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P.L. 2002, CHAPTER 82, *approved September 5, 2002*  
Assembly, No. 710 (*Second Reprint*)

1 **AN ACT** concerning discrimination in housing, amending various parts  
2 of the statutory law, supplementing P.L.1945, c.169, and repealing  
3 P.L.1981, c.323.

4

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

7

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

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

20 (cf: P.L.1992, c.146, s.2)

21

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

24 1. The Division on Civil Rights in the Department of Law and  
25 Public Safety shall enforce the laws of this State against discrimination  
26 in housing built with, or leased with the assistance of, public funds or  
27 public assistance, pursuant to any law, and in real property, as defined  
28 in the law hereby supplemented, because of race, religious principles,  
29 color, national origin, ancestry, marital status, affectional or sexual  
30 orientation, familial status **[or]**, sex or source of lawful income <sup>2</sup>used  
31 for rental or mortgage payments<sup>2</sup>. The said laws shall be so enforced  
32 in the manner prescribed in the act to which this act is a supplement.

33 (cf: P.L.1992, c.146, s.7)

34

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

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

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly floor amendments adopted May 6, 2002.

<sup>2</sup> Senate floor amendments adopted June 24, 2002.

1 a. For an employer, because of the race, creed, color, national  
2 origin, ancestry, age, marital status, affectional or sexual orientation,  
3 genetic information, sex or atypical hereditary cellular or blood trait  
4 of any individual, or because of the liability for service in the Armed  
5 Forces of the United States or the nationality of any individual, or  
6 because of the refusal to submit to a genetic test or make available the  
7 results of a genetic test to an employer, to refuse to hire or employ or  
8 to bar or to discharge or require to retire, unless justified by lawful  
9 considerations other than age, from employment such individual or to  
10 discriminate against such individual in compensation or in terms,  
11 conditions or privileges of employment; provided, however, it shall not  
12 be an unlawful employment practice to refuse to accept for  
13 employment an applicant who has received a notice of induction or  
14 orders to report for active duty in the armed forces; provided further  
15 that nothing herein contained shall be construed to bar an employer  
16 from refusing to accept for employment any person on the basis of sex  
17 in those certain circumstances where sex is a bona fide occupational  
18 qualification, reasonably necessary to the normal operation of the  
19 particular business or enterprise; provided further that nothing herein  
20 contained shall be construed to bar an employer from refusing to  
21 accept for employment or to promote any person over 70 years of age;  
22 provided further that it shall not be an unlawful employment practice  
23 for a club exclusively social or fraternal to use club membership as a  
24 uniform qualification for employment, or for a religious association or  
25 organization to utilize religious affiliation as a uniform qualification in  
26 the employment of clergy, religious teachers or other employees  
27 engaged in the religious activities of the association or organization,  
28 or in following the tenets of its religion in establishing and utilizing  
29 criteria for employment of an employee; provided further, that it shall  
30 not be an unlawful employment practice to require the retirement of  
31 any employee who, for the two-year period immediately before  
32 retirement, is employed in a bona fide executive or a high  
33 policy-making position, if that employee is entitled to an immediate  
34 non-forfeitable annual retirement benefit from a pension, profit  
35 sharing, savings or deferred retirement plan, or any combination of  
36 those plans, of the employer of that employee which equals in the  
37 aggregate at least \$27,000.00; and provided further that an employer  
38 may restrict employment to citizens of the United States where such  
39 restriction is required by federal law or is otherwise necessary to  
40 protect the national interest.

41 For the purposes of this subsection, a "bona fide executive" is a top  
42 level employee who exercises substantial executive authority over a  
43 significant number of employees and a large volume of business. A  
44 "high policy-making position" is a position in which a person plays a  
45 significant role in developing policy and in recommending the  
46 implementation thereof.

1       b. For a labor organization, because of the race, creed, color,  
2 national origin, ancestry, age, marital status, affectional or sexual  
3 orientation or sex of any individual, or because of the liability for  
4 service in the Armed Forces of the United States or nationality of any  
5 individual, to exclude or to expel from its membership such individual  
6 or to discriminate in any way against any of its members, against any  
7 applicant for, or individual included in, any apprentice or other training  
8 program or against any employer or any individual employed by an  
9 employer; provided, however, that nothing herein contained shall be  
10 construed to bar a labor organization from excluding from its  
11 apprentice or other training programs any person on the basis of sex  
12 in those certain circumstances where sex is a bona fide occupational  
13 qualification reasonably necessary to the normal operation of the  
14 particular apprentice or other training program.

15       c. For any employer or employment agency to print or circulate or  
16 cause to be printed or circulated any statement, advertisement or  
17 publication, or to use any form of application for employment, or to  
18 make an inquiry in connection with prospective employment, which  
19 expresses, directly or indirectly, any limitation, specification or  
20 discrimination as to race, creed, color, national origin, ancestry, age,  
21 marital status, affectional or sexual orientation or sex or liability of any  
22 applicant for employment for service in the Armed Forces of the  
23 United States, or any intent to make any such limitation, specification  
24 or discrimination, unless based upon a bona fide occupational  
25 qualification.

26       d. For any person to take reprisals against any person because that  
27 person has opposed any practices or acts forbidden under this act or  
28 because that person has filed a complaint, testified or assisted in any  
29 proceeding under this act or to coerce, intimidate, threaten or interfere  
30 with any person in the exercise or enjoyment of, or on account of that  
31 person having aided or encouraged any other person in the exercise or  
32 enjoyment of, any right granted or protected by this act.

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

36       f. (1) For any owner, lessee, proprietor, manager, superintendent,  
37 agent, or employee of any place of public accommodation directly or  
38 indirectly to refuse, withhold from or deny to any person any of the  
39 accommodations, advantages, facilities or privileges thereof, or to  
40 discriminate against any person in the furnishing thereof, or directly or  
41 indirectly to publish, circulate, issue, display, post or mail any written  
42 or printed communication, notice, or advertisement to the effect that  
43 any of the accommodations, advantages, facilities, or privileges of any  
44 such place will be refused, withheld from, or denied to any person on  
45 account of the race, creed, color, national origin, ancestry, marital  
46 status, sex, affectional or sexual orientation or nationality of such

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

22 (2) Notwithstanding the definition of "public accommodation " as  
23 set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5),  
24 for any owner, lessee, proprietor, manager, superintendent, agent, or  
25 employee of any private club or association to directly or indirectly  
26 refuse, withhold from or deny to any individual who has been accepted  
27 as a club member and has contracted for or is otherwise entitled to full  
28 club membership any of the accommodations, advantages, facilities or  
29 privileges thereof, or to discriminate against any member in the  
30 furnishing thereof on account of the race, creed, color, national origin,  
31 ancestry, marital status, sex, affectional or sexual orientation or  
32 nationality of such person.

33 In addition to the penalties otherwise provided for a violation of  
34 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of  
35 subsection f. of this section is the holder of an alcoholic beverage  
36 license issued under the provisions of R.S.33:1-12 for that private club  
37 or association, the matter shall be referred to the Director of the  
38 Division of Alcoholic Beverage Control who shall impose an  
39 appropriate penalty in accordance with the procedures set forth in  
40 R.S.33:1-31.

41 g. For the owner, lessee, sublessee, assignee or managing agent of,  
42 or other person having the right of ownership or possession of or the  
43 right to sell, rent, lease, assign, or sublease any real property or part  
44 or portion thereof, or any agent or employee of any of these:

45 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
46 to deny to or withhold from any person or group of persons any real

1 property or part or portion thereof because of the race, creed, color,  
2 national origin, ancestry, marital status, affectional or sexual  
3 orientation, familial status [or], nationality, or source of lawful  
4 income used for rental or mortgage payments of such person or group  
5 of persons;

6 (2) To discriminate against any person or group of persons  
7 because of the race, creed, color, national origin, marital status, sex,  
8 affectional or sexual orientation [or], familial status, or source of  
9 lawful income used for rental or mortgage payments of such person or  
10 group of persons in the terms, conditions or privileges of the sale,  
11 rental or lease of any real property or part or portion thereof or in the  
12 furnishing of facilities or services in connection therewith; [or]

13 (3) To print, publish, circulate, issue, display, post or mail, or  
14 cause to be printed, published, circulated, issued, displayed, posted or  
15 mailed any statement, advertisement, publication or sign, or to use any  
16 form of application for the purchase, rental, lease, assignment or  
17 sublease of any real property or part or portion thereof, or to make  
18 any record or inquiry in connection with the prospective purchase,  
19 rental, lease, assignment, or sublease of any real property, or part or  
20 portion thereof which expresses, directly or indirectly, any limitation,  
21 specification or discrimination as to race, creed, color, national origin,  
22 ancestry, marital status, sex, affectional or sexual orientation, familial  
23 status [or], nationality, or source of lawful income used for rental or  
24 mortgage payments, or any intent to make any such limitation,  
25 specification or discrimination, and the production of any such  
26 statement, advertisement, publicity, sign, form of application, record,  
27 or inquiry purporting to be made by any such person shall be  
28 presumptive evidence in any action that the same was authorized by  
29 such person; provided, however, that nothing contained in this  
30 subsection shall be construed to bar any person from refusing to sell,  
31 rent, lease, assign or sublease or from advertising or recording a  
32 qualification as to sex for any room, apartment, flat in a dwelling or  
33 residential facility which is planned exclusively for and occupied by  
34 individuals of one sex to any individual of the exclusively opposite sex  
35 on the basis of sex;

36 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
37 to deny to or withhold from any person or group of persons any real  
38 property or part or portion thereof because of the source of any lawful  
39 income received by the person or the source of any lawful rent  
40 payment to be paid for the real property; or

41 (5) To refuse to rent or lease any real property to another person  
42 because that person's family includes children under 18 years of age,  
43 or to make an agreement, rental or lease of any real property which  
44 provides that the agreement, rental or lease shall be rendered null and  
45 void upon the birth of a child. This paragraph shall not apply to any  
46 1 county, 1 State or Federally financed or assisted housing project

1 constructed for occupancy by senior citizens or to any property  
2 located in a retirement subdivision as defined in the "Retirement  
3 Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et  
4 seq.). <sup>1</sup> [or to housing for older persons] <sup>2</sup> to any housing for older  
5 persons<sup>2</sup> or to any unit in a planned real estate development that is  
6 age-restricted and subject to the provisions of the "Planned Real  
7 Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-  
8 21 et seq.)<sup>1</sup>.

9 h. For any person, including but not limited to, any real estate  
10 broker, real estate salesperson, or employee or agent thereof:

11 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
12 sale, rental, lease, assignment, or sublease any real property or part or  
13 portion thereof to any person or group of persons or to refuse to  
14 negotiate for the sale, rental, lease, assignment, or sublease of any real  
15 property or part or portion thereof to any person or group of persons  
16 because of the race, creed, color, national origin, ancestry, marital  
17 status, familial status, sex, affectional or sexual orientation [or],  
18 nationality, or source of lawful income used for rental or mortgage  
19 payments of such person or group of persons, or to represent that any  
20 real property or portion thereof is not available for inspection, sale,  
21 rental, lease, assignment, or sublease when in fact it is so available, or  
22 otherwise to deny or withhold any real property or any part or portion  
23 of facilities thereof to or from any person or group of persons because  
24 of the race, creed, color, national origin, ancestry, marital status,  
25 familial status, sex, affectional or sexual orientation or nationality of  
26 such person or group of persons;

27 (2) To discriminate against any person because of his race, creed,  
28 color, national origin, ancestry, marital status, familial status, sex [or],  
29 affectional or sexual orientation, nationality, or source of lawful  
30 income used for rental or mortgage payments in the terms, conditions  
31 or privileges of the sale, rental, lease, assignment or sublease of any  
32 real property or part or portion thereof or in the furnishing of facilities  
33 or services in connection therewith; [or]

34 (3) To print, publish, circulate, issue, display, post, or mail, or  
35 cause to be printed, published, circulated, issued, displayed, posted or  
36 mailed any statement, advertisement, publication or sign, or to use any  
37 form of application for the purchase, rental, lease, assignment, or  
38 sublease of any real property or part or portion thereof or to make any  
39 record or inquiry in connection with the prospective purchase, rental,  
40 lease, assignment, or sublease of any real property or part or portion  
41 thereof which expresses, directly or indirectly, any limitation,  
42 specification or discrimination as to race, creed, color, national origin,  
43 ancestry, marital status, familial status, sex, affectional or sexual  
44 orientation [or], nationality, or source of lawful income used for  
45 rental or mortgage payments or any intent to make any such limitation,  
46 specification or discrimination, and the production of any such



1 statement, advertisement, publicity, sign, form of application, record,  
2 or inquiry purporting to be made by any such person shall be  
3 presumptive evidence in any action that the same was authorized by  
4 such person; provided, however, that nothing contained in this  
5 subsection h., shall be construed to bar any person from refusing to  
6 sell, rent, lease, assign or sublease or from advertising or recording a  
7 qualification as to sex for any room, apartment, flat in a dwelling or  
8 residential facility which is planned exclusively for and occupied  
9 exclusively by individuals of one sex to any individual of the opposite  
10 sex on the basis of sex;

11 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
12 to deny to or withhold from any person or group of persons any real  
13 property or part or portion thereof because of the source of any lawful  
14 income received by the person or the source of any lawful rent  
15 payment to be paid for the real property <sup>2;2</sup> or

16 (5) To refuse to rent or lease any real property to another person  
17 because that person's family includes children under 18 years of age,  
18 or to make an agreement, rental or lease of any real property which  
19 provides that the agreement, rental or lease shall be rendered null and  
20 void upon the birth of a child. This paragraph shall not apply to any  
21 <sup>1</sup>county,<sup>1</sup> State or Federally financed or assisted housing project  
22 constructed for occupancy by senior citizens or to any property  
23 located in a retirement subdivision as defined in the "Retirement  
24 Community Full Disclosure Act" (P.L.1969, c.215; C.45:22A-1 et  
25 seq.). <sup>1</sup>[to housing for older persons] <sup>2</sup>to housing for older persons<sup>2</sup>  
26 or to any unit in a planned real estate development that is age-  
27 restricted and subject to the provisions of the "Planned Real Estate  
28 Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et  
29 seq.)<sup>1</sup>.

