

# STATEMENT TO

[First Reprint]

## **SENATE, No. 250**

with Senate Floor Amendments  
(Proposed by Senator SINGLETON)

ADOPTED: MARCH 25, 2021

These Senate amendments would revise the tiered look-back period in the bill to establish that, after the issuance of a conditional offer to a housing applicant, a housing provider would only be authorized to consider criminal a record that resulted in a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, any crime that resulted in lifetime registration in a state sex offender registry, or 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 6 years immediately preceding the issuance of the conditional offer;
- the second or third degree that was issued, or if the conviction resulted in a prison sentence that concluded, within the four years immediately preceding the issuance of the conditional offer; or
- the fourth degree that was issued, or if the conviction resulted in a prison sentence that concluded, within one year immediately preceding the issuance of the conditional offer.

Additionally, these Senate amendments would:

- remove a provision prohibiting housing providers from ever considering criminal convictions arising for conduct committed outside of the State that, if committed within the State, would not constitute an indictable offense;
- provide that a housing provider may withdraw a conditional offer based on an applicant's criminal record only if the housing provider determines, by preponderance of the evidence, that the withdrawal is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest;
- provide a housing applicant with 30 days after the housing provider's notice of a withdrawn offer, to request a copy of all information relied upon in considering the applicant, including criminal records;
- direct the Division on Civil Rights to create a model disclosure statement to notify a housing applicant whether the housing provider intends to consider criminal records;
- provide that landlords subject to the provisions of the bill would be immune from liability in civil actions arising as a result of the a decision to rent to individuals with a criminal records or who were otherwise convicted of criminal offenses,

or as a result of a landlord's decision to not engage in a criminal background screening;

- provide that a violation of the bill would constitute unlawful discrimination under section 11 of the “Law Against Discrimination,” (“LAD”) P.L.1945, c.169 (C.10:5-12), but remove a provision that would establish specific escalating penalties for a first, second and subsequent violation;
- establish tenant notification requirements that would apply when a refusal to rent to a tenant results from certain prior landlord-tenant actions that resulted in a judgment against the tenant;
- amend existing sections of the LAD to conform to the provisions of the bill;
- refine the application of the LAD on forms of discrimination based on immigration or citizenship status, credit history, gender identity or gender expression, and the source of lawful income used for rental or mortgage payments;
- remove single apartments or flats in two-family dwellings, the other unit of which is occupied by the owner, from the exceptions to the definition of “real property” as used in the LAD;
- adjust the penalty provision applicable to the LAD; and
- make technical changes to the bill.