



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

## **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.

**PUBLIC HOUSING:** Public housing providers (i.e. Oakland Housing Authority) may be legally required to exclude the following persons from public housing and/or find such persons ineligible for Housing Choice Voucher Programs (Section 8):

- Persons subject to lifetime sex offender registration (42 U.S.C. Sec. 13663(a))
- Persons convicted of manufacturing methamphetamine on federally-assisted housing property (24 C.F.R. Sec. 982.553)

Prior to conducting any required criminal history search, landlords must inform applicants in advance and give applicants an opportunity to withdraw their application.



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**SMALL PRIVATE RENTALS**: The prohibition against consideration of criminal history does not apply to the following living situations:

- Single-family homes, duplexes, and triplexes where the owner occupies one of the units as a principal residence
- Units occupied by existing tenant(s) seeking to sublet or add/replace roommates

### **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:**

- 1) 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](mailto: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>

- 2) Attached is a list of legal services and other resources that may be available to assist you



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### **Housing Violators Subject to Administrative Action**

Violations by a housing provider of specific provisions of the Fair Chance Access to Housing Ordinance No. 13581 C.M.S. (O.M.C. 8.25) may be subject to an administrative citation.

The City of Oakland may issue a citation for any violation of the Fair Chance Access to Housing Ordinance, including but not limited to the following:

- 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)
- Take any other negative action against applicants/tenants based on criminal history

If you believe there has been a violation, you may submit a request for the City of Oakland or its authorized agent to investigate possible violations. Complete a written complaint on the attached Declaration Form and mail or email to:

City of Oakland  
Housing and Community Development Department  
250 Frank Ogawa Plaza, Suite 6301  
Oakland, CA 94612  
email: [housingassistance@oaklandca.gov](mailto:housingassistance@oaklandca.gov)

For information call 510. 238.6182 or visit  
<https://www.oaklandca.gov/resources/fair-chance-access-to-housing-ordinance>



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

**Declaration of Housing Applicant or Tenant**

Full Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip Code \_\_\_\_\_

**1. Housing Provider:**

\_\_\_\_\_  
Name, full address and phone number of the housing provider (if known)

\_\_\_\_\_  
Address of relevant property

**2. Alleged Violation Options (check all that are applicable):**

- Asked about criminal history
- Not considered
- Refused to rent/terminated
- Required disclosure/authorization
- Rent/deposit increased
- Refused family member
- Disqualified rental assistance
- Other \_\_\_\_\_

**3. This Declaration informs the City of Oakland about what I think is a violation of the Fair Chance Ordinance. (Please be as complete and accurate as possible. Attach extra sheets if necessary.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. The foregoing is true and correct to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check here if you are submitting documents (e.g., a copy of the advertisement or the rental application) with this Declaration. (Submitting documents that tend to support your allegations is optional but encouraged insofar as they would assist with this investigation.)



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## **Local Organizations Providing Assistance to Tenants**

### Causa Justa :: Just Cause

Main office: 3344 International Blvd., Oakland, CA 94601

Housing Clinic location: 1419 34<sup>th</sup> Ave #203 Oakland, CA 94601

(NOTE: drop-in hours temporarily suspended as of 6/7/19)

Tenant Hotline: 510-836-2687, General: 510-763-5877

Email: [info@cijc.org](mailto:info@cijc.org)

Website: <https://cijc.org>

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

### Centro Legal de la Raza

3022 International Blvd., Suite 410, Oakland, CA 94601

Office hours: Mon-Thurs 9:00 am-12:00pm, 1:00-5:00; Fri 9:00am-12:00pm

Phone: 510-437-1554

Email: [info@centrolegal.org](mailto:info@centrolegal.org)

Website: <https://centrolegal.org>

Drop in Clinics:

- Every Tuesday, 9:00 AM  
Centro Legal, 3022 International Blvd. Suite 410, Oakland, CA 94601
- Every 2<sup>nd</sup> Thursday, 9 – 11 am  
Eastmont Library, 7200 Bancroft Ave #211, Oakland, CA 94605
- Every 3<sup>rd</sup> Thursday, 10 am – 12 noon  
West Oakland Library, 1801 Adeline St, Oakland, CA 94607

Centro Legal is a legal services agency protecting and advancing the rights of low-income, immigrant communities through bilingual legal representation, education, and advocacy, know-your-rights education and youth development.