30 i. For any person, bank, banking organization, mortgage company,  
31 insurance company or other financial institution, lender or credit  
32 institution to whom application is made for any loan or extension of  
33 credit including but not limited to an application for financial  
34 assistance for the purchase, acquisition, construction, rehabilitation,  
35 repair or maintenance of any real property or part or portion thereof  
36 or any agent or employee thereof:

37 (1) To discriminate against any person or group of persons because  
38 of the race, creed, color, national origin, ancestry, marital status, sex,  
39 affectional or sexual orientation or nationality of such person or group  
40 of persons or of the prospective occupants or tenants of such real  
41 property or part or portion thereof, in the granting, withholding,  
42 extending, modifying or renewing, or in the fixing of the rates, terms,  
43 conditions or provisions of any such loan, extension of credit or  
44 financial assistance or in the extension of services in connection  
45 therewith; [or]

46 (2) To use any form of application for such loan, extension of

1 credit or financial assistance or to make record or inquiry in  
2 connection with applications for any such loan, extension of credit or  
3 financial assistance which expresses, directly or indirectly, any  
4 limitation, specification or discrimination as to race, creed, color,  
5 national origin, ancestry, marital status, sex, affectional or sexual  
6 orientation or nationality or any intent to make any such limitation,  
7 specification or discrimination; unless otherwise required by law or  
8 regulation to retain or use such information; [or]

9 (3) To discriminate on the basis of familial status in any manner  
10 described in paragraph (1) or (2) of this subsection with respect to any  
11 real property ;

12 (4) To discriminate against any person or group of persons because  
13 of the source of any lawful income received by the person or the  
14 source of any lawful rent payment to be paid for the real property; or

15 (5) To discriminate against any person or group of persons because  
16 that person's family includes children under 18 years of age, or to  
17 make an agreement or mortgage which provides that the agreement or  
18 mortgage shall be rendered null and void upon the birth of a child. This  
19 paragraph shall not apply to any <sup>1</sup>county, <sup>1</sup> State or Federally financed  
20 or assisted housing project constructed for occupancy by senior  
21 citizens or to any property located in a retirement subdivision as  
22 defined in the "Retirement Community Full Disclosure Act"  
23 (P.L.1969, c.215; C.45:22A-1 et seq.), <sup>1</sup>[to housing for older  
24 persons] <sup>2</sup>to housing for older persons<sup>2</sup> or to any unit in a planned  
25 real estate development that is age-restricted and subject to the  
26 provisions of the "Planned Real Estate Development Full Disclosure  
27 Act," P.L.1977, c.419 (C.45:22A-21 et seq.)<sup>1</sup>.

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

32 k. For any real estate broker, real estate salesperson or employee  
33 or agent thereof or any other individual, corporation, partnership, or  
34 organization, for the purpose of inducing a transaction for the sale or  
35 rental of real property from which transaction such person or any of  
36 its members may benefit financially, to represent that a change has  
37 occurred or will or may occur in the composition with respect to race,  
38 creed, color, national origin, ancestry, marital status, familial status,  
39 sex, affectional or sexual orientation [or], nationality, or source of  
40 lawful income used for rental or mortgage payments of the owners or  
41 occupants in the block, neighborhood or area in which the real  
42 property is located, and to represent, directly or indirectly, that this  
43 change will or may result in undesirable consequences in the block,  
44 neighborhood or area in which the real property is located, including,  
45 but not limited to the lowering of property values, an increase in  
46 criminal or anti-social behavior, or a decline in the quality of schools

1 or other facilities.

2 1. For any person to refuse to buy from, sell to, lease from or to,  
3 license, contract with, or trade with, provide goods, services or  
4 information to, or otherwise do business with any other person on the  
5 basis of the race, creed, color, national origin, ancestry, age, sex,  
6 affectional or sexual orientation, marital status, liability for service in  
7 the Armed Forces of the United States, [or] nationality, or source of  
8 lawful income used for rental or mortgage payments of such other  
9 person or of such other person's spouse, partners, members,  
10 stockholders, directors, officers, managers, superintendents, agents,  
11 employees, business associates, suppliers, or customers. This  
12 subsection shall not prohibit refusals or other actions (1) pertaining to  
13 employee-employer collective bargaining, labor disputes, or unfair  
14 labor practices, or (2) made or taken in connection with a protest of  
15 unlawful discrimination or unlawful employment practices.

16 m. For any person to:

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

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

33 The provisions of this subsection shall not apply to any letter of  
34 credit, contract, or other document which contains any provision  
35 pertaining to employee-employer collective bargaining, a labor dispute  
36 or an unfair labor practice, or made in connection with the protest of  
37 unlawful discrimination or an unlawful employment practice, if the  
38 other provisions of such letter of credit, contract, or other document  
39 do not otherwise violate the provisions of this subsection.

40 n. For any person to aid, abet, incite, compel, coerce, or induce the  
41 doing of any act forbidden by subsections l. and m. of section 11 of  
42 P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so.  
43 Such prohibited conduct shall include, but not be limited to:

44 (1) Buying from, selling to, leasing from or to, licensing,  
45 contracting with, trading with, providing goods, services, or  
46 information to, or otherwise doing business with any person because

1 that person does, or agrees or attempts to do, any such act or any act  
2 prohibited by this subsection n.; or

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

12 (cf: P.L.1997, c.179)

13

14 <sup>2</sup>[4. Section 2 of P.L.1983, c.412 (C.10:5-14.1a.) is amended to  
15 read as follows:

16 2. Any person who violates any of the provisions of the "Law  
17 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), shall, in  
18 addition to any other relief or affirmative action provided by law, be  
19 liable for the following penalties:

20 a. In an amount not exceeding \$10,000 if the respondent has not  
21 been adjudged to have committed any prior violation within the  
22 five-year period ending on the date of the filing of this charge;

23 b. In an amount not exceeding \$25,000 if the respondent has been  
24 adjudged to have committed one other violation within the five-year  
25 period ending on the date of the filing of this charge; and

26 c. In an amount not exceeding \$50,000 if the respondent has been  
27 adjudged to have committed two or more violations within the  
28 seven-year period ending on the date of the filing of this charge. The  
29 penalties shall be determined by the director in such amounts as he  
30 deems proper under the circumstances and included in his order  
31 following his finding of an unlawful discrimination or an unlawful  
32 employment practice pursuant to section 16 of P.L.1945, c.169  
33 (C.10:5-17). Any such amounts collected by the director shall be paid  
34 forthwith into the State Treasury for the general purposes of the State.

35 Notwithstanding the provisions of this section, if the director levies  
36 penalties for a suit initiated by a housing authority on behalf of a  
37 tenant for a violation of paragraph (4) of subsection g. or paragraph  
38 (4) of subsection h. of section 11 of the "Law Against Discrimination,"  
39 P.L.1945, c.169 (C.10:5-12), <sup>1</sup>[50 percent of the amounts collected  
40 by the director shall be paid forthwith to that housing authority, and  
41 the balance shall be paid to the State Treasurer] the housing authority  
42 shall be permitted to be reimbursed from the amounts collected an  
43 amount equal to the suit-related expenses incurred by it<sup>1</sup>.

44 (cf: P.L.2001, c.254, s.1)]<sup>2</sup>

45

46 <sup>2</sup>4. Section 6 of P.L.1979, c.404 (C.10:5-27.1) is amended to read

1 as follows:

2 6. In any action or proceeding brought under this act, the  
3 prevailing party may be awarded a reasonable attorney's fee as part of  
4 the cost, provided however, that no attorney's fee shall be awarded to  
5 the respondent unless there is a determination that the complainant  
6 brought the charge [was brought] in bad faith. If the complainant's  
7 case was initiated by a housing authority on behalf of a tenant for a  
8 violation of paragraph (4) of subsection g. or paragraph (4) of  
9 subsection h. of section 11 of P.L.1945, c.169 (C.10:5-12) and the  
10 complainant prevailed, reasonable costs, including attorney fees, of the  
11 housing authority may be assessed against a nonprevailing respondent.  
12 If the complainant's case was presented by the attorney for the division  
13 and the complainant prevailed, the reasonable costs, including attorney  
14 fees, of such representation may be assessed against a nonprevailing  
15 respondent.<sup>2</sup>

16 (cf: P.L.1979, c. 404).

17

18 5. Section 22 of P.L.1992, c.79 (C.40A:12A-22) is amended to  
19 read as follows:

20 22. A municipality, county, redevelopment agency, or housing  
21 authority is authorized to exercise all those public and essential  
22 governmental functions necessary or convenient to effectuate the  
23 purposes of this act, including the following powers which shall be in  
24 addition to those otherwise granted by this act or by other law:

25 a. To sue and be sued; to have a seal and to alter the same at  
26 pleasure; to have perpetual succession; to make and execute contracts  
27 and other instruments necessary and convenient to the exercise of the  
28 powers of the agency or authority; and to make and from time to time  
29 amend and repeal bylaws, rules and regulations, not inconsistent with  
30 this act, to carry into effect its powers and purposes.

31 b. Pursuant to an adopted cash management plan, invest any funds  
32 held in reserve or sinking funds, or any funds not required for  
33 immediate disbursement, in property or securities in which  
34 governmental units may legally invest funds subject to their control; to  
35 purchase its bonds at a price not more than the principal amount  
36 thereof and accrued interest, all bonds so purchased to be cancelled.

37 c. Borrow money and receive grants and loans from any source for  
38 the financing of a redevelopment project or housing project.

39 d. Invest in an obligee the right in the event of a default by the  
40 agency to foreclose and take possession of the project covered by the  
41 mortgage or apply for the appointment of a receiver.

