The Legislature finds that this
19 prohibition does not prevent governmental agencies from engaging
20 in inclusive public sector outreach and recruitment programs that,
21 as a component of general recruitment, may include, but not be
22 limited to, focused outreach and recruitment of minority groups
23 and women if any group is underrepresented in entry level positions
24 of a public sector employer.

25 (2) The Legislature also finds and declares that increasing the
26 number of businesses that participate in the bidding process in
27 public contracting results in more vigorous competition, and thus
28 assists state and local agencies in obtaining the desired quality of
29 work at a lower cost.

30 (3) It is the intent of this section that all governmental agencies
31 shall engage in general recruitment and outreach programs to all

1 individuals, including persons who are economically
2 disadvantaged.

3 (b) For purposes of this section, underrepresentation shall be
4 determined by comparing the minority group or the number of
5 women at the governmental agency with that group's representation
6 in the current civilian labor force in the jurisdiction of the
7 governmental agency.

8 (c) State government employment shall use current state civilian
9 labor force data to implement this section.

10 (d) It is the intent of this section to allow public sector employers
11 to conduct outreach efforts with a goal of supplementing
12 word-of-mouth recruitment that should result in increasing diversity
13 of the public sector workforce.

14 (e) The type of recruitment activities allowed would include,
15 but not be limited to, placement of job announcements in the
16 following media instruments:

17 (1) General circulation newspapers, general circulation
18 publications, and general market radio and television stations,
19 including electronic media.

20 (2) Local and regional community newspapers.

21 (3) Newspapers, publications, and radio and television stations
22 that provide information in languages other than English and whose
23 primary audience is residents of minority and low-income
24 communities.

25 (4) Publications, including electronic media, that are distributed
26 to the general market and to newspapers, publications, and radio
27 and television stations whose primary audience is comprised of
28 minority groups or women.

29 (5) Recruitment booths at job fairs or conferences oriented to
30 both the general market and the economically disadvantaged as
31 well as those events drawing a significant participation by
32 minorities or women.

33 7401. (a) The Governor's Task Force on Diversity and
34 Outreach, in its August 1, 2000, report, concluded that data on
35 minority business participation is not currently available, and that
36 lack of useful data on minority business participation in state
37 contracting is an overarching issue to be addressed.

38 (b) In contracting for and procuring goods, services, information
39 technology, construction, architecture, and engineering consulting,
40 and other consulting services, state and local departments and

1 agencies are authorized to engage in focused outreach activities
2 in addition to general outreach, for purposes of increasing
3 participation by California’s small business sector and increasing
4 diversity in the state’s contracting and procurement activities.

5 (c) Outreach activities may include, but are not limited to, the
6 following:

7 (1) Invitations to bid distributed by state and local departments
8 and agencies to state and local small business and trade associations
9 and chambers of commerce, including ethnic chambers of
10 commerce, and other business and professional associations,
11 including professional minority, women, and disabled
12 veteran-owned business and professional groups and associations,
13 as appropriate.

14 (2) Publication of advertising concerning state and local
15 contracting and procurement opportunities in trade papers and
16 other publications focusing on small business enterprises, including
17 publications and newspapers in languages other than English and
18 those whose primary readership is minority, women, or disabled
19 veteran-owned businesses.

20 (3) Outreach by small business advocates in each state or local
21 government department or agency to state and local small business
22 and trade associations and chambers of commerce, including ethnic
23 chambers of commerce, and other business and professional
24 associations, including professional minority, women, and disabled
25 veteran-owned business and professional groups and associations,
26 as appropriate.

27 SEC. 3. Chapter 18.1 (commencing with Section 7405) is added
28 to Division 7 of Title 1 of the Government Code, to read:

29
30 CHAPTER 18.1. ELECTRONIC AND INFORMATION TECHNOLOGY
31

32 7405. The Legislature finds and declares that the ability to
33 utilize electronic or information technology is often an essential
34 function for successful employment in the current work world.

