

HOUSING ACCESS AND THE CRIMINALIZATION OF HOMELESSNESS:

AN ADVOCATE'S GUIDE TO NEW COURT PRECEDENTS AND FAIR CHANCE PROTECTIONS

2026

This resource was developed in March 2026 by Legal Services for Prisoners with Children (LSPC) with review and feedback provided by Justice in Aging, Lawyers' Committee for Civil Rights, National Housing Law Project, and Western Center on Law and Poverty. LSPC organizes communities impacted by the criminal justice system and advocates to release incarcerated people, restore human and civil rights, and to reunify families and communities.

This resource provides general legal information only, and is NOT intended as legal advice.

LEGAL SERVICES FOR PRISONERS WITH CHILDREN (LSPC)

4400 MARKET STREET, OAKLAND, CA 94608

PHONE: (415) 255-7036 | FAX: (415) 552-3150

ABOUT THIS GUIDE

HOUSING ACCESS AND THE CRIMINALIZATION OF HOMELESSNESS is designed to be used by social justice advocates—including attorneys and community organizers—working with unhoused people and people with criminal legal system involvement towards housing justice in California.

The guide is split into three parts, with the Introduction providing an overview of the relationship between homelessness and the criminal legal system and how recent changes in federal law further entrench that relationship.

Part 1 focuses on the criminalization of unsheltered homelessness through punitive local ordinances, discussing the U.S. Supreme Court’s 2024 decision in *City of Grants Pass v. Johnson*, identifying legal strategies to challenge similar ordinances post-*Grants Pass*, and highlighting several recent Ninth Circuit district court decisions that could be used to support challenges to local ordinances despite the *Grants Pass* ruling.

Part 2 focuses on housing access for people with criminal legal system involvement. It describes changes in federal enforcement of the Fair Housing Act, before turning to protections under California’s Fair Employment and Housing Act and local fair chance housing ordinances.

Part 3 is designed to be used by directly impacted communities and their advocates to promote housing access. It contains know-your-rights information on housing discrimination and describes how to file a complaint with the California Civil Rights Department if those rights are violated. Finally, it also contains information on several agencies offering assistance with housing and other social services.

TABLE OF CONTENTS

ABOUT THIS GUIDE.....	1
INTRODUCTION.....	3
PART 1: CHALLENGING THE CRIMINALIZATION OF HOMELESSNESS AFTER GRANTS	
PASS.....	4
<i>Grants Pass: Upholding the Criminalization of People in Encampments.....</i>	<i>5</i>
<i>Post-Grants Pass: Surviving Ways to Challenge Camping Bans.....</i>	<i>5</i>
<i>Recent Federal District Court Cases Within the Ninth Circuit.....</i>	<i>7</i>
PART 2: FAIR CHANCE HOUSING AT FEDERAL, STATE, AND LOCAL LEVELS.....	9
The Federal Fair Housing Act.....	10
California's Fair Employment and Housing Act.....	13
Local Policies and Ordinances.....	14
PART 3 KNOW-YOUR-RIGHTS AND HOUSING RESOURCES.....	15
Know-Your-Rights.....	16
What Can I Do if My Rights Have Been Violated.....	18
Legal Aid and Fair Housing Resources.....	20
Housing Support and Shelter Resources.....	22
APPENDICES.....	24
APPENDIX A.....	25
FAQ on Fair Housing and Criminal History from the CA Civil Rights Department.....	26
APPENDIX B.1: EXAMPLES OF EFFECTIVE ADVOCACY.....	30
2025 Fair Housing Advocates of Northern California (FHANC) Case Against Two Coast Living Property Management	
FHANC Press Release on Two Coast Settlement.....	31
Civil Rights Department Complaint Against Two Coast.....	34
Settlement Agreement With Two Coast.....	42
APPENDIX B.2: EXAMPLES OF EFFECTIVE ADVOCACY.....	51
2026 Case Against Greystar California, Inc.	
Civil Rights Department Press Release on Greystar Settlement.....	52
Settlement Agreement with Greystar.....	54
APPENDIX C.....	62
Template Letter for Reconsideration (General).....	63
APPENDIX D.....	66
FAQ Sheets on Fair Chance Housing Ordinances (Berkeley and Oakland).....	67
APPENDIX E.....	74
Advocacy Letter for Housing Provider Education (Berkeley or Oakland).....	75
APPENDIX F.....	77
Template Letter for Reconsideration (Berkeley or Oakland).....	78

INTRODUCTION

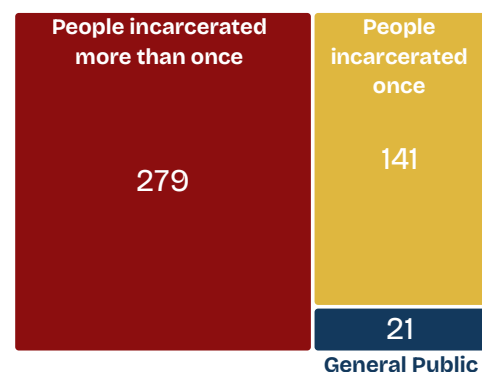
The deeply intertwined relationship between unsheltered homelessness and the criminal legal system has been well established by social science research.¹ People experiencing homelessness are more likely to be impacted by the criminal legal system because being forced to live outside makes a person vulnerable to citations or arrests, and people with criminal records often experience barriers to accessing housing and are more likely to experience homelessness.

Rather than investing in housing and supportive social services, many municipalities have chosen to criminalize “public nuisance” behaviors—such as camping and loitering—and punish people for being without a home. The U.S. Supreme Court recently upheld the constitutionality of one such “camping ban” in *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024). At the same time, the federal executive has taken steps to create barriers for people with criminal records to enforce their rights by rescinding regulations and administrative guidance affirming disparate impact discrimination under the Fair Housing Act. Instead of breaking the link between homelessness and the criminal legal system, these policies further entrench it.

Despite the hostile federal landscape, advocates for housing justice can still mount challenges to punitive local ordinances through alternative legal strategies (see [Part 1](#)), ensure housing provider compliance with state and local fair chance policies (see [Part 2](#)), and promote public awareness of housing anti-discrimination rights and remedies (see [Part 3](#)). Additional resources that may be useful to advocates are included in the Appendices of this resource.

People incarcerated more than once are 13 times more likely to experience homelessness than the general public.

(Source: [Urban Institute 2020](#), see footnote 1)



¹ [*Five Charts that Explain the Homelessness-Jail Cycle - and How to Break It*](#), Urban Institute (Sept. 16, 2020).

PART 1:

CHALLENGING THE CRIMINALIZATION OF HOMELESSNESS AFTER *GRANTS PASS*

In 2024, the U.S. Supreme Court seriously curtailed the rights of persons to dwell in public lands, negatively impacting unhoused persons most of all. However, avenues of advocacy to protect the rights of unhoused people still remain. The following part of this resource provides an overview of the Court's Grants Pass decision, outlines surviving ways to challenge ordinances that criminalize or ban camping, and highlights several recent decisions from district courts in the Ninth Circuit that may be useful to advocates.

GRANTS PASS: UPHOLDING THE CRIMINALIZATION OF PEOPLE IN ENCAMPMENTS

In *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024), the Court upheld a local ordinance that criminalized camping on public property. The court rejected the claim that the Eighth Amendment's ban on cruel and unusual punishment prohibited the municipality from, in the view of the plaintiffs, essentially criminalizing the status of being homeless. In so ruling, the Court limited the reach of *Robinson v. California*, 370 U.S. 660 (1962), which held unconstitutional the criminalization of the status of having a narcotics addiction. *Grants Pass* also overturned the Ninth Circuit's decision in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019), which had protected unhoused persons against a similar camping ban.

In the wake of *Grants Pass*, several cities in California have either been emboldened in their enforcement of pre-existing camping bans or have promulgated new ordinances to repress encampments of unhoused people. The state's governor even proposed a model ordinance to assist localities in this tidal wave of suppression, but to do so "with Urgency and Dignity."² "Urgency" under the model ordinance would mean that it's unlawful to camp for as little as three consecutive days or nights in the same location or to camp within a 200-foot radius of a posted sign prohibiting camping. And "Dignity" means 48-hour notice and 60 days to retrieve seized belongings.

POST-GRANTS PASS: SURVIVING WAYS TO CHALLENGE CAMPING BANS

The arbitrariness of the governor's model ordinance aside, there remain ways to potentially limit the effects of, or challenge outright, public camping ordinances even after the disappointment of *Grants Pass*. This section outlines several potential ways to challenge ordinances that (1) involve status-based criminalization, (2) target involuntary behavior, (3) are selectively enforced, (4) are discriminatorily enforced, (5) implicate disability, or (6) restrict people's ability to seek shelter. Note that this is not an exhaustive list of potential claims; for instance, other potential ways to challenge ordinances may be due process or on intra- or interstate travel grounds.

² ***Model Ordinance: Addressing Encampments with Urgency and Dignity***, Office of the Governor, State of California (May 2025); see also, Marisa Kendall, ***Newsom Wants Cities to Force Homeless Californians to Move Camp Every 3 Days***, CalMatters (May 12, 2025).

Ordinances Involving Status-Based Criminalization: If a **status** is involved in the definition of the ordinance's prohibition, it may still be unconstitutional under Robinson. The Court found that the City of Grants Pass's ordinance was generally applicable; that is, it applied not only to unhoused persons but to everyone. An ordinance that, for instance, targeted persons with substance use disorders would still fall under Robinson's principles.³

Ordinances Targeting Involuntary Behavior: The Court in *Grants Pass* summarily rejected the thesis that the law had targeted "involuntary" rather than voluntary behavior. It did so with little analysis, but nonetheless the argument remains viable that an ordinance targeting an **involuntary** behavior, such as falling asleep on a park bench, would be legally distinguishable from one that ostensibly targeted voluntary actions (like "camping"). Social justice advocates should carefully scrutinize the ordinances and practices of enforcement in their locality along this dimension.

Ordinances that are Selectively and Discriminatorily Enforced: The enforcement of the law might be **selective** and discriminatory. If the police and prosecutors disproportionately enforce the law against some racial groups rather than others, or solely against the poor and not the wealthy, there is a basis for a constitutional claim of selective prosecution.⁴ Relatedly, the **Racial Justice Act** proscribes prosecution or sentencing that discriminates on the basis of race, ethnicity, or national origin.⁵

Ordinances that Implicate Disability: Since homelessness and disability often intersect, the protections of **disability law** provide various avenues for challenging anti-camping ordinances. An ordinance or policy or practice of enforcement that discriminated against persons with disabilities would violate the Americans with Disabilities Act, 42 U.S.C. § 12132 and related regulations and laws. Moreover, reasonable accommodations in the practices of compliance and enforcement are also legally required.⁶ This may translate into additional time to comply with orders to vacate, assistance with recovering seized property, or diligence by officers in respecting the person's right to possess an assistive device. Any notice given or required must be accessible to persons with a disability with bearing on the communication format of said notice.

Ordinances that Restrict People's Ability to Seek Shelter and Rest: Last but not least, ordinances placing restrictions on persons' ability to seek shelter and rest needed for their physical (and mental) wellbeing may be challenged under a theory of state-created danger. The state-created danger doctrine is a judicial doctrine that holds the

³ But see, *Pierce v. Cockrell*, 2025 WL 2418472 (D. Alaska, July 22, 2025), at *3 (sex offender registry requirement albeit "a regulatory status" not an Eighth Amendment violation).

⁴ The Court expressly recognized this in *Grants Pass*. See 603 U.S. 520, 547 n. 5.

⁵ [CA Penal Code §745\(a\)](#).

⁶ [28 C.F.R. §35.149](#).

government responsible when its action harms a person. Such cases are generally decided under the Due Process Clauses' protections against the deprivation of life, liberty, and property.⁷ In *DeShauny v. Winnebago County Department of Social Service*, 489 U.S. 189,199-200 (1989) the Supreme Court explained that the government is responsible for providing protection when it holds someone in custody or when a person is not in custody but the government created the danger to which the person is exposed.

In *Wood v. Ostrander*, 879 F.2d 583 (9th Cir. 1989), the Ninth Circuit held that a police officer could be found liable for the injury suffered by a passenger left stranded on the road after the police took the driver's keys. In this case, the woman passenger became a victim of a crime committed by other actors, not affiliated with the state. The panel reasoned that the conduct and knowledge of danger by the officer was legally sufficient for liability.⁸ Likewise, in *Munger v. City of Glasgow*, 227 F.3d 1082 (9th Cir. 2000), police took the keys away from an alleged barroom brawler, ejected without a coat. He died outdoors in the cold. *Munger* is important because it shows that the government's forced exposure of someone to dangerous climates, by creating obstacles to a person's ability to shelter or protect themselves, can give rise to liability under a theory of state-created danger.

RECENT FEDERAL DISTRICT COURT CASES WITHIN THE NINTH CIRCUIT

When preparing to challenge local ordinances in California that target unhoused people and their property, social justice advocates should be aware of the following decisions from lower federal courts. Keep in mind that as the law evolves, the legal premises of decisions can be undercut.

The Unreasonable Manner of a Lawful Property Seizure Can Constitute an Unconstitutional Seizure: In *Pifferini v. City of Eureka*, the court reasoned "that Plaintiff's property could legally have been seized does not mean that the particular way in which it was seized did not violate Plaintiff's Fourth Amendment rights."⁹ That is, the manner of a seizure may violate the Constitution even if the seizure of property was (if conducted properly) lawful. The court in that case granted the plaintiff leave to amend his pleading for more detailed allegations.

⁷ See generally, E. Chemerinsky, *The State-Created Danger Doctrine*, 23 Touro L.R. 1 (2007).

⁸ *Id.* at 590.

⁹ *Pifferini v. City of Eureka*, 2025 WL 2210005 (N.D. Cal., Aug., 2025), at *8.

Grants Pass Does Not Give Municipalities Carte Blanche Authority for Repressive Rules: *Warren v. City of Chico* concerned a 2022 settlement that the municipal defendants unsuccessfully sought to have modified or terminated after *Grants Pass*.¹⁰ The change in legal situation was not significant enough to negate the parties' voluntary agreement to settle, especially since the plaintiffs had multiple legal theories at play at the time of settlement. Additionally, "because *Grants Pass* was pending before the Ninth Circuit at the time, the expectation of the parties [that it might turn out either way] when entering into the Settlement Agreement weighs strongly against modifying the Settlement Agreement."¹¹

The State-Created Danger Doctrine is Likely a Viable Legal Basis for Challenging Ordinances: The district court in *Wills v. City of Monterey* recognized the viability of a state-created danger theory of liability, where the plaintiff had been "forced to sleep outside due to a lack of available shelter beds."¹² Although the court dismissed the municipal defendants because the plaintiff—a pro se unhoused litigant—failed to amend her pleading when granted leave to do so,¹³ the harshness of that procedural ruling should not lead one to overlook the potential for legal action in a suitable case.

¹⁰ *Warren v. City of Chico*, 2025 WL 974068 (E.D. Cal, Mar. 31, 2025).

¹¹ *Id.* at *9.

¹² *Wills v. City of Monterey*, 2024 WL 4565089 (N.D. Cal., Oct. 23, 2024), at *2.

¹³ *Id.* at *1.

PART 2:

FAIR CHANCE HOUSING AT FEDERAL, STATE, AND LOCAL LEVELS

Access to safe and secure affordable housing decreases homelessness and supports successful reentry.¹⁴ However, housing providers often screen out prospective tenants because of their criminal record. This section identifies legal protections for people with criminal records against housing discrimination at federal, state, and local levels.

¹⁴ See Justin Dorazio, *Strengthening Access to Housing for People with Criminal Records is Key to a Successful Reentry*, Center for American Progress (Apr. 17, 2023); Samantha Batko & Kathryn Reynolds, *Homelessness is Solvable, But Only with Sufficient Investment in Housing*, Urban Institute (Dec. 15, 2023).

