

[First Reprint]

SENATE, No. 1065

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Allows assistance animals in rental housing units; expands protection under “Law Against Discrimination.”

CURRENT VERSION OF TEXT

As reported by the Senate Community and Urban Affairs Committee on October 8, 2020, with amendments.



1 AN ACT allowing ¹**["therapy dogs"]** assistance animals¹ in rental
 2 housing units ¹**["and"]** , amending various parts of the statutory
 3 law ¹, and supplementing Title 10 of the Revised Statutes¹.
 4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
 6 *of New Jersey:*
 7

8 ¹**["1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read**
 9 **as follows:**

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

12 a. "Person" includes one or more individuals, partnerships,
 13 associations, organizations, labor organizations, corporations, legal
 14 representatives, trustees, trustees in bankruptcy, receivers, and
 15 fiduciaries.

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

18 c. "Labor organization" includes any organization which exists
 19 and is constituted for the purpose, in whole or in part, of collective
 20 bargaining, or of dealing with employers concerning grievances,
 21 terms or conditions of employment, or of other mutual aid or
 22 protection in connection with employment.

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

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

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

33 g. "Liability for service in the Armed Forces of the United
 34 States" means subject to being ordered as an individual or member
 35 of an organized unit into active service in the Armed Forces of the
 36 United States by reason of membership in the National Guard, naval
 37 militia or a reserve component of the Armed Forces of the United
 38 States, or subject to being inducted into such armed forces through
 39 a system of national selective service.

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted October 8, 2020.

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

3 k. "Director" means the Director of the Division on Civil
4 Rights.

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

40 m. "A publicly assisted housing accommodation" shall include
41 all housing built with public funds or public assistance pursuant to
42 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
43 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
44 c.184, and all housing financed in whole or in part by a loan,
45 whether or not secured by a mortgage, the repayment of which is
46 guaranteed or insured by the federal government or any agency
47 thereof.

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

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

44 p. "Real estate salesperson" includes any person who, for
45 compensation, valuable consideration or commission, or other thing
46 of value, or by reason of a promise or reasonable expectation
47 thereof, is employed by and operates under the supervision of a
48 licensed real estate broker to sell or offer to sell, buy or offer to buy

1 or negotiate the purchase, sale, or exchange of real estate, or offers
2 or attempts to negotiate a loan secured or to be secured by a
3 mortgage or other encumbrance upon or transfer of real estate, or to
4 lease or rent, or offer to lease or rent any real estate for others, or to
5 collect rents for the use of real estate, or to solicit for prospective
6 purchasers or lessees of real estate, or who is employed by a
7 licensed real estate broker to sell or offer to sell lots or other parcels
8 of real estate, at a stated salary, or upon a commission, or upon a
9 salary and commission, or otherwise to sell real estate, or any parts
10 thereof, in lots or other parcels.

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

26 r. "Blind person" or "person who is blind" means any
27 individual whose central visual acuity does not exceed 20/200 in the
28 better eye with correcting lens or whose visual acuity is better than
29 20/200 if accompanied by a limit to the field of vision in the better
30 eye to such a degree that its widest diameter subtends an angle of
31 no greater than 20 degrees.

32 s. "Guide dog" means a dog used to assist persons who are
33 deaf, or which is fitted with a special harness so as to be suitable as
34 an aid to the mobility of a person who is blind, and is used by a
35 person who is blind and has satisfactorily completed a specific
36 course of training in the use of such a dog, and has been trained by
37 an organization generally recognized by agencies involved in the
38 rehabilitation of persons with disabilities, including, but not limited
39 to, those persons who are blind or deaf, as reputable and competent
40 to provide dogs with training of this type.

41 t. "Guide or service dog trainer" means any person who is
42 employed by an organization generally recognized by agencies
43 involved in the rehabilitation of persons with disabilities, including,
44 but not limited to, those persons who are blind, have visual
45 impairments, or are deaf or have hearing impairments, as reputable
46 and competent to provide dogs with training, as defined in this
47 section, and who is actually involved in the training process.

