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[FIRST REPRINT]

SENATE, No. 340

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1992

By Senator LIPMAN

1 AN ACT to strengthen the laws prohibiting discrimination,  
2 amending P.L.1945, c.169 and supplementing Title 40 and Title  
3 52 of the Revised Statutes  
4

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

7 1. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read  
8 as follows:

9 3. The Legislature finds and declares that practices of  
10 discrimination against any of its inhabitants, because of race,  
11 creed, color, national origin, ancestry, age, sex, affectional or  
12 sexual orientation, marital status, familial status, liability for  
13 service in the Armed Forces of the United States, or nationality,  
14 are [matter] matters of concern to the government of the State,  
15 and that such discrimination threatens not only the rights and  
16 proper privileges of the inhabitants of the State but menaces the  
17 institutions and foundation of a free democratic State; provided,  
18 however, that nothing in this expression of policy prevents the  
19 making of legitimate distinctions between citizens and aliens  
20 when required by federal law or otherwise necessary to promote  
21 the national interest.

22 The Legislature further declares its opposition to such  
23 practices of discrimination when directed against any person by  
24 reason of the race, creed, color, national origin, ancestry, age,  
25 sex, affectional or sexual orientation, marital status, liability for  
26 service in the Armed Forces of the United States, or nationality  
27 of that person or that person's spouse, partners, members,  
28 stockholders, directors, officers, managers, superintendents,  
29 agents, employees, business associates, suppliers, or customers, in  
30 order that the economic prosperity and general welfare of the  
31 inhabitants of the State may be protected and ensured.

32 The Legislature further finds that because of discrimination,  
33 people suffer personal hardships, and the State suffers a grievous  
34 harm. The personal hardships include: economic loss; time loss;  
35 physical and emotional stress; and in some cases severe emotional  
36 trauma, illness, homelessness or other irreparable harm resulting  
37 from the strain of employment controversies; relocation, search  
38 and moving difficulties; anxiety caused by lack of information,  
39 uncertainty, and resultant planning difficulty; career, education,  
40 family and social disruption; and adjustment problems, which  
41 particularly impact on those protected by this act. Such harms  
42 have, under the common law, given rise to legal remedies,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
1 Senate SWF committee amendments adopted March 10, 1992.

1 including compensatory and punitive damages. The Legislature  
2 intends that such damages be available to all persons protected  
3 by this act and that this act shall be liberally construed in  
4 combination with other protections available under the laws of  
5 this State.

6 (cf: P.L.1991, c.519, s.1)

7 2. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read  
8 as follows:

9 4. All persons shall have the opportunity to obtain  
10 employment, and to obtain all the accommodations, advantages,  
11 facilities, and privileges of any place of public accommodation,  
12 publicly assisted housing accommodation, and other real property  
13 without discrimination because of race, creed, color, national  
14 origin, ancestry, age, marital status, affectional or sexual  
15 orientation, familial status, or sex, subject only to conditions and  
16 limitations applicable alike to all persons. This opportunity is  
17 recognized as and declared to be a civil right.

18 (cf: P.L.1991, c.519, s.2)

19 3. Section 2 of P.L.1972, c.114 (C.10:5-4.1) is amended to read  
20 as follows:

21 2. All of the provisions of the act to which this act is a  
22 supplement shall be construed to prohibit any unlawful  
23 discrimination against any person because such person is or has  
24 been at any time handicapped or any unlawful employment  
25 practice against such person, unless the nature and extent of the  
26 handicap reasonably precludes the performance of the particular  
27 employment.

28 It shall be unlawful discrimination under the "Law Against  
29 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) to  
30 discriminate against any buyer or renter because of the handicap  
31 of a person residing in or intending to reside in a dwelling after it  
32 is sold, rented or made available or because of any person  
33 associated with the buyer or renter.

34 (cf: P.L.1978, c.137, s.2)

35 4. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read  
36 as follows:

37 5. As used in this act, unless a different meaning clearly  
38 appears from the context:

39 a. "Person" includes one or more individuals, partnerships,  
40 associations, organizations, labor organizations, corporations,  
41 legal representatives, trustees, trustees in bankruptcy, receivers,  
42 and fiduciaries.

43 b. "Employment agency" includes any person undertaking to  
44 procure employees or opportunities for others to work.

45 c. "Labor organization" includes any organization which exists  
46 and is constituted for the purpose, in whole or in part, of  
47 collective bargaining, or of dealing with employers concerning  
48 grievances, terms or conditions of employment, or of other  
49 mutual aid or protection in connection with employment.

50 d. "Unlawful employment practice" and "unlawful  
51 discrimination" include only those unlawful practices and acts  
52 specified in section 11 of this act.

53 e. "Employer" includes all persons as defined in subsection a.  
54 of this section unless otherwise specifically exempt under another

1 section of this act, and includes the State, any political or civil  
2 subdivision thereof, and all public officers, agencies, boards or  
3 bodies.

4 f. "Employee" does not include any individual employed [by his  
5 parents, spouse or child, or] in the domestic service of any person.

6 g. "Liability for service in the Armed Forces of the United  
7 States" means subject to being ordered as an individual or  
8 member of an organized unit into active service in the Armed  
9 Forces of the United States by reason of membership in the  
10 National Guard, naval militia or a reserve component of the  
11 Armed Forces of the United States, or subject to being inducted  
12 into such armed forces through a system of national selective  
13 service.

14 h. "Division" means the "Division on Civil Rights" created by  
15 this act.

16 i. "Attorney General" means the Attorney General of the  
17 State of New Jersey or his representative or designee.

18 j. "Commission" means the Commission on Civil Rights  
19 created by this act.

20 k. "Director" means the Director of the Division on Civil  
21 Rights.

