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By Julia Barrera, Deputy

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Civil Rights Department

(Fee Exempt, Gov. Code, § 6103)

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF KERN**

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15 CIVIL RIGHTS DEPARTMENT, an
agency of the State of California,

16
17 Plaintiff,

18 vs.

19 BABY KURIAN, an individual,
20 Defendant.

Case No. BCV-24-102194

**CIVIL RIGHTS COMPLAINT FOR
INJUNCTIVE, DECLARATORY, AND
MONETARY RELIEF**

DEMAND FOR JURY TRIAL

21 1. California Civil Rights Department (“CRD”) brings this civil rights enforcement
22 action to vindicate real party in interest Danielle Marquez’s right to be free from unlawful
23 discrimination because of her source of income in violation of the Fair Employment and Housing
24 Act (“FEHA”), Government Code section 12900 et seq. and the Unruh Civil Rights Act (“Unruh
25 Act”), Civil Code section 51 and incorporated into FEHA pursuant to Government Code sections
26 12930, subdivision (f)(2) and 12955, subdivision (d). CRD also seeks to prevent future violations
27 of these civil rights statutes by Defendant. Accordingly, CRD seeks injunctive and declaratory
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1 relief to correct Defendant's unlawful practices which will otherwise continue to harm others in
2 need of housing, as well as compensatory damages on behalf of Ms. Marquez.

3 **JURISDICTION AND VENUE**

4 2. The Court has jurisdiction under Article VI, section 10 of the California
5 Constitution and California Code of Civil Procedure section 410.10.

6 3. After Ms. Marquez filed an administrative complaint with CRD pursuant to
7 Government Code section 12980, CRD conducted an investigation of her allegations.

8 4. At the conclusion of CRD's investigation, CRD referred this matter to its Dispute
9 Resolution Division, consistent with Government Code section 12965, subdivision (a)(2). On the
10 time and date scheduled for the mandatory mediation session, CRD and Ms. Marquez appeared,
11 but Defendant Kurian did not. The mediator therefore announced that CRD had endeavored to
12 resolve the dispute without litigation pursuant to Government Code section 12965, subdivision
13 (a)(2) and ended the session.

14 5. All administrative procedures precedent to the initiation of this lawsuit in
15 Government Code sections 12963.7, 12965, and 129861 have been fulfilled.

16 6. The amount of damages sought by this complaint exceeds the minimum
17 jurisdictional limits of this Court pursuant to Code of Civil Procedure section 116.221,
18 subdivision (a)

19 7. The Court also has jurisdiction over this unlimited civil case because CRD seeks
20 injunctive and declaratory relief. (Civ. Proc. Code, §§ 86, subd. (a), 88.)

21 8. Venue is proper pursuant to Government Code sections 12965, subdivision (a)(4)
22 and 12981, subdivision (a)(4) because the housing practices alleged to be unlawful occurred
23 within the County of Kern.

24 **PARTIES**

25 9. Plaintiff CRD is a state agency tasked with investigating and prosecuting civil
26 rights actions. (Gov. Code, § 12930 subd. (f)(1)-(5).) Government Code section 12930 confers on
27 CRD authority to bring litigation on behalf of itself in the public interest pursuant to the
28 prohibitions on housing discrimination under FEHA and the Unruh Act. (*Id.*, § 12930, subds.

1 (f)(2), (h).)

2 10. California’s legislature exercised its police power in enacting FEHA and investing
3 authority in CRD “to protect and safeguard the right and opportunity of all persons to seek,
4 obtain, and hold employment without discrimination . . .” (*Id.*, § 12920; see also *Dept. Fair Empl.*
5 *& Hous. v. Cathy’s Creations, Inc.* (2020) 54 Cal.App.5th 404, 410 [“CRD’s task is to represent
6 the interests of the state and to effectuate the declared public policy of the state to protect and
7 safeguard the rights and opportunities of all persons from unlawful discrimination.”].) In
8 furtherance of these goals, CRD has authority to initiate, conciliate, and prosecute complaints on
9 behalf of itself in the public interest and persons alleged to be aggrieved by discriminatory
10 housing practices. (Gov. Code, §§ 12930, 12965, 12980).

11 11. Plaintiff CRD brings this action on behalf of Real Party in Interest Danielle
12 Marquez.

13 12. Defendant Baby Kurian, an individual, is and at all relevant times was the owner
14 and manager of the rental property located at 5801 Almendra Court, Unit B, Bakersfield, CA
15 93309 (the “Subject Property”).

16 13. Defendant Baby Kurian is and at all relevant times was a “business establishment”
17 under the Unruh Act. (Civ. Code, § 51; Cal. Code Regs., tit. 2, § 12005, subd. (f).) Defendant
18 Baby Kurian is and was at all relevant times an “owner” of “housing accommodations” and/or a
19 “person” under the FEHA. (Gov. Code, § 12925, subd. (d); § 12927, subds. (d), (e); Cal. Code
20 Regs., tit. 2, § 12005, subds. (v), (w).)

