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# When Singles Are the Victims of Discrimination

The following is a recent statement by Thomas F. Coleman, an attorney and director of the Los Angeles-based Center for Personal Rights Advocacy, who recently chaired the Consumer Task Force on Marital Status Discrimination for L.A. City Attorney James K. Hahn.

Coleman, who is also a law professor at USC, released the following statement as he summarized the findings of the panel on discrimination aimed at singles in our society and what to do about it:

Although marital status discrimination has been against the law in California for more than a decade, many businesses continue to engage in unfair practices against unmarried individuals and couples. This is ironic, considering the fact that persons who are not married constitute the majority of the adult population in the City of Los Angeles.

However, thanks to the leadership of some elected officials, such as Los Angeles City Attorney James Hahn, discrimination against unmarried consumers may soon become a relic of the past.

Although the Consumer Task Force has just released its findings and recommendations, we can report progress on several fronts:

—Insurance Regulation. Three of the candidates for Insurance Commissioner have pledged to eliminate marital status discrimination by insurance companies. Our current Insurance Commissioner has begun this process by issuing regulations prohibiting the use of marital status by automobile insurance carriers. Also, a recently-introduced bill in the Legislature (SB 2281) would clarify the right of a life insurance applicant to name an unmarried partner as a beneficiary.

**Law Enforcement.** Law enforcement officials, such as San Francisco District Attorney Arlo Smith, are taking steps to broaden the focus of consumer protection programs to include protection against marital status and other forms of discrimination.

**Consumer Discounts.** Some businesses, such as Trans World Airlines and Holiday Health Clubs, have voluntarily eliminated marital status discrimination and now offer consumer discounts and benefits to unmarried individuals and couples.

**Marital Status Demographics.** This year's census will not only tally the marital status of individuals, but for the first time it will also count the number of "unmarried partners" in the nation. This information is bound to have an effect on the way many businesses interact with unmarried consumers.

"The movement to protect unmarried consumers also is beginning to take hold in states other than California. For example, consumer protection and civil rights agencies of the State of New York have recently informed us of their interest in conducting a formal study of marital status discrimination similar to that just completed in Los Angeles.

"Regardless of whether unmarried consumers constitute a majority (about 55%), as they are in the City of Los Angeles, or a substantial minority (over 40%) as they are nationally, this report demonstrates that a sleeping economic and political giant is awakening. It is time that the business community respected the rights of this constituency and that our elected officials respond to their needs."

Additionally, Coleman also provided the following Summary of Findings and Recommendations of the Consumer Task Force on Marital Status Discrimination:

**Demographics.** The majority (55%) of adults in the City of Los Angeles are not married. Statewide, about 40% of adults are either single, divorced, separated, widowed or live with an unmarried partner.  
**Extent of Discrimination.** Discrimination against unmarried individuals and couples is widespread. Such discrimination is not limited to Los Angeles. It is a national problem that needs immediate attention.

**Types of Discrimination.** Marital status discrimination is pervasive in many industries. Various insurance companies, airlines, health clubs, lending institutions, automobile and travel clubs, newspapers, and landlords discriminate against unmarried individuals and couples. Some forms of discrimination are quite blatant while others are more subtle.

**Public Policy.** California has a strong public policy to protect the freedom of choice of individuals to marry, or not to marry, from outside interference, regardless of whether it may stem from the public or private sectors of society. The state's policy in favor of marriage does not imply a corresponding policy to discriminate against nonmarital relationships.

**Legal Protections.** Marital status discrimination has been against the law in California for more than a decade. Some statutes and regulations specifically prohibit "marital status" discrimination. Others prohibit arbitrary discrimination or unfair business practices.

**Administrative Gaps.** Many agencies with jurisdiction to protect consumers have not effectively addressed marital status discrimination. Most consumer protection programs focus almost exclusively on consumer fraud and virtually ignore the issue of discrimination.

**Signs of Change.** Efforts to end marital status discrimination against consumers can only be truly successful with the voluntary cooperation of the business community. Fortunately, there are some signs of change. Some discriminating companies have halted such practices. Others are considering changes in their corporate policies.

