

The Housing Authority of Gloucester County
New Jersey Fair Chance in Housing Act
Disclosure Statement

As a Public Housing Agency providing federally assisted housing, the Housing Authority of Gloucester County's (the Authority) Policies are governed by both Federal and State laws and regulations. Under Federal laws, 24 CFR 960.204 and 24 CFR 5.854-5.857, the Authority must deny program admissions for applicants to the Public Housing Program and Multifamily Housing Programs who:

- have been evicted from federally assisted housing for drug-related criminal activity within the past three years;
- are currently engaged in the illegal use of a drug;
- display a pattern of illegal use of a drug that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- have ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing;
- abuse or have a pattern of abuse of alcohol which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents;
- is subject to a lifetime registration requirement under a State sex offender registration program.

Once the Authority determines an applicant eligible for admissions into a federally-assisted housing program, New Jersey's Fair Chance in Housing Act, N.J.S.A. 46:8-52 to 64 (FCHA), limits the ability of the Authority, in its capacity as a housing provider to consider a person's criminal history in deciding whether to extend an offer or whether to rent a dwelling unit after extending an offer.

Before making a conditional offer of housing to an eligible applicant, the FCHA provides that The Housing Authority of Gloucester County (The Authority) may consider only whether an applicant has a conviction for the manufacture or production of methamphetamine on the premises of federally assisted housing, or whether an applicant has a lifetime registration requirement under a State sex offender registration program.

The Authority will not consider, or request from an eligible applicant or any other person or entity, any other information about an eligible applicant's criminal history as part of the application process until and unless a conditional offer of housing has been made.

After extending a conditional offer of housing, the Authority intends to review and consider an applicant's criminal record in determining whether to rent a dwelling unit, in accordance with the FCHA and its accompanying rules.

The Authority will not, either before or after the issuance of a conditional offer, evaluate or consider any of the following 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.

The Authority may consider, after the issuance of a conditional offer, a criminal record that:

- Resulted in a conviction for murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault, endangering the welfare of a child in violation of N.J.S.2C:24-4(b)(3);
- Resulted in a conviction for any crime that requires lifetime state sex offender registration;

- Is for any 1st degree indictable offense, or release from prison for that offense, within the past 6 years;
- Is for any 2nd or 3rd degree indictable offense, or release from prison for that offense, within the past 4 years;
or
- Is for any 4th degree indictable offense, or release from prison for that offense, within the past 1 year.
- As authorized under Federal regulations, 24 CFR 960.203(c) and 24 CFR 5.855, the Authority will employ other elements of tenant suitability screening.

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/>.

The Authority may withdraw a conditional offer based on your criminal record only if:

The Authority determines, by a preponderance of the evidence, that the withdrawal is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

If the Authority utilizes any vendor or outside person/entity to conduct a criminal record check on their behalf, the Authority will take reasonable steps to ensure that the vendor or outside person/entity conducts the criminal record check consistent with the requirements of the FCHA and rules. Specifically, if the Authority receives a criminal history inquiry conducted by a vendor or outside person or entity that is conducted in violation of the FCHA in that it reveals a record that is not permitted to be considered under the FCHA, the Authority must show that it did not rely on that information in making a determination about your tenancy.

If you are subjected to the withdrawal of a conditional offer of housing due to criminal history, you have the right to request and receive the materials relied upon by the Authority in making this determination.

The Authority's Grievance Procedures Policy provides an opportunity to dispute program denials through submitting a written request to the Authority for an informal review/hearing within 30 days of the denial. Through the informal review/hearing, you have the right to dispute the relevance and accuracy of any criminal record, and to offer evidence of any mitigating facts or circumstances, including but not limited to your rehabilitation and good conduct since the criminal offense. You may also provide evidence demonstrating inaccuracies within aspects of your criminal record which may be considered under the FCHA, or evidence of rehabilitation or other mitigating factors to the Authority at any time, including after the ten days provided under the FCHA.

Any action taken by violation of the process laid out in this statement may constitute a violation of the FCHA. If you believe that any owner, agent, employee, or designee of the Authority 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 FCHA.

DCR has several fair housing fact sheets available at <https://www.nj.gov/oag/dcr/housing.html>, or available for pickup in any of DCR's 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

Authority Representative Signature _____ Date _____

Prospective Tenant Signature _____ Date _____

