FAIR HOUSING AUDIT REPORT
Fiscal Year 2024-2025

Cities of Alameda, Berkeley, Concord, Hayward, Livermore, Monterey, Oakland, Pittsburg, Pleasanton, Salinas, San Leandro, Seaside, Union City, and Walnut Creek; and the Counties of Alameda, Contra Costa, and Monterey

Prepared and submitted by:
THE EDEN COUNCIL FOR HOPE AND OPPORTUNITY

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CITY OF ALAMEDA
CITY OF BERKELEY
CITY OF CONCORD
CITY OF HAYWARD
CITY OF LIVERMORE
CITY OF MONTEREY
CITY OF OAKLAND
CITY OF PITTSBURG
CITY OF PLEASANTON
CITY OF SALINAS
CITY OF SAN LEANDRO
CITY OF SEASIDE
CITY OF UNION CITY
CITY OF WALNUT CREEK
CONTRA COSTA COUNTY
COUNTY OF ALAMEDA
COUNTY OF MONTEREY

EXECUTIVE SUMMARY

The Federal Fair Housing Amendments Act, the California Fair Employment and Housing Act, and the California Unruh Civil Rights Act prohibit discrimination in the housing industry. Federal legislation protects persons from discrimination based on race, color, national origin, sex, religion, handicap (physical or mental disability), and familial status. California statutes prohibit discrimination based on sex, sexual orientation, race, color, religion, familial status, ancestry, marital status, national origin, mental or physical disability, source of income, or any other arbitrary reason, such as age or occupation.

Despite the presence of strong, enforceable laws, discrimination continues to be a problem in the Bay Area. The Eden Council for Hope and Opportunity (ECHO Housing) is committed to preventing illegal discrimination in housing. As part of the ongoing effort to document the occurrence of housing discrimination in our communities, ECHO conducted a housing audit in the Cities of Alameda, Berkeley, Concord, Hayward, Livermore, Monterey, Oakland, Pittsburg, Pleasanton, Salinas, San Leandro, Seaside, Union City, Walnut Creek, and urban and unincorporated areas of Alameda, Contra Costa and Monterey Counties.

Every year, ECHO Housing conducts an audit of rental properties in local communities to assess their compliance with fair housing laws. This year, our focus was on the use of criminal background history in rental decisions. Specifically, we examined whether individuals with a criminal record face barriers when attempting to secure the housing of their choice.

In 2012, the U.S. Department of Housing and Urban Development (HUD) issued guidance stating that blanket bans on applicants with criminal records may violate the Federal Fair Housing Act. In California, the Fair Employment and Housing Act (FEHA) expands on this guidance. Regulations under FEHA that directly address the use of criminal history in housing decisions went into effect on January 1, 2020.

In 2020, Berkeley and Oakland enacted ordinances prohibiting housing providers from conducting criminal background checks during the rental application process. Alameda County followed suit in 2022 with a similar ordinance. However, most other jurisdictions still permit criminal background checks for rental applicants. In areas where such checks are allowed, housing providers should follow the U.S. Department of Housing and Urban Development (HUD) guidelines established in 2012. These guidelines advise focusing only on convictions—not arrests—and considering both the nature of the offense and the time elapsed since the conviction as part of the rental decision-making process.

ECHO tested 216 properties in 17 jurisdictions. The testing was conducted from March 2025 to May 2025. We found that there were three instances of differential treatment.

ECHO works to reduce discrimination in housing through education and enforcement. The

owners and managers of the properties, where evidence of differential treatment was found, will be invited and encouraged to participate in fair housing training seminars and workshops offered by ECHO Housing. Education and enforcement must be priorities in the fight to end illegal discrimination in housing. ECHO is committed to ensuring that all people have equal access to housing choice.

MISSION STATEMENT

"The primary objectives and purposes of this corporation shall be:

…To promote equal access to housing and provide support services to prevent homelessness and secure permanent housing to promote equity and opportunities for everyone."

