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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.1

13:5-1.1 Purpose

Currentness

This chapter is designed to implement the provisions of the Fair Chance in Housing Act, P.L. 2021, c. 110 (the Act), which concerns the housing rights of certain persons with criminal records.

Credits

Adopted by 54 N.J.R. 76(a) R.2021 d.150, effective January 3, 2022.

CHAPTER EXPIRATION DATE

<Chapter 5, Rules Pertaining to the Fair Chance in Housing Act, expires on January 3, 2029.>

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N.J.A.C. 13:5-1.1, NJ ADC 13:5-1.1

New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.2

13:5-1.2 Construction

Currentness

(a) Consistent with the public policy underlying the Act and with firmly established principles for the interpretation of such remedial legislation, the remedial provisions of the statute will be given a broad construction and its exceptions construed narrowly.

(b) The provisions of this chapter are severable. If any provision or the application of any provisions of this chapter to any person or circumstances is invalid, such invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Credits

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.3

13:5–1.3 Definitions

Currentness

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Applicant” means any person considered for, or who requests to be considered for, tenancy within a rental dwelling unit.

“Complainant” means any person filing a complaint alleging a violation of the Act.

“Conditional offer” means an offer to rent or lease a rental dwelling unit to an applicant that is contingent on a subsequent inquiry into the applicant’s criminal record, or any other eligibility criteria that the housing provider may lawfully utilize.

“Criminal record” means information about an individual collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, criminal complaints, or other formal criminal charges, and any disposition arising therefrom, including, acquittal, sentencing, correctional supervision, release, or conviction, including, but not limited to, any sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of conditional discharge.

“Director” means the Director of the Division on Civil Rights.

“Division” means the Division on Civil Rights in the Department of Law and Public Safety.

“Electronically” means through the New Jersey Bias Investigation Access System (NJBIAS), which is currently available at <https://bias.njcivilrights.gov>, or through another electronic means specified by the Director.

“Housing provider” means a landlord, an owner, lessor, sublessor, assignee or their agent, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any rental dwelling unit.

“Position statement” means a legal brief or other writing that, in narrative fashion, responds to the allegations in a complaint, as well as, explains the respondent’s version of the facts and identifies specific documents and witnesses supporting the respondent’s position.

“Rental dwelling unit” means a dwelling unit offered for rent by a housing provider for residential purposes, other than a dwelling unit in an owner-occupied premises of not more than four dwelling units.

“Respondent” means any party charged in a complaint with a violation of the Act.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.4

13:5-1.4 Initial application inquiries

Currentness

(a) A housing provider shall not require an applicant to complete any housing application that includes any inquiries regarding an applicant's criminal record prior to a conditional offer of housing, except for a limited inquiry of whether an applicant has ever been convicted of criminal activity for the manufacture or production of methamphetamine on the premises of Federally assisted housing, and whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program.

(b) A housing provider shall not make any oral or written inquiry regarding an applicant's criminal record prior to making a conditional offer.

(c) An applicant may provide evidence to the housing provider demonstrating inaccuracies within the applicant's criminal record, evidence of rehabilitation, or other mitigating factors.

1. This subsection only applies to aspects of a criminal record that may be considered under the Act; an applicant need not provide further information regarding elements of their criminal record, evidence of rehabilitation, or other mitigating factors, related to offenses that are ineligible for consideration under the Act.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.5

13:5–1.5 Application fees

Currentness

(a) Prior to accepting any application fee, a housing provider shall disclose, in writing, to the applicant:

1. Whether the eligibility criteria of the housing provider includes the review and consideration of criminal history; and
2. A statement that the applicant may provide evidence demonstrating inaccuracies within the applicant's criminal record or evidence of rehabilitation or other mitigating factors.

(b) The Model Disclosure form made available by the Division on its website must be a standalone document, written in at least size 12 font, and must include an acknowledgement that the applicant has received the notice, whether physically or electronically. This form shall be made available in English, Spanish, and in any other language the Director deems appropriate.