35 (a) In order to improve accessibility of existing technology, and
36 therefore increase the successful employment of individuals with
37 disabilities, particularly blind and visually impaired and deaf and
38 hard-of-hearing persons, state governmental entities, in developing,
39 procuring, maintaining, or using electronic or information
40 technology, either indirectly or through the use of state funds by

1 other entities, shall comply with the accessibility requirements of
2 Section 508 of the federal Rehabilitation Act of 1973, as amended
3 (29 U.S.C. Sec. 794d), and regulations implementing that act as
4 set forth in Part 1194 of Title 36 of the Federal Code of
5 Regulations.

6 (b) Any entity that contracts with a state or local entity subject
7 to Section 11135 for the provision of electronic or information
8 technology or for the provision of related services shall agree to
9 respond to, and resolve any complaint regarding accessibility of,
10 its products or services that is brought to the attention of the entity.

11 SEC. 4. Section 11135 of the Government Code is amended
12 to read:

13 11135. (a) No person in the State of California shall, on the
14 basis of ~~race, national origin, ethnic group identification, religion,~~
15 ~~age, sex, sexual orientation, color, genetic information, or~~
16 ~~disability~~, *sex, race, color, religion, ancestry, national origin, age,*
17 *disability, medical condition, genetic information, marital status,*
18 *or sexual orientation*, be unlawfully denied full and equal access
19 to the benefits of, or be unlawfully subjected to discrimination
20 under, any program or activity that is conducted, operated, or
21 administered by the state or by any state agency, is funded directly
22 by the state, or receives any financial assistance from the state.
23 Notwithstanding Section 11000, this section applies to the
24 California State University.

25 (b) With respect to discrimination on the basis of disability,
26 programs and activities subject to subdivision (a) shall meet the
27 protections and prohibitions contained in Section 202 of the federal
28 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132),
29 and the federal rules and regulations adopted in implementation
30 thereof, except that if the laws of this state prescribe stronger
31 protections and prohibitions, the programs and activities subject
32 to subdivision (a) shall be subject to the stronger protections and
33 prohibitions.

34 (c) ~~(1) As used in this section, "disability" means any mental~~
35 ~~or physical disability, as defined in Section 12926.~~

36 ~~(2) The Legislature finds and declares that the amendments~~
37 ~~made to this act are declarative of existing law. The Legislature~~
38 ~~further finds and declares that in enacting Senate Bill 105 of the~~
39 ~~2001-02 Regular Session (Chapter 1102 of the Statutes of 2002),~~
40 ~~it was the intention of the Legislature to apply subdivision (d) to~~

1 the California State University in the same manner that
2 subdivisions (a), (b), and (c) already applied to the California State
3 University, notwithstanding Section 11000. In clarifying that the
4 California State University is subject to paragraph (2) of
5 subdivision (d), it is not the intention of the Legislature to increase
6 the cost of developing or procuring electronic and information
7 technology. The California State University shall, however, in
8 determining the cost of developing or procuring electronic or
9 information technology, consider whether technology that meets
10 the standards applicable pursuant to paragraph (2) of subdivision
11 (d) will reduce the long-term cost incurred by the California State
12 University in providing access or accommodations to future users
13 of this technology who are persons with disabilities, as required
14 by existing law, including this section, Title II of the federal
15 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
16 and following), and Section 504 of the Rehabilitation Act of 1973
17 (29 U.S.C. Sec. 794).

18 (d) (1) The Legislature finds and declares that the ability to
19 utilize electronic or information technology is often an essential
20 function for successful employment in the current work world.

21 (2) In order to improve accessibility of existing technology, and
22 therefore increase the successful employment of individuals with
23 disabilities, particularly blind and visually impaired and deaf and
24 hard-of-hearing persons, state governmental entities, in developing,
25 procuring, maintaining, or using electronic or information
26 technology, either indirectly or through the use of state funds by
27 other entities, shall comply with the accessibility requirements of
28 Section 508 of the federal Rehabilitation Act of 1973, as amended
29 (29 U.S.C. Sec. 794d), and regulations implementing that act as
30 set forth in Part 1194 of Title 36 of the Federal Code of
31 Regulations.

32 (3) Any entity that contracts with a state or local entity subject
33 to this section for the provision of electronic or information
34 technology or for the provision of related services shall agree to
35 respond to, and resolve any complaint regarding accessibility of
36 its products or services that is brought to the attention of the entity.

