



City of Oakland's Ronald V. Dellums & Simbarashe Sherry Fair Chance Access to Housing Ordinance Summary

Expands Housing Access for People with Criminal Records: generally prohibits rental housing providers in Oakland, including private, affordable housing, and public housing, from including/requiring/or applying criminal background checks in rental advertisements, applications, determinations, or evictions.

Main Exceptions:

1. The following properties when the **owner occupies** the property are **exempt**: ADUs, single family homes, duplexes, and triplexes.
2. Tenants seeking to add or replace a co-tenant are **exempt**.
3. To the extent permitted by state law, housing providers can review the **State's lifetime sex offenders registry** so long as to protect the safety of persons at risk. They must provide a conditional offer of housing prior to reviewing the registry, obtain written consent from the applicant, and give the applicant a chance to provide rebutting or mitigating information.
4. Housing providers of **HUD funded units** may conduct a limited criminal background check as required by federal rules. They must seek written consent from the applicant, provide the applicant with a copy of the background check, and provide the applicant a chance to submit rebutting or mitigating information.

Implementation: The ordinance takes effect immediately after City Council passage but housing providers have a 6 month grace period where they cannot be held liable for a violation unless they received a warning.

Enforcement Avenues:

1. Rental Housing applicants who believe their rights have been violated can file a complaint with the City and/or bring a lawsuit.
2. Tenants who are denied the right to provide housing to a close family member based on the family member's criminal record or who experience other violations of the ordinance can file a complaint with the City and/or bring a lawsuit.
3. The City can engage in administrative action or file a lawsuit.

Remedies Available: Upon determination of violations, the City can issue civil penalties of up to \$1,000 per violation. Or if private action is filed and the plaintiff prevails, a court could award damages, attorney's fees, potential penalties or other remedies.