

Assembly Bill 2662

Department of Fair Employment and Housing

Assemblymember Ash Kalra

SUMMARY

AB 2662 would clarify the California Department of Fair Employment and Housing represents and acts in the public interest.

BACKGROUND

The Department of Fair Employment and Housing (DFEH) is the largest state civil rights agency with a mission to prevent unlawful discrimination and practices that cause harm to California residents. The department's anti-discrimination policies are carried out in accordance with the Fair Employment and Housing Act, the Unruh Civil Rights Act, the Disabled Persons Act, and the Ralph Civil Rights Act.

Because of the department's scope of work, DFEH engages in investigations involving complaints of public and private employees and individuals who are potential victims of systemic discrimination in employment and housing. The department may also mediate disputes relating to civil rights violations and prosecute violations in civil court.

Despite protecting the public and performing various stated functions, in a recent dispute in *Department of Fair Employment and Housing v. Cathy's Creations* (2020), DFEH as a party was asked by the prevailing defendant attorney to pay the attorney's fee. That attempt was denied by the court because the department's actions are legitimate according to California Government Code §12930(f). This code section specifies DFEH can receive, investigate, conciliate, mediate, and prosecute complaints against unlawful practices and discrimination in employment and housing.

One significant finding from *Department of Fair Employment and Housing v. Cathy's Creations* was the affirmation that DFEH acts in the public interest since the department has the right to bring civil action that fits their ongoing mission. If this authority is not consistently affirmed, the department's status as the State's civil rights agency

can be severely undermined and misunderstood in disputes.

SOLUTION

AB 2662 clarifies the functions and duties of DFEH as a state civil rights agency acting in the public interest to protect California residents from discrimination and unlawful practices in employment, housing, and public accommodations and from hate crimes and human trafficking.

This bill makes clear that DFEH, acting in the public interest, effectuates the declared public policy of the state so that the department can protect the people of California from violations of the anti-discrimination laws.

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