37 (e) As used in this section, “sex” and “sexual orientation” have
38 the same meanings as those terms are defined in subdivisions (q)
39 and (r) of Section 12926.

1 ~~(f) As used in this section, “race, national origin, ethnic group~~
2 ~~identification, religion, age, sex, sexual orientation, color, or~~
3 ~~disability” includes~~

4 *(c) The protected bases referenced in this section have the same*
5 *meanings as those terms are defined in Section 12926.*

6 *(d) The protected bases used in this section include a perception*
7 *that a person has any of those characteristics or that the person is*
8 *associated with a person who has, or is perceived to have, any of*
9 *those characteristics.*

10 ~~(g) As used in this section, “genetic information” has the same~~
11 ~~definition as in paragraph (2) of subdivision (e) of Section 51 of~~
12 ~~the Civil Code.~~

13 SEC. 5. Section 11136 of the Government Code is amended
14 to read:

15 11136. Whenever a state agency that administers a program
16 or activity that is funded directly by the state or receives any
17 financial assistance from the state, has reasonable cause to believe
18 that a contractor, grantee, or local agency has violated the
19 provisions of Section 11135, *Part 2.8 (commencing with Section*
20 *12900) of this code, Section 51, 51.5, 51.7, 54, 54.1, or 54.2 of the*
21 *Civil Code, or any regulation adopted to implement such section,*
22 *these sections, Article 1 (commencing with Section 12960) of*
23 *Chapter 7 of this code. the head of the state agency, or his*
24 *or her designee, shall notify the contractor, grantee, or local agency*
25 *of such violation and shall, after considering all relevant evidence,*
26 *determine whether there is probable cause to believe that a violation*
27 *of the provisions of Section 11135, or any regulation adopted to*
28 *implement such section, has occurred. In the event that it is*
29 *determined that there is probable cause to believe that the*
30 *provisions of Section 11135, or any regulation adopted to*
31 *implement such section, have been violated, the head of the state*
32 *agency shall cause to be instituted a hearing conducted pursuant*
33 *to the provisions of Chapter 5 (commencing with Section 11500)*
34 *of this part to determine whether a violation has occurred. shall*
35 *submit a complaint detailing the alleged violations to the*
36 *Department of Fair Employment and Housing for investigation*
37 *and determination pursuant to Article 1 (commencing with Section*
38 *12460) of Chapter 7 of this code.*

39 SEC. 6. Section 11137 of the Government Code is amended
40 to read:

1 11137. If it is determined that a contractor, grantee, or local
2 agency has violated the provisions of this article, *pursuant to the*
3 *process described in Section 11136*, the state agency that
4 administers the program or activity involved shall take action to
5 curtail state funding in whole or in part to such contractor, grantee,
6 or local agency.

7 SEC. 7. Section 11138 of the Government Code is repealed.

8 ~~11138. Each state agency that administers a program or activity~~
9 ~~that is funded directly by the state or receives any financial~~
10 ~~assistance from the state and that enters into contracts for the~~
11 ~~performance of services to be provided to the public in an aggregate~~
12 ~~amount in excess of one hundred thousand dollars (\$100,000) per~~
13 ~~year shall, in accordance with the provisions of Chapter 4.5~~
14 ~~(commencing with Section 11371) of this part, adopt such rules~~
15 ~~and regulations as are necessary to carry out the purpose and~~
16 ~~provisions of this article.~~

17 SEC. 8. Section 11139 of the Government Code is amended
18 to read:

19 11139. The prohibitions and sanctions imposed by this article
20 are in addition to any other prohibitions and sanctions imposed by
21 law.

22 This article shall not be interpreted in a manner that would
23 frustrate its purpose.

24 This article shall not be interpreted in a manner that would
25 ~~adversely affect~~ *undermine* lawful programs which benefit ~~the~~
26 ~~disabled, the aged, minorities, and women.~~ *members of the*
27 *protected bases described in Section 11135.*

28 This article and regulations adopted pursuant to this article may
29 be enforced by a civil action for equitable relief, which shall be
30 independent of any other rights and remedies.

