

REPORTS PREPARED BY STUDENT INTERNS

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**FOR CONSIDERATION BY THE
CONSUMER TASK FORCE ON
MARITAL STATUS DISCRIMINATION**

**"Findings and Recommendations
Regarding Insurance Practices and Membership Discounts"**

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EXISTENCE OF MARITAL STATUS
DISCRIMINATION IN LOS ANGELES

This current Task Force on Marital Status Discrimination is an outgrowth of the previous Task Force on Family Diversity which issued its final report on April 9, 1989. Research was conducted to discover the extent of marital status discrimination against consumers. Several areas were targeted. These include the insurance industry, membership discounts in the auto- and health-club industries, and the airline industry. These areas were targeted because they comprise such an integral part of a Los Angelian's day-to-day life. These are areas which are no longer luxuries but, rather, due to their lifestyles, have become such indispensable necessities to the citizens of Los Angeles. As a result, discrimination here effects us most deeply, both in our purses and in our consciences.

The following research reveals that marital status discrimination exists in all of the above areas to differing degrees. It ranges from outright denial of any insurance coverage at all to some unmarried individuals to a total absence of any such discrimination whatsoever. (See Exhibit A, p. 1) Due to the lack of time and resources the research presented here is limited. Thus, this does not imply that the businesses discussed here are the only businesses which discriminate.

Since marital status discrimination seems to pervade all aspects of consumer transactions. However, it frequently varies among businesses. The fact that this discrimination is so bold

in one company and virtually non-existent in another within the same industry gives one pause. If competing companies can survive, and indeed thrive, without discriminating on the basis of marital status, perhaps this type of discrimination has no rational basis at all.

SPECIFIC FINDINGS

A. Insurance

(Automobile, Renters, Liability)

1) **SAFECO**

A) **Lyddy-Martin Company**

The price of renters' insurance was unaffected by either the number of people living in the apartment nor their marital status.

B) **Schlosberg Norman & Associates**

No insurance policies would be issued for either renters or cars if the persons are under the age of 29 and unmarried. If the persons are married, then this agent would issue both renters' and car insurance to them regardless of their ages.

C) **Brown-Beauchamp Insurance Agency**

No joint policies would be issued unless persons were related by blood, marriage or adoption. Otherwise, the individuals must purchase two, sperate insurance policies.

2. **Allstate**

A) **9024 Olympic Boulevard**

Renters' insurance policies were issued independent of the number of persons in the household or their marital status. In addition, the cost of renters' insurance was unaffected by these variables.

This agent would not issue a joint car insurance policy to two unmarried persons but offered to issue the policy to one person and to have the other person as an insured driver with no extra charge.

3. **State Farm**

A) **4201 Wilshire Boulevard**

This agent was willing to issue joint auto and renters' policies regardless of marital status with no extra charge.

B) **7154 Melrose Avenue**

This agent was also willing to issue joint auto and renters' policies regardless of marital status with no extra charge.

4. **Farmers**

A) **3608 1/2 West 6th Street**

This agent was also willing to issue both joint car and renters' insurance regardless of marital status or number of persons in the household with no extra charge.

An additional agent at this same office was located regarding the above policies. He hesitated and said he needed to contact the underwriters to obtain more information before he could determine whether he could issue joint policies.

B) **Underwriting Headquarters**

This underwriter said she would issue an umbrella policy for married couples but two separate policies would be needed for unmarried couples. She did, however, know of one case where a

mother and son were issued a joint policy. (See Exhibit B)

5. **Automobile Club of America**

A) **AAA of Southern California**

This agent will issue joint insurance for both automobiles and home furnishings regardless of marital status and the price would not vary.

B. **Insurance**

(Health)

1. **Blue Cross/Blue Shield**

This insurance company offers a family plan, defining a "family" in their advertizing as a couple and their children. The Los Angeles office further defines a "couple" as two married people.

C. **Membership Discounts**

1. **Automobile Clubs**

A) **Automobile Club of Southern California**

AAA charges new members \$50 for the first year with a \$35 renewal fee for each subsequent year. An additional person may be added to the membership plan for an additional charge of \$13 per year. This person must be a spouse of the original member.*

B) Chevron Travel Club

Chevron charges new members \$36 per year. Under the plan, a member may add her spouse for an additional \$3 per year. This add-a-member discount is not available to unmarried couples. In addition, Chevron offers a family discount which applies only to a married couple and their children.

2. Private Clubs

A) Porter Valley Country Club

This private club frequently charges higher monthly dues for its single memberships than it does for a great number of its family memberships.

3. Health Clubs

A) YWCA

There is a \$15 fee per annum for all new members. There is no spousal discount available.

B) Holiday Health Spa

There is a flat membership fee payable annually. No marital discounts are available. However, the club does utilize two-for-one promotions regardless of marital status. (See Exhibit C)

C) Sports Club LA

There is an initiation fee of \$1075.00 plus a \$95 per month fee. If a spouse joins, his or her membership fee is \$775 plus \$80 per month. The Club requires proof of marriage in order to obtain the discount. No similar discount is available to

unmarried couples.

4. Other Facilities

A) Los Angeles Zoo

The Zoo offers no special discount. (See Exhibit D) This is in contrast with the County Art Museum, for example, which offers family discounts.

B) American Association of Retired Persons

This organization offers a free membership for the current member's spouse. (See Exhibit E)

D. Airlines-Frequent Flier Programs (See Exhibit F)

1. American

Transfer of frequent flier mileage to anyone is allowed.

2. Continental/Eastern (See Exhibit G)

Transfer of frequent flier mileage is limited to spouse or child for all Mileage Saver Award flights; no-money-exchanged transfers to anyone are allowed on all other flights.

3. Delta

Transfers of frequent flier mileage are allowed only to members of the immediate family.

4. **Northwest**

Transfers are allowed to anyone.

5. **Pan Am**

Awards are not transferable.

6. **TWA**

Transfers to relatives (including cousins and in-laws) are allowed, except for certain promotional trips.

7. **United**

Transfers are allowed to anyone.

8. **US Air**

Transfers are allowed only to immediate family.

E. **Credit**

1. **Wells Fargo Bank**

This credit institution recently offered a dining membership card to credit card holders and their spouses, only. (See Exhibit H) Upon inquiry, Wells Fargo insisted they had made a mistake by using the term "spouse." They meant to offer an additional card to any joint credit card member. Wells Fargo pledged to be more careful with their terminology in the future.

2. Diners Club

This credit institution offers an additional card at a discounted price of \$35 (as compared to the usual \$65 membership fee). The discounted price is available to any family or household member. It is not based on marital status. (See Exhibit I)

Similar non-discriminatory discounts are also available from American Express also.

