

SENATE, No. 889

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senator T.Kean

SYNOPSIS

Prohibits landlords from accepting certain housing assistance from other states.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2020)

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 assistance
9 provided by another state, or a political subdivision of another state,
10 for the purpose of relocating a homeless person from that other state
11 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.

**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 f. "Employee" does not include any individual employed in the
2 domestic service of any person.
- 3 g. "Liability for service in the Armed Forces of the United
4 States" means subject to being ordered as an individual or member
5 of an organized unit into active service in the Armed Forces of the
6 United States by reason of membership in the National Guard, naval
7 militia or a reserve component of the Armed Forces of the United
8 States, or subject to being inducted into such armed forces through
9 a system of national selective service.
- 10 h. "Division" means the "Division on Civil Rights" created by
11 P.L.1945, c.169 (C.10:5-1 et seq.).
- 12 i. "Attorney General" means the Attorney General of the State
13 of New Jersey or the Attorney General's representative or designee.
- 14 j. "Commission" means the Commission on Civil Rights
15 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 16 k. "Director" means the Director of the Division on Civil
17 Rights.
- 18 l. "A place of public accommodation" shall include, but not be
19 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
20 summer camp, day camp, or resort camp, whether for entertainment
21 of transient guests or accommodation of those seeking health,
22 recreation, or rest; any producer, manufacturer, wholesaler,
23 distributor, retail shop, store, establishment, or concession dealing
24 with goods or services of any kind; any restaurant, eating house, or
25 place where food is sold for consumption on the premises; any
26 place maintained for the sale of ice cream, ice and fruit preparations
27 or their derivatives, soda water or confections, or where any
28 beverages of any kind are retailed for consumption on the premises;
29 any garage, any public conveyance operated on land or water or in
30 the air or any stations and terminals thereof; any bathhouse,
31 boardwalk, or seashore accommodation; any auditorium, meeting
32 place, or hall; any theatre, motion-picture house, music hall, roof
33 garden, skating rink, swimming pool, amusement and recreation
34 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
35 pool parlor, or other place of amusement; any comfort station; any
36 dispensary, clinic, or hospital; any public library; and any
37 kindergarten, primary and secondary school, trade or business
38 school, high school, academy, college and university, or any
39 educational institution under the supervision of the State Board of
40 Education or the Commissioner of Education of the State of New
41 Jersey. Nothing herein contained shall be construed to include or to
42 apply to any institution, bona fide club, or place of accommodation,
43 which is in its nature distinctly private; nor shall anything herein
44 contained apply to any educational facility operated or maintained
45 by a bona fide religious or sectarian institution, and the right of a
46 natural parent or one in loco parentis to direct the education and
47 upbringing of a child under his control is hereby affirmed; nor shall
48 anything herein contained be construed to bar any private secondary

1 or post-secondary school from using in good faith criteria other than
2 race, creed, color, national origin, ancestry, gender identity, or
3 expression or affectional or sexual orientation in the admission of
4 students.

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

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

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

1 person, partnership, association, or corporation employed by or on
2 behalf of the owner or owners of lots or other parcels of real estate,
3 at a stated salary, or upon a commission, or upon a salary and
4 commission or otherwise, to sell such real estate, or any parts
5 thereof, in lots or other parcels, and who shall sell or exchange, or
6 offer or attempt or agree to negotiate the sale or exchange, of any
7 such lot or parcel of real estate.

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

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

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

44 s. "Guide dog" means a dog used to assist persons who are
45 deaf, or which is fitted with a special harness so as to be suitable as
46 an aid to the mobility of a person who is blind, and is used by a
47 person who is blind and has satisfactorily completed a specific
48 course of training in the use of such a dog, and has been trained by

1 an organization generally recognized by agencies involved in the
2 rehabilitation of persons with disabilities, including, but not limited
3 to, those persons who are blind or deaf, as reputable and competent
4 to provide dogs with training of this type.

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

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

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

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

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

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

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

- 1 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
2 proportions by standard chemical and physical analytic tests.
- 3 aa. "Thalassemia trait" means the presence of the thalassemia
4 gene which in combination with another similar gene results in the
5 chronic hereditary disease Cooley's anemia.
- 6 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
7 which in combination with another similar gene results in the
8 chronic hereditary disease Tay-Sachs.
- 9 cc. "Cystic fibrosis trait" means the presence of the cystic
10 fibrosis gene which in combination with another similar gene
11 results in the chronic hereditary disease cystic fibrosis.
- 12 dd. "Service dog" means any dog individually trained to the
13 requirements of a person with a disability including, but not limited
14 to minimal protection work, rescue work, pulling a wheelchair or
15 retrieving dropped items. This term shall include a "seizure dog"
16 trained to alert or otherwise assist persons with epilepsy or other
17 seizure disorders.
- 18 ee. "Qualified Medicaid applicant" means an individual who is a
19 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 20 ff. "AIDS" means acquired immune deficiency syndrome as
21 defined by the Centers for Disease Control and Prevention of the
22 United States Public Health Service.
- 23 gg. "HIV infection" means infection with the human
24 immunodeficiency virus or any other related virus identified as a
25 probable causative agent of AIDS.
- 26 hh. "Affectional or sexual orientation" means male or female
27 heterosexuality, homosexuality, or bisexuality by inclination,
28 practice, identity, or expression, having a history thereof or being
29 perceived, presumed, or identified by others as having such an
30 orientation.
- 31 ii. "Heterosexuality" means affectional, emotional, or physical
32 attraction or behavior which is primarily directed towards persons
33 of the other gender.
- 34 jj. "Homosexuality" means affectional, emotional, or physical
35 attraction or behavior which is primarily directed towards persons
36 of the same gender.
- 37 kk. "Bisexuality" means affectional, emotional, or physical
38 attraction or behavior which is directed towards persons of either
39 gender.
- 40 ll. "Familial status" means being the natural parent of a child,
41 the adoptive parent of a child, the resource family parent of a child,
42 having a "parent and child relationship" with a child as defined by
43 State law, or having sole or joint legal or physical custody, care,
44 guardianship, or visitation with a child, or any person who is
45 pregnant or is in the process of securing legal custody of any
46 individual who has not attained the age of 18 years.
- 47 mm. "Housing for older persons" means housing:

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

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

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

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

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

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

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

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

37 oo. "Genetic information" means the information about genes,
38 gene products, or inherited characteristics that may derive from an
39 individual or family member.

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

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

47 rr. "Gender identity or expression" means having or being
48 perceived as having a gender related identity or expression whether

1 or not stereotypically associated with a person's assigned sex at
2 birth.

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

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

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

14 vv. "Lawful income" means any lawful income other than
15 housing assistance provided by another state, or a political
16 subdivision of another state, that a landlord is prohibited from
17 accepting pursuant to section 1 of P.L. , c. (C.) (pending
18 before the Legislature as this bill).
19 (cf: P.L.2017, c.131, s.8)

20

21 3. This act shall take effect immediately.

22

23

24 STATEMENT

25

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