

ASSEMBLY, No. 3623

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Prohibits landlords from accepting certain housing assistance from other states.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT prohibiting landlords from accepting certain housing
2 assistance, supplementing chapter 8 of Title 46, and amending
3 P.L.1945, c.169.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) A landlord shall not accept housing
9 assistance provided by another state, or a political subdivision of
10 another state, for the purpose of relocating a homeless person from
11 that other state or political subdivision thereof.

12 A landlord who violates the provisions of this section shall be
13 liable for a fine of \$500 for each day a property is leased in
14 violation of this section. The fine shall be recovered in a civil
15 action by a summary proceeding in the name of the Commissioner
16 of Community Affairs or the municipality in which the rental
17 premises are located pursuant to the "Penalty Enforcement Law of
18 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court
19 and the Superior Court shall have jurisdiction of proceedings for the
20 enforcement of the penalty provided by this section.

21
22 2. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
23 as follows:

24 5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a
25 different meaning clearly appears from the context:

26 a. "Person" includes one or more individuals, partnerships,
27 associations, organizations, labor organizations, corporations, legal
28 representatives, trustees, trustees in bankruptcy, receivers, and
29 fiduciaries.

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

32 c. "Labor organization" includes any organization which exists
33 and is constituted for the purpose, in whole or in part, of collective
34 bargaining, or of dealing with employers concerning grievances,
35 terms or conditions of employment, or of other mutual aid or
36 protection in connection with employment.

37 d. "Unlawful employment practice" and "unlawful
38 discrimination" include only those unlawful practices and acts
39 specified in section 11 of P.L.1945, c.169 (C.10:5-12).

40 e. "Employer" includes all persons as defined in subsection a.
41 of this section unless otherwise specifically exempt under another
42 section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State,
43 any political or civil subdivision thereof, and all public officers,
44 agencies, boards, or bodies.

45 f. "Employee" does not include any individual employed in the
46 domestic service of any person.

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

Matter underlined thus is new matter.

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

8 h. "Division" means the "Division on Civil Rights" created by
9 P.L.1945, c.169 (C.10:5-1 et seq.).

10 i. "Attorney General" means the Attorney General of the State
11 of New Jersey or the Attorney General's representative or designee.

12 j. "Commission" means the Commission on Civil Rights
13 created by P.L.1945, c.169 (C.10:5-1 et seq.).

14 k. "Director" means the Director of the Division on Civil
15 Rights.

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

1 expression or affectional or sexual orientation in the admission of
2 students.

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

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

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

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

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

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

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

42 s. "Guide dog" means a dog used to assist persons who are
43 deaf, or which is fitted with a special harness so as to be suitable as
44 an aid to the mobility of a person who is blind, and is used by a
45 person who is blind and has satisfactorily completed a specific
46 course of training in the use of such a dog, and has been trained by
47 an organization generally recognized by agencies involved in the
48 rehabilitation of persons with disabilities, including, but not limited

1 to, those persons who are blind or deaf, as reputable and competent
2 to provide dogs with training of this type.

3 t. "Guide or service dog trainer" means any person who is
4 employed by an organization generally recognized by agencies
5 involved in the rehabilitation of persons with disabilities, including,
6 but not limited to, those persons who are blind, have visual
7 impairments, or are deaf or have hearing impairments, as reputable
8 and competent to provide dogs with training, as defined in this
9 section, and who is actually involved in the training process.

10 u. "Housing accommodation" means any publicly assisted
11 housing accommodation or any real property, or portion thereof,
12 which is used or occupied, or is intended, arranged, or designed to
13 be used or occupied, as the home, residence, or sleeping place of
14 one or more persons, but shall not include any single family
15 residence the occupants of which rent, lease, or furnish for
16 compensation not more than one room therein.

17 v. "Public facility" means any place of public accommodation
18 and any street, highway, sidewalk, walkway, public building, and
19 any other place or structure to which the general public is regularly,
20 normally, or customarily permitted or invited.

21 w. "Deaf person" or "person who is deaf" means any person
22 whose hearing is so severely impaired that the person is unable to
23 hear and understand conversational speech through the unaided ear
24 alone, and who must depend primarily on an assistive listening
25 device or visual communication such as writing, lip reading, sign
26 language, and gestures.

27 x. "Atypical hereditary cellular or blood trait" means sickle cell
28 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
29 fibrosis trait.

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

40 z. "Hemoglobin C trait" means the condition wherein the major
41 natural hemoglobin components present in the blood of the
42 individual are hemoglobin A (normal) and hemoglobin C as defined
43 by standard chemical and physical analytic techniques, including
44 electrophoresis; and the proportion of hemoglobin A is greater than
45 the proportion of hemoglobin C or one natural parent of the
46 individual is shown to have only normal hemoglobin components
47 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
48 proportions by standard chemical and physical analytic tests.