3. Union Oil

This gas company offers an additional credit card without charge to a household member of the master card-holder. many other gas companies also offer additional cards without discrimination.

* It is important to note that while AAA of Southern California does discriminate on the basis of Marital Status, some other branches of AAA do not. AAA of Eastern Massachusetts extends all benefits to "Associate Members" at a half-price discount. The first or "Master" member of the family may add another household member as an "Associate" and , thus, gain the discount. This plan is not limited to spouses. (See Exhibit L)

ALLEGED JUSTIFICATIONS FOR DISCRIMINATION

A. Insurance

The insurance industry offers a different justification. Many insurance agencies claim that there is a strong correlation between marital status and the safety of driving, etc.; claiming that married individuals stay home more often, they drive more carefully and are more stable. They attribute these factors to the fact that, either consciously or sub-consciously, these individuals are concerned with their spouses. Some agencies will go as far as to state that the same factors may come into play with two unmarried individuals in a similar relationship. However, they raise the objection that it is too difficult to determine if an unmarried couple is, indeed, similarly-situated to that of a married couple.

B. Consumer Discounts

It appears that the main justification offered for discounts which discriminate based on marital status is the need for a "bright line rule." Many businesses claim that it is not possible to offer certain privileges to unmarried, domestic partners because it is difficult to determine the significance of the relationship between two people or if a relationship exists at all. Thus, they deny the extension of benefits to all unmarried couples. (See Exhibit J)

For private clubs offering family memberships at discounted

prices the logic is slightly different. These businesses argue that while a single member may feel that (s)he is being overcharged in relation to the price charged for an entire family's membership, family members complain that their other family member(s) does not use the facilities and, thus, they are being excessively charged. These clubs claim that the only fair way to deal with this problem is to charge a fee based on usage. But since this is the public fee concept it is claimed not to be in keeping with a private club. (See Exhibit K)

EXISTING LAWS AND REMEDIES

A. UNRUH CIVIL RIGHTS ACT

The Unruh Civil Rights Act prohibits arbitrary discrimination in "all business establishments of every kind whatsoever." Burks v. Poppy Construction Co., 57 Cal. 2d 463 (1962). This includes any businesses which provide services, goods, or accommodations to the public. Some of the types of businesses which have been found by the California courts to be subject to the Unruh Act include bars and saloons, bookstores, shopping centers, mobile home parks, real estate businesses (including sales and rentals), medical and dental offices, hotels and motels, and condominium homeowners associations. The Act's language specifically prohibits discrimination on the basis of race, color, religion, sex, national origin, or ancestry. Civ. Code section 51. In addition, the Unruh Act has been judicially construed to apply to arbitrary discrimination other than those specifically mentioned in the Act. The Act, for example, has been held to prohibit discrimination against persons based upon their sexual orientation or age, or against families with children. One California Appellate court found that the arbitrary exclusion of individuals, based on their sexual orientation, from a restaurant, or of all military personnel from a business establishment may give rise to a claim under the Unruh Act. Rolon v. Kukwitzky, 153 Cal. App. 3d 289 (1984). Furthermore, a club is deemed a business establishment subject to

liability under the Unruh Act. Warfield v. Peninsula Golf and Country Club et al., 89 Daily Journal D.A.R. 12425, 1989.

A California citizen can pursue an Unruh Act claim through the Department of Fair Employment and Housing (DFEH), a private lawsuit, or if a pattern or practice of discrimination is engaged in by the business establishment, the matter can be referred to the Attorney General's office or to a local district or city attorney.

One can also enforce his or her rights under the Fair Employment and Housing Act (FEHA) or the Unruh Act either by filing a claim with DFEH or by filing a private lawsuit. By filing a verified complaint with the DFEH, one will be initiating an administrative process in essentially the same way one would when filing a complaint with that department for employment discrimination. If one's housing claim is based upon the FEHA, (s)he must file the complaint within sixty days of the alleged unlawful discriminatory act. If a claim is based upon the Unruh Act the claimant has one year from the date of the alleged discriminatory act to file his or her complaint.

Whether one's claim is based upon the Unruh Act or the FEHA, the DFEH will investigate the complaint to determine its validity. If it is valid, the Department will attempt to settle the matter. If it is unable to settle the dispute one of several things may happen. DFEH may bring an administrative action against the person or entity who violated the law. DFEH will also issue the claimant a right to sue letter which authorizes

the filing of a private action in court.

Remedies available in DFEH administrative actions include payment of compensatory damages, payment of punitive damages and injunctive relief. Remedies available in private actions depend upon whether it is an Unruh Act or FEHA claim. Remedies available in private Unruh Act claims include actual damage, a penalty of up to three times the amount of actual damage, injunctive relief, and attorney's fees. Private FEHA claims would provide the claimant with at least the same remedies available in DFEH administrative actions.

Finally, under certain circumstances, the Attorney General or a local district or city attorney, may bring actions to enforce violations under the FEHA and/or the Unruh Civil Rights Act. If there is reasonable cause to believe that a person or group is engaged in a pattern or practice of violating the rights protected by the Unruh Act, one can report such activity to the Attorney General's Public Inquiry Unit or to the local district or city attorney. The address of the Public Inquiry Unit is:

Public Inquiry Unit
Office of the Attorney General
1515 K Street, Suite 511
Sacramento, California 95814

(800) 952-5225
(800) 952-5548 for the hearing impaired

B. INSURANCE LAWS

In addition to the protection afforded by the provisions of

the Unruh Civil Rights Act, which have general application to discriminatory practices in the insurance industry, the Legislature has enacted statutory provisions which prohibit discriminatory practices which may occur in the insurance business. Primary responsibility for enforcing these laws rests with the Insurance Commissioner.

Listed below are some of the key statutory provisions which prohibit discrimination in the area of insurance.

1. Insurance Code section 679.71 which applies to insurance policies, makes it unlawful for an insurer to refuse to accept an application for insurance, to refuse to issue a policy, to charge a higher rate, or to cancel insurance, on the basis of marital status, sex, race, color, religion, national origin, or ancestry.

2. Insurance Code section 790.10 authorizes the Insurance Commissioner to issue regulations. Pursuant to this authorization, the Commissioner has issued a key regulation prohibiting any person or entity, engaged in the business of insurance in California, from refusing to issue any contract of insurance, or to cancel or decline to renew such contract, because of the sex, marital status, or sexual orientation of the insured or prospective insured. (See Administrative Code section 2560.3)

In addition to the protection afforded by the provisions of the Unruh Civil Rights Act, which have general application to

discriminatory practices in the insurance industry, the Legislature has enacted specific laws prohibiting certain discriminatory practices which may occur in the insurance business. Primary responsibility for enforcing these laws rests with the Insurance Commissioner.

