

NJ FAIR CHANCE ACT (01.2022)

Disclosure and Screening Procedures

NJ Fair Chance in Housing Screening Disclosure

This constitutes the disclosure required by the NJ Fair Chance in Housing Act. If the tenant applicant is conditionally approved, the landlord intends to run a criminal background screening report

If the tenant is made a conditional offer, the landlord will also conduct a Criminal Background Check to determine final eligibility. This reporting will include any information about the tenant's individual criminal background, including but not limited to information produced by federal, state, and local law enforcement agencies, federal and state courts, or consumer reporting agencies. Pursuant to ***New Jersey P.L. 2020, Chapter 110, the Fair Chance in Housing Act, Section 4(a)***, the tenant may provide evidence disputing the accuracy or relevance of information related to any criminal convictions. Additionally, the tenant has the right to submit evidence of any rehabilitation or other mitigating factors. They will conduct an individualized assessment of the tenant's application to determine whether or not withdrawal of the conditional offer is necessary to achieve a substantial, legitimate, and nondiscriminatory interest in light of the following factors:

- (1) the nature and severity of the criminal offense;
- (2) the age of the applicant at the time of the occurrence of the criminal offense;
- (3) the time which has elapsed since the occurrence of the criminal offense;
- (4) any information produced by the applicant, or produced on the applicant's behalf, in regard to the applicant's rehabilitation and good conduct since the occurrence of the criminal offense;
- (5) the degree to which the criminal offense, if it reoccurred, would negatively impact the safety of the housing provider's other tenants or property; and
- (6) whether the criminal offense occurred on or was connected to property that was rented or leased by the applicant. If, after conducting the individualized assessment, the landlord withdraws the tenant's conditional offer, the landlord will notify the tenant in writing and explain the specific reason or reasons for the withdrawal of the conditional offer along with notice of your right to file a complaint with the Attorney General. ***For more information regarding criminal offenses acceptable for consideration please consult with an attorney.***

Tenant Conditional Approval and Criminal Screening

After the conditional offer, landlords may consider whether an applicant was convicted of murder, aggravated sexual assault, kidnapping, arson, or human trafficking. They may also consider indictable first-degree offenses issued within six years, second or third-degree offenses within four years, or fourth-degree offenses within a year.

Landlords should consider the nature and severity of the criminal offense, the age of the applicant at the time of the occurrence of the criminal offense, the time which has elapsed since the occurrence of the criminal offense, and whether the criminal offense, if it reoccurred, would negatively impact the safety of other tenants or property.

If a conditional offer is withdrawn, the landlord must provide the applicant with written notification of the reason for the withdrawal and a notice advising the applicant of the right to file a complaint with the Attorney General. The applicant may request information relied upon for the withdrawal within 20 days of the notice.