

# CIVIL RIGHTS AT CALIFORNIA BUSINESSES

## FAQ

California law prohibits businesses from discriminating against anyone because of a protected characteristic, such as disability, gender identity, national origin, primary language, race, religion, sex, and sexual orientation. This law is called the Unruh Civil Rights Act or the Unruh Act for short.

The California Civil Rights Department (CRD) enforces the Unruh Act. Anyone who believes their rights under the Unruh Act were violated may file a complaint with CRD. CRD will investigate, may offer conciliation services to try to settle the dispute, and may decide to prosecute the case in court. Alternatively, anyone who believes their rights under the Unruh Act were violated can file their own private lawsuit in court.

CRD created this guidance document to answer frequently asked questions about the Unruh Act. This guidance is for informational purposes only and does not create any rights or obligations separate from those imposed by the Unruh Act and other laws.

## OVERVIEW

### 1 | What does the Unruh Act require?

The Unruh Act requires California businesses to provide individuals “full and equal accommodations, advantages, facilities, privileges or services”<sup>1</sup> without discriminating based on any of the following protected characteristics:

- Sex (including gender, gender identity, gender expression, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth)
- Race
- Color
- Religion
- Ancestry
- National origin
- Disability
- Medical condition
- Genetic information
- Marital status
- Sexual orientation
- Citizenship
- Primary language
- Immigration status

This means businesses cannot, because of someone’s protected characteristic, treat that person worse, such as by providing inferior service or charging a higher price. Discrimination is against the law when based on someone’s actual protected characteristic, their perceived protected characteristic, or their association with someone with a protected characteristic.

---

<sup>1</sup> Civil Code § 51(b).

## ■ Civil Rights at Business Establishments

Courts have also applied the Unruh Act in cases to prohibit discrimination based on other characteristics. For example, California courts have decided that the Unruh Act prohibits rental housing from having a policy of refusing to rent to families with children and that a shopping mall cannot arbitrarily exclude a person.<sup>2</sup>

### 2 | What types of businesses does the Unruh Act apply to?

The Unruh Act applies to “all business establishments of every kind whatsoever.”<sup>3</sup> The California Supreme Court has explained that the legislature, when it passed the Unruh Act, “intended that the phrase ‘business establishments’ be interpreted in the broadest sense reasonably possible.”<sup>4</sup>

Examples of business establishments that are covered by the Unruh Act include:

- Stores
- Restaurants
- Bars and nightclubs
- Barber shops and beauty salons
- Hotels and motels
- Theaters
- Hospitals and doctors’ offices
- Insurance providers
- Landlords and property management companies
- Public agencies
- Private schools<sup>5</sup>
- Convention centers
- Transportation depots and private transportation services
- Zoos
- Funeral homes
- Sports stadium
- Fitness clubs
- Banks, lenders, and financing agencies
- Nonprofit organizations that have a business purpose or are open to the public, such as a nonprofit private country club<sup>6</sup>

Other types of businesses are also covered: if a business is “generally open to the public,” it is a business establishment covered by the Unruh Act.<sup>7</sup>

2 *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721, 743-744; *In re Cox* (1970) 3 Cal.3d 205, 218.

3 Civil Code § 51(b).

4 *Isbister v. Boys’ Club of Santa Cruz, Inc.* (1985) 40 Cal.3d 72, 78, as modified on denial of rehearing (Dec. 19, 1985) (some internal quotation marks omitted).

5 In contrast, the California Supreme Court concluded that public school districts are not business establishments for purposes of the Unruh Act. *Brennon B. v. Superior Ct.* (2022) 13 Cal.5th 662, 684.

6 *O’Connor v. Village Green Owners Assn.* (1983) 33 Cal.3d 790, 796 (nonprofit organizations can be businesses under the Unruh Act); *Warfield v. Peninsula Golf & Country Club* (1995); 10 Cal.4th 594 (a nonprofit private country club was a business establishment under the Unruh Act because it conducted regular business transactions with nonmembers).

7 *Smith v. BP Lubricants USA Inc.* (2021) 64 Cal.App.5th 138, 149 (quoting *In re Cox* (1970) 3 Cal.3d 205, 216); see also *Isbister v. Boys’ Club of Santa Cruz, Inc.* (1985) 40 Cal.3d 72, 81 (noting the Unruh Act applies to an organization that is “classically ‘public’ in its operation”).