THE FEDERAL FAIR HOUSING ACT

The Fair Housing Act (FHA) is a key piece of Civil Rights era legislation, and protects people from discrimination in housing on the basis of belonging to a “protected class,” including race and national origin.¹⁵ While having a criminal record is not a protected class, there are two ways that housing denials on the basis of a person’s criminal record may violate the FHA. The first way is discriminatory treatment, also known as intentional discrimination. For example, if a housing provider denies housing to Black applicants because of a felony record, but not White applicants, then it is engaging in discriminatory treatment in violation of the FHA.¹⁶

The second way is through the discriminatory effects theory, otherwise known as disparate impact. The courts have long held that the FHA prohibits discrimination brought under the discriminatory effects standard.¹⁷ Informed by these decisions, the Department of Housing and Urban Development (HUD) issued federal regulations in 2013 that clarified that the FHA prohibits housing practices that result in a “discriminatory effect.”¹⁸ In 2015, the U.S. Supreme Court held that disparate impact claims are cognizable under the FHA.¹⁹

Housing denials on the basis of criminal record may have an unjustified discriminatory effect (or “disparate impact”) on protected classes, due to the disproportionate concentration of carceral enforcement on Black, Indigenous, and

¹⁵ [42 U.S.C. § 3601](#) *et. seq*; see also, [The Fair Housing Act](#), Civil Rights Division of the U.S. Dept. of Justice (last updated Jun. 22, 2023). The categories enumerated in the statutes are: “race, color, religion, sex, familial status, or national origin.” §§3604, 3605.

¹⁶ For additional information on instances of intentional racial discrimination, see [Unlocking Discrimination: A DC Area Testing Investigation About Racial Discrimination and Criminal Records Screening Policies in Housing](#), Equal Rights Center (2016).

¹⁷ See Joseph Rich, [HUD’s New Discriminatory Effects Regulation](#), Lawyers’ Committee for Civil Rights (May 2013), at n.2 (citing cases from each of the eleven federal circuit courts holding that a violation of the FHA may be established through a discriminatory effect analysis, including the Ninth Circuit case *Keith v. Volpe*, 858 F.2d 467, 484 (1988)).

¹⁸ [Implementation of the Fair Housing Act’s Discriminatory Effects Standard](#), 78 Fed. Reg. 11,460 (Feb. 15, 2013).

¹⁹ *Texas Dept. of Housing & Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015).

other communities of color.²⁰ In 2016, HUD issued guidance clarifying that “criminal history-based restrictions on housing opportunities” could form a basis for disparate impact liability “if, without justification, their burden falls more often on renters... of one race or national origin over another.”²¹ The guidance applied the three-part burden shifting test outlined in HUD’s 2013 disparate impact rule and provided clear examples of practices unlikely to meet the standard of a practice necessary to achieve “substantial, legitimate, nondiscriminatory interest.” These examples included exclusions based on arrest records and blanket bans on people with felony records.²² The guidance also provided examples of “less discriminatory alternatives” under part three of the test, such as individualized assessments of applicants with criminal records and delaying consideration of records until other qualifications are verified (commonly referred to as “ban the box”).²³ In 2022, HUD issued additional guidance on the implementation of FHA standards to housing providers’ use of criminal records.²⁴

In January 2026, in a reversal of decades of its own policy on disparate impact under the FHA, HUD issued a Notice of Proposed Rulemaking that would rescind the agency’s 2013 disparate impact regulation if implemented.²⁵

²⁰ See Nazgol Ghandnoosh, *One in Five: Racial Disparity in Imprisonment - Causes and Remedies*, The Sentencing Project (Dec. 7, 2023) (identifying system-created drivers of racial disparities in incarceration, including laws and policies that appear race-neutral but have a racially disparate impact and racial biases that influence legal system actors’ use of discretion). See also National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (National Academies Press 2014), at 93-4 (explaining that “Blacks are more likely than whites to be confined awaiting trial (which increases the probability that an incarcerative sentence will be imposed), to receive incarcerative rather than community sentences, and to receive longer sentences. Racial differences found at each stage are typically modest, but their cumulative effect is significant.”)

²¹ See *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, Dept. of Housing and Urban Development (Apr. 4, 2016), at 2.

²² *Id.*, at 2, 4-7.

²³ *Id.*, at 2, 7-8.

²⁴ *Memorandum on the Implementation of OGC Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions, Dept. of Housing and Urban Development* (June 10, 2022). In addition to HUD’s 2016 and 2022 guidance, the agency also issued guidance specific to public housing agencies’ use of criminal records. See Notice 2015-19, *Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions*, Dept. of Housing and Urban Development (Nov. 2, 2015).

²⁵ *HUD’s Implementation of the Fair Housing Act’s Disparate Impact Standard*, 91 Fed. Reg. 1475, 1476 (proposed Jan. 14, 2026) (to be codified at 24 C.F.R. pt. 100). See also, Kayla Blackwell & Kayla Springer, *HUD Sends Disparate Impact Rule Changes to OMB*, National Low Income Housing Coalition (Aug. 11, 2025).

Although the proposed rule is still pending and has not yet been finalized, in September 2025 HUD rescinded several guidance documents related to disparate impact liability under the FHA, including its 2016 and 2022 guidance on the use of criminal records by housing providers.²⁶ In November 2025, HUD similarly rescinded its 2015 guidance for federally-assisted housing on excluding the use of arrest records in housing decisions.²⁷

HUD's recent attempts to rescind regulations and guidance have created confusion around federal enforcement of the FHA's anti-discrimination protections, and make it harder for people with criminal records to enforce their rights. It is important to remember, however, that **HUD alone cannot change the FHA; only Congress can. This means that HUD's actions cannot eliminate the right to be free from discrimination in housing, including discriminatory effects.**

While advocates may want to avoid citing repealed federal rules and guidance, the legal analysis underlying such guidance remains valid. In particular, **the 2016 and 2022 guidance documents include sound legal analysis that remains valid, and people with criminal records who are trying to enforce their rights can rely on the legal analysis in these documents to assess their cases, engage in advocacy to housing providers, and work with state and local civil rights enforcement agencies. In addition, supportive case law, regulations, and ordinances still remain a strong basis of authority.**²⁸ Moreover, California has its own laws that protect its residents from discrimination in intent or effect, and some cities have even more protective ordinances. These state and local protections are outlined in the following section.

²⁶ Memorandum on Fair Housing Act Enforcement and Prioritization of Resources, Dept. of Housing and Urban Development (Sept. 16, 2025), at 4. In another memorandum published one day later, HUD also rescinded its 2022 guidance on the *Implementation of OGC Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records*. See Notice of the Withdrawal of FHEO Guidance Documents, Dept. of Housing and Urban Development (Sept. 17, 2025), at 4.

²⁷ Letter from HUD Secretary Eric Scott Turner to Public Housing Authorities and Owners (Nov. 25, 2025). Federally-funded housing programs (which include public housing agencies (PHAs) and Housing Choice Voucher programs) have specific rules on using criminal history information for admission and eviction decisions. This resource does not discuss these rules. For more in-depth treatment of the topic, see Advocacy with Public Housing Authorities (PHAs) to Expand Affordable Housing Access for Formerly Incarcerated Older Adults, Justice in Aging (Sept. 16, 2025).

²⁸ For case law supporting disparate impact liability under the FHA from the Ninth Circuit, see, e.g., *Keith v. Volpe*, 858 F.2d 467, 484 (1988). See also *Pfaff v. HUD*, 88 F.3d 739, 745–46 (9th Cir. 1996), finding “no support for the proposition that a finding of intent is required to establish a prima facie case of disparate impact under the FHA,” including when the defendant is a private landlord.

CALIFORNIA'S FAIR EMPLOYMENT AND HOUSING ACT

California's Fair Employment and Housing Act (FEHA) contains protections against discrimination in housing on the basis of membership in a protected class. Similar to the federal FHA, the CA FEHA does not include criminal record status as a protected class.²⁹ However, the CA FEHA does explicitly prohibit housing practices that have a "discriminatory effect" on members of a protected class, as well as those that are discriminatory in intent.³⁰

In 2019, the California Civil Rights Department (CRD) promulgated regulations (which took effect in 2020) specifically addressing the use of criminal record information in housing decisions.³¹ In California, housing providers are prohibited from:

- Denying applicants solely on the basis of an **arrest** record or an **infraction** record.³²
- Denying applicants on the basis of **juvenile adjudications** or convictions that have been **sealed, dismissed, or expunged**.³³
- Implementing a "**blanket ban**" or categorical exclusion of people with criminal convictions.³⁴
- Denying applicants for convictions that are not "**directly-related**" to a "substantial, legitimate, and nondiscriminatory purpose," such as the safety of other residents or the property.³⁵ Housing providers should consider the **nature, severity, and recency** of the criminal conduct in determining whether a criminal conviction is "directly related" to tenancy, and provide **individualized assessments** that include consideration of **mitigating information**.

Advocates have successfully challenged housing provider policies that exclude applicants on the basis of their criminal records through the CRD complaint process. For example, in March 2025, advocates at Fair Housing Advocates of Northern California (FHANC) filed a CRD complaint against a large private landlord whose restrictive

²⁹ [Cal. Gov. Code § 12900](#) et. seq. The categories protected by CA state law are more expansive than under federal law: "race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information." § 12955.

³⁰ [Cal. Gov. Code § 12955.8\(b\)](#)

³¹ [2 CCR §§ 12264-12271](#); see also, [Fair Housing and Criminal History FAQ](#), Civil Rights Dept. of the State of California (Nov. 2022). This FAQ sheet from CRD is also appended to this resource as Appendix A.

³² 2 CCR § 12269

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ 2 CCR § 12266

criminal record policy excluded applicants with felony records.³⁶ In addition to paying a monetary settlement, the landlord agreed to revise its criminal record policy. Under the revised policy, the landlord will no longer rely on convictions older than seven years, must consider the nature, severity, and recency of the offense, and delay consideration of criminal background checks, offer individualized assessments, and increase transparency around the record screening process. Similarly, in January 2026 CRD published a press release on the settlement of a complaint against another large private landlord that rejected a prospective tenant's application due to a misdemeanor conviction record, refused the prospective tenant's request for an individualized assessment, and failed to justify how the denial was directly-related to tenancy.³⁷

LOCAL POLICIES AND ORDINANCES

Over the past decade, cities in California—including Oakland, Richmond, Berkeley, and San Francisco—have taken action to expand housing access for people with criminal records by enacting fair chance housing ordinances.³⁸ **Berkeley and Oakland's ordinances prohibit most housing providers from screening applicants' criminal history or using it in selection or eviction proceedings,** and housing providers who violate their city's ordinance can be fined.³⁹

Although fair chance housing ordinances in other states have faced legal challenges, in *Yim v. City of Seattle*, 2025 WL 2219014 (9th Cir. Aug 5, 2025), the Ninth Circuit Court of Appeals upheld a section of Seattle's Fair Chance Housing Ordinance that prohibits landlords from denying housing to or taking other adverse actions against applicants on the basis of *any* arrest or conviction record.⁴⁰ **The Court's decision paves a legal path for protection and expansion of local fair chance policies in California.**

³⁶ Press Release, Fair Housing Advocates of Northern California, [*Settlement Reached in Fair Housing Case Challenging Discriminatory Criminal Background Screening*](#) (Sept. 26, 2025). Note that FHANC made the complaint and settlement agreement available on their website. These materials are also appended to this resource in Appendix B.

³⁷ Press Release, Civil Rights Department, [*Major Property Management Company to Review and Revise Tenant Screening Policies Statewide after Fair Housing Complaint*](#) (Jan. 13, 2026). Note that CRD made the settlement available on their website. The press release and settlement are also appended to this resource in Appendix B.

³⁸ See [*Fair Chance Ordinances: An Advocate's Toolkit*](#), National Housing Law Project.

³⁹ See [*Berkeley Municipal Code § 13.106*](#); [*Oakland Municipal Code § 8.25*](#)

⁴⁰ See also, [*Legal Analysis of the 9th Circuit Decision in Yim v. City of Seattle \(Yim II\) for Fair Chance Housing Advocates*](#), National Housing Law Project (July 2023).

PART 3:

KNOW-YOUR-RIGHTS AND HOUSING RESOURCES

The final part of this resource provides self-help information on legal protections for people with criminal records who are applying for private rental housing in California, and outlines how to file a complaint to the Civil Rights Department (CRD) if a housing provider violates those rights. Federally-assisted housing programs (which include public housing agencies (PHAs) and Housing Choice Voucher (HCV) programs) have specific rules on using criminal history information for admission decisions, which are not covered in this resource. If you are denied from federally subsidized housing, a legal aid organization may be able to assist you in challenging the denial.

Regardless of whether you are denied from private or federally-assisted housing, you may wish to consult your local legal aid or fair housing organization for individualized case assessment and advice. While you do not need to be an attorney or professional advocate to exercise your right to be free from housing discrimination, these organizations may be able to represent you for no cost or provide you with other support.

In addition to a list of resources that may help people stay in their homes or find emergency shelter, this section also includes contact information for California legal aid and fair housing organizations.

KNOW-YOUR-RIGHTS

To exercise your rights and protect yourself from discrimination in housing:

- **Keep a record of your communications** with housing providers and property managers. It is important to document everything and keep copies of all correspondence, including notices, emails, text messages, rental applications, agreements, and any denial letters. For phone calls and in-person conversations, you can write down notes on what was said. You should also record the dates and times you received these communications.
- **Know what is on your criminal background check.** Ask for a copy of the results if the housing provider runs one as part of the application process.⁴¹
- Try to get an idea of what the housing provider’s **criminal record screening policy** is. If they have a formal policy, ask them for a copy of it. If they don’t, ask them what kinds of convictions they consider disqualifying, and how long they look back into an applicant’s history. Blanket bans against people with criminal records (for example, “no felons”) are not permitted under California law. If the housing provider does not take into consideration the nature, severity, and recency of the criminal conduct, this is also a red flag and could be discriminatory!
- If you are denied housing, ask the landlord or property manager for a **written explanation** of the reason for the denial.
- If you are denied housing on the basis of your criminal record, some housing providers will give you an opportunity to “appeal” or ask for “reconsideration.” Even if they don’t, you can submit a **request for reconsideration that includes mitigating evidence**, such as an explanation of your circumstances have changed since the time of your conviction, character references, and program completion certificates or other evidence of rehabilitation. A template request for reconsideration is included with this resource as Appendix C.
- **Check if your city has its own policy** or ordinance on housing providers’ use of criminal records and analyze if the housing provider has violated it. If they have violated the ordinance, you can educate them on the ordinance and/or determine if there is a way to file a complaint with the City or sue in court.

⁴¹ For more information, see [*Tenant Background Checks and Your Rights*](#), Federal Trade Commission (August 2025). Under California law, background reporting companies are prohibited from reporting criminal records that are older than 7 years. See [CA Civil Code § 1786.18\(a\)\(7\)](#).

- In the **City of Berkeley** and the **City of Oakland**, housing providers cannot ask applicants about their criminal records, except in very limited circumstances.
- If you are asked about your criminal record in a housing application in Berkeley or Oakland, you can educate the housing provider about the ordinance and ask them to adopt a fairer record screening policy that is in line with the ordinance. FAQ sheets on these ordinances are included with this resource as Appendix D, as well as an advocacy letter you can give to the housing provider (Appendix E).
- If you are denied housing in Berkeley or Oakland due to your criminal record, you can ask the landlord to reconsider the denial, make a complaint to the city, and/or sue in court. A template request for reconsideration, tailored for use in Berkeley and Oakland, is included with these resources as Appendix F.
- If you are applying for housing in the **City of Berkeley**:
 - You can file a complaint with the City of Berkeley Rent Stabilization Board by filling out the [complaint form](#) and submitting it by email to rent@berkeleyca.gov or mailing it to City of Berkeley Rent Stabilization Board, 2000 Center Street, Suite 400, Berkeley, CA 94704.
 - For more information, you can call the City's Rent Stabilization Board at **(510) 981-7368** or visit their website at: rentboard.berkeleyca.gov/Fair_Chance.
- If you are applying for housing in the **City of Oakland**:
 - You can file a complaint with the City of Oakland Housing and Community Development by filling out the [complaint form](#) and submitting it by email to housingassistance@oaklandca.gov or mailing it to City of Oakland Housing Resource Center, 250 Frank Ogawa Plaza, Suite 6301, Oakland, CA 94612.
 - For more information, you can call the City's Department of Housing and Community Development at **(510) 238-6182** or visit their website: www.oaklandca.gov/Community/Housing-Programs-Support/Fair-Chance-Housing-Ordinance.

IF YOU SUSPECT YOU ARE BEING DISCRIMINATED AGAINST, YOU CAN ALSO SEEK THE SUPPORT OF AN ATTORNEY OR FILE A COMPLAINT WITH THE CALIFORNIA CIVIL RIGHTS DEPARTMENT YOURSELF (SEE THE NEXT SECTIONS FOR MORE INFORMATION).

WHAT CAN I DO IF MY RIGHTS HAVE BEEN VIOLATED?