If one believes (s)he may have been discriminated against in insurance, (s)he may file a complaint with the State Department of Insurance. This department is the agency responsible for responding to consumer complaints concerning insurance matters. Complaints can be filed by contacting the Department of Insurance, Consumer Services Bureau at:

600 South Commonwealth Avenue, 9th Floor
Los Angeles, California 90005
(213) 736-3582

Although most health and life insurance plans are regulated by the Department of Insurance, there are exceptions. One is the health Maintenance Organization and some prepaid insurance plans which are corporations subject to regulation by the State Department of Corporations, Division of health Care Services Plan.

The division's office is maintained in Sacramento at:

1107 Ninth Street, Room 800
Sacramento, CA 95814
(916) 329-9013

Another exception includes some insurance plans provided as an employee benefit by employers. A complaint of denial of such a benefit for a discriminatory reason may be filed with the E.E.O.C. and or the DFEH.

C. REGULATION OF LICENSED PROFESSIONALS

Business and professions Code section 125.6 provides that any person who holds a license under the Business and Professions Code is subject to disciplinary action if that person refuses fully or partially to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, physical handicap, marital status, or national origin. Further, if a licensed person aids or incites another licensed individual to discriminate against a consumer on the basis of any of these categories, then both individuals can be subjected to discipline.

1

Professions and vocations covered include: Physicians and surgeons, chiropractors, dentists, dental hygienists, clinical laboratory technologists, clinical laboratory bio-analysts, podiatrists, midwives, physical therapists, speech pathologists, optometrists, dispensing opticians, nurses, vocational nurses, psychologists, hearing aid dispensers, pharmacists, psychiatric technicians, veterinarians, accountants, outdoor advertisers, architects, attorney, barbers, engineers, collection agencies, building contractors, those engaged in the selling or hiring of guide dogs, cosmetologists, private detectives, funeral directors and embalmers, geologists and geophysicists, shorthand reporters, structural pest control operators, social workers, construction inspectors, dry cleaners, cemeteries, electronic and appliance repairers, automobile mechanics, nurses registries, tax reporters, employment agencies, real estate brokers and salespersons, and holders of liquor licenses.

If one believes that any licensed individual or entity has discriminated against him or her, (s)he could contact the licensing board for the particular profession, vocation, or business involved. In order to find out what board has jurisdiction over the licensee, one may contact the Department of Consumer Affairs located at:

107 South Broadway, Room 8020
Los Angeles, California 90012
(213) 620-4360

D. LAWS PERTAINING TO CREDIT TRANSACTIONS

1. Unruh Civil Rights Act

Since banking, credit and lending institutions are business establishments as defined by the Unruh Civil Rights Act, that act also prohibits discriminatory practices by such financial institutions. Once again, the Unruh Act prohibits all types of arbitrary discrimination, not just discrimination based upon sex, race, color, religion, ancestry, national origin, or age. Thus, one will have an Unruh Act claim if a financial institution denies one's application for an automobile loan solely because of one's marital status.

As explained earlier, one can remedy an Unruh Act violation through the Department of Fair Employment and Housing, a private lawsuit, or if the discriminating action amounts to a pattern or practice engaged in by the financial institution, the matter can

be referred for possible action to the Attorney General's office or to a local district or city attorney.

2. Holden Act

In addition to the Unruh Act, which provided broad protection, the Legislature has passed a number of laws which directly prohibit certain discriminatory practices which might be engaged in by banking, credit and lending institutions. For instance, The Housing Financial Discrimination Act (Health and Safety Code sections 35800 et seq.), also known as the Holden Act, was passed in 1977 to prohibit financial institutions from providing or denying financial assistance for housing in a discriminatory fashion. Specifically, the Holden Act provides that no financial institution shall discriminate in the availability of, or in the provision of, financial assistance for the purpose of purchasing, constructing, rehabilitating, improving, or refinancing housing accommodations, due, in whole or in part, to the consideration of race, color, religion, sex, marital status, national origin, or ancestry.

Furthermore, in order to combat the problem of discrimination on the basis of sex and marital status, the Legislature has enacted a law which prohibits lenders and credit sellers from discriminating on the basis of an applicant's sex or marital status. Moreover, this law also gives one the right to apply for credit in one's own name even if that individual is married.

If a citizen has a discrimination claim which is covered by the Holden Act, a complaint could be filed with the California Secretary of Business, Transportation and Housing. After the complaint has been filed, the Secretary must investigate the claim and take the remedial action required by law. Complaints against State-licensed Savings and Loan Associations may be filed at:

Department Of Savings and Loan
State of California
600 South Commonwealth Avenue, 15th Floor
Los Angeles, California 90005

For State-Chartered Banks:

Department of Banking
State of California
600 South Commonwealth Avenue, 15th Floor
Los Angeles, California 90005

For State Credit Unions:

Department of Corporation
State of California
600 South Commonwealth Avenue, 15th Floor
Los Angeles, California 90005

For Mortgage Bankers:

Department of Real Estate
State of California
107 South Broadway, Room 8107
Los Angeles, California 90012

For Industrial Loan Companies and Personal Property Brokers:

Department of Corporations
State of California
One Hallidie Plaza, Suite 220
San Francisco, California 94102

For Federally-chartered Savings and Loan Associations, Public Agencies, National Banking Associations and Federal Credit Unions:

Office of Fair Lending
600 South Commonwealth Avenue, 15th Floor
Los Angeles, California 90005

3. Equal Credit Opportunity Act

On the federal level, the Equal Credit Opportunity Act, 15 U.S.C. sections 1601 et seq. (ECOA), which is implemented by Regulation B, 12 C.F.R. sections 202 et seq, makes it unlawful for a creditor to discriminate against any applicant, with respect to any aspect of a credit transaction, on the basis of race, color, national origin, sex, marital status, or age. Thus, for example, the ECOA forbids any person, bank, credit union, loan company, corporation, or others, who regularly extend, renew, or continue credit, from discriminating on the basis of sex or marital status in the granting of credit.

If a citizen believes (s)he has been discriminated against in a manner violating the ECOA, (s)he may file a complaint with the federal agency which enforces the ECOA for particular classes

of creditors. (See Regulation B, 12 C.F.R. sections 202 et seq.)

4. Civil Code section 1812.30 provides that no person, regardless of marital status, shall be denied credit or shall be offered credit on terms less favorable than a married person.

If a citizen's rights under this Civil Code section have been violated, (s)he may bring a private lawsuit to recover actual and punitive damages from the offending institution or person, or (s)he may notify the Attorney General, county counsel, district attorney, or city attorney. Injunctive relief can also be secured where appropriate in any action brought by a private citizen, the Attorney General, any district attorney, any county counsel, any city attorney, or any city prosecutor.

