

AMENDED IN SENATE APRIL 11, 2024

AMENDED IN SENATE APRIL 1, 2024

**SENATE BILL**

**No. 1022**

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**Introduced by Senator Skinner  
(Coauthor: Senator Wiener)**

February 6, 2024

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An act to amend Sections 12926, 12960, 12965, 12980, and 12981 of the Government Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 1022, as amended, Skinner. Enforcement of civil rights.

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Civil Rights Department under the direction of an executive officer known as the Director of Civil Rights, to enforce civil rights laws with respect to housing and employment and to protect and safeguard the right of all persons to obtain and hold employment without discrimination based upon specified characteristics or status. The FEHA makes certain discriminatory employment and housing practices unlawful, and authorizes a person claiming to be aggrieved by an alleged unlawful practice to file a verified complaint with the department. The FEHA requires the department to make an investigation in connection with a filed complaint alleging facts sufficient to constitute a violation of the FEHA, and requires the department to endeavor to eliminate the unlawful practice by conference, conciliation, and persuasion.

Existing law defines terms for purposes of these provisions, in connection with unlawful practices, as specified.

This bill would define the term "group or class complaint" for these provisions to include any complaint alleging a pattern or practice.

Existing law prohibits a complaint alleging a violation of specified civil rights provisions from being filed after specified timeframes following the date that the alleged unlawful practice, or refusal to cooperate with remediation of the alleged unlawful practice, occurred. Existing law allows those filing periods to be extended under specified circumstances. Existing law provides that notwithstanding other tolling or limitations period, the time for a complainant to file a civil action alleging a violation of specified civil right provisions shall be tolled during the period beginning with the filing of a complaint with the department until either the department files a civil action or one year after the department issues a written notice to a complainant that it has closed its investigation without electing to file a complaint.

This bill would make the filing deadlines for a complaint alleging a violation of those specified civil rights or alleging housing discrimination inapplicable to a complaint filed by the director or their authorized representative, or treated by the director or their authorized representative, as a group or class complaint that is alleged to have occurred within a period of ~~10~~ 7 years or fewer before the date the complaint was filed, ~~or more than 10 years before the complaint was filed if it is determined to be reasonable by a court of competent jurisdiction, as specified.~~ *filed*. This bill would provide that notwithstanding any other tolling or limitations period, the time for a complainant to file a civil action under these provisions shall be tolled during the period beginning with the filing of a complaint with the department until either the department files a civil action or one year after the department issues a written notice to a complainant that it has closed its investigation without electing to file a complaint, or if the complainant timely appeals within the department the closure of their complaint, written notice to the complainant that it has remained closed following the appeal.

Existing law authorizes the director to bring a civil action in the name of the department, acting in the public interest, on behalf of an aggrieved person if conference, conciliation, mediation, or persuasion fails to eliminate an unlawful practice. Existing law specifies deadlines under which a civil action shall be brought, if it is to be brought, after the filing of the complaint, including deadlines for a complaint that is treated by the director as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action, as specified, and a complaint alleging specified violations. Existing law requires those deadlines to be tolled during a dispute resolution proceeding.

This bill would require those deadlines for filing a civil action to be tolled during a dispute resolution proceeding, for the amount of time specified in any written agreement between the department and a respondent executed before the expiration of the applicable time period, for the length of time for which the department's investigation is extended due to the pendency of a petition to compel, as specified, and during a timely appeal within the department of the closure of the complaint by the department.

If conference, conciliation, mediation, or persuasion fails to eliminate an unlawful practice, existing law requires the department to issue the person claiming to be aggrieved a right-to-sue notice if a civil action is not brought by the department, as specified. Existing law requires the department to issue a right-to-sue notice upon completion of its investigation for a complaint treated as a group or class complaint for purposes of investigation, conciliation, mediation, or civil action, within a specified time period after filing of the complaint. Existing law requires the deadlines related to issuing a right-to-sue notice be tolled during a dispute resolution proceeding beginning on the date that the department refers the case to its dispute resolution division and ending on the date that the department's dispute resolution division closes its mediation record and returns the case to the division that referred it.

This bill would require the department to issue any right-to-sue notice, if the department determines that an aggrieved person's complaint relates to a complaint filed in the name of the director or a group or class complaint for purposes of investigation, conciliation, mediation, or civil action, as specified, upon request by the person claiming to be aggrieved or after the director's or group or class complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated. The bill would also require the deadlines related to issuing a right-to-sue notice to be tolled for the amount of time specified in any written agreement between the department and a respondent executed before the expiration of the applicable deadline, for the length of time for which the department's investigation is extended due the pendency of a petition to compel, as specified, and during a timely appeal within the department of the closure of the complaint by the department.

Existing law authorizes an aggrieved person in relation to specified violations concerning housing discrimination to file a claim with the department. Existing law authorizes the Attorney General to file complaints in a like manner and specifies that no complaint may be

filed after the expiration of one year from the date upon which the alleged violation occurred or terminated.

This bill would, instead, make the provision prohibiting a complaint from being filed after the expiration of one year from the date upon which the alleged violation occurred or terminated applicable to a complaint filed with the department by the aggrieved person as described above.