21 **FACTUAL ALLEGATIONS**

22 14. Defendant Baby Kurian owns and manages the Subject Property, a two-bedroom
23 condominium. He also owns and manages dozens of other rental properties in and around
24 Bakersfield.

25 15. In May of 2022, Danielle Marquez was searching for housing for herself and her
26 three children through Rapid Rehousing, a program that provides up to 24 months of rental
27 subsidy payments to quickly rehouse homeless individuals and families. Ms. Marquez is a single
28 mother. She worked as a substitute aide with Bakersfield City School District and aimed to return

1 to work once she and her children found stable housing.

2 16. Rapid Rehousing was authorized as part of the Continuum of Care Program, 42
3 U.S.C. 11381 *et seq.*, by the Homeless Emergency Assistance and Rapid Transition to Housing
4 (HEARTH) Act in 2009. The U.S. Department of Housing and Urban Development provides
5 funding to non-profit providers and State and local governments to operate the program. Under
6 the program, payments are made directly to a landlord on behalf of a participating tenant.

7 17. On October 8, 2019, Governor Gavin Newsom signed Senate Bill 329 into law,
8 expanding the definition of “source of income” in Government Code section 12955, subdivision (p),
9 to include tenants who rely on rental assistance payments, including assistance payments through
10 Rapid Rehousing. Senate Bill 329 addressed rampant homelessness and housing insecurity in
11 California by protecting the approximately 300,000 low-income Californians who rely on rental
12 assistance payments to secure stable housing against discrimination based on their status as recipients
13 of rental assistance payments.

14 18. Without assistance from Rapid Rehousing, Ms. Marquez would not be able to
15 afford the cost of basic living necessities, including housing, food, clothing, medical costs, and
16 other care necessary for herself and her three children.

17 19. On or about May 9, 2022, Ms. Marquez saw online advertisements for the Subject
18 Property on Zillow, Hotpads, and Trulia. The advertised rent was \$1,400. She sent inquiries with
19 her contact information through all three platforms to express her interest in the Subject Property.
20 She received automated responses confirming that each platform had contacted the property
21 manager.

22 20. On or about May 16, 2022, Defendant called Ms. Marquez regarding her inquiry.
23 Ms. Marquez stated that she was interested in renting the Subject Property. Defendant specifically
24 asked Ms. Marquez what her source of income was. Ms. Marquez explained that she had a job as
25 a substitute aide with the Bakersfield County School District and that she would return to work
26 once she found housing, but that in the meantime she was receiving rental assistance through the
27 Bakersfield Homeless Center to cover her entire rental payment.

28 21. Ms. Marquez did not have an opportunity to explain the details of Rapid

1 Rehousing. Defendant immediately responded stating, “No, no, no. I don’t do any of those
2 programs bullsh**t.” Ms. Marquez explained that it was discrimination to refuse to rent to her
3 because of her source of income. Defendant became more upset and said “I don’t care, I don’t
4 give a s**t. I’m not going to deal with those programs.” Defendant then stated that the minimum
5 credit score to qualify was 750, that the minimum income was \$4,000 per month, and that he
6 would not consider any housing programs as eligible income before ending the call. Ms. Marquez
7 felt humiliated, dejected, and debased by Defendant’s statements.

8 22. A minimum income of \$4,000, as required by Defendant Kurian, was more than
9 three times the amount of rent Ms. Marquez would have paid for the Subject Property given her
10 use of rental assistance payments from Rapid Rehousing.

11 23. Testing conducted by a Fair Housing Testing Program with Greater Bakersfield
12 Legal Assistance corroborated Ms. Marquez’s account of discrimination. On at least three
13 occasions, fair housing testers reached out to Defendant Kurian to inquire about the availability of
14 housing. On at least three occasions, Defendant Kurian denied a tester applicant the opportunity
15 to move forward with an application for tenancy because they disclosed that they received rental
16 assistance.

17 24. As a result of Defendant’s discriminatory statements and refusal to rent to Ms.
18 Marquez, Ms. Marquez suffered a violation of her civil rights and emotional distress. She and her
19 children were forced to continue couch surfing for another five months. Ms. Marquez also
20 expended additional out of pocket expenses and time applying to other rental properties.

21 25. Defendant’s actions were willful, malicious, fraudulent, and oppressive, and were
22 committed with the wrongful intent to injure Ms. Marquez and in conscious disregard of her
23 rights.

24 26. An actual controversy exists between the parties regarding Defendants’ duties
25 under FEHA and the Unruh Act. Therefore, CRD is entitled to declaratory relief.

26 27. Unless enjoined, Defendant will continue to engage in the unlawful acts and the
27 pattern or practice of discrimination against prospective tenants based on their source of income
28 as described above.

1 **FIRST CAUSE OF ACTION**

2 **Violation of FEHA: Discriminatory Statements Based of Source of Income**

3 **(Gov. Code, § 12955, subd. (c))**

4 28. Plaintiff realleges and incorporates by reference all the preceding paragraphs of
5 this Complaint as if fully set forth herein.

