

Memorandum

TO: Rules Committee

FROM: Chuck Reed

SUBJECT: Megan's Law Registry changes
Assembly Bill 438

DATE: August 8, 2005

RECOMMENDATION

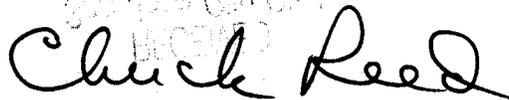
Direct staff to analyze and provide a recommendation to the City Council of Assembly Bill No. 438, Megan's Law Impacts Housing Providers, which would clarify and update housing law as it relates to the sex offender registry in order to allow rental housing providers to protect residents from sex offenders.

BACKGROUND

California law has given rental property owners and managers a conflicting directive. Current state law effectively prohibits use of the Megan's Law website to deny housing to listed sex offenders. If a residential property owner or manager learns from the database that someone is a sex offender, he/she cannot deny the sex offender housing or warn other residents based on this knowledge, without the risk of being sued by the sex offender. At the same time, the law also exposes rental property owners to lawsuits if they fail to protect residents against a known risk – in this case someone with a documented criminal history of sexual assault against children women, and other residents. From a penalty perspective, heavy fines, including a civil penalty of up to \$25,0000, can be imposed upon a landlord for unlawfully using the Megan's Law database to discriminate against or harass a sex offender, placing property owners and managers in a difficult situation.

The changes to Megan's Law, proposed by AB 438 are:

- Clarifying that rental housing providers can use the Megan's Law database to act decisively in the interests and safety of tenants. Rental housing providers should be able to protect their residents by refusing to house high risk sex offenders, by evicting high risk sex offenders, or by notifying other tenants.
- Clarifying that Megan's Law does not make a sexual registrant part of a "protected class."
- Developing a mechanism to trigger and mandate the prompt correction of inaccurate home address information from the Web site. The owner of the rental property and the tenant that currently live in the unit that was formerly occupied by a registered sex offender should not be forced to deal with the potential health, safety, and financial risks created by the public's perception that the unit is occupied by a registered sex offender.
- Clarifying that rental housing providers must inform tenants through the rental lease of the internet sex offender Web site, that rental housing providers do not have a duty to obtain or disclose sex offender information; and that rental housing providers do not have a duty to evict or deny housing to sex offenders.



Chuck Reed
Councilmember