If you suspect your rights have been violated, **you can file a complaint with the California Civil Rights Department (CRD)**. You may want to seek the assistance of an attorney, but you do not need to be an attorney or to be represented by one to file a complaint with CRD. Generally, you must file a complaint **within one year** of the violation.⁴²

STEPS TO FILING A HOUSING DISCRIMINATION COMPLAINT WITH THE CA CIVIL RIGHTS DEPARTMENT (CRD)

STEP 1: Gather information, including:

- Your name and contact information
- Landlord or property manager's name and contact information
- Names and contact information of any witnesses (if known)
- Address of the rental property
- A description of what happened and when, explaining how your criminal record was used unfairly
- Any written notices, emails, or texts you have that document your communication with the landlord or property manager

STEP 2: Complete an intake with CRD online, by phone, or through mail/email. Be sure to include the documents you collected when you submit your intake.

- Online: Submit an intake through the CRD website (Housing Discrimination Form)
- calcivilrights.ca.gov/complaintprocess/how-to-file-a-complaint/
- Phone: Call CRD's intake line to report discrimination at (800) 884-1684.
- Mail:
 - Download and print a copy of the housing discrimination intake form from the CRD website: calcivilrights.ca.gov/wp-content/uploads/sites/32/2024/09/CRD-Intake-Form_Housing_ENG.pdf
 - Fill out the form and submit it to CRD by mail or email.
 - Email: contact.center@calcivilrights.ca.gov
 - Mail: 651 Bannon Street, Suite 200, Sacramento, CA 95811
- In-person at one of CRD's regional offices:
- Add open line in office hours at LSPC /AOUON Chapters specify a contact person
- Directory listings: calcivilrights.ca.gov/locations/

⁴² Cal. Gov. Code § 12980(b).

STEP 3: CRD will do an intake interview with you. During the interview, describe how your rights were violated and include information on how the landlord used your arrest or conviction records. Make sure to describe any criminal record policy the landlord used (for example, “no felonies” or “no criminal history”).

STEP 4: CRD reviews your intake and determines whether to open a formal investigation or close your case.

- If CRD decides to open a **formal investigation**, they will prepare a complaint form for you to sign. Once signed, it will also be sent to the person you believe discriminate against you (called the “respondent”). CRD may also jointly file the complaint with HUD at this time.
- If CRD decides to **close your case**, you can **submit an appeal** within 10 days of receiving the closure letter.
 - For more information on appealing a case closure, see:
<https://calcivilrights.ca.gov/complaintprocess/#appealBody>

STEP 5: CRD will investigate your case and attempt to resolve the complaint through mediation or by filing a lawsuit. CRD’s actions may include:

- Assessing facts and legal issues raised in your complaint.
- Reviewing information and evidence.
- Mediating or negotiating between you and the landlord.
- Require the landlord make changes to their criminal record screening policy.
- Issue findings of discrimination and order remedies or compensation.
- File their own civil action against the landlord in court.

For more information on filing a complaint with the CRD and the complaint process, go to the CRD’s website at <https://calcivilrights.ca.gov/complaintprocess/> or call the CRD contact Center at (800) 884-1684.

LEGAL AID & FAIR HOUSING RESOURCES

You do not need to be an attorney or professional advocate to exercise your right to be free from housing discrimination, however, these organizations may be able to represent you for no cost or provide you with other support.

LawHelpCA.Org

LawHelpCA is an online and free legal resource and referral website. In addition to self-help resources, LawHelpCA has an online legal services directory where you can search for assistance in your area. For example, if you are looking for help with housing discrimination and live in Los Angeles, you can select: “Los Angeles County” and “Housing” and “Housing Discrimination” to search for organizations that may be able to assist you.

- **Fair Housing Advocates of Northern California (FHANC)**: FHANC provides free comprehensive fair housing counseling, complaint investigation, and assistance in filing housing discrimination complaints with the California Civil Rights Department (CRD), to people living in Marin, Sonoma, and Solano counties. Fill out an [intake form](#) online or call (415) 457-5025, extension 101, and ask to speak to the intake counselor.
- **Fair Chance Housing Coalition**: The Fair Chance Housing Coalition maintains a [resource page](#) with information regarding fair chance housing both in California and nationwide, as well as resources related to Berkeley and Oakland’s local fair chance housing ordinances.
- **Disability Rights California (DRC)**: DRC provides legal support and resources to Californians with disabilities. Fill out their [intake form here](#).
- **Family Violence Appellate Project (FVAP)**: [FVAP’s Housing Safety & Justice program](#) was created to address the widespread issue of homelessness as a direct result of domestic violence. [They maintain a legal resource library here](#), which contains a number of resources related to access to housing for survivors of domestic violence.
- **The Los Angeles Housing Department** maintains a list of [Fair Housing Resources](#).

- **Alameda County Housing Secure (ACHS) Housing Legal Clinics:** ACHS is a collaborative of legal service providers that offer regular legal clinics on tenants' rights, eviction defense, and foreclosure prevention. A calendar with clinic dates, locations, and times is available on their website.
- **Bay Area Legal Aid (Bay Legal):** Bay Legal works to eliminate housing discrimination and to ensure equal housing opportunity for all people through advocacy, education and outreach. [Request legal help from them here.](#)
- **The city of San Francisco** provides information regarding the city's Fair Chance Ordinance.
- **National Housing Law Project (NHLP):** is a national organization that provides extensive materials related to access to housing including [An Affordable Home on Reentry \(2018\)](#), [Fair Chance Ordinances: An Advocate's Toolkit \(2020\)](#), and other resources related to [Fair Housing & Housing for People with Disabilities](#).
- **National Fair Housing Alliance (NFHA):** NFHA works to eliminate housing discrimination and ensure equitable housing opportunities for all people and communities. They maintain a [number of legal resources](#) related to the federal Fair Housing Act.
- **Housing Rights Center (HRC):** HRC is the nation's largest non-profit fair housing organization. HRC offers free housing counseling, discrimination investigation and outreach and education.

HOUSING SUPPORT AND SHELTER RESOURCES

This list highlights some of the resources available in California. Note that shelter availability, hours, and eligibility requirements can change. Always call ahead to confirm services, capacity, and any intake rules before arriving.

CALIFORNIA 211 HOTLINE

In California, **211** is operated by local providers, ensuring community-specific support while working together for statewide coverage. 211 is a free, confidential service that connects people to local resources like housing, food, health care, job training, child care, and senior services in their area. Available 24/7 by phone, text, and web, trained specialists assess needs and provide referrals to essential services, many of which have no income requirements. Call **211** for assistance.

- **National Domestic Violence Hotline:** The National Domestic Violence Hotline offers 24/7 support for people experiencing domestic violence, intimate partner violence, or other relationship abuse. Advocates are available to discuss your situation and assist you in creating an individualized safety plan. Visit their [website](#) or call **(800) 799-SAFE (7233)**.
- **East Bay Housing Organizations (EBHO) Resource List:** EBHO maintains a list of resources providing emergency housing and shelter, legal aid, tenants' rights counseling, foreclosure prevention, and financial wellness. Call **(510) 663-3830** for more information.
- **Bay Area Community Services:** BACS provides rental assistance and move-in assistance for people in Oakland, Solano County, Contra Costa County and Sonoma County. Applicants are eligible for one-time assistance. Fill out an [application](#) online or call **(510) 613-0330** for more information.
- **Echo Housing Services:** Echo Housing Services serves people in Alameda, Contra Costa and Marin Counties. They offer assistance related to housing access, housing discrimination, rental assistance, and programs for first time home buyers. Call **(510) 581-9380** for more information.

- **Hamilton Families:** Hamilton Families operates one of the largest shelter programs for families experiencing homelessness in San Francisco and surrounding Bay Area communities. Call **(415) 321-2620** for more information.
- **Coalition on Homelessness:** Coalition on Homelessness organizes homeless people and front-line service providers to create permanent solutions to homelessness while working to protect the human rights of those forced to remain on the streets. Call **(415) 346-3740** to learn more about their organizing work and get involved. They also publish a **Homeless Resources List** for people in San Francisco, which includes information on topics such as access to showers, medical and dental care, and pet care.
- **Glide:** Glide is a walk-in support center located in the Tenderloin of San Francisco that offers resources and essential services to adults, youth, and families, including meals and legal clinics. Call **(415) 674-6012** for more information.
- **Hospitality House - Utah's Place in Grass Valley:** Utah's Place offers emergency overnight shelter, hot meals, showers, laundry, case management, medical referrals, job-readiness and housing-readiness support, and help accessing public benefits. It also provides life-skills classes, crisis support, clothing and hygiene supplies, and a "Pathways to Housing" program to help people transition from homelessness to stable housing. Call **(530) 271-7144** for more information.
- **The Mission At Kern County:** The Mission at Kern County offers free, daily meals, clothing, hygiene services, and emergency shelter for people experiencing homelessness. It also provides access to medical and mental-health care, legal and housing support, education and life-skills programs, and transitional or recovery housing for men, women, and families. Call **(661) 325-0863** for more information.

Join the fight to restore civil and human rights to formerly incarcerated people! Get involved with All of Us or None at prisonerswithchildren.org/membership.

The background of the page is a solid red color. Overlaid on this background are several stylized, lighter red graphics. In the upper left, there is a silhouette of a dove in flight. To the right of the dove are stylized flames or leaves. In the upper right corner, there is a small, multi-pointed star. At the bottom of the page, there are several concentric, semi-circular arcs.

APPENDICES

APPENDIX A

FAQS ON FAIR HOUSING AND CRIMINAL HISTORY FROM THE CALIFORNIA CIVIL RIGHTS DEPARTMENT

Fair Housing And Criminal History



FAQ

The Fair Employment and Housing Act prohibits discrimination against tenants or homeowners based on various protected characteristics, such as race, national origin, ancestry, disability, sexual orientation, marital status, and gender identity.

Housing providers sometimes check whether a person has a criminal history when making a housing decision, such as whether to rent to an individual. While providers have legitimate interests in screening potential tenants to determine if they can fulfill their obligations as tenants, individuals with criminal histories face barriers to housing even when their history bears no relationship to their ability to be responsible tenants.

New regulations from the Civil Rights Department (CRD) address when and how housing providers may lawfully consider criminal histories, in order to protect against unlawful discrimination. CRD is providing this guidance concerning the use of criminal history by providers or operators of housing.

1 | Which California laws apply to the use of criminal history by housing providers?

California's Fair Employment and Housing Act (FEHA) protects people from [housing discrimination](#) based on protected characteristics including race, color, national origin, religion, disability, gender, gender identity, familial status, veteran/military status, sexual orientation, and source of income. Most housing providers are also covered by the Unruh Act, which prohibits discrimination on the basis of immigration status, citizenship, and primary language, among others. Having a criminal history is not in itself a protected characteristic under FEHA or the Unruh Act. However, regulations that went into effect on January 1, 2020 implement FEHA with respect to the use of criminal history in housing (California Code of Regulations, Title 2, Sections 12264-12271).

2 | When does a housing provider violate California law if they consider someone's criminal history?

A housing provider's policy or practice regarding criminal history will violate California law when it has an unjustified discriminatory effect on members of a protected class, even when the provider had no intent to discriminate. In California as in the rest of the nation, African Americans, Hispanics (or Latinos), and certain other groups face higher rates of arrest, conviction, and incarceration than the general population. The use of criminal history information in housing decisions can therefore have a disproportionate negative affect on these protected groups.

In addition, a housing provider's policy or practice regarding criminal history will violate California law if it constitutes intentional discrimination on the basis of a protected characteristic. For example, it is unlawful for housing providers to: use criminal history screenings to intentionally exclude individuals because of their race, only run criminal history screenings on certain racial groups, or treat individuals in different racial groups differently based on comparable criminal history information.

Additional information relevant to this question are provided in the FAQs below and the regulations.

■ Fair Housing And Criminal History

3 | Who must comply with California's fair housing laws?

- Landlords
- Property management companies
- Homeowners associations
- Public housing authorities
- Real estate agents
- Home sellers
- Property insurers
- Builders
- Mortgage lenders
- Tenant screening companies
- Consumer reporting agencies
- Others

4 | Can a housing provider advertise or indicate a blanket ban against applicants with criminal records?

No. Housing providers cannot make any statement indicating a blanket ban on renting to anyone with a criminal record. The law prohibits advertisements, screening policies (oral or written), or statements with blanket bans such as “No Felons” or “We Don’t Allow Criminals Here.” However, it is not unlawful for a housing provider to advertise or state that it will run a lawful criminal history check.

5 | May a housing provider lawfully check an applicant's criminal history?

Yes. Generally, a housing provider may check the criminal history of an applicant, although there are some types of criminal history information that providers may not seek or consider (see FAQ 6 below). If a housing provider intends to deny someone housing (or otherwise take an adverse action against someone) it must be based on a past criminal conviction. And, the law requires the provider to follow certain guidelines, which are set forth in the regulations (see FAQ 7 below). Most importantly, the conviction the provider is concerned about must be a “directly-related conviction.” This means a criminal conviction that has a direct and specific negative bearing on a substantial, legitimate, and nondiscriminatory interest or purpose of the housing provider, such as the safety of other residents, the housing provider's employees, or the property.

In determining whether a criminal conviction is directly-related, a housing provider should consider the nature and severity of the crime and the amount of time that has passed since the criminal conduct occurred. For example, a ten-year-old misdemeanor conviction for a driving offense would not likely be directly-related to fulfilling financial obligations because there is no rational relationship between the violation and the identified business interest. In contrast, a recent criminal conviction for residential arson could be directly-related to the risk that an individual may injure other residents or property because there is a rational relationship between recently committing residential arson and injuring residents or property.

■ Fair Housing And Criminal History

6 | **What types of criminal history information are a housing provider prohibited from considering?**

It is unlawful for a housing provider to seek or consider the following:

- Arrests that did not lead to a conviction;
- Information indicating that an individual has been questioned, apprehended, taken into custody, detained, or held for investigation by law enforcement;
- Infractions;
- Referral to or participation in a pre-trial or post-trial diversion program or a deferred entry of judgment program, unless the applicant offered this information as mitigating information (see FAQ 8 below);
- Criminal convictions that have been sealed, dismissed, expunged, or otherwise rendered legally inoperative, unless the applicant offered this information as mitigating information (see FAQ 8 below); or
- Adjudications or matters processed in the juvenile justice system, unless pursuant to an applicable court order or unless the applicant offered this information as mitigating information (see FAQ 8 below).

7 | **If a housing provider would like to consider criminal history information (aside from the prohibited information detailed in FAQ 6 above), what should the provider's policy or practice look like?**

A housing provider may consider certain criminal history, but the provider's policy or practice should:

- Be narrowly tailored and focus on whether any criminal conviction is "directly-related" (see FAQ 5 above);
- Provide an opportunity for applicants to present individualized, mitigating information either in writing or in person if the housing provider is concerned about an applicant's past conviction;
- Provide written notice of the opportunity to all applicants to present mitigating information if a housing provider is concerned about a past conviction;
- Consider the factual accuracy of the criminal history information of the applicant, meaning the background report does not contain outdated, incorrect, or falsified information or information that is erroneously attributed to the individual being considered;
- Delay seeking, considering, or using a third-party report of criminal history information until after an individual's financial and other qualifications are verified;
- Provide a copy or description of the criminal history background check policy to an applicant upon request; and
- Consider mitigating information in determining whether to rent to an applicant with a past criminal conviction.

Fair Housing And Criminal History

8 | What is mitigating information?

Housing providers should consider mitigating information when considering an applicant's criminal history. Mitigating information means credible information about the applicant that suggests that the applicant is not likely to pose a demonstrable risk to the health and safety of others, the property, or other substantial, legitimate, and non-discriminatory interest or purpose of the housing provider. Mitigating information must be credible information that a reasonable person would believe is true based on the source and content of the information.

Mitigation information includes but is not limited to:

- The age of the individual when the criminal conduct occurred;
- The amount of time that has passed since the date of conviction;
- Whether the conduct arose as a result of a disability;
- Whether the conduct arose from status as a survivor of domestic violence;
- Whether the individual has maintained a good tenant history before and/or after the conviction;
- Whether there is evidence of rehabilitation efforts, including satisfactory compliance with all terms and conditions of parole and/or probation; successful completion of parole, probation, mandatory supervision, or post release community supervision; and
- Other conduct demonstrating rehabilitation, such as maintenance of steady employment.

9 | May a housing provider rely on third parties to perform criminal history checks?

Yes. However, it is not a defense for a housing provider to have relied on a third party's criminal history report if the use of the criminal history violates fair housing laws, and such third parties are also subject to California's fair housing laws. Housing providers that rely on criminal histories prepared by third parties, such as consumer reporting agencies, may wish to seek from the third party details on any criminal records discovered so that the housing provider can make a lawful, individualized assessment. Furthermore, other laws limit the extent to which consumer reporting agencies can report such information.