42 e. Invest in a trustee or trustees or holders of bonds the right to  
43 enforce the payment of the bonds or any covenant securing or relating  
44 to the bonds, which may include the right, in the event of the default,  
45 to take possession and use, operate and manage any project or part  
46 thereof, and to collect the rents and revenues arising therefrom and to

- 1 dispose of the moneys in accordance with the agreement of the  
2 authority with the trustee.
- 3 f. Provide for the refunding of any of its bonds, by the issuance of  
4 such obligations, in such manner and form, and upon such terms and  
5 conditions, as it shall deem in the best interests of the public.
- 6 g. Consent to the modification of any contract, bond indenture,  
7 mortgage or other instrument entered into by it.
- 8 h. Pay or compromise any claim arising on, or because of any  
9 agreement, bond indenture, mortgage or instrument.
- 10 i. Acquire or contract to acquire from any person, firm, or  
11 corporation, public or private, by contribution, gift, grant, bequest,  
12 devise, purchase, or otherwise, real or personal property or any  
13 interest therein, including such property as it may deem necessary or  
14 proper, although temporarily not required for such purposes, in a  
15 redevelopment area or in any area designated by the governing body  
16 as necessary for carrying out the relocation of the residents, industry  
17 and commerce displaced from a redevelopment area.
- 18 j. Subordinate, waive, sell, assign or release any right, title, claim,  
19 lien or demand however acquired, including any equity or right of  
20 redemption, foreclosure, sell or assign any mortgage held by it, or any  
21 interest in real or personal property; and purchase at any sale, upon  
22 such terms and at such prices as it determines to be reasonable, and to  
23 take title to the property, real, personal, or mixed, so acquired and  
24 similarly to sell, exchange, assign, convey or otherwise dispose of any  
25 property.
- 26 k. Complete, administer, operate, obtain and pay for insurance on,  
27 and maintain, renovate, repair, modernize, lease or otherwise deal with  
28 any property.
- 29 l. Employ or retain consulting and other attorneys, planners,  
30 engineers, architects, managers and financial experts and other  
31 employees and agents of a permanent or temporary nature as may be  
32 necessary, determine their qualifications, duties and compensation, and  
33 delegate to one or more of its agents or employees such powers and  
34 duties as it deems proper. For such legal services as may be required,  
35 a redevelopment agency or housing authority may call upon the chief  
36 law officers of the municipality or county, as the case may be, or may  
37 employ its own counsel and legal staff.
- 38 m. Arrange or contract with a public agency, to the extent that it  
39 is within the scope of that agency's functions, to cause the services  
40 customarily provided by such other agency to be rendered for the  
41 benefit of the occupants of any redevelopment area or housing project,  
42 and have such other agency provide and maintain parks, recreation  
43 centers, schools, sewerage, transportation, water and other municipal  
44 facilities adjacent to or in connection with a redevelopment area or  
45 project.
- 46 n. Conduct examinations and investigations, hear testimony and

1 take proof, under oath at public or private hearings of any material  
 2 matter, compel witnesses and the production of books and papers and  
 3 issue commissions for the examination of witnesses who are out of  
 4 State, unable to attend, or excused from attendance; authorize a  
 5 committee designated by it consisting of one or more members, or  
 6 counsel, or any officer or employee to conduct the examination or  
 7 investigation, in which case it may authorize in its name the  
 8 committee, counsel, officer or employee to administer oaths, take  
 9 affidavits and issue subpoenas or commissions.

10 o. Make and enter into all contracts and agreements necessary or  
 11 incidental to the performance of the duties authorized in this act.

12 p. <sup>1</sup>[Bring] After thorough evaluation and investigation, bring<sup>1</sup> an  
 13 action on behalf of a tenant to collect or enforce any violation of  
 14 subsections g. or h. of section 11 of the "Law Against Discrimination,"  
 15 P.L.1945, c.169 (C.10:5-12).

16 <sup>1</sup>q. Designate members or employees, who shall be knowledgeable  
 17 of federal and State discrimination laws, and who shall be available  
 18 during all normal business hours, to evaluate a complaint made by a  
 19 tenant pursuant to the "Law Against Discrimination," P.L.1945, c.169  
 20 (C.10:5-12).<sup>1</sup>

21 (cf: P.L.1992, c.79, s.22)

22  
 23 6. (New section) a. The Attorney General shall prepare a  
 24 statement notifying landlords that the "Law Against Discrimination,"  
 25 P.L.1945, c.169 (C.10:5-1et seq.), as amended by P.L. ,  
 26 c. (C. ) (pending before the Legislature as this bill), prohibits  
 27 discrimination against tenants based on the source of income being  
 28 used for rental or mortgage payments. <sup>2</sup>In addition, the notification  
 29 shall include instructions for those wishing to report such  
 30 discrimination to the Division of Civil Rights.<sup>2</sup>

31 b. Each agency or entity authorized to issue federal rental  
 32 assistance vouchers to eligible tenants shall include a copy of the  
 33 notification required pursuant to subsection a. of this section when  
 34 issuing such a voucher <sup>2</sup>[, as well as instructions for reporting acts of  
 35 discrimination to the Division of Civil Rights]<sup>2</sup>.

36  
 37 7. P.L.1981, c.323 (C.2A:42-100 et seq.) is hereby repealed.

38  
 39 8. This act shall take effect immediately.

40  
 41  
 42  
 43  
 44 Prohibits discrimination by landlords against tenants based on source  
 45 of income or age of children under "Law Against Discrimination."

# ASSEMBLY, No. 710

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblywoman LORETTA WEINBERG**

**District 37 (Bergen)**

**Assemblyman MELVIN COTTRELL**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Co-Sponsored by:**

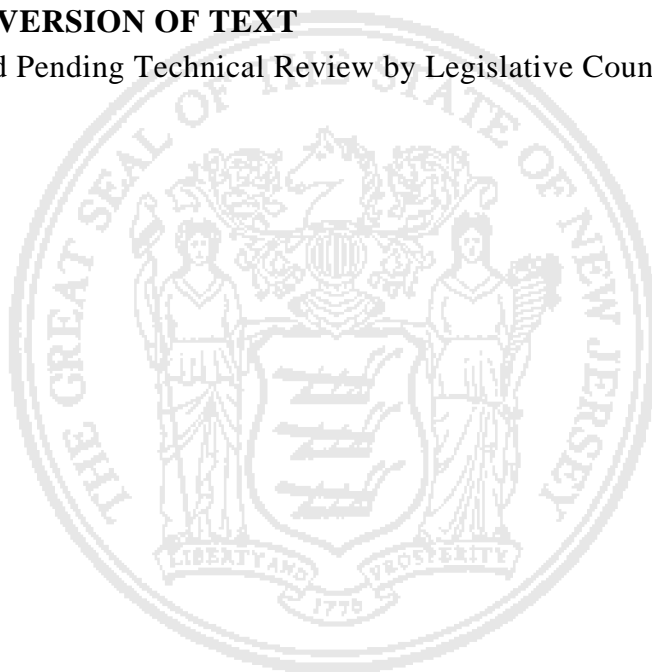
**Assemblywoman Pou, Assemblymen Steele, Payne and Caraballo**

**SYNOPSIS**

Prohibits discrimination by landlords against tenants based on source of income or age of children under "Law Against Discrimination."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.





A710 WEINBERG, COTTRELL

2

1 AN ACT concerning discrimination in housing, amending various parts  
2 of the statutory law, supplementing P.L.1945, c.169, and repealing  
3 P.L.1981, c.323.

4

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

7

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

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

20 (cf: P.L.1992, c.146, s.2)

21

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

24 1. The Division on Civil Rights in the Department of Law and  
25 Public Safety shall enforce the laws of this State against discrimination  
26 in housing built with, or leased with the assistance of, public funds or  
27 public assistance, pursuant to any law, and in real property, as defined  
28 in the law hereby supplemented, because of race, religious principles,  
29 color, national origin, ancestry, marital status, affectional or sexual  
30 orientation, familial status [or], sex or source of lawful income. The  
31 said laws shall be so enforced in the manner prescribed in the act to  
32 which this act is a supplement.

33 (cf: P.L.1992, c.146, s.7)

34

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

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

39 a. For an employer, because of the race, creed, color, national  
40 origin, ancestry, age, marital status, affectional or sexual orientation,  
41 genetic information, sex or atypical hereditary cellular or blood trait  
42 of any individual, or because of the liability for service in the Armed  
43 Forces of the United States or the nationality of any individual, or

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

**Matter underlined thus is new matter.**

1 because of the refusal to submit to a genetic test or make available the  
2 results of a genetic test to an employer, to refuse to hire or employ or  
3 to bar or to discharge or require to retire, unless justified by lawful  
4 considerations other than age, from employment such individual or to  
5 discriminate against such individual in compensation or in terms,  
6 conditions or privileges of employment; provided, however, it shall not  
7 be an unlawful employment practice to refuse to accept for  
8 employment an applicant who has received a notice of induction or  
9 orders to report for active duty in the armed forces; provided further  
10 that nothing herein contained shall be construed to bar an employer  
11 from refusing to accept for employment any person on the basis of sex  
12 in those certain circumstances where sex is a bona fide occupational  
13 qualification, reasonably necessary to the normal operation of the  
14 particular business or enterprise; provided further that nothing herein  
15 contained shall be construed to bar an employer from refusing to  
16 accept for employment or to promote any person over 70 years of age;  
17 provided further that it shall not be an unlawful employment practice  
18 for a club exclusively social or fraternal to use club membership as a  
19 uniform qualification for employment, or for a religious association or  
20 organization to utilize religious affiliation as a uniform qualification in  
21 the employment of clergy, religious teachers or other employees  
22 engaged in the religious activities of the association or organization,  
23 or in following the tenets of its religion in establishing and utilizing  
24 criteria for employment of an employee; provided further, that it shall  
25 not be an unlawful employment practice to require the retirement of  
26 any employee who, for the two-year period immediately before  
27 retirement, is employed in a bona fide executive or a high  
28 policy-making position, if that employee is entitled to an immediate  
29 non-forfeitable annual retirement benefit from a pension, profit  
30 sharing, savings or deferred retirement plan, or any combination of  
31 those plans, of the employer of that employee which equals in the  
32 aggregate at least \$27,000.00; and provided further that an employer  
33 may restrict employment to citizens of the United States where such  
34 restriction is required by federal law or is otherwise necessary to  
35 protect the national interest.

36 For the purposes of this subsection, a "bona fide executive" is a top  
37 level employee who exercises substantial executive authority over a  
38 significant number of employees and a large volume of business. A  
39 "high policy-making position" is a position in which a person plays a  
40 significant role in developing policy and in recommending the  
41 implementation thereof.

42 b. For a labor organization, because of the race, creed, color,  
43 national origin, ancestry, age, marital status, affectional or sexual  
44 orientation or sex of any individual, or because of the liability for  
45 service in the Armed Forces of the United States or nationality of any  
46 individual, to exclude or to expel from its membership such individual

1 or to discriminate in any way against any of its members, against any  
2 applicant for, or individual included in, any apprentice or other training  
3 program or against any employer or any individual employed by an  
4 employer; provided, however, that nothing herein contained shall be  
5 construed to bar a labor organization from excluding from its  
6 apprentice or other training programs any person on the basis of sex  
7 in those certain circumstances where sex is a bona fide occupational  
8 qualification reasonably necessary to the normal operation of the  
9 particular apprentice or other training program.

10 c. For any employer or employment agency to print or circulate or  
11 cause to be printed or circulated any statement, advertisement or  
12 publication, or to use any form of application for employment, or to  
13 make an inquiry in connection with prospective employment, which  
14 expresses, directly or indirectly, any limitation, specification or  
15 discrimination as to race, creed, color, national origin, ancestry, age,  
16 marital status, affectional or sexual orientation or sex or liability of any  
17 applicant for employment for service in the Armed Forces of the  
18 United States, or any intent to make any such limitation, specification  
19 or discrimination, unless based upon a bona fide occupational  
20 qualification.

21 d. For any person to take reprisals against any person because that  
22 person has opposed any practices or acts forbidden under this act or  
23 because that person has filed a complaint, testified or assisted in any  
24 proceeding under this act or to coerce, intimidate, threaten or interfere  
25 with any person in the exercise or enjoyment of, or on account of that  
26 person having aided or encouraged any other person in the exercise or  
27 enjoyment of, any right granted or protected by this act.

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

31 f. (1) For any owner, lessee, proprietor, manager, superintendent,  
32 agent, or employee of any place of public accommodation directly or  
33 indirectly to refuse, withhold from or deny to any person any of the  
34 accommodations, advantages, facilities or privileges thereof, or to  
35 discriminate against any person in the furnishing thereof, or directly or  
36 indirectly to publish, circulate, issue, display, post or mail any written  
37 or printed communication, notice, or advertisement to the effect that  
38 any of the accommodations, advantages, facilities, or privileges of any  
39 such place will be refused, withheld from, or denied to any person on  
40 account of the race, creed, color, national origin, ancestry, marital  
41 status, sex, affectional or sexual orientation or nationality of such  
42 person, or that the patronage or custom thereof of any person of any  
43 particular race, creed, color, national origin, ancestry, marital status,  
44 sex, affectional or sexual orientation or nationality is unwelcome,  
45 objectionable or not acceptable, desired or solicited, and the  
46 production of any such written or printed communication, notice or

1 advertisement, purporting to relate to any such place and to be made  
2 by any owner, lessee, proprietor, superintendent or manager thereof,  
3 shall be presumptive evidence in any action that the same was  
4 authorized by such person; provided, however, that nothing contained  
5 herein shall be construed to bar any place of public accommodation  
6 which is in its nature reasonably restricted exclusively to individuals of  
7 one sex, and which shall include but not be limited to any summer  
8 camp, day camp, or resort camp, bathhouse, dressing room, swimming  
9 pool, gymnasium, comfort station, dispensary, clinic or hospital, or  
10 school or educational institution which is restricted exclusively to  
11 individuals of one sex, from refusing, withholding from or denying to  
12 any individual of the opposite sex any of the accommodations,  
13 advantages, facilities or privileges thereof on the basis of sex; provided  
14 further, that the foregoing limitation shall not apply to any restaurant  
15 as defined in R.S.33:1-1 or place where alcoholic beverages are  
16 served.