22 l. "A place of public accommodation" shall include, but not be  
23 limited to: any tavern, roadhouse, hotel, motel, trailer camp,  
24 summer camp, day camp, or resort camp, whether for  
25 entertainment of transient guests or accommodation of those  
26 seeking health, recreation or rest; any producer, manufacturer,  
27 wholesaler, distributor, retail shop, store, establishment, or  
28 concession dealing with goods or services of any kind; any  
29 restaurant, eating house, or place where food is sold for  
30 consumption on the premises; any place maintained for the sale  
31 of ice cream, ice and fruit preparations or their derivatives, soda  
32 water or confections, or where any beverages of any kind are  
33 retailed for consumption on the premises; any garage, any public  
34 conveyance operated on land or water, or in the air, any stations  
35 and terminals thereof; any bathhouse, boardwalk, or seashore  
36 accommodation; any auditorium, meeting place, or hall; any  
37 theatre, motion-picture house, music hall, roof garden, skating  
38 rink, swimming pool, amusement and recreation park, fair,  
39 bowling alley, gymnasium, shooting gallery, billiard and pool  
40 parlor, or other place of amusement; any comfort station; any  
41 dispensary, clinic or hospital; any public library; any  
42 kindergarten, primary and secondary school, trade or business  
43 school, high school, academy, college and university, or any  
44 educational institution under the supervision of the State Board  
45 of Education, or the Commissioner of Education of the State of  
46 New Jersey. Nothing herein contained shall be construed to  
47 include or to apply to any institution, bona fide club, or place of  
48 accommodation, which is in its nature distinctly private; nor shall  
49 anything herein contained apply to any educational facility  
50 operated or maintained by a bona fide religious or sectarian  
51 institution, and the right of a natural parent or one in loco  
52 parentis to direct the education and upbringing of a child under  
53 his control is hereby affirmed; nor shall anything herein contained  
54 be construed to bar any private secondary or post secondary

1 school from using in good faith criteria other than race, creed,  
2 color, national origin, ancestry or affectional or sexual  
3 orientation, ancestry, in the admission of students.

4 m. "A publicly assisted housing accommodation" shall include  
5 all housing built with public funds or public assistance pursuant to  
6 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949,  
7 c.303, P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and  
8 P.L.1949, c.184, and all housing financed in whole or in part by a  
9 loan, whether or not secured by a mortgage, the repayment of  
10 which is guaranteed or insured by the federal government or any  
11 agency thereof.

12 n. The term "real property" includes real estate, lands,  
13 tenements and hereditaments, corporeal and incorporeal, and  
14 leaseholds, provided, however, that, except as to publicly assisted  
15 housing accommodations, the provisions of this act shall not apply  
16 to the rental: (1) of a single apartment or flat in a two-family  
17 dwelling, the other occupancy unit of which is occupied by the  
18 owner as [his] a residence or the household of [his] the owner's  
19 family at the time of such rental; or (2) of a room or rooms to  
20 another person or persons by the owner or occupant of a  
21 one-family dwelling occupied by [him] the owner or occupant as  
22 [his] a residence or the household of [his] the owner's or  
23 occupant's family at the time of such rental. Nothing herein  
24 contained shall be construed to bar any religious or  
25 denominational institution or organization, or any organization  
26 operated for charitable or educational purposes, which is  
27 operated, supervised or controlled by or in connection with a  
28 religious organization, in the sale, lease or rental of real  
29 property, from limiting admission to or giving preference to  
30 persons of the same religion or denomination or from making such  
31 selection as is calculated by such organization to promote the  
32 religious principles for which it is established or maintained. Nor  
33 does any provision under this act regarding discrimination on the  
34 basis of familial status apply with respect to housing for older  
35 persons.

36 o. "Real estate broker" includes a person, firm or corporation  
37 who, for a fee, commission or other valuable consideration, or by  
38 reason of promise or reasonable expectation thereof, lists for  
39 sale, sells, exchanges, buys or rents, or offers or attempts to  
40 negotiate a sale, exchange, purchase, or rental of real estate or  
41 an interest therein, or collects or offers or attempts to collect  
42 rent for the use of real estate, or solicits for prospective  
43 purchasers or assists or directs in the procuring of prospects or  
44 the negotiation or closing of any transaction which does or is  
45 contemplated to result in the sale, exchange, leasing, renting or  
46 auctioning of any real estate, or negotiates, or offers or attempts  
47 or agrees to negotiate a loan secured or to be secured by  
48 mortgage or other encumbrance upon or transfer of any real  
49 estate for others; or any person who, for pecuniary gain or  
50 expectation of pecuniary gain conducts a public or private  
51 competitive sale of lands or any interest in lands. In the sale, of  
52 lots, the term "real estate broker" shall also include any person,  
53 partnership, association or corporation employed by or on behalf  
54 of the owner or owners of lots or other parcels of real estate, at

1 a stated salary, or upon a commission, or upon a salary and  
2 commission or otherwise, to sell such real estate, or any parts  
3 thereof, in lots or other parcels, and who shall sell or exchange,  
4 or offer or attempt or agree to negotiate the sale or exchange, of  
5 any such lot or parcel of real estate.

6 p. "Real estate [salesman] salesperson" includes any person  
7 who, for compensation, valuable consideration or commission, or  
8 other thing of value, or by reason of a promise or reasonable  
9 expectation thereof, is employed by and operates under the  
10 supervision of a licensed real estate broker to sell or offer to sell,  
11 buy or offer to buy or negotiate the purchase, sale or exchange of  
12 real estate, or offers or attempts to negotiate a loan secured or  
13 to be secured by a mortgage or other encumbrance upon or  
14 transfer of real estate, or to lease or rent, or offer to lease or  
15 rent any real estate for others, or to collect rents for the use of  
16 real estate, or to solicit for prospective purchasers or lessees of  
17 real estate, or who is employed by a licensed real estate broker  
18 to sell or offer to sell lots or other parcels of real estate, at a  
19 stated salary, or upon a commission, or upon a salary and  
20 commission, or otherwise to sell real estate, or any parts thereof,  
21 in lots or other parcels.

22 q. "Handicapped" means suffering from physical disability,  
23 infirmity, malformation or disfigurement which is caused by  
24 bodily injury, birth defect or illness including epilepsy, and which  
25 shall include, but not be limited to, any degree of paralysis,  
26 amputation, lack of physical coordination, blindness or visual  
27 impediment, deafness or hearing impediment, muteness or speech  
28 impediment or physical reliance on a service or guide dog,  
29 wheelchair, or other remedial appliance or device, or from any  
30 mental, psychological or developmental disability resulting from  
31 anatomical, psychological, physiological or neurological  
32 conditions which prevents the normal exercise of any bodily or  
33 mental functions or is demonstrable, medically or  
34 psychologically, by accepted clinical or laboratory diagnostic  
35 techniques.

36 r. "Blind person" means any individual whose central visual  
37 acuity does not exceed 20/200 in the better eye with correcting  
38 lens or whose visual acuity is better than 20/200 if accompanied  
39 by a limit to the field of vision in the better eye to such a degree  
40 that its widest diameter subtends an angle of no greater than 20  
41 degrees.

42 s. "Guide dog" means a dog used to assist deaf persons or  
43 which is fitted with a special harness so as to be suitable as an  
44 aid to the mobility of a blind person, and is used by a blind person  
45 who has satisfactorily completed a specific course of training in  
46 the use of such a dog, and has been trained by an organization  
47 generally recognized by agencies involved in the rehabilitation of  
48 the blind or deaf as reputable and competent to provide dogs with  
49 training of this type.