31 SEC. 9. Section 11139.3 of the Government Code is repealed.

32 ~~11139.3. (a) It is the policy of this state and the purpose of~~
33 ~~this section to facilitate and support the development and operation~~
34 ~~of housing for homeless youth.~~

35 ~~(b) The provision of housing for homeless youth is hereby~~
36 ~~authorized and shall not be considered unlawful age discrimination,~~
37 ~~notwithstanding any other provision of law, including, but not~~
38 ~~limited to, Sections 51, 51.2, and 51.10 of the Civil Code, Sections~~
39 ~~11135, 12920, and 12955 of this code, Chapter 11.5 (commencing~~

1 with Section 50800) of Part 2 of Division 31 of the Health and
2 Safety Code, and local housing or age discrimination ordinances.

3 (e) This section shall not be construed to permit discrimination
4 against families with children.

5 (d) This section shall occupy the field of regulation of housing
6 for homeless youth by any local public entity, including, but not
7 limited to, a city, county, and city and county.

8 (e) For purposes of this section, the following definitions shall
9 apply:

10 (1) "At risk of becoming homeless" means facing eviction or
11 termination of one's current housing situation.

12 (2) "Homeless youth" means either of the following:

13 (A) A person who is not older than 24 years of age, and meets
14 one of the following conditions:

15 (i) Is homeless or at risk of becoming homeless.

16 (ii) Is no longer eligible for foster care on the basis of age.

17 (iii) Has run away from home.

18 (B) A person who is less than 18 years of age who is
19 emancipated pursuant to Part 6 (commencing with Section 7000)
20 of Division 1 of the Family Code and who is homeless or at risk
21 of becoming homeless.

22 (3) "Housing for homeless youth" means emergency,
23 transitional, or permanent housing tied to supportive services that
24 assist homeless youth in stabilizing their lives and developing the
25 skills and resources they need to make a successful transition to
26 independent, self-sufficient adulthood.

27 SEC. 10. Section 11139.5 of the Government Code is repealed.

28 11139.5. The Secretary of California Health and Human
29 Services, with the advice and concurrence of the Fair Employment
30 and Housing Council of the Department of Fair Employment and
31 Housing, shall establish standards for determining which persons
32 are protected by this article and standards for determining what
33 practices are discriminatory. The secretary, with the cooperation
34 of the Fair Employment and Housing Council of the Department
35 of Fair Employment and Housing, shall assist state agencies in
36 coordinating their programs and activities and shall consult with
37 such agencies, as necessary, so that consistent policies, practices,
38 and procedures are adopted with respect to the enforcement of the
39 provisions of the article.

40 SEC. 11. Section 11139.6 of the Government Code is repealed.

1 11139.6. ~~(a) (1) The Legislature finds and declares that~~
2 ~~subdivision (a) of Section 31 of Article I of the California~~
3 ~~Constitution prohibits state and local government agencies from~~
4 ~~discriminating against or granting preferential treatment to any~~
5 ~~individual or group on the basis of race, sex, color, ethnicity, or~~
6 ~~national origin in the operation of public employment, public~~
7 ~~education, and public contracting. The Legislature finds that this~~
8 ~~prohibition does not prevent governmental agencies from engaging~~
9 ~~in inclusive public sector outreach and recruitment programs that,~~
10 ~~as a component of general recruitment, may include, but not be~~
11 ~~limited to, focused outreach and recruitment of minority groups~~
12 ~~and women if any group is underrepresented in entry level positions~~
13 ~~of a public sector employer.~~

14 ~~(2) The Legislature also finds and declares that increasing the~~
15 ~~number of businesses that participate in the bidding process in~~
16 ~~public contracting results in more vigorous competition, and thus~~
17 ~~assists state and local agencies in obtaining the desired quality of~~
18 ~~work at a lower cost.~~

19 ~~(3) It is the intent of this section that all governmental agencies~~
20 ~~shall engage in general recruitment and outreach programs to all~~
21 ~~individuals, including persons who are economically~~
22 ~~disadvantaged.~~

23 ~~(b) For purposes of this section, underrepresentation shall be~~
24 ~~determined by comparing the minority group or the number of~~
25 ~~women at the governmental agency with that group's representation~~
26 ~~in the current civilian labor force in the jurisdiction of the~~
27 ~~governmental agency.~~

28 ~~(e) State government employment shall use current state civilian~~
29 ~~labor force data to implement this section.~~