RECOMMENDATIONS

1. The state Insurance Commissioner should declare various practices against unmarried couples to be "unfair practices," including the denial of discounts to unmarried couples while granting such discounts to married couples.

2. The state Insurance Commissioner should routinely refer complaints of marital status discrimination to other agencies with possible jurisdiction. If the Commissioner receives a complaint of lifestyle discrimination from an insurance consumer and declines to take action, the letter of complaint should be forwarded to the Attorney General for possible relief under the Unruh Act. Such referrals will enable the Attorney General to determine if a discriminatory pattern of practice exists. The Attorney General can then either take direct action or refer the matter to the appropriate district attorney or city attorney.

3. The Los Angeles City Attorney should specifically request that the state Insurance Commissioner forward to the City Attorney copies of marital status discrimination complaints involving transactions occurring in the City of Los Angeles. This will enable the City Attorney to determine if unfair business practices are occurring in the city so that such patterns and practices can be enjoined.

4. Business establishments should discontinue the practice of extending consumer discounts on the basis of marital status.
5. The City Attorney should issue a formal opinion regarding the legality of such pricing disparity under current municipal and state civil rights laws that prohibit marital status discrimination.
6. The Los Angeles City Council should create and declare a city policy regarding marital status discrimination.
7. The City Council should add "marital status" to the existing ordinance prohibiting discrimination by city contractors. Also, that ordinance should be expanded to prohibit city contractors from discriminating against tenants or consumers.
8. The Legislature should sponsor and lobby for bills which either specifically eliminate marital status discrimination or at least do not promote it.
9. The City Attorney should prepare a legislative agenda and lobby for bills that strengthen laws and enforcement mechanisms against marital status discrimination.
10. The City Attorney should file Amicus Briefs in significant appeals which would affect the existence of marital status

discrimination.

11. The City Council should add "marital status" to the city ordinance prohibiting discrimination by private clubs.

SOURCES

Coleman, Presentation on West Hollywood's Domestic Partnership Law: Strengthening and Expanding the Scope and Impact of the Ordinance (April 24, 1989)

"Unlawful Discrimination: You Rights and Remedies," California Department of Justice

Coleman, Final Report "Strengthening Families: A Model for Community Action," Los Angeles City Task Force on Family Diversity (May 19, 1988)

Sandler, "Research Project Memorandum" (October 12, 1989)

**FOR CONSIDERATION BY THE
CONSUMER TASK FORCE ON MARITAL STATUS DISCRIMINATION**

**Report
on
Rental Housing Discrimination**

by:

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December 18, 1989

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Introduction

This Report focuses on discrimination in rental housing on the basis of marital status. The three divisions of rental housing in which marital status discrimination occurs - public housing, private housing, and rent stabilization - will be specifically addressed and separately considered.

Discussion

I. Public Housing

A. Factual Findings

In contacting the Public Housing Authority, no factual information regarding housing discrimination on the basis of marital status is available. No marital status discrimination complaints have allegedly been received from tenants or documented by the Housing Authority. As of date, the Housing Authority is unaware of any such discrimination taking place within public housing programs or projects.

Different scenarios were presented to a Housing Authority executive. These included unmarried couples with children, married couples with children, two people living in public housing who then wish to move into one apartment, and elderly people, all as applicants for housing. To all the hypothetical applicant scenarios, the response was that all applicants are treated alike.

B. The Law

The Federal Laws covering Housing Discrimination are: 1) Title VIII of the Civil Rights Act of 1968 which is the primary federal law banning discrimination in housing accommodations because of race, religion, color, national origin and sex;

2) Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color and national origin in federally assisted housing programs; and

3) Housing and Community Development Act of 1974 which prohibits discrimination on the basis of race, color, national origin and sex in federally assisted community development activities.

In 1976, the California Court of Appeals concluded that discrimination against cohabiting couples is illegal.

Atkisson v. Kern County Housing Authority, 59 Cal.App.3d 89

(1976).* In Atkisson, a public housing authority maintained a policy of prohibiting tenants from residing with persons of the opposite sex to whom they were not related by blood, marriage or adoption. The Plaintiff was a female public housing tenant whom the Defendant sought to evict because she was cohabiting with an

* In a recent decision, a federal district court held that a housing authority's categorical exclusion of unmarried couples from low income programs violates the U.S. Housing Act of 1937, 42 U.S.C. §1427, et seq. and regulations of the U.S. Department of Housing and Urban Development. Hann v. Housing Authority of City of Easton, 709 F.Supp. 605, 606, 607 (E.D. Pa. 1989).

adult male to whom she was not married. The Court of Appeal held that the housing authority's anti-cohabitation policy and its attempt to evict the Plaintiff violated a California statute prohibiting discrimination on the basis of marital status in housing. This statute provides, in pertinent part, that it shall be unlawful:

[F]or the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the marital status of such person or persons.

California Health and Safety Code, § 35720.*

Admission to, and occupancy of, public housing is set forth in the Housing and Urban Development Regulations, 24 C.F.R. §960 et seq. 24 C.F.R. §960.203 delineates the nondiscrimination requirements:

"[T]he tenant selection criteria and requirements . . . shall be established and implemented in a manner compatible with the objectives of Title VI of the Civil Rights Act of 1964 and HUD regulations and requirements pursuant thereto."

* See also Markham v. Colonial Mortgage Service Co., 605 F.2d 566 (D.C. Cir. 1979), where the Court of Appeals held that a creditor was required to treat an unmarried couple who applies for a loan in the same manner in which a married couple would be treated, that is, a creditor must aggregate the incomes of an unmarried couple in determining their credit worthiness to the same extent that the incomes of a married couple would be aggregated.

Public housing agency (PHA) tenant selection policies are regulated by 24 C.F.R. §960.204 et seq.:

"[S]uch policies and procedures shall:

(1) Not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g., unwed mothers or families with children born out of wedlock);

(2) Assure that selection by the PHA among otherwise eligible applicants is objective and reasonable . . ."

24 C.F.R. §960.204(c)(1);(2).

The definition of the term family, as it pertains to public housing eligibility, is defined in 24 C.F.R. §912 et seq.:

"`Family' includes but is not limited to (a) [a]n elderly family or single person ... (b) the remaining member of a tenant family, and (c) a displaced person."

C. Recommendations

1. The Los Angeles City Attorney should specifically request that the Public Housing Authority redefine the definition of the term "family" as it pertains to public housing eligibility to include unmarried couples.

2. The Los Angeles City Attorney should declare discriminatory treatment of unmarried couples illegal.

3. The Public Housing Authority should issue a formal opinion regarding the illegality of marital status discrimination in the rental eligibility of public housing.

