



Department of Fair Employment & Housing

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DFEH Settles Religious Discrimination Case Against San Diego County Homeowners Association

HOA to change its CC&Rs and pay \$40,000 after mezuzah removed from homeowner's doorframe

Sacramento – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in a housing discrimination case involving a condominium owner who alleged her homeowners association (HOA), Treo @ Kettner Homeowners Association, and its management company, Action Property Management, Inc., refused to allow her to display a religious object on her front doorpost because it violated the HOA's Covenants, Conditions and Restrictions (CC&Rs).

The homeowner filed a complaint for housing discrimination and violation of the Unruh Civil Rights Act in June 2019, alleging the HOA and its management company since April 2018 refused to allow complainant to post a mezuzah on her front doorpost, stating it violated the HOA's CC&Rs. A mezuzah is a small object placed on the doorpost of many Jewish homes in fulfillment of religious obligations. Respondents continued to deny complainant the opportunity to keep the mezuzah on her front doorpost despite her attempts to explain that her religious beliefs required it. In July 2018, someone forcibly removed the mezuzah from complainant's doorpost.

The parties engaged in voluntary mediation through the DFEH's Volunteer Mediator Program, resulting in a settlement in which the HOA will pay \$40,000.00 in damages, attorney's fees and costs.

"A rule prohibiting the display of a mezuzah effectively makes that housing unavailable for many observant Jews," said DFEH Director Kevin Kish. "For that reason, DFEH interprets California fair housing law to require landlords and HOAs to permit residents to display mezuzot outside of their homes."

In addition to a monetary settlement, the HOA will amend its CC&R's applicable to all 326 units in the complex, allowing members and residents to display or affix one or more religious items on the entry door or on the entry door frame of their condominium. This is also required by a new law signed by Governor Newsom on July 30, 2019 (SB 652). DFEH Volunteer Mediator Leonid M. Zilberman mediated the case.

The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment,

housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

