



# SOURCE OF INCOME DISCRIMINATION

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# RENT REVIEW ORDINANCE AMENDMENTS

April 16, 2019 - City Council amended the Rent Review Ordinance, which are in effect today.

- Sec. 9.60.020 Definitions
- Sec. 9.60.030 Notice of rent increase requirements
- Sec. 9.60.040 Notice of availability of rent review required
- Sec. 9.60.050 Rent review program
- ★ Sec. 9.60.070 Income discrimination prohibited
- Sec. 2.20.650 Terms

# FMC SEC. 9.60.070

## INCOME DISCRIMINATION PROHIBITED

Definition of “Source of Income” has been expanded to include rental assistance programs, homeless assistance programs, security deposit assistance programs, or housing subsidy programs (ex. Housing Choice Voucher Program - Section 8)

Certain actions are now prohibited based on source of income



# WHO MUST COMPLY?

- All landlords who rent residential rental property in the City of Fremont.
- Exemptions: hotels, boarding houses, transient accommodations, dormitories, mobile homes, junior ADUs, and shared housing.



# WHAT IS SOURCE OF INCOME?

- All lawful sources of income which now includes:
  - Rental assistance program
  - Homeless assistance program
  - Security deposit assistance program
  - Housing subsidy program (ex. Section 8 and Stay Housed)



# WHAT IS NO LONGER ALLOWED?

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

# INTERRUPT/TERMINATE TENANCY

- Cannot discriminate against existing tenants or prospective tenants based on source of income
- If a landlord has an existing tenant who is now able to receive rental subsidies, landlords cannot refuse to accept the 3<sup>rd</sup> party payment



# FAIL OR REFUSE TO INITIATE TRANSACTION

- Landlords can no longer refuse to rent to potential tenants solely based on their source of income
- Can still screen applicants according to lawful criteria





# NOTICE THAT INDICATES PREFERENCE, LIMITATION, OR DISCRIMINATION

- Make, print, publish, advertise, or disseminate any notice that indicates preference, limitation, or discrimination

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We currently have 2 bedroom apartment for rent for \$1350

INCLUDED in rent- water, gas, trash, and sewer.

FREE PARKING

NO PETS PLEASE  
NO SECTION 8

No more  
"NO SECTION 8"

Appliances included!  
Application required.\*\*

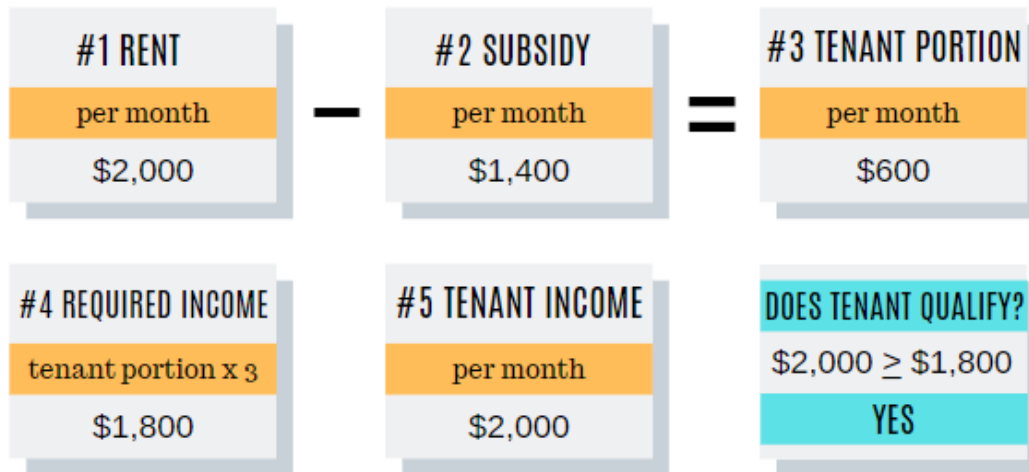
If you have any questions or would like to schedule a showing, please contact [REDACTED] at [show contact info](#)

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# FAIL TO ACCOUNT FOR PAYMENT THAT WILL BE MADE BY 3<sup>RD</sup> PARTY

Landlords may use a minimum income requirement that relates to the tenant's portion of rent.

## Income Screening Example



# WHAT IF A LANDLORD DOES NOT FOLLOW THE NEW LAW?

- Call or email the City of Fremont to file a complaint  
510.733.4945 | [RentReview@Fremont.gov](mailto:RentReview@Fremont.gov)
- May result in an administrative citation from the City of Fremont, which includes a monetary fine
- Either party may also take matter to civil court



FOR MORE INFORMATION

510.733.4945

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