



Civil Rights  
Department  
STATE OF CALIFORNIA

Education and Outreach

# The CRD Complaint Process

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## CRD Disclaimer

*This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice. The opinions expressed by the other presenters do not necessarily reflect the opinions of CRD.*

# Mission

The mission of the Civil Rights Department (CRD) is to protect the people of California from unlawful discrimination in employment, housing, businesses, and state-funded and administered programs/activities, as well as from hate violence and human trafficking.

*Effective July 1, 2022, we have changed our name from the Department of Fair Employment and Housing to the Civil Rights Department. This name change better encompasses our full scope of responsibilities.*

# CRD Responsibilities

- Investigate discrimination complaints and cases of systemic discrimination.
- Facilitate mediation and resolution of disputes involving civil rights.
- Enforce the laws by prosecuting violations in civil court.
- Issue regulations that implement the FEHA and other statutes to provide greater clarity.
- Collect data on the pay and demographics of large employers' workforces.
- Engage in public outreach and provide training and technical assistance to employers, business establishments, and housing providers regarding their responsibilities under the law.



## **Civil Rights Laws Enforced by CRD**



# Civil rights laws that cover housing enforced by CRD

## *Fair Employment and Housing Act*

California Government Code §§ 12900-12999 – protect individuals from housing and employment discrimination and harassment on the basis of protected characteristics. Includes additional provisions protecting special populations that are not otherwise protected.

## *Disabled Person's Act*

Civil Code § 54, et seq. – gives individuals with disabilities or medical conditions the same right as the general public to the full and free use of all public places (e.g., streets, highways, sidewalks, public buildings, hospitals, etc.).

# Civil rights laws that cover housing enforced by CRD (Cont.)

## *Unruh Civil Rights Act*

Civil Code § 51 – protects individuals from discrimination/harassment by business establishments (e.g., stores, restaurants, housing accommodations) on the basis of protected characteristics. The Unruh Act incorporates the Americans with Disabilities Act at Civil Code § 51(f).

## *Recipients of State Funding*

Government Code § 11135, et seq. – protects individuals from discrimination by recipients of state funding or state financial assistance.

# Housing Protected Characteristics

- Race
- Color
- Ancestry
- National Origin
- Religion
- Sex
- Gender
- Sexual Orientation
- Gender Identity
- Gender Expression
- Source of Income (including section 8 vouchers)
- Marital Status



# Housing Protected Characteristics Cont.

- Familial Status (children under the age of 18, pregnant, or becoming a legal custodian)
- Disability (mental and/or physical)
- Medical Condition
- Military or Veteran
- Genetic Information
- Primary Language\*
- Immigration Status\*
- Citizenship\*
- Age\*