Eden Council for Hope and Opportunity
May 15, 2024

INTRODUCTION

Eden Council for Hope and Opportunity (ECHO Housing) was founded in 1964 and incorporated in 1965. ECHO Housing is a publicly supported, non-profit housing counseling agency established to provide comprehensive housing counseling services to residents of Alameda County. ECHO also provides housing counseling services to residents of Contra Costa and Monterey Counties. ECHO's services include an extensive fair housing program. This program is designed to promote equal access to housing opportunities through education, investigation, conciliation, mediation, training, and, when necessary, litigation. The primary focus is on community outreach, education, and training regarding civil rights issues as they apply to housing.

Specific Fair Housing Services include counseling, investigation of complaints, conciliation services, and legal referrals. ECHO maintains a list of cooperating attorneys who specialize in fair housing and civil rights law. Upon a client's request, ECHO will refer clients to these attorneys. Clients may also choose to pursue their complaints with the United States Department of Housing and Urban Development (HUD) or the California Civil Rights Department (CRD).

During fiscal year 2024-2025, ECHO conducted an email audit of rental properties in the Cities of Alameda, Berkeley, Concord, Hayward, Livermore, Monterey, Oakland, Pittsburg, Pleasanton, Salinas, San Leandro, Seaside, Union City, Walnut Creek, and urban and unincorporated areas of Alameda, Contra Costa, and Monterey Counties.

LEGAL BACKGROUND

ECHO's fair housing efforts are guided by both federal and state civil rights legislation. The Federal Fair Housing Amendments Act of 1988 prohibits discrimination in housing based on race, color, religion, national origin, sex, physical or mental disability, and familial status. The California State Fair Housing laws include the Unruh Civil Rights Act (1959), the Rumford Fair Housing Act (1963) and the Fair Employment and Housing Act (1992), which prohibit discrimination based on race, color, religion, sex, age, ancestry, marital status, sexual orientation, familial status, mental or physical disability, source of income, criminal background and any other arbitrary reason.

The City of Hayward adopted the Child Discrimination Ordinance (89-055 C.S.) in October 1989. The purpose of this ordinance is to “prohibit discrimination against persons with minor children in rental housing.”

In July 2019, the City of Hayward passed Ordinance No. 18-06, which includes protections for holders of Housing Choice Vouchers (Section 8). Property Owners can no longer deny housing to persons based on their holding of a Housing Choice Voucher.

On October 8, 2019, Governor Gavin Newsom signed SB 329 into law. This new law became effective on January 1, 2020. This law provides statewide protections against housing discrimination for persons who hold a Housing Choice Voucher. Although housing providers can deny housing to anyone based on poor rental history, they are no longer able to deny housing solely on the basis that an applicant has a housing voucher.

Several approaches can be taken in dealing with discriminatory housing practices. Often, a person with a complaint contacts a local fair housing agency. The fair housing agency will conduct either a telephone test or a site investigation to objectively determine if illegal discrimination has occurred. A complainant has the right to file their case with a government enforcement agency or with a private attorney. The complainant also has a right to request conciliation or pursue mediation to have a policy or rule changed.

Another method of combating illegal housing discrimination is through auditing. Auditing is a tool used to measure compliance with federal and state fair housing laws and to determine if illegal patterns and practices are used by members of the rental housing industry. Although most audits are educational, the audit findings can be referred for litigation when patterns and practices of discrimination have become entrenched, and the property owner is uncooperative or resistant to the educational process.[1]

RATIONALE

Auditing is undertaken to evaluate the treatment of persons protected under federal and state fair housing laws by the housing industry. It is an objective investigative process used to discover if patterns of illegal rental practices are present. Posing as bona fide home seekers, trained testers report their experiences with respect to the quality, quantity, and content of services that were offered to them by a rental agent. To determine if differential treatment has occurred based on a person's protected class, Fair Housing Counselors complete a comparative analysis of the testers' reports. The audit results are used to provide fair housing education to owners and managers, with the goal of maintaining in compliance with fair housing laws, thus ensuring that equal housing opportunities are available to all individuals.