17 (2) Notwithstanding the definition of "public accommodation " as  
18 set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5),  
19 for any owner, lessee, proprietor, manager, superintendent, agent, or  
20 employee of any private club or association to directly or indirectly  
21 refuse, withhold from or deny to any individual who has been accepted  
22 as a club member and has contracted for or is otherwise entitled to full  
23 club membership any of the accommodations, advantages, facilities or  
24 privileges thereof, or to discriminate against any member in the  
25 furnishing thereof on account of the race, creed, color, national origin,  
26 ancestry, marital status, sex, affectional or sexual orientation or  
27 nationality of such person.

28 In addition to the penalties otherwise provided for a violation of  
29 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of  
30 subsection f. of this section is the holder of an alcoholic beverage  
31 license issued under the provisions of R.S.33:1-12 for that private club  
32 or association, the matter shall be referred to the Director of the  
33 Division of Alcoholic Beverage Control who shall impose an  
34 appropriate penalty in accordance with the procedures set forth in  
35 R.S.33:1-31.

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

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

1 (2) To discriminate against any person or group of persons  
2 because of the race, creed, color, national origin, marital status, sex,  
3 affectional or sexual orientation [or], familial status, or source of  
4 lawful income used for rental or mortgage payments of such person or  
5 group of persons in the terms, conditions or privileges of the sale,  
6 rental or lease of any real property or part or portion thereof or in the  
7 furnishing of facilities or services in connection therewith; [or]

8 (3) To print, publish, circulate, issue, display, post or mail, or  
9 cause to be printed, published, circulated, issued, displayed, posted or  
10 mailed any statement, advertisement, publication or sign, or to use any  
11 form of application for the purchase, rental, lease, assignment or  
12 sublease of any real property or part or portion thereof, or to make  
13 any record or inquiry in connection with the prospective purchase,  
14 rental, lease, assignment, or sublease of any real property, or part or  
15 portion thereof which expresses, directly or indirectly, any limitation,  
16 specification or discrimination as to race, creed, color, national origin,  
17 ancestry, marital status, sex, affectional or sexual orientation, familial  
18 status [or] , nationality, or source of lawful income used for rental  
19 or mortgage payments, or any intent to make any such limitation,  
20 specification or discrimination, and the production of any such  
21 statement, advertisement, publicity, sign, form of application, record,  
22 or inquiry purporting to be made by any such person shall be  
23 presumptive evidence in any action that the same was authorized by  
24 such person; provided, however, that nothing contained in this  
25 subsection shall be construed to bar any person from refusing to sell,  
26 rent, lease, assign or sublease or from advertising or recording a  
27 qualification as to sex for any room, apartment, flat in a dwelling or  
28 residential facility which is planned exclusively for and occupied by  
29 individuals of one sex to any individual of the exclusively opposite sex  
30 on the basis of sex;

31 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
32 to deny to or withhold from any person or group of persons any real  
33 property or part or portion thereof because of the source of any  
34 lawful income received by the person or the source of any lawful rent  
35 payment to be paid for the real property; or

36 (5) To refuse to rent or lease any real property to another person  
37 because that person's family includes children under 18 years of age,  
38 or to make an agreement, rental or lease of any real property which  
39 provides that the agreement, rental or lease shall be rendered null and  
40 void upon the birth of a child. This paragraph shall not apply to any  
41 State or Federally financed or assisted housing project constructed for  
42 occupancy by senior citizens or to any property located in a retirement  
43 subdivision as defined in the "Retirement Community Full Disclosure  
44 Act," P.L.1969, c.215 (C.45:22A-1 et seq.), to housing for older  
45 persons.

46 h. For any person, including but not limited to, any real estate

1 broker, real estate salesperson, or employee or agent thereof:

2 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
3 sale, rental, lease, assignment, or sublease any real property or part or  
4 portion thereof to any person or group of persons or to refuse to  
5 negotiate for the sale, rental, lease, assignment, or sublease of any real  
6 property or part or portion thereof to any person or group of persons  
7 because of the race, creed, color, national origin, ancestry, marital  
8 status, familial status, sex, affectional or sexual orientation [or],  
9 nationality, or source of lawful income used for rental or mortgage  
10 payments of such person or group of persons, or to represent that any  
11 real property or portion thereof is not available for inspection, sale,  
12 rental, lease, assignment, or sublease when in fact it is so available, or  
13 otherwise to deny or withhold any real property or any part or portion  
14 of facilities thereof to or from any person or group of persons because  
15 of the race, creed, color, national origin, ancestry, marital status,  
16 familial status, sex, affectional or sexual orientation or nationality of  
17 such person or group of persons;

18 (2) To discriminate against any person because of his race, creed,  
19 color, national origin, ancestry, marital status, familial status, sex [or],  
20 affectional or sexual orientation, nationality, or source of lawful  
21 income used for rental or mortgage payments in the terms, conditions  
22 or privileges of the sale, rental, lease, assignment or sublease of any  
23 real property or part or portion thereof or in the furnishing of facilities  
24 or services in connection therewith; [or]

25 (3) To print, publish, circulate, issue, display, post, or mail, or  
26 cause to be printed, published, circulated, issued, displayed, posted or  
27 mailed any statement, advertisement, publication or sign, or to use any  
28 form of application for the purchase, rental, lease, assignment, or  
29 sublease of any real property or part or portion thereof or to make any  
30 record or inquiry in connection with the prospective purchase, rental,  
31 lease, assignment, or sublease of any real property or part or portion  
32 thereof which expresses, directly or indirectly, any limitation,  
33 specification or discrimination as to race, creed, color, national origin,  
34 ancestry, marital status, familial status, sex, affectional or sexual  
35 orientation [or], nationality, or source of lawful income used for  
36 rental or mortgage payments or any intent to make any such limitation,  
37 specification or discrimination, and the production of any such  
38 statement, advertisement, publicity, sign, form of application, record,  
39 or inquiry purporting to be made by any such person shall be  
40 presumptive evidence in any action that the same was authorized by  
41 such person; provided, however, that nothing contained in this  
42 subsection h., shall be construed to bar any person from refusing to  
43 sell, rent, lease, assign or sublease or from advertising or recording a  
44 qualification as to sex for any room, apartment, flat in a dwelling or  
45 residential facility which is planned exclusively for and occupied  
46 exclusively by individuals of one sex to any individual of the opposite

1 sex on the basis of sex;

2 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
3 to deny to or withhold from any person or group of persons any real  
4 property or part or portion thereof because of the source of any  
5 lawful income received by the person or the source of any lawful rent  
6 payment to be paid for the real property or

7 (5) To refuse to rent or lease any real property to another person  
8 because that person's family includes children under 18 years of age,  
9 or to make an agreement, rental or lease of any real property which  
10 provides that the agreement, rental or lease shall be rendered null and  
11 void upon the birth of a child. This paragraph shall not apply to any  
12 State or Federally financed or assisted housing project constructed for  
13 occupancy by senior citizens or to any property located in a retirement  
14 subdivision as defined in the "Retirement Community Full Disclosure  
15 Act" (P.L.1969, c.215; C.45:22A-1 et seq.), to housing for older  
16 persons.

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

24 (1) To discriminate against any person or group of persons because  
25 of the race, creed, color, national origin, ancestry, marital status, sex,  
26 affectional or sexual orientation or nationality of such person or group  
27 of persons or of the prospective occupants or tenants of such real  
28 property or part or portion thereof, in the granting, withholding,  
29 extending, 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 credit or  
36 financial assistance which expresses, directly or indirectly, any  
37 limitation, specification or discrimination as to race, creed, color,  
38 national origin, ancestry, marital status, sex, affectional or sexual  
39 orientation or nationality or any intent to make any such limitation,  
40 specification or discrimination; unless otherwise required by law or  
41 regulation to retain or use such information; [or]

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

45 (4) To discriminate against any person or group of persons because  
46 of the source of any lawful income received by the person or the

1 source of any lawful rent payment to be paid for the real property; or  
2 (5) To discriminate against any person or group of persons because  
3 that person's family includes children under 18 years of age, or to  
4 make an agreement or mortgage which provides that the agreement or  
5 mortgage shall be rendered null and void upon the birth of a child. This  
6 paragraph shall not apply to any State or Federally financed or assisted  
7 housing project constructed for occupancy by senior citizens or to any  
8 property located in a retirement subdivision as defined in the  
9 "Retirement Community Full Disclosure Act" (P.L.1969, c.215;  
10 C.45:22A-1 et seq.), or to housing for older persons.

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

15 k. For any real estate broker, real estate salesperson or employee  
16 or agent thereof or any other individual, corporation, partnership, or  
17 organization, for the purpose of inducing a transaction for the sale or  
18 rental of real property from which transaction such person or any of  
19 its members may benefit financially, to represent that a change has  
20 occurred or will or may occur in the composition with respect to race,  
21 creed, color, national origin, ancestry, marital status, familial status,  
22 sex, affectional or sexual orientation [or], nationality , or source of  
23 lawful income used for rental or mortgage payments of the owners or  
24 occupants in the block, neighborhood or area in which the real  
25 property is located, and to represent, directly or indirectly, that this  
26 change will or may result in undesirable consequences in the block,  
27 neighborhood or area in which the real property is located, including,  
28 but not limited to the lowering of property values, an increase in  
29 criminal or anti-social behavior, or a decline in the quality of schools  
30 or other facilities.

31 l. For any person to refuse to buy from, sell to, lease from or to,  
32 license, contract with, or trade with, provide goods, services or  
33 information to, or otherwise do business with any other person on the  
34 basis of the race, creed, color, national origin, ancestry, age, sex,  
35 affectional or sexual orientation, marital status, liability for service in  
36 the Armed Forces of the United States, [or] nationality , or source of  
37 lawful income used for rental or mortgage payments of such other  
38 person or of such other person's spouse, partners, members,  
39 stockholders, directors, officers, managers, superintendents, agents,  
40 employees, business associates, suppliers, or customers. This  
41 subsection shall not prohibit refusals or other actions (1) pertaining to  
42 employee-employer collective bargaining, labor disputes, or unfair  
43 labor practices, or (2) made or taken in connection with a protest of  
44 unlawful discrimination or unlawful employment practices.

45 m. For any person to:

46 (1) Grant or accept any letter of credit or other document which



1 evidences the transfer of funds or credit, or enter into any contract for  
2 the exchange of goods or services, where the letter of credit, contract,  
3 or other document contains any provisions requiring any person to  
4 discriminate against or to certify that he, she or it has not dealt with  
5 any other person on the basis of the race, creed, color, national origin,  
6 ancestry, age, sex, affectional or sexual orientation, marital status,  
7 liability for service in the Armed Forces of the United States, or  
8 nationality of such other person or of such other person's spouse,  
9 partners, members, stockholders, directors, officers, managers,  
10 superintendents, agents, employees, business associates, suppliers, or  
11 customers.

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

16 The provisions of this subsection shall not apply to any letter of  
17 credit, contract, or other document which contains any provision  
18 pertaining to employee-employer collective bargaining, a labor dispute  
19 or an unfair labor practice, or made in connection with the protest of  
20 unlawful discrimination or an unlawful employment practice, if the  
21 other provisions of such letter of credit, contract, or other document  
22 do not otherwise violate the provisions of this subsection.

23 n. For any person to aid, abet, incite, compel, coerce, or induce the  
24 doing of any act forbidden by subsections l. and m. of section 11 of  
25 P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so.  
26 Such prohibited conduct shall include, but not be limited to:

27 (1) Buying from, selling to, leasing from or to, licensing,  
28 contracting with, trading with, providing goods, services, or  
29 information to, or otherwise doing business with any person because  
30 that person does, or agrees or attempts to do, any such act or any act  
31 prohibited by this subsection n.; or

32 (2) Boycotting, commercially blacklisting or refusing to buy from,  
33 sell to, lease from or to, license, contract with, provide goods, services  
34 or information to, or otherwise do business with any person because  
35 that person has not done or refuses to do any such act or any act  
36 prohibited by this subsection n.; provided that this subsection n. shall  
37 not prohibit refusals or other actions either pertaining to  
38 employee-employer collective bargaining, labor disputes, or unfair  
39 labor practices, or made or taken in connection with a protest of  
40 unlawful discrimination or unlawful employment practices.

