



MEMORANDUM

To: Members of the Senate Community and Urban Affairs Committee
From: Nicholas Kikis, Vice President of Legislative & Regulatory Affairs, NJAA
Date: July 16, 2020
Re: NJAA Opposition to S-250 (Singleton)

On behalf of the New Jersey Apartment Association (NJAA), and our members who own, develop, and manage both market-rate and affordable housing for over a million New Jersey residents, we appreciate the opportunity to express our concerns with S-250, the "Fair Chance in Housing Act," which would limit the ability of property owners to conduct criminal background screenings of prospective tenants. We **respectfully oppose** S-250 in its current form and ask you to vote **"NO"** when it comes before you for a vote on Thursday, July 16, 2020.

NJAA understands the goal of providing formerly incarcerated individuals with second chances and we recognize that many minority groups have been incarcerated at rates that far exceed their proportion of the general population. However, we would ask that the bill strike a balance between providing second chances for the formerly incarcerated with allowing appropriate screening to ensure safe communities for all residents.

In keeping with that, we would ask that the bill **allow an appropriate period following release from prison where criminal records could be considered** (we believe that the ten-year window in the bill as introduced was reasonable, and that three years, in the bill as proposed to be amended, is too short a time), and that the most heinous crimes (e.g. murder, rape, kidnapping, arson) may always be considered. Additionally, the bill would prohibit landlords from considering crimes that are eligible for expungement, regardless of whether the applicant meets the criteria to have them be expunged.

Furthermore, we have **concerns that the bill will put landlords in a double bind**. Under the bill, landlords can be sued if they fail to admit an applicant with a criminal record, but they can also be sued for negligent screening practices should they admit a tenant who subsequently commits a crime. Right now, when a tenant commits a criminal act against another tenant, landlords are often sued for letting the tenant in. **If, under the bill, landlords are required to house those who have a higher probability of committing illegal acts compared to those who were not formerly incarcerated, we would ask for liability protection for the acts committed by those tenants.**

Finally, we are concerned that **the bill will have the effect of elevating a criminal conviction to a protected class under the New Jersey Law Against Discrimination** for the purposes of housing. We would suggest that placing these requirements in the Truth-in-Renting Act, rather than the Law Against Discrimination, would be more appropriate.

The NJAA believes in second chances and takes the social justice concerns that motivate this bill seriously. However, we respectfully oppose S-250 in its current form and ask you to vote **"NO"** when it comes before you for a vote. If you have further questions, please do not hesitate to contact me at 732-992-0600.