

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL

No. 477

Introduced by Senator Blakespear

February 19, 2025

~~An act to amend Section 50515.2 of the Health and Safety Code, relating to housing. An act to amend Sections 12926, 12960, 12965, and 12981 of the Government Code, relating to civil rights.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 477, as amended, Blakespear. ~~The Joe Serna, Jr. Farmworker Housing Grant Program loan term extension. California Fair Employment and Housing Act: enforcement procedures.~~

Existing law, the California Fair Employment and Housing Act (FEHA), establishes the Civil Rights Department 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 authorizes a complaint to be filed by an aggrieved person or the department on behalf and as representative of a group or class if the alleged unlawful practice adversely affects, in a similar manner, a group or class of persons of which the aggrieved person is a member.

This bill would define the term “group or class complaint” for purposes of the FEHA.

Existing law tolls the time for a complainant to file a civil action alleging a violation of specified civil rights provisions commencing with the filing of a complaint with the department until the department files a civil action for the alleged violation or until one year after the department issues written notice that it has closed its investigation without filing a civil action.

This bill would additionally toll the time for a complainant to file a civil action if the complainant timely appeals to the department the closure of their complaint until one year after the department issues written notice that it remains 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 imposes a deadline of one or 2 years for the department to bring a civil action, as specified. Existing law requires those deadlines to be tolled during a dispute resolution proceeding.

This bill would additionally require those deadlines to be tolled pursuant to a written agreement by the complainant and the department, during the pendency of a petition to compel, and for the duration of an appeal to the department for the closure of a complaint.

Under existing law, if the department does not file a civil action, the department is required to promptly issue the person claiming to be aggrieved a right-to-sue notice upon request, as specified, or upon completion of its investigation and not later than one year after the filing of the complaint. For a complaint treated as a group or class complaint, existing law requires the department to issue a right-to-sue notice upon completion of its investigation and not later than 2 years after the filing of the complaint. Existing law requires these deadlines to be tolled during a dispute resolution proceeding.

Under this bill, 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, as specified, the department would be required to issue a right-to-sue notice 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 require this deadline and the above-described deadlines relating to issuing a right-to-sue notice

to additionally be tolled pursuant to a written agreement by the complainant and the department, during the pendency of a petition to compel, and for the duration of an appeal to the department for the closure of a complaint.

Existing law authorizes the department, in the case of failure to eliminate specified violations relating to housing discrimination that have occurred, or that are about to occur, as specified, to bring a civil action in the name of the department. 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 above-described provisions specifying the counties where the civil action may be filed.

~~Existing law requires the Department of Housing and Community Development to establish the Joe Serna, Jr. Farmworker Housing Grant Program under which the department is required to make loans available to specified entities for, among other things, the construction or rehabilitation of rental housing for lower-income agricultural employees and their families, as specified.~~

~~Existing law authorizes the department, notwithstanding any other law, to extend the term of an existing multifamily housing loan made by the department under other specified programs upon the request of any borrower, subject to specified conditions, including that the borrower provides to the department a complete report showing all existing tenants, their incomes, as specified, and the rents currently charged to each tenant.~~

~~This bill would make a nonsubstantive change to the above-described loan extension provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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:

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

8 (b) “Age” refers to the chronological age of any individual who
9 has reached a 40th birthday.

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

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

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

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

22 (f) “Essential functions” means the fundamental job duties of
23 the employment position the individual with a disability holds or
24 desires. “Essential functions” does not include the marginal
25 functions of the position.

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

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

31 (B) The function may be essential because of the limited number
32 of employees available among whom the performance of that job
33 function can be distributed.

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

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

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

1 (B) Written job descriptions prepared before advertising or
2 interviewing applicants for the job.

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

4 (D) The consequences of not requiring the incumbent to perform
5 the function.

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

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

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

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

11 (A) The individual’s genetic tests.

12 (B) The genetic tests of family members of the individual.

13 (C) The manifestation of a disease or disorder in family members
14 of the individual.

15 (2) “Genetic information” includes any request for, or receipt
16 of, genetic services, or participation in clinical research that
17 includes genetic services, by an individual or any family member
18 of the individual.

19 (3) “Genetic information” does not include information about
20 the sex or age of any individual.

21 (h) “Labor organization” includes any organization that exists
22 and is constituted for the purpose, in whole or in part, of collective
23 bargaining or of dealing with employers concerning grievances,
24 terms or conditions of employment, or of other mutual aid or
25 protection.

