

Oakland Fair Chance Access to Housing Ordinance

The notice to Applicants and Tenants can be downloaded and reviewed here: [Oakland-Fair-Chance.pdf](#)

NOTICE TO APPLICANTS AND TENANTS:

OAKLAND LAW PROHIBITS RENTAL DISCRIMINATION BASED ON CRIMINAL HISTORY

Ronald V. Dellums and Simarashe Sherry Fair Chance Access
to Housing Ordinance No. 13581 C.M.S. (O.M.C. 8.25)

IT IS UNLAWFUL FOR LANDLORDS 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
- 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 (subject to certain exceptions below)
- Take any other negative action against applicants/tenants based on criminal history

EXCEPTIONS:

LIFETIME SEX OFFENDERS: In some circumstances, landlords may check the state registry

of lifetime sex offenders. Prior to doing so, a 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.

WRITTEN NOTICE AND OPPORTUNITY TO RESPOND REQUIRED

If a landlord takes any action against an applicant or tenant based on criminal history (such as refusing to offer a lease, refusing to add a family member, etc.), the landlord is required to provide the applicant/tenant with **written notice** and an **opportunity to respond**.

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

Tenant/applicant 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

IF YOU BELIEVE A LANDLORD HAS VIOLATED THE LAW BY INQUIRING ABOUT, REFUSING TO RENT TO, OR OTHERWISE DISCRIMINATING AGAINST YOU ON THE BASIS OF CRIMINAL HISTORY:

You may submit a complaint to the City by filling out the attached form and sending, along with documentation, to:

- City of Oakland
Housing Resource Center
250 Frank Ogawa Plaza, Suite 6313
Oakland, CA 94612

Complaint forms may be emailed to: housingassistance@oaklandca.gov

For more information call: Housing Resource Center at: 510.238.6182 or visit <https://www.oaklandca.gov/resources/fair-chance-access-to-housing-ordinance>

Source: <https://dev.alleastbayproperties.com/oakland-fair-chance-2/>