\*May not apply under all circumstances

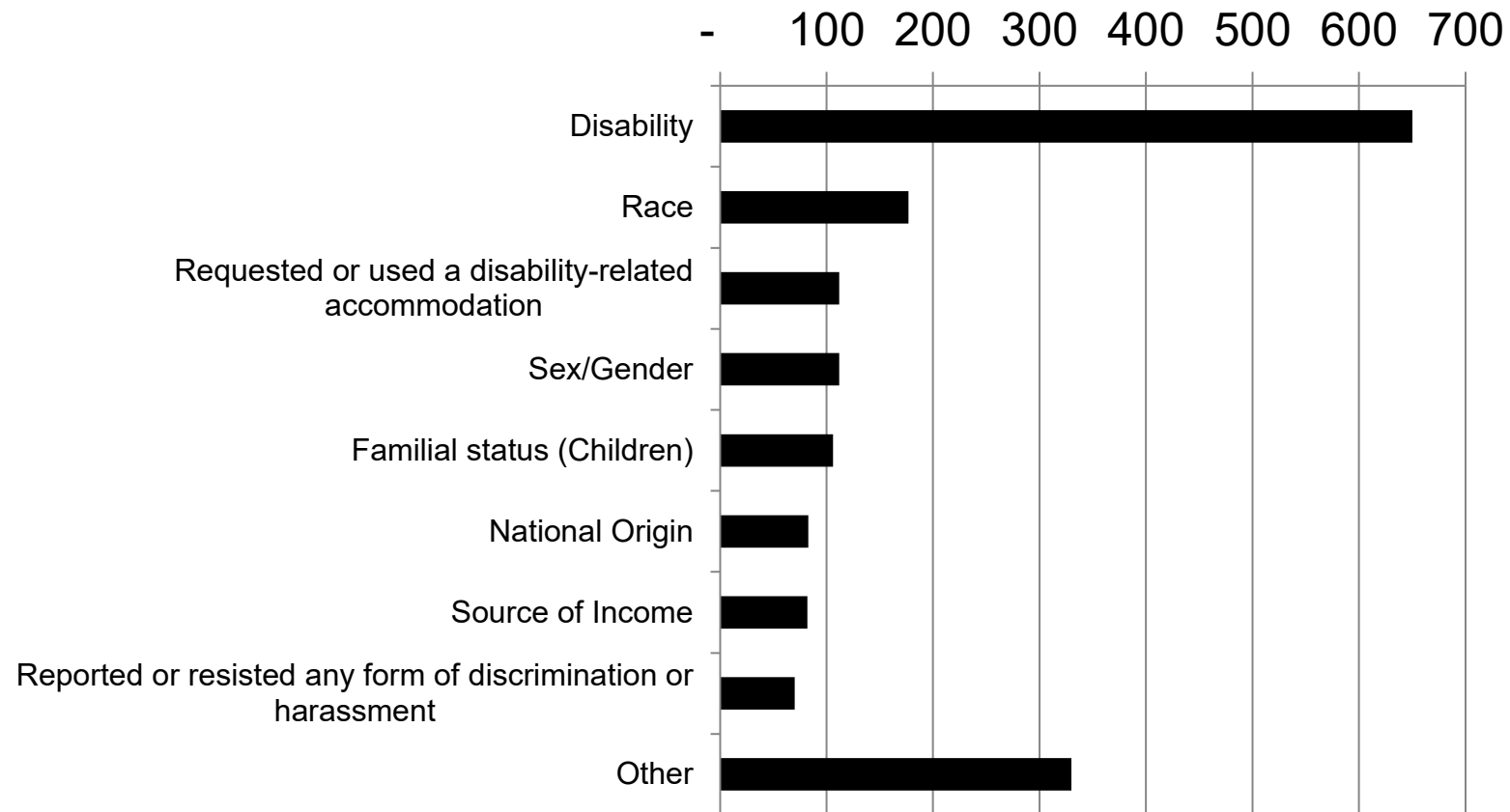
# Rights that Flow from Protected Characteristics (Housing)

The FEHA provides additional protections for people and circumstances related to protected characteristics including:

- The right to housing free from harassment
- The right to operate a licensed childcare in a provider's home
- Specific protections for people with criminal histories looking for housing

