

CITY OF FREMONT SOURCE OF INCOME DISCRIMINATION



What practices are not allowed?

Effective May 16, 2019, landlords with rental properties in the City of Fremont cannot take the following actions based on a person's source of income:

- 1 Interrupt or terminate tenancy
- 2 Fail or refuse to initiate transaction in real property, which includes rental of an available rental unit
- 3 Refuse or restrict facilities, services, repairs, or improvements
- 4 Make, print, publish, advertise, or disseminate any notice that indicates preference, limitation, or discrimination
- 5 Fail to account for any rental payment that will be made by a 3rd party
- 6 Fail to account for the aggregate income of persons residing together

Frequently Asked Questions

What is the City of Fremont's Source of Income Discrimination Ordinance?

The Rent Review Ordinance was amended to include Chapter 9.60.070, "Income Discrimination Prohibited." This amendment expands the definition of "source of income" to mean all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program, or housing subsidy program. This includes subsidies like the Housing Choice Voucher Program (Section 8).

Who must comply with the new law?

The ordinance applies to all housing providers who rent residential property in the City of Fremont, except hotels, boarding houses, transient accommodations, dormitories, mobile homes, junior ADUs, and shared housing.

Can landlords advertise that "I do not accept Section 8?"

Under the ordinance, it is unlawful to "make, print, publish, advertise, or disseminate in any way" a notice, statement or advertisement that indicates a tenant will be declined based on a person's source of income.

How can a tenant with a subsidy meet the minimum income requirements for a rental property?

If the applicant receives a governmental rent subsidy, such as Section 8, landlords can only use a minimum income requirement that relates to the tenant's portion of the rent. For example, suppose a landlord requires that a tenant's income must be three times the rent of \$2,000. If an applicant has a Section 8 voucher for \$1,400 and their portion of rent is \$600, then the landlord can only require her income to be \$1,800 (three times her portion of the rent), not \$6,000 (three times the total rent). If the landlord does otherwise, it constitutes discrimination.

Are landlords required to rent to any person who receives a rental subsidy?

Landlords cannot decline a tenant based only on their source of income. However, landlords still have the right to screen all applicants according to lawful criteria. This includes credit and background checks.

All Fair Housing laws still apply, ensuring that tenant selection is not based upon race, color, national origin, religion, sex, familial status, disability, or any other discriminatory factors under state law.

What about for existing tenants?

The ordinance states that landlords cannot interrupt or terminate tenancy based on source of income. This means that if a landlord has an existing tenant who is now able to receive rental subsidies, the landlord cannot refuse to accept the 3rd party payment.

Does this amendment restrict rent amounts or rent increases?

Landlords may set rent amounts and rent increases as long as they follow federal, state, and local laws. The Rent Review Ordinance provides a non-binding process to resolve rent increase disputes, and has rent increase noticing requirements that landlords must follow.

What could happen if a housing provider does not follow the new law?

Failure to comply with the Fremont Municipal Code may result in the City's initiation of an enforcement action, which includes an administrative citation and a monetary fine as potential remedies. Tenants also have the option to file a complaint in civil court to seek redress for alleged discrimination based on source of income, which may result in the recovery of damages.

Where can I receive training on the new law?

The City of Fremont Human Services Department will be providing a series of educational workshops throughout the year. Please visit www.Fremont.gov/HousingWorkshops for the workshops calendar. If you have questions about the Source of Income Ordinance in Fremont, please call the Rent Review information line at (510) 733-4945 or email RentReview@Fremont.gov.