

SENATE, No. 2028

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:
Senator STEVEN V. OROHO
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Concerns access to public accommodations by persons with disabilities.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning access to public accommodations by persons
2 with disabilities and supplementing P.L.1945, c.169 (C.10:5-1 et
3 seq.).

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

7
8 1. a. Before filing a civil action alleging that a public
9 accommodation that is operated by a private entity has a building,
10 facility, or parking lot, that prohibits access by persons with
11 disabilities in violation of the “Law Against Discrimination,”
12 P.L.1945, c.169 (C.10:5-1 et seq.), the aggrieved person, or that
13 person’s attorney, shall provide written notice to the private entity
14 with sufficient detail to allow the private entity to identify and cure
15 the violation or comply with the law within 90 days after receiving
16 the notice. At the same time, a copy of the notice shall be provided
17 to the director. If the private entity has not cured the violation or
18 complied with the law by the 90th day after receiving the notice, the
19 aggrieved person may notify the director, and file a civil action in
20 Superior Court.

21 b. If the private entity is required to obtain a construction
22 permit in order to make the changes necessary to cure the violation
23 or comply with the law, and the private entity, within ninety days
24 after receiving the notice required in subsection a. of this section,
25 provides the aggrieved person, or the person’s attorney, and the
26 director, with a corrective action plan and submits the completed
27 application for the construction permit to the enforcing agency for a
28 determination, the aggrieved person may not file the civil action for
29 an additional sixty days from the date that the private entity
30 provided the corrective action plan to the aggrieved person or the
31 person’s attorney. The time after the completed application for the
32 building permit is submitted to the enforcing agency, up until a final
33 determination is provided to the private entity, is tolled and is not
34 included in calculating the additional sixty days, except that any
35 delay that is caused by the private entity before the final
36 determination is provided is not tolled.

37
38 2. The Attorney General shall promulgate rules and regulations
39 as may be necessary to effectuate the provisions of P.L. ,
40 c. (C.) (pending before the Legislature as this bill) not later
41 than the first day of the sixth month next following enactment,
42 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
43 (C.52:14B-1 et seq.).

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 3. This act shall take effect on the first day of the sixth month
2 next following enactment.

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STATEMENT

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7 This bill would require that, prior to filing a civil action alleging
8 that a public accommodation operated by a private entity has a
9 building, facility, or parking lot, that prohibits access by persons
10 with disabilities in violation of the “Law Against Discrimination,”
11 P.L.1945, c.169 (C.10:5-1 et seq.), the aggrieved person, or that
12 person’s attorney, would have to provide written notice to the
13 private entity with sufficient detail to allow the private entity to
14 identify and cure the violation or comply with the law within 90
15 days after receiving the notice. At the same time, an aggrieved
16 person, or that person’s attorney, must provide a copy of the notice
17 shall be provided to the Director of the Division on Civil Rights.

18 If the private entity has not cured the violation or complied with
19 the law by the 90th day after receiving the notice, the aggrieved
20 person may notify the Director of the Division on Civil Rights, and
21 file a civil action in Superior Court.

22 The bill would provide for an extension of the 90 day period if a
23 private entity is required to obtain a construction permit in order to
24 make the changes necessary to cure the violation or comply with the
25 law.