26 (i) “Medical condition” means either of the following:

27 (1) Any health impairment related to or associated with a
28 diagnosis of cancer or a record or history of cancer.

29 (2) Genetic characteristics. For purposes of this section, “genetic
30 characteristics” means either of the following:

31 (A) Any scientifically or medically identifiable gene or
32 chromosome, or combination or alteration thereof, that is known
33 to be a cause of a disease or disorder in a person or that person’s
34 offspring, or that is determined to be associated with a statistically
35 increased risk of development of a disease or disorder, and that is
36 presently not associated with any symptoms of any disease or
37 disorder.

38 (B) Inherited characteristics that may derive from the individual
39 or family member, that are known to be a cause of a disease or
40 disorder in a person or that person’s offspring, or that are

1 determined to be associated with a statistically increased risk of
2 development of a disease or disorder, and that are presently not
3 associated with any symptoms of any disease or disorder.

4 (j) “Mental disability” includes, but is not limited to, all of the
5 following:

6 (1) Having any mental or psychological disorder or condition,
7 such as intellectual disability, organic brain syndrome, emotional
8 or mental illness, or specific learning disabilities, that limits a
9 major life activity. For purposes of this section:

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

14 (B) A mental or psychological disorder or condition limits a
15 major life activity if it makes the achievement of the major life
16 activity difficult.

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

19 (2) Any other mental or psychological disorder or condition not
20 described in paragraph (1) that requires special education or related
21 services.

22 (3) Having a record or history of a mental or psychological
23 disorder or condition described in paragraph (1) or (2), which is
24 known to the employer 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 mental condition
27 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 mental or
30 psychological disorder or condition that has no present disabling
31 effect, but that may become a mental disability as described in
32 paragraph (1) or (2).

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

37 (k) “Veteran or military status” means a member or veteran of
38 the United States Armed Forces, United States Armed Forces
39 Reserve, the United States National Guard, and the California
40 National Guard.

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Notwithstanding subdivisions (j) and (m), if the definition of “disability” used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) “Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, reproductive health decisionmaking, or veteran or military status” includes any of the following:

(1) Any combination of those characteristics.

(2) A perception that the person has any of those characteristics or any combination of those characteristics.

(3) A perception that the person is associated with a person who has, or is perceived to have, any of those characteristics or any combination of those characteristics.

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

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

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

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that

1 is part of an individual observing a religious creed. “Religious
2 grooming practice” shall be construed broadly to include all forms
3 of head, facial, and body hair that are part of an individual
4 observing a religious creed.

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

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

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

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

9 (2) “Sex” also includes, but is not limited to, a person’s gender.

10 “Gender” means sex, and includes a person’s gender identity and
11 gender expression. “Gender expression” means a person’s
12 gender-related appearance and behavior whether or not
13 stereotypically associated with the person’s assigned sex at birth.

14 (s) “Sexual orientation” means heterosexuality, homosexuality,
15 and bisexuality.

16 (t) “Supervisor” means any individual having the authority, in
17 the interest of the employer, to hire, transfer, suspend, lay off,
18 recall, promote, discharge, assign, reward, or discipline other
19 employees, or the responsibility to direct them, or to adjust their
20 grievances, or effectively to recommend that action, if, in
21 connection with the foregoing, the exercise of that authority is not
22 of a merely routine or clerical nature, but requires the use of
23 independent judgment.

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

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

28 (2) The overall financial resources of the facilities involved in
29 the provision of the reasonable accommodations, the number of
30 persons employed at the facility, and the effect on expenses and
31 resources or the impact otherwise of these accommodations upon
32 the operation of the facility.

33 (3) The overall financial resources of the covered entity, the
34 overall size of the business of a covered entity with respect to the
35 number of employees, and the number, type, and location of its
36 facilities.

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

39 (5) The geographic separateness or administrative or fiscal
40 relationship of the facility or facilities.

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

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

7 (x) “Protective hairstyles” includes, but is not limited to, such
8 hairstyles as braids, locs, and twists.

9 (y) “Reproductive health decisionmaking” includes, but is not
10 limited to, a decision to use or access a particular drug, device,
11 product, or medical service for reproductive health. This
12 subdivision and other provisions in this part relating to
13 “reproductive health decisionmaking” shall not be construed to
14 mean that subdivision (r) of this section and other provisions in
15 this part related to “sex” do not include reproductive health
16 decisionmaking.