50 t. "Guide or service dog trainer" means any person who is  
51 employed by an organization generally recognized by agencies  
52 involved in the rehabilitation of the blind, handicapped or deaf as  
53 reputable and competent to provide dogs with training, and who is  
54 actually involved in the training process.

1 u. "Housing accommodation" means any publicly assisted  
2 housing accommodation or any real property, or portion thereof,  
3 which is used or occupied, or is intended, arranged, or designed to  
4 be used or occupied, as the home, residence or sleeping place of  
5 one or more persons, but shall not include any single family  
6 residence the occupants of which rent, lease, or furnish for  
7 compensation not more than one room therein.

8 v. "Public facility" means any place of public accommodation  
9 and any street, highway, sidewalk, walkway, public building, and  
10 any other place or structure to which the general public is  
11 regularly, normally or customarily permitted or invited.

12 w. "Deaf person" means any person whose hearing is so  
13 severely impaired that [he] the person is unable to hear and  
14 understand normal conversational speech through the unaided ear  
15 alone, and who must depend primarily on supportive device or  
16 visual communication such as writing, lip reading, sign language,  
17 and gestures.

18 x. "Atypical hereditary cellular or blood trait" means sickle  
19 cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait,  
20 or cystic fibrosis trait.

21 y. "Sickle cell trait" means the condition wherein the major  
22 natural hemoglobin components present in the blood of the  
23 individual are hemoglobin A (normal) and hemoglobin S (sickle  
24 hemoglobin) as defined by standard chemical and physical  
25 analytic techniques, including electrophoresis; and the proportion  
26 of hemoglobin A is greater than the proportion of hemoglobin S or  
27 one natural parent of the individual is shown to have only normal  
28 hemoglobin components (hemoglobin A, hemoglobin A2,  
29 hemoglobin F) in the normal proportions by standard chemical and  
30 physical analytic tests.

31 z. "Hemoglobin C trait" means the condition wherein the  
32 major natural hemoglobin components present in the blood of the  
33 individual are hemoglobin A (normal) and hemoglobin C as defined  
34 by standard chemical and physical analytic techniques, including  
35 electrophoresis; and the proportion of hemoglobin A is greater  
36 than the proportion of hemoglobin C or one natural parent of the  
37 individual is shown to have only normal hemoglobin components  
38 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal  
39 proportions by standard chemical and physical analytic tests.

40 aa. "Thalassemia trait" means the presence of the thalassemia  
41 gene which in combination with another similar gene results in  
42 the chronic hereditary disease Cooley's anemia.

43 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs  
44 gene which in combination with another similar gene results in  
45 the chronic hereditary disease Tay-Sachs.

46 cc. "Cystic fibrosis trait" means the presence of the cystic  
47 fibrosis gene which in combination with another similar gene  
48 results in the chronic hereditary disease cystic fibrosis.

49 dd. "Service dog" means any dog individually trained to a  
50 handicapped person's requirements including, but not limited to  
51 minimal protection work, rescue work, pulling a wheelchair, or  
52 retrieving dropped items.

53 ee. "Qualified Medicaid applicant" means an individual who is  
54 a qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1

1 et seq.).

2 ff. "Affectional or sexual orientation" means male or female  
3 heterosexuality, homosexuality or bisexuality by inclination,  
4 practice, identity or expression, having a history thereof or being  
5 perceived, presumed or identified by others as having such an  
6 orientation.

7 gg. "Hetrosexuality" means affectional, emotional or physical  
8 attraction or behavior which is primarily directed towards  
9 persons of the other gender.

10 hh. "Homosexuality" means affectional, emotional or physical  
11 attraction or behavior which is primarily directed towards  
12 persons of the same gender.

13 ii. "Bisexuality" means affectional, emotional or physical  
14 attraction or behavior which is directed towards persons of either  
15 gender.

16 jj. "Familial status" means being the natural parent of a child,  
17 the adoptive parent of a child, the foster parent of a child, having  
18 a "parent and child relationship" with a child as defined by State  
19 law, or having sole or joint legal or physical custody, care,  
20 guardianship, or visitation with a child, or any person who is  
21 pregnant or is in the process of securing legal custody of any  
22 individual who has not attained the age of 18 years.

23 kk. "Housing for older persons" means housing:

24 (1) provided under any State or federal program that the  
25 Attorney General determines is specifically designed and  
26 operated to assist elderly persons (as defined in the State or  
27 federal program); or

28 (2) intended for, and solely occupied by persons 62 years of age  
29 or older; or

30 (3) intended and operated for occupancy by at least one person  
31 55 years of age or older per unit. In determining whether housing  
32 qualifies as housing for older persons under this subsection, the  
33 Attorney General shall adopt regulations which require at least  
34 the following factors:

35 (a) the existence of significant facilities and services  
36 specifically designed to meet the physical or social needs of older  
37 persons, or if the provision of such facilities and services is not  
38 practicable, that such housing is necessary to provide important  
39 housing opportunities for older persons; and

40 (b) that at least 80 percent of the units are occupied by at  
41 least one person 55 years of age or older per unit; and

42 (c) the publication of, and adherence to, policies and  
43 procedures which demonstrate an intent by the owner or manager  
44 to provide housing for persons 55 years of age or older.

45 Housing shall not fail to meet the requirements for housing for  
46 older persons by reason of: persons residing in such housing as of  
47 March 12, 1989 not meeting the age requirements of this  
48 subsection, provided that new occupants of such housing meet the  
49 age requirements of this subsection; or unoccupied units, provided  
50 that such units are reserved for occupancy by persons who meet  
51 the age requirements of this subsection.

52 (cf: P.L.1991, c.519, s.3)

53 5. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read  
54 as follows:



1       6. There is created in the Department of Law and Public  
2 Safety a division known as "The Division on Civil Rights" with  
3 power to prevent and eliminate discrimination in the manner  
4 prohibited by this act against persons because of race, creed,  
5 color, national origin, ancestry, age, marital status, affectional  
6 or sexual orientation, familial status, or sex or because of their  
7 liability for service in the Armed Forces of the United States, by  
8 employers, labor organizations, employment agencies or other  
9 persons and to take other actions against discrimination because  
10 of race, creed, color, national origin, ancestry, marital status,  
11 sex, familial status or age or because of their liability for service  
12 in the Armed Forces of the United States, as herein provided; and  
13 the division created hereunder is given general jurisdiction and  
14 authority for such purposes.

15 (cf: P.L.1991, c.519, s.4)

16       6. Section 8 of P.L.1945, c.169 (C.10:5-8) is amended to read  
17 as follows:

18       8. The Attorney General shall:

19       a. Exercise all powers of the division not vested in the  
20 commission.

