



Fair Chance Access to Housing Ordinance

Ordinance No 13581 C.M.S.

Expands Housing Access for People with Criminal Records

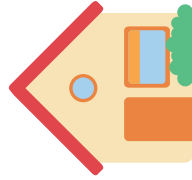
What does this mean for landlords and tenants?

Housing Providers:

Generally prohibits rental housing providers from screening criminal history of applicants during the advertisement, application, selection, or eviction process.

Housing Applicants:

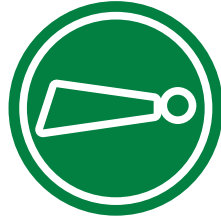
An easier pathway for residents with criminal records to reintegrate and access housing and a strengthening of tenant rights through legal protection.



Main Exceptions

When can they ask for a background check?

- Owner occupied units such as single family homes, duplexes, triplexes, and ADUs (Accessory Dwelling Units).
- Tenants who seek to add a co-tenant.
- 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.
- HUD funded units are permitted to conduct limited background checks, if required by federal rules, after the applicant has provided consent and been allowed to provide rebutting information.



Implementation Information

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.

Enforcement



- Applicants who believe their rights have been infringed in violation of this ordinance can file a complaint with the City and/or file a lawsuit.
- Tenants who seek to provide housing to (a) close family member(s) with criminal history and are denied can file a complaint with the City and/or file a lawsuit.

Violations



- The City may issue civil penalties of up to \$1,000 per violation. If an action is filed and the plaintiff prevails, a court may award damages, attorneys fees, and penalties.
- Information and Forms can be found at <https://www.oaklandca.gov/resources/fair-chance-access-to-housing-ordinance>.

CITY OF OAKLAND
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOUSING RESOURCE CENTER
250 FRANK OGAWA PLAZA, SUITE 6301 OAKLAND, CA 94601
(510) 238-6182 WWW.OAKLANDCA.GOV



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

Ronald V. Dellums and Simarashe Sherry
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:

City of Oakland
Housing and Community Development Department
250 Frank Ogawa Plaza, Suite 6301
Oakland, CA 94612
(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
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