



HOUSING DISCRIMINATION RISKS FOR LAW ENFORCEMENT AGENCIES

The United States Department of Justice issued a letter on August 15, 2024, to state and local police departments concerning programs or actions by police departments that might violate federal housing protections. Furthermore, the New Jersey Attorney General issued two media releases in 2024 concerning the New Jersey Division of Civil Rights enforcement actions to combat housing discrimination and housing providers for failing to comply with current legislation.¹⁻² The New Jersey Division of Civil Rights actions occurred after Governor Murphy signed the [New Jersey Fair Chance Housing Act](#) in 2021.

The U.S. Department of Justice's decision to issue a letter to all police departments, New Jersey's recent legislation, and the actions of the New Jersey Division of Civil Rights necessitate that the Chief of Police conduct a comprehensive review of materials and resources provided by the U.S. Department of Justice and the New Jersey Attorney General to ensure all agency members are adhering to federal and state law.

Considerations for the Chief of Police:

1. Read and discuss the [U.S. Department of Justice Letter](#) with the Municipal Attorney, which provides critical information for law enforcement agencies who may have or are engaging in "crime-free," "nuisance," or other similar programs. These programs may encourage or require landlords or property owners to:
 - Evict or impose adverse housing consequences on tenants and household members based on tenants' or guests' alleged criminal activity.
 - Impose blanket restrictions on rental housing applicants if background screening shows a criminal history or past calls for emergency or law enforcement assistance.
 - Evict or impose other adverse housing consequences on tenants based on calls for emergency or law enforcement assistance.
 - Designate medical or disability-related calls for service as a nuisance.
 - Publicize confidential medical information from a call for service.
2. Discuss any local ordinances or specific programs with the Municipal Attorney to ensure the law enforcement agency and local government have not engaged in practices that violate the U.S. Fair Housing Act as described in the letter from the Department of Justice.
3. Ensure the agency does not violate the U.S. Americans with Disabilities Act (ADA) by having a "crime-free" or "nuisance" program that discourages or prevents individuals with mental health disabilities and those associated with them from using emergency services. Programs that may raise questions under the ADA include, but are not limited to, those which:

- Threaten or impose penalties for calls for disability-related issues, including designating a medical or disability-related call as a nuisance.
 - Publicize confidential information about an individual's disabilities.
 - Fail to make reasonable modifications to avoid disability disability-related discrimination.
4. Ensure that any program, ordinance, or "crime-free" or "nuisance" program does not violate the U.S. Violence Against Women Act (VAWA). The VAWA provides that landlords, homeowners, tenants, occupants, and guests of applicants for housing have the right to seek law enforcement or emergency assistance. Furthermore, such persons shall not be penalized based on their request for assistance or based on criminal activity of which they are a victim or otherwise not at fault. Law enforcement agencies or local government programs that designate the property as a nuisance or a similarly negative designation, as well as other actions such as refusal to renew a landlord permit or inappropriately force the closure of a property, could be violating the VAWA.
 5. Review and discuss with the Municipal Attorney New Jersey's specific resources and legislation concerning The New Jersey Fair Chance in Housing Act:
 - The [New Jersey Attorney General Fair Chance in Housing Resource Page](#) includes highly valuable resources, including training videos, a resources document, and restrictions on providing criminal history information to landlords and tenants.
 6. Ensure agency personnel designated as liaisons to housing authorities, landlords, or any agency personnel responsible for providing call-for-service information to landlords and tenants receive appropriate guidance. Furthermore, all officers should be given direction concerning what information they provide to tenants and landlords while handling calls for service at such locations.
 7. Review the available [MSI Live](#) training programs from the [MEL Safety Institute](#), and when meeting with housing officials, encourage them to utilize these resources, if applicable:
 - Housing Authority & Regulatory Awareness Training
 - Housing Authority Sensibility
 - Housing Authority Executive Directors: What You Need to Know
 - The MSI Live Training Schedule can be viewed [here](#).
 8. Explore other resource considerations:
 - [Evidence Matters: Housing, Inclusion, and Public Safety](#)

If you have any questions, please contact your Law Enforcement Risk Control Consultant.

¹Platkin, M. J., & Iyer, S. D. (2024, January 16). *AG Platkin, Division of Civil Rights Announce Enforcement Actions to Combat Housing Discrimination*. Retrieved from New Jersey Attorney General: [AG Platkin, Division on Civil Rights Announce Enforcement Actions to Combat Housing Discrimination - New Jersey Office of Attorney General \(njoag.gov\)](#)

²Platkin, M. J., & Iyher, S. D. (2024, February 12). *Division of Civil Rights Takes Enforcement Action Against 35 Housing Providers for Failing to Comply with the Fair Chance Housing Act*. Retrieved from New Jersey Attorney General: [Division on Civil Rights Takes Enforcement Action Against 35 Housing Providers for Failing to Comply with the Fair Chance in Housing Act - New Jersey Office of Attorney General \(njoag.gov\)](#)