



Housing and Community Development Department
250 Frank H. Ogawa Plaza, Suite 6301, Oakland, CA 94612

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Fair Chance Access to Housing Ordinance NO. 13581 C.M.S.

FREQUENTLY ASKED QUESTIONS

What Does the Fair Chance Access to Housing Ordinance Do?

Generally, it prohibits rental housing providers in Oakland from advertising that applicants with criminal history will not be considered, inquiring about criminal history in rental applications, or relying on criminal history in making rental determinations. Affordable housing providers such as public housing or HUD-assisted housing providers may screen only when required to under federal or state law.

What Are the Main Exceptions?

1. Single-family homes, duplexes, triplexes, and ADUs (Accessory Dwelling Units) where the owner occupies one of the units as a principal residence.
2. Tenants who seek to add a co-tenant or a roommate.
3. Under certain circumstances, the housing provider may review the State's lifetime sex offender registry after a conditional offer has been made, the applicant has consented, and been allowed to provide rebutting information.

What Rules Apply to Affordable Housing Providers?

Affordable housing providers, including HUD-assisted units, are permitted to conduct limited background checks if required by federal or state rules. Optional background checks that are not required under federal or state law are not allowed under the Ordinance.

When is the Ordinance Effective?

The Ordinance became effective on February 4, 2020. However, housing providers have a six-month grace period, commencing February 4th, 2020, within which they cannot be held liable for a violation unless a warning has been received.

How Is It Enforced?

1. Applicants who believe a housing provider has violated the Ordinance can file a complaint with the City and/or file a lawsuit.
2. The City may issue civil penalties of up to \$1,000 per violation or file an enforcement action against a housing provider.

To Contact / For More Information:

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250 Frank Ogawa Plaza, Suite 6301
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(510) 238-6182
oaklandca.gov/topics/housing-resource-center

If you want to request a copy of this information in Chinese/ Spanish please contact: housingassistance@oaklandca.gov / 510.238.6182
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