## ■ Civil Rights at Business Establishments

### 3 | What does it mean to provide “full and equal accommodations, advantages, facilities, privileges, or services”?

“Full and equal access” means a business must make sure everyone has an equal opportunity to use and access its services and facilities. For example, a business, including its owner and staff, cannot discriminate against a person while providing products or services, such as:

- A restaurant cannot refuse to serve a family because the parents are a same-sex couple.
- A store cannot prohibit a person who is blind from entering with their service animal.
- A doctor cannot refuse to treat a patient because she is transgender.
- A dry cleaner cannot charge more to clean a woman’s blouse than a men’s shirt when the two items are similar in detail.

In addition, the Unruh Act requires that businesses comply with the Americans with Disabilities Act (ADA).<sup>8</sup> An example of ensuring equal access for someone with a disability would be to position soap and paper towel dispensers in a bathroom where people using wheelchairs can reach them.<sup>9</sup>

### 4 | Does the Unruh Act protect a person from harassment by a business owner or staff member?

Maybe. While courts are not settled on this topic, at least one court has ruled verbal harassment based on a protected characteristic may violate the Unruh Act if the business is treating customers unequally.<sup>10</sup> For example, a salon owner using a racial slur against a Black or African American customer may violate the Unruh Act if only Black or African American customers experience this type of treatment.

In addition, another law – also enforced by CRD – prohibits sexual harassment in business, service, or professional relationships.<sup>11</sup> This includes, but is not limited to, services provided by:

- |  |  |
|--|--|
| • Physicians, psychotherapists, or dentists                | • Collection service providers           |
| • Attorneys  | • Building contractors                   |
| • Holders of a master’s degree in social work              | • Executors, trustees, or administrators |
| • Real estate agents or appraisers                         | • Landlords or property managers         |
| • Investors, accountants, or bankers                       | • Teachers                               |
| • Financial planner loan officers, or escrow loan officers | • Elected officials or lobbyists         |
|  | • Directors or producers <sup>12</sup>   |

<sup>8</sup> Civil Code § 51(f).

<sup>9</sup> *Hubbard v. Twin Oaks Health and Rehabilitation Center* (2004) 408 F.Supp.2d 923, 932.

<sup>10</sup> *Smith v. BP Lubricants USA Inc.* (2021) 64 Cal.App.5th 138, 151.

<sup>11</sup> Civil Code § 51.9; *Rohm v. Homer* (2005) 367 F.Supp.2d 1278, 1287.

## ■ Civil Rights at Business Establishments

### 5 | Does the Unruh Act apply to housing?

Yes. The Unruh Act covers all business establishments in California, including most housing providers. This means that property owners, property managers, and other housing providers that are businesses cannot discriminate in the rental or sale of a home based on any protected characteristic listed above.

Age discrimination in the rental or sale of housing is generally prohibited by the Unruh Act, but there are some specific exceptions, including for seniors and transition-age youth. For more information about these exceptions, please review the Civil Code sections cited below.<sup>13</sup>

### 6 | Does the Unruh Act require businesses to maintain websites that are accessible to people with disabilities?

It depends. Courts have interpreted the accessibility provisions of the Unruh Act to apply to websites associated with businesses that have physical locations.<sup>14</sup> For example, a restaurant with a website has an obligation to maintain the website compatible with screen reading software to allow access by customers who are blind.<sup>15</sup> While courts have found that online-only businesses are not places of public accommodation under the Unruh Act and do not have the same obligations to make their websites accessible to people with disabilities,<sup>16</sup> CRD encourages online-only businesses to ensure their websites are accessible to people with disabilities so everyone can use the business.

## LIMITING ACCESS TO A BUSINESS ESTABLISHMENT OR EVENT

### 7 | Can businesses establish reasonable policies that restrict who can access or obtain services at their establishments?