21       b. Administer the work of the division.

22       c. Organize the division into sections, which shall include but  
23 not be limited to a section which shall receive, investigate, and  
24 act upon complaints alleging discrimination against persons  
25 because of race, creed, color, national origin, ancestry, age,  
26 marital status, affectional or sexual orientation, familial status,  
27 or sex or because of their liability for service in the Armed  
28 Forces of the United States; and another which shall, in order to  
29 eliminate prejudice and to further good will among the various  
30 racial and religious and nationality groups in this State, study,  
31 recommend, prepare and implement, in cooperation with such  
32 other departments of the State Government or any other  
33 agencies, groups or entity both public and private, such  
34 educational and human relations programs as are consonant with  
35 the objectives of this act; and prescribe the organization of said  
36 sections and the duties of his subordinates and assistants.

37       d. Appoint a Director of the Division on Civil Rights, who shall  
38 act for the Attorney General, in [his] the Attorney General's  
39 place and with [his] the Attorney General's powers, which  
40 appointment shall be subject to the approval of the commission  
41 and the Governor, a deputy director and such assistant directors,  
42 field representatives and assistants as may be necessary for the  
43 proper administration of the division and fix their compensation  
44 within the limits of available appropriations. The director,  
45 deputy director, assistant directors, field representatives and  
46 assistants shall not be subject to the Civil Service Act and shall  
47 be removable by the Attorney General at will.

48       e. Appoint such clerical force and employees as [he] the  
49 Attorney General may deem necessary and fix their duties, all of  
50 whom shall be subject to the Civil Service Act.

51       f. Maintain liaison with local and State officials and agencies  
52 concerned with matters related to the work of the division.

53       g. Adopt, promulgate, amend, and rescind suitable rules and  
54 regulations to carry out the provisions of this act.

1 h. Conduct investigations, receive complaints and conduct  
2 hearings thereon other than those complaints received and  
3 hearings held pursuant to the provisions of this act.

4 i. In connection with any investigation or hearing held pursuant  
5 to the provisions of this act, subpoena witnesses, compel their  
6 attendance, administer oaths, take the testimony of any person,  
7 under oath, and, in connection therewith, require the production  
8 for examination of any books or papers relating to any subject  
9 matter under investigation or in question by the division and  
10 conduct such discovery procedures which may include the taking  
11 of interrogatories and oral depositions as shall be deemed  
12 necessary by the Attorney General in any investigation. The  
13 Attorney General may make rules as to the issuance of subpoenas  
14 by the director. The failure of any witness when duly subpoenaed  
15 to attend, give testimony, or produce evidence shall be punishable  
16 by the Superior Court of New Jersey in the same manner as such  
17 failure is punishable by such court in a case therein pending.

18 j. Issue such publications and such results of investigations and  
19 research tending to promote good will and to minimize or  
20 eliminate discrimination because of race, creed, color, national  
21 origin, ancestry, age, marital status, affectional or sexual  
22 orientation, familial status or sex, as the commission shall direct,  
23 subject to available appropriations.

24 k. Render each year to the Governor and Legislature a full  
25 written report of all the activities of the division.

26 l. Appoint, subject to the approval of the commission, a panel  
27 of not more than five hearing examiners, each of whom shall be  
28 duly licensed to practice law in this State for a period of at least  
29 five years, and each to serve for a term of one year and until his  
30 successor is appointed, any one of whom the director may  
31 designate in his place to conduct any hearing and recommend  
32 findings of fact and conclusions of law. The hearing examiners  
33 shall receive such compensation as may be determined by the  
34 Attorney General, subject to available appropriations.

35 (cf: P.L.1991, c.519, s.6)

36 7. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read  
37 as follows:

38 1. The Division on Civil Rights in the Department of Law and  
39 Public Safety shall enforce the laws of this State against  
40 discrimination in housing built with public funds or public  
41 assistance, pursuant to any law, and in real property, as defined  
42 in the law hereby supplemented, because of race, religious  
43 principles, color, national origin, ancestry, marital status,  
44 affectional or sexual orientation, familial status or sex. The said  
45 laws shall be so enforced in the manner prescribed in the act to  
46 which this act is a supplement.

47 (cf: P.L.1991, c.519., s.6)

48 8. Section 9 of P.L.1945, c.169 (C.10:5-10) is amended to read  
49 as follows:

50 9. The commission shall:

51 a. Consult with and advise the Attorney General with respect  
52 to the work of the division.

53 b. Survey and study the operations of the division.

54 c. Report to the Governor and the Legislature with respect to

1 such matters relating to the work of the division and at such  
2 times as it may deem in the public interest.

3 The mayors or chief executive officers of the municipalities in  
4 the State may appoint local commissions on civil rights to aid in  
5 effectuating the purposes of this act. Such local commissions  
6 shall be composed of representative citizens serving without  
7 compensation. Such commissions shall attempt to foster through  
8 community effort or otherwise, good will, cooperation and  
9 conciliation among the groups and elements of the inhabitants of  
10 the community, and they may be empowered by the local  
11 governing bodies to make recommendations to them for the  
12 development of policies and procedures in general and for  
13 programs of formal and informal education that will aid in  
14 eliminating all types of discrimination based on race, creed,  
15 color, national origin, ancestry, age, marital status, affectional  
16 or sexual orientation, familial status or sex.

17 (cf: P.L.1991, c.519, s.7)

18 9. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to  
19 read as follows:

20 11. It shall be an unlawful employment practice, or, as the  
21 case may be, an unlawful discrimination:

22 a. For an employer, because of the race, creed, color, national  
23 origin, ancestry, age, marital status, affectional or sexual  
24 orientation, sex or atypical hereditary  
25 cellular or blood trait of any individual, or because of the liability  
26 for service in the Armed Forces of the United States or the  
27 nationality of any individual, to refuse to hire or employ or to bar  
28 or to discharge or require to retire, unless justified by lawful  
29 considerations other than age, from employment such individual  
30 or to discriminate against such individual in compensation or in  
31 terms, conditions or privileges of employment; provided,  
32 however, it shall not be an unlawful employment practice to  
33 refuse to accept for employment an applicant who has received a  
34 notice of induction or orders to report for active duty in the  
35 armed forces; provided further that nothing herein contained  
36 shall be construed to bar an employer from refusing to accept for  
37 employment any person on the basis of sex in those certain  
38 circumstances where sex is a bona fide occupational  
39 qualification, reasonably necessary to the normal operation of the  
40 particular business or enterprise; provided further that nothing  
41 herein contained shall be construed to bar an employer from  
42 refusing to accept for employment or to promote any person over  
43 70 years of age; provided further that it shall not be an unlawful  
44 employment practice for a club exclusively social or fraternal to  
45 use club membership as a uniform qualification for employment,  
46 or for a religious association or organization to utilize religious  
47 affiliation as a uniform qualification in the employment of  
48 clergy, religious teachers or other employees engaged in the  
49 religious activities of the association or organization, or in  
50 following the tenets of its religion in establishing and utilizing  
51 criteria for employment of an employee; provided further, that  
52 it shall not be an unlawful employment practice to require the  
53 retirement of any employee who, for the two-year period  
54 immediately before retirement, is employed in a bona fide

