

The following Model Notice of Withdrawal has been drafted by the New Jersey Division on Civil Rights (DCR) to reflect housing protections set forth in the Fair Chance in Housing Act, N.J.S.A. 46:8-52 to 64, (FCHA) and the accompanying rules, N.J.A.C. 13:5. This Model Notice can be used by housing providers as a resource in creating their own materials.

Model Notice of Withdrawal:

This notice is to inform you that [name of housing provider] has withdrawn its conditional offer of housing to [name of prospective tenant] because of the following specific criminal conviction/s:

[Name of housing provider] has performed an individualized assessment of your application in light of the following factors:

- (a) Nature and severity of the offense(s)
- (b) Applicant’s age at the time of the offense(s);
- (c) How recently the offense(s) occurred;
- (d) Any information the applicant provided in their favor since the offense(s);
- (e) If the offense(s) happened again in the future, whether that would impact the safety of other tenants or property; and
- (f) Whether the offense(s) happened on, or was connected to, property that the applicant had rented or leased

[Name of housing provider] has concluded that withdrawing its conditional offer of housing to you is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest. Specifically [identify with specificity the reason or reasons for withdrawing the conditional offer or taking the adverse housing action]:

Following receipt of this notice, you may, within thirty (30) days, request that [name of housing provider] provide a copy of all information upon which it relied in reaching its decision, including specific criminal records. [Name of housing provider] shall provide the requested information free of charge within ten (10) days after receipt of a timely request. You also have the right to dispute the relevancy and accuracy of any aspects of your criminal record which may be considered under the FCHA, and to offer evidence of any mitigating facts or circumstances, including but not limited to your rehabilitation and good conduct since the criminal offense.



If you provide *[name of housing provider]* with evidence demonstrating inaccuracies within aspects of your criminal record which may be considered under the FCMA, or evidence of rehabilitation or other mitigating factors, *[name of housing provider]* shall review the information and reconsider the decision based on the evidence provided, issuing you a determination after reconsideration within 30 days.

If *[name of housing provider]* utilized any vendor or outside person/entity to conduct a criminal record check on their behalf, *[name of housing provider]* was required to take reasonable steps to ensure that the vendor or outside person/entity conducted the criminal record check consistent with the requirements of the Act. Specifically, if *[name of housing provider]* received a criminal history inquiry conducted by a vendor or outside person or entity that was conducted in violation of the Act in that it revealed a record that was not permitted to be considered under the Act, *[name of housing provider]* must show that it did not rely on that information in making a determination about your tenancy.

Any action taken by *[name of housing provider]* in violation of the process laid out in this statement may constitute a violation of the FCMA. **If you believe that any owner, agent, employee, or designee of *[name of housing provider]* has violated any of the above requirements, you may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050.** A complaint must be filed with DCR within 180 days of the allegedly discriminatory conduct. **You cannot be subjected to retaliation for filing a complaint or for attempting to exercise your rights under the FCMA.**

DCR has several fair housing fact sheets available at <https://www.nj.gov/oag/dcr/housing.html>, or available for pickup in any of our four (4) regional offices:

31 Clinton Street, 3rd Floor
Newark, NJ 07102

5 Executive Campus
Suite 107, Bldg. 5
Cherry Hill, NJ 08002

1601 Atlantic Avenue, 6th Fl.
Atlantic City, NJ 08401

140 East Front Street, 6th Floor
Trenton, NJ 08625

For more information about how these rules apply, please refer to the resources at <https://www.njoag.gov/about/divisions-and-offices/division-on-civil-rights-home/fcha/>.

Housing Provider Signature

Date

Prospective Tenant Signature

Date