



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

NOTICE TO RENTAL PROPERTY OWNERS:

OAKLAND LAW NOW PROHIBITS USE OF CRIMINAL HISTORY AND/OR CRIMINAL BACKGROUND CHECKS IN TENANT SELECTION PROCESS

Ronald V. Dellums and Simarashe Sherry Fair Chance Access to Housing Ordinance

Attention: On February 4, 2020, Oakland City Council passed the “Fair Chance Access to Housing Ordinance.” (Ordinance No. 13581 C.M.S., O.M.C. 8.25). The Ordinance makes it unlawful for Oakland landlords to consider criminal history in tenant screening for rental housing.

PLEASE BE ADVISED THAT IT IS NOW UNLAWFUL TO DO ANY OF THE FOLLOWING WITH REGARD TO CURRENT OR PROSPECTIVE TENANTS:

- Inquire about criminal history
- Indicate that persons with criminal backgrounds will not be considered for housing, including in rental advertisements, application materials, or verbally
- Refuse to rent or terminate a tenancy based on criminal history
- Require disclosure or authorization for release of criminal history
- Demand higher security deposit or rental amount based on criminal history
- Refuse to allow the addition of an immediate family member based on the family member’s criminal history
- Disqualify tenants from rental assistance programs such as Section 8 based on criminal history
- Take any other negative action against applicants/tenants based on criminal history

EXCEPTIONS: Very limited exceptions apply for conducting searches of the state registry of lifetime sex offenders, applications to public housing, and rentals of single-family homes, duplexes, and triplexes where the owner occupies one of the units as a principal residence.

If a landlord chooses to conduct a search of the state registry of lifetimes sex offenders, the landlord must first:

- 1) Include a statement in the rental application informing applicants of the sex offender screening requirement;
- 2) Have already determined that an applicant meets all other rental criteria;
- 3) Provided the applicant with a conditional rental agreement;
- 4) Informed the applicant in advance of checking the sex offender registry; and
- 5) Either obtain written consent from the applicant or give the applicant an opportunity to withdraw their application prior to conducting a search.

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

如果您想要求此文件的中文版本, 請聯絡 : 電郵 housingassistane@oaklandca.gov/電話 510. 238. 6182

Si desea solicitar una copia de esta información en español, póngase en contacto con: housingassistance@oaklandca.gov/ 510.238.6182



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LANDLORDS CONSIDERING TAKING ADVERSE ACTION (SUCH AS REFUSING TO RENT TO AN APPLICANT) AS A RESULT OF CRIMINAL HISTORY ARE REQUIRED TO PROVIDE APPLICANTS/TENANTS WITH NOTICE AND AN OPPORTUNITY TO RESPOND

Landlords considering taking any adverse action against an applicant/tenant based on criminal history (such as refusing to rent to the tenant or refusing to add a tenant's family member) are now required to provide the applicant/tenant with written notice and an opportunity to respond before any final decision is made. This is due in large part to the fact that reporting services frequently provide inaccurate or incomplete information.

Notice must include:

- The reasons for denial or other action
- Instructions on how to file a complaint with the City
- A list of local legal services
- A copy of the criminal history report, background check, or other information received that is the basis of the decision

Applicant/tenant must be given opportunity to:

- Respond to the information
- Present any rebutting or mitigating information, such as evidence that the information is incorrect, was remedied, or otherwise should not be used to deny the applicant housing

ALL HOUSING APPLICATION MATERIALS MUST INCLUDE A COPY OF THE ENCLOSED NOTICE TO APPLICANTS AND TENANTS

The enclosed Notice to Applicants and Tenants must be prominently included in any application material, websites, and any other location frequently visited by housing applicants.

LANDLORDS FOUND TO BE IN VIOLATION OF THE ORDINANCE ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES

Any landlord found to be in violation of the Ordinance shall be subject to administrative fines of up to \$1,000 per violation, civil damages including three times the greater of actual damages or one month's rent, punitive damages, attorneys fees and costs, and injunctive relief. Any housing provider who knowingly and willfully violates the Ordinance shall also be guilty of a criminal misdemeanor.

For more information, contact: City of Oakland
Housing Resource Center
Phone: 510.238.6182
Email: housingassistance@oaklandca.gov

You may read a copy of the Ordinance by visiting the City of Oakland website at: oaklandca.gov/topics/housing-resource-center or consult with an attorney for more information.

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Local Resources for Property Owners & Tenants

Local Organizations Providing Assistance to Property Owners

Alameda County Bar Association

Legal Access Alameda

1000 Broadway, Suite 290, Oakland, CA 94607

Phone: 510-302-2222. Option 4

Phone hours: 8:30am-12:00pm and 1:00pm-3:00pm

Website: <http://legalaccess.org/>

Email: amarilis@acbanet.org

Low-income Landlord Eviction Assistance clinic is offered weekly by appointment.

East Bay Rental Housing Association

3664 Grand Ave, Suite B, Oakland, CA 94610

Phone: 510-893-9873

Hours: Monday-Friday 9:00am-5:00pm (closed for lunch from 12:30pm-1:30pm)

Website: <https://www.ebrha.com>

Email: news@ebrha.com

EBRHA is a full-service nonprofit organization dedicated to promoting fair, safe and well-maintained residential rental housing that is compliant with local ordinances and state/federal laws. We offer our rental property owner and manager members city-specific and timely education, one-on-one property management advice, free rental forms, networking opportunities, and advocacy at the state and local level. EBRHA supports our members, neighbors and local businesses with community improvement and sustainability initiatives.



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Local Organizations Providing Assistance to Property Owners and Tenants

SEEDS Community Resolution Center

2530 San Pablo Ave, Suite A, Berkeley, CA 94702

Phone: 510-548-2377

Fax: 510-548-4051

Website: www.seedscrc.org

Email: casedeveloper@seedscrc.org

Hours: Monday-Thursday 9:00am-5:00pm

Provides mediation, facilitation and training. Can schedule a mediation session within 10 to 14 business days after all parties involved go through an intake process by phone. \$75 per party involved, per mediation session (sliding scale available; no one is turned away for lack of funds).

Housing and Economic Rights Advocates (HERA)

1814 Franklin St, Suite 1040, Oakland, CA 94612

Mailing Address: P.O. Box 29435, Oakland, CA 94604

Phone: 510-271-8443 (No drop-ins)

Fax: 510-868-4521

Drop-in hours for landlords: Tuesdays and Thursdays 9:30am- 1:00pm at RAP

Website: <http://www.heraca.org>

Email: inquiries@heraca.org

Promotes affordable and fair credit access, asset building and preservation. Fights abusive mortgage servicing, problems with homeowner associations, foreclosure, escrow and other homeowner problem, predatory lending of all kinds, and discrimination in financial services and consumer transactions. Provides financial counseling to individuals and community education workshops. Trains service providers and other professionals. Translates clients' experiences and needs into policy work. Collaborates with many different partners across the state and country and creates positive solutions for vulnerable residents.

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