Yes. A business may establish reasonable policies “that are rationally related to the services performed and the facilities provided.”<sup>17</sup> Examples of reasonable policies that do not violate the Unruh Act include:

- A funeral home may exclude uninvited guests from a private funeral.<sup>18</sup>
- A rental car agency can refuse to rent vehicles, or require the payment of additional surcharges, to persons under the age of 25.<sup>19</sup>

<sup>12</sup> Civil Code § 51.9(a)(1)(A-I).

<sup>13</sup> See Civil Code §§ 51.2, 51.3, 51.3.5; *Colony Cove Associates v. Brown* (1990) 220 Cal.App.3d 195, 200.

<sup>14</sup> *Thurston v. Midvale Corp.* (2019) 39 Cal.App.5th 634, 644.

<sup>15</sup> *Thurston v. Midvale Corp.* (2019) 39 Cal.App.5th 634, 644.

<sup>16</sup> *Martinez v. Cot’n Wash* (2022) 81 Cal.App.5th 1026; *Martin v. Thi E-Com., LLC* (2023) 95 Cal.App.5th 521.

<sup>17</sup> *In re Cox* (1970) 3 Cal.3d 205, 217.

## ■ Civil Rights at Business Establishments

- A bank can require U.S. citizens to provide a social security number to open a credit card account, while allowing foreign nationals to provide a different form of identification.<sup>20</sup>
- A sports bar can refuse entry to anyone wearing ‘colors’ or a motorcycle club membership patch in order to reduce potential fights between rival motorcycle gangs.<sup>21</sup>

### 8 | Can businesses exclude certain customers?

It depends. A business can exclude specific people as long as there is a legitimate, non-discriminatory business reason for doing so. For example, a court decided that it does not violate the Unruh Act when a business bans a customer who previously cashed bad checks and still owes money to the business.<sup>22</sup> A business can also ban someone who damages property, injures others, or otherwise disrupts the business.<sup>23</sup> By contrast, a business generally cannot exclude a customer based on their race, national origin, or other protected characteristic.

### 9 | Can a business host an event open to the public and allow entry only to a particular category of people?

Possibly, but CRD recommends that businesses make all events open to all people in order to avoid violating the Unruh Act. Most types of public events that exclude people based on a protected characteristic would violate the Unruh Act. However, courts have said it may sometimes be permissible to exclude an entire group of individuals when doing so furthers a compelling societal interest. This is highly fact-specific, and no published court decision currently addresses when this type of exclusion would be allowed. If a business intends to host a public event for only a certain group or groups, CRD recommends the business first consult a lawyer to ensure such an event does not violate the Unruh Act.

### 10 | Can businesses host events that spotlight particular groups but are open to all people?

Yes. Businesses can focus events on particular groups and encourage those groups to attend. For example, a wine store could host an event that is open to all people but highlights winemakers of color who are underrepresented in the industry. A company could also host an event that is open to all but focuses on educating women on negotiating higher salaries.

18 *Ross v. Forest Lawn Memorial Park* (1984) 153 Cal.App.3d 988, 993.

19 *Lazar v. Hertz Corp.* (1999) 69 Cal.App.4th 1494, 1502-1505, 1510.

20 *Howe v. Bank of America N.A.* (2009) 179 Cal.App.4th 1443, 1453, as modified (Dec. 8, 2009).

21 *Hessians Motorcycle Club v. J.C. Flanagans* (2001) 86 Cal.App.4th 833, 839.

22 *Wynn v. Monterey Club* (1980) 111 Cal.App.3d 789, 797-798.

23 *O'Connor v. Village Green Homeowners Assn.* (1983) 33 Cal.3d 790, 794 (citing *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721, 737 (quoting *In re Cox* (1970) 3 Cal.3d 205, 217)).

## ■ Civil Rights at Business Establishments

### 11 | What should a business consider when planning an event designed for a particular group, such as a women's empowerment event, a Black entrepreneurs' networking event, or a safe space for LGBTQ youth?

When creating publicity or tickets for the event, CRD recommends businesses make it clear that, even though the event will focus on a particular group, all are welcome to attend. The business should ensure staff know not to turn people away who may not seem like they are part of the event's target audience.

In addition, as explained above, businesses can have reasonable, non-discriminatory policies that restrict who can access or obtain services. Therefore, if someone is disrupting an event – for instance, by yelling at other event participants and refusing to stop – the event organizers may remove that person from the event, refuse to do business with them, or deny them services because of their conduct.