30 ~~(d) It is the intent of this section to allow public sector employers~~
31 ~~to conduct outreach efforts with a goal of supplementing~~
32 ~~word-of-mouth recruitment that should result in increasing diversity~~
33 ~~of the public sector workforce.~~

34 ~~(e) The type of recruitment activities allowed would include,~~
35 ~~but not be limited to, placement of job announcements in the~~
36 ~~following media instruments:~~

37 ~~(1) General circulation newspapers, general circulation~~
38 ~~publications, and general market radio and television stations,~~
39 ~~including electronic media.~~

40 ~~(2) Local and regional community newspapers.~~

1 ~~(3) Newspapers, publications, and radio and television stations~~
2 ~~that provide information in languages other than English and whose~~
3 ~~primary audience is residents of minority and low-income~~
4 ~~communities.~~

5 ~~(4) Publications, including electronic media, that are distributed~~
6 ~~to the general market and to newspapers, publications, and radio~~
7 ~~and television stations whose primary audience is comprised of~~
8 ~~minority groups or women.~~

9 ~~(5) Recruitment booths at job fairs or conferences oriented to~~
10 ~~both the general market and the economically disadvantaged as~~
11 ~~well as those events drawing a significant participation by~~
12 ~~minorities or women.~~

13 SEC. 12. Section 11139.7 of the Government Code is repealed.

14 ~~11139.7. (a) The Governor's Task Force on Diversity and~~
15 ~~Outreach, in its August 1, 2000, report, concluded that data on~~
16 ~~minority business participation is not currently available, and that~~
17 ~~lack of useful data on minority business participation in state~~
18 ~~contracting is an overarching issue to be addressed.~~

19 ~~(b) In contracting for and procuring goods, services, information~~
20 ~~technology, construction, architecture, and engineering consulting,~~
21 ~~and other consulting services, state and local departments and~~
22 ~~agencies are authorized to engage in focused outreach activities~~
23 ~~in addition to general outreach, for purposes of increasing~~
24 ~~participation by California's small business sector and increasing~~
25 ~~diversity in the state's contracting and procurement activities.~~

26 ~~(c) Outreach activities may include, but are not limited to, the~~
27 ~~following:~~

28 ~~(1) Invitations to bid distributed by state and local departments~~
29 ~~and agencies to state and local small business and trade associations~~
30 ~~and chambers of commerce, including ethnic chambers of~~
31 ~~commerce, and other business and professional associations,~~
32 ~~including professional minority, women, and disabled~~
33 ~~veteran-owned business and professional groups and associations,~~
34 ~~as appropriate.~~

35 ~~(2) Publication of advertising concerning state and local~~
36 ~~contracting and procurement opportunities in trade papers and~~
37 ~~other publications focusing on small business enterprises, including~~
38 ~~publications and newspapers in languages other than English and~~
39 ~~those whose primary readership is minority, women, or disabled~~
40 ~~veteran-owned businesses.~~

1 ~~(3) Outreach by small business advocates in each state or local~~
2 ~~government department or agency to state and local small business~~
3 ~~and trade associations and chambers of commerce, including ethnic~~
4 ~~chambers of commerce, and other business and professional~~
5 ~~associations, including professional minority, women, and disabled~~
6 ~~veteran-owned business and professional groups and associations,~~
7 ~~as appropriate.~~

8 SEC. 13. Section 12930 of the Government Code is amended
9 to read:

10 12930. The department shall have the following functions,
11 powers, and duties:

12 (a) To establish and maintain a principal office and any other
13 offices within the state as are necessary to carry out the purposes
14 of this part.

15 (b) To meet and function at any place within the state.

16 (c) To appoint attorneys, investigators, conciliators, mediators,
17 and other employees as it may deem necessary, fix their
18 compensation within the limitations provided by law, and prescribe
19 their duties.

20 (d) To obtain upon request and utilize the services of all
21 governmental departments and agencies and, in addition, with
22 respect to housing discrimination, of conciliation councils.

23 (e) To adopt, promulgate, amend, and rescind suitable procedural
24 rules and regulations to carry out the investigation, prosecution,
25 and dispute resolution functions and duties of the department
26 pursuant to this part.