4. HUD regulations and requirements concerning tenant selection criteria and policies, that is, the admission to and occupancy of public housing, should be more clearly and specifically defined to include the nondiscrimination of persons based on marital status.

5. The Los Angeles City Attorney should conduct housing discrimination audits to determine the extent of discrimination based on marital status.

6. The Public Housing Authority should educate the general public about housing discrimination in the City of Los Angeles.

II. Private Housing

A. Factual Findings

a) Family Diversity Report Findings : The Task Force on Family Diversity found that housing discrimination exists and persists in the City of Los Angeles. Unfair housing practices are common throughout the city. For example, in the San Fernando Valley, between 1985 and 1986, fair housing officials reported an increase of 25% in housing discrimination on the basis of marital status.

b) Independent Research by Student Intern : The research and investigation in private housing discrimination reveals the following factual findings:

The Department of Fair Employment and Housing ("DFEH") reported a total number of 848 housing cases filed statewide, under the Fair Employment and Housing Act (FEHA), during the period July 1, 1988 to June 30, 1989. Of the 848 cases, 83 were housing cases filed because of marital status discrimination. Housing discrimination based upon marital status comprised 9.8% of the total cases filed in California from July 1988 through June 1989. The total number of housing cases filed in Los Angeles for this same period was 230, representing 27.1% of the statewide total. Los Angeles had the highest number of cases

filed for this period, the next highest being San Bernardino which filed 109 cases, 12.9% of the statewide total.

The statistical data compiled by the Fair Housing Congress of Southern California shows the trend in housing discrimination on the basis of marital status for the City of Los Angeles during the past six (6) years. In 1983-84, there were 38 housing discrimination complaints filed based on marital status. This represented 9% of the total number of housing discrimination complaints filed during that period. In 1986-87, there were 26 complaints filed (5% of total) and in 1988-89, 15 complaints were filed (3.4% of total).* From 1983 to 1989, 2,805 housing discrimination complaints were filed for the City of Los Angeles, 171 were based on marital status discrimination. Thus, housing discrimination based upon marital status has comprised 6% of the total number of complaints filed for the City of Los Angeles in the last six years.

Additionally, each Fair Housing Council compiles and records information regarding housing discrimination. The Westside Fair Housing Council has received 21 complaints of alleged marital

* In 1983-84, a total of 419 housing discrimination complaints were filed for the City of Los Angeles. In 1986-87, there were 563 complaints filed. In 1988-89, 437 complaints were filed.

status discrimination from 1984 to the present.* The Hollywood/Mid-L.A. Fair Housing Council received three (3) marital status discrimination cases during their fiscal year, ending June 30, 1988. This office received nine (9) marital status cases during 1988 through 1989,** and as of November 14,

* Examples of a few complaints are herein briefly described:

- Two male roommates inquired about renting an apartment. The owner refused to rent to them because he thought they were gay. The manager told the two men that the owner wanted to rent to a married couple. WFHC's investigation found evidence of discrimination, but the complainants dropped their complaint.

- Two roommates were moving out of their apartment, breaking their rental lease. They told the manager that they would try to find new renters for their unit. Manager told them not to rent to people of the opposite sex who were not married. WFHC spoke to the manager who agreed not to discriminate.

- A male and female were denied an apartment because they were not married. Owner wanted to rent to a married couple. WFHC's conciliation attempt was successful.

- Four roommates faced eviction because the condominium bylaws set occupancy limits at three people per unit if they were not related. Case was referred to the Neighborhood Justice Center for mediation.

- One woman and two men sharing an apartment were harassed by the owner because they were not married. Owner is trying to evict them. Referred to an attorney.

- Three single women sought to share an apartment and were told by the manager that each person would have to earn three times the amount of rent in income. WFHC's investigation showed that married couples needed to show only one person making three times the amount in income. WFHC's conciliation was successful.

- Three people (a man, his brother, and sister-in-law) wanted to rent a 3 bedroom apartment. Owner avoided them after they submitted their application. Complainants suspected marital status discrimination, but the unit was rented before WFHC could do an investigation.

** On November 7, 1988, for example, a tenant reported that he wanted his fiancée to move in with him. The owners refused. The other units had two parties in them. The FHC called the management office and explained the complaint to them. They refused to allow the fiancée to move in. The case was referred to the DFEH. Tenant won the eviction case and the complaint with the

1989, two more complaints have been received. The Fair Housing Council of the San Fernando Valley reported five (5) cases of discrimination in housing based on marital status for their last quarterly report of the 1988-1989 fiscal year.* Since the beginning of their new contract year, which began on July 1, 1989, this office has recorded four (4) actual cases that are still under investigation.**

B. The Law

State laws prohibit discrimination on the basis of "marital status." Regulations adopted by the California Fair Employment and Housing Commission "prohibit discrimination in sale, rental, lease, negotiation, or financing of housing based on race, color, religion, sex, marital status, national origin, and ancestry." (California Fair Employment and Housing Act (Rumford) Government Code Section 12955). In Hess v. Fair Employment and Housing Commission, the California Court of Appeal held that discrimination on the basis of marital status includes

DFEH was successful.

* According to Juan Solis, the Housing Coordinator for the San Fernando Valley Fair Housing Council, the number of cases that go unreported far exceed these numbers. "[S]everal persons have called where they want to relate instances where a landlord told them outright that she or he preferred to rent to a legally married couple since they represented a traditionally more stable part of society. In other instances landlords actually asked to see the marriage certificate."

** The people in these cases have either filed with the appropriate agency or are considering some other type of action.

discrimination against unmarried couples. 138 Cal.App.3d 232, 235 (1982).* In Hess, the court upheld a ruling of the Fair Employment and Housing Commission that an unmarried couple had been discriminated against on the basis of marital status in violation of California law.** Furthermore, the Fair Employment and Housing Commission determined in two recent decisions that discrimination on the basis of marital status violated the Fair Employment and Housing Act. (Gov. Code §12900 et seq.) Department of Fair Employment and Housing v. Donahue, Commission No. FHL86-87, B4-0080 (1989); Department of Fair Employment and Housing v. Smith, Commission No. FHL86-86, B4-0027 (1989).

The Unruh Civil Rights Act (California Civil Code Sections 51 and 52) does not specifically use the term "marital status" but prohibits all arbitrary discrimination by any business establishment. See Marina Point, Ltd. v. Wolfson, 30 Cal.3d 721 (1982); Curran v. Mt. Diablo Council of Boy Scouts, 147

* See also Atkisson v. Kern County Housing Authority, 59 Cal.App.3d 89, 99 (1976); Markham v. Colonial Mortgage Service Co., 605 F.2d 566, 569 (D.C. Cir. 1979).

