

Brown, Matthew (Matt)

From: Wu, Lynn
Sent: Thursday, September 2, 2021 10:33 AM
To: Brown, Matthew (Matt)
Subject: Fw: possible violation of FCO at OPSA

From: Law, Moni T. <MLaw@cityofberkeley.info>
Sent: Friday, July 23, 2021 4:05 PM
To: >
Cc: Wu, Lynn <LWu@cityofberkeley.info>
Subject: FW: possible violation of FCO at OPSA

I don't think I had a chance to forward you a copy of this letter that we received yesterday. The new board president is removing the illegal question. We did not reference the name of the potential applicant, so they do not know who filed the initial complaint.

Good news- the law is working.

Moni

From: Jack Cousineau <jackopsa@protonmail.com>
Sent: Thursday, July 22, 2021 3:37 PM
To: Law, Moni T. <MLaw@cityofberkeley.info>
Subject: possible violation of FCO at OPSA

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. Law,

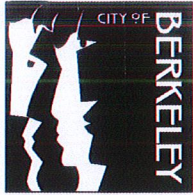
As a newly elected OPSA Board member, and the new president of the board, I immediately recognized the importance of the letter dated 07/14/21, re: Possible violation of the Fair Chance Ordinance...in your rental application, signed by Staff Attorney Lynn Wu.

I am taking immediate action, along with our manager, to assure that no application form that possibly violates the ordinance will be used going forward, and that any statement elicited in response to such a violation, if there be such, will be deleted before the application moves further through our process.

Thank you for letting us know.

Sincerely Jack Cousineau, OPSA Board President
c/o Management at Oregon Park Senior Apartments
1425 Oregon St.
Berkeley, CA 94702
Phone: 626-710-7915

Sent with [ProtonMail](#) Secure Email.



Rent Stabilization Board

July 14, 2021

Management at Oregon Park Senior Apartments
1425 Oregon Street
Berkeley, CA 94702

Re: Possible violation of the Fair Chance Ordinance (Berkeley Municipal Code Section 13.106) in your Rental Application

Dear Oregon Park Management:

The Berkeley City Council recently enacted the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code Section 13.106). This legislation prohibits, in most cases, inquiring about or considering criminal history during the tenant selection process for rental housing. The City has contracted with the Rent Board to administer this ordinance.

It has recently come to our attention that page 3 of your standard application contains a question "Have you ever been convicted of a felony?" This appears to expressly violate B.M.C. Section 13.106.040A, which specifically provides that "a Housing Provider shall not, at any time or by any means, whether direct or indirect, inquire about an Applicant's Criminal History, require an Applicant to disclose their Criminal History, require an Applicant to authorize the release of their Criminal History or, if such information is received, base an Adverse Action in whole or in part on an Applicant's Criminal History." There are exceptions to this prohibition, but it is not clear whether any exceptions apply to the units at Oregon Park Senior Apartments.

The Fair Chance Ordinance permits the City to issue an administrative citation to violators of the ordinance or bring an action seeking injunctive relief. The Ordinance also allows individuals to file a private right of action in a court of competent jurisdiction and potentially receive injunctive relief, as well as actual and statutory damages. We will advise members of the community who believe there has been a violation of the Ordinance, including if they believe they have suffered an adverse action, to exercise their rights accordingly. I urge you to review your rental application to ensure that you are not violating the Fair Chance Ordinance. Failure to do so may result in the imposition of monetary and injunctive awards in addition to costs associated with defending against a municipal or court action brought by an aggrieved applicant.

If you have questions about the Ordinance, you can contact Moni Law (510) 981-4906, mlaw@cityofberkeley.info). Please keep in mind that our office cannot provide you with legal advice.

Sincerely,

Lynn Wu
Staff Attorney

2125 Milvia Street, Berkeley, California 94704

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