# 2020 Housing Filings = 880

*Total Housing Bases = 1,652*

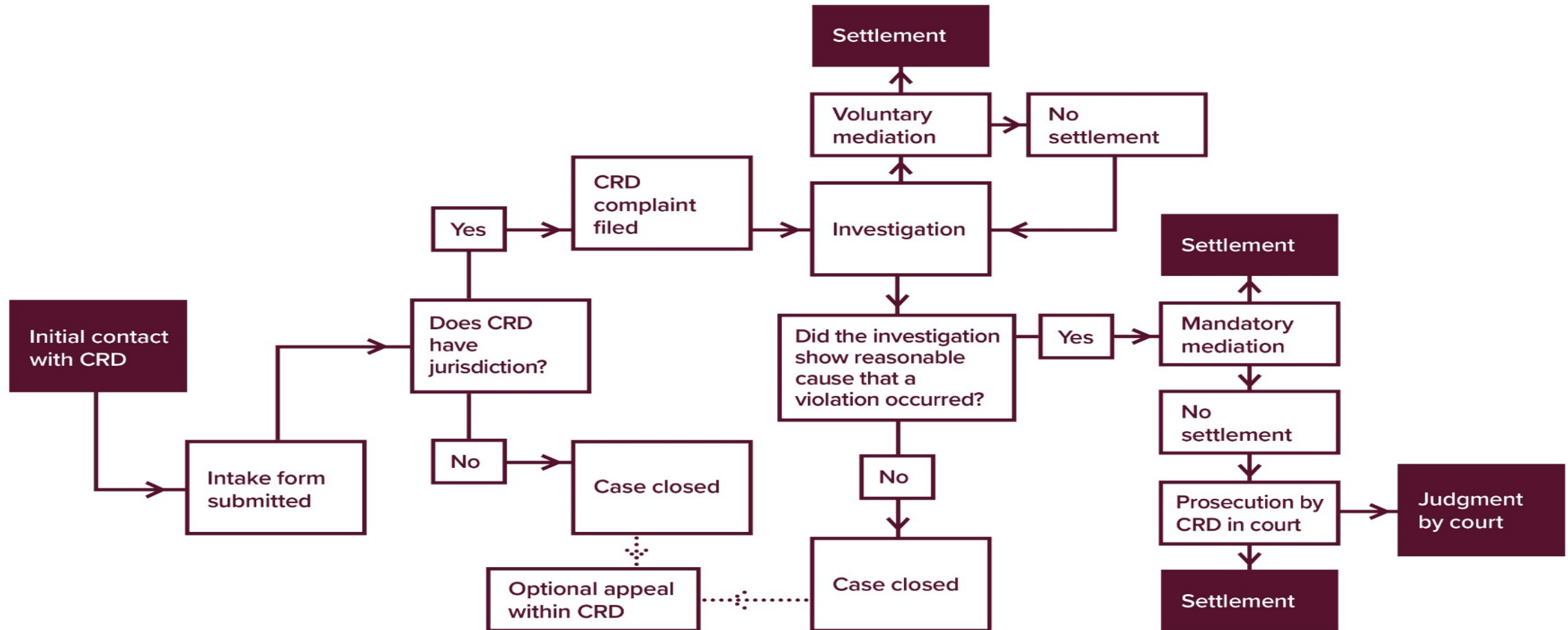




## **CRD Complaint Process**



# Non-Employment Complaint Flowchart



# Civil Litigation and Exhaustion Requirements

- For housing complaints, an individual may file a lawsuit on their own within two years of the alleged discriminatory act. Housing complainants do not need a “right-to-sue” letter from CRD and no complaint has to be filed.
- For employment complaints, the complainant may file a lawsuit on their own behalf within three years of the alleged discriminatory act, after requesting and receiving a “right-to-sue” letter from CRD.



## Rabiah (1 of 2)

*Rabiah is a single parent of two small children. Her family lives in a large apartment complex in Fresno. The complex has two pools and a common area with grass, concrete pathways, and grills. Rabiah is Muslim and wears a hijab.*

## Rabiah (2 of 2)

*She has received two written complaints from management about her children. One said that her children are not permitted to ride their scooters in the common area's pathways or play on the grass. The other said that children are not permitted to use the pool except from Monday to Friday 9am to 3pm, when the children are usually in school. Her manager told her that if she causes any more "trouble" she will be evicted.*

*Rabiah has seen other families with kids using the pool on the weekend, including her neighbor (who is not Muslim) has a three-year-old daughter. When Rabiah asked her neighbor if she has ever been told her daughter isn't allowed in the pool she says no. The neighbor also adds that the manager has been open about her dislike for people who are Muslim and that her friend, who also lives in the building, has been receiving preferential treatment because she goes to the same church as the manager.*

*Rabiah googles housing discrimination and finds the CRD website. She decides she wants to file a complaint.*



## Step 1: Complete and submit intake form ("Complaint")

- Online filing at [calcivilrights.ca.gov](http://calcivilrights.ca.gov).
- For online filing must register for an account with CCRS :
- The California Civil Rights System also known as 'CCRS' allows users to:
  - Submit an intake form and choose from available intake appointment date/times;
  - Update the intake form before the intake interview;
  - Reschedule the intake appointment if needed;
  - Upload documents to your CCRS case; and
  - View the case status and assigned investigator when the case is accepted for investigation.

## Step 1: Complete and submit intake form ("Complaint") Cont.

- Intake form can also be printed and mailed
- Alternatively, an intake form can be out filed via telephone by a Department representative by calling:
  - 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

## Language Access and Accommodations (1 of 2)

*Rabiah decides to file a complaint online but she is confused by the CCRS system because the instructions are in English and her preferred language is Farsi.*

Rabiah can call or email CRD to request translation services:

- [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)
- call 844-541-2877 (voice) or via California Relay Service 711 or 800-700-2320 (TTY).
- Note: we also have google translate on our website

# Language Access and Accommodations

If Rabiah has a disability and needs a reasonable accommodation to access CRD she can call or email:

- [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov) or [accommodations@calcivilrights.ca.gov](mailto:accommodations@calcivilrights.ca.gov)
- call 844-541-2877 (voice) or via California Relay Service 711 or 800-700-2320 (TTY)

# The Enforcement Division

The Enforcement Division is responsible for conducting civil rights investigations for CRD. The Division includes specialized teams of investigators responsible for different case types according to the laws that CRD enforces, the Department's Communication Center who respond to general questions from the public, and support staff who provide training and administrative support to the Division.

