SENATE, No. 2841

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:
Senator ANGELA V. MCKNIGHT
District 31 (Hudson)

SYNOPSIS

Prohibits photo identification requirement for residential rental application.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning protections for applicants or prospective tenants of residential rental units and supplementing chapter 42 of Title 2A of the New Jersey Statutes.

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

1. The Legislature finds and declares that:

a. Under State and federal law, it is illegal for a landlord, landlord's agent, or third-party screening vendor to reject, refuse to lease to, or discriminate against an applicant because of race, religion, color, national origin, ancestry, marital status, sex, sexual orientation, or physical or mental handicap;

b. Although discrimination is prohibited, an applicant may be rejected for a plurality of reasons, including an applicant's habits, hygiene, income, credit score, lack of adequate rental history, failure to correctly complete the application, or for previous negative reviews, some of which could be used as a pretext to reject otherwise qualified applicants;

c. It may be difficult and financially burdensome for an applicant, particularly in light of the present housing shortage in this State, to prove that a landlord's rejection was due to unlawful discrimination;

d. While requiring photo identification is one way to prevent identity theft and other forms of fraud, photo identification requirements for applicants can subject an applicant to discrimination; and

e. Therefore, the Legislature finds and declares that it is necessary and in the public interest to protect applicants for residential rental housing by prohibiting residential landlords, their agents, or third-party screening vendors from requiring or requesting photo identification, or conditioning approval of an application on the provision of photo identification.

2. As used in P.L. , c. (C.) (pending before the Legislature as this bill):

"Applicant" or "prospective tenant" means any person that applies to rent or lease, or seeks to rent or lease, for a term of at least one month, dwelling units, except dwelling units in owner-occupied premises of not more than three dwelling units, or in hotels, motels, or other guest houses serving transient or seasonal guests.

"Landlord" means any person or entity, or their agent, including but not limited to a real estate broker, property manager, leasing agent, or other salesperson, who rents or leases or offers to rent or lease, for a term of at least one month, dwelling units, except dwelling units in owner-occupied premises of not more than three

dwelling units, or in hotels, motels or other guest houses serving transient or seasonal guests.

"Real estate broker" means the same as the term is defined pursuant to section 5 of P.L.1945, c.169 (C.10:5-5).

"Third-party screening vendor" means a company or vendor that engages in the business of collecting, assembly, and evaluating residential tenant applications for the purpose of facilitating a landlord's approval or rejection of a prospective tenant's application.

3. a. A landlord or third-party screening vendor shall not require or request that an applicant or prospective tenant submit or show photo identification as part of their application for the rental unit, or condition approval of an application for a rental unit on the submission or provision of photo identification.

b. A violation of subsection a. of this section shall constitute an unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.), and a landlord or third-party screening vendor who violates P.L. , c. (C.) (pending before the Legislature as this bill) shall be subject to all remedies and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

c. A landlord or third-party screening vendor who violates subsection a. of this section shall also, at the discretion of the applicant or prospective tenant, be subject to a separate cause of action by the applicant or prospective tenant in the Superior Court, Law Division, Special Civil Part in the county in which the rental premises are located. The applicant or prospective tenant may recover $1,000 for each offense by the landlord or third-party screening vendor, in addition to reasonable attorney's fees or expenses.

4. This act shall take effect on the first day of the fourth month next following the date of enactment, and shall apply to oral or written representations made by a landlord or third-party screening vendor to an applicant or prospective tenant, applications offered by a landlord or third-party screening vendor to an applicant or prospective tenant, or submitted applications by an applicant or prospective tenant to a landlord or third-party screening vendor, commencing on or after that date.

STATEMENT

This bill prohibits a residential landlord or third-party screening vendor, as defined in the bill, from requiring or requesting that an applicant or prospective tenant submit or show photo identification as part of their application for the rental unit, or conditioning

approval of a prospective tenant's application for the rental unit on the submission or provision of photo identification.

A violation of the bill is to:

(1) constitute an unlawful practice pursuant to the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.) (CFA);

(2) subject a landlord or third-party screening vendor to all applicable penalties prescribed pursuant to the CFA; and

(3) subject a landlord or third-party screening vendor to a penalty of $1,000 for each offense by the landlord or third-party screening vendor, in a separate cause of action brought at the discretion of the applicant or prospective tenant, in addition to reasonable attorney's fees or expenses.

The bill is to take effect on the first day of the fourth month next following the date of enactment, and apply to oral or written representations made by a landlord or third-party screening vendor to an applicant or prospective tenant, applications offered by a landlord or third-party screening vendor to an applicant or prospective tenant, or submitted applications by an applicant or prospective tenant to a landlord or third-party screening vendor, commencing on or after the effective date of the bill.