

**CITY OF BERKELEY**  
**INSTRUCTIONS FOR**  
**COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER**  
**FAIR CHANCE HOUSING ORDINANCE**

**GENERAL INFORMATION**

Under the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code Chapter 13.106) (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.

**WHEN YOU CAN FILE.** A complaint must be filed no more than one year from when the tenant or prospective tenant submitted an application to the housing provider or the date of the violation, whichever is earlier.

**EXCEPTIONS.**

Some types of housing are exempt from the Ordinance, including the following types of housing units:

- Owner-occupied properties with 1-3 units total on property
- Units under a rental agreement allowing owners to move back to their home in accordance with B.M.C. 13.76.130 A.9
- Units occupied by existing tenant(s) seeking to sublet or add/replace roommates
- Subsidized housing. If state or federal laws require a Housing Provider to exclude tenants with certain types of Criminal History (e.g. violent sex crimes, meth production in some subsidized housing), a Housing Provider must:
  - Inform an Applicant that they will check for certain types of Criminal History and
  - Either obtain an Applicant’s written consent, or allow the Applicant to withdraw the application.

In addition, Housing providers may review the State of California Department of Justice’s Megan’s Law website registry of lifetime sex offenders in order to protect a “person at risk” (Cal. Pen. Code § 290.46(j)(1)). Prior to doing so, the Housing Provider must:

- Include a statement in the rental application informing Applicants of the sex offender screening requirement;
- Have already determined that an Applicant meets all other rental criteria;
- Provided the Applicant with a conditional rental agreement;
- Informed the Applicant in advance of checking the sex offender registry; and
- Either obtain written consent from the Applicant or give the Applicant an opportunity to withdraw their application prior to conducting a search.

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 COMPLAINT**

Submit the complaint, 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 housing provider you are complaining of) 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](mailto:rent@berkeleyca.gov) INTERNET: [rentboard.berkeleyca.gov](http://rentboard.berkeleyca.gov)

## **AFTER THE COMPLAINT IS FILED**

The complaint will be initially reviewed to determine whether it contains enough factual allegations to show that there was discriminatory conduct in violation of the Ordinance. If a complaint is not clear enough to allege facts that would constitute a violation, you will have 14 days to amend your complaint. If any amendments are not sufficient to cure the defects in your complaint, it will be dismissed without a hearing.

If the complaint is accepted, the housing provider will be notified and have the opportunity to file an objection and participate in a hearing. The 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, the housing provider is allowed to appeal any administrative citation that was issued by the hearing officer.

**CITY OF BERKELEY  
COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER  
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COMPLAINT NO. FC- \_\_\_\_\_

**A. Property Address:** \_\_\_\_\_ Unit No. \_\_\_\_\_

**B. Tenant/Prospective Tenant Information:**

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email address \_\_\_\_\_ @ \_\_\_\_\_

If you are a close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) of the tenant or prospective tenant who was discriminated against by the housing provider, please complete C below. If not, skip C and go to D.

**C. Close Family Member Information:**

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email address \_\_\_\_\_ @ \_\_\_\_\_

Relation to Tenant/Prospective Tenant: \_\_\_\_\_

**D. Housing Provider's Information:**

Name \_\_\_\_\_

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

Email address \_\_\_\_\_ @ \_\_\_\_\_





**G. Supporting Documentation:**

Attach a copy of any and all documents in support of your claim that a housing provider took adverse actions against the tenant or prospective tenant based on criminal history in violation of the Ordinance. Supporting documentation is not required in order to file a complaint.

**H. Certification:** I declare under penalty of perjury under the laws of the State of California that the information stated above, and in any attachments, is true and correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

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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): \_\_\_\_\_

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BY: (CHECK APPROPRIATE BOX)

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

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**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:]

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

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(SIGNATURE)

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(DATE)

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**(PRINTED NAME)**