Existing law authorizes the department, in the case of failure to eliminate specified violations that have occurred, or that are about to occur, through conference, conciliation, mediation, or persuasion, or, if circumstances warrant, in advance thereof, to bring a civil action in the name of the department, acting in the public interest, on behalf of the aggrieved person as a real party in interest, as specified. Existing law authorizes the action to be filed in any county where the unlawful practice is alleged to have been committed, the records relevant to that practice are maintained and administered, the aggrieved party would have resided, or the defendant's residence or principal office is located, as specified.

This bill would remove the provisions described above specifying the counties where the civil action may be filed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12926 of the Government Code is  
2 amended to read:

3 12926. As used in this part in connection with unlawful  
4 practices, unless a different meaning clearly appears from the  
5 context:

6 (a) "Affirmative relief" or "prospective relief" includes the  
7 authority to order reinstatement of an employee, awards of backpay,  
8 reimbursement of out-of-pocket expenses, hiring, transfers,  
9 reassignments, grants of tenure, promotions, cease and desist  
10 orders, posting of notices, training of personnel, testing, expunging  
11 of records, reporting of records, and any other similar relief that  
12 is intended to correct unlawful practices under this part.

13 (b) "Age" refers to the chronological age of any individual who  
14 has reached a 40th birthday.

1 (c) Except as provided by Section 12926.05, “employee” does  
2 not include any individual employed by that person’s parent,  
3 spouse, or child or any individual employed under a special license  
4 in a nonprofit sheltered workshop or rehabilitation facility.

5 (d) “Employer” includes any person regularly employing five  
6 or more persons, or any person acting as an agent of an employer,  
7 directly or indirectly, the state or any political or civil subdivision  
8 of the state, and cities, except as follows:

9 “Employer” does not include a religious association or  
10 corporation not organized for private profit.

11 (e) “Employment agency” includes any person undertaking for  
12 compensation to procure employees or opportunities to work.

13 (f) “Essential functions” means the fundamental job duties of  
14 the employment position the individual with a disability holds or  
15 desires. “Essential functions” does not include the marginal  
16 functions of the position.

17 (1) A job function may be considered essential for any of several  
18 reasons, including, but not limited to, any one or more of the  
19 following:

20 (A) The function may be essential because the reason the  
21 position exists is to perform that function.

22 (B) The function may be essential because of the limited number  
23 of employees available among whom the performance of that job  
24 function can be distributed.

25 (C) The function may be highly specialized, so that the  
26 incumbent in the position is hired based on expertise or the ability  
27 to perform a particular function.

28 (2) Evidence of whether a particular function is essential  
29 includes, but is not limited to, the following:

30 (A) The employer’s judgment as to which functions are essential.

31 (B) Written job descriptions prepared before advertising or  
32 interviewing applicants for the job.

33 (C) The amount of time spent on the job performing the function.

34 (D) The consequences of not requiring the incumbent to perform  
35 the function.

36 (E) The terms of a collective bargaining agreement.

37 (F) The work experiences of past incumbents in the job.

38 (G) The current work experience of incumbents in similar jobs.

39 (g) (1) “Genetic information” means, with respect to any  
40 individual, information about any of the following:

- 1 (A) The individual’s genetic tests.  
2 (B) The genetic tests of family members of the individual.  
3 (C) The manifestation of a disease or disorder in family members  
4 of the individual.
- 5 (2) “Genetic information” includes any request for, or receipt  
6 of, genetic services, or participation in clinical research that  
7 includes genetic services, by an individual or any family member  
8 of the individual.
- 9 (3) “Genetic information” does not include information about  
10 the sex or age of any individual.
- 11 (h) “Labor organization” includes any organization that exists  
12 and is constituted for the purpose, in whole or in part, of collective  
13 bargaining or of dealing with employers concerning grievances,  
14 terms or conditions of employment, or of other mutual aid or  
15 protection.
- 16 (i) “Medical condition” means either of the following:  
17 (1) Any health impairment related to or associated with a  
18 diagnosis of cancer or a record or history of cancer.  
19 (2) Genetic characteristics. For purposes of this section, “genetic  
20 characteristics” means either of the following:  
21 (A) Any scientifically or medically identifiable gene or  
22 chromosome, or combination or alteration thereof, that is known  
23 to be a cause of a disease or disorder in a person or that person’s  
24 offspring, or that is determined to be associated with a statistically  
25 increased risk of development of a disease or disorder, and that is  
26 presently not associated with any symptoms of any disease or  
27 disorder.  
28 (B) Inherited characteristics that may derive from the individual  
29 or family member, that are known to be a cause of a disease or  
30 disorder in a person or that person’s offspring, or that are  
31 determined to be associated with a statistically increased risk of  
32 development of a disease or disorder, and that are presently not  
33 associated with any symptoms of any disease or disorder.
- 34 (j) “Mental disability” includes, but is not limited to, all of the  
35 following:  
36 (1) Having any mental or psychological disorder or condition,  
37 such as intellectual disability, organic brain syndrome, emotional  
38 or mental illness, or specific learning disabilities, that limits a  
39 major life activity. For purposes of this section:

1 (A) “Limits” shall be determined without regard to mitigating  
2 measures, such as medications, assistive devices, or reasonable  
3 accommodations, unless the mitigating measure itself limits a  
4 major life activity.