17 (z) “*Group or class complaint*” includes any complaint alleging
18 a pattern or practice. This paragraph is declaratory of, and
19 clarifies, existing law.

20 SEC. 2. Section 12960 of the Government Code is amended to
21 read:

22 12960. (a) This article governs the procedure for the
23 prevention and elimination of practices made unlawful pursuant
24 to Article 1 (commencing with Section 12940) of Chapter 6.

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

28 (c) Any person claiming to be aggrieved by an alleged unlawful
29 practice may file with the department a verified complaint, in
30 writing, that shall state the name and address of the person,
31 employer, labor organization, or employment agency alleged to
32 have committed the unlawful practice complained of, and that shall
33 set forth the particulars thereof and contain other information as
34 may be required by the department. The director or the director’s
35 authorized representative may in like manner, on that person’s
36 own motion, make, sign, and file a complaint.

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

1 (e) (1) A complaint alleging a violation of Section 51, 51.5,
2 51.7, 54, 54.1, or 54.2 of the Civil Code shall not be filed pursuant
3 to this article after the expiration of one year from the date that
4 the alleged unlawful practice or refusal to cooperate occurred.

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

9 (3) A complaint alleging a violation of Article 9.5 (commencing
10 with Section 11135) of Chapter 1 of Part 1 shall not be filed
11 pursuant to this article after the expiration of three years from the
12 date that the alleged unlawful practice occurred or refusal to
13 cooperate occurred.

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

18 (5) A complaint alleging a violation of Section 51.9 of the Civil
19 Code or any other violation of Article 1 (commencing with Section
20 12940) of Chapter 6 shall not be filed after the expiration of three
21 years from the date upon which the unlawful practice or refusal
22 to cooperate occurred.

23 (6) Notwithstanding paragraphs (1) through (5), inclusive, the
24 filing periods set forth by this section may be extended as follows:

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

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

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

1 person is unaware of the identity of any person liable for the alleged
2 violation.

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

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

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

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

15 (B) *One year after the department issues either of the following*
16 *to a complainant:*

17 ~~(B) One year after the department issues written~~

18 ~~(i) Written notice to a complainant that it has closed its~~
19 ~~investigation without electing to file a civil action for the alleged~~
20 ~~violation.~~

21 ~~(ii) If the complainant timely appeals to the department the~~
22 ~~closure of their complaint, written notice that the complaint has~~
23 ~~remained closed following the appeal to the department.~~

24 (2) The tolling provided under this subdivision shall apply
25 retroactively.

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

28 SEC. 3. *Section 12965 of the Government Code is amended to*
29 *read:*

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

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

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

4 (4) A civil action under this subdivision shall be brought in a
5 county in which the department has an office, in a county in which
6 unlawful practices are alleged to have been committed, in the
7 county in which records relevant to the alleged unlawful practices
8 are maintained and administered, in the county in which the person
9 claiming to be aggrieved would have worked or would have had
10 access to public accommodation, but for the alleged unlawful
11 practices, in the county of the defendant's residence or principal
12 office, or, if the civil action includes class or group allegations on
13 behalf of the department, in any county in the state.

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

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

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

24 (D) *The deadlines specified in subparagraphs (A), (B), and (C),*
25 *shall be tolled as follows:*

26 ~~(D) The deadlines specified in subparagraphs (A), (B), and (C),~~
27 ~~shall be tolled during~~

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

33 (ii) *For the period of time specified in a written agreement*
34 *between the department and a respondent that was executed before*
35 *the expiration of the applicable deadline.*

36 (iii) *For the period of time for which the department's*
37 *investigation is extended due to the pendency of a petition to*
38 *compel as provided in subdivision (g) of Section 12963.5.*

39 (iv) *During a timely appeal within the department of the closure*
40 *of the complaint by the department.*

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

(c) (1) (A) Except as specified in ~~subparagraph (B), subparagraphs (B) and (C)~~, if a civil action is not brought by the department pursuant to subdivision (a) within 150 days after the filing of a complaint, or if the department earlier determines that no civil action will be brought pursuant to subdivision (a), the department shall promptly notify, in writing, the person claiming to be aggrieved that the department shall issue, on request, the right-to-sue notice. If the person claiming to be aggrieved does not request a right-to-sue notice, the department shall issue the notice upon completion of its investigation, and not later than one year after the filing of the complaint.