**Consumer Education.** Consumer protection depends largely on consumer education. Unfortunately, consumer education is virtually absent from the formal education of students in California's schools. An effective consumer education campaign could begin through a public/private partnership among major businesses, educational institutions, and consumer protection agencies.

**Leadership.** Some local elected officials and several candidates for statewide office have pledged to use their positions of leadership to protect consumers against marital status discrimination.

## HOUSING

**Consumer Education.** The Department of Fair Employment and Housing should mention "sexual orientation" discrimination in all of its brochures and should explain that discrimination by businesses against unmarried individuals and couples is illegal.

**Expanded Investigations.** The Fair Housing Councils should recruit unmarried adults to serve as volunteers. The city should contract with the Councils to conduct periodic audits to check the level of marital status discrimination in housing.

**Judicial Protection.** The City Attorney should file a friend-of-the-court brief in a pending case to preserve existing legal protections against a major assault by some landlords who want to discriminate against unmarried couples.

Alana Bowman, Deputy City Attorney; Thomas DeBoe, attorney at law; Duncan Donovan, member City Rent Adjustment Commission; Sue Frauens, Deputy City Attorney, Consumer Protection Unit; Diane Goodman, member City Commission on the Status of Women; Gayle Greenwood, Director of Public Affairs, Pacific Bell; Wendy Greuel, Office of the Mayor; Jackie Hernandez, consumer affairs consultant; Gwendolyn Horton, Apartment Association of Greater Los Angeles; Roger Kohn, Singles Chapter American Civil Liberties Union; Linda Leong, Greater Los Angeles Chamber of Commerce; Christopher McCauley, member Los Angeles City Human Relations Commission; Brent Nance, insurance consultant, Aids Project Los Angeles; Joseph Rhine, managing attorney, Protection and Advocacy, Inc.; Debbie Rodriguez, Fair Housing Council of Hollywood/Mid-Los Angeles; Juan Solis, Fair Housing Council of the San Fernando Valley; Rita Speck, Government Relations Division, Kaiser Permanente; G. Jay Westbrook, Los Angeles City/County Area Agencies on Aging. Agency liaisons: Joan Howard, State Insurance Department;

Wanda Kirby, State Department of Fair Employment and Housing; Ellen Pais, Deputy City Attorney, Consumer Protection Unit. USC law student interns: Michael F. Cautillo, Daniel Redman, Sharon Sandler. The panel's Administrative Coordinator was Sky Johnson, the Director of Community Affairs, Office of the City Attorney.

**About the Task Force Chairperson.** Thomas F. Coleman is an attorney in private practice in Los Angeles. He is an adjunct professor at the University of Southern California Law Center where he teaches a class on "Rights of Domestic Partners". Coleman is currently a member of the California Legislature's Joint Select Task Force on the Changing Family. He was a member of the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence. During the administration of former Governor Jerry Brown, Coleman served as executive director of the Governor's Commission on Personal Privacy.

Coleman and his Center for Personal Rights Advocacy can be contacted at P>O> Box 65756, L.A., CA 90065 or by phoning (213) 258-8955.

**Board-and-Care Homes.** Public and private agencies should promote specific regulations protecting elderly and disabled residents from marital status discrimination, educate service providers, and monitor compliance.

## INSURANCE

**Voluntary Compliance.** Insurance companies should discontinue using marital status as an underwriting criterion and educate agents and brokers that discrimination is prohibited.

**Judicial Protection.** The Insurance Commissioner should vigorously defend in court the new regulations prohibiting marital status discrimination in automobile insurance underwriting. The City Attorney should join the lawsuits as a friend of the court.

**Expand Regulations.** The Insurance Commissioner should declare marital status discrimination as an unfair practice in all lines of insurance. Life insurance companies should be instructed to stop interfering with an applicant's right to name any beneficiary of his or her choice.

## CREDIT

**Credit Card Perks.** The Attorney General should render an opinion as to whether or not credit institutions violate existing laws when they offer benefits to credit card holders and their spouses but not to credit card holders and their unmarried partners.

**Credit Unions.** Credit unions should eliminate marital status discrimination from their industry by allowing unmarried partners to become members.