5 (B) A mental or psychological disorder or condition limits a  
6 major life activity if it makes the achievement of the major life  
7 activity difficult.

8 (C) “Major life activities” shall be broadly construed and shall  
9 include physical, mental, and social activities and working.

10 (2) Any other mental or psychological disorder or condition not  
11 described in paragraph (1) that requires special education or related  
12 services.

13 (3) Having a record or history of a mental or psychological  
14 disorder or condition described in paragraph (1) or (2), which is  
15 known to the employer or other entity covered by this part.

16 (4) Being regarded or treated by the employer or other entity  
17 covered by this part as having, or having had, any mental condition  
18 that makes achievement of a major life activity difficult.

19 (5) Being regarded or treated by the employer or other entity  
20 covered by this part as having, or having had, a mental or  
21 psychological disorder or condition that has no present disabling  
22 effect, but that may become a mental disability as described in  
23 paragraph (1) or (2).

24 “Mental disability” does not include sexual behavior disorders,  
25 compulsive gambling, kleptomania, pyromania, or psychoactive  
26 substance use disorders resulting from the current unlawful use of  
27 controlled substances or other drugs.

28 (k) “Veteran or military status” means a member or veteran of  
29 the United States Armed Forces, United States Armed Forces  
30 Reserve, the United States National Guard, and the California  
31 National Guard.

32 (l) “On the bases enumerated in this part” means or refers to  
33 discrimination on the basis of one or more of the following: race,  
34 religious creed, color, national origin, ancestry, physical disability,  
35 mental disability, medical condition, genetic information, marital  
36 status, sex, age, sexual orientation, reproductive health  
37 decisionmaking, or veteran or military status.

38 (m) “Physical disability” includes, but is not limited to, all of  
39 the following:

1 (1) Having any physiological disease, disorder, condition,  
2 cosmetic disfigurement, or anatomical loss that does both of the  
3 following:

4 (A) Affects one or more of the following body systems:  
5 neurological, immunological, musculoskeletal, special sense  
6 organs, respiratory, including speech organs, cardiovascular,  
7 reproductive, digestive, genitourinary, hemic and lymphatic, skin,  
8 and endocrine.

9 (B) Limits a major life activity. For purposes of this section:

10 (i) “Limits” shall be determined without regard to mitigating  
11 measures such as medications, assistive devices, prosthetics, or  
12 reasonable accommodations, unless the mitigating measure itself  
13 limits a major life activity.

14 (ii) A physiological disease, disorder, condition, cosmetic  
15 disfigurement, or anatomical loss limits a major life activity if it  
16 makes the achievement of the major life activity difficult.

17 (iii) “Major life activities” shall be broadly construed and  
18 includes physical, mental, and social activities and working.

19 (2) Any other health impairment not described in paragraph (1)  
20 that requires special education or related services.

21 (3) Having a record or history of a disease, disorder, condition,  
22 cosmetic disfigurement, anatomical loss, or health impairment  
23 described in paragraph (1) or (2), which is known to the employer  
24 or other entity covered by this part.

25 (4) Being regarded or treated by the employer or other entity  
26 covered by this part as having, or having had, any physical  
27 condition that makes achievement of a major life activity difficult.

28 (5) Being regarded or treated by the employer or other entity  
29 covered by this part as having, or having had, a disease, disorder,  
30 condition, cosmetic disfigurement, anatomical loss, or health  
31 impairment that has no present disabling effect but may become  
32 a physical disability as described in paragraph (1) or (2).

33 (6) “Physical disability” does not include sexual behavior  
34 disorders, compulsive gambling, kleptomania, pyromania, or  
35 psychoactive substance use disorders resulting from the current  
36 unlawful use of controlled substances or other drugs.

37 (n) Notwithstanding subdivisions (j) and (m), if the definition  
38 of “disability” used in the federal Americans with Disabilities Act  
39 of 1990 (Public Law 101-336) would result in broader protection  
40 of the civil rights of individuals with a mental disability or physical

1 disability, as defined in subdivision (j) or (m), or would include  
2 any medical condition not included within those definitions, then  
3 that broader protection or coverage shall be deemed incorporated  
4 by reference into, and shall prevail over conflicting provisions of,  
5 the definitions in subdivisions (j) and (m).

6 (o) “Race, religious creed, color, national origin, ancestry,  
7 physical disability, mental disability, medical condition, genetic  
8 information, marital status, sex, age, sexual orientation,  
9 reproductive health decisionmaking, or veteran or military status”  
10 includes a perception that the person has any of those  
11 characteristics or that the person is associated with a person who  
12 has, or is perceived to have, any of those characteristics.

13 (p) “Reasonable accommodation” may include either of the  
14 following:

15 (1) Making existing facilities used by employees readily  
16 accessible to, and usable by, individuals with disabilities.

17 (2) Job restructuring, part-time or modified work schedules,  
18 reassignment to a vacant position, acquisition or modification of  
19 equipment or devices, adjustment or modifications of examinations,  
20 training materials or policies, the provision of qualified readers or  
21 interpreters, and other similar accommodations for individuals  
22 with disabilities.