It is unlawful for these agencies to report records of an applicant's arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, release, or parole, are more than seven years old (California Civil Code section 1785.13).

Where can I obtain more information?

Please see our website at civildrights.ca.gov/housing/providerresources for more information and resources.

APPENDIX B.1

EXAMPLES OF EFFECTIVE ADVOCACY

2025 FAIR HOUSING ADVOCATES OF NORTHERN CALIFORNIA (FHANC) CASE AGAINST TWO COAST LIVING PROPERTY MANAGEMENT



Fair Housing Advocates of Northern California

851 Irwin Street., Ste. 218, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922
www.fairhousingnorcal.org ▼ fhanc@fairhousingnorcal.org

September 24, 2025

FOR IMMEDIATE RELEASE

Contact:

Caroline Peattie, Fair Housing Advocates of Northern California
(415) 483-7552 | peattie@fairhousingnorcal.org

Settlement Reached in Fair Housing Case Challenging Discriminatory Criminal Background Screening

San Rafael, CA – Fair Housing Advocates of Northern California (FHANC) announces a successful resolution of a fair housing complaint against Two Coast Living Property Management (Two Coast) and the owner of the Grove Luxury Apartments (the Grove) – a 492 unit building in Petaluma – alleging racially discriminatory rental practices. The complaint filed with the California Civil Rights Department (CRD) challenged the use of overly restrictive criminal background screening policies that FHANC claims disproportionately excluded Black and Latinx applicants. The **complaint** also alleged racially discriminatory treatment by rental agents, claiming that FHANC’s Black fair housing testers – covert investigators posing as prospective renters – were treated less favorably by Two Coast employees than their counterpart white testers.

This **settlement** represents an important step in the right direction. In addition to paying FHANC \$27,000, Two Coast Living – which manages thousands of units across the country – agreed to fundamentally change their criminal record screening policy at all their California properties to address the fair housing concerns raised in FHANC’s complaint. These reforms are critical because overly broad uses of a person’s criminal conviction history in tenant screening disproportionately excludes Black and Latinx applicants, who – due to the over-policing of communities of color – are arrested, convicted, and incarcerated at rates disproportionate to their share of the general population. As such, some jurisdictions in California have already outlawed the use of criminal history in tenant screening altogether, and HUD has recommended against its use because it is not a reliable predictor of whether someone will be a successful tenant. This agreement ensures that any consideration of criminal history is extremely narrowly tailored to achieve a legitimate non-discriminatory business interest, and helps open housing opportunities at over 3,800 units in California for renters of color who might otherwise be unfairly excluded.

“We are pleased that Two Coast was willing to work collaboratively with us to resolve this case and to take meaningful steps toward having equitable screening practices,” said FHANC’s Executive Director, Caroline Peattie. “We anticipate that California will eventually adopt a statewide fair chance housing law and Two Coast’s decision to apply these new policies across all of their California properties shows a genuine commitment to complying with fair housing laws and to leading the way on reform in this area.”

The new policies ensure that criminal background checks may only be used when they serve a legitimate business purpose related to safety, and denials must be based on serious and recent violent, sex, or property offenses, rather than a broad list of offenses. Importantly, the policies now require consideration of the nature, severity, and recency of an offense; prohibit reliance on convictions older than seven years; and mandate individualized assessments that take into account mitigating information such as rehabilitation, tenant history, and circumstances of the conviction. In addition, the landlord must provide transparency by giving applicants written notice of any adverse action, a copy of the background check, and an opportunity to dispute errors or provide mitigating evidence. Critically, a criminal background check will not even be considered unless and until an applicant has first passed the financial qualification screening and been conditionally approved.

FHANC views this agreement as a significant opportunity to drive broader reforms in the rental housing industry. “We urge other housing providers to re-examine their screening practices and align them with fair housing laws so that equitable access to housing becomes the rule, not the exception,” said Ms. Peattie. “While we believe that criminal conviction records should not be used in tenant screening at all, we know this is a step in the right direction. And we hope this settlement serves as a catalyst for change across the rental housing industry in California.”

FHANC brought the complaint after it investigated the Grove as part of a broader investigation of race discrimination in rental housing and the use of criminal record screening practices in Marin, Sonoma, and Solano counties. FHANC conducted 120 covert testing investigations at 30 large rental properties, including the Grove, and analyzed the experiences of fair housing testers who inquired about available rental listings. Black and white female testers were assigned aliases to further indicate their race (in addition to their racially identifiable voices) and given profiles that included a boyfriend of the same race who had either a misdemeanor or felony conviction on his record and who planned on living with the tester. The findings revealed alarming patterns of discrimination: out of the 25 landlords that screened for criminal records, none followed HUD’s or CRD’s guidelines to prevent racial disparities, and most failed to provide applicants with opportunities to address or appeal denials based on criminal records.

The testers who contacted the Grove were given conflicting information about the property’s criminal record screening policy; however, all testers were told that any applicant with a felony on their record would be automatically denied regardless of the nature, severity, or recency of the criminal conduct and that there was no way to appeal the decision or provide mitigating information. Some testers were also told that even misdemeanors could result in a denial. Additionally, FHANC found that the Black testers were treated less favorably than the white testers, with one Black tester being advised not to apply because she would be denied based on her boyfriend’s criminal record, despite her counterpart white tester with the same conviction on her boyfriend’s record being encouraged to apply and advised that the conviction would be overlooked if they applied with a co-signer. FHANC notified the manager and owner of the property that their criminal record screening practices violated fair housing laws and outlined HUD’s recommended best practices, including individualized assessments and transparency. FHANC then tested the property again and found additional evidence of discrimination, prompting FHANC to file its complaint with CRD.

Decades of "tough on crime" policies, including the War on Drugs, have resulted in a significant increase in the prison population and nearly one-third of the U.S. population has a criminal record. With 95% of current inmates eventually returning to society, access to safe, secure, and affordable housing is crucial for their successful reentry. However, many formerly incarcerated individuals, as well as those with convictions who were not incarcerated, face significant barriers to securing housing. People with criminal records are routinely denied when applying to rent housing, particularly given the explosive increase in algorithmic tenant screening products now commonly used by housing providers, most of which screen for criminal conviction histories. "Our investigation revealed troubling evidence of systemic barriers that Black and Latinx renters with criminal histories continue to face," said Julia Howard-Gibbon, FHANC's Legal Director. "The agreement in this case helps dismantle some of those barriers."

FHANC views this settlement as a strong reminder that, even as HUD has rolled back regulations and deprioritized civil rights and racial equity, California continues to maintain robust fair housing protections. The California Fair Employment and Housing Act, along with its implementing regulations, provides critical safeguards, and the California Civil Rights Department remains a vigorous enforcement agency that takes cases like this seriously. Private fair housing organizations like FHANC also continue working tirelessly to enforce these laws and to expand housing opportunities for people who have been unfairly excluded due to discrimination. FHANC welcomes the resolution of this case and the important changes it will bring. "This outcome is a win for renters across California who deserve fair and equitable access to housing," said Ms. Peattie.



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

COMPLAINANTFair Housing Advocates of Northern
California**ADDRESS**851 Irwin Street, Suite 218
San Rafael, CA 94901**PHONE****TYPE OF DISCRIMINATION AND LAW**

Government Code § 12955

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)Two Coast Living Property
Management**ADDRESS**11766 Wilshire Boulevard, Suite 1500
Los Angeles, CA 90025-6552**PHONE**

(310) 268-8344

Enclave Apartments Property Owner, c/o JRK Residential Group, Inc
LLC 11766 Wilshire Boulevard, Suite 1500
Los Angeles, CA 90025-6552**PROPERTY TYPE**

Apartment

**ADDRESS WHERE VIOLATION
OCCURRED**1 Lakeville Circle
Petaluma, CA 94954**NO. OF UNITS**

492



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

- Allegation 1 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

December 17, 2024

BECAUSE OF MY ACTUAL OR PERCEIVED

National origin (includes language restrictions); Race (includes hairstyle and hair texture)

AS A RESULT, I WAS SUBJECTED TO

Denied rental/sale/lease; Denied equal terms and conditions

PARTICULARS

In or about January, February, and December 2024, Complainant Fair Housing Advocates of Northern California (FHANC) conducted multiple testing investigations at The Meritage Apartments, a 492-unit apartment building located at 1 Lakeville Circle in Petaluma, CA 94954 ("subject property"), and found evidence of race and national origin discrimination. The subject property is owned by Respondent Enclave Apartments Property Owner, LLC, and is managed by Respondent Two Coast Living Property Management.

We believe the Respondents have discriminated against African American and Latinx applicants by using criminal conviction histories to screen or otherwise exclude from housing any applicant with any felony conviction and some misdemeanors convictions. Across the U.S., Black and Latinx people are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Therefore, criminal records-based barriers to housing are likely to have a disproportionate impact on these groups. A policy that restricts access to housing on the basis of criminal history has a disparate impact on Black and Latinx individuals if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if such interest could be served by another practice that has a less discriminatory effect. Respondents failed to provide clear information about their criminal background screening policy to any tester. The information that testers did receive about the policy was overbroad and did not take into consideration the severity, nature, or recency of the criminal convictions. One tester was told any conviction results in an automatic denial with no exceptions. Another tester was told that any felony would result in an automatic denial unless that applicant applied with a co-signer. Another tester was told any misdemeanor or felony results in an automatic denial and that there is no impact by how long ago the crime occurred. Another tester was told that a felony would probably result in a denial but the agent couldn't confirm a policy. These policies do not serve a legitimate substantial interest, or is not the least discriminatory manner of achieving such interest. Additionally, even if Respondents' policy is not in fact as restrictive as the policy stated to the testers, Complainant's testing evidence shows that Respondents' agents are engaging in a pattern and practice of deterring potential renters with criminal records from applying to rent at the subject property by providing unclear and/or incomplete information about their criminal background screening process. As a result, the only way to know whether a conviction will result in a denial is to pay a non-refundable application fee.

On or about January 5, 2024, a Black tester called the subject property posing as a potential renter using a Black-sounding alias. FHANC's tester spoke with Respondents' agent who identified herself as Letitia. FHANC's tester asked Letitia if a criminal record would cause a problem with the application. Letitia hesitantly said, "it depends on the crime." The tester disclosed that her boyfriend has a DUI and Letitia said a DUI would be ok. The tester asked who makes the decisions, management or a third party. Letitia said she is not the manager but a third party makes the decision. The tester asked if there is a written policy she can reference because she does not want to apply and then have the DUI be an issue. Letitia said she believed there was a policy online. Letitia put the tester



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

on hold so she could speak with the manager. When Letitia came back to the call, she said that the manager had said as long as the DUI is not a felony it would be ok. The tester said the DUI was a misdemeanor. The tester asked if there is anyone she could talk to or any exception if the DUI ends up causing a problem. Letitia said in that case she would submit a letter to their corporate Asset Manager and he would make the decision. The tester asked if that was something she herself would submit as an applicant. Letitia said no, she had to be the one to submit for an exception. The tester asked Letitia what her manager's name is. Letitia said her manager's name is Araceli.

On January 17, 2024, a white tester called the subject property posing as a potential renter using a white-sounding alias. The tester spoke with Respondents' agent who identified herself as Alexis. The tester asked Alexis if the application process includes a criminal background check and disclosed that her boyfriend has a felony assault on his record. Alexis immediately replied that a felony would result in an automatic denial. The tester asked if there were any exceptions or anything she and her boyfriend could do to show they would be good tenants. The tester said the assault happened a few years ago and nothing had happened since. The tester said she did not want to apply if she knew they would be automatically denied. Alexis said there is an option to apply with a co-signer. She said that the co-signer would be responsible for the apartment so, although the background check would flag the felony, the application would not automatically be denied if the co-signer has a clean record. The tester asked if this policy was for any crime or if it varied. Alexis said the policy was for all felonies and that it is an automatic system. Alexis said there is no human involved in filtering the applications.

On January 22, 2024, another white tester called the subject property posing as a potential renter using a white-sounding alias. The tester also spoke with Respondents' agent Alexis. The tester asked Alexis if the property conducts a criminal background check. Alexis said yes. The tester asked what the policy is if an applicant has a crime on their record. Alexis said, "it is an automatic fail." The tester said she was asking because her boyfriend got a DUI four years ago and she wants to know if that would be a problem. Alexis said, "yes, it's an automatic denial for felony or misdemeanor crimes." The tester asked if that is management's policy or if they use a screening service. Alexis said they use ResidentVerify and said that ResidentVerify automatically denies people, not management. The tester asked if management is able to rent to someone or make an exception if the third party denies an application. The tester also asked if there is a date limit that applies to the criminal record policy. Alexis said no, they are not allowed to rent to applicant if the system denies an application. Alexis also said she does not believe there is a deadline based on how long ago the crime happened. Alexis said the application "just automatically fails."

On or about February 1, 2024, another Black tester called the subject property posing as a potential renter using a Black-sounding alias. FHANC's tester spoke with Respondents' agent who identified herself as Araceli. FHANC's tester asked Araceli if the application requires a criminal background check. Araceli said yes. The tester asked Araceli what the policy is for an applicant with a crime on their record. The tester disclosed that her boyfriend has an assault on his record and said they do not want to spend money to apply if they know they will get denied. Araceli told the tester that if there is anything on an applicant's record they will automatically get denied. Araceli advised the tester not to apply. The tester asked Araceli to help her understand the policy and asked if there is a written policy that can be emailed to her. Araceli said "sure," and asked the tester for her email address. The tester gave her alias email address to Araceli. Araceli said she was emailing the tester the policy and an application. The tester asked Araceli if there is any exception or any additional information she could show if the application is denied. Araceli said there is nothing that can be done after a denial. The test email profile



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

never received an email from Araceli or anyone else associated with the subject property.

On or about September 5, 2024, FHANC sent a notification of investigation results to Respondent Enclave Apartments Property Owner, LLC. The notice was sent by certified mail, which was delivered to Respondent on or about September 9, 2024. The notice informed Respondent that FHANC investigated The Grove Luxury Apartments and that the investigation revealed evidence of a discriminatory policy or practice. The notice stated that, "Using criminal history to screen, deny lease renewal, evict, or otherwise exclude individuals from housing may constitute illegal discrimination under the Fair Housing Act. Such discrimination includes when a housing provider intentionally discriminates in using criminal history information (known as "disparate treatment" liability), or when a housing provider's policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate (known as "discriminatory effects" liability)." FHANC's notice recommended that Respondent implement best practices as put forth by HUD in order to avoid violating fair housing laws, including that housing providers consider not using criminal records to screen tenants for housing because criminal history is not a good predictor of housing success. The notice explained that HUD advises instead that housing providers rely on screening criteria that more closely relates to whether an applicant or resident would be a good tenant, such as ability to pay rent, prior rental history, or personal references. However, it also noted that if housing providers choose to use criminal background screening policies, HUD recommends that they "conduct an individualized assessment that considers relevant mitigating information beyond that contained in an individual's criminal record, as this is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account." FHANC's notice also recommended that Respondents make their criminal record policy easily available to all who inquire.

On or about December 17, 2024, FHANC assigned a fifth tester to call the subject property. The tester was Black and called using a different Black-sounding alias. The fifth tester spoke with Respondent Kenzraeli Colston. The tester asked Kenzraeli if the property conducts a criminal background check. Kenzraeli said yes. The tester disclosed that she has a felony on her record from ten years ago. The tester said she did not want to apply if there is no chance she could be approved. Kenzraeli said, "let me take a look," and looked for a policy. Kenzraeli then said, "let me ask the manager," and placed the tester on hold. Kenzraeli returned to the call and said she thought the felony would result in a failed background check but she could not find a policy. The tester asked if the background check is conducted by a third party and Kenzraeli said yes. The tester asked if there are any exceptions. Kenzraeli said she had no idea. Kenzraeli said, "I encourage you to apply but I don't have anything on how it's determined." The tester asked Kenzraeli for an email address in case she had any further questions. Kenzraeli provided an email address. That afternoon, FHANC's tester sent an email to the subject property from the tester's alias email address. The tester said, "I just wanted to follow up on our call since Kay let me know a felony would probably make my application get denied. Is there any more information about the policy? I really like your building so just wanted to make sure I know if I can apply. I do have a felony assault charge from ten years ago and I did my time." Kenzraeli replied by email, "Yes, you can apply if you want to but I cannot guarantee that your application will be approved. I can assure you that if you do apply, you will be able to get your \$300 holding deposit back but not the application fee."

