

The following Model Fair Housing Policy has been drafted by the New Jersey Division on Civil Rights to reflect housing protections set forth in the New Jersey Law Against Discrimination, N.J.S.A. § 10:5-1 to -49, and the federal Fair Housing laws. This Model Fair Housing Policy can be used by housing providers as a resource in creating their own fair housing policies.

Model Fair Housing Policy

It is the policy of [*name of housing complex or community*] to comply with the New Jersey Law Against Discrimination (LAD), N.J.S.A. § 10:5-1 to -49, where applicable, by ensuring that all housing, as well as all terms, conditions, and privileges associated with such housing, are available to all persons without regard to race, creed, religion, color, national origin, nationality, ancestry, pregnancy or breastfeeding, sex, gender identity or expression, sexual orientation, familial status (defined as having care or custody of a child under age 18 or being pregnant), disability, liability for service in the Armed Forces of the United States, marital status, civil union status, or domestic partnership status. The LAD also prohibits housing discrimination based on the source of lawful income used for rental or mortgage payments (including Section 8 housing choice vouchers, SRAP (State Rental Assistance Programs), TRA (temporary rental assistance), unemployment benefits, child support, alimony, and supplemental security income) (collectively, LAD-protected categories).

This policy means that, among other things, the owners and operators of [*name of housing complex or community*] do not discriminate against persons in any aspect of the sale, rental, or occupancy of housing on the basis of their actual or perceived membership in an LAD-protected category or their association with someone who is a member of an LAD-protected category, or their source of lawful income. Specifically, they do not and will not:

- A. Refuse to sell or rent, refuse to negotiate the sale or rental of, or otherwise make housing unavailable to any person on the basis of an LAD-protected category;
- B. Discriminate against any person in the terms, conditions, or privileges of sale, rental, or occupancy, including cost of rental, on the basis of an LAD-protected category;
- C. Evict or decline to renew the lease of any tenant on the basis of an LAD-protected category;
- D. Make, print, or publish any statement, including print advertisements and online postings, expressing any preference for, limitation of, or discrimination based on an LAD-protected category;
- E. Represent to any person that any dwelling is not available for inspection, rental, or sale, when the dwelling is in fact available, based on an LAD-protected category;
- F. Steer persons away from their desired housing, or represent that a neighborhood is changing in a way that could lower property values, increase crime, or lower the quality of public services, including schools, because of an LAD-protected category;
- G. Refuse to rent to a prospective tenant or discourage a prospective tenant from renting because they plan to pay with Section 8 housing choice vouchers, SRAP (State Rental

Assistance Program), TRA (temporary rental assistance), or any other subsidy or voucher provided by federal, state, or local rental-assistance programs; or other sources of income including unemployment benefits, child support, alimony, and supplemental security income; or express any such limitation or refusal in any printed advertisement, oral or written statement, or online posting (for example, statements like “No Section 8,” “TRA not accepted,” or “This property not approved for Section 8” are all prohibited);

- H. Condition a person’s housing, or any of the terms, conditions, or privileges thereof, on acceptance of unwanted sexual advances or requests for sexual favors;
- I. Engage in unwanted, harassing conduct of a sexual nature that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
- J. Engage in unwanted, harassing conduct based on any LAD-protected category that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;
- K. Undertake any of the actions listed in subsections (A) through (J) based on the person’s perceived membership in an LAD-protected category or their association with someone who is an actual or perceived member of an LAD-protected category;
- L. Impose unreasonable occupancy restrictions to prevent families with children from moving in;
- M. Selectively inquire about, or request information about and/or documentation of, a prospective tenant’s or buyer’s immigration or citizenship status because of the person’s actual or perceived national origin, race, or ethnicity;
- N. Fail to account for a person’s receipt and use of rental assistance (such as Section 8 housing choice vouchers, SRAP, TRA, unemployment benefits, child support, alimony, or supplemental security income) when applying minimum income requirements to a person’s rental application (any minimum income requirement, financial standard, or income standard must be calculated based only on the portion of the rent to be paid by the tenant, rather than the entire monthly rent).
- O. Violate the U.S. Department of Housing and Urban Development’s April 2016 Guidance by imposing blanket exclusions on all individuals with any prior arrest or conviction; or use criminal history as a pretext for intentionally discriminating on the basis of race or national origin (for example, by applying criminal-record based restrictions against Black housing applicants but not white housing applicants).

Any agent, employee, or designee of [*name of housing complex or community*] who fails to comply with this policy will be subject to appropriate disciplinary action. Please report any violation of this policy to [*name and contact information for employee to whom complaints regarding a violation should be directed*].

You cannot and will not be subjected to retaliation for making a complaint under this policy or for attempting to exercise your rights under this policy or under the LAD.

Any action taken by [*name of housing complex or community*]'s agent, employee, or designee that results in the unequal treatment of tenants or applicants based on membership or perceived membership in any LAD-protected category may constitute a violation of the LAD. Any tenant or applicant who believes that any owner, agent, employee, or designee of [*name of housing complex or community*] has violated any of the above may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the allegedly discriminatory conduct. The Division on Civil Rights has a number of fair housing fact sheets that are available at <https://www.nj.gov/oag/dcr/housing.html>.

DCR Model Fair Housing Policy

**Addendum A: Reasonable Accommodations and Modifications
for Persons with a Disability**

[*Name of housing complex or community*] will grant reasonable accommodations to its rules, policies, practices, procedures, or services when such accommodations are necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling and when the accommodation will not cause an undue hardship to [*name of housing complex or community*]'s operations. Some examples of what may constitute a reasonable accommodation include allowing a third party to co-sign a lease or pay rent on behalf of a tenant with a disability or making a case-by-case exception to a building's general no-pets policy to accommodate a resident with an emotional support animal. Please note that service or guide animals, unlike emotional support animals, are automatically exempt from any no-pet policy. Service or guide animals are individually trained to perform specific tasks associated with their owner's disability, such as guiding an individual who is blind or assisting an individual with epilepsy when she is having a seizure.

[*Name of housing complex or community*] will also allow reasonable modifications to the physical premises when necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling and when the modification will not cause an undue hardship to [*name of housing complex or community*]. A reasonable modification is a structural change made to the interior or exterior of an individual housing unit or common area to accommodate a resident with a disability.

To request a reasonable accommodation or reasonable modification, contact [*name, phone number, and email address for employee of housing complex or community to whom requests for a reasonable accommodation/modification should be directed*]. To process your request, [*name of housing complex or community*] may require supporting documentation from a treating doctor or mental health professional to confirm that you have a disability as defined by the LAD and that the requested accommodation or modification is necessary to provide you with an equal opportunity to use and enjoy the dwelling. All requests and information related to a request, including medical information, will be kept confidential unless disclosure is required by law.

[*Name of housing complex or community*] will make a prompt decision on your request and will provide that decision in writing. If [*name of housing complex or community*] cannot grant the requested accommodation or modification, we will attempt to reach a compromise that is acceptable to you.

You cannot and will not be subjected to retaliation for requesting an accommodation or modification under this policy or for attempting to exercise your rights under this policy or under the LAD.

Any person who believes a request for an accommodation or modification has been unlawfully denied or unreasonably delayed may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the housing provider's denial of the accommodation request.