



**UPDATE: May 27, 2015**

## AB 396- Criminal Background Checks



We are pleased that AB 396 (Jones-Sawyer), a bill limiting when a landlord may inquire about a prospective tenant's criminal record that was scheduled to be heard in Assembly Appropriations committee on Wednesday was pulled from the calendar by the author and made a two-year bill. When introduced, AB 396

prohibited the use of criminal background checks when assessing a prospective tenant's eligibility. The author made several attempts to placate our concerns, however in the end, an agreement could not be reached. In SDCAA's opinion, AB 396 seeks to establish a new, litigious screening process for rental property owners to follow if they utilize criminal background information in their application process.

Assembly Member Reggie Jones-Sawyer's goals are laudable – reducing recidivism and reintegrating individuals with criminal pasts into mainstream society. However, SDCAA felt it is unreasonable to make these goals the responsibility of rental property owners. SDCAA already tries to ensure that their residents enjoy a safe living environment and this duty weighs heavily on property owners as they consider renter applicants. Decisions about who should or shouldn't occupy a vacant apartment always affects other renters. Criminal background checks, like all other screenings are essential and shouldn't be the means by which government tries to accomplish a separate social goal, however good their intentions.

We would be remiss if we did not mention that, through the entire process, the Assembly Member and his staff understood our objections and made efforts to alleviate our concerns with various amendments. They were extraordinarily professional, honest, and open as to what they could and could not do – something we appreciate. Unfortunately, we just could not reach a conclusion that satisfied both sides.



## Ellis Act Update

The second round of Leno and Ellis ended the same way it did last session. Senator Mark Leno announced that he will abandon efforts this year to take on "greedy speculators" who he says are "gobbling up San Francisco's limited rent-controlled housing supply." Leno's SB 364 would allow San Francisco to prohibit, by ordinance or ballot measure, a rental housing owner from removing a building from the market pursuant to the Ellis Act unless all owners in the property have held their ownership interest for at least five years. SDCAA, and others, opposed SB 364 when it was heard in Senate Transportation and Housing, where it fell one vote short of passage.

As the bill deadline approached, it became evident that none of the "NO" votes were going to change their votes forcing Senator Leno to table SB 364. Senator Leno is a formidable legislator and he will no doubt take the bill up in January of next year for round three.