Complainant is an "aggrieved person" within the meaning of FEHA, which includes any person (individual or corporation), that "believes they have been injured by a discriminatory housing practice." 2 CCR § 12005(c),(w). Complainant has been injured by Respondents' discriminatory conduct because FHANC diverted its resources to



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

counteract Respondents' discrimination and Respondents frustrated Complainant's mission to "ensure equal housing opportunity and to educate our communities on the value of diversity in our neighborhoods." Respondents' lack of clarity regarding their criminal background check policy as well as the overly broad policy they do communicate impede FHANC's ability to assist clients in the home seeking process, which it does through individual advocacy and advice and referral services.

Additionally, as a result of Respondent's conduct, Complainant diverted significant resources to address Respondents' discriminatory conduct, including: 1) conducting multiple testing investigations related to criminal record screening policies, which uncovered significant evidence of discrimination; 2) drafting and publicizing a report of its investigative findings to educate the public on fair housing protections related to criminal background checks and to prevent future discrimination; 3) drafting and sending notices to housing providers, including Respondents, that were found to have discriminatory criminal history screening policies, educating them on their fair housing obligations and fair housing laws; and 4) creating a training for housing providers on how to avoid violating fair housing laws when considering criminal histories in tenant screenings.

- Allegation 2 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

December 17, 2024

BECAUSE OF MY ACTUAL OR PERCEIVED

National origin (includes language restrictions); Race (includes hairstyle and hair texture)

AS A RESULT, I WAS SUBJECTED TO

Subjected to discriminatory statements/advertisement

PARTICULARS

Between January 5, 2024 and December 17, 2024, Respondents' agents made multiple statements with respect to the rental of housing that indicate a preference, limitation, or discrimination based on race and/or national origin by describing policies - whether accurate or not - that as described would likely deter individuals with criminal records, who are disproportionately African American and Latinx, from applying to rent.

On or about January 5, 2024, a Black tester called the subject property posing as a potential renter using a Black-sounding alias. FHANC's tester spoke with Respondents' agent who identified herself as Letitia. FHANC's tester asked Letitia if a criminal record would cause a problem with the application. Letitia hesitantly said, "it depends on the crime." The tester disclosed that her boyfriend has a DUI and Letitia said a DUI would be ok. The tester asked who makes the decisions, management or a third party. Letitia said she is not the manager but a third party makes the decision. The tester asked if there is a written policy she can reference because she does not want to apply and then have the DUI be an issue. Letitia said she believed there was a policy online. Letitia put the tester on hold so she could speak with the manager. When Letitia came back to the call, she said that the manager had said as long as the DUI is not a felony it would be ok. The tester said the DUI was a misdemeanor. The tester asked if there is anyone she could talk to or any exception if the DUI ends up causing a problem. Letitia said in that case she would submit a letter to their corporate Asset Manager and he would make the decision. The tester asked if that was something she herself would submit as an applicant. Letitia said no, she had to be the one to submit for an exception. The tester asked Letitia what her manager's name is. Letitia said her manager's name is



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

Araceli.

On January 17, 2024, a white tester called the subject property posing as a potential renter using a white-sounding alias. The tester spoke with Respondents' agent who identified herself as Alexis. The tester asked Alexis if the application process includes a criminal background check and disclosed that her boyfriend has a felony assault on his record. Alexis immediately replied that a felony would result in an automatic denial. The tester asked if there were any exceptions or anything she and her boyfriend could do to show they would be good tenants. The tester said the assault happened a few years ago and nothing had happened since. The tester said she did not want to apply if she knew they would be automatically denied. Alexis said there is an option to apply with a co-signer. She said that the co-signer would be responsible for the apartment so, although the background check would flag the felony, the application would not automatically be denied if the co-signer has a clean record. The tester asked if this policy was for any crime or if it varied. Alexis said the policy was for all felonies and that it is an automatic system. Alexis said there is no human involved in filtering the applications.

On January 22, 2024, another white tester called the subject property posing as a potential renter using a white-sounding alias. The tester also spoke with Respondents' agent Alexis. The tester asked Alexis if the property conducts a criminal background check. Alexis said yes. The tester asked what the policy is if an applicant has a crime on their record. Alexis said, "it is an automatic fail." The tester said she was asking because her boyfriend got a DUI four years ago and she wants to know if that would be a problem. Alexis said, "yes, it's an automatic denial for felony or misdemeanor crimes." The tester asked if that is management's policy or if they use a screening service. Alexis said they use ResidentVerify and said that ResidentVerify automatically denies people, not management. The tester asked if management is able to rent to someone or make an exception if the third party denies an application. The tester also asked if there is a date limit that applies to the criminal record policy. Alexis said no, they are not allowed to rent to applicant if the system denies an application. Alexis also said she does not believe there is a deadline based on how long ago the crime happened. Alexis said the application "just automatically fails."

On or about February 1, 2024, another Black tester called the subject property posing as a potential renter using a Black-sounding alias. FHANC's tester spoke with Respondents' agent who identified herself as Araceli. FHANC's tester asked Araceli if the application requires a criminal background check. Araceli said yes. The tester asked Araceli what the policy is for an applicant with a crime on their record. The tester disclosed that her boyfriend has an assault on his record and said they do not want to spend money to apply if they know they will get denied. Araceli told the tester that if there is anything on an applicant's record they will automatically get denied. Araceli advised the tester not to apply. The tester asked Araceli to help her understand the policy and asked if there is a written policy that can be emailed to her. Araceli said "sure," and asked the tester for her email address. The tester gave her alias email address to Araceli. Araceli said she was emailing the tester the policy and an application. The tester asked Araceli if there is any exception or any additional information she could show if the application is denied. Araceli said there is nothing that can be done after a denial. The test email profile never received an email from Araceli or anyone else associated with the subject property.

On or about September 5, 2024, FHANC sent a notification of investigation results to Respondent Enclave Apartments Property Owner, LLC. The notice was sent by certified mail, which was delivered to Respondent on or about September 9, 2024. The notice informed Respondent that FHANC investigated The Grove Luxury Apartments and that the investigation revealed evidence of a discriminatory policy or practice. The notice stated that, "Using criminal history to screen, deny lease renewal, evict, or otherwise exclude individuals from housing



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202412-27486220

may constitute illegal discrimination under the Fair Housing Act. Such discrimination includes when a housing provider intentionally discriminates in using criminal history information (known as "disparate treatment" liability), or when a housing provider's policy or practice has an unjustified discriminatory effect, even when the provider had no intent to discriminate (known as "discriminatory effects" liability)." FHANC's notice recommended that Respondent implement best practices as put forth by HUD in order to avoid violating fair housing laws, including that housing providers consider not using criminal records to screen tenants for housing because criminal history is not a good predictor of housing success. The notice explained that HUD advises instead that housing providers rely on screening criteria that more closely relates to whether an applicant or resident would be a good tenant, such as ability to pay rent, prior rental history, or personal references. However, it also noted that if housing providers choose to use criminal background screening policies, HUD recommends that they "conduct an individualized assessment that considers relevant mitigating information beyond that contained in an individual's criminal record, as this is likely to have a less discriminatory effect than categorical exclusions that do not take such additional information into account." FHANC's notice also recommended that Respondents make their criminal record policy easily available to all who inquire.

On or about December 17, 2024, FHANC assigned a fifth tester to call the subject property. The tester was Black and called using a different Black-sounding alias. The fifth tester spoke with Respondent Kenzraeli Colston. The tester asked Kenzraeli if the property conducts a criminal background check. Kenzraeli said yes. The tester disclosed that she has a felony on her record from ten years ago. The tester said she did not want to apply if there is no chance she could be approved. Kenzraeli said, "let me take a look," and looked for a policy. Kenzraeli then said, "let me ask the manager," and placed the tester on hold. Kenzraeli returned to the call and said she thought the felony would result in a failed background check but she could not find a policy. The tester asked if the background check is conducted by a third party and Kenzraeli said yes. The tester asked if there are any exceptions. Kenzraeli said she had no idea. Kenzraeli said, "I encourage you to apply but I don't have anything on how it's determined." The tester asked Kenzraeli for an email address in case she had any further questions. Kenzraeli provided an email address. That afternoon, FHANC's tester sent an email to the subject property from the tester's alias email address. The tester said, "I just wanted to follow up on our call since Kay let me know a felony would probably make my application get denied. Is there any more information about the policy? I really like your building so just wanted to make sure I know if I can apply. I do have a felony assault charge from ten years ago and I did my time." Kenzraeli replied by email, "Yes, you can apply if you want to but I cannot guarantee that your application will be approved. I can assure you that if you do apply, you will be able to get your \$300 holding deposit back but not the application fee."

Complainant is an "aggrieved person" within the meaning of FEHA, which includes any person (individual or corporation), that "believes they have been injured by a discriminatory housing practice." 2 CCR § 12005(c),(w). Complainant has been injured by Respondents' discriminatory conduct because FHANC diverted its resources to counteract Respondents' discrimination and Respondents frustrated Complainant's mission to "ensure equal housing opportunity and to educate our communities on the value of diversity in our neighborhoods." Respondents' lack of clarity regarding their criminal background check policy as well as the overly broad policy they do communicate impede FHANC's ability to assist clients in the home seeking process, which it does through individual advocacy and advice and referral services.

Additionally, as a result of Respondent's conduct, Complainant diverted significant resources to address Respondents' discriminatory conduct, including: 1) conducting multiple testing investigations related to criminal record screening policies, which uncovered significant evidence of discrimination; 2) drafting and publicizing a



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER202412-27486220

report of its investigative findings to educate the public on fair housing protections related to criminal background checks and to prevent future discrimination; 3) drafting and sending notices to housing providers, including Respondents, that were found to have discriminatory criminal history screening policies, educating them on their fair housing obligations and fair housing laws; and 4) creating a training for housing providers on how to avoid violating fair housing laws when considering criminal histories in tenant screenings.

SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:**DATE:**Caroline Peattie (Mar 14, 2025 10:00 PDT)03/14/2025

**Civil Rights Department**

651 Bannan Street, Suite 200 | Sacramento | CA | 95811

1-800-884-1684 (voice) | 1-800-700-2320 (TTY) (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov**SETTLEMENT AGREEMENT — Housing****CRD Case Number: 202412-27486220****HUD Case Number: 09-25-6422-8****Complainant:**

Fair Housing Advocates of Northern California

Respondents:Two Coast Living Property Management
Enclave Apartments Property Owner, LLC**Property Address:** 1 Lakeville Circle, Petaluma, CA 94954**Description:** Apartment**No. of Units:** 492

In exchange for the promises and representations set forth herein, Fair Housing Advocates of Northern California ("Complainant") and Two Coast Living Property Management ("Two Coast") and Enclave Apartments Property Owner, LLC ("Owner") (collectively "Respondents") (collectively the "parties"), agree to resolve the above-listed complaint filed with the Civil Rights Department¹ ("CRD Complaint")² pursuant to the following terms and conditions:

1. This Agreement will take effect once it has been signed by all parties and an authorized CRD representative.

2. The parties intend and agree that this Agreement is binding and enforceable as permitted under law and that the terms are contractual and not mere recitals. As such this Agreement may be used as evidence if any party brings a proceeding to enforce this Agreement.

¹ Prior to July 1, 2022, the Civil Rights Department ("CRD") was named the Department of Fair Employment and Housing ("DFEH"). Pursuant to Government Code section 11159 and Senate Bill 1316 (2022), the CRD has the same duties, powers, purposes, responsibilities, and jurisdiction as the former DFEH.

² For purposes of this Agreement the term "CRD Complaint" includes Complainant's dual-filed complaint with the U.S. Department of Housing and Urban Development ("HUD").

3. By signing this Agreement, no party is admitting liability, wrongdoing, or the truth of any facts alleged in the CRD Complaint.
4. In exchange for Complainant's promises in this Agreement, Respondents agree:
 - a. Within 30 days of the date this Agreement takes effect, or of receiving Complainant's completed W-9 tax form, whichever is later, to pay Complainant \$27,000 via check made payable to: Fair Housing Advocates of Northern California. The check will be sent via trackable delivery method to: Fair Housing Advocates of Northern California, 851 Irwin Street, Suite 218, San Rafael, CA 94901.
 - b. Within 14 days of the date this Agreement takes effect, to ensure that the following poster is displayed at the subject property in a conspicuous place where it can be clearly seen and read by prospective and current tenants: "Fair Housing and Criminal History Fact Sheet" (CRD-H10P-ENG / November 2022), available at: https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2022/11/Fair-Housing-and-Criminal-History-Fact-Sheet_ENG.pdf. Respondents will maintain this poster in place for at least one year from the date this Agreement takes effect.
 - c. Within 120 days of the date this Agreement takes effect, to ensure that all office staff at all California properties managed by Two Coast will complete at least one (1) hour of training that covers all applicable California State and federal fair housing laws and regulations, including: FEHA and its regulations, protections related to the use of criminal history information including 2 CCR §§ 12264-12271, and protections related to requests for Reasonable Accommodations. Within the same timeframe, Respondents will provide written information to Complainant's counsel regarding who (or what entity) will be providing the training, the number and titles of employees who will attend, and written assurance that the training will cover the topics described in this paragraph. Assurance may be provided in the form of a training agenda or curriculum. Respondents may send this information to Complainant's counsel via e-mail addressed to: Julia@FairHousingNorCal.org.
 - d. Within one year of completing the training described in paragraph 4(c) above, to ensure that all office staff at all California properties managed by Two Coast complete a training that meets the same requirements. Respondents will provide written information to Complainant's counsel regarding the second training as described in paragraph 4(c) above. The parties agree and understand that they will not report compliance with this term to the CRD.

- e. Within 120 days of the date this Agreement takes effect, to review their policy governing the use of criminal history information for screening prospective and current tenants at all residential properties in California managed by Two Coast. If necessary, within 120 days of the date this Agreement takes effect, Respondents will revise their policy to ensure it is fully compliant with the California Fair Employment and Housing Act, including 2 CCR §§ 12264-71.
 - f. Within 120 days of the date this Agreement takes effect, to adopt and implement the following criminal history screening policy at all residential properties in California managed by Two Coast. The parties intend to align the policy with applicable fair housing laws, including 2 CCR §§ 12264-71. The parties agree and understand that the policy has not been adjudicated and that the CRD has not reviewed the policy and makes no representations regarding its compliance with the California Fair Employment and Housing Act or other applicable laws. Nothing in this Agreement shall be construed as an admission, determination, or finding that the policy is or is not compliant with the California Fair Employment and Housing Act or other applicable laws.
1. Must Achieve Legitimate Business Interest or Purpose – Health and/or Safety of People and/or Property.
- a. Offenses that may result in a denial of housing (or other adverse action) must achieve a substantial, legitimate, lawful business interest or purpose (i.e., health and/or safety of persons and/or property).
 - b. Convictions for offenses that do not clearly fall within one of the following categories shall not be used as a basis for denial or adverse action: Major Property Offenses, Major Violent Offenses Against Persons, or Sex Offenses.
 - i. Major Property Offenses include, but are not limited to, vandalism, arson, and other criminal damage to property.
 - ii. Major Violent Offenses Against Persons include, but are not limited to, homicide and assault and battery convictions that involve serious or great bodily harm, including crimes of violence against minors.
 - iii. Sex Offenses include, but is not limited to, rape, sex trafficking, and aggravated sexual assault and sexual battery. Applicants who are registered sex-offenders and whose tenancy at the community will violate the registration requirements shall be denied.
 - c. Denying an applicant based on criminal conviction is only permitted where there is no less discriminatory alternative practice that would equally or better accomplish the legitimate business interest or purpose (safety of individuals or property).

2. Must Consider Nature, Severity, and Recency of Offense.
 - a. The nature and severity of the offense and recency of the conviction must be considered in determining convictions that may result in a denial of housing (or other adverse action).
 - b. Denials may not be based on convictions that are older than seven years.
3. Chronology.
 - a. Criminal record background checks will only be reviewed as a factor in the application for occupancy after the applicant's financial and other qualifications are verified and the application is conditionally approved.
4. Transparency.
 - a. If the criminal background check results in an initial denial (or other adverse action), the applicant will receive written notice of the reason for the adverse action (i.e., the alleged convictions) with a copy of the background check provided to the applicant. The applicant will be notified that they have fourteen (14) calendar days from the date of receipt to provide in writing any and all mitigating information in the applicant's discretion and/or evidence that the background screening report contains inaccuracies.
 - b. A copy or description of the policy regarding the use of criminal history information must be provided to any individual who requests it. The policy must identify categories (and definition of categories) of convictions (and look back periods) that may result in a denial of an application for occupancy (or other adverse action), and state that an applicant may provide mitigating information which must be considered.
5. Must Consider Mitigating Information.
 - a. If the criminal background check initially results in denial (or other adverse action), the applicant must be provided with written notice of their opportunity to present individualized, mitigating information, either in writing or in person.
 - b. Mitigating information may include: information about how long ago the offense occurred, the nature of the offense or circumstances surrounding the offense, the age of the applicant at the time of the offense, whether the applicant has maintained a good tenant history since the offense, any efforts made toward rehabilitation since the offense, and other information that might be relevant to either party.
 - c. Respondents will conduct an individualized assessment that considers relevant mitigating information beyond that contained in an individual's criminal background check report.

