

RESOLUTION NO. 46-19

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
ADOPTING THE RULES OF PROCEDURE FOR CONSIDERING ARRESTS AND
CONVICTIONS IN AFFORDABLE HOUSING DECISIONS AS IT RELATES TO THE
FAIR CHANCE ACCESS TO AFFORDABLE HOUSING ORDINANCE (RICHMOND
MUNICIPAL CODE CHAPTER 7.110)**

WHEREAS, on December 20, 2016, the Council of the City of Richmond adopted an ordinance adding Chapter 7.110 to the Richmond Municipal Code entitled “Fair Chance Access to Affordable Housing” requiring providers of affordable housing to ensure equal opportunity for housing applicants with past criminal convictions (the “Ordinance”); and

WHEREAS, the Ordinance requires staff to develop an implementation plan which includes an appeals process, public notices, community outreach, and other implementation documents to ensure housing applicants receive fair and equal treatment when being assessed for potential rental housing; and

WHEREAS, staff has continued to work with community groups such as the Safe Return Project and Bay Area Legal Aid to produce the Rules of Procedure for Enforcement of the Fair Chance Access to Affordable Housing Ordinance (the “Rules of Procedure”); and

WHEREAS, the Fair Chance Access to Affordable Housing Ordinance requires the City Manager to identify an “Appeal Hearing Officer” and staffing for the appeal process, develop notices, a penalty system for addressing violations of the Ordinance, and other elements of effective implementation; and

WHEREAS, the Rules of Procedure were established to provide guidelines to staff, appeal hearing officer(s), rental advertisements, housing providers and applicants as it pertains to the use of criminal history information in housing decisions, background check reports, evidence of rehabilitation or other mitigating factors; and

WHEREAS, the City’s Appeal Hearing Officer(s) (as defined in the Rules of Procedure) determine if a violation of the Ordinance occurred, may issue a determination and order any appropriate relief under the Ordinance; and

WHEREAS, the Rules of Procedure have identified penalty levels based on the number of occurrences and will range between \$250 to \$1,000; and

WHEREAS, after the conclusions of the appeal process, if the appellant retains a private attorney to pursue litigation of the matter, the private attorney who represents the appellant in litigation against the Housing provider (as defined in the Ordinance) shall provide notice to the City and the Appeal Hearing Officer within ten (10) calendar days of filing court action against the Housing provider, and inform the City and the Appeal Hearing Officer of the outcome of the court action within ten (10) calendar days of any final judgement; and

WHEREAS, the Housing provider shall permit the City to have access to applicant and tenant records for the purpose of making audit, examination or review of performance data pertaining to the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Richmond hereby accepts that the above recitals are accurate and have served together with the Agenda Report as the basis for the findings and approvals set forth in this Resolution.

BE IT FURTHER RESOLVED that the City Council approves the Rules of Procedure for implementation and enforcement of the Fair Chance Access to Affordable Housing Ordinance.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held June 18, 2019, by the following vote:

AYES: Councilmembers Bates, Johnson, Martinez, Myrick, Willis, Vice Mayor Choi, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 46-19**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 18, 2019.



Pamela Christian, Clerk of the City of Richmond