6 29. Government Code section 12955, subdivision (c), makes it unlawful “[f]or any
7 person to make print, or publish, or cause to be made, printed, or published any notice, statement,
8 or advertisement, with respect to the sale or rental of a housing accommodation that indicates any
9 preference, limitation, or discrimination based on... source of income... or an intention to make
10 that preference, limitation, or discrimination.”

11 30. Defendant discriminated against Ms. Marquez based on her source of income in
12 violation of Government Code section 12955, subdivision (c) by making statements indicating
13 discrimination against her source of income.

14 **SECOND CAUSE OF ACTION**

15 **Violation of FEHA: Discriminatory Income Standard**

16 **(Gov. Code, § 12955, subd. (o))**

17 31. Plaintiff realleges and incorporates by reference all the preceding paragraphs of
18 this Complaint as if fully set forth herein.

19 32. Government Code section 12955, subdivision (o), makes it unlawful “[i]n
20 instances where there is a government rent subsidy, to use a financial or income standard in
21 assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid
22 by the tenant.”

23 33. Defendant discriminated against Ms. Marquez based on her source of income in
24 violation of Government Code section 12955, subdivision (o), by using an income standard that
25 was not based on her portion of the rent.

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1 **THIRD CAUSE OF ACTION**

2 **Violation of FEHA: Discrimination Based on Source of Income**

3 **(Gov. Code, § 12955, subs. (a), (d))**

4 34. Plaintiff realleges and incorporates by reference all the preceding paragraphs of
5 this Complaint as if fully set forth herein.

6 35. Government Code section 12955, subdivision (a), makes it unlawful “[f]or the
7 owner of any housing accommodation to discriminate against any person because of the... source
8 of income... of that person.”

9 36. Government Code section 12955, subdivision (d), makes it unlawful “[f]or any
10 person subject to the provisions of section 51 of the Civil Code . . . to discriminate against any
11 person on the basis of... source of income.” Defendant is a person subject to the provisions of
12 Civil Code section 51 and the Subject Property is a business establishment within the meaning of
13 Civil Code section 51.

14 37. Defendant discriminated against Ms. Marquez based on her source of income in
15 violation of Government Code section 12955, subdivisions (a) and (d), by refusing to rent to her
16 due to her source of income.

17 **FOURTH CAUSE OF ACTION**

18 **Violation of the Unruh Act: Discrimination Based on Source of Income**

19 **(Civ. Code, § 51)**

20 38. Plaintiff realleges and incorporates by reference all the preceding paragraphs of
21 this Complaint as if fully set forth herein.

22 39. Civil Code section 51, subdivision (b), provides: “All persons within the
23 jurisdiction of this state are free and equal, and... are entitled to full and equal accommodations,
24 advantages, facilities, privileges, or services in all business establishments of every kind
25 whatsoever.”

26 40. The Subject Property is a business establishment within the meaning of the Unruh
27 Act.

28 41. Based on the allegations set forth herein, Defendant violated the Unruh Act by

1 denying Ms. Marquez full and equal “accommodations, advantages, facilities, [and] privileges” of
2 their business establishment because of her source of income.

3 **JURY TRIAL DEMANDED**

4 1. Plaintiff CRD hereby requests a jury trial.

5 **PRAYER FOR RELIEF**

6 **Wherefore**, the Department, prays that this Court enter judgement in favor of CRD and
7 the Real Party in Interest and that it order the following relief:

8 1. Declare that Defendant has violated the above-listed provisions of FEHA and the
9 Unruh Act;

10 2. Permanently enjoin all unlawful practices alleged in this complaint and impose
11 injunctive relief prohibiting Defendant, his partners, agents, employees, assignees, and all persons
12 acting in concert or participating with him, from violating the unlawful practices alleged herein
13 pursuant to Government Code sections 12965, subdivision (d) and 12989.2 and Civil Code
14 section 52;

15 3. Enter a permanent injunction directing Defendant and his directors, officers,
16 agents, and employees to take all affirmative steps necessary to remedy the effects of the illegal
17 conduct described herein and to prevent similar occurrences in the future.

18 4. Award actual/compensatory and punitive damages to Plaintiff according to proof
19 under Government Code sections 12965, subdivision (d) and 12989.2;

20 5. Award statutory damages under the Unruh Act, including damages of up to three
21 times Real Party in Interest’s actual damages, but in no case less than \$4,000 for each and every
22 violation of Civil Code section 51 by Defendant;

23 6. Award exemplary and punitive damages according to proof under California Civil
24 Code section 3294;

25 7. Grant reasonable attorneys’ fees, expenses, and costs of the suit to Plaintiff
26 pursuant to Government Code sections 12965, subdivision (c)(6) and 12989.2;

27 8. Award interest on any monetary judgment; and,

28 9. All such other relief as the Court deems just.

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Dated: June 28, 2024

CALIFORNIA CIVIL RIGHTS DEPARTMENT

By: 

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