## DISCOUNTS AND PROMOTIONS

### 12 | Can businesses provide discounts or promotional giveaways directed at certain groups of customers?

Some types of discounts and promotions are lawful, and some are not. Courts say the important question to ask is: Does the discount further a compelling societal interest?

Courts have generally not approved discounts or giveaways that impose a greater burden on a group of people whose protected characteristic is listed in the Unruh Act because there is no compelling societal interest in such discrimination. For example, a court held that gender-based discounts on drinks for women ("ladies' nights") violate the Unruh Act because the goal of bringing more women into an establishment does not provide enough of a social benefit.<sup>24</sup>

But for certain characteristics that are not specifically listed in the Unruh Act, such as age, courts have found a compelling societal interest. For example, courts have found that age-based pricing can be lawful when price discounts are for seniors, young adults, or children because such discounts encourage the attendance of families.<sup>25</sup>

If a business intends to provide a discount or promotion to only a certain group or groups, CRD recommends the business consult a lawyer to ensure the benefit complies with the Unruh Act.

<sup>24</sup> *Angelucci v. Century Summer Club* (2007) 41 Cal.4th 160.

<sup>25</sup> *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24, 37; *Starkman v. Mann Theatres Corp.* (1991) 227 Cal.App.3d 1491, 1499 (noting without discount tickets, families would be less able to engage in American pastimes).



## ■ Civil Rights at Business Establishments

### DISABILITY ACCOMMODATIONS, LANGUAGE ACCESS, AND RESTROOMS

#### 13 | **Must businesses provide reasonable accommodations to someone with a disability?**

Yes. A business must reasonably accommodate someone's disability so that the person can access and be served by the business. While businesses are usually able to easily provide many types of accommodations, a business does not have to provide an accommodation when doing so would fundamentally alter the business or create an undue burden for the business. Whether a business must accommodate someone with a disability is determined on a case-by-case basis and generally follows a collaborative discussion between the business and the customer.

For example:

- A restaurant with a no-pets policy must allow a customer with a disability who requires a trained service animal to enter the restaurant with their trained service animal.<sup>26</sup>
- A private testing company must accommodate a test-taker who is legally blind by allowing the test-taker to use the assistive technologies that best ensure their disability does not affect performance on the exam.<sup>27</sup>
- A theme park is not required to accommodate a guest with a disability's request to use a two-wheeled motorized vehicle (such as a Segway) for transportation where unsupervised and unrestricted use of such a vehicle could endanger other guests.<sup>28</sup>
- A restaurant and bar is not required to provide a customer with a disability with an auxiliary aid to hear background music when the music is not a meaningful part of the food and services provided by the business.<sup>29</sup>

#### 14 | **Are businesses required by the Unruh Act to provide services in languages other than English?**

CRD encourages businesses to offer services and materials in different languages so that all Californians, including those who speak languages other than English, can access and feel welcome at the business. However, the Unruh Act does not require a business to provide services or documents in a language other than English, beyond that which is otherwise required by other federal, state, or local laws, including California Civil Code section 1632.<sup>30</sup>

26 *Miller v. Fortune Commercial Corp.* (2017) 15 Cal.App.5th 214, 224 (holding the Unruh Act prohibits arbitrary discrimination in public accommodations with respect to trained service dogs, but not to service animals in-training); see U.S. Dept. of Justice, Civil Rights Div., Disability Rights Section, Frequently Asked Questions about Service Animals and the ADA, [www.ada.gov/regs2010/service\\_animal\\_qa.pdf](http://www.ada.gov/regs2010/service_animal_qa.pdf) at 2.

27 *See Enyart v. National Conference of Bar Examiners, Inc.* (N.D.Cal. 2011) 823 F.Supp.2d 995.

28 *Baughman v. Walt Disney World Co.* (2013) 217 Cal.App.4th 1438, 1442-1443.

29 *Martinez v. California Pizza Kitchen, Inc.* (2018) 30 Cal.App.5th Supp. 14, 21-22

## ■ Civil Rights at Business Establishments

### 15 | What are the obligations of businesses when it comes to gender-segregated facilities, such as restrooms, showers, and locker rooms?

