



**SB-491 Civil rights: discrimination: enforcement.** (2017-2018)

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AMENDED IN SENATE MAY 01, 2017

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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**SENATE BILL**

**No. 491**

**Introduced by Senator Bradford**

**February 16, 2017**

An act ~~to amend Section 12993 of the Government Code,~~ relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Bradford. Civil rights: discrimination: enforcement.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on specified bases.

The California **Fair** Employment and Housing Act prohibits discrimination in housing and employment on specified ~~bases-~~ *bases and provides procedures for enforcement by the Department of **Fair** Employment and Housing (department).*

Existing law specifies that while it is the intent of the Legislature that the California **Fair** Employment and Housing Act occupy the field of regulation of discrimination in employment and housing, nothing in the act shall be construed to limit or restrict the application of the Unruh Civil Rights Act.

This bill would ~~also specify that nothing in the California **Fair** Employment and Housing Act shall be construed to limit or restrict efforts by local entities to enforce state law prohibiting discrimination against classes of persons covered by the act in employment and housing-~~ *require the department, by April 1, 2018, to convene an advisory group, as specified, to determine the feasibility of authorizing local government entities to also enforce antidiscrimination statutes. The bill would, by December 31, 2018, require the advisory group to develop an implementation plan and draft proposed legislation for presentation to the Legislature if it finds that local enforcement would be feasible.*

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** *The Department of **Fair** Employment and Housing shall, not later than April 1, 2018, establish an advisory group consisting of at least one member of the department, and civil rights, employer, and employee advocates, to do all of the following:*

*(a) Conduct a study to determine the feasibility of authorizing local government entities to also enforce antidiscrimination statutes.*

*(b) (1) If the advisory group concludes that enforcement by local entities is feasible, develop an implementation plan and draft proposed legislation for the next legislative session to authorize local enforcement.*

*(2) The advisory group may consult with the Legislative Counsel and the Law Review Commission in drafting the proposed legislation.*

*(c) Consult with stakeholders, including department representatives and civil rights, employer, and employee advocates as part of drafting proposed legislation.*

*(d) Not later than December 31, 2018, present the results of the study, implementation plan, and the proposed legislation, if any, to the Legislature, pursuant to Section 9795 of the Government Code.*

~~SECTION 1. Section 12993 of the Government Code is amended to read:~~

~~12993.(a)The provisions of this part shall be construed liberally for the accomplishment of the purposes of this part. Nothing contained in this part shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, or sexual orientation, unless those provisions provide less protection to the enumerated classes of persons covered under this part.~~

~~(b)Nothing contained in this part relating to discrimination in employment on account of sex or medical condition shall be deemed to affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided the terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.~~

~~(c)While it is the intention of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by the provisions of this part, exclusive of all other laws banning discrimination in employment and housing by any city, city and county, county, or other political subdivision of the state, nothing contained in this part shall be construed, in any manner or way, to limit or restrict the application of Section 51 of the Civil Code, or to limit or restrict efforts by any city, city and county, county, or other political subdivision of the state to enforce state law prohibiting discrimination against any of the enumerated classes of persons covered under this part in employment and housing.~~