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

(C) If the department determines, in its discretion, that the complaint relates in whole or in part 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 pursuant to Section 12961, the department shall issue a right-to-sue notice upon request by the person claiming to be aggrieved or, if the person claiming to be aggrieved does not request a right-to-sue notice, after the director's complaint or group or class complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have terminated.

~~(C)~~

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

~~(D)~~

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

1 (F) *The deadlines specified in subparagraphs (A), (B), and (C)*
2 *shall be tolled as follows:*

3 ~~(E) The deadlines specified in subparagraphs (A) and (B) shall~~
4 ~~be tolled during~~

5 (i) *During a mandatory or voluntary dispute resolution*
6 *proceeding commencing on the date the department refers the case*
7 *to its dispute resolution division and ending on the date the*
8 *department's dispute resolution division closes its mediation record*
9 *and returns the case to the division that referred it.*

10 (ii) *For the period of time specified in a written agreement*
11 *between the department and a respondent that was executed before*
12 *the expiration of the applicable deadline.*

13 (iii) *For the period of time for which the department's*
14 *investigation is extended due to the pendency of a petition to*
15 *compel as provided in subdivision (g) of Section 12963.5.*

16 (iv) *During a timely appeal within the department of the closure*
17 *of the complaint by the department.*

18 (2) A city, county, or district attorney in a location having an
19 enforcement unit established on or before March 1, 1991, pursuant
20 to a local ordinance enacted for the purpose of prosecuting
21 HIV/AIDS discrimination claims, acting on behalf of any person
22 claiming to be aggrieved due to HIV/AIDS discrimination, may
23 also bring a civil action under this part against the person,
24 employer, labor organization, or employment agency named in
25 the notice.

26 (3) The superior courts of the State of California shall have
27 jurisdiction of actions brought pursuant to this section, and the
28 aggrieved person may file in these courts. An action may be
29 brought in any county in the state in which the unlawful practice
30 is alleged to have been committed, in the county in which the
31 records relevant to the practice are maintained and administered,
32 or in the county in which the aggrieved person would have worked
33 or would have had access to the public accommodation but for the
34 alleged unlawful practice, but if the defendant is not found within
35 any of these counties, an action may be brought within the county
36 of the defendant's residence or principal office.

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

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

7 (6) In civil actions brought under this section, the court, in its
8 discretion, may award to the prevailing party, including the
9 department, reasonable attorney's fees and costs, including expert
10 witness fees, except that, notwithstanding Section 998 of the Code
11 of Civil Procedure, a prevailing defendant shall not be awarded
12 fees and costs unless the court finds the action was frivolous,
13 unreasonable, or groundless when brought, or the plaintiff
14 continued to litigate after it clearly became so.

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

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

36 (A) A charge of discrimination or harassment is timely filed
37 concurrently with the Equal Employment Opportunity Commission
38 and the department.

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

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

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

9 (3) This subdivision is intended to codify the holding in *Downs*
10 v. Department of Water and Power of City of Los Angeles (1997)
11 58 Cal.App.4th 1093.

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

16 (A) A charge of discrimination or harassment is timely filed
17 concurrently with the Equal Employment Opportunity Commission
18 and the department.

19 (B) The investigation of the charge is deferred by the Equal
20 Employment Opportunity Commission to the Civil Rights
21 Department.

22 (C) After investigation and determination by the department,
23 the Equal Employment Opportunity Commission agrees to perform
24 a substantial weight review of the determination of the department
25 or conducts its own investigation of the claim filed by the aggrieved
26 person.

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

32 *SEC. 4. Section 12981 of the Government Code is amended to*
33 *read:*

34 12981. (a) (1) In the case of failure to eliminate a violation
35 of Section 12955, 12955.1, or 12955.7 that has occurred, or is
36 about to occur, through conference, conciliation, mediation, or
37 persuasion, or in advance thereof if circumstances warrant, the
38 director shall bring a civil action in the name of the department,
39 acting in the public interest, on behalf of the aggrieved person as
40 a real party in interest, notwithstanding Section 12971, in the same

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

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

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

18 (4) ~~The civil action shall be filed in any county in the state in~~
19 ~~which the unlawful practice is alleged to have been committed, in~~
20 ~~the county in which the records relevant to that practice are~~
21 ~~maintained and administered, or in the county in which the~~
22 ~~aggrieved person would have resided in the housing~~
23 ~~accommodation. If the defendant is not found within that county,~~
24 ~~the action may be filed in the county of the defendant's residence~~
25 ~~or principal office. Any aggrieved person may intervene as a matter~~
26 ~~of right in the proceeding, and the appeal or other judicial review~~
27 ~~of that proceeding.~~

28 (b) If the department determines that an allegation concerns the
29 legality of any zoning or other land use law or ordinance, the
30 department or the Attorney General shall take appropriate action
31 with respect to the complaint according to the procedures
32 established in this part for other complaints of housing
33 discrimination.