## Step Two: Intake Interview & Complaint

*Rabiah is contacted by CRD and is given an appointment to speak with an investigator over the phone. The investigator determines that the housing provider's action, as described, could constitute housing discrimination based on familial status and religion in violation of FEHA (enforced by CRD). These are protected characteristics under the FHA too, so the complaint will be dual filed with HUD.*

*The investigator sends a copy of the CRD complaint to Rabiah for her signature. The complaint will also be sent to the housing provider within 30 days.*

## Step Two: Intake Interview & Complaint Cont.

- CRD then assigns the intake to an investigator who conducts an initial interview with the complainant to determine whether we have jurisdiction to accept the complaint because it involves laws enforced by CRD)
- To help with the intake interview process, the complainant should know or have available:
  - specific facts and dates about any alleged incidents,
  - names and contact information of the entity or person(s) that they believe harmed them,
  - names and contact information of any witnesses,
  - and, copies of documents, emails, or any other evidence related to the complaint.

## Step Two: Intake Interview & Complaint Cont.

- If CRD has jurisdiction to accept the case, the investigator will draft a formal complaint and send it to the complainant for signature.
- The investigator also determines if the complaint meets criteria for federal dual filing status with the EEOC/HUD pursuant to our work sharing agreements. If so, the complaint will also be assigned an EEOC/HUD case number.
- Then, CRD will serve the complaint on the respondent(s) and provide time for the respondent to respond to the allegations. We typically ask the RP to respond within 30 days but do allow reasonable extensions.
- If CRD does not accept jurisdiction over a complaint, a person may appeal this decision.



## Stage Three: Investigation

*Rabiah gives the investigator the contact info for her neighbor and her neighbor's friend to act as witnesses. She also sends him copies of the notices she has received from the manager.*

*The investigator speaks to Rabiah's witnesses and reviews the documents she submitted. He also speaks with the manager and asks them for several documents including any written rules enforced by the complex.*

## Stage Three: Investigation CRD

- CRD then independently investigates the case. The investigation and assessment can include:
  - Conducting a response review with the complainant
  - Interviewing parties and witnesses; and/or
  - Reviewing supporting documentation and evidence from complainant, respondents, or other sources.
    - In most cases, CRD has 1 year from the case file date to complete the investigation.

## Stage Four: Mediation/Conciliation

*While the investigation is being conducted, Rabiah is contacted by the investigator to see if she is interested in mediating her complaint. She is nervous about this because she doesn't have an attorney but the investigator explains that it will not affect her complaint and she is not obligated to agree to anything.*

*Rabiah agrees to participate and is asked to tell them what she would like to happen in order for the complaint to be resolved. She says she just wants her kids to be able to play in the common areas (including the pool). She also wants the manager to be fired. The housing provider refuses to agree to this and ends the process. They also refuse to participate in formal mediation with the dispute resolution department.*

## Stage Four: Mediation/Conciliation Cont.

- In general, at any point during the investigation, a complaint may be resolved through the Department’s “no-fault” settlement process on terms agreeable to all parties.
- Settlement attempts will be facilitated by the investigator, or by formal mediation if all parties agree.
- Settlement will always include affirmative relief, such as discrimination-prevention training.

## Stage Five: Determination

*The investigation is completed and the investigator finds that there is cause to believe the housing provider has violated FEHA. Rabiah and the housing provider must participate in the dispute resolution process. During the process, the parties agree that the complex must permit children to play in the common areas of the building and will have equal access to the pool. They do not agree the manager will be fired but they agree that all of the staff must participate in fair housing training. The property will also distribute fair housing literature to all residents.*

## Stage Five: Determination Cont.

- At the completion of the investigation, if there is no reasonable cause to believe a violation has occurred (insufficient evidence), the matter will be closed.
  - If a person disputes the Department's decision to close case, an appeal can be submitted, verbally or in writing.
- If the Department determines that there is reasonable cause to believe that a violation occurred, CRD notifies the parties and they parties must participate in mandatory mediation.