1 executive or a high policy-making position, if that employee is  
2 entitled to an immediate non-forfeitable annual retirement  
3 benefit from a pension, profit sharing, savings or deferred  
4 retirement plan, or any combination of those plans, of the  
5 employer of that employee which equals in the aggregate at least  
6 \$27,000.00; and provided further that an employer may restrict  
7 employment to citizens of the United States where such  
8 restriction is required by federal law or is otherwise necessary to  
9 protect the national interest.

10 For the purposes of this subsection, a "bona fide executive" is  
11 a top level employee who exercises substantial executive  
12 authority over a significant number of employees and a large  
13 volume of business. A "high policy-making position" is a position  
14 in which a person plays a significant role in developing policy and  
15 in recommending the implementation thereof.

16 b. For a labor organization, because of the race, creed, color,  
17 national origin, ancestry, age, marital status, affectional or  
18 sexual orientation or sex of any individual, or because of the  
19 liability for service in the Armed Forces of the United States or  
20 nationality of any individual, to exclude or to expel from its  
21 membership such individual or to discriminate in any way against  
22 any of its members, against any applicant for, or individual  
23 included in, any apprentice or other training program or against  
24 any employer or any individual employed by an employer;  
25 provided, however, that nothing herein contained shall be  
26 construed to bar a labor organization from excluding from its  
27 apprentice or other training programs any person on the basis of  
28 sex in those certain circumstances where sex is a bona fide  
29 occupational qualification reasonably necessary to the normal  
30 operation of the particular apprentice or other training program.

31 c. For any employer or employment agency to print or  
32 circulate or cause to be printed or circulated any statement,  
33 advertisement or publication, or to use any form of application  
34 for employment, or to make an inquiry in connection with  
35 prospective employment, which expresses, directly or indirectly,  
36 any limitation, specification or discrimination as to race, creed,  
37 color, national origin, ancestry, age, marital status, affectional  
38 or sexual orientation or sex or liability of any applicant for  
39 employment for service in the Armed Forces of the United  
40 States, or any intent to make any such limitation, specification or  
41 discrimination, unless based upon a bona fide occupational  
42 qualification.

43 d. For any person to take reprisals against any person because  
44 [he] that person has opposed any practices or acts forbidden under  
45 this act or because [he] that person has filed a complaint,  
46 testified or assisted in any proceeding under this act or to coerce,  
47 intimidate, threaten or interfere with any person in the exercise  
48 or enjoyment of, or on account of that person having aided or  
49 encouraged any other person in the exercise or enjoyment of, any  
50 right granted or protected by this act.

51 e. For any person, whether an employer or an employee or not,  
52 to aid, abet, incite, compel or coerce the doing of any of the acts  
53 forbidden under this act, or to attempt to do so.

54 f. For any owner, lessee, proprietor, manager, superintendent,

1 agent, or employee of any place of public accommodation  
2 directly or indirectly to refuse, withhold from or deny to any  
3 person any of the accommodations, advantages, facilities or  
4 privileges thereof, or to discriminate against any person in the  
5 furnishing thereof, or directly or indirectly to publish, circulate,  
6 issue, display, post or mail any written or printed communication,  
7 notice, or advertisement to the effect that any of the  
8 accommodations, advantages, facilities, or privileges of any such  
9 place will be refused, withheld from, or denied to any person on  
10 account of the race, creed, color, national origin, ancestry,  
11 marital status, sex, affectional or sexual orientation or  
12 nationality of such person, or that the patronage or custom  
13 thereat of any person of any particular race, creed, color,  
14 national origin, ancestry, marital status, sex, affectional or  
15 sexual orientation or nationality is unwelcome, objectionable or  
16 not acceptable, desired or solicited, and the production of any  
17 such written or printed communication, notice or advertisement,  
18 purporting to relate to any such place and to be made by any  
19 owner, lessee, proprietor, superintendent or manager thereof,  
20 shall be presumptive evidence in any action that the same was  
21 authorized by such person; provided, however, that nothing  
22 contained herein shall be construed to bar any place of public  
23 accommodation which is in its nature reasonably restricted  
24 exclusively to individuals of one sex, and which shall include but  
25 not be limited to any summer camp, day camp, or resort camp,  
26 bathhouse, dressing room, swimming pool, gymnasium, comfort  
27 station, dispensary, clinic or hospital, or school or educational  
28 institution which is restricted exclusively to individuals of one  
29 sex, from refusing, withholding from or denying to any individual  
30 of the opposite sex any of the accommodations, advantages,  
31 facilities or privileges thereof on the basis of sex; provided  
32 further, that the foregoing limitation shall not apply to any  
33 restaurant as defined in R.S.33:1-1 or place where alcoholic  
34 beverages are served.

35 g. For the owner, lessee, sublessee, assignee or managing  
36 agent of, or other person having the right of ownership or  
37 possession of or the right to sell, rent, lease, assign, or sublease  
38 any real property or part or portion thereof, or any agent or  
39 employee of any of these:

40 (1) To refuse to sell, rent, lease, assign, or sublease or  
41 otherwise to deny to or withhold from any person or group of  
42 persons any real property or part or portion thereof because of  
43 the race, creed, color, national origin, ancestry, marital status,  
44 affectional or sexual orientation, familial status or nationality of  
45 such person or group of persons;

46 (2) To discriminate against any person or group of persons  
47 because of the race, creed, color, national origin, marital status,  
48 sex [or], affectional or sexual orientation or familial status of  
49 such person or group of persons in the terms, conditions or  
50 privileges of the sale, rental or lease of any real property or part  
51 or portion thereof or in the furnishing of facilities or services in  
52 connection therewith; or

53 (3) To print, publish, circulate, issue, display, post or mail, or  
54 cause to be printed, published, circulated, issued, displayed,

1 posted or mailed any statement, advertisement, publication or  
2 sign, or to use any form of application for the purchase, rental,  
3 lease, assignment or sublease of any real property or part or  
4 portion thereof, or to make any record or inquiry in connection  
5 with the prospective purchase, rental, lease, assignment, or  
6 sublease of any real property, or part or portion thereof which  
7 expresses, directly or indirectly, any limitation, specification or  
8 discrimination as to race, creed, color, national origin, ancestry,  
9 marital status, sex, affectional or sexual orientation, familial  
10 status or nationality, or any intent to make any such limitation,  
11 specification or discrimination, and the production of any such  
12 statement, advertisement, publicity, sign, form of application,  
13 record, or inquiry purporting to be made by any such person shall  
14 be presumptive evidence in any action that the same was  
15 authorized by such person; provided, however, that nothing  
16 contained in this subsection shall be construed to bar any person  
17 from refusing to sell, rent, lease, assign or sublease or from  
18 advertising or recording a qualification as to sex for any room,  
19 apartment, flat in a dwelling or residential facility which is  
20 planned exclusively for and occupied by individuals of one sex to  
21 any individual of the exclusively opposite sex on the basis of sex.

