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Obfuscation Masquerading As Legislation: Confusion Rules In California's Residential Disclosure And Tenant Abandonment Statutes

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An unfortunate trend in recent legislation is the increased use of technical definitions in widely separated areas of law, forcing the reader to review multiple volumes of several different codes in order to understand a single, apparently simple, piece of legislation. An early example of this was the Unruh Act, which originally prohibited business establishments from discriminating on the basis of race, color, national origin, or religion, and has been amended and expanded over time to now also prohibit discrimination on the basis of ancestry, sex, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. Although most of these terms are either self-evident or are defined in the text of the law, in some cases the statute has been amended to include additional categories or characteristics defined elsewhere, and the interpretation of the Unruh Act in the Civil Code now requires reference to §§ 12926 and 12926.1 of the Government Code for definitions of certain types of medical conditions or disabilities and also with regard to sexual orientation.

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