41 (cf: P.L.1997, c.179)

42

43 4. Section 2 of P.L.1983, c.412 (C.10:5-14.1a.) is amended to read  
44 as follows:

45 2. Any person who violates any of the provisions of the "Law  
46 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), shall, in

1 addition to any other relief or affirmative action provided by law, be  
2 liable for the following penalties:

3 a. In an amount not exceeding \$10,000 if the respondent has not  
4 been adjudged to have committed any prior violation within the  
5 five-year period ending on the date of the filing of this charge;

6 b. In an amount not exceeding \$25,000 if the respondent has been  
7 adjudged to have committed one other violation within the five-year  
8 period ending on the date of the filing of this charge; and

9 c. In an amount not exceeding \$50,000 if the respondent has been  
10 adjudged to have committed two or more violations within the  
11 seven-year period ending on the date of the filing of this charge. The  
12 penalties shall be determined by the director in such amounts as he  
13 deems proper under the circumstances and included in his order  
14 following his finding of an unlawful discrimination or an unlawful  
15 employment practice pursuant to section 16 of P.L.1945, c.169  
16 (C.10:5-17). Any such amounts collected by the director shall be paid  
17 forthwith into the State Treasury for the general purposes of the State.

18 Notwithstanding the provisions of this section, if the director levies  
19 penalties for a suit initiated by a housing authority on behalf of a  
20 tenant for a violation of paragraph (4) of subsection g. or paragraph  
21 (4) of subsection h. of section 11 of the "Law Against Discrimination,"  
22 P.L.1945, c.169 (C.10:5-12), 50 percent of the amounts collected by  
23 the director shall be paid forthwith to that housing authority, and the  
24 balance shall be paid to the State Treasurer.

25 (cf: P.L.2001, c.254, s.1)

26

27 5. Section 22 of P.L.1992, c.79 (C.40A:12A-22) is amended to  
28 read as follows:

29 22. A municipality, county, redevelopment agency, or housing  
30 authority is authorized to exercise all those public and essential  
31 governmental functions necessary or convenient to effectuate the  
32 purposes of this act, including the following powers which shall be in  
33 addition to those otherwise granted by this act or by other law:

34 a. To sue and be sued; to have a seal and to alter the same at  
35 pleasure; to have perpetual succession; to make and execute contracts  
36 and other instruments necessary and convenient to the exercise of the  
37 powers of the agency or authority; and to make and from time to time  
38 amend and repeal bylaws, rules and regulations, not inconsistent with  
39 this act, to carry into effect its powers and purposes.

40 b. Pursuant to an adopted cash management plan, invest any funds  
41 held in reserve or sinking funds, or any funds not required for  
42 immediate disbursement, in property or securities in which  
43 governmental units may legally invest funds subject to their control; to  
44 purchase its bonds at a price not more than the principal amount  
45 thereof and accrued interest, all bonds so purchased to be cancelled.

46 c. Borrow money and receive grants and loans from any source for

- 1 the financing of a redevelopment project or housing project.
- 2 d. Invest in an obligee the right in the event of a default by the  
3 agency to foreclose and take possession of the project covered by the  
4 mortgage or apply for the appointment of a receiver.
- 5 e. Invest in a trustee or trustees or holders of bonds the right to  
6 enforce the payment of the bonds or any covenant securing or relating  
7 to the bonds, which may include the right, in the event of the default,  
8 to take possession and use, operate and manage any project or part  
9 thereof, and to collect the rents and revenues arising therefrom and to  
10 dispose of the moneys in accordance with the agreement of the  
11 authority with the trustee.
- 12 f. Provide for the refunding of any of its bonds, by the issuance of  
13 such obligations, in such manner and form, and upon such terms and  
14 conditions, as it shall deem in the best interests of the public.
- 15 g. Consent to the modification of any contract, bond indenture,  
16 mortgage or other instrument entered into by it.
- 17 h. Pay or compromise any claim arising on, or because of any  
18 agreement, bond indenture, mortgage or instrument.
- 19 i. Acquire or contract to acquire from any person, firm, or  
20 corporation, public or private, by contribution, gift, grant, bequest,  
21 devise, purchase, or otherwise, real or personal property or any  
22 interest therein, including such property as it may deem necessary or  
23 proper, although temporarily not required for such purposes, in a  
24 redevelopment area or in any area designated by the governing body  
25 as necessary for carrying out the relocation of the residents, industry  
26 and commerce displaced from a redevelopment area.
- 27 j. Subordinate, waive, sell, assign or release any right, title, claim,  
28 lien or demand however acquired, including any equity or right of  
29 redemption, foreclosure, sell or assign any mortgage held by it, or any  
30 interest in real or personal property; and purchase at any sale, upon  
31 such terms and at such prices as it determines to be reasonable, and to  
32 take title to the property, real, personal, or mixed, so acquired and  
33 similarly to sell, exchange, assign, convey or otherwise dispose of any  
34 property.
- 35 k. Complete, administer, operate, obtain and pay for insurance on,  
36 and maintain, renovate, repair, modernize, lease or otherwise deal with  
37 any property.
- 38 l. Employ or retain consulting and other attorneys, planners,  
39 engineers, architects, managers and financial experts and other  
40 employees and agents of a permanent or temporary nature as may be  
41 necessary, determine their qualifications, duties and compensation, and  
42 delegate to one or more of its agents or employees such powers and  
43 duties as it deems proper. For such legal services as may be required,  
44 a redevelopment agency or housing authority may call upon the chief  
45 law officers of the municipality or county, as the case may be, or may  
46 employ its own counsel and legal staff.

1 m. Arrange or contract with a public agency, to the extent that it  
2 is within the scope of that agency's functions, to cause the services  
3 customarily provided by such other agency to be rendered for the  
4 benefit of the occupants of any redevelopment area or housing project,  
5 and have such other agency provide and maintain parks, recreation  
6 centers, schools, sewerage, transportation, water and other municipal  
7 facilities adjacent to or in connection with a redevelopment area or  
8 project.

9 n. Conduct examinations and investigations, hear testimony and  
10 take proof, under oath at public or private hearings of any material  
11 matter, compel witnesses and the production of books and papers and  
12 issue commissions for the examination of witnesses who are out of  
13 State, unable to attend, or excused from attendance; authorize a  
14 committee designated by it consisting of one or more members, or  
15 counsel, or any officer or employee to conduct the examination or  
16 investigation, in which case it may authorize in its name the  
17 committee, counsel, officer or employee to administer oaths, take  
18 affidavits and issue subpoenas or commissions.

19 o. Make and enter into all contracts and agreements necessary or  
20 incidental to the performance of the duties authorized in this act.

21 p. Bring an action on behalf of a tenant to collect or enforce any  
22 violation of subsections g. or h. of section 11 of the "Law Against  
23 Discrimination," P.L.1945, c.169 (C.10:5-12).

24 (cf: P.L.1992, c.79, s.22)

25  
26 6. a. (New section) The Attorney General shall prepare a  
27 statement notifying landlords that the "Law Against Discrimination,"  
28 P.L.1945, c.169 (C.10:5-1 et seq.), as amended by P.L. , c.  
29 (C. ) (pending before the Legislature as this bill), prohibits  
30 discrimination against tenants based on the source of income being  
31 used for rental or mortgage payments.

32 b. Each agency or entity authorized to issue federal rental  
33 assistance vouchers to eligible tenants shall include a copy of the  
34 notification required pursuant to subsection a. of this section when  
35 issuing such a voucher, as well as instructions for reporting acts of  
36 discrimination to the Division of Civil Rights.

37  
38 7. P.L.1981, c.323 (C.2A:42-100 et seq.) is hereby repealed.

39  
40 8. This act shall take effect immediately.

41  
42 STATEMENT

43  
44 This bill supplements the "Law Against Discrimination," (LAD)  
45 P.L.1945, c.169 (C.10:5-1 et seq.) to prohibit discrimination by  
46 landlords against tenants based on the source of income used for rental

1 payments or their age. These types of discrimination are currently  
2 prohibited pursuant to P.L.1981, c.323 (C.2A:42-100 et seq.), which  
3 provides for a civil penalty of not more than \$200.00 for the first  
4 offense and not more than \$500.00 for each subsequent offense. This  
5 bill would repeal P.L.1981, c.323 (C.2A:42-100 et seq.) and move its  
6 provisions to the LAD. Under the LAD, the Division on Civil Rights  
7 in the Department of Law and Public Safety would bring actions upon  
8 notification of a violation, and the increased civil penalty applicable for  
9 violations of the LAD would apply for discrimination of this type. In  
10 addition, the LAD provides that the Attorney General may proceed  
11 against any person in a summary manner in the Superior Court of New  
12 Jersey to compel compliance with any of the provisions of the act, or  
13 obtain injunctive relief to prevent violations of the act.

14 The bill follows the decision of *Franklin Tower One L.L.C. v.*  
15 *N.M.*, 157 N.J. 602 (1999) in which the New Jersey Supreme Court  
16 held that New Jersey law requires a landlord to accept a federal  
17 Section 8 voucher from an existing tenant who obtains one during the  
18 course of his or her tenancy. A landlord, therefore, cannot refuse to  
19 rent to families or individuals solely because they will be using a  
20 Section 8 voucher to help pay the rent. The bill would also prohibit  
21 discrimination by lending institutions or others to persons holding  
22 section 8 vouchers who are eligible for the new federal Section 8 home  
23 ownership program.

24 The bill also enlarges the powers of housing authorities to provide  
25 that they may bring suit on behalf of a tenant who is discriminated  
26 against in violation of the LAD. The bill provides that whenever a  
27 housing authority initiates a suit concerning discrimination against a  
28 tenant holding a section 8 voucher, and the Director of the Division on  
29 Civil Rights levies a penalty against the violator of the act, one-half of  
30 the penalty imposed will be payable to that housing authority, rather  
31 than the State Treasurer. In addition, the bill requires the Attorney  
32 General to prepare a notice to landlords concerning the provisions of  
33 the law, and an informational statement to be provided by issuing  
34 agents of federal Section 8 vouchers. The statement will inform the  
35 holders of those vouchers that their civil rights are now protected  
36 under the LAD, and include instructions on how to file a claim with  
37 the Division on Civil Rights.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 710**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 21, 2002

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 710.

This bill supplements the "Law Against Discrimination," (LAD) P.L.1945, c.169 (C.10:5-1 et seq.) to prohibit discrimination by landlords against tenants based on the source of income used for rental payments or their age. These types of discrimination are currently prohibited pursuant to P.L.1981, c.323 (C.2A:42-100 et seq.), which provides for a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense. This bill would repeal P.L.1981, c.323 (C.2A:42-100 et seq.) and move its provisions to the LAD. Under the LAD, the Division on Civil Rights in the Department of Law and Public Safety would bring actions upon notification of a violation, and the increased civil penalty applicable for violations of the LAD would apply for discrimination of this type. In addition, the LAD provides that the Attorney General may proceed against any person in a summary manner in the Superior Court of New Jersey to compel compliance with any of the provisions of the act, or obtain injunctive relief to prevent violations of the act.

The bill follows the decision of *Franklin Tower One L.L.C. v. N.M.*, 157 N.J. 602 (1999) in which the New Jersey Supreme Court held that New Jersey law requires a landlord to accept a federal Section 8 voucher from an existing tenant who obtains one during the course of his or her tenancy. A landlord, therefore, cannot refuse to rent to families or individuals solely because they will be using a Section 8 voucher to help pay the rent. The bill would also prohibit discrimination by lending institutions or others to persons holding Section 8 vouchers who are eligible for the new federal Section 8 home ownership program.

The bill also enlarges the powers of housing authorities to provide that they may bring suit on behalf of a tenant who is discriminated against in violation of the LAD. The bill provides that whenever a housing authority initiates a suit concerning discrimination against a tenant holding a Section 8 voucher, and the Director of the Division on Civil Rights levies a penalty against the violator of the act, one-half of the penalty imposed will be payable to that housing authority,

rather than the State Treasurer. In addition, the bill requires the Attorney General to prepare a notice to landlords concerning the provisions of the law, and an informational statement to be provided by issuing agents of federal Section 8 vouchers. The statement will inform the holders of those vouchers that their civil rights are now protected under the LAD, and include instructions on how to file a claim with the Division on Civil Rights.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes changes required by technical review, which has been performed.

