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New Civil Rights Bill Helps Strengthen Fair Housing Investigations
AB 1086 Provides More Effective Tools to Investigate Housing Discrimination

Sacramento, Calif. —Today marks the end of Black History Month, a time for us to reflect on Black leadership, but also to revisit the injustice and struggles of Black people that continue today. If we learn anything from this observance it's that we have an obligation to change the discriminatory practices and policies that continue to deny and exclude communities based on their race, disability, national origin, or other identity. Assemblymember Kevin McCarty (D-Sacramento) introduced [AB 1086](#), a fair housing bill to address housing injustice. The proposed bill, sponsored by Fair Housing Advocates of Northern California (FHANC) and Public Advocates, and co-authored by Senator Smallwood-Cuevas (D-Los Angeles), would offer fair housing testers stronger tools—the ability to record conversations—to investigate and expose housing discrimination.

“Unlawful housing discrimination continues to be an issue that affects Californians,” said Assemblymember Kevin McCarty. “Where people live impacts every aspect of their lives, from accessibility to decent jobs to high-performing schools and public transportation, residents should be able to buy or rent in the neighborhoods that align best with their lifestyle. AB 1086 would allow fair housing testers to collect evidence of illegal housing discrimination and help prevent this from happening in the future.”

Currently it is a crime for a person to intentionally record a conversation with an electronic device without the consent of everyone participating. Without being able to record these interactions, a tester’s written narrative—which may not capture an exact account of what occurred or how the information was conveyed—is used to expose housing discrimination. The proposed bill would provide an exemption just for fair housing testers so that they can collect the most credible and objective information—an exact oral account of the conversation—during investigations with housing providers.

“California communities have been plagued by housing discrimination in the rental, sales, appraisal, and lending markets; this bill is a crucial step towards addressing housing discrimination in our state,” said Caroline Peattie, Executive Director of FHANC. “Just as recordings of police violence, such as the killing of George Floyd, have led to greater police accountability, so too would recordings of fair housing tests lead to more persuasive evidence of housing discrimination and more effective enforcement of fair housing laws. When we encounter housing discrimination, we can offer evidence that will be incontrovertible. Most other states allow fair housing testers to record, so if California wants to support true racial justice, we need to support this change.”

“This is a civil rights issue,” said Andrés Ramos, Legislative Counsel for Public Advocates. “California is in a housing crisis. Many of our neighbors seeking a home are rejected for no reason other than their race, their disability, or other personal identity when they otherwise meet the relevant application criteria. They deserve to find a home without prejudice and this bill will give fair housing testers the tools needed to effectively uncover and weed out this illegal discrimination. As our housing crisis continues to worsen, it is even more imperative for our state's leaders to advance racial justice by ensuring that every Californian can access a home without fear of discrimination.”

Fair Housing Advocates of Northern California is a non-profit organization serving several Bay Area counties that provides free counseling, enforcement, intervention, and legal or administrative referrals to persons experiencing housing discrimination. Fair Housing Advocates of Northern California also offers foreclosure prevention counseling, pre-purchase education, seminars to help housing providers fully understand fair housing law, and education programs for tenants and the community at large. Fair Housing Advocates of Northern California is a HUD-Certified Housing Counseling Agency. Please call Fair Housing Advocates of Northern California at (415) 457-5025 or TDD: (800) 735-2922 for more information.

Public Advocates Inc. is a nonprofit law firm and advocacy organization that challenges the systemic causes of poverty and racial discrimination by strengthening community voices in public policy and achieving tangible legal victories advancing education, housing, transportation equity, and climate justice.