- 1 u. "Housing accommodation" means any publicly assisted
2 housing accommodation or any real property, or portion thereof,
3 which is used or occupied, or is intended, arranged, or designed to
4 be used or occupied, as the home, residence, or sleeping place of
5 one or more persons, but shall not include any single family
6 residence the occupants of which rent, lease, or furnish for
7 compensation not more than one room therein.
- 8 v. "Public facility" means any place of public accommodation
9 and any street, highway, sidewalk, walkway, public building, and
10 any other place or structure to which the general public is regularly,
11 normally, or customarily permitted or invited.
- 12 w. "Deaf person" or "person who is deaf" means any person
13 whose hearing is so severely impaired that the person is unable to
14 hear and understand conversational speech through the unaided ear
15 alone, and who must depend primarily on an assistive listening
16 device or visual communication such as writing, lip reading, sign
17 language, and gestures.
- 18 x. "Atypical hereditary cellular or blood trait" means sickle cell
19 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
20 fibrosis trait.
- 21 y. "Sickle cell trait" means the condition wherein the major
22 natural hemoglobin components present in the blood of the
23 individual are hemoglobin A (normal) and hemoglobin S (sickle
24 hemoglobin) as defined by standard chemical and physical analytic
25 techniques, including electrophoresis; and the proportion of
26 hemoglobin A is greater than the proportion of hemoglobin S or one
27 natural parent of the individual is shown to have only normal
28 hemoglobin components (hemoglobin A, hemoglobin A2,
29 hemoglobin F) in the normal proportions by standard chemical and
30 physical analytic tests.
- 31 z. "Hemoglobin C trait" means the condition wherein the major
32 natural hemoglobin components present in the blood of the
33 individual are hemoglobin A (normal) and hemoglobin C as defined
34 by standard chemical and physical analytic techniques, including
35 electrophoresis; and the proportion of hemoglobin A is greater than
36 the proportion of hemoglobin C or one natural parent of the
37 individual is shown to have only normal hemoglobin components
38 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
39 proportions by standard chemical and physical analytic tests.
- 40 aa. "Thalassemia trait" means the presence of the thalassemia
41 gene which in combination with another similar gene results in the
42 chronic hereditary disease Cooley's anemia.
- 43 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
44 which in combination with another similar gene results in the
45 chronic hereditary disease Tay-Sachs.
- 46 cc. "Cystic fibrosis trait" means the presence of the cystic
47 fibrosis gene which in combination with another similar gene
48 results in the chronic hereditary disease cystic fibrosis.

1 dd. "Service dog" means any dog individually trained to the
2 requirements of a person with a disability including, but not limited
3 to minimal protection work, rescue work, pulling a wheelchair or
4 retrieving dropped items. This term shall include a "seizure dog"
5 trained to alert or otherwise assist persons with epilepsy or other
6 seizure disorders.

7 ee. "Qualified Medicaid applicant" means an individual who is a
8 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

9 ff. "AIDS" means acquired immune deficiency syndrome as
10 defined by the Centers for Disease Control and Prevention of the
11 United States Public Health Service.

12 gg. "HIV infection" means infection with the human
13 immunodeficiency virus or any other related virus identified as a
14 probable causative agent of AIDS.

15 hh. "Affectional or sexual orientation" means male or female
16 heterosexuality, homosexuality, or bisexuality by inclination,
17 practice, identity, or expression, having a history thereof or being
18 perceived, presumed, or identified by others as having such an
19 orientation.

20 ii. "Heterosexuality" means affectional, emotional, or physical
21 attraction or behavior which is primarily directed towards persons
22 of the other gender.

23 jj. "Homosexuality" means affectional, emotional, or physical
24 attraction or behavior which is primarily directed towards persons
25 of the same gender.

26 kk. "Bisexuality" means affectional, emotional, or physical
27 attraction or behavior which is directed towards persons of either
28 gender.

29 ll. "Familial status" means being the natural parent of a child,
30 the adoptive parent of a child, the resource family parent of a child,
31 having a "parent and child relationship" with a child as defined by
32 State law, or having sole or joint legal or physical custody, care,
33 guardianship, or visitation with a child, or any person who is
34 pregnant or is in the process of securing legal custody of any
35 individual who has not attained the age of 18 years.