** The couple applied for the rental of an apartment but their application was denied when the property owners learned that they were not married to each other. The property owners maintained a policy of requiring that each person of an unrelated couple separately qualify financially to rent an apartment. Only one spouse of a married couple was required to so qualify. While the male partner of the unmarried couple qualified, the female partner did not, and because they were not married, their incomes were not aggregated. The court held that, because the property owners applied one financial criterion to married couples and another to unmarried couples, they violated the California statute prohibiting discrimination on the basis of marital status in private housing, Government Code Section 12955.

Cal.App.3d 712 (1983). The Fair Employment and Housing Commission has determined that the Unruh Act prohibits marital status discrimination. DFEH v. Donahue, supra; DFEH v. Smith, supra.

C. Recommendations

1. The Fair Housing Congress of Southern California, together with its six affiliated Fair Housing Councils in the County of Los Angeles, should arrange and provide for greater education of the general public and publicity of fair housing anti-discrimination laws.

III. Rent Stabilization

A. Factual Findings

No documentation or factual information of marital status discrimination is available in the domain of rent stabilization. Rights and treatment of tenants is determined by the lease terms of each rental agreement. For example, if a lease agreement calls for a single person only and another person wishes to move in with the tenant, the landlord may evict the tenant and thereafter raise the rent by 4% under the automatic increase provision of the Los Angeles Municipal Code ("LAMC") Section 151.06D. Alternatively, a lease agreement may contain a provision that allows for another person to move in with the tenant but at an additional cost (rental fee) to the tenant.

B. The Law

The City of Los Angeles has a Rent Adjustment Board. The Rent Stabilization Ordinance, however, is administered by the Community Development Department of the City of Los Angeles. Section 151.09 of the LAMC provides grounds upon which a landlord may bring an action to recover possession of a rental unit. One of the grounds upon which an eviction may be brought is where "[t]he tenant has violated a lawful obligation or covenant of the tenancy." (LAMC §151.09(2)). Nowhere in the Ordinance does it appear that some form of protection exists for,

or may be provided to, tenants who wish for an unmarried partner to move in with them. There is also no provision in the Ordinance relating to the rights of a surviving tenant to continue living in the apartment where the original tenant dies and the surviving tenant is a person who chose to move in with the original tenant but whose name is not on the lease and they were never married.

In contrast, the Rent Stabilization Ordinance of the City of West Hollywood provides for permissible reasons for terminating or refusing to renew a tenancy. A landlord is not permitted to terminate a tenancy where a tenant has allegedly violated an obligation of the tenancy "[B]y having one additional person who is the spouse, domestic partner, child (by blood or adoption), parent, grandparent, brother or sister of the tenant occupy the rental unit." (Ordinance Code Section 6413). Furthermore, §6413(3) provides: "[I]f the original tenant vacates the unit, an additional person who has occupied the unit pursuant to subparagraph (2) shall not be protected from eviction ... unless the additional person lived in the unit with the tenant for at least one year and the tenant has died or become incapacitated."

C. Recommendations

1. The Los Angeles City Attorney should declare arbitrary discrimination on the basis of marital status to be illegal.

2. The Los Angeles City Attorney should specifically declare that it shall be unlawful for any person offering for rent or lease, renting, leasing, or listing any housing accommodation, or any authorized agent or employee of such person, to refuse to rent or lease a housing accommodation on the basis of marital status.

3. The Los Angeles City Attorney should request that the Community Development Department of the City of Los Angeles declare it unlawful for any person to threaten to commence or to commence eviction proceedings against any tenant on the grounds that s/he has violated the provisions of a rental agreement where the violation consists of an increase in the number of occupants due to a decision to cohabit with another, where that other is not a spouse.

4. The Los Angeles City Attorney should declare it unlawful for a landlord to evict a tenant where the original tenant has died or become incapacitated and the person has lived with the deceased or incapacitated tenant for at least one year.

SOURCES

Marcella Brown, Fair Housing Congress of Southern California.

Jim Flux, [City of Los Angeles Rent Stabilization Ordinance].

Joe Gelitich, Assistant Executive Director, Housing Authority.

Stephanie Knapik, Executive Director, Westside Fair Housing Council.

Debra A. Rodriguez, Executive Director, Hollywood/Mid. L.A. Fair Housing Council.

Carol F. Schiller, Regional Administrator, State and Consumer Services Agency, Department of Fair Employment and Housing.

Juan Solis, Housing Coordinator, San Fernando Valley Fair Housing Council.

Chris Uszler, [West Hollywood Rent Stabilization Ordinance].

Final Report, Task Force on Family Diversity, City of Los Angeles.

Massachusetts Commission Against Discrimination, Brief of the Defendant-Appellee, Commission against Discrimination.

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PUBLIC HEARINGS

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AGENDA FOR PUBLIC HEARING ON NOVEMBER 28, 1989

Time:	Presenter:	Topic:
1:00 p.m.	City Attorney James Hahn	Welcome
1:05 p.m.	Thomas F. Coleman, Chairperson Consumer Task Force	Opening Remarks
1:15 p.m.	Arlo Smith, District Attorney of San Francisco	Consumer Protection as a Statewide Issue
1:30 p.m.	*Bill Press, Commentator KABC-Television	Unfair Insurance Practices; Remedies
1:45 p.m.	*Conway Collis, Member State Board of Equalization	Unfair Insurance Practices; Remedies
2:00 p.m.	*Walter Zelman, Exec. Director Calif. Common Cause (on leave)	Unfair Insurance Practices; Remedies
2:15 p.m.	Kyle Millager, City Employee and Credit Union Consumer	Credit Discrimination against Unmarried Couples
2:30 p.m.	Michael Cautillo, intern from USC Law Center	Report on Discrimination by Los Angeles Businesses
2:45 p.m.	Valeria Morea, airline consumer	Discrimination by Frequent Flyer Programs
3:00 p.m.	Robert Wright, Automobile Club of Southern California	Unmarried Couples: Club Membership / Auto Policies
3:15 p.m.	Rick Nordin, Greater Los Angeles Zoo Association	Joint Memberships Without Marital Status Bias
3:30 p.m.	Cheryl Overstreet, SAFECO Insurance Company	Insuring Unmarried Individuals and Couples
4:00 p.m.	Public Comments	

* Candidate for State Insurance Commissioner





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AGENDA FOR PUBLIC HEARING ON DECEMBER 18, 1989