# What is the Dispute Resolution Division?

The Department's Dispute Resolution Division consists of 12 mediators, statewide - in Elk Grove, Oakland, and Los Angeles.

The exclusive role of the Division is to mediate complaints, and to provide mandatory dispute resolution services for cases the Department intends to prosecute.

# About Dispute Resolution

In 2019, 818 housing mediations were conducted by the Dispute Resolution Division.

In addition to case-specific settlement terms, mediation settlements can also allow for non-monetary remedies such as training and policy and protocol revisions.



# The Following Factors Often Correlate With Successful Mediations

- Good faith participation and a willingness to compromise
- Parties who are open to information about the mediation process
- Patience
- Parties who desire and are motivated to find a resolution

# About The Mediation Process

- Mediators will always communicate with a party through the party's attorney if the party is represented.
- Success tends to rely more on the attitudes of the individuals involved than on the facts or complaint allegations.
- The mediation process assumes disagreement over facts and events. The work of mediation is to identify common interests and find a resolution despite this disagreement.
- Mediation requires good faith participation in order to succeed.

## Stage Six: Civil Litigation

- If the matter cannot be resolved through mandatory mediation, the Department may file a lawsuit in civil court on behalf of the State of California.

## Remedies May Include

- Reimbursement for actual losses and compensation for emotional distress
- Access to previously denied housing
- Training and policy changes
- Monitoring and ongoing reporting
- Civil penalties
- Punitive damages
- Attorney's fees and costs to the Department, if it prevails.

# Director's Complaints

The Director of the Civil Rights Department can file a complaint on behalf of a group or class to eliminate discriminatory practices. Director's complaints may stem from an individual complainant, an outside organization, or an issue identified by the Department itself.

## Director's Complaints Cont.

*Factors the Department may consider include whether an issue:*

1. Whether the respondent employs a large workforce that may be affected by the alleged unlawful practice, such that the anticipated remedy would impact a large number of persons or an entire industry; and/or
2. Whether the complaint allegations address an important legal issue in an area where the department seeks to establish case law; and/or
3. Whether resolution of the complaint would impact civil rights in a manner consistent with the department's mission.

## Resources (1 of 3)

- Civil Right's Department website: [civildrights.ca.gov](https://civildrights.ca.gov)
- Frequently Asked Questions (FAQs):
  - Housing: [civildrights.ca.gov/housing/#faq](https://civildrights.ca.gov/housing/#faq)
  - Employment: [civildrights.ca.gov/employment/#faqA](https://civildrights.ca.gov/employment/#faqA)

## Resources (2 of 3)

- Intake form:
  - Housing: [calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CRD-Intake-Form\\_Housing\\_ENG.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CRD-Intake-Form_Housing_ENG.pdf)
  - Employment: [calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CRD-Intake-Form\\_Employment\\_ENG.pdf](https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2023/01/CRD-Intake-Form_Employment_ENG.pdf)



## Resources (3 of 3)

- Civil Rights Council: [calcivilrights.ca.gov/civilrightscouncil/](http://calcivilrights.ca.gov/civilrightscouncil/)
- California Laws: [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov)
- United States Department of Housing & Urban Development (HUD): [www.hud.gov](http://www.hud.gov)
- United States Equal Employment Opportunity Commission (EEOC): [www.eeoc.gov](http://www.eeoc.gov)

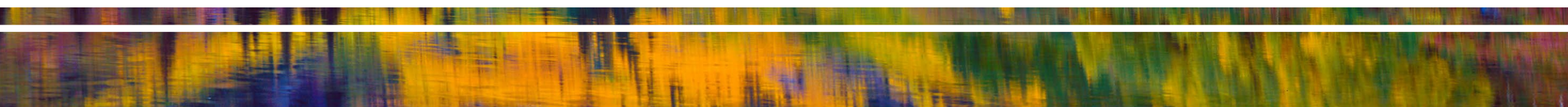
# Civil Rights Council

The Civil Rights Council (CRC) promulgates regulations that implement California's employment and housing anti-discrimination laws. It also conducts inquiries and holds hearings on civil rights issues confronting the state.

*Effective July 1, 2022, the Fair Employment and Housing Council is now known as the Civil Rights Council.*



Questions?



# Thank You!

[calcivilrights.ca.gov](http://calcivilrights.ca.gov)

[contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

[accommodations@calcivilrights.ca.gov](mailto:accommodations@calcivilrights.ca.gov)

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California Relay Service 711