METHODOLOGY

Testers

ECHO's fair housing staff did not use testers for this audit. This was an email-only audit conducted by ECHO's Fair Housing staff.

[1] United States vs. Youritan Construction Co., 1973; Havens Realty Corporation vs. Coleman, 1982

Site Selection

A total of 216 properties were tested in this audit: 10 in Alameda, 11 in Berkeley, 6 in Concord, 10 in Hayward, 10 in Livermore, 5 in Monterey, 30 in Oakland, 6 in Pittsburg, 10 in Pleasanton, 30 in Salinas, 12 in San Leandro, 5 in Seaside, 10 in Union City, 6 in Walnut Creek, 20 in Alameda County, 20 in Contra Costa County, and 15 in Monterey County. Properties were selected from advertisements for available rental units primarily using www.Craigslist.org, www.forrent.com, and www.rent.com, as well as other property management sites.

Profile

Minority tester profile: Single man with a criminal background history.
Majority tester profile: Single man without a criminal background history.

Conducting the Test

Method Used: Paired email testing with "dummy" accounts (also known as testers or test applicants). To evaluate whether disclosing a criminal history leads to discriminatory treatment in the rental housing market.

Details on emails being sent by minority and majority testers:

- Two emails were sent to the same rental listing.
- Both emails express interest in the rental unit.
- The only difference: one email disclosed a **recent incarceration**; the other did **not**.
- The emails were sent one hour apart to minimize external factors (e.g., the unit being rented in the interim).

This test is likely designed to see if:

- The property owner responds to the non-disclosing applicant but ignores or rejects the applicant with a criminal record.
- There is a pattern of unequal treatment that may lead to a fair housing complaint or enforcement action.

Evaluation: Based on the nature of the responses, each audit was given one of the following ratings:

- **No response** to the formerly incarcerated applicant, but a **response** to the other could indicate **differential treatment**.

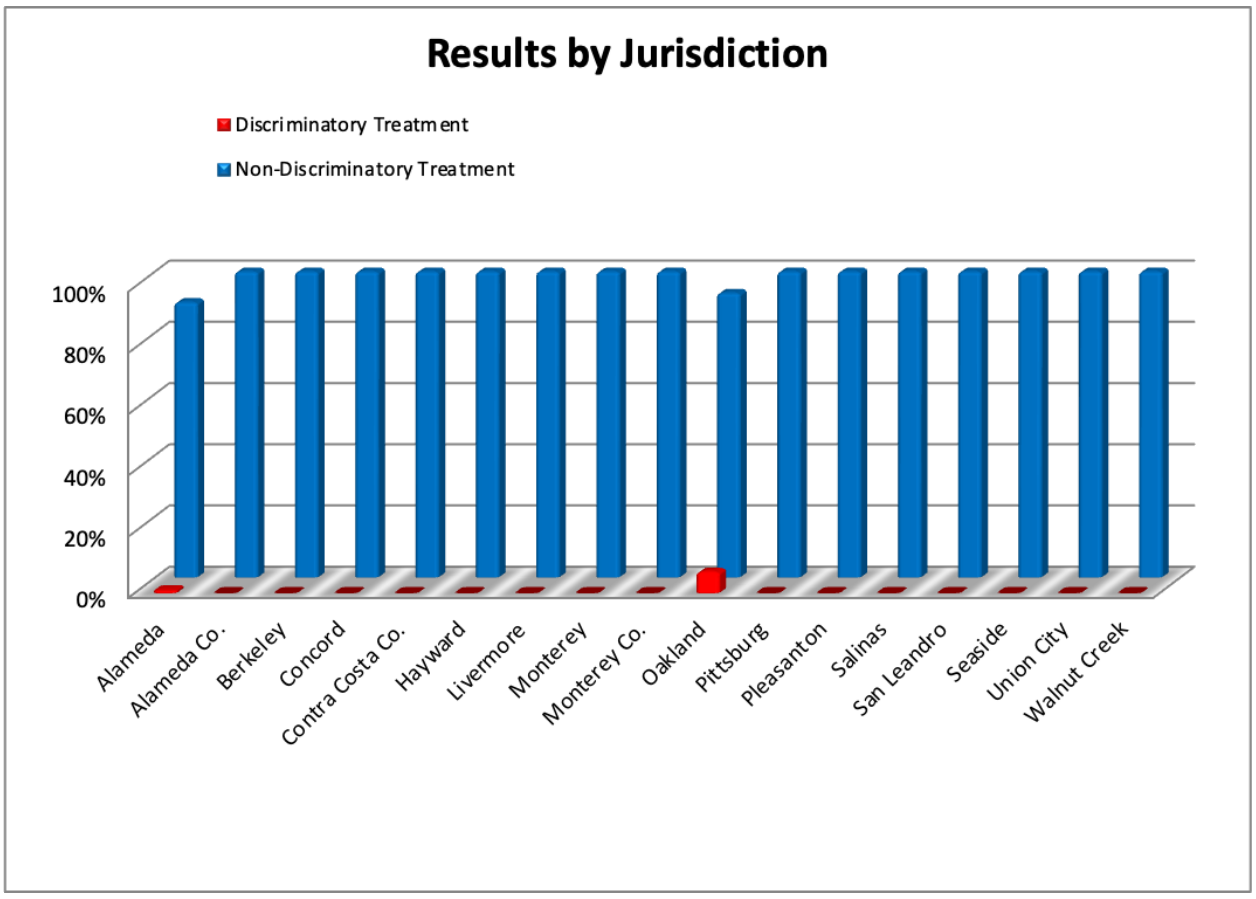
- If the unit is said to be **available** to one but **not available** to the other, that may also raise red flags.
- If responses are similar, there may be **no evidence of discrimination** in this case.