36 mm. "Housing for older persons" means housing:

37 (1) provided under any State program that the Attorney General
38 determines is specifically designed and operated to assist persons
39 who are elderly (as defined in the State program); or provided under
40 any federal program that the United States Department of Housing
41 and Urban Development determines is specifically designed and
42 operated to assist persons who are elderly (as defined in the federal
43 program); or

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

46 (3) intended and operated for occupancy by at least one person
47 55 years of age or older per unit. In determining whether housing
48 qualifies as housing for older persons under this paragraph, the

1 Attorney General shall adopt regulations which require at least the
2 following factors:

3 (a) the existence of significant facilities and services
4 specifically designed to meet the physical or social needs of older
5 persons, or if the provision of such facilities and services is not
6 practicable, that such housing is necessary to provide important
7 housing opportunities for older persons; and

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

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

13 Housing shall not fail to meet the requirements for housing for
14 older persons by reason of: persons residing in such housing as of
15 September 13, 1988 not meeting the age requirements of this
16 subsection, provided that new occupants of such housing meet the
17 age requirements of this subsection; or unoccupied units, provided
18 that such units are reserved for occupancy by persons who meet the
19 age requirements of this subsection.

20 nn. "Genetic characteristic" means any inherited gene or
21 chromosome, or alteration thereof, that is scientifically or medically
22 believed to predispose an individual to a disease, disorder, or
23 syndrome, or to be associated with a statistically significant
24 increased risk of development of a disease, disorder, or syndrome.

25 oo. "Genetic information" means the information about genes,
26 gene products, or inherited characteristics that may derive from an
27 individual or family member.

28 pp. "Genetic test" means a test for determining the presence or
29 absence of an inherited genetic characteristic in an individual,
30 including tests of nucleic acids such as DNA, RNA, and
31 mitochondrial DNA, chromosomes, or proteins in order to identify a
32 predisposing genetic characteristic.

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

35 rr. "Gender identity or expression" means having or being
36 perceived as having a gender related identity or expression whether
37 or not stereotypically associated with a person's assigned sex at
38 birth.

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

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

44 uu. "Premium benefit" means an employment benefit, such as
45 seniority, group life insurance, health insurance, disability
46 insurance, sick leave, annual leave, or an educational or pension
47 benefit that is greater than the employment benefit due the

1 employee for an equivalent period of work performed during the
2 regular work schedule of the employee.

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

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

8 xx. "Therapy dog" means a dog that:

9 (1) may or may not be task-trained; and

10 (2) has received certification from a reputable organization to
11 provide therapeutic or emotional support to a person who has
12 experienced mental, physical, or emotional trauma; has witnessed,
13 or is a victim of, an act of violence; or has behavioral health care
14 needs.

15 (cf: P.L.2019, c.272, s.1)]¹

16
17 ¹1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read
18 as follows:

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

21 a. "Person" includes one or more individuals, partnerships,
22 associations, organizations, labor organizations, corporations, legal
23 representatives, trustees, trustees in bankruptcy, receivers, and
24 fiduciaries.

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

27 c. "Labor organization" includes any organization which exists
28 and is constituted for the purpose, in whole or in part, of collective
29 bargaining, or of dealing with employers concerning grievances,
30 terms or conditions of employment, or of other mutual aid or
31 protection in connection with employment.

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

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

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

42 g. "Liability for service in the Armed Forces of the United
43 States" means subject to being ordered as an individual or member
44 of an organized unit into active service in the Armed Forces of the
45 United States by reason of membership in the National Guard, naval
46 militia or a reserve component of the Armed Forces of the United
47 States, or subject to being inducted into such armed forces through
48 a system of national selective service.

- 1 h. "Division" means the "Division on Civil Rights" created by
2 P.L.1945, c.169 (C.10:5-1 et seq.).
- 3 i. "Attorney General" means the Attorney General of the State
4 of New Jersey or the Attorney General's representative or designee.
- 5 j. "Commission" means the Commission on Civil Rights
6 created by P.L.1945, c.169 (C.10:5-1 et seq.).
- 7 k. "Director" means the Director of the Division on Civil
8 Rights.
- 9 l. "A place of public accommodation" shall include, but not be
10 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
11 summer camp, day camp, or resort camp, whether for entertainment
12 of transient guests or accommodation of those seeking health,
13 recreation, or rest; any producer, manufacturer, wholesaler,
14 distributor, retail shop, store, establishment, or concession dealing
15 with goods or services of any kind; any restaurant, eating house, or
16 place where food is sold for consumption on the premises; any
17 place maintained for the sale of ice cream, ice and fruit preparations
18 or their derivatives, soda water or confections, or where any
19 beverages of any kind are retailed for consumption on the premises;
20 any garage, any public conveyance operated on land or water or in
21 the air or any stations and terminals thereof; any bathhouse,
22 boardwalk, or seashore accommodation; any auditorium, meeting
23 place, or hall; any theatre, motion-picture house, music hall, roof
24 garden, skating rink, swimming pool, amusement and recreation
25 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
26 pool parlor, or other place of amusement; any comfort station; any
27 dispensary, clinic, or hospital; any public library; and any
28 kindergarten, primary and secondary school, trade or business
29 school, high school, academy, college and university, or any
30 educational institution under the supervision of the State Board of
31 Education or the Commissioner of Education of the State of New
32 Jersey. Nothing herein contained shall be construed to include or to
33 apply to any institution, bona fide club, or place of accommodation,
34 which is in its nature distinctly private; nor shall anything herein
35 contained apply to any educational facility operated or maintained
36 by a bona fide religious or sectarian institution, and the right of a
37 natural parent or one in loco parentis to direct the education and
38 upbringing of a child under his control is hereby affirmed; nor shall
39 anything herein contained be construed to bar any private secondary
40 or post-secondary school from using in good faith criteria other than
41 race, creed, color, national origin, ancestry, gender identity, or
42 expression or affectional or sexual orientation in the admission of
43 students.
- 44 m. "A publicly assisted housing accommodation" shall include
45 all housing built with public funds or public assistance pursuant to
46 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
47 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949,
48 c.184, and all housing financed in whole or in part by a loan,

