

2A: 42-100 to 2A: 42-102

LEGISLATIVE HISTORY CHECKLIST

(Landlords--Refusal to rent--prohibit discrimination against tenants with young children or because of objections to lawful sources of income)

NJSA 2A:42-100 to 2A:42-102

LAWS 1981

CHAPTER 323

Bill No. A944

Sponsor(s) Paolella and others

Date Introduced Feb. 21, 1980

Committee: Assembly Commerce, Industry and Professions

Senate Judiciary

Amended during passage Yes

~~xxx~~ Assembly Committee substitute (OCR) enacted. Amendments denoted by asterisks.

Date of Passage: Assembly May 19, 1980

Senate June 15, 1981

Date of approval Dec. 9, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

See attached newspaper clipping

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6/22/81

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 944

STATE OF NEW JERSEY

ADOPTED MAY 1, 1980

AN ACT making it unlawful to refuse to rent to persons with children under certain circumstances and to refuse to rent to a person because of objections to the person's source of income and providing civil penalties therefor and repealing N. J. S. 2A:170-92.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. No person, firm or corporation or any agent, officer or employee
2 thereof shall refuse to rent or lease any house or apartment to
3 another person because of the source of any lawful income received
4 by the person or the source of any lawful rent payment to be paid
5 for the house or apartment. This section shall not apply to any
6 owner-occupied house containing not more than two dwelling units.
7 *Nothing contained in this section shall limit the ability of a person,
8 firm or corporation or any agent, officer or employee thereof to
9 refuse to rent or lease any house or apartment because of the
10 credit worthiness of the person or persons seeking to rent a house
11 or apartment.*

1 2. No person, firm or corporation or any agent, officer or employee
2 thereof shall refuse to rent or lease any house or apartment to
3 another person because his family includes children under 14 years
4 of age or shall make an agreement, rental or lease of any house or
5 apartment which provides that the agreement, rental or lease shall
6 be rendered null and void upon the birth of a child. This section shall
7 not apply to any State or Federally financed or assisted housing
8 project constructed for occupancy by senior citizens or to any
9 property ***[which has been duly registered pursuant to]*** *located
10 in a retirement subdivision as defined in* the Retirement Com-
11 munity Full Disclosure Act" (P. L. 1969, c. 215; C. 45:22A-1 et seq.)
12 or to any owner-occupied house containing not more than two
13 dwelling units.

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

1 3. Any person, firm or corporation or any agent, officer or em-
2 ployee thereof who shall violate any provision of this act shall be
3 subject to a civil penalty of not more than \$200.00 for the first
4 offense and not more than \$500.00 for each subsequent offense. Any
5 such penalty shall be enforced and collected in accordance with
6 “the penalty enforcement law” (N. J. S. 2A :58-1 et seq.) by sum-
7 mary proceedings or in a summary manner. Any action to collect
8 or enforce any such penalty shall be brought in the Superior
9 Court, county district court or municipal court by the Attorney
10 General, a municipal or county prosecutor, or the injured party.

1 4. N. J. S. 2A :170-92 is repealed.

1 5. This act shall take effect immediately.

ASSEMBLY, No. 944

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Assemblyman PAOLELLA, Assemblywoman BURGIO, Assemblymen ORECHIO, EDWARDS, FRANKS, KERN, Assemblywomen CURRAN, MUHLER, GLUCK, Assemblyman KOSCO, Assemblywoman KALIK and Assemblyman BAER

Referred to Committee on Commerce, Industry and Professions

AN ACT making it unlawful to refuse to rent a house or apartment to a person because of objections to the person's source of income and providing civil penalties therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. No person, firm or corporation or any agent, officer or em-
2 ployee thereof shall refuse to rent or lease any house or apartment
3 to another person because of the source of any lawful income
4 received by the person or the source of any lawful rent payment
5 to be paid for the house or apartment.

6 Any person, firm or corporation or any agent, officer or employee
7 thereof who shall violate any provision of this act shall be subject
8 to a penalty of not more than \$200.00 for the first offense and not
9 more than \$500.00 for each subsequent offense. Any such penalty
10 shall be enforced and collected in accordance with "the penalty
11 enforcement law" (N. J. S. 2A:58-1 et seq.) by summary proceed-
12 ings or in a summary manner. Any action to collect or enforce
13 any such penalty shall be brought in the Superior Court, county
14 district court or municipal court by the Attorney General or a
15 county prosecutor.