Individualized assessments must be conducted by someone who has received applicable fair housing training, including on reasonable accommodation requirements.

- d. The applicant will have (14) calendar days from the date of receipt of the initial denial notice to provide any and all mitigating information. Respondents will hold the unit, or another comparable unit at the same rent, while mitigating information is being considered. However, Respondents may continue to hold any initial refundable holding deposit until the review is complete. If the application is approved, the holding deposit will be deducted from the security deposit. If the application is ultimately denied after review, the holding deposit will be refunded promptly.

6. Must be Based on Accurate Records.

- a. Respondents will take into consideration the reasonable and good faith factual accuracy of the criminal history information of the applicant including, but not limited to, whether a background report contains outdated, incorrect, or falsified information or information that is erroneously attributed to the individual being considered.
 - b. Applicants must be provided with written notice of their right to dispute the accuracy of a criminal background report and be given an opportunity to dispute such accuracy.
- g. Within 120 days of the date this Agreement takes effect, Respondents will disseminate the policy described in paragraph 4(f) above via e-mail to all office staff at all California properties managed by Two Coast. The email will direct staff that it is mandatory that they review the policy by a specified deadline. It will provide an e-mail address and phone number for a point of contact within Two Coast to whom staff can submit questions regarding the policy and/or the training described in paragraph 4(c) of this Agreement. That point of contact will collect the questions received and forward them to Respondents' fair housing counsel who will disseminate the answers to all office staff. The parties agree and understand that they will not report compliance with this term to the CRD.
- h. If Respondents claim a breach of this Agreement, they will give Complainant written notice of the nature and extent of the alleged breach via their counsel, if any. Complainant will have 14 days after receiving notice of the alleged breach to respond only in writing or cure the alleged breach. If the Parties cannot resolve the dispute within thirty (30) days after Respondents receive Complainant's response, Respondents may seek to enforce the provisions of this Agreement. The parties agree and understand that they will not report compliance with this term to the CRD.

- i. Within one year of the date this Agreement takes effect, to inform Complainant's counsel that Respondents have satisfied the promises set forth in this Paragraph 4 via e-mail addressed to Julia@FairHousingNorCal.org. Within one year of the date this Agreement takes effect, Respondents will inform the CRD that Respondents have satisfied the promises set forth in this Paragraph 4, except 4(d), (g), and (h), via e-mail addressed to DRDCompliance@CalCivilRights.ca.gov.
 - j. To release and forego from bringing against Complainant, in state or federal court or before any state, local, or federal government entity, any potential claims under the Fair Employment and Housing Act, the Unruh Civil Rights Act, and/or the federal Fair Housing Act (as amended), that are based on or related to the allegations in the CRD Complaint arising through the date when this Agreement takes effect.
5. In exchange for Respondents' promises in this Agreement, Complainant agrees:
- a. To the closure of the CRD Complaint.
 - b. To release and forego from bringing against Respondents, or any of Respondents' former or current officers, agents, or employees, in state or federal court or before any state, local, or federal government entity, any potential claims under the Fair Employment and Housing Act, the Unruh Civil Rights Act, and/or the federal Fair Housing Act, that are based on or related to the allegations in the CRD Complaint arising through the date when this Agreement takes effect.
 - c. If Complainant claims a breach of this Agreement, they will give Respondents written notice of the nature and extent of the alleged breach via their counsel, if any. Respondents will have 14 days after receiving notice of the alleged breach to respond only in writing or cure the alleged breach. If the Parties cannot resolve the dispute within thirty (30) days after Complainant receives Respondents' response, Complainant may seek to enforce the provisions of this Agreement. The parties agree and understand that they will not report compliance with this term to the CRD.
6. This Agreement does not prohibit Complainant from testifying, assisting, or participating in an investigation, hearing, or proceeding conducted by any state, local, or federal governmental entity, or from helping other individuals to pursue their rights. In addition, nothing in this Agreement prevents the disclosure of factual information by either party as specified in California Code of Civil Procedure section 1001.
7. The existence, terms, and conditions of this Agreement and underlying factual information related to the CRD Complaint are not confidential, and the Agreement is a public document.

8. Notwithstanding Paragraph 7, the parties will maintain the confidentiality of the mediation process leading up to the execution of this Agreement as set forth in the Agreement to Mediate and Confidentiality Agreement that they previously signed.

9. In signing this Agreement, each party acknowledges that:

- a. They have carefully read and fully understand the provisions of this Agreement;
- b. The CRD and its agents and employees have not provided legal advice, tax advice, or advice concerning the impact of this Agreement on eligibility for public benefits;
- c. They understand they have the right to consult with an attorney, to seek tax advice, and to review this Agreement with an attorney, tax consultant, and/or benefits counselor prior to signing;
- d. They have knowingly and freely entered into this Agreement, without coercion; and
- e. They have the authority to bind the entity or individual on whose behalf they have signed.

10. This Agreement is the sole and entire Agreement between the parties and the CRD regarding the CRD Complaint and supersedes all prior agreements, negotiations, and discussions between them relating to the CRD Complaint. In signing this Agreement, the parties have not relied on any other promises, inducements, or representations, other than as expressly set forth in this Agreement.

11. This Agreement may only be modified in a subsequent written agreement signed by the parties and the CRD.

12. If any provision of this Agreement is held to be invalid and/or unenforceable, the remaining provisions of the Agreement will be considered valid and enforceable, as if the invalid and/or unenforceable portion did not exist.

13. If any party to this Agreement brings an action in court to enforce this Agreement, the prevailing party will be entitled to recover their reasonable attorneys' fees and costs, as determined by the court.

14. The parties agree and understand that the CRD has the authority to investigate compliance with this Agreement; to enforce the Agreement in court; or, in the event of breach of this Agreement by any of the parties, to reopen the CRD Complaint, continue its investigation, and pursue the CRD Complaint to the full extent of the CRD's legal authority. The parties agree and understand that they are not reporting

compliance to the CRD with respect to paragraphs 4(d), (g), (h), and 5(c) of this Agreement.

15. Respondents acknowledge their affirmative duty under the Fair Employment and Housing Act not to discriminate, and that it is unlawful to retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Employment and Housing Act, the federal Fair Housing Act, or the Unruh Civil Rights Act.

16. This Agreement shall be interpreted under the laws of the State of California.

17. This Agreement may be signed in duplicate originals, each of which will be treated as an original and equally admissible in evidence. A fax, electronic, or scanned signature has the same effect as the original.

Dated: 9/15/25

Fair Housing Advocates of Northern California
Complainant Name (Print)

Caroline Peattie

Complainant's Signature

Dated: 9/15/25

Two Coast Living Property Management
Respondent Name & Job Title (Print)



Respondent's Signature

Dated: 9/15/25

Enclave Apartments Property Owner, LLC
Respondent Name & Job Title (Print)



Respondent's Signature

//
//
//
//
//
//
//
//

In reliance on the promises made by the parties in the foregoing Agreement, the CRD will terminate its investigation of and close CRD Case **202412-27486220** and HUD Case **09-25-6422-8**, subject to the Department's authority to reopen the Complaint and/or bring an action to enforce this Agreement in the event of a breach. The CRD does not waive or limit its right to investigate or seek relief in any other charge against Respondents.

Dated: Sep 16, 2025

Nina Paul, Assistant Chief Counsel
Department Representative's Name & Job Title (Print)



Department Representative's Signature

APPENDIX B.2

EXAMPLES OF EFFECTIVE ADVOCACY

2026 CASE AGAINST GREYSTAR CALIFORNIA, INC.



Civil Rights Department

651 Bannon Street, Suite 200 | Sacramento | CA | 95811
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

January 13, 2026

For Immediate Release

publicaffairs@calcivilrights.ca.gov

916-938-4113

Major Property Management Company to Review and Revise Tenant Screening Policies Statewide After Fair Housing Complaint

Settlement applies to 330+ properties operated by Greystar California, includes training and notices at dozens of apartment buildings in Los Angeles County

SACRAMENTO – The California Civil Rights Department (CRD) today announced reaching a fair housing settlement with Greystar California, Inc., which manages approximately 333 multi-family apartment complexes across California. The settlement comes after a prospective tenant filed a civil rights complaint with CRD alleging that their rental application was unlawfully rejected because of an unrelated misdemeanor. The settlement requires the property management company to review and revise its tenant screening policies as necessary to prohibit any automatic rejections on renting to people across California because of past criminal offenses.

“It’s difficult to participate in the life of our society without a place to call home,” **said CRD Director Kevin Kish**. “When prospective tenants are rejected for irrelevant or old offenses, we’re depriving them of a fair chance to be a part of their communities. Public safety starts with people having stability in their lives. This settlement will help give tenants all across California a meaningful chance at stability.”

Application Allegedly Denied

In 2025, CRD received a complaint against Greystar California alleging that a prospective tenant’s rental application at a luxury apartment complex in Hollywood was unlawfully denied. The 369-unit apartment building was managed by Greystar California at the time and previously known as Rise Hollywood. According to the complaint, the prospective tenant submitted an application and was denied the same day based in part on their criminal history. When the applicant objected to the denial, staff at the property allegedly declined to give the prospective tenant an opportunity to provide any information explaining the nature of the offense and failed to justify the denial with a connection between the conviction and the applicant’s ability to pay rent or otherwise be a suitable tenant.

Under California's Fair Employment and Housing Act and its related regulations, housing providers cannot automatically decline to rent to people who have previously been involved in the criminal legal system. Such bans may disproportionately impact prospective Black and Latino tenants, perpetuate historical housing segregation patterns, and serve as a pretextual cover for intentional discrimination. Under regulations that implement California's Fair Employment and Housing Act, housing providers should not consider convictions that are not directly related to tenancy. In addition, any consideration of a conviction must be individualized, based on the nature and severity of the underlying offense, as well as the amount of time that has passed.

Settlement Requires Corrective Action

After conducting an initial investigation, CRD provided the applicant and the property management company an opportunity to voluntarily resolve the allegations through mediation and reached a settlement. As a result of the settlement, Greystar California, without admitting liability, will:

- Conduct a review of its tenant screening policies and revise them as necessary to ensure statewide compliance with California's fair housing laws.
- Provide notice of California's protections in housing related to criminal history to all employees and staff members involved in leasing at dozens of properties across Los Angeles County.
- Ensure specified staff in Southern California complete at least three hours of fair housing training, including on state laws related to screening prospective tenants.
- Pay \$10,000 in compensation to the individual applicant who filed the complaint.

If you or someone you know has experienced housing discrimination, CRD may be able to assist you through its [complaint process](#). The department also [provides general information and factsheets online](#) about civil rights protections, including on [fair housing and criminal history](#).

The settlement announced today was mediated by Attorney Mediator Rebecca Schonberg.

You can learn more by [reading a copy of the settlement](#).

###

The California Civil Rights Department (CRD) is the state agency charged with enforcing California's civil rights laws. CRD's mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.





Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811

1-800-884-1684 (voice) | 1-800-700-2320 (TTY) (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

SETTLEMENT AGREEMENT — Housing

CRD Case Number: [REDACTED]

HUD Case Number: N/A

Complainant:

[REDACTED]

Respondents:

[REDACTED]

Greystar California, Inc.

Property Address: [REDACTED]

Description: Apartment

No. of Units: 369

In exchange for the promises and representations set forth herein, [REDACTED] ("Complainant") and [REDACTED] and Greystar California, Inc. ("Respondents") (collectively the "parties"), agree to resolve the above-listed complaint filed with the Civil Rights Department¹ ("CRD Complaint") pursuant to the following terms and conditions:

1. This Agreement will take effect once it has been signed by all parties and an authorized CRD representative.
2. The parties intend and agree that this Agreement is binding and enforceable as permitted under law and that the terms are contractual and not mere recitals. As such this Agreement may be used as evidence if any party brings a proceeding to enforce this Agreement.
3. By signing this Agreement, no party is admitting liability, wrongdoing, or the truth of any facts alleged in the CRD Complaint.

¹ Prior to July 1, 2022, the Civil Rights Department ("CRD") was named the Department of Fair Employment and Housing ("DFEH"). Pursuant to Government Code section 11159 and Senate Bill 1316 (2022), the CRD has the same duties, powers, purposes, responsibilities, and jurisdiction as the former DFEH.

4. In exchange for Complainant's promises in this Agreement, Respondents agree:

- a. Within 30 days of the date this Agreement takes effect, or of receiving Complainant's completed W-9 tax form, whichever is later, Respondent Greystar California, Inc. ("Greystar") will pay Complainant \$10,000 via check made payable to: [REDACTED]. The check will be sent via trackable delivery method to the address the CRD Mediator provides to Respondents' representative.
- b. Within 90 days of the date this Agreement takes effect, Respondent Greystar will review with legal counsel its tenant screening policies for properties it owns and/or manages in the State of California with respect to the use of criminal history information and revise as necessary to ensure its policies are fully compliant with the Fair Employment and Housing Act and its implementing regulations, including 2 CCR §§ 12264-71. Within 120 days of the date this Agreement takes effect, Respondent Greystar will fully implement any policy revisions undertaken pursuant to this paragraph, including training their leasing agents as to any changes.
- c. Within 60 days of the date this Agreement takes effect, Respondent Greystar will distribute the CRD publication entitled "Fair Housing and Criminal History" to all its employees and staff members involved in leasing units for the properties listed in Appendix A to this Agreement. Respondent Greystar will direct the recipients to review and familiarize themselves with the publication. The publication is available at: https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2020/04/Fair-Housing-and-Criminal-History-FAQ_ENG.pdf.
- d. Within 90 days of the date this Agreement takes effect, Respondent Greystar will ensure that all individuals involved in leasing units for the properties listed in Appendix A to this Agreement complete at least three (3) hours of fair housing training, including training on the California State laws and regulations governing the use of criminal history information to screen prospective tenants.
- e. Within 120 days of the date this Agreement takes effect, to inform Complainant and the CRD that Respondents have satisfied the promises set forth in this Paragraph 4. Respondents will inform Complainant of compliance via e-mail addressed to the CRD Mediator at:

Rebecca.Schonberg@CalCivilRights.ca.gov. Respondents will inform the CRD of compliance via e-mail addressed to DRDCompliance@CalCivilRights.ca.gov.

- f. To release and forego from bringing against Complainant, in state or federal court or before any state, local, or federal government entity, any potential claims under the Fair Employment and Housing Act, the Unruh Civil Rights Act, and/or the federal Fair Housing Act, that are based on or related to the allegations in the CRD Complaint arising through the date when this Agreement takes effect.
5. In exchange for Respondents' promises in this Agreement, Complainant agrees:
 - a. To the closure of the CRD Complaint.
 - b. To release and forego from bringing against Respondents, or any of Respondents' former or current officers, agents, or employees, in state or federal court or before any state, local, or federal government entity, any potential claims under the Fair Employment and Housing Act, the Unruh Civil Rights Act, and/or the federal Fair Housing Act, that are based on or related to the allegations in the CRD Complaint arising through the date when this Agreement takes effect.
6. This Agreement does not prohibit Complainant from testifying, assisting, or participating in an investigation, hearing, or proceeding conducted by any state, local, or federal governmental entity, or from helping other individuals to pursue their rights. In addition, nothing in this Agreement prevents the disclosure of factual information by either party as specified in California Code of Civil Procedure section 1001.
7. The existence, terms, and conditions of this Agreement and underlying factual information related to the CRD Complaint are not confidential, and the Agreement is a public document.
8. Notwithstanding Paragraph 7, the parties will maintain the confidentiality of the mediation process leading up to the execution of this Agreement as set forth in the Agreement to Mediate and Confidentiality Agreement that they previously signed.

9. In signing this Agreement, each party acknowledges that:
- a. They have carefully read and fully understand the provisions of this Agreement;
 - b. The CRD and its agents and employees have not provided legal advice, tax advice, or advice concerning the impact of this Agreement on eligibility for public benefits;
 - c. They understand they have the right to consult with an attorney, to seek tax advice, and to review this Agreement with an attorney, tax consultant, and/or benefits counselor prior to signing;
 - d. They have knowingly and freely entered into this Agreement, without coercion; and
 - e. They have the authority to bind the entity or individual on whose behalf they have signed.