1 whether or not secured by a mortgage, the repayment of which is
2 guaranteed or insured by the federal government or any agency
3 thereof.

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

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

47 p. "Real estate salesperson" includes any person who, for
48 compensation, valuable consideration or commission, or other thing

1 of value, or by reason of a promise or reasonable expectation
2 thereof, is employed by and operates under the supervision of a
3 licensed real estate broker to sell or offer to sell, buy or offer to buy
4 or negotiate the purchase, sale, or exchange of real estate, or offers
5 or attempts to negotiate a loan secured or to be secured by a
6 mortgage or other encumbrance upon or transfer of real estate, or to
7 lease or rent, or offer to lease or rent any real estate for others, or to
8 collect rents for the use of real estate, or to solicit for prospective
9 purchasers or lessees of real estate, or who is employed by a
10 licensed real estate broker to sell or offer to sell lots or other parcels
11 of real estate, at a stated salary, or upon a commission, or upon a
12 salary and commission, or otherwise to sell real estate, or any parts
13 thereof, in lots or other parcels.

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

29 r. "Blind person" or "person who is blind" means any
30 individual whose central visual acuity does not exceed 20/200 in the
31 better eye with correcting lens or whose visual acuity is better than
32 20/200 if accompanied by a limit to the field of vision in the better
33 eye to such a degree that its widest diameter subtends an angle of
34 no greater than 20 degrees.

35 s. "Guide dog" means a dog used to assist persons who are
36 deaf, or which is fitted with a special harness so as to be suitable as
37 an aid to the mobility of a person who is blind, and is used by a
38 person who is blind and has satisfactorily completed a specific
39 course of training in the use of such a dog, and has been trained by
40 an organization generally recognized by agencies involved in the
41 rehabilitation of persons with disabilities, including, but not limited
42 to, those persons who are blind or deaf, as reputable and competent
43 to provide dogs with training of this type.

44 t. "Guide or service dog trainer" means any person who is
45 employed by an organization generally recognized by agencies
46 involved in the rehabilitation of persons with disabilities, including,
47 but not limited to, those persons who are blind, have visual
48 impairments, or are deaf or have hearing impairments, as reputable