23 (q) “Religious creed,” “religion,” “religious observance,”  
24 “religious belief,” and “creed” include all aspects of religious  
25 belief, observance, and practice, including religious dress and  
26 grooming practices. “Religious dress practice” shall be construed  
27 broadly to include the wearing or carrying of religious clothing,  
28 head or face coverings, jewelry, artifacts, and any other item that  
29 is part of an individual observing a religious creed. “Religious  
30 grooming practice” shall be construed broadly to include all forms  
31 of head, facial, and body hair that are part of an individual  
32 observing a religious creed.

33 (r) (1) “Sex” includes, but is not limited to, the following:

34 (A) Pregnancy or medical conditions related to pregnancy.

35 (B) Childbirth or medical conditions related to childbirth.

36 (C) Breastfeeding or medical conditions related to breastfeeding.

37 (2) “Sex” also includes, but is not limited to, a person’s gender.  
38 “Gender” means sex, and includes a person’s gender identity and  
39 gender expression. “Gender expression” means a person’s

1 gender-related appearance and behavior whether or not  
2 stereotypically associated with the person’s assigned sex at birth.

3 (s) “Sexual orientation” means heterosexuality, homosexuality,  
4 and bisexuality.

5 (t) “Supervisor” means any individual having the authority, in  
6 the interest of the employer, to hire, transfer, suspend, lay off,  
7 recall, promote, discharge, assign, reward, or discipline other  
8 employees, or the responsibility to direct them, or to adjust their  
9 grievances, or effectively to recommend that action, if, in  
10 connection with the foregoing, the exercise of that authority is not  
11 of a merely routine or clerical nature, but requires the use of  
12 independent judgment.

13 (u) “Undue hardship” means an action requiring significant  
14 difficulty or expense, when considered in light of the following  
15 factors:

16 (1) The nature and cost of the accommodation needed.

17 (2) The overall financial resources of the facilities involved in  
18 the provision of the reasonable accommodations, the number of  
19 persons employed at the facility, and the effect on expenses and  
20 resources or the impact otherwise of these accommodations upon  
21 the operation of the facility.

22 (3) The overall financial resources of the covered entity, the  
23 overall size of the business of a covered entity with respect to the  
24 number of employees, and the number, type, and location of its  
25 facilities.

26 (4) The type of operations, including the composition, structure,  
27 and functions of the workforce of the entity.

28 (5) The geographic separateness or administrative or fiscal  
29 relationship of the facility or facilities.

30 (v) “National origin” discrimination includes, but is not limited  
31 to, discrimination on the basis of possessing a driver’s license or  
32 identification card granted under Section 12801.9 of the Vehicle  
33 Code.

34 (w) “Race” is inclusive of traits historically associated with  
35 race, including, but not limited to, hair texture and protective  
36 hairstyles.

37 (x) “Protective hairstyles” includes, but is not limited to, such  
38 hairstyles as braids, locks, and twists.

39 (y) “Reproductive health decisionmaking” includes, but is not  
40 limited to, a decision to use or access a particular drug, device,

1 product, or medical service for reproductive health. This  
2 subdivision and other provisions in this part relating to  
3 “reproductive health decisionmaking” shall not be construed to  
4 mean that subdivision (r) of this section and other provisions in  
5 this part related to “sex” do not include reproductive health  
6 decisionmaking.

7 (z) “Group or class complaint” includes any complaint alleging  
8 a pattern or practice. This subdivision is declarative of, and  
9 clarifies, existing law.

10 SEC. 2. Section 12960 of the Government Code is amended  
11 to read:

12 12960. (a) This article governs the procedure for the prevention  
13 and elimination of practices made unlawful pursuant to Article 1  
14 (commencing with Section 12940) of Chapter 6.

15 (b) For purposes of this section, filing a complaint means filing  
16 an intake form with the department and the operative date of the  
17 verified complaint relates back to the filing of the intake form.

18 (c) Any person claiming to be aggrieved by an alleged unlawful  
19 practice may file with the department a verified complaint, in  
20 writing, that shall state the name and address of the person,  
21 employer, labor organization, or employment agency alleged to  
22 have committed the unlawful practice complained of, and that shall  
23 set forth the particulars thereof and contain other information as  
24 may be required by the department. The director or the director’s  
25 authorized representative may in like manner, on that person’s  
26 own motion, make, sign, and file a complaint.

27 (d) Any employer whose employees, or some of them, refuse  
28 or threaten to refuse to cooperate with this part may file with the  
29 department a verified complaint asking for assistance by  
30 conciliation or other remedial action.

31 (e) (1) A complaint alleging a violation of Section 51, 51.5,  
32 51.7, 54, 54.1, or 54.2 of the Civil Code shall not be filed pursuant  
33 to this article after the expiration of one year from the date that  
34 the alleged unlawful practice or refusal to cooperate occurred.

35 (2) A complaint alleging a violation of Section 52.5 of the Civil  
36 Code shall not be filed pursuant to this article after the expiration  
37 of the applicable period of time for commencing a civil action  
38 pursuant to that section.

