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Office of the City Attorney

Los Angeles, California

JAMES K. HAHN
CITY ATTORNEY

October 24, 1989

Thomas F. Coleman
Adjunct Professor
U.S.C. Law Center
P.O. Box 65756
Los Angeles, CA 90065

Dear Tom:

Thank you very much for agreeing to chair the City Attorney's Task Force on Marital Status Discrimination. Please consider this letter the formal confirmation of your appointment.

As you know better than most, there are few more timely issues facing U.S. law and society than the questions involving the definition of family and its role in American life. I look forward to working with you on the project at hand over the next few months, and I have every confidence that our pioneering efforts here in Los Angeles will help set a standard for the rest of the nation.

For your reference I have enclosed a sample copy of the appointment letter that went out to all Task Force members and liaisons, as well as the first meeting agenda. See you soon.

JAMES K. HAHN
City Attorney

JKH:cw

Encl.

LLOYD

News

from City Attorney James K. Hahn

FOR IMMEDIATE RELEASE
OCTOBER 27, 1989

MIKE QUALLS (213) 485-6493
TED GOLDSTEIN (213) 485-2065

News Advisory

City Attorney Jim Hahn will hold a news conference at 11 A.m. Monday (Oct. 30) in the 18th Floor Conference Room of City Hall East, 200 N. Main St., to announce the formation of a task force to study marital status discrimination against individuals and unmarried couples in Los Angeles and recommend ways to combat the problem.

The Consumer Task Force on Marital Status Discrimination will hold its inaugural meeting Tuesday (Oct. 31). Los Angeles attorney and USC law professor Thomas F. Coleman, who will chair the Task Force, also will participate in Monday's news conference.

The Task Force will undertake a variety of tasks, including the holding of public hearings to study discrimination in such areas as rental housing, health care services, survivors rights and membership discounts. It also will review the effectiveness of a provision of Proposition 103 which gives city attorneys and district attorneys authority to monitor and take legal action under the Unruh Civil Rights Act to stop discrimination by the insurance industry.

P.S. We are going after AAA + other companies.
- Tom

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



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November 2, 1989

Thomas F. Coleman
Adjunct Professor
U.S.C. Law Center
P.O.Box 65756
Los Angeles, CA 90056

Dear Tom,

It was a pleasure meeting with you last week. Congratulations on your fine work in inaugurating the Consumer Task Force on Marital Discrimination in Los Angeles. City Attorney James Hahn, yourself, and the distinguished members of your Task Force are to be commended for your groundbreaking work in this extremely important area.

As we discussed, I think that your innovative approach to a very serious problem will serve as a model not only for other cities in California, but for cities across the nation.

I would very much like to set up a similar Task Force in San Francisco to study business practices that discriminate against unmarried couples and individuals. I have already spoken to several San Francisco government officials, attorneys, and members of the business community regarding this idea. I have received a tremendously positive response.

Tom, if you can offer any assistance in this effort, and if you would be willing to meet with a group of interested San Francisco leaders to give us a hand in the formative stages, I would appreciate it very much.

I am willing to testify at your November hearings if that would be helpful.

Sincerely,

A handwritten signature in cursive script that reads "Arlo Smith".

Arlo Smith

FAIR EMPLOYMENT & HOUSING COMMISSION

1390 MARKET STREET, SUITE 410
SAN FRANCISCO, CALIFORNIA 94102-5377
(415) 557-2325



April 4, 1990

Hon. James K. Hahn
City Attorney
ATTN: Sky Johnson
1800 City Hall East
Los Angeles, CA 90012

Thomas F. Coleman, Esq.
P.O. Box 65756
Los Angeles, CA 90065

RE: Fair Employment and Housing Commission meeting, April 26

Dear City Attorney Hahn and Mr. Coleman:

This will confirm that you will be on the Commission's April 26 agenda to speak on the issue of marital status discrimination against consumers in various industries and services. You will be scheduled on the agenda from 1:30 p.m. to 2:00 p.m. The meeting will be held at 322 West First Street, Room 1138, Los Angeles.

Sky Johnson will be sending me copies of the City Attorney's Task Force report.