City Council Chambers, Los Angeles City Hall

Time:	Presenter:	Topic:
9:20 a.m.	Thomas F. Coleman, Chairperson Consumer Task Force	Purpose & Methodology of the Consumer Task Force
9:30 a.m.	Robert Wilder/Verna Terry, victims of housing bias	Tenants' Perspective of Marital Status Bias
9:45 a.m.	Stephanie Knapik, Westside Fair Housing Council	Housing Discrimination in the City of Los Angeles
10:00 a.m.	Wanda Kirby, State Department of Fair Employment and Housing	Prevention, Intervention and Remedies
10:30 a.m.	Jay Westbrook, City/County Areas Agencies on Aging	Board & Care Homes for Older Adults
10:45 a.m.	Joseph Rhine, Managing Atty., Protection & Advocacy Inc. and Barbara Waxman Disability Rights Advocate	Marital Status Bias Against Developmentally Disabled, Mentally Ill, and Physically Disabled Adults Living in Community Care Homes
11:30 a.m.	Tony Melia, agent, National Business Ins. Agency	Securing Insurance for Unmarried Couples
12:15 p.m.	Nancy Matthews, consumer and victim of marital status bias	Economic Discrimination by Health Clubs
12:45 p.m.	Public Comments	





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AGENDA FOR PUBLIC HEARING ON JANUARY 29, 1990

City Hall Tower, Los Angeles City Hall

Time:	Presenter:	Topic:
9:15 a.m.	Juan Navarrette, lifemate of long-term hospital patient	Lifemate's Perspective of Marital Status Bias
9:30 a.m.	Christopher Sands, victim of bias by newspaper	Survivor's Perspective of Marital Status Bias
9:45 a.m.	William Bartlett, Counseling Manager, Aids Project L.A.	Problems of Hospital Patients and Survivors
10:00 a.m.	James Ludlam, attorney, Hospital Council of Southern California	Hospital Policies on Unmarried Patients
10:15 a.m.	Frank Haswell, Exec. V.P., Forest Lawn Memorial Parks	Mortuary/Cemetery Policy on Unmarried Decedents
10:30 a.m.	Gordon Lowe, Manager, Classified Ad Department, Los Angeles Times	Policy on Obituary Notices for Unmarried Decedents
11:00 a.m.	Jan Stone, Attorney at Law	Legal Protections for Unmarried Couples
11:30 a.m.	Robert Ciulok, Chief, L.A. County Sheriff's Department	Sheriff's Policy on Family Emergencies
11:45 a.m.	Seymour Pizer, attorney and expert in credit union law	Credit Union Membership for Unmarried Couples
12:00 p.m.	Jay Westbrook, City/County Area Agencies on Aging	Unmarried Seniors in Long Term Care
12:15 p.m.	Joesph Rhine, Managing Atty., Protection and Advocacy	Unmarried Disabled Adults in Long Term Care
12:30 p.m.	Public Comments	
1:00 p.m.	Discussion by Task Force Members	
1:30 p.m.	Meeting Adjourns	

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
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Statement of San Francisco District Attorney Arlo Smith to the Los Angeles Consumer Task Force on Marital Discrimination

November 28, 1989

GOOD AFTERNOON. MY NAME IS ARLO SMITH AND I AM DISTRICT ATTORNEY OF SAN FRANCISCO AND A CANDIDATE FOR CALIFORNIA STATE ATTORNEY GENERAL. I WOULD LIKE TO COMMEND CITY ATTORNEY JAMES HAHN FOR CONVENING THESE HEARINGS AND MR. TOM COLEMAN FOR INVITING ME TO PARTICIPATE IN THEM.

THE QUESTION BEFORE US TODAY IS NOT IF MARITAL STATUS DISCRIMINATION EXISTS, BUT TO WHAT EXTENT, AND HOW TO REMEDY IT. ACCORDING TO THE STATE OF CALIFORNIA CENSUS DATA CENTER, ONE OF THE FASTEST GROWING MINORITIES IN OUR STATE ARE THOSE WHO ARE EITHER SINGLE, WIDOWED, DIVORCED, OR LIVING IN A DOMESTIC PARTNERS RELATIONSHIP.

BY WAY OF BACKGROUND, I HAVE BEEN IN PUBLIC LAW FOR MORE THAN THIRTY YEARS. I SERVED IN THE ATTORNEY GENERAL'S OFFICE FOR OVER TWENTY YEARS AND I HAVE BEEN DISTRICT ATTORNEY OF SAN FRANCISCO FOR THE LAST NINE YEARS. CONSUMER PROTECTION, PARTICULARLY PROTECTING

THE CONSUMER RIGHTS OF MINORITIES, HAS BEEN A CAUSE I CARE ABOUT DEEPLY.

AS CHIEF OF THE CRIMINAL DIVISION IN THE ATTORNEY GENERAL'S OFFICE, I CREATED CALIFORNIA'S FIRST CONSUMER FRAUD UNIT, THE STATE-WIDE PROGRAM ON WHICH CALIFORNIA'S COUNTY DISTRICT ATTORNEY UNITS HAVE BEEN MODELED.

AS D.A. OF SAN FRANCISCO, I AM PROUD OF MY RECORD OF FIGHTING FOR CONSUMER RIGHTS, AND PARTICULARLY MINORITY CONSUMER RIGHTS. TO GIVE YOU A FEW EXAMPLES:

ONE OF OUR RECENT LANDMARK CASES WAS AGAINST HEALTHAMERICA CORPORATION--AN INSURANCE CARRIER WHICH HAD BASICALLY RED-LINED THE ENTIRE CITY OF SAN FRANCISCO BECAUSE THE COMPANY DIDN'T WANT TO INSURE INDIVIDUALS RESIDING IN THE CITY BECAUSE OF FEARS OF THE HIGH COSTS OF CARING FOR PERSONS AFFLICTED WITH AIDS, AIDS RELATED COMPLEX OR WHO HAVE TESTED POSITIVE TO THE HIV VIRUS.

HEALTHAMERICA CORPORATION AGREED TO PAY \$125,000 IN CASH AND TO PROVIDING MEDICAL SERVICES FOR THE PEOPLE OF SAN FRANCISCO VALUED AT \$125,000.

EARLIER LAST YEAR OUR OFFICE'S CONSUMER FRAUD AND ENVIRONMENTAL PROTECTION UNIT CONFIRMED COMPLAINTS THAT "DUTY FREE SHOPPERS," ONE OF THE LARGEST RETAIL ENTERPRISES IN SAN FRANCISCO, HAD FOLLOWED A PRACTICE OF DISCOURAGING BLACKS AND OTHERS FROM SHOPPING IN THEIR DOWNTOWN STORE. AFTER LENGTHY NEGOTIATIONS WE REACHED A SETTLEMENT THAT PROVIDED \$250,000 TO THE CITY'S GENERAL FUND--SOMETHING WE BELIEVE IS THE LARGEST DOLLAR AMOUNT EVER PAID TO A PUBLIC AGENCY IN CALIFORNIA BY A BUSINESS ACCUSED OF

DISCRIMINATION. WE ALSO REACHED AN AGREEMENT WHEREIN "DUTY FREE SHOPPERS" PAID AN ADDITIONAL \$185,000 TO CIVIL RIGHTS GROUPS AND AGREED TO UNDERTAKE AFFIRMATIVE ACTIONS SUCH AS THE EMPLOYMENT AND TRAINING OF MINORITIES. THAT AGREEMENT APPLIED TO ALL OF THE "DUTY FREE SHOPS" THROUGHOUT CALIFORNIA INCLUDING THE ONE AT THE LOS ANGELES AIRPORT.