39 (3) A complaint alleging a violation of Article 9.5 (commencing  
40 with Section 11135) of Chapter 1 of Part 1 shall not be filed

1 pursuant to this article after the expiration of three years from the  
2 date that the alleged unlawful practice occurred or refusal to  
3 cooperate occurred.

4 (4) A complaint alleging a violation of Section 1197.5 of the  
5 Labor Code shall not be filed pursuant to this article after the  
6 expiration of the applicable period of time for commencing a civil  
7 action pursuant to that section.

8 (5) A complaint alleging a violation of Section 51.9 of the Civil  
9 Code or any other violation of Article 1 (commencing with Section  
10 12940) of Chapter 6 shall not be filed after the expiration of three  
11 years from the date upon which the unlawful practice or refusal  
12 to cooperate occurred.

13 (6) Notwithstanding the filing deadlines contained in this  
14 subdivision or in Section 12980, a complaint filed by the director,  
15 or the director's authorized representative, or a complaint treated  
16 by the director or the director's representative, as a group or class  
17 complaint pursuant to Section 12961 may allege any violation of  
18 this part that occurred within a period of ~~10~~ *seven* years or fewer  
19 before the date the complaint was ~~filed, or more than 10 years~~  
20 ~~before the complaint was filed if it is determined to be reasonable~~  
21 ~~by a court of competent jurisdiction.~~ *filed.*

22 (7) Notwithstanding paragraphs (1) to (6), inclusive, the filing  
23 periods set forth by this section may be extended as follows:

24 (A) For a period of time not to exceed 90 days following the  
25 expiration of the applicable filing deadline, if a person allegedly  
26 aggrieved by an unlawful practice first obtained knowledge of the  
27 facts of the alleged unlawful practice during the 90 days following  
28 the expiration of the applicable filing deadline.

29 (B) For a period of time not to exceed one year following a  
30 rebutted presumption of the identity of the person's employer under  
31 Section 12928, in order to allow a person allegedly aggrieved by  
32 an unlawful practice to make a substitute identification of the actual  
33 employer.

34 (C) For a period of time, not to exceed one year from the date  
35 the person aggrieved by an alleged violation of Section 51.7 of the  
36 Civil Code becomes aware of the identity of a person liable for  
37 the alleged violation, but in no case exceeding three years from  
38 the date of the alleged violation if during that period the aggrieved  
39 person is unaware of the identity of any person liable for the alleged  
40 violation.

1 (D) For a period of time not to exceed one year from the date  
2 that a person allegedly aggrieved by an unlawful practice attains  
3 the age of majority.

4 (E) For the periods of time specified in Section 52.5 of the Civil  
5 Code for complaints alleging a violation of that section.

6 (f) (1) Notwithstanding any tolling or limitations period under  
7 any other law, the time for a complainant to file a civil action under  
8 a statute referenced in this section shall be tolled during the period  
9 commencing with the filing of a complaint with the department  
10 for an alleged violation of that statute until either of the following:

11 (A) The department files a civil action for the alleged violation  
12 under this part.

13 (B) One year after the department issues either of the following:

14 (i) Written notice to a complainant that it has closed its  
15 investigation without electing to file a civil action for the alleged  
16 violation.

17 (ii) If the complainant timely appeals within the department the  
18 closure of their complaint, written notice to the complainant that  
19 it has remained closed following the appeal within the department.

20 (2) The tolling provided under this subdivision shall apply  
21 retroactively.

22 (3) This subdivision is not intended to revive claims that have  
23 already lapsed.

24 SEC. 3. Section 12965 of the Government Code is amended  
25 to read:

26 12965. (a) (1) In the case of failure to eliminate an unlawful  
27 practice under this part through conference, conciliation, mediation,  
28 or persuasion, or in advance thereof if circumstances warrant, the  
29 director in the director's discretion may bring a civil action in the  
30 name of the department, acting in the public interest, on behalf of  
31 the person claiming to be aggrieved.

32 (2) Prior to filing a civil action, the department shall require all  
33 parties to participate in mandatory dispute resolution in the  
34 department's internal dispute resolution division free of charge to  
35 the parties in an effort to resolve the dispute without litigation.

36 (3) In a civil action, the person claiming to be aggrieved shall  
37 be the real party in interest and shall have the right to participate  
38 as a party and be represented by that person's own counsel.

39 (4) A civil action under this subdivision shall be brought in a  
40 county in which the department has an office, in a county in which

1 unlawful practices are alleged to have been committed, in the  
2 county in which records relevant to the alleged unlawful practices  
3 are maintained and administered, in the county in which the person  
4 claiming to be aggrieved would have worked or would have had  
5 access to public accommodation, but for the alleged unlawful  
6 practices, in the county of the defendant's residence or principal  
7 office, or, if the civil action includes class or group allegations on  
8 behalf of the department, in any county in the state.

9 (5) (A) A complaint treated by the director as a group or class  
10 complaint for purposes of investigation, conciliation, mediation,  
11 or civil action pursuant to Section 12961, a civil action shall be  
12 brought, if at all, within two years after the filing of the complaint.

13 (B) For a complaint alleging a violation of Section 51.7 of the  
14 Civil Code, a civil action shall be brought, if at all, within two  
15 years after the filing of the complaint.