(c) A housing provider that provides the applicant with a completed and signed version of the Model Disclosure form made available by the Division on its website at the time the disclosure is provided will be deemed to have satisfied the requirements of this section.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.6

13:5–1.6 Prohibition on discrimination

Currentness

A housing provider shall apply the standards established by the Act to each applicant in a nondiscriminatory manner.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.7

13:5-1.7 Criminal records prohibited from consideration irrespective of conditional offer

Currentness

(a) A housing provider shall not at any point, either before or after a conditional offer of tenancy, evaluate an applicant based on any of the following types of criminal records:

1. Arrests or charges that have not resulted in a criminal conviction;
2. Expunged convictions;
3. Convictions erased through executive pardon;
4. Vacated and otherwise legally nullified convictions;
5. Juvenile adjudications of delinquency; and
6. Records that have been sealed.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.8

13:5–1.8 Criminal records that can be considered only after a conditional offer

Currentness

(a) Before the issuance of a conditional offer to an applicant, a housing provider may not consider any criminal record in the applicant's history, except for a conviction for the manufacture or production of methamphetamine on the premises of Federally assisted housing and whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program.

(b) After the issuance of a conditional offer to an applicant, a housing provider may only consider a criminal record in the applicant's history that:

1. Resulted in a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault in violation of [N.J.S.A. 2C:14–2](#), causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act in violation of paragraph (3) of subsection b of [N.J.S.A. 2C:24–4](#), or any crime that resulted in lifetime registration in a State sex offender registry, or their equivalents under Federal law or the laws of another state;
2. Is for an indictable offense of the first degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the six years immediately preceding the issuance of the conditional offer, or their equivalents under Federal law or the laws of another state;
3. Is for an indictable offense of the second or third degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the four years immediately preceding the issuance of the conditional offer, or their equivalents under Federal law or the laws of another state; or
4. Is for an indictable offense of the fourth degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within one year immediately preceding the issuance of the conditional offer, or their equivalents under Federal law or the laws of another state.

(c) If a housing provider utilizes any vendor or outside person or entity to conduct a criminal record check on their behalf, the housing provider shall take reasonable steps to ensure that the vendor or outside person or entity is conducting the criminal record check consistent with the Act and this chapter. A housing provider will be liable under the Act for relying on a criminal history inquiry conducted by a vendor or outside person or entity that is conducted in violation of the Act or this chapter if the

13:5-1.8 Criminal records that can be considered only after a..., NJ ADC 13:5-1.8

housing provider failed to take reasonable steps to ensure compliance with the Act or this chapter. Specifically, if a housing provider receives a criminal history inquiry conducted by a vendor or outside person or entity that is conducted in violation of the Act or this chapter, in that it reveals a record that is not permitted to be considered under the Act, the housing provider must show that the provider did not rely on that information in making a determination about an applicant's tenancy.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.9

13:5–1.9 Withdrawal of conditional offer

Currentness

(a) A housing provider may withdraw a conditional offer based on an applicant's criminal record only if the criminal record check is conducted consistent with the requirements of N.J.A.C. 13:5–1.8, and only if the housing provider determines, by preponderance of the evidence, that the withdrawal is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

1. The determination of whether an interest is substantial, legitimate, and nondiscriminatory requires a case-specific, fact-based inquiry, where “substantial interest” means a core interest of the entity that has a direct relationship to the function of that entity, “legitimate” means that a justification is genuine and not false or pretextual, and “nondiscriminatory” means that the justification for a challenged practice or policy does not itself discriminate based on a protected class.

(b) Should the applicant have a criminal record of an offense that may be taken into consideration, the housing provider shall perform an individualized assessment of the application 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 that 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.

(c) A housing provider must establish, by a preponderance of the evidence, that the withdrawal is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests.

(d) If a housing provider withdraws a conditional offer, the housing provider shall provide the applicant with written notification that includes, with specificity, the reason or reasons for the withdrawal and an opportunity to appeal the denial by providing evidence to the housing provider demonstrating inaccuracies within the applicant's criminal record, evidence of rehabilitation, or other mitigating factors. The Model Notice of Withdrawal made available by the Division on its website must be a standalone document, written in at least size 12 font, and must include an acknowledgment that the applicant has received the notice, whether physically or electronically. This form shall be made available in English, Spanish, and in any other language the Director deems appropriate. A housing provider that provides the applicant with a completed and signed version of the Model Notice of Withdrawal of Conditional Offer form made available by the Division on its website at the time the notice is provided will be deemed to have satisfied the requirements of this subsection, provided that such information includes, with specificity, the reason or reasons for the withdrawal of the applicant's conditional offer.

