



City of Berkeley
2180 Milvia Street, Berkeley, CA 94704

NOTICE TO RENTAL PROPERTY OWNERS:

BERKELEY LAWS PROHIBIT USE OF CRIMINAL HISTORY AND/OR CRIMINAL BACKGROUND CHECKS IN TENANT SELECTION PROCESS AND DISCRIMINATION BASED ON SOURCE OF INCOME

ATTENTION: On March 10, 2020, Berkeley City Council passed the “Fair Chance Access to Housing Ordinance” (Ordinance No. 7,692-N.S.). The Ordinance makes it unlawful for Berkeley landlords to consider criminal history in tenant screening for rental housing.

Please visit www.cityofberkeley.info/fairchance.aspx to obtain a copy of the Fair Chance Access to Housing Ordinance and required materials for applicants and tenants.

REMINDER: On July 25, 2017, Berkeley City Council added language to BMC 13.31 (Discrimination in Property Rental) to prohibit discrimination based on source of income.

PLEASE BE ADVISED THAT IT IS 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 (subject to certain exceptions below)
- Take any other negative action against applicants/tenants based on criminal history
- Refuse to rent to someone based on their source of income - this includes income in the form of a housing voucher such as Section 8 or Shelter Plus Care.

INFORMATION ON FAIR CHANCE HOUSING ORDINANCE

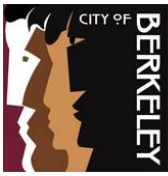
All housing application materials must include an official *Notice to Applicants/Tenants regarding their rights*. The notice should be prominently included in any application material, websites, and any other location frequently visited by housing applicants. An official Notice will be available on the City’s Fair Chance webpage.

To request a copy of this information in Chinese/Spanish, please visit: www.cityofberkeley.info/fairchance.aspx

如果您想要求此文件的中文版本,請聯絡: www.cityofberkeley.info/fairchance.aspx

Si desea solicitar una copia de esta información en español, póngase en contacto con:

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Please Note: 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 to the fact that criminal background checks and reporting services frequently provide inaccurate or incomplete information.

Written 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

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 at least \$1,000 and up to \$10,000 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.

You may consult with an attorney for more information. A copy of the Ordinance, resources for Property Owners and Tenants and more information is available on the City of Berkeley's Fair Chance for Housing webpage: www.cityofberkeley.info/fairchance.aspx.

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