RESULTS

Two hundred sixteen (216) properties were tested in this audit. In 3 (7%) of the properties tested, the Minority tester either did not receive a response from the housing provider or received a negative response. In 213 (97%) of the tests, there was no differential treatment.

TABLE 1

Jurisdiction	Differential Treatment		No Differential Treatment		Total
Alameda	1	10%	9	90%	**10**
Alameda Co.	0	0%	20	100%	**20**
Berkeley	0	0%	11	100%	**11**
Concord	0	0%	6	100%	**6**
Contra Costa Co.	0	0%	20	100%	**20**
Hayward	0	0%	10	100%	**10**
Livermore	0	0%	10	100%	**10**
Monterey	0	0%	5	100%	**5**
Monterey Co.	0	0%	15	100%	**15**
Oakland	2	7%	28	93%	**30**
Pleasanton	0	0%	10	100%	**10**
Salinas	0	0%	30	100%	**30**
San Leandro	0	0%	12	100%	**12**
Seaside	0	0%	5	100%	**5**
Union City	0	0%	10	100%	**10**
Walnut Creek	0	0%	6	100%	**6**
Total	**3**	**7%**	**213**	**93%**	**216**



CONCLUSION

In 2022, the Alameda County Board of Supervisors passed the **Fair Chance Ordinance**, which prohibits housing providers from conducting criminal history background checks on rental applicants. The purpose of this ordinance is to promote greater housing accessibility for formerly incarcerated individuals, who often face significant barriers in both housing and employment.

While many counties in the Bay Area and beyond still allow criminal background checks for prospective tenants, they are required to follow the guidelines established by the **California Civil Rights Department (CRD)**. This agency investigates housing discrimination complaints across the state and provides remedies for victims. According to CRD guidelines, housing providers should only consider **convictions**—not arrest records—and must take into account both the nature of the offense and the length of time since the conviction occurred.

Our recent audit revealed minimal differences in how rental agents responded to testers with criminal histories compared to those without. ECHO's fair housing staff, posing as prospective renters, sent emails to property owners in response to rental advertisements. In many cases, both testers received the same **automated reply**, asking them to call the property directly. In most of these email-based tests, **neither tester received a follow-up response**.