27 (f) (1) To receive, investigate, conciliate, mediate, and prosecute
28 complaints alleging practices made unlawful pursuant to Chapter
29 6 (commencing with Section 12940).

30 (2) To receive, investigate, conciliate, mediate, and prosecute
31 complaints alleging a violation of Section 51, 51.5, 51.7, 54, 54.1,
32 or 54.2 of the Civil Code. The remedies and procedures of this
33 part shall be independent of any other remedy or procedure that
34 might apply.

35 (3) *To receive, investigate, conciliate, mediate, and prosecute*
36 *complaints alleging practices made unlawful pursuant to Article*
37 *9.5 (commencing with Section 11135) of Chapter 1 of Part 1,*
38 *except for complaints relating to educational equity brought under*
39 *Chapter 2 (commencing with Section 200) of Part 1 of Division 1*
40 *of Title 1 of the Education Code and investigated pursuant to the*

1 *procedures set forth in Subchapter 5.1 of Title 5 of the California*
2 *Code of Regulations, and not otherwise within the jurisdiction of*
3 *the department.*

4 (A) *Nothing in this part prevents the director or his or her*
5 *authorized representative, in his or her discretion, from making,*
6 *signing, and filing a complaint pursuant to Section 12960 or 12961*
7 *alleging practices made unlawful under Section 11135.*

8 (B) *Remedies available to the department in conciliating,*
9 *mediating, and prosecuting complaints alleging these practices*
10 *are the same as those available to the department in conciliating,*
11 *mediating, and prosecuting complaints alleging violations of*
12 *Article 1 (commencing with Section 12940) of Chapter 6.*

13 (g) In connection with any matter under investigation or in
14 question before the department pursuant to a complaint filed under
15 Section 12960, 12961, or 12980:

16 (1) To issue subpoenas to require the attendance and testimony
17 of witnesses and the production of books, records, documents, and
18 physical materials.

19 (2) To administer oaths, examine witnesses under oath and take
20 evidence, and take depositions and affidavits.

21 (3) To issue written interrogatories.

22 (4) To request the production for inspection and copying of
23 books, records, documents, and physical materials.

24 (5) To petition the superior courts to compel the appearance
25 and testimony of witnesses, the production of books, records,
26 documents, and physical materials, and the answering of
27 interrogatories.

28 (h) To bring civil actions pursuant to Section 12965 or 12981
29 and to prosecute those civil actions before state and federal trial
30 courts.

31 (i) To issue those publications and those results of investigations
32 and research as in its judgment will tend to promote good will and
33 minimize or eliminate discrimination in employment on the bases
34 enumerated in this part and discrimination in housing because of
35 race, religious creed, color, sex, gender, gender identity, gender
36 expression, marital status, national origin, ancestry, familial status,
37 disability, genetic information, or sexual orientation.

38 (j) To investigate, approve, certify, decertify, monitor, and
39 enforce nondiscrimination programs proposed by a contractor to
40 be engaged in pursuant to Section 12990.

- 1 (k) To render annually to the Governor and to the Legislature
 2 a written report of its activities and of its recommendations.
- 3 (l) To conduct mediations at any time after a complaint is filed
 4 pursuant to Section 12960, 12961, or 12980. The department may
 5 end mediation at any time.
- 6 (m) The following shall apply with respect to any accusation
 7 pending before the former Fair Employment and Housing
 8 Commission on or after January 1, 2013:
- 9 (1) If an accusation issued under former Section 12965 includes
 10 a prayer either for damages for emotional injuries as a component
 11 of actual damages, or for administrative fines, or both, or if an
 12 accusation is amended for the purpose of adding a prayer either
 13 for damages for emotional injuries as a component of actual
 14 damages, or for administrative fines, or both, with the consent of
 15 the party accused of engaging in unlawful practices, the department
 16 may withdraw an accusation and bring a civil action in superior
 17 court.
- 18 (2) If an accusation was issued under former Section 12981,
 19 with the consent of the aggrieved party filing the complaint an
 20 aggrieved person on whose behalf a complaint is filed, or the party
 21 accused of engaging in unlawful practices, the department may
 22 withdraw the accusation and bring a civil action in superior court.
- 23 (3) Where removal to court is not feasible, the department shall
 24 retain the services of the Office of Administrative Hearings to
 25 adjudicate the administrative action pursuant to Sections 11370.3
 26 and 11502.
- 27 (n) On any Section 1094.5 Code of Civil Procedure challenge
 28 to a decision of the former Fair Employment and Housing
 29 Commission pending on or after January 1, 2013, the director or
 30 his or her designee shall consult with the Attorney General
 31 regarding the defense of that writ petition.
- 32 SEC. 14. Section 12935 of the Government Code is amended
 33 to read:
- 34 12935. The council shall have the following functions, powers,
 35 and duties:
- 36 (a) To adopt, promulgate, amend, and rescind suitable rules,
 37 regulations, and standards that do either of the following:
- 38 (1) Interpret, implement, and apply all provisions of this ~~part.~~
 39 *part, Article 9.5 (commencing with Section 11135) of Chapter 1*