(e) If an applicant provides a housing provider with evidence demonstrating inaccuracies within the applicant's criminal record or evidence of rehabilitation or other mitigating factors, the housing provider shall review the information and reconsider the decision based on the evidence provided. A determination after reconsideration should be provided to the applicant within 30 days.

(f) A landlord who relies on an inaccurate criminal record will be liable pursuant to the Act if the applicant provides evidence that the criminal record is inaccurate and the housing provider fails to confirm the accuracy of the information before continuing to rely upon it.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.10

13:5–1.10 Provision of information concerning withdrawal

Currentness

- (a) The applicant may request, within 30 days after the housing provider's notice of the withdrawal, a copy of all information that the housing provider relied upon in considering the applicant, including criminal records.
- (b) A housing provider shall provide the information requested free of charge, within 10 days of receipt of the request.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.11

13:5-1.11 Advertisements

Currentness

(a) A housing provider shall not print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted, or mailed any statement, advertisement, publication, or sign, or use any form of application for the rental, lease, or sublease of any real property, or part or portion thereof, or make any record or inquiry in connection with the prospective rental, lease, or sublease of any real property, or part or portion thereof, that expresses, directly or indirectly, any unlawful limitation, specification, or discrimination as to criminal record.

(b) A housing provider shall not advertise that the provider will not consider any applicant who has been arrested, charged with, or convicted of a crime or offense, nor shall a housing provider make any statement in connection with a housing opportunity that the provider will not consider any applicant who has been arrested, charged with, or convicted of a criminal offense.

(c) A housing provider shall not use any word, term, phrase, or expression that explicitly influences, dissuades, discourages, or repels any person or persons from seeking housing because of a prior criminal history.

(d) The provision of this section shall not preclude a housing provider from making limited inquiries concerning drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally assisted housing, or whether the applicant is subject to a lifetime registration requirement under a State sex offender registration program, or engaging in any advertising or making any statement that it will not consider an applicant who has engaged in drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally assisted housing, or an applicant who is subject to a lifetime registration requirement under a State sex offender registration program.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.12

13:5–1.12 Prohibition on dissemination of criminal record

Currentness

(a) Unless otherwise required by law, a housing provider shall not:

1. Distribute or disseminate an applicant's criminal record to any person who is not expected to use the criminal record for the purpose of evaluating the applicant in a manner consistent with the Act or this chapter; or
2. Use an applicant's criminal record for a purpose that is not consistent with the Act or this chapter.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5–1.13

13:5–1.13 Immunity from civil liability

Currentness

(a) To encourage residential landlords to provide housing opportunities to formerly incarcerated individuals, landlords subject to the provisions of the Act or this chapter shall be immune from liability in any civil action arising as a result of the landlord's decision to rent to individuals with a criminal record or who were otherwise convicted of a criminal offense, or as a result of a landlord's decision to not engage in a criminal background screening.

(b) Nothing at (a) above shall be construed to affect, in any way, the immunity from liability conferred by law upon a landlord who rents an apartment to a person with a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault in violation of [N.J.S.A. 2C:14–2](#), causing or permitting a child to engage in a prohibited sexual act, or in the simulation of such an act in violation of paragraph (3) of subsection b. of [N.J.S.A. 2C:24–4](#), or any crime that resulted in lifetime registration in a State sex offender registry.

(c) Nothing in this section shall be construed to grant immunity to a housing provider for failure to take reasonable action or refusal to take reasonable action in connection with actual conduct by a tenant during the tenancy, or to excuse a housing provider from stopping, preventing, or remedying a hostile housing environment created by a tenant's actual conduct during the tenancy.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.14

13:5-1.14 Prohibition on drug testing

Currentness

A housing provider shall not require an applicant to submit to a drug or alcohol test or request the applicant's consent to obtain information from a drug abuse treatment facility.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 1. General Provisions

N.J.A.C. 13:5-1.15

13:5-1.15 Retaliation

Currentness

(a) A person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under the Act or this chapter.