These results suggest that email testing may not be the most effective tool for uncovering potential discrimination. More revealing methods—such as **phone testing** and **in-person site visits**—are likely to provide better insight into any disparate treatment by housing providers. Moving forward, **ECHO plans to expand its investigations** using these and other strategies to better detect housing discrimination.

In the meantime, we applaud the continued efforts of the **California Civil Rights Department** and all advocates of fair housing who are working to create laws, enforce guidelines, and raise awareness to ensure that **formerly incarcerated individuals have equal access to housing opportunities**.

THE NEXT STEP

ECHO will follow up this audit with an educational campaign directed to the owners and managers involved. It is important for owners and managers of rental properties to receive feedback on their performance in the audit, as well as information and training regarding fair housing laws.

Each of the housing providers of the properties in this audit will be contacted by email or phone and will receive a report of their performance. They will be encouraged to meet with ECHO’s Fair Housing Counselors to discuss the findings at their properties, and, in cases where differential treatment was found, to suggest changes that could be made to bring their rental policies and practices in compliance with federal and state fair housing laws. They will also be encouraged to schedule a training session. These training sessions are offered by ECHO’s Fair

Housing Counselors and at no charge to the owners.

ECHO will also continue its general education campaign within the communities it serves. Informing home seekers that they are legally protected from housing discrimination, and working with housing providers to make sure that acts of illegal discrimination against persons in all the protected classes can be prevented. ECHO is committed to ensuring everyone has a fair opportunity to meet his or her housing needs.

SUMMARY OF AUDIT TEST RESULTS

Code to Summary of Audit Test Results

ALA	Alameda	OAK	Oakland
ACO	Alameda County	PITT	Pittsburg
BKLY	Berkeley	PLEAS	Pleasanton
CON	Concord	SAL	Salinas
CCC	Contra Costa County	SL	San Leandro
HAY	Hayward	SEA	Seaside
LIV	Livermore	UC	Union City
MON	Monterey	WC	Walnut Creek
MOCO	Monterey County		

Minority tester profile: Single man with a criminal background history.
Majority tester profile: Single man without a criminal background history.

Code	**Findings**
ALA-1	No difference.
ALA-2	No difference.
ALA-3	No difference.
ALA-4	No difference.
ALA-5	No difference.
ALA-6	No difference.
ALA-7	No difference.
ALA-8	Difference in Treatment.
ALA-9	No difference.
ALA-10	No difference.
ACO-1	No difference.
ACO-2	No difference.
ACO-3	No difference
ACO-4	No difference.

ACO-5	No difference.
ACO-6	No difference.
ACO-7	No difference.
ACO-8	No difference.
ACO-9	No difference.
ACO-10	No difference.
ACO-11	No difference..
ACO-12	No difference.
ACO-13	No difference.
ACO-14	No difference.
ACO-15	No difference.
ACO-16	No difference.
ACO-17	No difference.
ACO-18	No difference.
ACO-19	No difference.
ACO-20	No difference.
BKLY-1	No difference.
BKLY-2	No difference.
BKLY-3	No difference
BKLY-4	No difference.
BKLY-5	No difference.
BKLY-6	No difference.
BKLY-7	No difference.
BKLY-8	No difference.
BKLY-9	No difference.
BKLY-10	No difference.
BKLY-11	No difference.
BKLY-12	No difference.
BKLY-13	No difference.
BKLY-14	No difference.
BKLY-15	No difference.
CON-1	No difference.
CON-2	No difference.
CON-3	No difference.
CON-4	No difference.
CON-5	No difference.
CON-6	No difference
CCC-1	No difference.