I have enclosed an information sheet about the Commission. As you know, the Commission has jurisdiction over the Unruh Civil Rights Act (Civ. Code, §51) which reaches marital status discrimination by business establishments.

I look forward to seeing you in Los Angeles.

Sincerely,


Steven C. Owyang
Executive and Legal Affairs Secretary

SCO/awh
Enclosure

THOMAS F. COLEMAN

ATTORNEY AND COUNSELOR AT LAW

CENTER FOR PERSONAL RIGHTS ADVOCACY
POST OFFICE BOX 65756 • LOS ANGELES, CA 90065 • (213) 258-8955

April 26, 1990

FAIR EMPLOYMENT AND HOUSING COMMISSION

Eradicating Marital Status Discrimination

in the Marketplace and in the Workplace

I. DISCRIMINATION IN THE MARKETPLACE

Findings of the City Attorney's Consumer Task Force:

- * 40% of consumers in California are not married
- * Discrimination Against Unmarried Consumers is Widespread
- * Types of Discrimination:
 - housing: refusal to rent to unmarried partners
 - health clubs: higher rates to unmarried partners
 - airlines: restrictions on frequent flier programs; refunds policies based on marital status
 - credit unions: no joint loans to unmarried partners
 - auto/travel clubs: higher rates to unmarried partners
 - insurance: higher premiums based on marital status
 - newspapers: won't list unmarried partner in obituary
- * Legal Protections:
 - Fair Housing Act prohibits marital status bias
 - Unruh Civil Rights Act prohibits arbitrary bias
 - Business & Prof. Code prohibits unfair practices
- * Administrative Agencies:
 - Authority: DFEH, Dept. of Ins., Local Prosecutors
 - Lack of Aggressive Action: education & enforcement
 - Lack of Coordination: overlapping jurisdiction

II. DISCRIMINATION IN THE WORKPLACE

Findings of the City Task Force on Family Diversity

* Diverse Family Structures: (% of California Households)

- Married Couple: one wage-earner (27.5%)
- Married Couple: dual wage-earner (27.5%)
- One Person (24.6%) - Single-Parent (9.1%)
- Unmarried Couple (7%) - Blood Relatives (4.3%)

* Marital Status of City Workers:

- Married: one wage-earner (11%)
- Married: dual wage-earner (49%)
- Single (35%) - Unmarried Couple (5%)

* Discrimination in Employee Benefits Programs:

- Sick & Bereavement Leave (limited to blood, marriage)
- Health Benefits: (limited to blood, marriage)
- Pension Survivor Benefits: (limited to blood, marriage)

III. RECOMMENDATIONS

- * **Consumer Education:** campaign to educate consumers about existing protections against marital status bias; change FEHC name to be state Civil Rights Commission
- * **Consumer Protection:** clarify protection under Unruh Civil Rights Act via regulations and standards
- * **Advocacy and Adjudication:** consumers and prosecutors should file complaints with DFEH, DFEH to investigate, DFEH to file with Commission, Commission to adjudicate
- * **Agency Coordination:** agencies with overlapping jurisdiction should have ongoing conferences to coordinate efforts to maximize consumer protection; FEHC should initiate this [Gov. Code Sec. 12935(g)]
- * **Employee Benefit Regulation:** FEHC should revise its own reg's on benefits to eliminate marital status bias
- * **Defend Housing Rulings:** defend rulings in court; seek amicus curiae briefs in support of FEHC rulings

your paper

The Gay Family Paper of the Santa Clara Valley

April 18, 1990

Los Angeles City Attorney's Task Force On Marital Status Discrimination Report

Los Angeles—On March 29, City Attorney James Hahn released a report which calls for sweeping reforms by government and the public sector to combat what he called "widespread and pervasive discrimination against single people, noting that 55 percent of the adults in LA are unmarried.

A parallel reality is that many of these unmarried people are the victims of widespread and pervasive discrimination in such areas as rental housing, health care services, survivors rights, membership discount and insurance.

The number of single adults is "expected to continue to grow as our society evolves and changes over the coming years," said Hahn as he released the report by his Consumer Task Force on Marital Status Discrimination.

" . . . government must come to grips with this reality and make the necessary adjustments to ensure fair and equal treatment for all citizens. . ."

