



Office of the City Manager

CONSENT CALENDAR
March 9, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Lisa Warhuus, Director, Health, Housing & Community Services
 Subject: Companion Report: Amending Source of Income Discrimination Ordinance to Establish Administrative Enforcement Procedure

RECOMMENDATION

The City Manager thanks the Homeless Commission for their concern regarding potential discrimination against residents trying to utilize rental assistance vouchers in Berkeley. She recommends, however, taking no action on the Homeless Commission recommendation since the City already funds legal assistance for low-income residents that may be used to obtain relief under BMC Chapter 13.31.

POLICY COMMITTEE RECOMMENDATION

On February 4, 2021, the Land Using, Housing, & Economic Development Policy Committee adopted the following action: M/S/C (Hahn/Droste) to send to Council a qualified positive recommendation to refer to the City Manager to: 1) Draft amendments to the Source of Income Discrimination Ordinance to provide for an administrative procedure to enforce the anti-discrimination property rental ordinance as to source of income, parallel to the Fair Chance Ordinance; 2) Submit to Council in 2022 a report reviewing the effectiveness of the source of income discrimination ordinance in its first five years; and 3) Update and improve information on the City website and elsewhere about legal services for low income residents; and 4) Refer to the 4x4 Committee discussion of feasibility of enforcement of source of income discrimination alongside the fair chance ordinance, and discussion of Homeless Commission's first-in-time standard recommendations.

Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On November 13, 2019, the Homeless Commission voted to submit a report which recommends that City Council amend BMC Chapter 13.31 "to provide for an administrative procedure to enforce the anti-discrimination property rental ordinance as to source of income."

Action: M/S/C Marasovic/Hill to submit the report on enforcement of source income discrimination to Council as written.

Vote: Ayes: Hill, Marasovic, Kealoha-Blake, Hirpara.

Noes: Mulligan, Behm-Steinberg, Hollyman. *Abstain:* None. *Absent:* None.

The City of Berkeley provides over \$580,000 each year to non-profit providers of legal assistance to provide free legal advice and representation for low-income residents who may experience the type of discrimination covered under BMC 13.31.

BACKGROUND

BMC Chapter 13.31, passed by Council on July 25, 2017, prohibits discrimination in property rentals based on source of income. Injured parties may file a civil action to enforce the Ordinance. Violations of the ordinance may also be prosecuted as a misdemeanor and may be subject to enforcement through the administration citation process. However, at this time, no funding is has been appropriated for administrative or criminal enforcement of the Ordinance.

ENVIRONMENTAL SUSTAINABILITY

There are no known environmental opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Amending the Ordinance and adopting administrative procedures which would include investigating complaints and assessing fines are activities that would likely be located within the City's Code Enforcement Unit. This unit does not have the capacity to absorb these duties.

ALTERNATIVE ACTIONS CONSIDERED

City Council could consider creating a fund to reimburse landlords renting to Section 8 or Shelter Plus Care tenants for any damages that exceed the value of the deposit or another incentive program that would encourage landlords to participate in the Section 8 or Shelter Plus Care rental assistance programs.

CONTACT PERSON

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