

ASSEMBLY HOUSING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4492

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2026

The Assembly Housing Committee reports favorably and with committee amendments Assembly Bill No. 4492.

As amended and reported, this bill adds legal protections for tenants against landlords who might otherwise try to use immigration status as a way of intimidating tenants who have exercised, or who are about to exercise, their housing rights. The bill prohibits a landlord from evicting a tenant as a reprisal for or on the basis of the tenant's immigration or citizenship status. Under the bill, the term "immigration or citizenship status" includes a perception that a person has a particular immigration status or citizenship status, or that a person is associated with a person who has, or is perceived to have, a particular immigration status or citizenship status.

The bill prohibits a landlord from threatening to disclose, or actually disclosing, information relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of influencing the person to vacate a dwelling unit. Additionally, the bill prohibits a landlord from bringing an action to recover possession of a dwelling unit based solely or partially on the immigration or citizenship status of a tenant. The bill also prohibits a landlord from bringing an action to recover possession or otherwise causing a tenant or occupant to quit involuntarily, because of the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant. This prohibition is not to apply if a landlord's action is in compliance with a legal obligation under a federal government program that provides for rent limitations or rental assistance to a qualified tenant.

The bill enables a tenant to bring an action seeking damages, penalties, court costs and attorney's fees, and other relief against a landlord that engages in prohibited conduct.

The bill also provides that the immigration or citizenship status of a person is irrelevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. The bill prohibits inquiry into a tenant's immigration or citizenship status in a civil action involving a tenant's housing rights, unless the tenant places a person's immigration or citizenship status directly in contention, or the person

seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law. Under the bill, a tenant's assertion of an affirmative defense to an eviction action is not to constitute cause for discovery or other inquiry into a person's immigration or citizenship status.

The bill establishes an affirmative defense for a tenant to raise against an eviction action if the eviction action is commenced after the start of the lease term, and after the tenant has moved in, and if the action is based, in whole or in part, either on the citizenship or immigration status of the tenant, or on the tenant's failure to provide a social security number, credit information, or a form of identification acceptable to the landlord.

The bill specifies that its provisions are not to limit an individual's rights or remedies under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

The bill establishes an affirmative defense for a tenant against an action to recover possession of a dwelling unit if a tenant can prove that a landlord has violated provisions of this bill. The bill establishes a rebuttable presumption that a tenant or occupant has an affirmative defense against an action to recover possession of a dwelling unit if the landlord performed certain actions enumerated in the bill.

The bill specifically provides that its provisions do not prohibit a landlord from:

- complying with a subpoena, warrant, court order, or legal obligation including, but not limited to, a legal obligation under a government program that provides for rent limitations or rental assistance to a qualified tenant;
- requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant;
- notifying a tenant that the tenant's conduct violates the terms of a lease, rental agreement, rule, or regulation.

The bill does not enlarge or diminish a landlord's right to terminate a tenancy nor enlarge or diminish the ability of a municipality to regulate or enforce a prohibition against a landlord's harassment of a tenant.

The bill requires the Commissioner of Community Affairs (commissioner) to prepare and make available at no cost to the public, a summary of the rights and responsibilities of landlords and tenants established by the bill. The summary is also to be accessible to the public on the Internet website of the Department of Community Affairs in the seven most common non-English languages spoken by individuals with limited-English proficiency in the State. The bill directs the commissioner to periodically update the summary as necessary to retain accuracy.

The bill also codifies the court-created doctrine of the implied warranty of habitability, and expressly provides that the doctrine applies regardless of immigration or citizenship status.

The bill provides that, if a tenant vacates a dwelling unit after the owner or landlord threatens to disclose, or actually discloses, information relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, unless the landlord's action is in compliance with a legal obligation under a federal government program that provides for rent limitations or rental assistance to a qualified tenant, the owner or landlord is to be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

The bill specifies that the provisions of the bill are to apply to all rental premises, including all owner-occupied premises.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- remove the term "equitable" from the relief a court may deem appropriate;
- specify that the provisions of the bill are not to limit an individual's rights or remedies under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);
- change "unlawful detainer action" to "an action to recover possession of a dwelling unit;"
- provide that, under certain circumstances, an owner or landlord is to be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs;
- replace the word "agent" with "property manager" relative to the delivery of certain good faith tenant complaints;
- specify that the provisions of the bill are to apply to all rental premises, including all owner-occupied premises; and
- make technical changes.