

SENATE, No. 1925

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex and Morris)

SYNOPSIS

Prohibits charging prospective tenants of affordable units credit and criminal background check fees unless unit will be available within 30 days.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning credit checks for affordable rental housing
2 applicants and supplementing chapter 8 of Title 46 of the
3 Revised Statutes.

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5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. A property owner offering for rent low income housing or
9 moderate income housing, as defined by section 4 of P.L.1985,
10 c.222 (C.52:27D-304), shall not charge an applicant any fee for a
11 credit or criminal background unless the unit for which the
12 applicant is seeking to rent is available within 30 days of the time
13 the applicant is charged the fee. No fee for a credit or criminal
14 background check in an amount greater than the invoice cost to the
15 landlord shall be charged to an applicant. If an applicant is charged
16 a fee for a credit or criminal background check and the unit is not
17 available within 30 days, the property owner shall refund the
18 amount previously collected no more than 10 days after a written or
19 oral request for a refund is made by the applicant. If the property
20 owner does not refund the amount charged in full within the time
21 frame described in this section, a court shall award treble damages
22 and reasonable attorney's fees to the applicant.

23 If the property owner offers a low income housing or moderate
24 income housing unit for rent to an applicant, and the applicant
25 declines to rent the property, the applicant shall not be entitled to a
26 refund or damages pursuant to this section.

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28 2. This act shall take effect immediately.

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STATEMENT

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33 This bill prohibits a landlord from charging credit check or
34 criminal background check fees to applicants seeking to rent an
35 affordable housing unit unless the unit is available within 30 days.
36 If the unit does not become available 30 days after the fee is
37 charged, the landlord has 10 days to refund the fee in full. If the
38 landlord does not refund the fee in full within the 10-day period, a
39 court would award the applicant treble damages plus reasonable
40 attorney's fees. If the property owner offers a low income housing
41 or moderate income housing unit for rent to an applicant, and the
42 applicant declines to rent the property, the applicant shall not be
43 entitled to a refund.