FINALLY, IN ONE OF OUR CASES THAT RECEIVED NATIONAL ATTENTION, THE SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE TRIED A BUSINESS CALLED "A FREE PREGNANCY CENTER." AFTER A FIVE WEEK TRIAL, THE SUPERIOR COURT GRANTED A COMPREHENSIVE PERMANENT INJUNCTION AGAINST "A FREE PREGNANCY CENTER" AND ITS PARENT COMPANY, THE PEARSON FOUNDATION, TO HALT FALSE ADVERTISING. THE CENTER HAD MISLED AND DECEIVED YOUNG WOMEN--A LOT OF SINGLE YOUNG WOMEN--INTO COMING INTO THEIR OFFICES SEEKING ABORTION SERVICES ONLY TO FIND THAT THE CENTER WAS NOT A CLINIC BUT AN ANTI-ABORTION PROPAGANDA MILL.

REGARDING MARTIAL STATUS DISCRIMINATION, I WOULD LIKE TO OUTLINE SIX APPROACHES I WILL TAKE TO THIS PROBLEM.

FIRST, I HAVE CONTACTED BOTH MAYOR ART AGNOS' "TASK FORCE ON FAMILY POLICY" AND ITS CHAIR, ROBERTA ACHTENBERG, AND THE SAN FRANCISCO HUMAN RIGHTS COMMISSION, WHO WILL BE ISSUING THEIR "INVESTIGATION INTO DOMESTIC PARTNERSHIP, MARITAL STATUS AND EXTENDED FAMILY POLICIES." BOTH OF THESE GROUPS ARE DOING OUTSTANDING WORK IN THIS AREA.

I PLAN TO REVIEW WITH THEM THEIR FINDINGS AND RECOMMENDATIONS REGARDING UNFAIR AND DISCRIMINATORY BUSINESS PRACTICES TOWARD UNMARRIED INDIVIDUALS AND COUPLES. I WILL REQUEST THAT THE SAN

FRANCISCO HUMAN RIGHTS COMMISSION AND THE "TASK FORCE ON FAMILY POLICY" CONDUCT FURTHER INVESTIGATION, IF NECESSARY, SPECIFICALLY ON THE CONSUMER ASPECTS OF MARITAL STATUS DISCRIMINATION AND FURNISH MY OFFICE WITH THESE FINDINGS AND RECOMMENDATIONS FOR ACTION.

AT THIS POINT, I WOULD LIKE TO COMMEND THE MAKEUP OF THIS PANEL. IN ORDER TO ACCOMPLISH OUR OBJECTIVES IT IS VITAL TO HAVE THE PARTICIPATION OF THE PRIVATE SECTOR. IN SAN FRANCISCO WE ARE ALSO SEEKING THE ASSISTANCE OF THE CHAMBER OF COMMERCE AND THE CORPORATE COMMUNITY TO HELP ADDRESS THESE PROBLEMS.

SECOND, UPON RECEIVING THE REPORT FROM THE HUMAN RIGHTS COMMISSION, I WOULD HOPE TO PUBLISH, WITH THE ASSISTANCE OF PRIVATE SECTOR FUNDS, A CONSUMER GUIDE FOR UNMARRIED INDIVIDUALS AND COUPLES WHICH WOULD SUMMARIZE LAWS AND APPRISE PEOPLE OF THEIR RIGHTS AND REMEDIES TO INEQUITIES.

THIRD, I PLAN TO ESTABLISH A SECTION WITHIN MY CONSUMER FRAUD UNIT TO DEAL SPECIFICALLY WITH MARITAL STATUS DISCRIMINATION. I WILL ALSO ASK THIS SECTION TO RESEARCH THE JURISDICTION GIVEN TO CITY ATTORNEYS AND DISTRICT ATTORNEYS UNDER PROPOSITION 103 TO ELIMINATE ANY DISCRIMINATORY PRACTICES OF THE INSURANCE INDUSTRY.

FOURTH, ON A STATEWIDE BASIS, I SERVE ON THE BOARD OF DIRECTORS OF THE CALIFORNIA DISTRICT ATTORNEY'S ASSOCIATION. I PLAN TO BRING UP THE SUBJECT OF MARITAL STATUS DISCRIMINATION AT THE NEXT MEETING AND ATTEMPT TO ESTABLISH A UNIFORM SET OF GUIDELINES, PROCEDURES AND PROTOCOL SO OTHER JURISDICTIONS CAN BEGIN ADDRESSING THESE VERY REAL PROBLEMS. I WOULD INVITE MR.

HAHN'S AND THIS PANEL'S PARTICIPATION IN THIS PROCESS.

FIFTH, AS CHAIR OF THE METROPOLITAN PROSECUTORS' COMMITTEE OF THE NATIONAL DISTRICT ATTORNEY'S ASSOCIATION, I WILL ALSO PLACE THIS ITEM ON THE NATIONAL AGENDA.

SIXTH, AND FINALLY, IF ELECTED ATTORNEY GENERAL, I WILL ESTABLISH A UNIT WITHIN THE ATTORNEY GENERAL'S OFFICE TO ASSIST SMALLER JURISDICTIONS THAT DO NOT HAVE THE STAFFING TO ENFORCE EXISTING LAWS REGARDING MARITAL STATUS DISCRIMINATION. IN ADDITION, I WILL ALSO ISSUE OPINIONS ON WHAT THE STATE LEGISLATURE HAS DONE IN THIS AREA.

IN CONCLUSION, I BELIEVE THAT THERE IS A CLEAR SIGNAL THAT MARITAL STATUS DISCRIMINATION HAS ARRIVED ON THE AGENDA. I ASSURE YOU THAT WE IN SAN FRANCISCO WILL BE LOOKING CLOSELY AT THE REPORT AND RECOMMENDATIONS OF MR. HAHN AND THIS GROUP AND WILL IMPLEMENT THOSE RECOMMENDATIONS THAT ARE APPROPRIATE TO SAN FRANCISCO'S NEEDS. THANK YOU.

marstat.