

STATEMENT TO
[Second Reprint]
SENATE, No. 250

with Assembly Floor Amendments
(Proposed by Assemblyman WIMBERLY)

ADOPTED: JUNE 3, 2021

These Assembly Amendments would accomplish the following:

- Provide that the bill would supplement Title 46 of the Revised Statutes instead of amending and supplementing the “Law Against Discrimination,” (“LAD”) P.L.1945, c.169 (C.10:5-1 et seq.);
- Limit the application of the bill to discrimination based on criminal records, and omit provisions concerning immigration or citizenship status, credit history, gender identity or gender expression, and the source of lawful income used for rental or mortgage payments;
- Add sexual assault, and causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act, to the list of crimes that, if present in a person’s record, authorize a landlord to deny housing regardless of the date of conviction or when any sentence for the crime was served;
- Provide that the bill’s provision of immunity from liability to landlords for decisions to rent to individuals with criminal records would not affect the immunity provided by existing law for decisions to rent to persons with convictions for murder, sexual assault, aggravated sexual assault, kidnapping, arson, human trafficking, causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act, or any crime that resulted in lifetime registration in a state sex offender registry;
- Replace language establishing a rebuttable presumption of unlawful retaliation if a housing provider takes an adverse action against a person within 90 days of the person’s exercise of the rights protected by the bill, with language providing that, if a housing provider engages in one or more unlawful actions with the intent of retaliating for the filing of an action authorized by the bill against the housing provider, then each unlawful retaliatory action would be enforced as a separate violation;
- Restrict Division on Civil Rights (“DCR”) from publishing information online regarding any complaint for which the housing provider is in good faith compliance with certain DCR requirements;

- Provide that not only a housing applicant, but also the Director of DCR or a prospective housing applicant, may initiate a complaint to enforce the requirements of the bill;
- Direct DCR to attempt to notify a housing provider of an alleged violation and offer an opportunity to mediate and address the complaint within 14 days of receiving the notice;
- Provide that appeals of DCR decisions would be received by the Appellate Division of the Superior Court;
- Provide that a housing provider would be authorized, under certain conditions, to evict a former applicant if that person resides in a residence owned by the housing provider when the housing provider succeeds in an appeal of a DCR decision;
- In addition, or as an alternative, to money damages, permit DCR to require a housing provider to cease and desist from continuing to violate the bill; to communicate in writing to employees and agents on their obligations under the bill; and to report to DCR on the manner of compliance for a period not to exceed two years provided that the housing provider does not commit future violations;
- If a housing provider has committed at least one other violation within the preceding five-years, authorize DCR to require the housing provider to make a good faith effort to issue a conditional offer, if the violation has resulted in a failure to issue a conditional offer, or provide the same or a similar rental dwelling unit to the applicant;
- Authorize DCR under certain circumstances to require that the applicant's rental application fee be returned, and require that a portion of the money damages owed by the housing be paid to the applicant in an amount not to exceed \$1,000; and
- Make technical changes.