16 (C) For a complaint other than those specified in subparagraphs  
17 (A) and (B), a civil action shall be brought, if at all, within one  
18 year after the filing of a complaint.

19 (D) The deadlines specified in subparagraphs (A), (B), and (C),  
20 shall be tolled, as follows:

21 (i) During a mandatory or voluntary dispute resolution  
22 proceeding commencing on the date the department refers the case  
23 to its dispute resolution division and ending on the date the  
24 department's dispute resolution division closes its mediation record  
25 and returns the case to the division that referred it.

26 (ii) For the amount of time specified in any written agreement  
27 between the department and a respondent executed before the  
28 expiration of the applicable deadline.

29 (iii) For the length of time for which the department's  
30 investigation is extended due to the pendency of a petition to  
31 compel as provided in subdivision (g) of Section 12963.5.

32 (iv) During a timely appeal within the department of the closure  
33 of the complaint by the department.

34 (b) For purposes of this section, filing a complaint means filing  
35 a verified complaint.

36 (c) (1) (A) Except as specified in subparagraph (B), if a civil  
37 action is not brought by the department pursuant to subdivision  
38 (a) within 150 days after the filing of a complaint, or if the  
39 department earlier determines that no civil action will be brought  
40 pursuant to subdivision (a), the department shall promptly notify,

1 in writing, the person claiming to be aggrieved that the department  
2 shall issue, on request, the right-to-sue notice. If the person  
3 claiming to be aggrieved does not request a right-to-sue notice,  
4 the department shall issue the notice upon completion of its  
5 investigation, and not later than one year after the filing of the  
6 complaint. However, if the department determines, in its discretion,  
7 that the aggrieved person's complaint relates in whole or in part  
8 to a complaint filed in the name of the director or a group or class  
9 complaint for purposes of investigation, conciliation, mediation,  
10 or civil action pursuant to Section 12961, the department shall  
11 issue any right-to-sue notice upon request by the person claiming  
12 to be aggrieved or after the director's or group or class complaint  
13 has been fully and finally disposed of and all administrative  
14 proceedings, civil actions, appeals, or related proceedings have  
15 terminated.

16 (B) For a complaint treated as a group or class complaint for  
17 purposes of investigation, conciliation, mediation, or civil action  
18 pursuant to subdivision (b) of Section 12961, the department shall  
19 issue a right-to-sue notice upon completion of its investigation,  
20 and not later than two years after the filing of the complaint.

21 (C) The notices specified in subparagraphs (A) and (B) shall  
22 indicate that the person claiming to be aggrieved may bring a civil  
23 action under this part against the person, employer, labor  
24 organization, or employment agency named in the verified  
25 complaint within one year from the date of that notice.

26 (D) This paragraph applies only to complaints alleging unlawful  
27 employment practices under Article 1 (commencing with Section  
28 12940) of Chapter 6.

29 (E) The deadlines specified in subparagraphs (A) and (B) shall  
30 be tolled, as follows:

31 (i) During a mandatory or voluntary dispute resolution  
32 proceeding commencing on the date the department refers the case  
33 to its dispute resolution division and ending on the date the  
34 department's dispute resolution division closes its mediation record  
35 and returns the case to the division that referred it.

36 (ii) For the amount of time specified in any written agreement  
37 between the department and a respondent executed before the  
38 expiration of the applicable deadline.

1 (iii) For the length of time for which the department's  
2 investigation is extended due to the pendency of a petition to  
3 compel, as provided in subdivision (g) of Section 12963.5.

4 (iv) During a timely appeal within the department of the closure  
5 of the complaint by the department.

6 (2) A city, county, or district attorney in a location having an  
7 enforcement unit established on or before March 1, 1991, pursuant  
8 to a local ordinance enacted for the purpose of prosecuting  
9 HIV/AIDS discrimination claims, acting on behalf of any person  
10 claiming to be aggrieved due to HIV/AIDS discrimination, may  
11 also bring a civil action under this part against the person,  
12 employer, labor organization, or employment agency named in  
13 the notice.

14 (3) The superior courts of the State of California shall have  
15 jurisdiction of actions brought pursuant to this section, and the  
16 aggrieved person may file in these courts. An action may be  
17 brought in any county in the state in which the unlawful practice  
18 is alleged to have been committed, in the county in which the  
19 records relevant to the practice are maintained and administered,  
20 or in the county in which the aggrieved person would have worked  
21 or would have had access to the public accommodation but for the  
22 alleged unlawful practice, but if the defendant is not found within  
23 any of these counties, an action may be brought within the county  
24 of the defendant's residence or principal office.

25 (4) A copy of any complaint filed pursuant to this part shall be  
26 served on the principal offices of the department. The remedy for  
27 failure to send a copy of a complaint is an order to do so.

28 (5) A civil action brought pursuant to this section shall not be  
29 filed as class actions and shall not be maintained as class actions  
30 by the person or persons claiming to be aggrieved if those persons  
31 have filed a civil class action in the federal courts alleging a  
32 comparable claim of employment discrimination against the same  
33 defendant or defendants.