—James Hahn



L.A. Commissioner Christopher McCauley joins Los Angeles attorney James K. Hahn and attorney Thomas F. Coleman in releasing the nations first major study on discrimination against single people and unmarried couples, including gays and lesbians. Coleman chaired the 21 member Consumer Task Force on Marital Status Discrimination established by Hahn. The historic report documents that 55 percent of all LA household are made up of unmarried people and that they are frequently the victims of widespread and pervasive discrimination. (L to R, Christopher McCauley, LA City Attorney James Hahn, and Thomas Coleman.

"Those of us in government must come to grips with this reality and make the necessary adjustments in the way we do things to ensure fair and equal treatment for all citizens under the law."

The city attorney released the report at a City Hall news conference also attended by attorney and USC Law Center Professor Thomas F. Coleman, who chaired the 21-member citizens panel created by Hahn last October as a result of a recommendation by the City Task Force on Family Diversity for the problem of marital status discrimination to be studied.

"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," said Coleman. "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."

The Task Force, which held three extensive public meetings during its five months of research, determined that marital status discrimination is common in a number of industries, including insurance companies, airlines, health clubs, lending institutions, automobile and travel clubs, newspapers, and housing.

"Some forms of discrimination are quite blatant," the report states, "while others are more subtle."

The report also found that "many agencies with jurisdictions to protect consumers have not effectively addressed marital status discrimination" and concluded that "most consumer protection programs focus almost exclusively on consumer fraud and virtually ignore the issue of discrimination."

Another conclusion reached by the Task Force was that "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," the report states. "Some discriminating companies have halted such practices. Others are considering changes in their corporate policies."

The report contains a number of recommendations for action by the Legislature, City Council, various government agencies, businesses, and private organizations which would be aimed at combating marital status discrimination. Included are recommendations for:

—The state insurance commissioner to defend in court the new regulations prohibiting marital status discrimination in auto insurance underwriting;

—The insurance commissioner to declare marital status discrimination as an unfair practice in all lines of insurance and instruct life insurance companies to stop interfering with an applicant's rights to name any beneficiary of his or her choice;

—The State Attorney General's Office to render an opinion as to whether 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 to eliminate marital status discrimination by allowing unmarried partners to become members;

—The Los Angeles Department of Airports to survey airlines using the LA International Airport to determine if any have promotions or discounts that are granted to spouses but not unmarried partners or household members;

—The LA City Council to add "marital status" to the city ordinance prohibiting discrimination at certain types of private clubs and

to the ordinance prohibiting discrimination by city contractors. The latter ordinance should include "medical condition," as well as "marital status," among the categories of prohibited forms of discrimination and be expanded to prohibit discrimination against tenants and consumers and not merely against employees;

—The State Legislature to add "marital status" to Business and Professions Code Section 22438, which disallows business deductions for expenditures at clubs that engage in illegal discrimination;

—The Hospital Association of Southern California to encourage member facilities to end any marital status discrimination that may exist in patient visitation rules.

"What we're talking about is the basic freedom of self determination—the freedom to choose to wed or not and to not be discriminated against on the basis of that decision," Hahn said, in discussing the report and its findings. "What we are talking about is having respect for other people and the personal decisions they make. What we're talking about is the right of everyone to have equal treatment and protection under the law."

"For example," Coleman said, "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 LA."

"The size of the unmarried population and the fact that many unmarried consumers are beginning to fight back against discrimination is some indication that a sleeping economic and political giant is awakening," Coleman added. "It is time that the business community respected the rights of this constituency and that our elected officials respond to their needs."

Noting that over the next several days the Task Force will be distributing the report to all relevant public and private agencies," Hahn said, "I urge them to study these findings and recommendations carefully."

Over the coming months, nine Task Force members headed by Coleman will continue to function as an implementation committee to work with the relevant agencies to develop and refine the recommendations in the report and pursue their implementation.

“ . . . civil rights are not diminished when they are shared . . . ”

—James Hahn

"No one wants to diminish benefits and advantages for married persons," Hahn added, but what we do want is for unmarried persons to enjoy the same benefits and advantages. As we are seeing today around the world, civil rights are not diminished when they are shared."

Coleman noted that "the movement to protect unmarried consumers also is beginning to take hold in states other than California."