The law prohibits businesses from discriminating against customers based on gender identity and gender expression. While courts have not expressly ruled on how this protection relates to the use of gender-segregated facilities, CRD's view is that businesses should allow people to use the restrooms, locker rooms, dressing rooms, and dormitories that correspond with their gender identity, regardless of their sex assigned at birth.

### 16 | Can a business request or require that transgender customers use gender-neutral restrooms?

No. Where possible, a business should provide an easily accessible single-user restroom for use by any person who desires increased privacy, regardless of the underlying reason. All single-user restrooms in a business establishment, place of public accommodation, or state or local government agency must be labeled as all-gender restrooms, unless exempted by other provisions of state law.<sup>31</sup> However, use of an all-gender single-user restroom should always be a matter of choice.

## COMPLAINT PROCESS

### 17 | What can I do if I think a business has violated my rights under the Unruh Act?

If you think you have experienced discrimination or another violation of the Unruh Act, you can file a complaint with the Civil Rights Department (CRD). CRD may investigate, offer conciliation services to try to settle the dispute, and prosecute the case in court if the dispute cannot be settled. A complaint involving an alleged violation of the Unruh Act must be filed with CRD within one year of the date of the alleged discriminatory act.<sup>32</sup>

Alternatively, anyone who believes their rights under the Unruh Act were violated can file their own private lawsuit in court. Courts have reached different conclusions about whether lawsuits must be filed within two or three years of the date of the alleged violation of the Unruh Act, depending on the nature of the claim.<sup>33</sup> For the more common Unruh Act claims, courts have generally applied a two-year statute of limitation. If you are not sure which statute of limitation applies, CRD encourages you to speak to an attorney. When someone files a complaint with CRD for investigation, the deadline to file their own private lawsuit is paused when the complaint is pending with CRD.<sup>34</sup>

<sup>30</sup> Civil Code § 51(h).

<sup>31</sup> Health & Safety Code § 118600(a). An exception exists for construction jobsites, which have their own requirements. Health & Safety Code § 118600(e); Labor Code § 6722(a).

<sup>32</sup> Government Code § 12960(e)(1).

<sup>33</sup> *Semler v. Gen. Elec. Cap. Corp.* (2011) 196 Cal.App.4th 1380, 1386; *Gatto v. Cnty. of Sonoma* (2002) 98 Cal.App.4th 744, 760, 120.



## ■ Civil Rights at Business Establishments

### 18 | Someone filed a complaint against my business with CRD. What happens now?

When someone files a complaint with CRD, CRD investigates the allegations that are within CRD's authority, if appropriate. During the investigation, CRD may offer to conciliate the matter to help parties reach a settlement. For more information about the complaint process, please refer to CRD's complaint process webpage (<https://calcivilrights.ca.gov/complaintprocess/>).

### 19 | I received a letter from a private attorney or member of the public alleging my business violated the Unruh Act. What should I do?

If you receive a letter from a private attorney or member of the public alleging your business violated the law, you should speak to an attorney about your situation. CRD cannot provide legal advice to you or the business. You are, however, welcome to access fact sheets, posters, and other resources freely available on CRD's website (<https://calcivilrights.ca.gov/resources/>).

### 20 | What remedies are available to someone whose rights under the Unruh Act were violated by a business?

Remedies available for Unruh Act violations, as determined by a court or judge, include:

- Actual damages
- Up to three times the amount of actual damages, but not less than \$4000 for each offense
- Attorney fees and costs<sup>35</sup>

---

<sup>34</sup> Government Code § 12960(f).

<sup>35</sup> Civil Code § 52(a).

To file a complaint with CRD, visit CRD's [complaint process webpage](https://calcivilrights.ca.gov/complaintprocess/) or a CRD office, or call one of the following numbers:

### TO FILE A COMPLAINT

#### Civil Rights Department

[calcivilrights.ca.gov/complaintprocess](https://calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684

TTY: 800.700.2320

If you have a disability that requires a reasonable accommodation to participate in CRD's complaint process, CRD can assist you. Contact us through any method above or through the California Relay Service (711) for individuals who are deaf or hard of hearing or have speech disabilities.