### East Bay Community Law Center

1950 University Ave., Ste 200, and 2921 Adeline St, Berkeley, CA 94703

Phone: 510-548-4040

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

Email: [info@ebclc.org](mailto:info@ebclc.org)

Website: <https://ebclc.org>

Counseling and assistance in filing legal paperwork (for low-income tenants only). Free community workshops for low-income tenants who have disputes with their property owners.



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### Eviction Defense Center

350 Frank Ogawa Plaza, Suite 703, Oakland, CA 94612

Phone: 510-452-4541 Website: <https://www.evictiondefensecenteroakland.org>

Hotline: 510-693-2775 (accepts text messages & after hours)

Hours: Mon/Tues/Thurs 9:00am-5:00pm

Wed/Fri 9:00am-4:00pm; Closed 12:00-2:00pm Daily

Nonprofit provides low-cost legal services to tenants facing eviction in Alameda County and the city of Richmond. All services are offered on a sliding scale basis.

### Oakland Tenants Union

P.O. Box 10573, Oakland, CA 94601

Phone: 510-704-5276 (leave a voicemail)

Email: [help@oaklandtenantsunion.org](mailto:help@oaklandtenantsunion.org) Website: <https://oakandtenantsunion.org>

Drop-in hours: 1<sup>st</sup> and 3<sup>rd</sup> Sunday 3-5pm, Oakland Public Library, Main Branch

A *volunteer* referral and resource organization of housing activists dedicated to protecting tenants' rights and interests. *Volunteers* may not be able to return your call right away.

### Tenants Together

474 Valencia St #156, San Francisco, CA 94103 (no drop-in services)

Tenants' Rights Hotline: 888-495-8020

Email: [info@tenantstogether.org](mailto:info@tenantstogether.org) Website: [www.tenantstogether.org](http://www.tenantstogether.org)

A nonprofit organization dedicated to defending and advancing the rights of California tenants for safe, decent, and affordable housing.

### Bay Area Legal Aid-Alameda County Office

1735 Telegraph Ave, Oakland, CA 94612 (No walk-ins)

Phone: 510-663-4744 | Legal Advice Line: 800-551-5554

Tenants' Rights Legal Advice Line: 888-382-3405

M, Th, F: 9:30-12:30; T & W: 1:00-4:00pm

Website: <http://baylegal.org>

Provides legal assistance regardless of a client's location, language or disability Tenants may receive assistance with: evictions, housing discrimination, disputes, unsafe or unhealthy housing conditions, lock-outs and utility shut-offs, and tenants of foreclosed properties.

If you want to request a copy of this information in Chinese/ Spanish please contact: [housingassistance@oaklandca.gov](mailto: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 [housingassistance@oaklandca.gov](mailto:housingassistance@oaklandca.gov)/ 電話 510.238.6182

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



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### Alameda County Social Services Agency

Housing and Homeless Services

Website: [https://alamedasocialservices.org/public/services/housing\\_and\\_homeless/housing\\_and\\_homeless.cfm](https://alamedasocialservices.org/public/services/housing_and_homeless/housing_and_homeless.cfm)

Alameda County SSA provides cash aid or housing voucher assistance to families and single adults who are homeless or at-risk of becoming homeless in the county.

For emergency shelter, contact Eden Information and Referrals: 510-537-2552.

### Season of Sharing

Phone: 510-272-3700

Website:

[https://www.alamedasocialservices.org/public/services/community/season\\_of\\_sharing.cfm](https://www.alamedasocialservices.org/public/services/community/season_of_sharing.cfm)

The SOS program is a private fund providing one-time crisis based assistance for housing and critical family needs to Alameda County residents. Grants are based not only for criteria being met but also on merit and the greatest need. Assistance is not guaranteed. For more information, call the automated pre-screening phone number or visit the program website.

## **Local Organizations Providing Assistance to Seniors**

### Berkeley East Bay Gray Panthers

Phone: 510-842-6224

Website: <https://www.facebook.com/berkeleygraypanthers/>

Email: [graypanthersberk@aol.com](mailto:graypanthersberk@aol.com)

The Gray Panthers are involved in progressive education politics, social justice, civil rights for the homeless, housing affordability, climate change, the environment and against war.

### Legal Assistance for Seniors

333 Hegenberger Rd, Suite 850, Oakland, CA 94621

Phone: 510-832-3040

Hours: Monday-Friday 9:00am-5:00pm (call for an appointment)

Website: <https://www.lashicap.org>

Email: [las@lashicap.org](mailto:las@lashicap.org)



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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](http://www.seedscrc.org)

Email: [casedeveloper@seedscrc.org](mailto: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](mailto: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.