(b) If the Division determines that a housing provider has engaged in one or more unlawful actions against a person with the intent of retaliating for the person's filing of an action against the housing provider under the Act, then each unlawful retaliatory action shall be enforced as a separate and distinct violation of the Act and this chapter.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5–2.1

13:5–2.1 Complaints

Currentness

(a) Any applicant or prospective applicant who believes that a housing provider has violated a provision of the Act may file a complaint with the Division by submitting a signed complaint to the Division electronically, by regular mail, or in person at any office of the Division. Any complaint that is submitted electronically may be signed electronically as well.

(b) Any complaint filed by an applicant or prospective applicant shall be filed with the Division within 180 days of the date of the alleged violation. The filing of a complaint or any other pleading shall be proven by the time it was submitted electronically, or, for filings submitted by regular mail or in person, the official stamp of the Division or by the signature of any official, employee, or investigator and their written notation indicating the date of receipt.

(c) A complaint shall be filed in a format approved by the Director. The complaint shall set forth in separate numbered paragraphs the following:

1. The full name of all complainants;
2. The full name and address of all respondents, if known; and
3. A brief statement setting forth the facts deemed to constitute the alleged violation.

(d) Complainants shall, where possible, electronically or by other means, provide the Division with their address, telephone number, and email address in connection with the filing of any complaint, and promptly notify the Division of any change in address, telephone number, or email address as soon as possible until the time for an appeal of a final order has expired.

(e) Any complainant may register with the Division, electronically, by providing their name, email address, and phone number. For any complainant registered with the Division electronically, the Division shall serve all filings electronically.

(f) The Director may file a complaint alleging a violation of the Act if the Director has reason to believe a housing provider may have violated the Act. The Director may also intervene or join as a complainant in any complaint pending before the Division.

(g) Where, based on review of a complaint, the Division believes the allegations may also constitute a violation of the Law Against Discrimination, the Division shall notify the complainant of the complainant's filing rights under that statute and shall, if the complainant so authorizes, generate a complaint that alleges a violation of the Law Against Discrimination, as well.

(h) The Division shall request demographic information, including, but not limited to, the race and ethnicity of the complainant, in connection with the filing of any complaint. The Division may use the collected demographic information for purposes of reporting in the aggregate on the demographic information of complainants.

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New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5-2.2

13:5-2.2 Notice to respondents and opportunity to cure or resolve the complaint or answer

Currentness

(a) Any housing provider may register with the Division, electronically, and identify an individual to electronically accept service in connection with any complaint filed with the Division by providing the name, email address, and phone number for the individual authorized to accept service. When the Division receives a complaint against a respondent that has not so registered, the Division will attempt to find the contact information, including, by contacting the respondent, and will ask the respondent to electronically register with the Division. For any respondent electronically registered with the Division, the Division shall serve any complaint and all other filings electronically, and the respondent may respond to the complaint and other inquiries by the Division electronically.

(b) Upon receipt of any complaint, the Division shall immediately serve a copy of the complaint on the respondent electronically. If the Division is unable to effectuate service electronically, the Division shall serve a copy of the complaint on the respondent by certified mail or overnight delivery by commercial courier, or, at the discretion of the Director, by personal delivery by an agent of the Division.

(c) For any complaint filed by an applicant, or prospective applicant, at the time of service of the complaint, the Division shall make a good faith effort to notify the housing provider of the alleged violation and offer the housing provider the opportunity to mediate and address the complaint within 14 days of service of receiving the notice. Mediation efforts may include, but not be limited to, telephone conversations, meetings, and written correspondence.

(d) The Division shall not subject a respondent to any penalty pursuant to [N.J.A.C. 13:5-2.5](#) if the Division determines that the respondent has mediated the complaint by curing or resolving the alleged violation pursuant to the process specified at (c) above, and provided the Division with evidence of same electronically.

(e) If the Division determines that the respondent has indeed cured or resolved the alleged violation, the Division may require the respondent to memorialize the resolution in a written agreement that sets forth the equitable measures that were taken or will be taken to ensure compliance, and the remedy, if any, to be provided to the individual who filed the complaint. Any agreement made pursuant to this section, and any complaint in connection therewith, shall not be published on the Division's website.

(f) The respondent may be required to submit proof of compliance with the written agreement electronically. If the Director finds that there has been a breach of a written agreement made pursuant to this section, the Director may, in their discretion, reopen the complaint for investigation or seek to enforce the agreement.