34 (6) In civil actions brought under this section, the court, in its  
35 discretion, may award to the prevailing party, including the  
36 department, reasonable attorney's fees and costs, including expert  
37 witness fees, except that, notwithstanding Section 998 of the Code  
38 of Civil Procedure, a prevailing defendant shall not be awarded  
39 fees and costs unless the court finds the action was frivolous,

1 unreasonable, or groundless when brought, or the plaintiff  
2 continued to litigate after it clearly became so.

3 (d) A court may grant as relief in any action filed pursuant to  
4 subdivision (a) any relief a court is empowered to grant in a civil  
5 action brought pursuant to subdivision (c), in addition to any other  
6 relief that, in the judgment of the court, will effectuate the purpose  
7 of this part. This relief may include a requirement that the employer  
8 conduct training for all employees, supervisors, and management  
9 on the requirements of this part, the rights and remedies of those  
10 who allege a violation of this part, and the employer's internal  
11 grievance procedures. This relief may also include any relief  
12 available under any law enforced by the department pursuant to  
13 Section 12930. In addition, in order to vindicate the purposes and  
14 policies of this part, a court may assess against the defendant, if  
15 the civil complaint or amended civil complaint so prays, a civil  
16 penalty of up to twenty-five thousand dollars (\$25,000) to be  
17 awarded to a person denied any right provided for by Section 51.7  
18 of the Civil Code, as an unlawful practice prohibited under this  
19 part.

20 (e) (1) Notwithstanding subdivision (c), the one-year statute of  
21 limitations, commencing from the date of the right-to-sue notice  
22 by the department to the person claiming to be aggrieved, shall be  
23 tolled when all of the following requirements have been met:

24 (A) A charge of discrimination or harassment is timely filed  
25 concurrently with the Equal Employment Opportunity Commission  
26 and the department.

27 (B) The investigation of the charge is deferred by the department  
28 to the Equal Employment Opportunity Commission.

29 (C) A right-to-sue notice is issued to the person claiming to be  
30 aggrieved upon deferral of the charge by the department to the  
31 Equal Employment Opportunity Commission.

32 (2) The time for commencing an action for which the statute of  
33 limitations is tolled under paragraph (1) expires when the federal  
34 right-to-sue period to commence a civil action expires, or one year  
35 from the date of the right-to-sue notice by the department,  
36 whichever is later.

37 (3) This subdivision is intended to codify the holding in *Downs*  
38 *v. Department of Water and Power of City of Los Angeles* (1997)  
39 58 Cal.App.4th 1093.

1 (f) (1) Notwithstanding subdivision (c), the one-year statute of  
2 limitations, commencing from the date of the right-to-sue notice  
3 by the department, to the person claiming to be aggrieved, shall  
4 be tolled when all of the following requirements have been met:

5 (A) A charge of discrimination or harassment is timely filed  
6 concurrently with the Equal Employment Opportunity Commission  
7 and the department.

8 (B) The investigation of the charge is deferred by the Equal  
9 Employment Opportunity Commission to the Civil Rights  
10 Department.

11 (C) After investigation and determination by the department,  
12 the Equal Employment Opportunity Commission agrees to perform  
13 a substantial weight review of the determination of the department  
14 or conducts its own investigation of the claim filed by the aggrieved  
15 person.

16 (2) The time for commencing an action for which the statute of  
17 limitations is tolled under paragraph (1) shall expire when the  
18 federal right-to-sue period to commence a civil action expires, or  
19 one year from the date of the right-to-sue notice by the department,  
20 whichever is later.

21 SEC. 4. Section 12980 of the Government Code is amended  
22 to read:

23 12980. This article governs the procedure for the prevention  
24 and elimination of discrimination in housing made unlawful  
25 pursuant to Article 2 (commencing with Section 12955) of Chapter  
26 6.

27 (a) Any person claiming to be aggrieved by an alleged violation  
28 of Section 12955, 12955.1, or 12955.7 may file with the department  
29 a verified complaint in writing that shall state the name and address  
30 of the person alleged to have committed the violation complained  
31 of, and that shall set forth the particulars of the alleged violation  
32 and contain any other information required by the department.

33 The filing of a complaint and pursuit of conciliation or remedy  
34 under this part shall not prejudice the complainant's right to pursue  
35 effective judicial relief under other applicable laws, but if a civil  
36 action has been filed under Section 52 of the Civil Code, the  
37 department shall terminate proceedings upon notification of the  
38 entry of final judgment unless the judgment is a dismissal entered  
39 at the complainant's request.

1 No complaint may be filed after the expiration of one year from  
2 the date upon which the alleged violation occurred or terminated.

3 (b) The Attorney General or the director may, in a like manner,  
4 make, sign, and file complaints citing practices that appear to  
5 violate the purpose of this part or any specific provisions of this  
6 part relating to housing discrimination.

7 (c) The department may thereupon proceed upon the complaint  
8 in the same manner and with the same powers as provided in this  
9 part in the case of an unlawful practice, except that where the  
10 provisions of this article provide greater rights and remedies to an  
11 aggrieved person than the provisions of Article 1 (commencing  
12 with Section 12960), the provisions of this article shall prevail.

13 (d) Upon the filing of a complaint, the department shall serve  
14 notice upon the complainant of the time limits, rights of the parties,  
15 and choice of forums provided for under the law.