22 h. For any person, including but not limited to, any real estate  
23 broker, real estate [salesman] salesperson, or employee or agent  
24 thereof:

25 (1) To refuse to sell, rent, assign, lease or sublease, or offer  
26 for sale, rental, lease, assignment, or sublease any real property  
27 or part or portion thereof to any person or group of persons or to  
28 refuse to negotiate for the sale, rental, lease, assignment, or  
29 sublease of any real property or part or portion thereof to any  
30 person or group of persons because of the race, creed, color,  
31 national origin, ancestry, marital status, familial status, sex,  
32 affectional or sexual orientation or nationality of such person or  
33 group of persons, or to represent that any real property or portion  
34 thereof is not available for inspection, sale, rental, lease,  
35 assignment, or sublease when in fact it is so available, or  
36 otherwise to deny or withhold any real property or any part or  
37 portion of facilities thereof to or from any person or group of  
38 persons because of the race, creed, color, national origin,  
39 ancestry, marital status, familial status, sex, affectional or  
40 sexual orientation nationality of such person or group of persons;

41 (2) To discriminate against any person because of his race,  
42 creed, color, national origin, ancestry, marital status, familial  
43 status, sex or affectional or sexual orientation in the terms,  
44 conditions or privileges of the sale, rental, lease, assignment or  
45 sublease of any real property or part or portion thereof or in the  
46 furnishing of facilities or services in connection therewith; or

47 (3) To print, publish, circulate, issue, display, post, or mail, or  
48 cause to be printed, published, circulated, issued, displayed,  
49 posted or mailed any statement, advertisement, publication or  
50 sign, or to use any form of application for the purchase, rental,  
51 lease, assignment, or sublease of any real property or part, or  
52 portion thereof or to make any record or inquiry in connection  
53 with the prospective purchase, rental, lease, assignment, or  
54 sublease of any real property or part or portion thereof which

1 expresses, directly or indirectly, any limitation, specification or  
2 discrimination as to race, creed, color, national origin, ancestry,  
3 marital status, familial status, sex, affectional or sexual  
4 orientation or nationality or any intent to make any such  
5 limitation, specification or discrimination, and the production of  
6 any such statement, advertisement, publicity, sign, form of  
7 application, record, or inquiry purporting to be made by any such  
8 person shall be presumptive evidence in any action that the same  
9 was authorized by such person; provided, however, that nothing  
10 contained in this subsection h., shall be construed to bar any  
11 person from refusing to sell, rent, lease, assign or sublease or  
12 from advertising or recording a qualification as to sex for any  
13 room, apartment, flat in a dwelling or residential facility which is  
14 planned exclusively for and occupied exclusively by individuals of  
15 one sex to any individual of the opposite sex on the basis of sex.

16 i. For any person, bank, banking organization, mortgage  
17 company, insurance company or other financial institution, lender  
18 or credit institution to whom application is made for any loan or  
19 extension of credit including but not limited to an application for  
20 financial assistance for the purchase, acquisition, construction,  
21 rehabilitation, repair or maintenance of any real property or part  
22 or portion thereof or any agent or employee thereof:

23 (1) To discriminate against any person or group of persons  
24 because of the race, creed, color, national origin, ancestry,  
25 marital status, sex, affectional or sexual orientation or  
26 nationality of such person or group of persons or of the  
27 prospective occupants or tenants of such real property or part or  
28 portion thereof, in the granting, withholding, extending,  
29 modifying or renewing, or in the fixing of the rates, terms,  
30 conditions or provisions of any such loan, extension of credit or  
31 financial assistance or in the extension of services in connection  
32 therewith; or

33 (2) To use any form of application for such loan, extension of  
34 credit or financial assistance or to make record or inquiry in  
35 connection with applications for any such loan, extension of  
36 credit or financial assistance which expresses, directly or  
37 indirectly, any limitation, specification or discrimination as to  
38 race, creed, color, national origin, ancestry, marital status, sex,  
39 affectional or sexual orientation or nationality or any intent to  
40 make any such limitation, specification or discrimination; unless  
41 otherwise required by law or regulation to retain or use such  
42 information; or

43 (3) To discriminate on the basis of familial status in any  
44 manner described in paragraphs (1) or (2) of this subsection with  
45 respect to any real property.

46 j. For any person whose activities are included within the  
47 scope of this act to refuse to post or display such notices  
48 concerning the rights or responsibilities of persons affected by  
49 this act as the Attorney General may by regulation require.

50 k. For any real estate broker, real estate [salesman]  
51 salesperson or employee or agent thereof or any other individual,  
52 corporation, partnership, or organization, for the purpose of  
53 inducing a transaction for the sale or rental of real property from  
54 which transaction such person or any of its members may benefit

1 financially, to represent that a change has occurred or will or  
2 may occur in the composition with respect to race, creed, color,  
3 national origin, ancestry, marital status, familial status, sex,  
4 affectional or sexual orientation or nationality of the owners or  
5 occupants in the block, neighborhood or area in which the real  
6 property is located, and to represent, directly or indirectly, that  
7 this change will or may result in undesirable consequences in the  
8 block, neighborhood or area in which the real property is located,  
9 including, but not limited to the lowering of property values, an  
10 increase in criminal or anti-social behavior, or a decline in the  
11 quality of schools or other facilities.

12 l. For any person to refuse to buy from, sell to, lease from or  
13 to, license, contract with, or trade with, provide goods, services  
14 or information to, or otherwise do business with any other person  
15 on the basis of the race, creed, color, national origin, ancestry,  
16 age, sex, affectional or sexual orientation, marital status,  
17 liability for service in the Armed Forces of the United States, or  
18 nationality of such other person or of such other person's spouse,  
19 partners, members, stockholders, directors, officers, managers,  
20 superintendents, agents, employees, business associates,  
21 suppliers, or customers. This subsection shall not prohibit  
22 refusals or other actions (1) pertaining to employee-employer  
23 collective bargaining, labor disputes, or unfair labor practices, or  
24 (2) made or taken in connection with a protest of unlawful  
25 discrimination or unlawful employment practices.

