



Quality Housing • Ethics • Professionalism



April 26, 2023

The Honorable Rebecca Bauer-Kahan  
California State Assembly  
1021 O Street, Suite 6320  
Sacramento, CA 95814

**RE: AB 331 (Bauer-Kahan) - Automated Decision Tools, as amended April 19, 2023 – Oppose**

Dear Assemblymember Bauer-Kahan:

On behalf of the members of the California Apartment Association (CAA), I am writing to inform you that CAA continues to oppose AB 331, your bill that would, among other things, require a rental property owner or management company (referred to as a deployer) to annually perform an “impact assessment” for any “automated decision tool” as defined, that the deployer uses and to provide that assessment to the Civil Rights Department. This bill would require that the deployer provide any natural person – in this case a tenant-applicant - who is the subject of an automated decision tool with, among other things, a statement of the purpose of the automated decision tool and allow the tenant-applicant to request that they not be subject to the automated decision tool.

Rental property owners and property management companies use automated tools, such as credit and eviction reports, to make decisions about a tenant-applicant’s ability to pay the rent. These “decision tools” are not used to illegally discriminate and instead are necessary business tools. Giving a tenant-applicant the ability to opt out of such a decision-making tool is not logical. The owner would have no objective way to make a decision about the applicant nor the bandwidth to institute an alternative process in the event of an opt out. We ask that the rental housing industry be excluded from the provisions of AB 331.

The California Apartment Association is the largest statewide rental housing trade association in the country, representing over 50,000 single family and multi-family apartment owners and property managers who are responsible for over 2 million affordable and market rental units throughout the State of California. Thank you for considering our concerns.

Sincerely,

**CALIFORNIA APARTMENT ASSOCIATION**

A handwritten signature in blue ink, appearing to read 'Debra Carlton', with a long, sweeping tail.

By  
Debra Carlton, Executive Vice President  
State Public Affairs & Compliance

cc: Assembly Appropriations Committee