## AIRLINES

**Voluntary Compliance.** Airlines should voluntarily stop limiting discounts and other benefits to customers and their spouses.

**Local Investigation.** The Airport Commission should survey the airlines using LAX airport to determine if any have promotions or discounts that are granted to "spouses" but not unmarried partners or household members. The City Attorney should take appropriate action against any airline that discriminates against unmarried consumers.

## MEMBERSHIP ORGANIZATIONS

**Health Clubs.** The City Attorney should instruct local health clubs that discriminate against unmarried consumers to discontinue such practices, and seek injunctive relief if voluntary compliance is not forthcoming.

**A.A.R.P.** The American Association of Retired Persons should revise its membership policies by eliminating discrimination against unmarried couples or household members.

**Auto and Travel Clubs.** The City Attorney should instruct Chevron Travel Club and the Automobile Club of Southern California to stop granting discounts to married couples but not to unmarried couples or household members. If voluntary action is not forthcoming, a complaint should be filed with the State Department of Fair Employment and Housing as a violation of the Unruh Civil Rights Act.

**Country Clubs.** The City Council should add "marital status" to the new city law against private club discrimination. The Legislature should disallow business deductions for expenditures at clubs that discriminate on the basis of marital status.

## HOSPITALS AND NURSING HOMES

**Hospital Visitation Policies.** The Hospital Association of Southern California should encourage members to eliminate any marital status discrimination that may exist in hospital visitation rules.

**Conservatorships.** The law should require that notice be given to the unmarried partner of a patient when a conservatorship proceeding is initiated. Also, the law should require a court order before visitation rights are restricted. Court rules should be revised to protect the rights of patients who have an unmarried partner.

**Patients Rights.** The City Attorney should convene a meeting of all state agencies with jurisdiction over patients rights. The meeting should focus on ways to implement this report. "Marital status" should be added to patients rights regulations against discrimination. State government should find ways to remove "marriage penalties" from disability benefits programs and should eliminate marital status discrimination from Medi-Cal eligibility guidelines.

## RIGHTS OF SURVIVORS

**Funeral Industry.** The State Board of Funeral Directors and the Cemetery Board should evaluate this report, conduct educational seminars for licensed professionals, and include the concerns of unmarried adults in any consumer education programs.

**Newspaper Obituaries.** The state and national Newspaper Publishers Association should encourage members to eliminate marital status discrimination that may exist in editorial policies for obituaries.

**Jail Inmates.** Los Angeles County should initiate a study to determine the feasibility of expanding the definition of "immediate family" so that inmates may be eligible for emergency leaves for a critical illness or funeral of a long-term unmarried partner.

## EDUCATION ON CONSUMER PROTECTION

**Develop Model Curriculum.** The City Attorney should convene a meeting of consumer protection agencies and education administrators to promote legislation to authorize the development of a "Model Curriculum on Consumer Education" for use in grades K through 12.

**Consumer Protection Materials.** The City Council should authorize funding for the City Attorney to develop and distribute a brochure entitled "Marital Status Discrimination—Your Rights and Remedies". The Attorney General's office should also update its booklet on "Unlawful Discrimination".

**Education of Businesses.** The City Council should require the City Clerk to include a notice regarding the illegality of discrimination against consumers in the annual mailing of "Business Tax Renewal" forms to all businesses registered with the city. The City Attorney should offer to provide literature and speakers to Chambers of Commerce and other business and professional associations on the subject of marital status discrimination against consumers.

**Education of Law Enforcement.** The Los Angeles City Attorney and the San Francisco District Attorney should jointly develop materials and speakers on marital status discrimination against consumers for use by state and national associations of district and city attorneys.

## CITY ORDINANCE

**Expand City Contractor Non-discrimination Law.** The current city law prohibiting discrimination by city contractors should be amended to prohibit discrimination on the basis of "marital status" and "medical condition". The ordinance should be expanded to prohibit discrimination against tenants and consumers and not merely against employees.

## MEMBERS

In addition to Coleman, other persons who served on City Attorney Jim Hahn's Consumer Task Force on Marital Status Discrimination were: Steve Afriat, government consultant, Afriat and Blackstone; Robert Burke, attorney at law;