- 1 aa. "Thalassemia trait" means the presence of the thalassemia
2 gene which in combination with another similar gene results in the
3 chronic hereditary disease Cooley's anemia.
- 4 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
5 which in combination with another similar gene results in the
6 chronic hereditary disease Tay-Sachs.
- 7 cc. "Cystic fibrosis trait" means the presence of the cystic
8 fibrosis gene which in combination with another similar gene
9 results in the chronic hereditary disease cystic fibrosis.
- 10 dd. "Service dog" means any dog individually trained to the
11 requirements of a person with a disability including, but not limited
12 to minimal protection work, rescue work, pulling a wheelchair or
13 retrieving dropped items. This term shall include a "seizure dog"
14 trained to alert or otherwise assist persons with epilepsy or other
15 seizure disorders.
- 16 ee. "Qualified Medicaid applicant" means an individual who is a
17 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 18 ff. "AIDS" means acquired immune deficiency syndrome as
19 defined by the Centers for Disease Control and Prevention of the
20 United States Public Health Service.
- 21 gg. "HIV infection" means infection with the human
22 immunodeficiency virus or any other related virus identified as a
23 probable causative agent of AIDS.
- 24 hh. "Affectional or sexual orientation" means male or female
25 heterosexuality, homosexuality, or bisexuality by inclination,
26 practice, identity, or expression, having a history thereof or being
27 perceived, presumed, or identified by others as having such an
28 orientation.
- 29 ii. "Heterosexuality" means affectional, emotional, or physical
30 attraction or behavior which is primarily directed towards persons
31 of the other gender.
- 32 jj. "Homosexuality" means affectional, emotional, or physical
33 attraction or behavior which is primarily directed towards persons
34 of the same gender.
- 35 kk. "Bisexuality" means affectional, emotional, or physical
36 attraction or behavior which is directed towards persons of either
37 gender.
- 38 ll. "Familial status" means being the natural parent of a child,
39 the adoptive parent of a child, the resource family parent of a child,
40 having a "parent and child relationship" with a child as defined by
41 State law, or having sole or joint legal or physical custody, care,
42 guardianship, or visitation with a child, or any person who is
43 pregnant or is in the process of securing legal custody of any
44 individual who has not attained the age of 18 years.
- 45 mm. "Housing for older persons" means housing:
46 (1) provided under any State program that the Attorney General
47 determines is specifically designed and operated to assist persons
48 who are elderly (as defined in the State program); or provided under

1 any federal program that the United States Department of Housing
2 and Urban Development determines is specifically designed and
3 operated to assist persons who are elderly (as defined in the federal
4 program); or

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

7 (3) intended and operated for occupancy by at least one person
8 55 years of age or older per unit. In determining whether housing
9 qualifies as housing for older persons under this paragraph, the
10 Attorney General shall adopt regulations which require at least the
11 following factors:

12 (a) the existence of significant facilities and services
13 specifically designed to meet the physical or social needs of older
14 persons, or if the provision of such facilities and services is not
15 practicable, that such housing is necessary to provide important
16 housing opportunities for older persons; and

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

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

22 Housing shall not fail to meet the requirements for housing for
23 older persons by reason of: persons residing in such housing as of
24 September 13, 1988 not meeting the age requirements of this
25 subsection, provided that new occupants of such housing meet the
26 age requirements of this subsection; or unoccupied units, provided
27 that such units are reserved for occupancy by persons who meet the
28 age requirements of this subsection.

29 nn. "Genetic characteristic" means any inherited gene or
30 chromosome, or alteration thereof, that is scientifically or medically
31 believed to predispose an individual to a disease, disorder, or
32 syndrome, or to be associated with a statistically significant
33 increased risk of development of a disease, disorder, or syndrome.

34 oo. "Genetic information" means the information about genes,
35 gene products, or inherited characteristics that may derive from an
36 individual or family member.

37 pp. "Genetic test" means a test for determining the presence or
38 absence of an inherited genetic characteristic in an individual,
39 including tests of nucleic acids such as DNA, RNA, and
40 mitochondrial DNA, chromosomes, or proteins in order to identify a
41 predisposing genetic characteristic.

42 qq. "Domestic partnership" means a domestic partnership
43 established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

44 rr. "Gender identity or expression" means having or being
45 perceived as having a gender related identity or expression whether
46 or not stereotypically associated with a person's assigned sex at
47 birth.

1 ss. "Civil Union" means a legally recognized union of two
2 eligible individuals established pursuant to R.S.37:1-1 et seq. and
3 P.L.2006, c.103 (C.37:1-28 et al.).

4 tt. "Premium wages" means additional remuneration for night,
5 weekend, or holiday work, or for standby or irregular duty.

6 uu. "Premium benefit" means an employment benefit, such as
7 seniority, group life insurance, health insurance, disability
8 insurance, sick leave, annual leave, or an educational or pension
9 benefit that is greater than the employment benefit due the
10 employee for an equivalent period of work performed during the
11 regular work schedule of the employee.

12 vv. "Race" is inclusive of traits historically associated with race,
13 including, but not limited to, hair texture, hair type, and protective
14 hairstyles.

15 ww. "Protective hair styles" includes, but is not limited to, such
16 hairstyles as braids, locks, and twists.

17 xx. "Lawful income" means any lawful income other than
18 housing assistance provided by another state, or a political
19 subdivision of another state, that a landlord is prohibited from
20 accepting pursuant to section 1 of P.L. , c. (C.) (pending
21 before the Legislature as this bill).

22 (cf: P.L.2019, c.272, s.1)

23
24 3. This act shall take effect immediately.

25 26 27 STATEMENT

28
29 This bill would prohibit landlords in the State from accepting
30 any housing assistance that is provided by another state, or a
31 political subdivision of another state, for the purpose of relocating a
32 homeless person from that other state or political subdivision. A
33 landlord who violates this provision would be subject to a fine of
34 \$500 for each day that a property is leased in violation thereof.
35 This bill is intended to stop the practice of other jurisdictions
36 providing such assistance to relocate their homeless populations to
37 New Jersey.