10. This Agreement is the sole and entire Agreement between the parties and the CRD regarding the CRD Complaint and supersedes all prior agreements, negotiations, and discussions between them relating to the CRD Complaint. In signing this Agreement, the parties have not relied on any other promises, inducements, or representations, other than as expressly set forth in this Agreement.

CRD has been made aware that the parties intend to sign or have signed a separate agreement. The CRD is not a signatory to and has not approved any separate agreement or covenant between the parties. Should any term contained in the parties' separate agreement conflict with any term in this Agreement, this Agreement controls, and any conflicting terms in the parties' separate agreement are void and unenforceable.

11. This Agreement may only be modified in a subsequent written agreement signed by the parties and the CRD.

12. If any provision of this Agreement is held to be invalid and/or unenforceable, the remaining provisions of the Agreement will be considered valid and enforceable, as if the invalid and/or unenforceable portion did not exist.

13. If any party to this Agreement brings an action in court to enforce this Agreement, the prevailing party will be entitled to recover their reasonable attorneys' fees and costs, as determined by the court.

14. The parties agree and understand that the CRD has the authority to investigate compliance with this Agreement; to enforce the Agreement in court; or, in the event of breach of this Agreement by any of the parties, and after first providing Respondent with notice and an opportunity to cure, to reopen the CRD Complaints, continue its investigation, and pursue the CRD Complaints to the full extent of the CRD's legal authority.

15. Respondents acknowledge their affirmative duty under the Fair Employment and Housing Act not to discriminate, and that it is unlawful to retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Employment and Housing Act, the federal Fair Housing Act, or the Unruh Civil Rights Act.

16. This Agreement shall be interpreted under the laws of the State of California.

17. This Agreement may be signed in duplicate originals, each of which will be treated as an original and equally admissible in evidence. A fax, electronic, or scanned signature has the same effect as the original.

Dated: 12/24/2025

[REDACTED]
Complainant Name (Print)

[REDACTED]
Complainant's Signature

Dated: _____

[REDACTED]
Respondent Name & Job Title (Print)

Respondent's Signature

Dated: _____

Greystar California, Inc.
Respondent Name & Job Title (Print)

Respondent's Signature

14. The parties agree and understand that the CRD has the authority to investigate compliance with this Agreement; to enforce the Agreement in court; or, in the event of breach of this Agreement by any of the parties, and after first providing Respondent with notice and an opportunity to cure, to reopen the CRD Complaints, continue its investigation, and pursue the CRD Complaints to the full extent of the CRD's legal authority.

15. Respondents acknowledge their affirmative duty under the Fair Employment and Housing Act not to discriminate, and that it is unlawful to retaliate against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under the Fair Employment and Housing Act, the federal Fair Housing Act, or the Unruh Civil Rights Act.

16. This Agreement shall be interpreted under the laws of the State of California.

17. This Agreement may be signed in duplicate originals, each of which will be treated as an original and equally admissible in evidence. A fax, electronic, or scanned signature has the same effect as the original.

Dated: _____

Complainant Name (Print)

Complainant's Signature

Dated: 12/23/2025

Respondent Name & Job Title (Print)

Respondent's Signature

Dated: 12.19.25

Greystar California, Inc.

Respondent Name & Job Title (Print)

Morgan Loy

Respondent's Signature

In reliance on the promises made by the parties in the foregoing Agreement, the CRD will terminate its investigation of and close CRD Case _____ subject to the Department's authority to reopen the Complaint and/or bring an action to enforce this Agreement in the event of a breach. The CRD does not waive or limit its right to investigate or seek relief in any other charge against Respondents.

In reliance on the promises made by the parties in the foregoing Agreement, the CRD will terminate its investigation of and close CRD Case [REDACTED] subject to the Department's authority to reopen the Complaint and/or bring an action to enforce this Agreement in the event of a breach. The CRD does not waive or limit its right to investigate or seek relief in any other charge against Respondents.

Dated: Jan 7, 2026

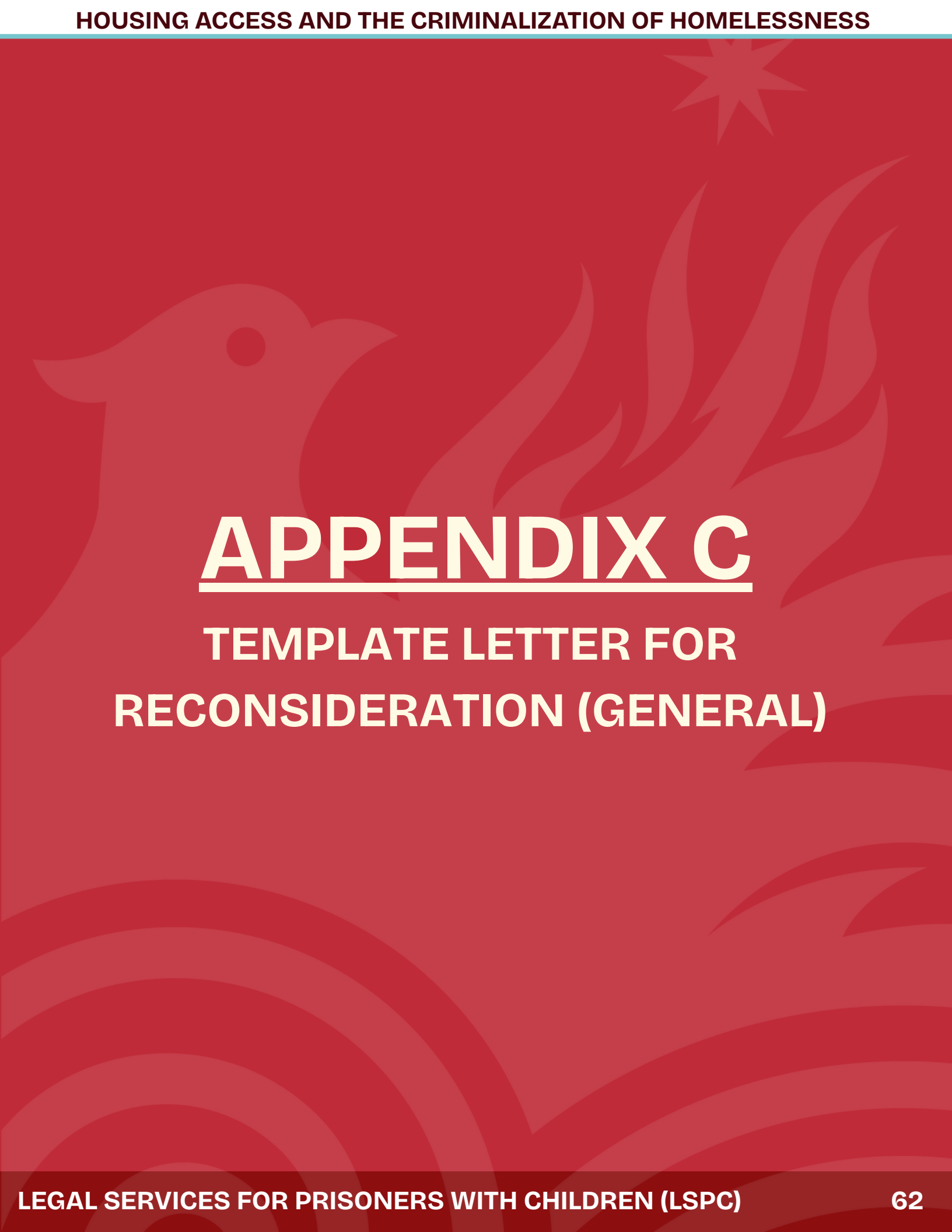
Nina Paul, Assistant Chief Counsel
Department Representative's Name & Job Title (Print)

Nina Paul

Department Representative's Signature

Appendix A to Civil Rights Department Settlement Agreement
CRD Case Number: [REDACTED]

Alexan NoHo West	Silhouette
Aliso	Stella
Alloy	The Alfred
ARQ (Cumulus)	The Eden
Avenue 34	The Pearl
Circa LA	Upper Ivy
Desmond at Wilshire	VOX
Eastway	Wilshire Vermont
Fitz on Fairfax	
Kurve	
La Plaza	
Lilian	
Linea	
Llewellyn	
Lofts at Noho Commons	
Madrid	
mResidences Miracle Mile	
mResidences Olympic & Olive	
NoHo 14	
Opus	
Overland & Ayers	
Park East	
Rise Koreatown	

The background of the page is a solid red color. Overlaid on this background is a faint, stylized illustration. On the left side, there is a silhouette of a dove in flight, facing right. To the right of the dove, there are stylized, flame-like shapes that rise upwards. In the upper right corner, there is a small, multi-pointed star or sunburst symbol. The overall composition suggests themes of peace (dove) and conflict or destruction (flames).

APPENDIX C

TEMPLATE LETTER FOR RECONSIDERATION (GENERAL)

TEMPLATE LETTER FOR RECONSIDERATION

(GENERAL)

INSTRUCTIONS

The following is a template advocacy letter you can use if a housing provider in California has denied your rental application because of your criminal record.

Before you submit the letter, fill in all of the blank spaces in the template. One of the most important parts of the request for reconsideration is explaining why your criminal record does not prevent you from being a good tenant. In this section, you can write about how things have changed for you since the time of your conviction(s), and highlight positive achievements – such as completing rehabilitative or educational programming, securing a stable job or maintaining employment, consistent rental history, volunteer work, or other community involvement.

You can also submit additional “mitigating information,” including positive character references or letters of support from a current or former employer and/or landlord. The template letter includes a place for you to check off any of the mitigating information you are submitting with your request for reconsideration.

Before you submit your completed letter, be sure to date and sign it and make a copy or take a picture of the letter and all supporting documents to save for your records. If the landlord does not respond to your letter, you can reach out to them, seek assistance from a legal aid organization, and/or make a complaint with the California Civil Rights Department.

Date: _____

To: _____ (landlord's name)

RE: Request for reconsideration of my housing application

Dear _____ (landlord's name),

I, _____ (applicant's name), am requesting that you reconsider my application for tenancy at _____ (address of apartment), where I applied to live on _____ (date of application). I was informed verbally / in an email / in a letter (circle all that apply) that my application for tenancy was denied due to the results of my criminal background screening. **I respectfully request that you reconsider my application for tenancy because my criminal record does not affect my ability to be a good tenant.**

To ensure all communities have equal access to housing, the federal **Fair Housing Act (FHA)** prohibits treating applicants with similar criminal histories differently on the basis of their race or national origin, as well as housing practices that have an unjustified discriminatory effect (or disparate impact) on renters of one race or national origin over another. California's **Fair Employment and Housing Act (FEHA)** explicitly prohibits practices that have a discriminatory effect on members of a protected class (Cal. Gov. Code § 12955.8(b)), and the **California Civil Rights Department (CRD)** has issued regulations explaining when a landlord's criminal background screening policy violates anti-discrimination laws (2 CCR §§ 12264-12271). In California, housing providers are prohibited from:

- Denying applicants solely on the basis of an arrest record or an infraction record.
- Denying applicants on the basis of juvenile adjudications or convictions that have been sealed, dismissed, or expunged.
- Implementing a "blanket ban" or categorical exclusion of people with criminal convictions.
- Denying applicants for convictions that are not "directly-related" to a "substantial, legitimate, and nondiscriminatory purpose," such as the safety of other residents or the property.

Housing providers should consider the nature, severity, and recency of the criminal conduct in determining whether a criminal conviction is "directly related" to tenancy, and provide individualized assessments that include consideration of mitigating information.

In support of my request for reconsideration, I am submitting the following information for you to consider as part of an individualized review of my application:

My criminal record consists of _____

_____.

My record is not directly-related to my ability to be a good tenant because _____

_____.

I am also sharing the following mitigating evidence, which shows that I will be a good tenant and valuable member to your residential community (*check all that apply and submit with letter*):

___ Character reference letter(s)	___ Evidence of rehabilitation (e.g. program completion certificates, education)
___ Former landlord reference letter(s)	___ Other:
___ Employer reference letter(s)	___ Other:

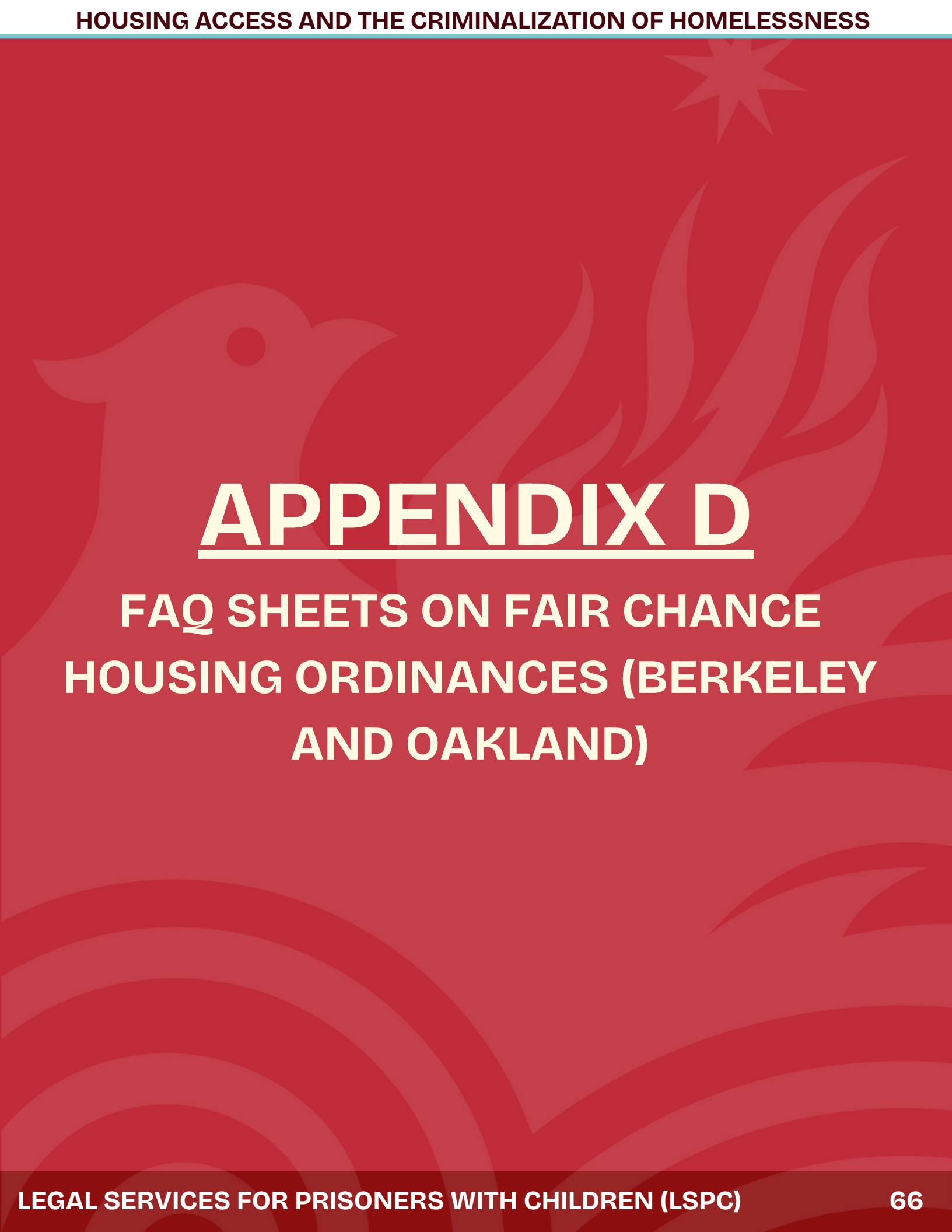
For these reasons, I request that you reconsider my application and accept me as a tenant. I ask that you please respond to my request in writing within ten (10) days of the date of this letter. If you still decide to decline my application, I have several legal remedies, including filing a complaint with the California Civil Rights Department for violations of California's Fair Employment and Housing Act. To avoid liability please reconsider my housing application. Thank you for your time and attention to this matter.

Sincerely,

_____ (*applicant's full name*)

_____ (*applicant's current address*)

_____ (*applicant's email address*)



APPENDIX D

FAQ SHEETS ON FAIR CHANCE HOUSING ORDINANCES (BERKELEY AND OAKLAND)



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

NOTICE TO RENTAL PROPERTY OWNERS:

OAKLAND LAW NOW PROHIBITS USE OF CRIMINAL HISTORY AND/OR CRIMINAL BACKGROUND CHECKS IN TENANT SELECTION PROCESS

Ronald V. Dellums and Simarashe Sherry Fair Chance Access to Housing Ordinance

Attention: On February 4, 2020, Oakland City Council passed the “Fair Chance Access to Housing Ordinance.” (Ordinance No. 13581 C.M.S., O.M.C. 8.25). The Ordinance makes it unlawful for Oakland landlords to consider criminal history in tenant screening for rental housing.