[Corrected Copy]

STATEMENT TO

**ASSEMBLY, No. 710**

with Assembly Floor Amendments  
(Proposed By Assemblywoman WEINBERG)

ADOPTED: MAY 6, 2002

These amendments broaden the exclusion from the discrimination provisions of the bill for leases in senior projects that are financed by the county, as well as in State or federally financed senior projects. In addition, the amendments clarify that age-restricted communities formed pursuant to the "Planned Real Estate Development Full Disclosure Act," (PREDFDA) P.L.1977, c.419 (C.45:22A-21 et seq.) will be exempt from the age discrimination provisions of the LAD as well. Age restricted communities formed subsequent to the enactment of PREDFDA in 1977 are subject to that act, rather than its predecessor, the Retirement Community Full Disclosure Act. In addition, the amendments limit the amounts a housing authority may receive under the bill to reimbursement of expenses incurred in initiating a discrimination lawsuit. The amendments would also authorize a housing authority to designate a member or employee trained in discrimination laws to evaluate tenant complaints.



STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 710**

with Senate Floor Amendments  
(Proposed By Senator FURNARI)

ADOPTED: JUNE 24, 2002

This bill would supplement the "Law Against Discrimination," (LAD) P.L.1945, c.169 (C.10:5-1 et seq.) to prohibit discrimination against tenants based on the source of income used for rental payments or the age of tenants' family members.

The floor amendments amend section 3 of the bill to reinsert language which broadens the exclusion from the discrimination provisions of LAD for "housing for older persons."

The floor amendments omit section 4 in its entirety and insert a new section 4 which amends N.J.S.A.10:5-27.1 to provide that if the complainant's case was initiated by a housing authority for certain violations and the complainant prevailed, reasonable costs, including attorney fees, of the housing authority could be assessed against a nonprevailing respondent. A similar provision is included if the complainant's case was presented by an attorney for the division.

The floor amendments also amend section 6 to require that the notification statement which is provided by the Attorney General to landlords include instructions for those wishing to report discrimination to the Division of Civil Rights.

The remaining amendments in section 2 of the bill were technical in nature.

**SENATE, No. 631**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator GARRY J. FURNARI**

**District 36 (Bergen, Essex and Passaic)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Prohibits discrimination against tenants based on source of income or age of children under "Law Against Discrimination."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning discrimination in housing, amending various parts  
2 of the statutory law, supplementing P.L.1945, c.169, and repealing  
3 P.L.1981, c.323.

4

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

7

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

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

20 (cf: P.L.1992, c.146, s.2)

21

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

24 1. The Division on Civil Rights in the Department of Law and  
25 Public Safety shall enforce the laws of this State against discrimination  
26 in housing built with, or leased with the assistance of, public funds or  
27 public assistance, pursuant to any law, and in real property, as defined  
28 in the law hereby supplemented, because of race, religious principles,  
29 color, national origin, ancestry, marital status, affectional or sexual  
30 orientation, familial status [or], sex or source of lawful income used  
31 for rental or mortgage payments. The said laws shall be so enforced  
32 in the manner prescribed in the act to which this act is a supplement.

33 (cf: P.L.1992, c.146, s.7)

34

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

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

39 a. For an employer, because of the race, creed, color, national  
40 origin, ancestry, age, marital status, affectional or sexual orientation,  
41 genetic information, sex or atypical hereditary cellular or blood trait  
42 of any individual, or because of the liability for service in the Armed  
43 Forces of the United States or the nationality of any individual, or

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

**Matter underlined thus is new matter.**

1 because of the refusal to submit to a genetic test or make available the  
2 results of a genetic test to an employer, to refuse to hire or employ or  
3 to bar or to discharge or require to retire, unless justified by lawful  
4 considerations other than age, from employment such individual or to  
5 discriminate against such individual in compensation or in terms,  
6 conditions or privileges of employment; provided, however, it shall not  
7 be an unlawful employment practice to refuse to accept for  
8 employment an applicant who has received a notice of induction or  
9 orders to report for active duty in the armed forces; provided further  
10 that nothing herein contained shall be construed to bar an employer  
11 from refusing to accept for employment any person on the basis of sex  
12 in those certain circumstances where sex is a bona fide occupational  
13 qualification, reasonably necessary to the normal operation of the  
14 particular business or enterprise; provided further that nothing herein  
15 contained shall be construed to bar an employer from refusing to  
16 accept for employment or to promote any person over 70 years of age;  
17 provided further that it shall not be an unlawful employment practice  
18 for a club exclusively social or fraternal to use club membership as a  
19 uniform qualification for employment, or for a religious association or  
20 organization to utilize religious affiliation as a uniform qualification in  
21 the employment of clergy, religious teachers or other employees  
22 engaged in the religious activities of the association or organization,  
23 or in following the tenets of its religion in establishing and utilizing  
24 criteria for employment of an employee; provided further, that it shall  
25 not be an unlawful employment practice to require the retirement of  
26 any employee who, for the two-year period immediately before  
27 retirement, is employed in a bona fide executive or a high  
28 policy-making position, if that employee is entitled to an immediate  
29 non-forfeitable annual retirement benefit from a pension, profit  
30 sharing, savings or deferred retirement plan, or any combination of  
31 those plans, of the employer of that employee which equals in the  
32 aggregate at least \$27,000.00; and provided further that an employer  
33 may restrict employment to citizens of the United States where such  
34 restriction is required by federal law or is otherwise necessary to  
35 protect the national interest.

36 For the purposes of this subsection, a "bona fide executive" is a top  
37 level employee who exercises substantial executive authority over a  
38 significant number of employees and a large volume of business. A  
39 "high policy-making position" is a position in which a person plays a  
40 significant role in developing policy and in recommending the  
41 implementation thereof.

42 b. For a labor organization, because of the race, creed, color,  
43 national origin, ancestry, age, marital status, affectional or sexual  
44 orientation or sex of any individual, or because of the liability for  
45 service in the Armed Forces of the United States or nationality of any  
46 individual, to exclude or to expel from its membership such individual

1 or to discriminate in any way against any of its members, against any  
2 applicant for, or individual included in, any apprentice or other training  
3 program or against any employer or any individual employed by an  
4 employer; provided, however, that nothing herein contained shall be  
5 construed to bar a labor organization from excluding from its  
6 apprentice or other training programs any person on the basis of sex  
7 in those certain circumstances where sex is a bona fide occupational  
8 qualification reasonably necessary to the normal operation of the  
9 particular apprentice or other training program.

10 c. For any employer or employment agency to print or circulate or  
11 cause to be printed or circulated any statement, advertisement or  
12 publication, or to use any form of application for employment, or to  
13 make an inquiry in connection with prospective employment, which  
14 expresses, directly or indirectly, any limitation, specification or  
15 discrimination as to race, creed, color, national origin, ancestry, age,  
16 marital status, affectional or sexual orientation or sex or liability of any  
17 applicant for employment for service in the Armed Forces of the  
18 United States, or any intent to make any such limitation, specification  
19 or discrimination, unless based upon a bona fide occupational  
20 qualification.

21 d. For any person to take reprisals against any person because that  
22 person has opposed any practices or acts forbidden under this act or  
23 because that person has filed a complaint, testified or assisted in any  
24 proceeding under this act or to coerce, intimidate, threaten or interfere  
25 with any person in the exercise or enjoyment of, or on account of that  
26 person having aided or encouraged any other person in the exercise or  
27 enjoyment of, any right granted or protected by this act.

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

31 f. (1) For any owner, lessee, proprietor, manager, superintendent,  
32 agent, or employee of any place of public accommodation directly or  
33 indirectly to refuse, withhold from or deny to any person any of the  
34 accommodations, advantages, facilities or privileges thereof, or to  
35 discriminate against any person in the furnishing thereof, or directly or  
36 indirectly to publish, circulate, issue, display, post or mail any written  
37 or printed communication, notice, or advertisement to the effect that  
38 any of the accommodations, advantages, facilities, or privileges of any  
39 such place will be refused, withheld from, or denied to any person on  
40 account of the race, creed, color, national origin, ancestry, marital  
41 status, sex, affectional or sexual orientation or nationality of such  
42 person, or that the patronage or custom thereat of any person of any  
43 particular race, creed, color, national origin, ancestry, marital status,  
44 sex, affectional or sexual orientation or nationality is unwelcome,  
45 objectionable or not acceptable, desired or solicited, and the  
46 production of any such written or printed communication, notice or

1 advertisement, purporting to relate to any such place and to be made  
2 by any owner, lessee, proprietor, superintendent or manager thereof,  
3 shall be presumptive evidence in any action that the same was  
4 authorized by such person; provided, however, that nothing contained  
5 herein shall be construed to bar any place of public accommodation  
6 which is in its nature reasonably restricted exclusively to individuals of  
7 one sex, and which shall include but not be limited to any summer  
8 camp, day camp, or resort camp, bathhouse, dressing room, swimming  
9 pool, gymnasium, comfort station, dispensary, clinic or hospital, or  
10 school or educational institution which is restricted exclusively to  
11 individuals of one sex, from refusing, withholding from or denying to  
12 any individual of the opposite sex any of the accommodations,  
13 advantages, facilities or privileges thereof on the basis of sex; provided  
14 further, that the foregoing limitation shall not apply to any restaurant  
15 as defined in R.S.33:1-1 or place where alcoholic beverages are  
16 served.

17 (2) Notwithstanding the definition of "public accommodation " as  
18 set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5),  
19 for any owner, lessee, proprietor, manager, superintendent, agent, or  
20 employee of any private club or association to directly or indirectly  
21 refuse, withhold from or deny to any individual who has been accepted  
22 as a club member and has contracted for or is otherwise entitled to full  
23 club membership any of the accommodations, advantages, facilities or  
24 privileges thereof, or to discriminate against any member in the  
25 furnishing thereof on account of the race, creed, color, national origin,  
26 ancestry, marital status, sex, affectional or sexual orientation or  
27 nationality of such person.

28 In addition to the penalties otherwise provided for a violation of  
29 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of  
30 subsection f. of this section is the holder of an alcoholic beverage  
31 license issued under the provisions of R.S.33:1-12 for that private club  
32 or association, the matter shall be referred to the Director of the  
33 Division of Alcoholic Beverage Control who shall impose an  
34 appropriate penalty in accordance with the procedures set forth in  
35 R.S.33:1-31.

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

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

1 (2) To discriminate against any person or group of persons  
2 because of the race, creed, color, national origin, marital status, sex,  
3 affectional or sexual orientation [or], familial status , or source of  
4 lawful income used for rental or mortgage payments of such person or  
5 group of persons in the terms, conditions or privileges of the sale,  
6 rental or lease of any real property or part or portion thereof or in the  
7 furnishing of facilities or services in connection therewith; [or]

8 (3) To print, publish, circulate, issue, display, post or mail, or  
9 cause to be printed, published, circulated, issued, displayed, posted or  
10 mailed any statement, advertisement, publication or sign, or to use any  
11 form of application for the purchase, rental, lease, assignment or  
12 sublease of any real property or part or portion thereof, or to make  
13 any record or inquiry in connection with the prospective purchase,  
14 rental, lease, assignment, or sublease of any real property, or part or  
15 portion thereof which expresses, directly or indirectly, any limitation,  
16 specification or discrimination as to race, creed, color, national origin,  
17 ancestry, marital status, sex, affectional or sexual orientation, familial  
18 status [or], nationality, or source of lawful income used for rental or  
19 mortgage payments, or any intent to make any such limitation,  
20 specification or discrimination, and the production of any such  
21 statement, advertisement, publicity, sign, form of application, record,  
22 or inquiry purporting to be made by any such person shall be  
23 presumptive evidence in any action that the same was authorized by  
24 such person; provided, however, that nothing contained in this  
25 subsection shall be construed to bar any person from refusing to sell,  
26 rent, lease, assign or sublease or from advertising or recording a  
27 qualification as to sex for any room, apartment, flat in a dwelling or  
28 residential facility which is planned exclusively for and occupied by  
29 individuals of one sex to any individual of the exclusively opposite sex  
30 on the basis of sex;

31 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
32 to deny to or withhold from any person or group of persons any real  
33 property or part or portion thereof because of the source of any lawful  
34 income received by the person or the source of any lawful rent  
35 payment to be paid for the real property; or

36 (5) To refuse to rent or lease any real property to another person  
37 because that person's family includes children under 18 years of age,  
38 or to make an agreement, rental or lease of any real property which  
39 provides that the agreement, rental or lease shall be rendered null and  
40 void upon the birth of a child. This paragraph shall not apply to any  
41 State or Federally financed or assisted housing project constructed for  
42 occupancy by senior citizens or to any property located in a retirement  
43 subdivision as defined in the "Retirement Community Full Disclosure  
44 Act," P.L.1969, c.215 (C.45:22A-1 et seq.) or to any housing for  
45 older persons.