(g) If the respondent chooses not to cure the alleged violation within 14 days of receiving the notice, and provide, the Division with evidence of same electronically, or if the Division determines that respondent's actions have not in fact cured or resolved the alleged violation, respondent shall file an answer to the complaint, a position statement setting forth, in narrative form, why the respondent believes that no violation of the Act occurred, and a response to any additional request by the Division for documents and/or information within 20 calendar days of service of notice on the respondent that the matter is being transferred for investigation. The respondent shall file these responsive materials electronically.

(h) Respondents that fail to file an answer, position statement, and/or response to any request for documents and/or information within the time period provided by this section are subject to a demand by subpoena and/or entry of default.

(i) Extensions of time for filing an answer, position statement, and/or responding to any request for document and/or information may be authorized by the Director upon good cause shown. Requests for extensions of time shall be submitted electronically.

(j) Respondents shall promptly notify the Division of any change in contact information, including, mailing address, email address, phone number, and contact person, or other material change in the status of the respondent (such as bankruptcy filing or ceasing to operate as an ongoing concern) at all times until the time for an appeal of a final order has expired.

Credits

Adopted by 54 N.J.R. 76(a) R.2021 d.150, effective January 3, 2022.

CHAPTER EXPIRATION DATE

<Chapter 5, Rules Pertaining to the Fair Chance in Housing Act, expires on January 3, 2029.>

Current through amendments included in the New Jersey Register, Volume 54, Issue 3, dated February 7, 2022. Some sections may be more current, see credits for details.

N.J.A.C. 13:5–2.2, NJ ADC 13:5–2.2

New Jersey Administrative Code
Title 13. Law and Public Safety
Chapter 5. Rules Pertaining to the Fair Chance in Housing Act (Refs & Annos)
Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5-2.3

13:5-2.3 Investigation and findings

Currentness

- (a) Following review of the complaint and responsive documents filed by the respondent, the Director shall determine whether to conduct an investigation of a complaint.
- (b) In conducting an investigation, the Division may exercise all investigative powers set forth at [N.J.S.A. 10:5-8](#) and [N.J.A.C. 13:4-4](#).
- (c) If, following an investigation, the Division determines that the allegations in the complaint are not substantiated, the Division shall advise the parties of that determination and that such determination is the final agency action on the complaint.
- (d) A complainant may appeal to the Appellate Division of the Superior Court, a determination pursuant to (c) above that a complaint is not substantiated, but the complainant may not appeal a decision by the Director not to investigate a complaint.
- (e) If, following an investigation, the Division determines that the allegations in the complaint are substantiated, it shall issue a notice of violation to respondent. The notice of violation shall notify the respondent of the nature of the violation and the acts or omissions supporting such violation. The notice of violation shall also include the proposed remedies and penalties imposed as a result of the violation. The respondent shall also be advised of its appeal rights as set forth at [N.J.A.C. 13:5-2.4](#). The complainant shall also be advised of the results of the investigation.
- (f) Upon receipt of a notice of violation, the respondent shall, within 15 days, respond to the Division, in writing, and either:
1. Acknowledge the violation and agree to the proposed remedies and penalties; or
 2. Deny the allegation and request an appeal pursuant to [N.J.A.C. 13:5-2.4](#).
- (g) If a respondent fails to respond to a notice of violation in accordance with (f) above, the Director may issue a final order imposing the remedies and penalties set forth in the notice of violation.

Credits

Adopted by [54 N.J.R. 76\(a\)](#) R.2021 d.150, effective January 3, 2022.

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N.J.A.C. 13:5–2.3, NJ ADC 13:5–2.3

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N.J.A.C. 13:5-2.4

13:5-2.4 Appeals by respondents

Currentness

- (a) When a notice of violation is issued by the Division pursuant to N.J.A.C. 13:5-2.3(e), the respondent shall have the right to file an appeal with the Director. Any appeal of a notice of violation shall be submitted electronically.
- (b) An appeal must be received by the Director within 15 calendar days following receipt by the respondent of the notice of violation. The filing of an appeal under this section shall stay the enforcement of any remedies and penalties imposed pursuant to N.J.A.C. 13:5-2.3.
- (c) The Director shall decide any appeal filed pursuant to (b) above on the written record or shall provide a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Credits