- 1 and competent to provide dogs with training, as defined in this
2 section, and who is actually involved in the training process.
- 3 u. "Housing accommodation" means any publicly assisted
4 housing accommodation or any real property, or portion thereof,
5 which is used or occupied, or is intended, arranged, or designed to
6 be used or occupied, as the home, residence, or sleeping place of
7 one or more persons, but shall not include any single family
8 residence the occupants of which rent, lease, or furnish for
9 compensation not more than one room therein.
- 10 v. "Public facility" means any place of public accommodation
11 and any street, highway, sidewalk, walkway, public building, and
12 any other place or structure to which the general public is regularly,
13 normally, or customarily permitted or invited.
- 14 w. "Deaf person" or "person who is deaf" means any person
15 whose hearing is so severely impaired that the person is unable to
16 hear and understand conversational speech through the unaided ear
17 alone, and who must depend primarily on an assistive listening
18 device or visual communication such as writing, lip reading, sign
19 language, and gestures.
- 20 x. "Atypical hereditary cellular or blood trait" means sickle cell
21 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
22 fibrosis trait.
- 23 y. "Sickle cell trait" means the condition wherein the major
24 natural hemoglobin components present in the blood of the
25 individual are hemoglobin A (normal) and hemoglobin S (sickle
26 hemoglobin) as defined by standard chemical and physical analytic
27 techniques, including electrophoresis; and the proportion of
28 hemoglobin A is greater than the proportion of hemoglobin S or one
29 natural parent of the individual is shown to have only normal
30 hemoglobin components (hemoglobin A, hemoglobin A2,
31 hemoglobin F) in the normal proportions by standard chemical and
32 physical analytic tests.
- 33 z. "Hemoglobin C trait" means the condition wherein the major
34 natural hemoglobin components present in the blood of the
35 individual are hemoglobin A (normal) and hemoglobin C as defined
36 by standard chemical and physical analytic techniques, including
37 electrophoresis; and the proportion of hemoglobin A is greater than
38 the proportion of hemoglobin C or one natural parent of the
39 individual is shown to have only normal hemoglobin components
40 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
41 proportions by standard chemical and physical analytic tests.
- 42 aa. "Thalassemia trait" means the presence of the thalassemia
43 gene which in combination with another similar gene results in the
44 chronic hereditary disease Cooley's anemia.
- 45 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
46 which in combination with another similar gene results in the
47 chronic hereditary disease Tay-Sachs.

- 1 cc. "Cystic fibrosis trait" means the presence of the cystic
2 fibrosis gene which in combination with another similar gene
3 results in the chronic hereditary disease cystic fibrosis.
- 4 dd. "Service dog" means any dog individually trained to the
5 requirements of a person with a disability including, but not limited
6 to minimal protection work, rescue work, pulling a wheelchair or
7 retrieving dropped items. This term shall include a "seizure dog"
8 trained to alert or otherwise assist persons with epilepsy or other
9 seizure disorders.
- 10 ee. "Qualified Medicaid applicant" means an individual who is a
11 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 12 ff. "AIDS" means acquired immune deficiency syndrome as
13 defined by the Centers for Disease Control and Prevention of the
14 United States Public Health Service.
- 15 gg. "HIV infection" means infection with the human
16 immunodeficiency virus or any other related virus identified as a
17 probable causative agent of AIDS.
- 18 hh. "Affectional or sexual orientation" means male or female
19 heterosexuality, homosexuality, or bisexuality by inclination,
20 practice, identity, or expression, having a history thereof or being
21 perceived, presumed, or identified by others as having such an
22 orientation.
- 23 ii. "Heterosexuality" means affectional, emotional, or physical
24 attraction or behavior which is primarily directed towards persons
25 of the other gender.
- 26 jj. "Homosexuality" means affectional, emotional, or physical
27 attraction or behavior which is primarily directed towards persons
28 of the same gender.
- 29 kk. "Bisexuality" means affectional, emotional, or physical
30 attraction or behavior which is directed towards persons of either
31 gender.
- 32 ll. "Familial status" means being the natural parent of a child,
33 the adoptive parent of a child, the resource family parent of a child,
34 having a "parent and child relationship" with a child as defined by
35 State law, or having sole or joint legal or physical custody, care,
36 guardianship, or visitation with a child, or any person who is
37 pregnant or is in the process of securing legal custody of any
38 individual who has not attained the age of 18 years.
- 39 mm. "Housing for older persons" means housing:
- 40 (1) provided under any State program that the Attorney General
41 determines is specifically designed and operated to assist persons
42 who are elderly (as defined in the State program); or provided under
43 any federal program that the United States Department of Housing
44 and Urban Development determines is specifically designed and
45 operated to assist persons who are elderly (as defined in the federal
46 program); or
- 47 (2) intended for, and solely occupied by, persons 62 years of age
48 or older; or

1 (3) intended and operated for occupancy by at least one person
2 55 years of age or older per unit. In determining whether housing
3 qualifies as housing for older persons under this paragraph, the
4 Attorney General shall adopt regulations which require at least the
5 following factors:

6 (a) the existence of significant facilities and services
7 specifically designed to meet the physical or social needs of older
8 persons, or if the provision of such facilities and services is not
9 practicable, that such housing is necessary to provide important
10 housing opportunities for older persons; and

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

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

16 Housing shall not fail to meet the requirements for housing for
17 older persons by reason of: persons residing in such housing as of
18 September 13, 1988 not meeting the age requirements of this
19 subsection, provided that new occupants of such housing meet the
20 age requirements of this subsection; or unoccupied units, provided
21 that such units are reserved for occupancy by persons who meet the
22 age requirements of this subsection.