26 m. For any person to:

27 (1) Grant or accept any letter of credit or other document  
28 which evidences the transfer of funds or credit, or enter into any  
29 contract for the exchange of goods or services, where the letter  
30 of credit, contract, or other document contains any provisions  
31 requiring any person to discriminate against or to certify that he,  
32 she or it has not dealt with any other person on the basis of the  
33 race, creed, color, national origin, ancestry, age, sex, affectional  
34 or sexual orientation, marital status, liability for service in the  
35 Armed Forces of the United States, or nationality of such other  
36 person or of such other person's spouse, partners, members,  
37 stockholders, directors, officers, managers, superintendents,  
38 agents, employees, business associates, suppliers, or customers.

39 (2) Refuse to grant or accept any letter of credit or other  
40 document which evidences the transfer of funds or credit, or  
41 refuse to enter into any contract for the exchange of goods or  
42 services, on the ground that it does not contain such a  
43 discriminatory provision or certification.

44 The provisions of this subsection shall not apply to any letter of  
45 credit, contract, or other document which contains any provision  
46 pertaining to employee-employer collective bargaining, a labor  
47 dispute or an unfair labor practice, or made in connection with  
48 the protest of unlawful discrimination or an unlawful employment  
49 practice, if the other provisions of such letter of credit, contract,  
50 or other document do not otherwise violate the provisions of this  
51 subsection.

52 n. For any person to aid, abet, incite, compel, coerce, or  
53 induce the doing of any act forbidden by subsections l. and m. of  
54 section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to



1     conspire to do so. Such prohibited conduct shall include, but not  
2     be limited to:

3     (1) Buying from, selling to, leasing from or to, licensing,  
4     contracting with, trading with, providing goods, services, or  
5     information to, or otherwise doing business with any person  
6     because that person does, or agrees or attempts to do, any such  
7     act or any act prohibited by this subsection n.; or

8     (2) Boycotting, commercially blacklisting or refusing to buy  
9     from, sell to, lease from or to, license, contract with, provide  
10    goods, services or information to, or otherwise do business with  
11    any person because that person has not done or refuses to do any  
12    such act or any act prohibited by this subsection n.; provided,  
13    that, this subsection n. shall not prohibit refusals or other actions  
14    either pertaining to employee-employer collective bargaining,  
15    labor disputes, or unfair labor practices, or made or taken in  
16    connection with a protest of unlawful discrimination or unlawful  
17    employment practices.

18    (cf: P.L.1991, c.519, s.8)

19    10. Section 13 of P.L.1945, c.169 (C.10:5-14) is amended to  
20    read as follows:

21    13. After the filing of any complaint, the Attorney General  
22    shall cause prompt investigation to be made in connection  
23    therewith and advise the complainant of the results thereof. If  
24    the Attorney General shall determine after such investigation  
25    that probable cause exists for crediting the allegations of the  
26    complaint, [he] the Attorney General shall immediately endeavor  
27    to eliminate the unlawful employment practice or the unlawful  
28    discrimination complained of by conference, conciliation and  
29    persuasion during a period terminating not later than 45 days  
30    from the date of the finding of probable cause. Neither the  
31    Attorney General nor any officer or employee of the division  
32    shall disclose any conversation between the Attorney General or  
33    [his] a representative and the respondent or [his] a representative  
34    at such conference, except that the Attorney General and any  
35    officer or employee may disclose the terms of a settlement offer  
36    to the complainant or other aggrieved person on whose behalf the  
37    complaint was filed.

38    (cf: P.L.1990, c.12, s.3)

39    11. (New section) A failure to design and construct any  
40    multi-family dwelling of four units or more in accordance with  
41    barrier free standards promulgated by the Commissioner of  
42    Community Affairs pursuant to section 5 of P.L.1975, c.217  
43    (C.52:27D-123) and section 2 of P.L.1971, c.269 (C.52:32-5) shall  
44    be an unlawful discrimination. The Commissioner of Community  
45    Affairs shall ensure that standards established meet or exceed  
46    the standards established under the federal "Fair Housing  
47    Amendments Act of 1988," Pub. L.100-430. Whenever the  
48    Attorney General receives a complaint alleging an unlawful  
49    discrimination pursuant to this section, the Attorney General  
50    shall refer the complaint to the Commissioner of Community  
51    Affairs for a determination and report as to whether there is a  
52    violation of such standards. Following receipt of the report, a  
53    complaint alleging an unlawful discrimination pursuant to this  
54    section shall be investigated and prosecuted in accordance with

1 the provisions of the "Law Against Discrimination," P.L.1945,  
2 c.169 (C.10:5-1 et seq.). Nothing in this section shall be  
3 construed to limit any enforcement authority of the  
4 Commissioner of Community Affairs or the Attorney General  
5 otherwise provided by law. Nothing in the "State Uniform  
6 Construction Code Act," P.L.1971, c.269 (52:27D-119 et seq.) and  
7 P.L.1971, c.269 (C.52:32-4 et seq.) shall be deemed to limit the  
8 powers of the Attorney General under this act. The Attorney  
9 General and the Commissioner of Community Affairs shall adopt  
10 regulations to effectuate the purposes of this section.

11 12. (New section) a. It shall be an unlawful discrimination for  
12 a municipality, county or other local civil or political subdivision  
13 of the State of New Jersey, or an officer, employee, or agent  
14 thereof, to exercise the power to regulate land use or housing in a  
15 manner that discriminates on the basis of race, creed, color,  
16 national origin, ancestry, marital status, familial status, sex,  
17 nationality or handicap.

