

SUPREME COURT OF CALIFORNIA

Marina Point, Ltd. v. Wolfson

30 Cal. 3d 721, 640 P.2d 115, 180 Cal. Rptr. 496 (Cal. 1982) · No. L.A. 31199 · Decided February 8, 1982

SUMMARY

The California Supreme Court held that a landlord's blanket policy of refusing to rent apartments to families with minor children violated the Unruh Civil Rights Act. The court interpreted the Act as prohibiting arbitrary discrimination by business establishments, including housing providers, even when the excluded classification is not expressly enumerated. The court reversed the judgment for the landlord and did not reach the tenants' constitutional claims.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Tobriner, J.; Bird, C.J.; Richardson, J.; Newman, J.; Broussard, J.; White, J.
JURISDICTION	California
DECIDED	February 8, 1982
DOCKET	L.A. 31199
DISPOSITION	reversed
PROCEDURAL POSTURE	The tenants appealed from a municipal court judgment in an unlawful detainer action that awarded the landlord possession, damages, attorney fees, and costs. The Supreme Court of California reversed.
STANDARD OF REVIEW	The court reviewed the legal interpretation of the Unruh Civil Rights Act de novo. The dissent stated that factual findings were reviewable for substantial evidence.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Stephen Wolfson, Lois Wolfson v. Marina Point, Ltd.

TOPICS

- landlord tenant
- real estate
- civil rights
- statutory interpretation
- eviction

PRACTICE AREAS

- landlord-tenant law
- fair housing
- civil rights
- statutory interpretation
- unlawful detainer

QUESTIONS PRESENTED

1. Whether the Unruh Civil Rights Act protects children and families with children from arbitrary exclusion by a business establishment even though those classifications are not expressly enumerated in the statute.
2. Whether an apartment complex may justify a blanket exclusion of all families with minor children as a reasonable regulation rationally related to quiet, safety, maintenance, or the nature of the facilities.
3. Whether the tenants' state and federal constitutional claims should be decided.

HOLDINGS

1. The Unruh Civil Rights Act protects all persons from arbitrary discrimination by business establishments; its enumeration of particular bases of discrimination is illustrative rather than restrictive.
2. An apartment complex may not categorically exclude all children or families with children based on a generalized prediction that children as a class are more likely to be noisy, disruptive, mischievous, or damaging.
3. The decision does not invalidate reasonable age limitations for specialized housing facilities designed to meet the needs of older citizens or other specially defined populations; such facilities differ from an ordinary apartment complex open to the general public.

KEY QUOTATIONS

“Under the act, however, an individual who has committed no such misconduct cannot be excluded solely because he falls within a class of persons whom the owner believes is more likely to engage in misconduct than some other group.” (30 Cal. 3d at 725-726)

“The Unruh Act does not permit a business enterprise to exclude an entire class of individuals on the basis of a generalized prediction that the class “as a whole” is more likely to commit misconduct than some other class of the public.” (30 Cal. 3d at 739-740)

“Entrepreneurs cannot pursue a broad status-based exclusionary policy that operates to deprive innocent individuals of the services of the business enterprise to which section 51 grants “all persons” access.” (30 Cal. 3d at 740)

FACTUAL BACKGROUND

Marina Point operated an 846-unit privately owned apartment complex. Although it previously rented to families with children, in 1974 it adopted a policy of ultimately excluding all children and refused to renew the Wolfsons' lease solely because their son, Adam, lived with them. The landlord relied on generalized assertions that children were noisier, more mischievous, caused more wear and tear, and lacked suitable recreational facilities, but presented no evidence that Adam had caused any disturbance.

PROCEDURAL HISTORY

Marina Point refused to renew the Wolfsons' apartment lease solely because their family included a minor child and brought an unlawful detainer action when they failed to vacate. The municipal court held that the landlord's

exclusionary policy did not violate the Unruh Civil Rights Act or other asserted rights and entered judgment for Marina Point. The tenants appealed; the Supreme Court reversed on statutory grounds and did not reach the constitutional claims.