23 nn. "Genetic characteristic" means any inherited gene or
24 chromosome, or alteration thereof, that is scientifically or medically
25 believed to predispose an individual to a disease, disorder, or
26 syndrome, or to be associated with a statistically significant
27 increased risk of development of a disease, disorder, or syndrome.

28 oo. "Genetic information" means the information about genes,
29 gene products, or inherited characteristics that may derive from an
30 individual or family member.

31 pp. "Genetic test" means a test for determining the presence or
32 absence of an inherited genetic characteristic in an individual,
33 including tests of nucleic acids such as DNA, RNA, and
34 mitochondrial DNA, chromosomes, or proteins in order to identify a
35 predisposing genetic characteristic.

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

38 rr. "Gender identity or expression" means having or being
39 perceived as having a gender related identity or expression whether
40 or not stereotypically associated with a person's assigned sex at
41 birth.

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

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

47 uu. "Premium benefit" means an employment benefit, such as
48 seniority, group life insurance, health insurance, disability

1 insurance, sick leave, annual leave, or an educational or pension
2 benefit that is greater than the employment benefit due the
3 employee for an equivalent period of work performed during the
4 regular work schedule of the employee.

5 vv. "Race" is inclusive of traits historically associated with race,
6 including, but not limited to, hair texture, hair types, and protective
7 hairstyles.

8 ww."Protective hairstyles" includes, but is not limited to, such
9 hairstyles as braids, locks, and twists.

10 xx. "Family member" means a child, parent, parent-in-law,
11 sibling, grandparent, grandchild, spouse, partner in a civil union
12 couple, domestic partner, or any other individual related by blood to
13 the person, and any other individual that the person shows to have a
14 close association with the person which is the equivalent of a family
15 relationship.

16 yy. "Assistance animal" means an emotional support or service
17 animal that qualifies as a reasonable accommodation under the
18 federal "Fair Housing Amendments Act of 1988," Pub.L.100-430
19 (42 U.S.C. ss.3601 et seq.) or the "Law Against Discrimination,"
20 P.L.1945, c.169 (C.10:5-1 et seq.).

21 zz. "Therapeutic relationship" means the provision of medical
22 care, program care, or personal care services, in good faith, for and
23 with actual knowledge of, an individual's disability and that
24 individual's disability-related need for an assistance animal by: (1) a
25 physician or other medical professional; (2) a mental health service
26 provider; or (3) a non-medical service agency or reliable third party
27 who is in a position to know about the individual's disability.
28 "Therapeutic relationship" does not include a relationship with an
29 individual or entity if the individual or entity issues a certificate,
30 license, or similar document that purports to confirm, without
31 conducting a meaningful assessment of a person's disability or a
32 person's disability-related need for an assistance animal, that a
33 person has a disability or needs an assistance animal.¹

34 (cf: P.L.2019, c.436, s.2)

35
36 2. Section 4 of P.L.1977, c.456 (C.10:5-29.2) is amended to
37 read as follows:

38 4. a. A person with a disability is entitled to rent, lease or
39 purchase, as other members of the general public, all housing
40 accommodations offered for rent, lease, or compensation in this
41 State, subject to the rights, conditions and limitations established by
42 law. Nothing in this section shall require any person renting,
43 leasing or providing for compensation real property, to modify such
44 property in any way to provide a higher degree of care for a person
45 with a disability than for any other person. A person with a
46 disability who has a service or guide dog, or who obtains a service
47 or guide dog, or who retains their former service or guide dog as a
48 pet after its retirement from service, shall be entitled to full and

1 equal access to all housing accommodations and shall not be
2 required to pay extra compensation for such service or guide dog or
3 retired pet, but shall be liable for any damages done to the premises
4 by such dog. Any provision in any lease or rental agreement
5 prohibiting maintenance of a pet or pets on or in the premises shall
6 not be applicable to a working service or guide dog, or a retired
7 service or guide dog, owned by a tenant who is a person with a
8 disability.