18 b. Notwithstanding the provisions of section 12 of P.L.1945,  
19 c.169 (C.10:5-13) any person claiming to be aggrieved by an  
20 unlawful discrimination under this section shall enforce this  
21 section by private right of action in Superior Court. This section  
22 shall not apply to discrimination in housing owned or managed by  
23 a municipality, county or other local civil or political subdivision  
24 of the State of New Jersey where such discrimination is  
25 otherwise prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

26 <sup>1</sup>13. (New section) The provisions of this amendatory and  
27 supplementary act, P.L. , c. (C. ) (now pending before the  
28 Legislature as this bill), are intended to permit the Division on  
29 Civil Rights in the Department of Law and Public Safety to  
30 qualify as a "certified agency" within the meaning of the Federal  
31 Fair Housing Amendments Act, Pub.L. 100-430 (42  
32 U.S.C.§3610 (f)), and shall be construed as consistent with that  
33 purpose. Nothing in this amendatory and supplementary act,  
34 P.L. , c (C. ) (now pending before the Legislature as this  
35 bill), shall be construed to permit conduct prohibited by the "Law  
36 Against Discrimination," P.L.1945,c.169 (C.10:5-1 et seq.), prior  
37 to the effective date of this act, nor is it intended to be  
38 construed to prohibit conduct now permitted.<sup>1</sup>

39 <sup>1</sup>[13.] 14.<sup>1</sup> This act shall take effect immediately.

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Prohibits discrimination in housing on the basis of familial status.

*End of Law*

1 the provisions of the "Law Against Discrimination," P.L.1945,  
2 c.169 (C.10:5-1 et seq.). Nothing in this section shall be  
3 construed to limit any enforcement authority of the  
4 Commissioner of Community Affairs or the Attorney General  
5 otherwise provided by law. Nothing in the "State Uniform  
6 Construction Code Act," P.L.1971, c.269 (52:27D-119 et seq.) and  
7 P.L.1971, c.269 (C.52:32-4 et seq.) shall be deemed to limit the  
8 powers of the Attorney General under this act. The Attorney  
9 General and the Commissioner of Community Affairs shall adopt  
10 regulations to effectuate the purposes of this section.

11 12. (New section) a. It shall be an unlawful discrimination for  
12 a municipality, county or other local civil or political subdivision  
13 of the State of New Jersey, or an officer, employee, or agent  
14 thereof, to exercise the power to regulate land use or housing in a  
15 manner that discriminates on the basis of race, creed, color,  
16 national origin, ancestry, marital status, familial status, sex,  
17 nationality or handicap.

18 b. Notwithstanding the provisions of section 12 of P.L.1945,  
19 c.169 (C.10:5-13) any person claiming to be aggrieved by an  
20 unlawful discrimination under this section shall enforce this  
21 section by private right of action in Superior Court. This section  
22 shall not apply to discrimination in housing owned or managed by  
23 a municipality, county or other local civil or political subdivision  
24 of the State of New Jersey where such discrimination is  
25 otherwise prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

26 13. This act shall take effect immediately.

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*Sponsor* STATEMENT

31 This bill would amend New Jersey's Law Against  
32 Discrimination to prohibit discrimination in housing on the basis  
33 of familial status. The bill defines "familial status" as being the  
34 natural, adoptive or foster parent of a child. It also includes  
35 having sole or joint legal custody, care, guardianship or visitation  
36 with a child. In addition "familial status" covers pregnant women  
37 and person in the process of securing legal custody of a child.

38 Other provisions of the bill include:

39 1. A provision exempting housing for the elderly from the  
40 prohibition against discrimination on the basis of familial status.

41 2. A provision making it unlawful for any person to coerce,  
42 intimidate threaten or interfere with any person in the exercise  
43 or enjoyment of, or on account of the person having aided or  
44 encouraged any other person in the exercise or enjoyment of any  
45 right granted or protected by the Law Against Discrimination.

46 3. A provision making it unlawful for any person to  
47 discriminate with regard to the sale or rental of real property.  
48 The prohibition is currently limited to real estate brokers and  
49 their employees.

50 4. A provision prohibiting housing discrimination based upon  
51 the person's relationship or association with a person who, is  
52 handicapped.

53 5. A provision prohibiting discrimination on the basis of  
54 familial status with respect to loans, credit or financial

1 assistance involving real property.

2 6. A provision requiring that terms of settlement offers in  
3 housing discrimination cases be disclosed to the complainant.

4 7. A provision permitting the Attorney General in conjunction  
5 with the Department of Community Affairs to enforce  
6 accessibility standards established under the Uniform  
7 Construction Code to the extent that the failure to comply with  
8 the Code constitutes discrimination against handicapped persons.

9 8. A provision indicating that the use by a unit of local  
10 government of the power to regulate land use or housing in a  
11 manner that discriminates on the basis of race, creed, color,  
12 national origin, ancestry, marital status, familial status, sex,  
13 nationality or handicap constitutes unlawful discrimination. A  
14 person claiming discrimination on this basis is authorized to  
15 enforce that claim by instituting an action in Superior Court.

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Prohibits discrimination in housing on the basis of familial status.

SENATE WOMEN'S ISSUES, CHILDREN  
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 340

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 30, 1992

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 340 with committee amendments.

As amended, the bill amends New Jersey's "Law Against Discrimination" to prohibit discrimination in housing on the basis of familial status. The bill defines "familial status" as being the natural, adoptive or foster parent of a child. It also includes having sole or joint legal custody, care, guardianship or visitation with a child. In addition, "familial status" covers pregnant women and persons in the process of securing legal custody of a child.

Other provisions of the bill include:

1. A provision exempting housing for the elderly from the prohibition against discrimination on the basis of familial status.
2. A provision making it unlawful for any person to coerce, intimidate threaten or interfere with any person in the exercise or enjoyment of, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the "Law Against Discrimination."
3. A provision making it unlawful for any person to discriminate with regard to the sale or rental of real property. The prohibition is currently limited to real estate brokers and their employees.
4. A provision prohibiting housing discrimination based upon the person's relationship or association with a person who is handicapped.
5. A provision prohibiting discrimination on the basis of familial status with respect to loans, credit or financial assistance involving real property.
6. A provision requiring that terms of settlement offers in housing discrimination cases be disclosed to the complainant.
7. A provision permitting the Attorney General in conjunction with the Department of Community Affairs to enforce accessibility standards established under the Uniform Construction Code to the extent that the failure to comply with the code constitutes discrimination against handicapped persons.
8. A provision indicating that the use by a unit of local government of the power to regulate land use or housing in a manner that discriminates on the basis of race, creed, color, national origin, ancestry, marital status, familial status, sex, nationality or handicap constitutes unlawful discrimination. A person claiming discrimination on this basis is authorized to enforce that claim by instituting an action in Superior Court.

The committee amended the bill to include language that would clarify that the provisions of the bill are intended to permit the Division on Civil Rights in the Department of Law and Public Safety to conform to the regulations of the Federal Fair Housing Act, (42 U.S.C. §3610 (f))and that the provisions of the bill are not intended to be construed as permitting conduct prohibited under New Jersey's "Law against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), prior to the enactment of the provisions of the bill. The committee also added language that states that the provisions of the bill are not intended to be construed as prohibiting conduct which is now permitted under New Jersey's "Law Against Discrimination."