16 (e) The department shall commence proceedings with respect  
17 to a complaint within 30 days of filing of the complaint.

18 (f) An investigation of allegations contained in any complaint  
19 filed with the department shall be completed within 100 days after  
20 receipt of the complaint, unless it is impracticable to do so. If the  
21 investigation is not completed within 100 days, the complainant  
22 and respondent shall be notified, in writing, of the department's  
23 reasons for not doing so.

24 (g) Upon the conclusion of each investigation, the department  
25 shall prepare a final investigative report containing all of the  
26 following:

27 (1) The names of any witnesses and the dates of any contacts  
28 with those witnesses.

29 (2) A summary of the dates of any correspondence or other  
30 contacts with the aggrieved persons or the respondent.

31 (3) A summary of witness statements.

32 (4) Answers to interrogatories.

33 (5) A summary description of other pertinent records.

34 A final investigative report may be amended if additional  
35 evidence is later discovered.

36 (h) If a civil action is not brought by the department within 100  
37 days after the filing of a complaint, or if the department earlier  
38 determines that no civil action will be brought, the department  
39 shall promptly notify the person claiming to be aggrieved. This  
40 notice shall, in any event, be issued no more than 30 days after the

1 date of the determination or 30 days after the date of the expiration  
2 of the 100-day period, whichever date first occurs. The notice shall  
3 indicate that the person claiming to be aggrieved may bring a civil  
4 action under this part against the person named in the verified  
5 complaint within the time period specified in Section 12989.1.  
6 The notice shall also indicate, unless the department has determined  
7 that no civil action will be brought, that the person claiming to be  
8 aggrieved has the option of continuing to seek redress for the  
9 alleged discrimination through the procedures of the department  
10 if the person does not desire to file a civil action. The superior  
11 courts of the State of California shall have jurisdiction of these  
12 actions, and the aggrieved person may file in these courts. The  
13 action may be brought in any county in the state in which the  
14 violation is alleged to have been committed, or in the county in  
15 which the records relevant to the alleged violation are maintained  
16 and administered, but if the defendant is not found within that  
17 county, the action may be brought within the county of the  
18 defendant's residence or principal office. A copy of any complaint  
19 filed pursuant to this part shall be served on the principal offices  
20 of the department. The remedy for failure to send a copy of a  
21 complaint is an order to do so. In a civil action brought under this  
22 section, the court, in its discretion, may award to the prevailing  
23 party reasonable attorney's fees.

24 (i) All agreements reached in settlement of any housing  
25 discrimination complaint filed pursuant to this section shall be  
26 made public, unless otherwise agreed by the complainant and  
27 respondent, and the department determines that the disclosure is  
28 not required to further the purposes of the act.

29 (j) All agreements reached in settlement of any housing  
30 discrimination complaint filed pursuant to this section shall be  
31 agreements between the respondent and complainant, and shall be  
32 subject to approval by the department.

33 SEC. 5. Section 12981 of the Government Code is amended  
34 to read:

35 12981. (a) (1) In the case of failure to eliminate a violation  
36 of Section 12955, 12955.1, or 12955.7 that has occurred, or is  
37 about to occur, through conference, conciliation, mediation, or  
38 persuasion, or in advance thereof if circumstances warrant, the  
39 director shall bring a civil action in the name of the department,  
40 acting in the public interest, on behalf of the aggrieved person as

1 a real party in interest, notwithstanding Section 12971, in the same  
2 manner and with the same powers as provided in Section 12965,  
3 except that where the provisions of this article provide greater  
4 rights and remedies to an aggrieved person than Section 12965,  
5 the provisions of this article shall prevail.

6 (2) Prior to filing a civil action pursuant to paragraph (1), the  
7 department shall require all parties to participate in the  
8 department's mandatory dispute resolution division free of charge  
9 to the parties in an effort to resolve the dispute without litigation.

10 (3) A civil action brought pursuant to paragraph (1) shall be  
11 filed within 100 days after the filing of a complaint unless it is  
12 impracticable to do so. This deadline to file a civil action pursuant  
13 to paragraph (1) shall be tolled during a mandatory or voluntary  
14 dispute resolution proceeding commencing on the date the  
15 department refers the case to its dispute resolution division and  
16 ending on the date the department's dispute resolution division  
17 closes its mediation record and returns the case to the division that  
18 referred it.

19 (4) Any aggrieved person may intervene as a matter of right in  
20 the proceeding, and the appeal or other judicial review of that  
21 proceeding.

22 (b) If the department determines that an allegation concerns the  
23 legality of any zoning or other land use law or ordinance, the  
24 department or the Attorney General shall take appropriate action  
25 with respect to the complaint according to the procedures  
26 established in this part for other complaints of housing  
27 discrimination.

28 (c) Within one year of the effective date of every final order or  
29 decision issued pursuant to this part, the department shall conduct  
30 a compliance review to determine whether the order or decision  
31 has been fully obeyed and implemented.

32 (d) Whenever the department has reasonable cause to believe  
33 that a respondent has breached a conciliation agreement signed by  
34 the department, the department shall initiate a civil action to  
35 enforce the agreement.