CCC-2	No difference.
CCC-3	No difference.
CCC-4	No difference.
CCC-5	No difference.
CCC-6	No difference.
CCC-7	No difference.
CCC-8	No difference.
CCC-9	No difference.
CCC-10	No difference.
CCC-11	No difference.
CCC-12	No difference.
CCC-13	No difference.
CCC-14	No difference.
CCC-15	No difference.
CCC-16	No difference.
CCC-17	No difference.
CCC-18	No difference.
CCC-19	No Difference.
CCC-20	No Difference.
HAY-1	No difference.
HAY-2	No difference.
HAY-3	No difference.
HAY-4	No difference.
HAY-5	No difference.
HAY-6	No difference.
HAY-7	No difference.
HAY-8	No difference.
HAY-9	No difference.
HAY-10	No difference.
LIV-1	No difference.
LIV-2	No difference.
LIV-3	No difference.
LIV-4	No difference.
LIV-5	No difference.
LIV-6	No difference
LIV-7	No difference.
LIV-8	No difference.
LIV-9	No difference.
LIV-10	No difference

MON-1	No difference.
MON-2	No difference.
MON-3	No difference.
MON-4	No difference.
MON-5	No difference.
MOCO-1	No difference.
MOCO-2	No difference.
MOCO-3	No difference.
MOCO-4	No difference.
MOCO-5	No difference.
MOCO-6	No difference.
MOCO-7	No difference.
MOCO-8	No difference.
MOCO-9	No difference.
MOCO-10	No difference.
MOCO-11	No difference.
MOCO-12	No difference.
MOCO-13	No difference.
MOCO-14	No difference.
MOCO-15	No difference.
OAK-1	No difference.
OAK-2	No difference.
OAK-3	No difference.
OAK-4	No difference.
OAK-5	Differnce in Treatment.
OAK-6	No difference.
OAK-7	No difference.
OAK-8	No difference.
OAK-9	No difference.
OAK-10	No difference.
OAK-11	No difference.
OAK-12	No difference.
OAK-13	No difference.
OAK-14	No difference
OAK-15	No difference.
OAK-16	No difference.
OAK-17	No difference.
OAK-18	No difference.
OAK-19	Differnce in Treatment.
OAK-20	No difference.

OAK-21	No difference.
OAK-22	No difference.
OAK-23	No difference.
OAK-24	No difference.
OAK-25	No difference.
OAK-26	No difference.
OAK-27	No difference.
OAK-28	No difference.
OAK-29	No difference.
OAK-30	No difference..

PLEAS-1	No difference
PLEAS-2	No difference
PLEAS-3	No difference.
PLEAS-4	No difference.
PLEAS-5	No difference.
PLEAS-6	No difference.
PLEAS-7	No difference.
PLEAS-8	No difference.
PLEAS-9	No difference.
PLEAS-10	No difference.

SAL-1	No difference.
SAL-2	No difference.
SAL-3	No difference.
SAL-4	No difference.
SAL-5	No difference.
SAL-6	No difference.
SAL-7	No difference.
SAL-8	No difference.
SAL-9	No differemce.
SAL-10	No difference.
SAL-11	No difference.
SAL-12	No difference.
SAL-13	No difference.
SAL-14	No difference.
SAL-15	No difference.
SAL-16	No difference.
SAL-17	No difference.
SAL-18	No difference.
SAL-19	No difference.
SAL-20	No difference.

SAL-21	No difference.
SAL-22	No difference.
SAL-23	No difference.
SAL-24	No difference.
SAL-25	No difference.
SAL-26	No difference.
SAL-27	No difference.
SAL-28	No difference.
SAL-29	No difference.
SAL-30	No difference.
SL-1	No difference.
SL-2	No difference .
SL-3	No difference.
SL-4	No difference.
SL-5	No difference.
SL-6	No difference.
SL-7	No difference.
SL-8	No difference.
SL-9	No difference.
SL-10	No difference.
SL-11	No difference.
SL-12	No differemce.
SEA-1	No difference.
SEA-2	No difference.
SEA-3	No difference.
SEA-4	No difference.
SEA-5	No difference.
UC-1	No difference.
UC-2	No difference.
UC-3	No difference.
UC-4	No difference.
UC-5	No difference.
UC-6	No difference
UC-7	No difference.
UC-8	No difference.
UC-9	No difference.
UC-10	No difference.
WC-1	No difference.

WC-2	No difference.
WC-3	No difference.
WC-4	No difference.
WC-5	No difference.
WC-6	No difference.