46 h. For any person, including but not limited to, any real estate

1 broker, real estate salesperson, or employee or agent thereof:

2 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
3 sale, rental, lease, assignment, or sublease any real property or part or  
4 portion thereof to any person or group of persons or to refuse to  
5 negotiate for the sale, rental, lease, assignment, or sublease of any real  
6 property or part or portion thereof to any person or group of persons  
7 because of the race, creed, color, national origin, ancestry, marital  
8 status, familial status, sex, affectional or sexual orientation [or],  
9 nationality, or source of lawful income used for rental or mortgage  
10 payments of such person or group of persons, or to represent that any  
11 real property or portion thereof is not available for inspection, sale,  
12 rental, lease, assignment, or sublease when in fact it is so available, or  
13 otherwise to deny or withhold any real property or any part or portion  
14 of facilities thereof to or from any person or group of persons because  
15 of the race, creed, color, national origin, ancestry, marital status,  
16 familial status, sex, affectional or sexual orientation or nationality of  
17 such person or group of persons;

18 (2) To discriminate against any person because of his race, creed,  
19 color, national origin, ancestry, marital status, familial status, sex [or],  
20 affectional or sexual orientation, nationality, or source of lawful  
21 income used for rental or mortgage payments in the terms, conditions  
22 or privileges of the sale, rental, lease, assignment or sublease of any  
23 real property or part or portion thereof or in the furnishing of facilities  
24 or services in connection therewith; [or]

25 (3) To print, publish, circulate, issue, display, post, or mail, or  
26 cause to be printed, published, circulated, issued, displayed, posted or  
27 mailed any statement, advertisement, publication or sign, or to use any  
28 form of application for the purchase, rental, lease, assignment, or  
29 sublease of any real property or part or portion thereof or to make any  
30 record or inquiry in connection with the prospective purchase, rental,  
31 lease, assignment, or sublease of any real property or part or portion  
32 thereof which expresses, directly or indirectly, any limitation,  
33 specification or discrimination as to race, creed, color, national origin,  
34 ancestry, marital status, familial status, sex, affectional or sexual  
35 orientation [or], nationality, or source of lawful income used for  
36 rental or mortgage payments or any intent to make any such limitation,  
37 specification or discrimination, and the production of any such  
38 statement, advertisement, publicity, sign, form of application, record,  
39 or inquiry purporting to be made by any such person shall be  
40 presumptive evidence in any action that the same was authorized by  
41 such person; provided, however, that nothing contained in this  
42 subsection h., shall be construed to bar any person from refusing to  
43 sell, rent, lease, assign or sublease or from advertising or recording a  
44 qualification as to sex for any room, apartment, flat in a dwelling or  
45 residential facility which is planned exclusively for and occupied  
46 exclusively by individuals of one sex to any individual of the opposite



1 sex on the basis of sex;

2 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
3 to deny to or withhold from any person or group of persons any real  
4 property or part or portion thereof because of the source of any  
5 lawful income received by the person or the source of any lawful rent  
6 payment to be paid for the real property; or

7 (5) To refuse to rent or lease any real property to another person  
8 because that person's family includes children under 18 years of age,  
9 or to make an agreement, rental or lease of any real property which  
10 provides that the agreement, rental or lease shall be rendered null and  
11 void upon the birth of a child. This paragraph shall not apply to any  
12 State or Federally financed or assisted housing project constructed for  
13 occupancy by senior citizens or to any property located in a retirement  
14 subdivision as defined in the "Retirement Community Full Disclosure  
15 Act" (P.L.1969, c.215; C.45:22A-1 et seq.) or to housing for older  
16 persons.

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

24 (1) To discriminate against any person or group of persons because  
25 of the race, creed, color, national origin, ancestry, marital status, sex,  
26 affectional or sexual orientation or nationality of such person or group  
27 of persons or of the prospective occupants or tenants of such real  
28 property or part or portion thereof, in the granting, withholding,  
29 extending, 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 credit or  
36 financial assistance which expresses, directly or indirectly, any  
37 limitation, specification or discrimination as to race, creed, color,  
38 national origin, ancestry, marital status, sex, affectional or sexual  
39 orientation or nationality or any intent to make any such limitation,  
40 specification or discrimination; unless otherwise required by law or  
41 regulation to retain or use such information; [or]

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

45 (4) To discriminate against any person or group of persons because  
46 of the source of any lawful income received by the person or the

1 source of any lawful rent payment to be paid for the real property; or  
2 (5) To discriminate against any person or group of persons because  
3 that person's family includes children under 18 years of age, or to  
4 make an agreement or mortgage which provides that the agreement or  
5 mortgage shall be rendered null and void upon the birth of a child. This  
6 paragraph shall not apply to any State or Federally financed or assisted  
7 housing project constructed for occupancy by senior citizens or to any  
8 property located in a retirement subdivision as defined in the  
9 "Retirement Community Full Disclosure Act" (P.L.1969,  
10 c.215 C.45:22A-1 et seq.) or to housing for older persons.

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

15 k. For any real estate broker, real estate salesperson or employee  
16 or agent thereof or any other individual, corporation, partnership, or  
17 organization, for the purpose of inducing a transaction for the sale or  
18 rental of real property from which transaction such person or any of  
19 its members may benefit financially, to represent that a change has  
20 occurred or will or may occur in the composition with respect to race,  
21 creed, color, national origin, ancestry, marital status, familial status,  
22 sex, affectional or sexual orientation [or], nationality , or source of  
23 lawful income used for rental or mortgage payments of the owners or  
24 occupants in the block, neighborhood or area in which the real  
25 property is located, and to represent, directly or indirectly, that this  
26 change will or may result in undesirable consequences in the block,  
27 neighborhood or area in which the real property is located, including,  
28 but not limited to the lowering of property values, an increase in  
29 criminal or anti-social behavior, or a decline in the quality of schools  
30 or other facilities.

31 l. For any person to refuse to buy from, sell to, lease from or to,  
32 license, contract with, or trade with, provide goods, services or  
33 information to, or otherwise do business with any other person on the  
34 basis of the race, creed, color, national origin, ancestry, age, sex,  
35 affectional or sexual orientation, marital status, liability for service in  
36 the Armed Forces of the United States, [or] nationality , or source of  
37 lawful income used for rental or mortgage payments of such other  
38 person or of such other person's spouse, partners, members,  
39 stockholders, directors, officers, managers, superintendents, agents,  
40 employees, business associates, suppliers, or customers. This  
41 subsection shall not prohibit refusals or other actions (1) pertaining to  
42 employee-employer collective bargaining, labor disputes, or unfair  
43 labor practices, or (2) made or taken in connection with a protest of  
44 unlawful discrimination or unlawful employment practices.

45 m. For any person to:

46 (1) Grant or accept any letter of credit or other document which

1 evidences the transfer of funds or credit, or enter into any contract for  
2 the exchange of goods or services, where the letter of credit, contract,  
3 or other document contains any provisions requiring any person to  
4 discriminate against or to certify that he, she or it has not dealt with  
5 any other person on the basis of the race, creed, color, national origin,  
6 ancestry, age, sex, affectional or sexual orientation, marital status,  
7 liability for service in the Armed Forces of the United States, or  
8 nationality of such other person or of such other person's spouse,  
9 partners, members, stockholders, directors, officers, managers,  
10 superintendents, agents, employees, business associates, suppliers, or  
11 customers.

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

16 The provisions of this subsection shall not apply to any letter of  
17 credit, contract, or other document which contains any provision  
18 pertaining to employee-employer collective bargaining, a labor dispute  
19 or an unfair labor practice, or made in connection with the protest of  
20 unlawful discrimination or an unlawful employment practice, if the  
21 other provisions of such letter of credit, contract, or other document  
22 do not otherwise violate the provisions of this subsection.

23 n. For any person to aid, abet, incite, compel, coerce, or induce the  
24 doing of any act forbidden by subsections l. and m. of section 11 of  
25 P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so.  
26 Such prohibited conduct shall include, but not be limited to:

27 (1) Buying from, selling to, leasing from or to, licensing,  
28 contracting with, trading with, providing goods, services, or  
29 information to, or otherwise doing business with any person because  
30 that person does, or agrees or attempts to do, any such act or any act  
31 prohibited by this subsection n.; or

32 (2) Boycotting, commercially blacklisting or refusing to buy from,  
33 sell to, lease from or to, license, contract with, provide goods, services  
34 or information to, or otherwise do business with any person because  
35 that person has not done or refuses to do any such act or any act  
36 prohibited by this subsection n.; provided that this subsection n. shall  
37 not prohibit refusals or other actions either pertaining to  
38 employee-employer collective bargaining, labor disputes, or unfair  
39 labor practices, or made or taken in connection with a protest of  
40 unlawful discrimination or unlawful employment practices.

41 (cf: P.L.1997, c.179)

42

43 4. Section 2 of P.L.1983, c.412 (C.10:5-14.1a.) is amended to read  
44 as follows:

45 2. Any person who violates any of the provisions of the "Law  
46 Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), shall, in

1 addition to any other relief or affirmative action provided by law, be  
2 liable [to a penalty of not more than \$2,000.00 for the first offense  
3 and not more than \$5,000.00 for the second and each subsequent  
4 offense.] for the following penalties:

5 a. An amount not exceeding \$10,000 if the respondent has not been  
6 adjudged to have committed any prior violation within the five-year  
7 period ending on the date of the filing of this charge;

8 b. An amount not exceeding \$25,000 if the respondent has been  
9 adjudged to have committed one other violation within the five-year  
10 period ending on the date of the filing of this charge; and

11 c. An amount not exceeding \$50,000 if the respondent has been  
12 adjudged to have committed two or more violations within the seven-  
13 year period ending on the date of the filing of this charge.

14 The penalties shall be determined by the director in such amounts  
15 as he deems proper under the circumstances and included in his order  
16 following his finding of an unlawful discrimination or an unlawful  
17 employment practice pursuant to section 16 of P.L.1945, c.169  
18 (C.10:5-17). Any such amounts collected by the director shall be paid  
19 forthwith into the State Treasury for the general purposes of the  
20 State.

21 Notwithstanding the provisions of this section to the contrary, if the  
22 director levies penalties for a suit initiated by a housing authority on  
23 behalf of a tenant for a violation of subsection g. or of subsection h.  
24 of section 11 of the "Law Against Discrimination," P.L.1945, c.169  
25 (C.10:5-12), the amounts collected by the director shall be paid  
26 forthwith to that housing authority.

27 (cf: P.L.2001, c.254)

28  
29 5. Section 22 of P.L.1992, c.79 (40A:12A-22) is amended to read  
30 as follows:

31 22. A municipality, county, redevelopment agency, or housing  
32 authority is authorized to exercise all those public and essential  
33 governmental functions necessary or convenient to effectuate the  
34 purposes of this act, including the following powers which shall be in  
35 addition to those otherwise granted by this act or by other law:

36 a. To sue and be sued; to have a seal and to alter the same at  
37 pleasure; to have perpetual succession; to make and execute contracts  
38 and other instruments necessary and convenient to the exercise of the  
39 powers of the agency or authority; and to make and from time to time  
40 amend and repeal bylaws, rules and regulations, not inconsistent with  
41 this act, to carry into effect its powers and purposes.