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

38 (d) Whenever the department has reasonable cause to believe
39 that a respondent has breached a conciliation agreement signed by

1 the department, the department shall initiate a civil action to
2 enforce the agreement.

3 ~~SECTION 1. Section 50515.2 of the Health and Safety Code~~
4 ~~is amended to read:~~

5 ~~50515.2. (a) Notwithstanding any other law, the department~~
6 ~~may extend the term of any existing multifamily housing loan~~
7 ~~made by the department under the original Rental Housing~~
8 ~~Construction Program established by Chapter 9 (commencing with~~
9 ~~Section 50735), the Special User Housing Rehabilitation Program~~
10 ~~established by Section 50670, or the Deferred Payment~~
11 ~~Rehabilitation Loan Program established by Chapter 6.5~~
12 ~~(commencing with Section 50660) upon the request of any~~
13 ~~borrower subject to the following conditions:~~

14 ~~(1) The borrower shall provide to the department a complete~~
15 ~~report showing all existing tenants, their incomes, as reported in~~
16 ~~the most recent annual income certification, and the rents currently~~
17 ~~charged to each tenant.~~

18 ~~(2) The borrower shall agree to an extension of the term of the~~
19 ~~loan by an additional 55 years from the date of departmental~~
20 ~~approval. If the department determines that the remaining useful~~
21 ~~life of a project is less than 55 years, the loan may be extended for~~
22 ~~the remaining useful life of the project, but not less than 30 years.~~
23 ~~The department may convert the existing outstanding principal~~
24 ~~and any accrued interest into the new loan amount. The interest~~
25 ~~rate on the extended term shall be 3 percent simple interest. All~~
26 ~~future payments of principal and interest may be deferred except~~
27 ~~for a percentage of interest equal to the percentage charged in the~~
28 ~~Multifamily Housing Program (Chapter 6.7 (commencing with~~
29 ~~Section 50675)) for the department's ongoing monitoring and~~
30 ~~management responsibilities.~~

31 ~~(3) The borrower shall agree to amend or replace the existing~~
32 ~~regulatory agreement to include terms generally equivalent to those~~
33 ~~used in the Multifamily Housing Program. In addition, the borrower~~
34 ~~shall agree to replace, amend, or revise any other loan document~~
35 ~~as necessary to accomplish the purposes of this section.~~

36 ~~(4) (A) The borrower shall agree to a rent schedule that ensures~~
37 ~~that all assisted units are affordable to households earning no more~~
38 ~~than 60 percent of the area median income and that at least 35~~
39 ~~percent of all assisted units shall be reserved for, affordable to,~~
40 ~~and occupied by, households earning less than or equal to the~~

1 midlevel target used by the Multifamily Housing Program, unless
2 the department finds both of the following:

3 (i) That the project income is insufficient to maintain fiscal
4 integrity, as that term is used in the Multifamily Housing Program,
5 and is insufficient to maintain the rents required under this
6 subparagraph pursuant to the terms of the Uniform Multifamily
7 Regulations, or any successor regulations, except that commercial
8 vacancy loss shall be projected based on the operating history of
9 the project, commercial vacancy rates in the neighborhood, and
10 similar factors typically used by commercial lenders.

11 (ii) That the borrower has exhausted all available potential
12 sources of rental subsidies, including, but not limited to, federal,
13 state, and local funds.

14 (B) If the department finds that a reduction in the percentage
15 of assisted units to less than 35 percent of assisted units is justified,
16 it shall ensure that the largest possible percentage is reserved for
17 the targeted households.

18 (C) For the purposes of this paragraph, “midlevel target used
19 by the Multifamily Housing Program” shall mean the following:

20 (i) For counties with an area median income of 110 percent or
21 less of the state median income, it shall mean households earning
22 30 percent of state median income, expressed as a percentage of
23 area median income.

24 (ii) For counties with an area median income that exceeds 110
25 percent of the state median income, it shall mean households
26 earning less than 35 percent of state median income, expressed as
27 a percentage of area median income.