9 b. '[A person, with or without a disability, who has a therapy
10 dog is entitled to rent, lease or purchase, as other members of the
11 general public, all housing accommodations offered for rent, lease,
12 or compensation in this State, subject to the rights, conditions and
13 limitations established by law. Nothing in this section shall require
14 any person renting, leasing or providing for compensation real
15 property, to modify such property in any way to provide a higher
16 degree of care for a person with a therapy dog than for any other
17 person. A person with a therapy dog, or who obtains a therapy dog,
18 or who retains their former therapy dog as a pet after its retirement
19 as a therapy dog, shall be entitled to full and equal access to all
20 housing accommodations and shall not be required to pay extra
21 compensation for such therapy dog or retired pet, but shall be liable
22 for any damages done to the premises by such dog. Any provision
23 in any lease or rental agreement prohibiting maintenance of a pet or
24 pets on or in the premises shall not be applicable to a therapy dog,
25 or a retired therapy dog, owned by a tenant.] A housing provider
26 who receives a request from a person to make an exception to the
27 housing provider's policy prohibiting or restricting animals on the
28 housing provider's property because the person requires the use of
29 an assistance animal may require the person to produce reliable
30 documentation of the disability and disability-related need for the
31 animal only if the disability or disability-related need is not readily
32 apparent or known to the housing provider. A housing provider
33 may ask a person to make the request on a standardized form, but
34 shall not deny the request because the person did not use the form
35 to submit documentation that meets the requirements of paragraph
36 (1) of subsection b. of this section. A housing provider receiving a
37 request for more than one assistance animal may request
38 documentation under paragraph (1) of subsection b. of this section
39 that establishes the disability-related need for each assistance
40 animal, unless the need for an assistance animal is apparent.

41 (1) Any documentation that a person has a disability and
42 requires the use of an assistance animal as a reasonable
43 accommodation in housing under the federal "Fair Housing
44 Amendments Act of 1988," Pub.L.100-430 (42 U.S.C. ss.3601 et
45 seq.) or the "Law Against Discrimination," P.L.1945, c.169
46 (C.10:5-1 et seq.) shall:

- 1 (a) be in writing;
2 (b) be made by an individual with whom the person requesting
3 an accommodation has a therapeutic relationship; and
4 (c) describe the person's disability-related need for the
5 assistance animal.
- 6 (2) A housing provider may deny a documented request for an
7 accommodation or rescind a granted request under
8 P.L. , c. (C.) (pending before the Legislature as this bill) if:
9 (a) after conducting an individualized assessment, there is
10 reliable objective evidence that the specific assistance animal: (i)
11 poses a direct threat to the health or safety of others that cannot be
12 reduced or eliminated by another reasonable accommodation; (ii)
13 causes substantial physical damage to the property of others that
14 cannot be reduced or eliminated by another reasonable
15 accommodation; or (iii) has engaged in a pattern of uncontrolled
16 behavior that its handler has not taken effective action to correct.
- 17 (3) A housing provider may require additional supporting
18 documentation of a person's disability or need for the assistance
19 animal only if the initial documentation provided does not satisfy
20 paragraph (1) of subsection b. of this section. If the initial
21 documentation is insufficient to show the existence of the
22 therapeutic relationship required under this subsection, a housing
23 provider may request additional information describing the
24 professional relationship between the individual providing
25 verification and the person with a disability.
- 26 (4) A housing provider may consider the documented disability-
27 related needs of other residents on the property when evaluating the
28 reasonableness of the request for the assistance animal. A housing
29 provider shall not deny an assistance animal solely due to the
30 disability-related needs of another resident; rather, a housing
31 provider shall attempt to balance the disability-related needs of all
32 residents.
- 33 (5) A housing provider may require that a resident be
34 responsible to pay the costs of repairs for damage that the assistance
35 animal causes to the resident's dwelling unit or the common areas,
36 reasonable wear and tear excepted, in the same manner it would for
37 damage caused by any other resident. A housing provider shall not
38 require a resident to pay a pet-related deposit, pet fee, or related pet
39 assessment, even if the housing provider allows pets and requires
40 pet owners to pay such costs. A housing provider also shall not
41 require a resident with an assistance animal to procure special
42 liability insurance or coverage for the assistance animal.
- 43 (6) Nothing in P.L. , c. (C.) (pending before the
44 Legislature as this bill) shall be construed as requiring
45 documentation of a specific diagnosis regarding a disability or
46 disability-related need.