DISPOSITION

reversed

CASES CITED

- In re Cox, 3 Cal. 3d 205, 90 Cal. Rptr. 24, 474 P.2d 992 (1970)
- S.P. Growers Association v. Rodriguez, 17 Cal. 3d 719, 724, 131 Cal. Rptr. 761, 552 P.2d 721 (1976)
- Schweiger v. Superior Court, 3 Cal. 3d 507, 90 Cal. Rptr. 729, 476 P.2d 97 (1970)
- Abstract Investment Co. v. Hutchinson, 204 Cal. App. 2d 242, 22 Cal. Rptr. 309 (1962)
- Swann v. Burkett, 209 Cal. App. 2d 685, 694-695, 26 Cal. Rptr. 286 (1962)
- Burks v. Poppy Construction Co., 57 Cal. 2d 463, 467-471, 20 Cal. Rptr. 609, 370 P.2d 313 (1962)
- Stoumen v. Reilly, 37 Cal. 2d 713, 716, 234 P.2d 969 (1951)
- Orloff v. Los Angeles Turf Club, 36 Cal. 2d 734, 227 P.2d 449 (1951)
- Vallergera v. Department of Alcoholic Beverage Control, 53 Cal. 2d 313, 319-320, 1 Cal. Rptr. 494, 347 P.2d 909 (1959)
- Flowers v. John Burnham & Co., 21 Cal. App. 3d 700, 98 Cal. Rptr. 644 (1971)
- Hales v. Ojai Valley Inn and Country Club, 73 Cal. App. 3d 25, 28-29, 140 Cal. Rptr. 555 (1977)
- Willis v. McMahan, 89 Cal. 156, 157-158, 26 P. 649 (1891)
- Piluso v. Spencer, 36 Cal. App. 416, 419, 172 P. 412 (1918)
- Greenberg v. Western Turf Association, 140 Cal. 357, 362, 73 P. 1050 (1903)
- Perrine v. Paulos, 100 Cal. App. 2d 655, 657, 224 P.2d 41 (1950)
- Los Angeles Department of Water & Power v. Manhart, 435 U.S. 702, 708 (1978)
- Atwater v. Sawyer, 76 Me. 539 (1884)
- Newby v. Alto Riviera Apartments, 60 Cal. App. 3d 288, 302, 131 Cal. Rptr. 547 (1976)
- Taxpayers Association of Weymouth Township v. Weymouth Township, 71 N.J. 249, 364 A.2d 1016 (1976)
- Green v. Superior Court, 10 Cal. 3d 616, 622 n.6, 111 Cal. Rptr. 704, 517 P.2d 1168 (1974)
- In re Gladys R., 1 Cal. 3d 855, 868-869, 83 Cal. Rptr. 671, 464 P.2d 127 (1970)
- Brailsford v. Blue, 57 Cal. 2d 335, 339, 19 Cal. Rptr. 485, 369 P.2d 13 (1962)
- Richfield Oil Corp. v. Public Utilities Commission, 54 Cal. 2d 419, 430, 6 Cal. Rptr. 548, 354 P.2d 4 (1960)
- Buckley v. Chadwick, 45 Cal. 2d 183, 200, 288 P.2d 12, 289 P.2d 242 (1955)
- Palos Verdes Faculty Association v. Palos Verdes Peninsula Unified School District, 21 Cal. 3d 650, 659, 147 P.2d 359, 580 P.2d 1155 (1978)
- Estate of McDill, 14 Cal. 3d 831, 840, 122 Cal. Rptr. 754, 537 P.2d 874 (1975)
- Winchell v. English, 62 Cal. App. 3d 125, 128-130, 133 Cal. Rptr. 20 (1976)

- *Gay Law Students Association v. Pacific Telephone & Telegraph Co.*, 24 Cal. 3d 458, 480 n.13, 468, 493, 156 Cal. Rptr. 14, 595 P.2d 592 (1979)
- *Stevens v. Parke, Davis & Co.*, 9 Cal. 3d 51, 63-64, 107 Cal. Rptr. 45, 507 P.2d 653 (1973)
- *Primm v. Primm*, 46 Cal. 2d 690, 693, 299 P.2d 231 (1956)

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