



FA

2. Can a landlord run my criminal background?
Yes, generally, a landlord can check the criminal background of a prospective tenant. However, how a landlord uses that information is limited by law, because people with criminal histories can be good, responsible tenants.

3. If I have a criminal record, what should a landlord do? If a landlord intends to deny you housing based on a past criminal conviction, the landlord should follow certain guidelines. Among them, the landlord should consider information like the facts or circumstances surrounding the crime, whether you see that conduct as impacting your ability to be a good tenant, how long ago the conduct happened and whether you were a minor at the time of the conduct, as well as a result of a disability or domestic violence, whether you have maintained a good tenant history before and/or after the conviction, and evidence of your rehabilitation.

4. What information should a landlord not consider?
A landlord is prohibited from considering any infractions or arrests that didn't lead to a conviction. And unless you choose to bring it up, a landlord may not consider any arrests that have been sealed or expunged, adjudications in the juvenile justice system, or your participation in a pre- or post-trial diversion program.

5. What can I expect from my landlord?
Landlords will be able to provide a copy of their policy on the use of criminal history information and offer you an opportunity to present additional (mitigating) information that

that you believe reflects the criminal conduct occurred, if that conduct occurred a long time ago or was the result of domestic violence, if you have been a good tenant elsewhere, and/or that you have made steady employment.

7. What should I do if I think I have been unlawfully discriminated against because you have been denied housing because of your criminal history?
This includes rehabilitation efforts, help you have been denied housing because of your criminal history, file a complaint with the Department of Fair Employment and Housing. We can help you file a complaint if you are experiencing discrimination because of your race, national origin, disability, sexual orientation, gender identity, and other protected characteristics.

1 | Which California laws apply to the use of criminal history by housing providers?

California's Fair Employment and Housing Act (FEHA) protects people from [housing discrimination](#) based on protected characteristics including race, color, national origin, religion, disability, gender, gender identity, sex, sexual orientation, age, marital status, and source of income. Most housing providers are also covered by the Unruh Act, which prohibits discrimination on the basis of immigration status, citizenship, and primary language, among other things. The California Department of Fair Employment and Housing (DFEH) enforces the Unruh Act. However, regulations that went into effect on January 1, 2020 implement FEHA with respect to the use of criminal history in housing (California Code of Regulations, Title 2, Sections 12264-1227).

2 | When does a housing provider violate California law if they consider someone's criminal history?

A housing provider's policy or practice regarding criminal history will violate California law when it has an unjustified discriminatory effect on members of a protected class, even when the provider had no intent to discriminate. In California as in the rest of the nation, African Americans are more likely to be arrested and convicted of crimes than other racial or ethnic groups, and are more likely to be incarcerated than the general population. The use of criminal history information in housing decisions can therefore have a disproportionate negative effect on these protected groups.

In addition, a housing provider's policy or practice regarding criminal history will violate California law if it constitutes intentional discrimination on the basis of a protected characteristic. For example, under California law, a housing provider may not run criminal history screenings to intentionally exclude individuals because of their race, or run criminal history screenings on certain racial groups, or treat individuals in different racial groups differently based on comparable criminal history information.

Additional information relevant to this question are provided in the FAQs below and the regulations.

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[View Details](#)

For more information about the study, please contact the study team at 1-800-258-4929 or visit www.cancer.gov.

 STATE OF CALIFORNIA | Department of Fair Employment and Housing
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On January 1, 2020, California Assembly File 1000 (AB 1000) became law, effective January 1, 2020. AB 1000 is intended for workplace discrimination cases involving state statute determinations, "as defined" by DFEH, prepared to prevent, remedy, and deter unlawful employment practices.

The image shows a screenshot of a press release from the California Department of Fair Employment & Housing (DFEH). The header includes the DFEH logo, contact information for Fahizah Alim, and details about the case against the San Diego Homeowners Association. The main body of the text describes the allegations of sexual harassment and retaliation, the investigation by DFEH, and the resulting settlement. A large yellow arrow graphic is positioned on the right side of the page.

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June 15, 2020
For Immediate Release

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San Diego Homeowners Association, Board Members and Property Management Co. to pay \$120,000 to Settle Housing Retaliation Case

Board Members Retaliated Against Homeowner Who Complained of Sexual Harassment

Sacramento – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in a housing discrimination case against a San Diego homeowners association, two members of its board, and the association's former property management company based on board members' retaliation against a homeowner who reported she was being sexually harassed by one of the general managers of the association.

The complainant filed a complaint with DFEH in November 2017, alleging retaliation after she reported the sexual harassment. One board member allegedly spread lies about the complainant to other association members, refused to address her security concerns and make requested repairs, and yelled at her at a board meeting when she inquired whether the board was investigating her complaint. The homeowner also alleged another board member retaliated by filing fraudulent reports against her with professional licensing boards.

DFEH found that the defendants violated the Fair Employment and Housing Act and filed a civil complaint in February 2017 against The Venetian Condominium Maintenance Corporation, the two individual board members, former property management company N.K. Jaeschke, Inc. (a unit of Associa Northern California, Inc.) and its representative,

San Diego Homeowners Association, Board Members and Property Management Co. to pay \$120,000 to Settle Housing Retaliation Case

View Press Release

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