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N.J.A.C. 13:5-2.4, NJ ADC 13:5-2.4

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Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5–2.5

13:5–2.5 Penalties

Currentness

(a) A housing provider who violates a provision of the Act shall be liable for the following applicable penalties:

1. An amount not to exceed \$1,000, if the housing provider has not committed any prior violation within the five-year period ending on the date of the filing of the charge;
2. An amount not to exceed \$5,000, if the housing provider has committed one other violation within the five-year period ending on the date of the filing of the charge; and
3. An amount not to exceed \$10,000, if the housing provider has committed two or more other violations within the seven-year period ending on the date of the filing of the charge.

(b) A housing provider shall not be liable for penalties under this section in connection with a complaint if it enters into a written agreement pursuant to [N.J.A.C. 13:5–2.2](#) on that complaint and abides by the terms of the agreement.

Credits

Adopted by [54 N.J.R. 76\(a\)](#) R.2021 d.150, effective January 3, 2022.

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N.J.A.C. 13:5–2.5, NJ ADC 13:5–2.5

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Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5–2.6

13:5–2.6 Remedies

Currentness

(a) For any violation of the Act, the Director may require a housing provider to take one or more of the following actions upon a finding that the housing provider has violated a provision of the Act:

1. The Director may require a housing provider to cease and desist from continuing to violate the Act; to communicate, in writing, to the housing provider's employees and agents their obligations under the Act; and to report to the Director on the manner of compliance for a period not to exceed two years provided that the housing provider does not commit future violations of the Act;

2. The Director may require a housing provider to provide training to its employees and agents on their obligations under the Act;

3. If a housing provider has committed at least one other violation of the Act or this chapter within the preceding five-year period, the Director may require the housing provider to make a good faith effort to remedy the violation with respect to the applicant when a remedy is possible, by issuing a conditional offer, if the violation has resulted in a failure to issue a conditional offer, or by providing the same or a similar rental dwelling unit to the applicant on the same terms as the prior conditional offer if the same or a similar rental dwelling unit is currently or will become available, if the violation has resulted in the withdrawal of a conditional offer. Notwithstanding any provision of the Anti-Eviction Act, P.L. 1974, c. 49 (N.J.S.A. 2A:18–61.1 et seq.) to the contrary, if a respondent's appeal of a determination by the Director finding a violation is successful, and the court overturns a final decision of the Director that resulted in an order under this paragraph, then a determination that the housing provider did not violate the provisions of the Act, as evidenced by such successful appeal, shall be grounds for the housing provider to evict the former applicant if that person resides in a rental dwelling unit owned by the housing provider as the result of the Director's order, so long as the housing provider provides the applicant with at least 45 days' notice prior to the eviction;

4. Unless housing is provided to the applicant pursuant to (a)2 above, the Director may require that the applicant's rental application fee be returned; and

5. The Director may require that a portion of the sum owed by the housing provider pursuant to N.J.A.C. 13:5–2.5 be paid to the applicant in an amount not to exceed \$1,000.

(b) Nothing in this chapter shall bar, exclude, or otherwise affect any right, action, or remedy that may exist independently of any right or action created by the Act, including, but not limited to, any right or action under the Law Against Discrimination.

Credits

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N.J.A.C. 13:5-2.6, NJ ADC 13:5-2.6

New Jersey Administrative Code
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Subchapter 2. Enforcement Provisions

N.J.A.C. 13:5-2.7

13:5-2.7 Confidentiality of Division's investigatory files

Currentness

In addition to records designated as confidential pursuant to the provisions at [N.J.S.A. 47:1A-1 et seq.](#), any other law, rules promulgated under the authority of any statute or Executive Order of the Governor, resolution of both houses of the Legislature, Executive Order of the Governor, Rules of Court, or any Federal law, Federal regulation, or Federal order, and except as otherwise set forth in this subchapter, the Division's investigatory records shall be considered confidential and exempt from public access pursuant to [N.J.S.A. 47:1A-1 et seq.](#), other than any final agency disposition concerning an investigation or any notice of violation.

Credits

Adopted by [54 N.J.R. 76\(a\)](#) R.2021 d.150, effective January 3, 2022.

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N.J.A.C. 13:5-2.7, NJ ADC 13:5-2.7