1 (7) Nothing in P.L. , c. (C.) (pending before the
2 Legislature as this bill) prohibits a housing provider from verifying
3 the authenticity of the documentation submitted under paragraph (1)
4 of subsection b. of this section.¹
5 (cf: P.L.2017, c.187, s.1)

6
7 3. Section 1 of P.L.2017, c.169 (C.10:5-29.11) is amended to
8 read as follows:

9 1. a. Any person who interferes with or denies the access of a
10 person with a disability accompanied by a service or guide dog to
11 any public facility in violation of section 1 of P.L.1971, c.130
12 (C.10:5-29) shall, in addition to any other relief or affirmative
13 action provided by law, be liable to a civil penalty of not less than:

14 (1) \$250 for the first violation;

15 (2) \$500 for the second violation; and

16 (3) \$1,000 for the third and each subsequent violation.

17 b. The penalty shall be collected pursuant to the "Penalty
18 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.),
19 in a summary proceeding before the municipal court having
20 jurisdiction. A law enforcement officer having enforcement
21 authority in that municipality shall issue a summons for a violation
22 of the provisions of subsection a. of this section, and shall serve and
23 execute all process with respect to the enforcement of this section
24 consistent with the Rules of Court.

25 The issuance of a summons pursuant to this subsection shall not
26 prohibit an aggrieved party from filing a complaint or action with
27 the Division on Civil Rights or in the Superior Court of New Jersey
28 alleging a violation of the "Law Against Discrimination," P.L.1945,
29 c.169 (C.10:5-1 et seq.), based on the same incident or conduct. In
30 any instance where an aggrieved party files a complaint or action
31 with the Division on Civil Rights or in the Superior Court of New
32 Jersey alleging a violation of the "Law Against Discrimination"
33 based on the same incident or conduct for which a civil penalty has
34 been imposed pursuant to subsection a. of this section, the Division
35 on Civil Rights or Superior Court of New Jersey, as the case may
36 be, shall make a de novo ruling and any adjudication by the
37 municipal court shall not constitute res judicata for the complaint or
38 action filed with the Division on Civil Rights or in the Superior
39 Court of New Jersey.

40 c. The penalties assessed under this section shall be payable to
41 the State Treasurer and shall be appropriated to the Department of
42 Law and Public Safety to fund educational programs for law
43 enforcement officers on the right of a person with a disability to
44 have a service or guide dog in a place of public accommodation.

45 d. Any landlord, proprietor, lessor, property owner, or person
46 managing a rental housing accommodation who violates the
47 provisions of P.L.1977, c.456 (C.10:5-29.2) by prohibiting a person
48 with '【a therapy dog】 an assistance animal' to rent, lease, or

1 purchase a rental housing accommodation, or by prohibiting a
2 person currently renting or leasing a rental housing accommodation
3 to obtain ¹**[a therapy dog]** an assistance animal¹ , shall be subject
4 to the civil penalties defined in this section.

5 e. The Attorney General shall establish a public awareness
6 campaign to inform the public about the provisions of this act.
7 (cf: P.L.2017, c.169, s.1)

8
9 ¹4. a. Notwithstanding any other provision of law to the
10 contrary, a housing provider shall not be liable for injuries caused
11 by a person's assistance animal permitted on the housing provider's
12 property as is reasonable to assist the person with a disability under
13 the federal "Fair Housing Amendments Act of 1988," Pub.L.100-
14 430 (42 U.S.C. ss.3601 et seq.), section 504 of the federal
15 "Rehabilitation Act of 1973" (29 U.S.C. s.794), the "Law Against
16 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), or any other
17 federal, State, or local law.

18 b. Nothing in P.L. , c. (C.) (pending before the
19 Legislature as this bill) shall be construed to limit any rights under
20 the federal "Fair Housing Amendments Act of 1988," Pub.L.100-
21 430 (42 U.S.C. ss.3601 et seq.), section 504 of the federal
22 "Rehabilitation Act of 1973" (29 U.S.C. s.794), the federal
23 "Americans with Disabilities Act of 1990" (42 U.S.C.
24 s.12101 et seq.), the "Law Against Discrimination," P.L.1945, c.169
25 (C.10:5-1 et seq.), or any other federal, State, or local civil rights
26 law, or limit the liability of housing providers under such laws.¹

27
28 ¹**[4.] 5.**¹ The Division on Civil Rights in the Department of
29 Law and Public Safety shall, pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
31 or regulations as are necessary to effectuate the provisions of this
32 act.

33
34 ¹**[5.] 6.**¹ This act shall take effect 180 days after enactment.