28 (5) No tenant residing in a project at the time of an extension
29 authorized by this section may be displaced as a result of the
30 regulatory revisions authorized by this section, and, for the initial
31 operating year after approval of the extension, that tenant may not
32 have his or her rent increased above the amounts specified in his
33 or her preexisting regulatory agreements, except that no tenant
34 may pay less than 30 percent of his or her income, calculated
35 pursuant to the Multifamily Housing Program criteria. If a rent
36 increase authorized under this section would exceed a 10 percent
37 increase in payment for a lower income tenant, the project owner
38 shall phase in the increase so that it does not exceed 10 percent
39 per year. After the initial operating year after the extension
40 authorized under this section, the rents for all regulated units that

1 are subject to the new agreement may be adjusted in the percentage
2 calculated pursuant to the Multifamily Housing Program criteria;
3 plus the amount necessary to bring an individual tenant up to the
4 30-percent-of-income standard, provided that the total annual
5 increase does not exceed 10 percent. Rent adjustments for all
6 tenants occupying assisted units at the time of the extension shall
7 be based on the tenant's initial rent established under this
8 paragraph. Upon vacancy of an assisted unit occupied at the time
9 of the extension, the new base rent for that unit shall be established
10 consistent with the standards used in the Multifamily Housing
11 Program for the regulated income band, subject to the reservation
12 of units required under paragraph (4).

13 (b) The department may approve an extension of a loan made
14 by the department if it determines that the project has, or will have
15 after rehabilitation or repairs, a potential remaining useful life of
16 at least 30 years and that the project is deemed financially feasible
17 pursuant to the terms of its Uniform Multifamily Regulations or
18 successor regulations.

19 (c) The department may subordinate its loan or loans to refinance
20 existing senior debt and to additional permanent financing if that
21 additional senior debt is used only for rehabilitation, repairs, or
22 improvements, or both, including related soft costs, that are modest
23 in size, scope, and cost, as determined by the department and
24 necessary to maintain and extend the useful life of the project.

25 (d) (1) For the purposes of this subdivision, the "agency
26 projects" are the 26 projects assisted through the original Rental
27 Housing Construction Program with funds administered by the
28 California Housing Finance Agency.

29 (2) Upon the request of a borrower the agency may extend the
30 term of an existing loan for an agency project by a period that is
31 equal to the remaining useful life of the project, as determined by
32 the agency, but not more than 55 years and not less than 30 years
33 from the date of agency approval, under terms that are substantially
34 consistent with the purposes of this section, if all of the following
35 conditions are met:

36 (A) The borrower shall provide to the agency the report
37 described in paragraph (1) of subdivision (a).

38 (B) The extension shall be subject to the conditions set forth in
39 paragraph (2) of subdivision (a).

~~(C) The rent levels and tenant protections described in paragraphs (4) and (5) of subdivision (a) shall be satisfied, except that the agency, not the department, shall make the determination required under clause (i) of subparagraph (A) of paragraph (4) of subdivision (a) that the project income is insufficient to meet the agency's affordable multifamily lending program requirements.~~

~~(3) Any determination or approval under this section regarding the agency projects shall be by the agency rather than the department.~~

~~(4) The borrower and the agency shall amend, replace, or revise any other loan documents or agreements governing the loans for the agency projects as necessary to accomplish the purposes of this section.~~

~~(5) All funds received by the agency for the agency projects, whether by loan repayment, foreclosure, accrued interest, or otherwise, shall be used to provide assistance to existing or future projects financed by or through the agency pursuant to terms consistent with the agency's affordable multifamily lending programs.~~

~~(e) It is the intent of the Legislature in enacting this section that the department should manage its reserves for the original Rental Housing Construction Program in a manner that will allow for the continuation of current benefits to current low-income tenants for the longest period of time possible. Accordingly, rent subsidies shall be continued only for units occupied by lower income tenants who were in residence at the time of the extension authorized under this section.~~

~~(f) It is the intent of the Legislature in enacting this section to provide to the department the flexibility necessary to preserve the affordable rental units for which the state has already made a significant public investment. Accordingly, the department may implement this section through guidelines that shall not be subject to Chapter 2.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.~~

~~(g) This section shall become operative on July 1, 2008.~~

~~(h) This section shall not apply to loan extensions and senior debt subordinations executed by the department and recorded after~~

- 1 ~~the effective date of the guidelines adopted by the department~~
- 2 ~~pursuant to subdivision (h) of Section 50560.~~

O