1 *of Part 1 of this code, and Sections 51, 51.5, 51.7, 54, 54.1, and*
2 *54.2 of the Civil Code.*

3 (2) Carry out all other functions and duties of the council
4 pursuant to this part.

5 ~~(3)~~

6 (b) To meet at any place within the state and function in any
7 office of the department.

8 ~~(b)~~

9 (c) To create or provide technical assistance to any advisory
10 agencies and conciliation councils, local or otherwise, as in its
11 judgment will aid in effectuating the purposes of this part, and to
12 empower them to study the problems of discrimination in all or
13 specific fields of human relationships or in particular instances of
14 employment discrimination on the bases enumerated in this part
15 or in specific instances of housing discrimination on the bases
16 enumerated in this part and to foster, through community effort or
17 otherwise, good will, cooperation, and conciliation among the
18 groups and elements of the population of the state and to make
19 recommendations to the Fair Employment and Housing Council
20 for the development of policies and procedures in general except
21 for procedural rules and regulations that carry out the investigation,
22 prosecution, and dispute resolution functions and duties of the
23 department. These advisory agencies and conciliation councils
24 shall be composed of representative citizens, serving without pay.

25 ~~(e)~~

26 (d) To hold hearings, issue publications, results of inquiries and
27 research, and reports to the Governor and the Legislature that, in
28 its judgment, will tend to aid in the effectuating the purpose of this
29 part, promote good will, cooperation and conciliation, and
30 minimize or eliminate unlawful discrimination, or advance civil
31 rights in the State of California.

32 SEC. 15. Section 12957 is added to the Government Code, to
33 read:

34 12957. (a) It is the policy of this state and the purpose of this
35 section to facilitate and support the development and operation of
36 housing for homeless youth.

37 (b) The provision of housing for homeless youth is hereby
38 authorized and shall not be considered unlawful age discrimination,
39 notwithstanding any other provision of law, including, but not
40 limited to, Sections 51, 51.2, and 51.10 of the Civil Code, Sections

1 11135, 12920, and 12955 of this code, Chapter 11.5 (commencing
2 with Section 50800) of Part 2 of Division 31 of the Health and
3 Safety Code, and local housing or age discrimination ordinances.

4 (c) This section shall not be construed to permit discrimination
5 against families with children.

6 (d) This section shall occupy the field of regulation of housing
7 for homeless youth by any local public entity, including, but not
8 limited to, a city, county, and city and county.

9 (e) For purposes of this section, the following definitions shall
10 apply:

11 (1) “At risk of becoming homeless” means facing eviction or
12 termination of one’s current housing situation.

13 (2) “Homeless youth” means either of the following:

14 (A) A person who is not older than 24 years of age, and meets
15 one of the following conditions:

16 (i) Is homeless or at risk of becoming homeless.

17 (ii) Is no longer eligible for foster care on the basis of age.

18 (iii) Has run away from home.

19 (B) A person who is younger than 18 years of age, who is
20 emancipated pursuant to Part 6 (commencing with Section 7000)
21 of Division 11 of the Family Code, and who is homeless or at risk
22 of becoming homeless.

23 (3) “Housing for homeless youth” means emergency,
24 transitional, or permanent housing tied to supportive services that
25 assist homeless youth in stabilizing their lives and developing the
26 skills and resources they need to make a successful transition to
27 independent, self-sufficient adulthood.