

STATEMENT OF COLLABORATION
between ZILLOW GROUP and the NEW JERSEY DIVISION ON CIVIL RIGHTS

The New Jersey Legislature created the New Jersey Division on Civil Rights (DCR) nearly eighty 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. In 2021, the Legislature charged DCR with enforcement of the Fair Chance in Housing Act, a groundbreaking law designed to ensure that people who were formerly incarcerated or otherwise involved in the criminal justice system have fair access to housing. N.J.S.A. 46:8-52. The law went into effect January 1, 2022.

Zillow Group, Inc. (Zillow) is reimagining real estate to make it easier to unlock life’s next chapter. As the most visited real estate website in the United States, Zillow and its affiliates offer consumers an on-demand experience for selling, buying, renting, or financing with transparency and ease. Zillow is committed to providing the millions of consumers that visit Zillow sites and apps every month with information and resources that promote equal opportunities in housing regardless of race, ethnicity, religion, familial status, gender, national origin, sexual orientation, gender identity or expression, and other protected characteristics.

DCR and Zillow 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), or that impermissibly restrict access to housing based on criminal history, see N.J.S.A. 46:8-58(a)-(b). In light of DCR’s role as the State agency charged with enforcing both the LAD’s and the FCHA’s prohibitions on housing discrimination and Zillow’s footprint as an industry leader in the housing market, DCR and Zillow have the ability to effect important changes in New Jersey by working together. Accordingly, Zillow and DCR have agreed to continue to use their shared expertise and resources to collaborate on a series of measures designed to promote fair housing. These measures will educate the public on the protections guaranteed by the LAD, expand collaboration between Division on Civil Rights and Zillow on the development of product features on Zillow’s site to help prevent discriminatory advertisements from appearing on Zillow’s platforms, and expand Zillow’s existing collaboration to address FCHA violations.

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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 affects some of New Jersey’s most resource-denied and vulnerable residents.

The FCHA, meanwhile, limits a landlord or housing provider's ability to consider a rental applicant's criminal history. N.J.S.A. 46:3-55, et seq. Generally, the FCHA prohibits housing providers from inquiring, orally or in writing, about an applicant's criminal history in any way, including in an initial application or posting, before extending a rental offer. N.J.S.A. 46:8-55. After the housing provider extends a conditional offer, the provider may only consider a narrow range of convictions. N.J.S.A. 46:8-56(a) & (b). Once a conditional offer is made, it may only be withdrawn after the housing provider conducts an individualized assessment and determines that withdrawal is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest. N.J.S.A. 46:8-56(c). The FCHA also prohibits, subject to two enumerated exemptions, posting or causing to be posted any housing advertisement that categorically rejects applicants with criminal histories. N.J.S.A. 46:8-58(a). Additionally, the FCHA prohibits any advertisement for the rental of any real property "which expresses, directly or indirectly, any unlawful limitation, specification, or discrimination as to criminal records . . ." N.J.S.A. 46:8-58(b).

Since 2019, DCR and Zillow have worked together to address advertisements for rental housing in New Jersey containing unlawful limitations, specifications, or statements that discriminate on the basis of source of lawful income. The collaboration, which was formalized in a 2020 Statement of Collaboration between DCR and Zillow, led to numerous changes aimed at addressing source-of-income discrimination in New Jersey.

DCR has discovered a number of online advertisements for rental housing in New Jersey that contain unlawful limitations, specifications, or statements based on source of lawful income or criminal history. These advertisements, posted by third parties, appeared across a wide range of online platforms, and contained discriminatory statements such as the following:

- "sorry we do not participate in any programs"
- "no prior criminal felony convictions"
- "clear background check"
- "no criminal records"

DCR and Zillow have agreed to continue to work together to address discrimination in real estate, and to expand its existing agreement to advance that shared goal. In so doing, DCR and Zillow incorporate the 2020 Statement of Collaboration. Additionally, DCR and Zillow jointly agree to take or have already taken these additional steps:

1. Zillow has worked with DCR to update three pages on its website—the Respectful Renter Pledge, the Fair Housing Guide, and the Good Neighbor Policy—to incorporate information about prohibitions against discrimination based on source of lawful income and criminal history. Zillow will continue to collaborate on a regular basis with DCR to ensure the information on its website regarding the LAD and FCHA remains accurate.
2. Zillow has sent out information to all its New Jersey advertisers with information about New Jersey's fair housing laws, including links to DCR's various fact sheets on the LAD's protections with respect to housing generally, source of lawful income, race, disability, and other protected characteristics. Zillow will send such information to its New Jersey advertisers annually upon request by DCR, which will also include guidance on the FCHA's prohibition on criminal history-based barriers to

housing opportunities. In doing so, Zillow will collaborate with DCR on an ongoing basis to obtain updated related materials and resources on the LAD, FCHA, and other related housing materials.

