

STATEMENT OF COLLABORATION
between APARTMENTSMART.COM, INC. and the NEW JERSEY DIVISION ON CIVIL
RIGHTS

The New Jersey Legislature created the New Jersey Division on Civil Rights (DCR) seventy-five years ago to enforce the New Jersey Law Against Discrimination (LAD) and to “prevent and eliminate discrimination” in the State of New Jersey in housing, employment, and places of public accommodation. N.J.S.A. 10:5-6. ApartmentSmart.com, Inc. (AS) is an industry leader in helping prospective renters nationwide find affordable housing on the internet—through its website AffordableHousingOnline.com (Affordable Housing Online). Affordable Housing Online provides a comprehensive nationwide database of available affordable rental housing options.

DCR and AS have a mutual interest in ensuring that advertising for real estate for rent or sale in New Jersey is free of statements that unlawfully discriminate on the basis of characteristics protected by the LAD, including source of lawful income (as discussed below). See N.J.S.A. 10:5-12(g)-(h). Between DCR’s role as the State agency charged with enforcing the LAD’s prohibition on housing discrimination and AS’s footprint as an important voice in the affordable housing market, they have the ability to effect important changes in New Jersey by working together. Accordingly, AS and DCR have agreed to use their shared expertise and resources to collaborate on a series of measures designed to promote fair housing through education on the protections guaranteed by the LAD and other product features to help prevent discriminatory advertisements from appearing on Affordable Housing Online.

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The LAD prohibits discrimination in housing on the basis of race, religion, gender, sexual orientation, gender identity or expression, national origin, disability, and other protected characteristics. N.J.S.A. 10:5-12. The LAD also prohibits discrimination by property owners, real-estate agents, and other housing providers based on a prospective tenant’s source of lawful income. N.J.S.A. 10:5-12(g)(1)-(2) & (h)(1)-(2). Sources of lawful income include subsidies or vouchers provided by federal, state, or local rental-assistance programs, including Section 8 housing choice vouchers, SRAP (State Rental Assistance Program), and TRA (temporary rental assistance). The LAD also prohibits posting or causing to be posted any advertisement for the rental of any real property “which expresses, directly or indirectly, any limitation, specification or discrimination as to . . . source of lawful income used for rental . . . payments.” N.J.S.A. 10:5-12(g)(3) & (h)(3). The New Jersey Supreme Court has recognized that discrimination on the basis of source of lawful income is particularly harmful because it impacts some of New Jersey’s most vulnerable residents.

In 2019, DCR discovered that a significant number of online advertisements for rental housing in New Jersey contained unlawful limitations, specifications, or statements that discriminated on the basis of source of lawful income. These advertisements appeared across a


wide range of online platforms (though not on Affordable Housing Online), and contained discriminatory statements such as “No Section 8,” “No TRA,” and “Sorry Not Section 8 or TRA Approved.”

Recognizing that AS is a vocal advocate for nondiscrimination on the basis of source of lawful income in affordable housing, DCR contacted AS to propose a collaborative effort to help prevent and address source of lawful income discrimination in New Jersey. AS and DCR have accordingly agreed to work together in the following ways:

1. AS will collaborate with DCR to update the webpage on the Affordable Housing Online site that provides information about source of lawful income discrimination to make clear that it protects not only Section 8 vouchers, but all forms of governmental rental assistance, including COVID-19-related rental relief. AS will collaborate with DCR to create a separate page on the Affordable Housing Online site that discusses fair housing laws more generally. AS will also add links to DCR’s fact sheets on the LAD’s housing protections to these webpages.
2. AS will collaborate with DCR to send an email to its mailing list with information regarding fair housing laws. AS will also collaborate with DCR on a blog post discussing important fair housing issues, including discrimination based on source of lawful income, discrimination related to COVID-19, and racial steering.
3. AS and DCR are exploring new methods for educating housing advertisers of the requirements of the LAD, including the prohibition on refusing to accept a source of lawful income. This will include a method for AS to provide notice of fair housing laws to persons seeking to post rental advertisements for New Jersey properties on its platform, such as a pop-up warning, a click-through notification, a website banner, or some other notification. The notification will convey in substance that “The New Jersey Law Against Discrimination (LAD) prohibits discrimination in housing based on race, national origin, religion, gender, disability, family status, sexual orientation, gender identity or expression, and source of lawful income to be used for rental payments, including, but not limited to, subsidies or vouchers provided by federal, state, or local rental-assistance programs like Section 8, SRAP (State Rental Assistance Programs), and TRA (temporary rental assistance). The law also prohibits housing listings that express, directly or indirectly, any such limitation or discrimination.”
4. AS will collaborate with DCR to train its staff who review, moderate and approve listings to more comprehensively prevent, detect, and remove advertisements that violate the LAD, including posts that unlawfully discriminate on the basis of source of lawful income. AS and DCR will collaborate on additional fair housing training for AS employees.
5. AS and DCR have worked together to identify ways to optimize the Affordable Housing Online website to address source of lawful income discrimination. These optimizations shall


ensure that housing providers do not erroneously believe that they are permitted to refuse vouchers, and that individuals seeking housing do not infer that a housing listing without specific notations does not accept vouchers.

Going forward, AS and DCR will continue to use their expertise and resources to collaborate on solutions to the problem of housing discrimination, including discrimination based on source of lawful income. Both DCR and AS are proud of this collaboration, and are excited to continue this productive relationship.



ApartmentSmart.com, Inc.
By: David F. Layfield Jr., Founder and CEO

7/27/2020
DATE



NEW JERSEY DIVISION ON CIVIL RIGHTS
By Rachel Wainer Apter, Director

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