

CITY OF BERKELEY
ANSWER TO COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER
FAIR CHANCE HOUSING ORDINANCE

Deadline to file answer: _____

GENERAL INFORMATION

A complaint has been filed against you to seek a determination as to whether you have discriminated against a tenant or prospective tenant in violation of the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code (B.M.C.) Chapter 13.106) (the “Ordinance”). The complaint process includes a hearing before a hearing officer, who will determine if there were any violations. If any violations are found, an administrative citation may be imposed on you.

If you wish to object to the complaint and participate in the hearing process, you must complete this answer form and submit it before the deadline date indicated above, which is 30 days from the date the answer form was mailed to you.

Under the Ordinance, housing providers are prohibited from discriminating against tenants and prospective tenants based on their criminal history. The City of Berkeley hears and decides administrative complaints from tenants or prospective tenants that they have been discriminated against in violation of the Ordinance. Close family members (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) can submit a complaint on their behalf.

Before submitting a complaint, you may find it helpful to talk with a Rent Board counselor, who are available to answer questions about the complaint process, in person or remotely. See contact information below.

SUBMITTING THE ANSWER

Submit the answer, a copy of any supporting documentation, and a completed proof of service (provided on the last page of this form to confirm that you delivered the documents to the complainant) to the following address:

CITY OF BERKELEY
RENT STABILIZATION BOARD
2000 Center Street, Suite 400, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 809-3921
EMAIL: rent@berkeleyca.gov INTERNET: rentboard.berkeleyca.gov

AFTER THE ANSWER IS FILED

A hearing will be scheduled within 90 days from the date the complaint was submitted.

The hearing is an official administrative proceeding but is less formal than a court trial. Parties will testify, present witnesses, have documents included in the record, and cross-examine the opposing party and their witnesses.

After the hearing, a written decision will be mailed to all the parties. The decision will contain a determination of whether there were any violations of the Ordinance and include any administrative citations imposed on the housing provider.

If you disagree with the decision, you may file an appeal in court under California Code of Civil Procedure 1094.6 within 90 days of the final decision. Before a decision is considered final, you are allowed to appeal the amount of the fine under the administrative citation by completing a request for hearing form and returning it to the City. For more instructions and to download the hearing form, go to tinyurl.com/5unnhtxs. The request for hearing must be received or postmarked no later than 21 days after the date of the hearing decision containing the citation.

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FAIR CHANCE ORDINANCE

COMPLAINT NO. FC- _____

A. Housing Provider's Information:

Name _____

Mailing address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

B. Claim of Exemption or Inapplicability of the Ordinance:

Check whether any of the following claims apply.

- I am not a housing provider as defined in B.M.C. Section 13.106.30 L.
- The property is a single-family dwelling where one or more of the owners occupies the dwelling as their principal residence.
- The property is a single-family dwelling with an accessory dwelling unit, as defined in B.M.C. Section 23F.04.010, where either the main unit or the accessory dwelling unit is occupied by one or more owners as their principal residence.
- The property is a duplex or triplex where one of the units is occupied by one or more owners as their principal residence.
- The owner occupied the rental unit as their principal residence and has the right to recover possession of the unit for their occupancy as a principal residence under an existing rental agreement with the current tenant(s) pursuant to B.M.C. Section 13.76.130 A.9.
- The unit is occupied by a tenant seeking to replace an existing co-tenant, add an additional co-tenant, or sublet the unit, and remain in occupancy.
- Other reasons. The Ordinance does not apply to me because of the following reasons (attach additional pages if needed):

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PROOF OF SERVICE

I AM A RESIDENT OF _____ COUNTY AND WAS, AT THE TIME OF SERVICE, OVER EIGHTEEN YEARS OF AGE. ON _____ (DATE), I SERVED ONE COPY OF THE FOLLOWING DOCUMENT(S): _____

BY: (CHECK APPROPRIATE BOX)

DELIVERING THE DOCUMENTS IN PERSON TO THE FOLLOWING INDIVIDUAL(S):
[PRINT NAME OF EACH PARTY SERVED:]

PLACING THE DOCUMENTS, ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS POSTAGE FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:
[PRINT NAME AND ADDRESS AS SHOWN ON ENVELOPE OF EACH PARTY SERVED:]

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

(SIGNATURE)

(DATE)

(PRINTED NAME)