42 b. Pursuant to an adopted cash management plan, invest any funds  
43 held in reserve or sinking funds, or any funds not required for  
44 immediate disbursement, in property or securities in which  
45 governmental units may legally invest funds subject to their control; to  
46 purchase its bonds at a price not more than the principal amount

- 1 thereof and accrued interest, all bonds so purchased to be cancelled.
- 2 c. Borrow money and receive grants and loans from any source for  
3 the financing of a redevelopment project or housing project.
- 4 d. Invest in an obligee the right in the event of a default by the  
5 agency to foreclose and take possession of the project covered by the  
6 mortgage or apply for the appointment of a receiver.
- 7 e. Invest in a trustee or trustees or holders of bonds the right to  
8 enforce the payment of the bonds or any covenant securing or relating  
9 to the bonds, which may include the right, in the event of the default,  
10 to take possession and use, operate and manage any project or part  
11 thereof, and to collect the rents and revenues arising therefrom and to  
12 dispose of the moneys in accordance with the agreement of the  
13 authority with the trustee.
- 14 f. Provide for the refunding of any of its bonds, by the issuance of  
15 such obligations, in such manner and form, and upon such terms and  
16 conditions, as it shall deem in the best interests of the public.
- 17 g. Consent to the modification of any contract, bond indenture,  
18 mortgage or other instrument entered into by it.
- 19 h. Pay or compromise any claim arising on, or because of any  
20 agreement, bond indenture, mortgage or instrument.
- 21 i. Acquire or contract to acquire from any person, firm, or  
22 corporation, public or private, by contribution, gift, grant, bequest,  
23 devise, purchase, or otherwise, real or personal property or any  
24 interest therein, including such property as it may deem necessary or  
25 proper, although temporarily not required for such purposes, in a  
26 redevelopment area or in any area designated by the governing body  
27 as necessary for carrying out the relocation of the residents, industry  
28 and commerce displaced from a redevelopment area.
- 29 j. Subordinate, waive, sell, assign or release any right, title, claim,  
30 lien or demand however acquired, including any equity or right of  
31 redemption, foreclosure, sell or assign any mortgage held by it, or any  
32 interest in real or personal property; and purchase at any sale, upon  
33 such terms and at such prices as it determines to be reasonable, and to  
34 take title to the property, real, personal, or mixed, so acquired and  
35 similarly to sell, exchange, assign, convey or otherwise dispose of any  
36 property.
- 37 k. Complete, administer, operate, obtain and pay for insurance on,  
38 and maintain, renovate, repair, modernize, lease or otherwise deal with  
39 any property.
- 40 l. Employ or retain consulting and other attorneys, planners,  
41 engineers, architects, managers and financial experts and other  
42 employees and agents of a permanent or temporary nature as may be  
43 necessary, determine their qualifications, duties and compensation, and  
44 delegate to one or more of its agents or employees such powers and  
45 duties as it deems proper. For such legal services as may be required,  
46 a redevelopment agency or housing authority may call upon the chief

1 law officers of the municipality or county, as the case may be, or may  
2 employ its own counsel and legal staff.

3 m. Arrange or contract with a public agency, to the extent that it  
4 is within the scope of that agency's functions, to cause the services  
5 customarily provided by such other agency to be rendered for the  
6 benefit of the occupants of any redevelopment area or housing project,  
7 and have such other agency provide and maintain parks, recreation  
8 centers, schools, sewerage, transportation, water and other municipal  
9 facilities adjacent to or in connection with a redevelopment area or  
10 project.

11 n. Conduct examinations and investigations, hear testimony and  
12 take proof, under oath at public or private hearings of any material  
13 matter, compel witnesses and the production of books and papers and  
14 issue commissions for the examination of witnesses who are out of  
15 State, unable to attend, or excused from attendance; authorize a  
16 committee designated by it consisting of one or more members, or  
17 counsel, or any officer or employee to conduct the examination or  
18 investigation, in which case it may authorize in its name the  
19 committee, counsel, officer or employee to administer oaths, take  
20 affidavits and issue subpoenas or commissions.

21 o. Make and enter into all contracts and agreements necessary or  
22 incidental to the performance of the duties authorized in this act.

23 p. Bring an action on behalf of a tenant to collect or enforce any  
24 violation of subsections g. or h. of section 11 of the "Law Against  
25 Discrimination," P.L.1945, c.169 (C.10:5-12).

26 (cf: P.L.1992, c.79, s.22)

27

28 6. a. (New section) The Attorney General shall prepare a  
29 statement notifying landlords that the "Law Against Discrimination,"  
30 P.L.1945, c.169 (C.10:5-1 et seq.), as amended by P.L. , c.  
31 (C. ) (pending before the Legislature as this bill), prohibits  
32 discrimination against tenants based on the source of income being  
33 used for rental or mortgage payments. In addition, the notification  
34 shall include instructions for those wishing to report such  
35 discrimination to the Division of Civil Rights.

36 b. Each agency or entity authorized to issue federal rental  
37 assistance vouchers to eligible tenants shall include a copy of the  
38 notification required pursuant to subsection a. of this section when  
39 issuing such a voucher.

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41 7. P.L.1981, c.323 (C.2A:42-100 et seq.) is hereby repealed.

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43 8. This act shall take effect immediately.

## STATEMENT

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This bill would supplement the "Law Against Discrimination," (LAD) P.L.1945, c.169 (C.10:5-1 et seq.) to prohibit discrimination against tenants based on the source of income used for rental payments or the age of tenants' family members. These types of discrimination are currently prohibited pursuant to P.L.1981, c.323 (C.2A:42-100 et seq.), which provides for a civil penalty of not more than \$200 for the first offense and not more than \$500 for each subsequent offense. This bill would repeal P.L.1981, c.323 (C.2A:42-100 et seq.) and move its provisions to the LAD. Under the LAD, the Division of Civil Rights in the Department of Law and Public Safety would bring actions upon notification of a violation, and the increased civil penalty applicable for violations of the LAD would apply for discrimination of this type. In addition, the LAD provides that the Attorney General may proceed against any person in a summary manner in the Superior Court of New Jersey to compel compliance with any of the provisions of the act, or obtain injunctive relief to prevent violations of the act.

The bill follows the decision of *Franklin Tower One L.L.C. v. N.M.*, 157 N.J. 602 (1999) in which the New Jersey Supreme Court held that New Jersey law requires a landlord to accept a federal Section 8 voucher from an existing tenant who obtains one during the course of his or her tenancy. A landlord, therefore, cannot refuse to rent to families or individuals solely because they will be using a Section 8 voucher to help pay the rent. The court held that it is also unlawful for a landlord to give other pretextual reasons for rejecting a prospective renter when the main reason for the rejection is that the person holds a Section 8 voucher. The bill would also prohibit discrimination by lending institutions to persons holding section 8 vouchers who are eligible for the federal section 8 home ownership program.

The bill would enlarge the powers of housing authorities to provide that they may bring suit on behalf of a tenant who is discriminated against in violation of the LAD. The bill provides that whenever a housing authority initiates a suit concerning discrimination against a tenant holding a section 8 voucher, and the Director of the Division of Civil Rights levies a penalty against the violator of the act, the penalty imposed would be payable to that housing authority, rather than the State Treasurer. In addition, the bill would require the Attorney General to prepare an informational statement for issuing agents of federal section 8 vouchers. The statement would inform the holders of those vouchers that their civil rights are now protected under the LAD, and include instructions on how to file a claim with the Division of Civil Rights.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 631**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 30, 2002

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 631.

This bill would supplement the "Law Against Discrimination," (LAD) P.L.1945, c.169 (C.10:5-1 et seq.) to prohibit discrimination against tenants based on the source of income used for rental payments or the age of tenants' family members. These types of discrimination are currently prohibited pursuant to P.L.1981, c.323 (C.2A:42-100 et seq.), which provides for a civil penalty of not more than \$200 for the first offense and not more than \$500 for each subsequent offense. This bill would repeal P.L.1981, c.323 (C.2A:42-100 et seq.) and move its provisions to the LAD. Under the LAD, the Division of Civil Rights in the Department of Law and Public Safety would bring actions upon notification of a violation, and the increased civil penalty applicable for violations of the LAD would apply for discrimination of this type. In addition, the LAD provides that the Attorney General may proceed against any person in a summary manner in the Superior Court of New Jersey to compel compliance with any of the provisions of the act, or obtain injunctive relief to prevent violations of the act.

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The bill would enlarge the powers of housing authorities to provide that they may bring suit on behalf of a tenant who is discriminated against in violation of the LAD. The bill provides that whenever a housing authority initiates a suit concerning discrimination against a



tenant holding a section 8 voucher, and the Director of the Division of Civil Rights levies a penalty against the violator of the act, the penalty imposed would be payable to that housing authority, rather than the State Treasurer. In addition, the bill would require the Attorney General to prepare an informational statement for issuing agents of federal section 8 vouchers. The statement would inform the holders of those vouchers that their civil rights are now protected under the LAD, and include instructions on how to file a claim with the Division of Civil Rights.

The committee amendments broaden the exclusion from the discrimination provisions of LAD for leases in senior projects that are financed by the county. The underlying bill already includes State or federally financed senior projects. The amendments also clarify that age-restricted communities formed pursuant to the "Planned Real Estate Development Full Disclosure Act," (PREDFDA) P.L.1977, c.419 (C.45:22A-21 et seq.) will be exempt from the age discrimination provisions of the LAD. Age restricted communities formed subsequent to the enactment of PREDFDA in 1977 are subject to that act, rather than its predecessor, the Retirement Community Full Disclosure Act. See section 3 of the bill.

The committee omitted section 4 in its entirety and inserted a new section 4 which amends N.J.S.A.10:5-27.1 to provide that if the complainant's case was initiated by a housing authority for certain violations and the complainant prevailed, reasonable costs, including attorney fees, of the housing authority could be assessed against a nonprevailing respondent. A similar provision is included if the complainant's case was presented by an attorney for the division.

The amendments also amend section 5 of the bill to require that the housing authority have available during business hours a member or employee trained in discrimination laws to evaluate tenant complaints.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

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**Press Releases**

PO BOX 004  
TRENTON, NJ 08625

Contact: Kevin Davitt  
609-777-2600

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## **McGreevey Signs Legislation Creating Tougher Penalties for Landlords who Discriminate Against Tenants**

### *Targets landlords that refuse to rent to persons with Section 8 vouchers or young children*

(TRENTON)—Governor James E. McGreevey signed legislation today that increases penalties for landlords that refuse to rent to persons who receive federal rent subsidies or have children under the age of 18.

“The legislation I am signing today significantly strengthens a 20-year-old law that explicitly prohibits landlords from discriminating against persons receiving Section 8 vouchers or families that include young children,” said McGreevey. “The new law recognizes the civil rights of these people and protects those rights under the Law Against Discrimination. I would like to thank Senator Furnari and Assemblywoman Weinberg for their tenacious efforts in getting this measure passed.”

Sponsored by Senator Garry Furnari (D-Bergen, Essex, Passaic) and Assemblywoman Loretta Weinberg (D-Bergen), Assembly Bill 710/ Senate Bill 631 amends the existing “Law Against Discrimination,” to prohibit landlords from discriminating against tenants based upon a tenants’ source of lawful income, such as Section 8 vouchers, or the age of their children. The law is supported by a 1999 state Supreme Court ruling that says landlords cannot deny an apartment to tenants based solely on their sources of income.

"The federal Section 8 voucher program was set up to assist low-income tenants," said Senator Furnari. "Unfortunately, it has done the opposite, becoming a scarlet letter worn by the tenant, causing many landlords to discriminate against them because they pay part of their rent with public assistance. This legislation allows Section 8 to do what it was intended to do: help people find homes."

Currently, these types of discrimination are against the law, and are punishable by a civil penalty of a maximum \$200 fine for the first offense, and a maximum fine of \$500 for each subsequent offense. However, under the “Law Against Discrimination,” any landlord that discriminates against a tenant based on the tenants’ source of income or age of children will face stiffer penalties.

“From now on, landlords will pay a hefty price if they discriminate against people simply because they need federal assistance to pay their rent,” said Weinberg. “A federal check is as good as money in the bank, so the issue cannot be the ability to pay—it cannot be anything

but landlords discriminating against low-income families.”

If a landlord discriminates against a tenant because that family receives a Section 8 voucher or has young members, the landlord will now face the harsher penalties—a maximum fine of \$10,000 for any single violation within a five year period, a maximum fine of \$25,000 for any one other violation that occurs within five years of the first charge and a maximum fine of \$50,000 for any two or more violations within seven years of the first charge.

Fines collected will go into the State’s general fund, minus reimbursement for fees and costs incurred by the prevailing party.

In addition, the law also broadens the powers of housing authorities so that they can bring suit on behalf of a tenant who is discriminated against. The law also requires the Attorney General to prepare a notice advising landlords that it is prohibited to discriminate against tenants based on the source of income being used for rental payments and instructions advising them on how to report cases of discrimination. This notice will also be given to recipients of Section 8 vouchers at the time vouchers are issued to inform them of their rights.



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