1 2. This act shall take effect 30 days following its enactment.

STATEMENT

The purpose of this bill is expressed in its title.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

~~ASSEMBLY~~ ~~SENATE~~, No. 944

STATE OF NEW JERSEY

DATED: MAY 1, 1980

Section 1 of the Assembly Committee Substitute prohibits a landlord from refusing to rent to a person merely because of objections to the source of the person's lawful income. Owner-occupied houses with two dwelling units are exempt from the provisions of this section. This section does not deny or interfere with a landlord's legitimate considerations of sufficiency of income or reliability of rent payment by a prospective tenant.

Section 2 reenacts an already existing statute (N. J. S. 2A:170-92) which prohibits a landlord from refusing to rent to a person because that person's family includes children under 14 years of age and from using a lease which becomes void upon the birth of a child to a tenant. In the original statute a landlord was subject to a disorderly person's offense for a violation. The committee felt that the penalty for such an offense should be a civil penalty and not a disorderly person's offense which is a criminal penalty that could result in a monetary fine or a prison sentence or both and a criminal record for the landlord. Because this statute is in the part of Title 2A concerning disorderly persons and the committee changed the criminal penalty to a civil penalty, the original statute, N. J. S. 2A:170-92, was repealed in section 4 of the bill and reenacted in section 2 with a civil penalty. The committee also exempted State and Federally financed housing projects for senior citizens, housing registered pursuant to the "Retirement Community Full Disclosure Act" and owner-occupied houses with two dwelling units from the provisions of this section.

If a person violates either section 1 or 2 of this bill, he would be subject to a civil penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 944

with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 10, 1980

A-944 would prohibit a landlord from refusing to rent to a person because of objections to the source of the person's lawful income. Landlords violating this prohibition are subject to a civil penalty of not more than \$200.00 for a first offense and not more than \$500.00 for each subsequent offense. Owners of houses containing two dwelling-units are exempted from this prohibition if the owner lives in one of the dwelling units. The Senate Judiciary Committee added an amendment stating that this provision is not intended to affect the landlord's legitimate consideration of the credit worthiness of a prospective tenant.

A-944 would also subject a landlord refusing to rent to a person because that person's family includes children under 14 years of age or using a lease containing a clause which voids the lease upon the birth of a child to a civil penalty of \$200.00 for the first offense and \$500.00 for each subsequent offense. Presently such action on the part of a landlord is punishable as a disorderly persons offense under N. J. S. 2A:170-92 (repealed by section 4 of the bill). It is felt that a civil penalty was a more appropriate sanction. In addition, to owner-occupied houses with two dwelling units, senior citizen housing and retirement communities are exempted from this prohibition.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 9, 1981

DAVID DE MAIO

Governor Brendan Byrne today signed the following bills into law:

A-944, sponsored by Assemblyman John B. Paoletta (R-Bergen), prohibiting landlords from refusing to rent housing because of the landlord's objections to the source of a potential tenant's lawful income.

The bill is intended to protect from housing discrimination welfare recipients, spouses dependent on alimony and child support payments and tenants receiving governmental rental assistance. Current law already prohibits discrimination on the basis of race, religion, and national origin. The bill would not affect a landlord's right to refuse to rent to a tenant on the basis of credit unworthiness.

The bill also amends current law to change penalties against landlords who refuse to rent to families with children under the age of 14 or who use rental leases which become void upon the birth of a child from criminal to civil offenses.

A-1255, sponsored by Assemblyman Byron M. Baer (D-Bergen), providing for two additional consumer protection measures under the Retail Installment Sales Act.

The bill would prohibit retailers from using a consumer's mortgage as a security on that consumer's retail installment purchase. In addition, the bill provides that payments toward multiple items purchased on an installment plan be credited to individual items rather than the entire purchase. The effect would be to pay-off a first item in its entirety, then the second, and so forth, allowing the purchaser to hold each item free and clear of security interest, once he has made payments equal to the item's cost.

S-1081, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), requiring color photographs on all drivers' licenses.

Under the bill, each person receiving an initial license is required to have a photo license; licenses renewed after the end of 1983 are required to have photos; and fees for the photo licenses are increased by \$1.50. Drivers over the age of 60 are exempted from the requirements.

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