



CITY ATTORNEY'S OFFICE

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CITY COUNCIL STAFF REPORT

Meeting: July 18, 2023

Subject

Consider taking a position in support of, in opposition to, or otherwise regarding or in response to Senate Bill 403, amending the Unruh Civil Rights Act to clarify that existing state law prohibitions on discrimination based on ancestry prohibit discrimination based on caste or other inherited status.

Recommended Action

Consider taking a position in support of, in opposition to, or otherwise regarding or in response to Senate Bill 403, amending the Unruh Civil Rights Act to clarify that existing state law prohibitions on discrimination based on ancestry prohibit discrimination based on caste or other inherited status.

Reasons for Recommendation

Senate Bill (SB) 403, introduced by Senator Aisha Wahab (D-Hayward) ([Attachment A](#)), seeks to clarify that existing state law prohibitions on discrimination based on ancestry prohibit discrimination based on caste or other inherited status.

Existing law, the Unruh Civil Rights Act, prohibits discrimination based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status. SB 403 would define "ancestry" to include "lineal descent, heritage, parentage, caste, or any inherited social status." The bill defines "caste" to mean "an individual's perceived position in a system of social stratification on the basis of inherited status." The bill further explains: "A system of social stratification on the basis of inherited status may be characterized by factors that may include, but are not limited to, inability or restricted ability to alter inherited status; socially enforced restrictions on marriage, private and public segregation, and discrimination; and social exclusion on the basis of perceived status."

Based on the Assembly Judiciary Committee Bill Summary ([Attachment B](#)), no city has taken an official position on the legislation. Supporters have focused on the prevalence of caste discrimination within the state's South Asian community and the need to clarify existing anti-

discrimination law to protect against it. Opponents have characterized the bill as unfairly maligning, targeting, and racially profiling people of South Asian ancestry, although amendments made when the bill was presented to the Assembly Judiciary Committee (see Attachment A) at least partially addressed some opponents' objections. A list of organizations supporting and opposing the bill is provided in the attached Bill Summary.

By majority vote, Council may support or oppose SB 403. Staff would then prepare a letter for the Mayor's signature to be distributed to legislators conveying the City's official position. Alternatively, no action is required if Council does not wish to take a position on the bill.

Sustainability Impact

Not applicable.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act

Not applicable.

Prepared by: Christopher D. Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Senate Bill 403

B – Bill Summary – Assembly Judiciary Committee