3. Zillow has posted links to fact sheets and materials on the LAD's protections with respect to housing, including source of lawful income, race and disability discrimination, and the FCHA's prohibition on imposing criminal history-based barriers to housing opportunities. Specifically, these resources are available to New Jersey rental housing providers on the Zillow Rental Manager Listing Path, as well as to tenants and prospective rental applicants on New Jersey rental listings. Zillow will collaborate with DCR on an ongoing basis to obtain updated materials and resources on the LAD, FCHA, and other related housing materials.

4. Zillow and DCR will continue to collaborate on Zillow's content-filtering terms to allow Zillow to more comprehensively detect and remove advertisements that unlawfully discriminate on the basis of source of lawful income and that violate Zillow's Good Neighbor and Respectful Renting policies, including Section 8 vouchers and other forms of state and local housing assistance, and to expand this collaboration to address terms related to criminal history. Zillow will create an escalated reporting process by creating a unique email alias and routing emails sent to that alias to the appropriate internal Legal and/or Compliance and/or Operations teams for DCR to report any potential violations, and to help ensure that Zillow's content-filtering terms are comprehensively detecting and removing advertisements. DCR will, when possible, alert Zillow of advertisements DCR discovers that appear to contain unlawful limitations, specifications, or statements based on source of lawful income, criminal history, ethnicity, race, disability, or other protected characteristics, and Zillow will remove flagged advertisements that violate its policies and DCR's legal requirements, update content-filtering terms, and assist with DCR's investigations or enforcement actions. Zillow will when possible, alert DCR of limiting language in advertisements that Zillow discovers, without providing identifiable information about Zillow users, that appear to contain unlawful limitations, specifications, or statements based on source of lawful income, criminal history, ethnicity, race, disability, or other protected characteristics.

5. DCR and Zillow will continue to explore, identify, and implement methods for educating housing advertisers of the requirements of the LAD, including the prohibition on refusing to accept a source of lawful income, and of the requirements of the FCHA. This will include methods for educating users seeking to post rental advertisements for New Jersey properties on Zillow's platform.

6. As part of "Fair Housing Month" in April 2023, Zillow and DCR will work together on a blog post that will be published on Zillow's website and promoted by DCR and Zillow that outlines protections against housing discrimination in New Jersey, with a focus on the FCHA.

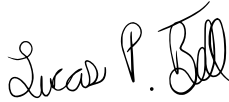
7. Zillow and DCR will continue to collaborate on additional public outreach measures, such as leveraging promotional space to deliver graphics that inform Zillow users of their fair housing rights in New Jersey.

8. Zillow asserts that it provides comprehensive fair housing training to all its employees that includes a curriculum on source of lawful income and criminal history discrimination. Zillow and DCR may explore and identify additional training opportunities and curriculum for Zillow in support of DCR's enforcement of the LAD and the FCHA.

9. Consistent with their ongoing commitment to collaborate in addressing housing discrimination, Zillow and the Division on Civil Rights agree to meet as needed, but not less than every six months, in order to facilitate the sharing of knowledge between them.

10. This Statement of Collaboration shall remain in effect for two (2) years from its effective date, which is the latter of the two signature dates below.

Going forward, Zillow 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 and criminal history. DCR and Zillow are proud of this collaboration, and look forward to continuing this productive relationship.



4/17/2023

ZILLOW GROUP
GOVERNMENT RELATIONS & PUBLIC AFFAIRS DEPARTMENT
By Luke Bell, Director, State & Local Government Relations & Public Affairs

DATE



4/17/2023

NEW JERSEY DIVISION ON CIVIL RIGHTS
By Sundeep Iyer, Director

DATE