PLEASE BE ADVISED THAT IT IS NOW 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
- Take any other negative action against applicants/tenants based on criminal history

EXCEPTIONS: Very limited exceptions apply for conducting searches of the state registry of lifetime sex offenders, applications to public housing, and rentals of single-family homes, duplexes, and triplexes where the owner occupies one of the units as a principal residence.

If a landlord chooses to conduct a search of the state registry of lifetimes sex offenders, the 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.



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

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 in large part to the fact that reporting services frequently provide inaccurate or incomplete information.

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

ALL HOUSING APPLICATION MATERIALS MUST INCLUDE A COPY OF THE ENCLOSED NOTICE TO APPLICANTS AND TENANTS

The enclosed Notice to Applicants and Tenants must be prominently included in any application material, websites, and any other location frequently visited by housing applicants.

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 up to \$1,000 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.

For more information, contact: City of Oakland
Housing Resource Center
Phone: 510.238.6182
Email: housingassistance@oaklandca.gov

You may read a copy of the Ordinance by visiting the City of Oakland website at: oaklandca.gov/topics/housing-resource-center or consult with an attorney for more information.

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



Fair Chance Housing FAQ for Rental Property Owners and Managers

1. What does the Fair Chance Housing Ordinance do?

The Ron Dellums Fair Chance Access to Housing Ordinance allows for people returning from incarceration to more easily find housing and/or live with their families. In general, the Ordinance prohibits housing providers from asking about and using criminal history and criminal background checks in their rental housing advertising, applications, or decision-making.

To see the entire Fair Chance Housing Ordinance, go to: [B.M.C 13.106](#)

2. When did the ordinance go into effect?

The Ordinance became effective on March 10, 2020. However, there was a six-month grace period during which time housing providers would not be held liable by the City for a violation unless the City had first issued a prior warning. This grace period was extended to January 1, 2021.

3. What does the ordinance prohibit rental housing providers from doing?

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)
- Treat rental applicants or tenants differently based on their criminal history

4. Does the Ordinance apply to all types of housing? What are the exceptions?

The Ordinance DOES NOT apply to the following types of housing situations:

1. Single-family homes, duplexes, triplexes, and ADUs (Accessory Dwelling Units) where the owner occupies one of the units.



Berkeley Rent Stabilization Board

2000 Center Street, Suite 400, Berkeley, CA 94704

510-981-7368

rent@berkeleyca.gov

2. Tenants who seek to add a co-tenant or a roommate. This exception only applies when a current tenant is seeking to add someone as a roommate AND that current tenant (not the landlord) wants to run a criminal background check. Roommates or groups of people moving in together on a new lease are protected under the Ordinance. Landlords can't run criminal background checks on new groups of tenants and cannot run criminal background checks on the people that current tenants choose. The only time that a Landlord can run a criminal background check is if they are physically residing in rental housing that's 3 units or under.
3. Units under a rental agreement allowing owners to move back to their home in accordance with B.M.C. 13.76.130 A.10.

Under certain circumstances, the housing provider may review the State's lifetime sex offender registry in compliance with state law. See #6 for more information.

5. Does the Ordinance apply to Section 8 or other Federal Housing Authority operated housing?

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. Optional background checks are NOT allowed under the Ordinance.

6. Does the Ordinance apply to Affordable Housing Units, including those operated by nonprofits?

Yes, it does. However, for those units that receive HUD funding, the housing provider 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. Any optional criminal background check is not allowed.

7. Can housing providers review the State's lifetime sex offender registry?

Housing providers may review the state's lifetime sex offender registry if they are concerned about the safety of persons at risk. However, prior to checking the registry, a housing provider must first: 1) Include the lifetime sex offender screening requirement in writing in the rental application; 2) Have already made a conditional housing offer to the applicant subject to screening; 3) Inform the applicant in advance that the check will be made; and 4) Request the applicant's written consent or allow the applicant to withdraw



their application. In addition, the applicant must be provided with the chance to provide rebutting or mitigating information.

8. Does the Fair Chance Housing law prevent housing providers from evicting tenants?

No, the Fair Chance Housing ordinance does not prevent housing providers or housing providers from evicting tenants; however, housing providers are not allowed to use criminal conviction history as a basis for eviction. People with a criminal history share the same rights and protections as any other tenant under Berkeley's Just Cause Eviction or Fair Housing laws.

9. How is the Fair Chance Housing law enforced?

Formerly incarcerated applicants and tenants, as well as applicants and tenants seeking to add a formerly incarcerated person to their lease, may file a complaint with the City and/or file a lawsuit if they believe a housing provider has violated the Ordinance. In addition, close family members of formerly incarcerated residents can file a complaint with the City.

The City may issue civil penalties of at least \$1,000 and up to \$10,000 per violation. The City may also file an enforcement action in Court against a housing provider.

10. As a housing provider, don't I have the right to review all of the information that's available on a potential tenant?

Housing providers have a right to information that's *relevant* to entering into a rental agreement with an applicant—namely if the person is going to abide by the terms of the lease, and pay rent on time. The Fair Chance Housing Ordinance does not take away the housing provider's right to review references, employment and income status, credit reports, eviction records, and other relevant information.

11. Can housing providers state, “no criminal records,” “no felons,” “clean record required,” or something similar when advertising a unit for rent or talking to potential applicants?

No. Housing providers cannot advertise, publicize, or have a policy that automatically or categorically excludes applicants with an arrest record, conviction record, or criminal history from rental housing in the City of Berkeley.

12. Can housing providers ask, “Have you or any household member ever been convicted of a crime?” on a rental application or when talking to an applicant?

No. Housing providers or any person cannot inquire about or require an applicant to disclose this information. The only exceptions are when state or federal law requires



Berkeley Rent Stabilization Board

2000 Center Street, Suite 400, Berkeley, CA 94704

510-981-7368

rent@berkeleyca.gov

criminal background checks for certain types of subsidized housing. Even in those instances, Berkeley's Fair Chance Housing laws require those housing providers to follow due process protections. In addition, no optional criminal background checks are allowed.

13. As a housing provider do I have to notify potential applicants of their rights under this notice?

Yes. Housing Providers must include the City's Notice to Rental Applicants and Tenants prominently on their application materials, websites, and at any locations under their control that are frequently visited by applicants. The notice can be found on the City's website at https://rentboard.berkeleyca.gov/Fair_Chance

14. I'm with a third-party leasing/renting agency (i.e. Zillow, Onerent) and believe that the best way to verify an applicant's identity is through a criminal background check? Can my company do that?

No. The law prohibits ANY person, organization, or company that owns, manages, or leases housing in the City of Berkeley from requiring disclosure, inquiring about, or taking any adverse action based on arrest records, conviction records, or criminal history, unless an exclusion applies. The screening company may check the accuracy of the information through other means, such as a credit check.

15. Where can I go to find additional information? Who can I ask if I still have questions?

For more information from the city, contact:

Berkeley Rent Stabilization Board

2000 Center Street, Suite 400, Berkeley, CA 94704

TEL: (510) 981-7368, TDD: (510) 981-6903, FAX: (510) 809-3921

Email: rent@berkeleyca.gov

Website: rentboard.berkeleyca.gov

For mediation services, contact:

SEEDS

2530 San Pablo Ave. Suite A,

Oakland, CA 94702

510-548-2377

Email: info@seedscrc.org

Seedscrc.org



Berkeley Rent Stabilization Board

2000 Center Street, Suite 400, Berkeley, CA 94704

510-981-7368

rent@berkeleyca.gov

For rental housing provider guidance contact:

Berkeley Property Owners Association

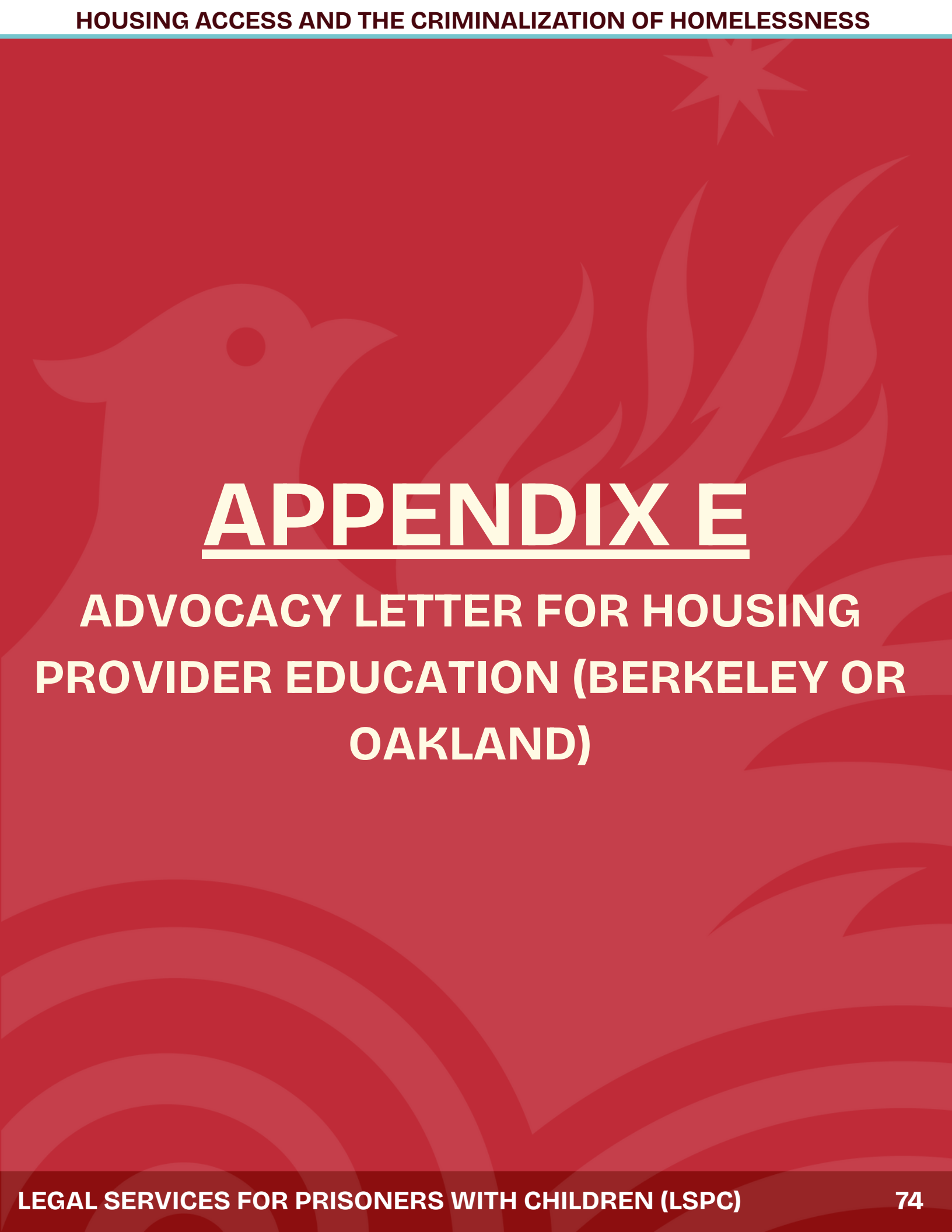
2041 Bancroft Way, Suite 203

Berkeley, CA 94704

510-525-3666

Email: bpoa@bpoa.org

www.bpoa.org



APPENDIX E

ADVOCACY LETTER FOR HOUSING PROVIDER EDUCATION (BERKELEY OR OAKLAND)

TEMPLATE LETTER FOR ADVOCACY WITH HOUSING PROVIDERS (BERKELEY OR OAKLAND)

INSTRUCTIONS

The following document is an advocacy letter you can use to educate housing providers in either Berkeley or Oakland, California about each city's Fair Chance Housing ordinance. FAQs sheets on the relevant ordinance for each city are also included in the appendix (Appendix D) and can be submitted to the housing provider along with your letter.



March 9, 2026

RE: Compliance with Fair Housing Laws - Criminal Background Checks

Dear Housing Provider,

We are writing to you on behalf of Legal Services for Prisoners with Children to address a concern related to fair housing laws. It has come to our attention that prospective tenants are being asked to disclose information on their criminal records during the housing application process. As established by local Fair Chance Housing ordinances in the City of Berkeley (Berkeley Ordinance 7,692-N.S.) and the City of Oakland (Oakland Municipal Code 8.25.030), it is unlawful for landlords to ask applicants' about their criminal records in tenant screening for rental housing, except in very limited circumstances. We have enclosed FAQs sheets from each city with more information on these ordinances.

Further, certain background screening practices, such as blanket bans on renting to people with a criminal record, can violate the federal Fair Housing Act and California Fair Employment and Housing Act due to their discriminatory effect on individuals of certain races or national origins.

We encourage you to review your current rental policies and make any necessary changes to ensure they comply with local, state, and federal fair housing laws. If you need further information or assistance in aligning your policies with your city's Fair Chance Housing ordinance, please contact:

- The City of Berkeley Rent Stabilization Board
 - Phone: (510) 981-7368 / Email: rent@berkeleyca.gov
 - Address: 2000 Center Street, Suite 400, Berkeley, CA 94704
 - Website: https://rentboard.berkeleyca.gov/Fair_Chance
- The City of Oakland Housing and Community Development
 - Phone: (510) 238-6182 / Email: housingassistance@oaklandca.gov
 - Address: 250 Frank Ogawa Plaza, Suite 6301, Oakland, CA 94612.
 - Website: www.oaklandca.gov/Community/Housing-Programs-Support/Fair-Chance-Housing-Ordinance

Thank you for your immediate attention to this matter.

Sincerely,

Legal Department, Legal Services for Prisoners with Children

Enclosures:

- Fair Chance Housing FAQs for Rental Property Owners and Managers (Berkeley)
- Notice to Rental Property Owners (Oakland)

4400 Market Street
Oakland, CA 94608

Phone: (415) 255-7036
Fax: (415) 625-7035

www.prisonerswithchildren.org

APPENDIX F

TEMPLATE LETTER FOR RECONSIDERATION (BERKELEY OR OAKLAND)

TEMPLATE LETTER FOR RECONSIDERATION **(BERKELEY OR OAKLAND)**

INSTRUCTIONS

The following is a template letter for reconsideration that you can use if a housing provider in either Berkeley or Oakland, California has denied your housing application because of your criminal record. FAQs sheets on the relevant ordinances for each city are also included in the appendix (Appendix D) and can be submitted to the housing provider with your letter.

Before you submit the letter, fill in all the blank spaces on the template, sign and date it, and make a copy or take a picture of it to save for your records. If the landlord does not respond to your letter, you can reach out to them or seek assistance from a legal aid organization, file a complaint with the City of Oakland or City of Berkeley, or file a lawsuit.

Date: _____

To: _____ (landlord's name)

RE: Request for reconsideration of my housing application, in compliance with local Fair Chance Housing ordinance

Dear _____ (landlord's name),

I, _____ (applicant's name), am requesting that you reconsider my application for tenancy at _____ (address of apartment), where I applied to live on _____ (date of application). I was informed verbally / in an email / in a letter (circle all that apply) that my application for tenancy was denied due to the results of my criminal background screening. **I respectfully request that you reconsider my application for tenancy because local law prohibits housing providers from considering applicants' criminal records, except in very limited circumstances (Berkeley Ordinance 7,692-N.S.; Oakland Municipal Code 8.25.030).**

Further, it has been found that certain criminal record screening practices, such as blanket bans on renting to people with a criminal record, can violate the federal Fair Housing Act and the California Fair Employment and Housing Act due to their disproportionate impact on individuals of certain races or national origins.

I encourage you to review your current rental policies and make any necessary changes to ensure they comply with local, state, and federal laws. FAQs sheets for rental property owners about Berkeley and Oakland's Fair Chance Housing Ordinances are enclosed with this letter.

If you still decide to decline my application, I have several legal remedies, including filing a complaint with the City or the California Civil Rights Department. To avoid liability please reconsider my housing application.

Thank you for your time and attention to this matter.

Sincerely,

_____ (signature)

_____ (name)

_____ (email)

Enclosures:

- Fair Chance Housing FAQs for Rental Property Owners and Managers (Berkeley)
- Notice to Rental Property Owners (Oakland)