SENATE, No. 3268



STATE OF NEW JERSEY

220th LEGISLATURE



INTRODUCED OCTOBER 31, 2022

Sponsored by:

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Expands protections of Law Against Discrimination.

CURRENT VERSION OF TEXT

As introduced.



An Act concerning discrimination, revising various parts of the statutory law and supplementing Title 10 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read as follows:

3. The Legislature finds and declares that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, sex, gender identity [or], gender expression, affectional or sexual orientation, marital status, familial status, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, disability [or], nationality, sexual health or reproductive health decisions, source of lawful income used for rental or mortgage payments, criminal record, or consumer credit history, are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between United States citizens and [aliens] immigrants when required by federal law or otherwise necessary to promote the national interest.

The Legislature further declares its opposition to such practices of discrimination when directed against any person by reason of the race, creed, color, national origin, immigration status, citizenship status, ancestry, age, sex, gender identity [or], gender expression, affectional or sexual orientation, marital status, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, disability [or], nationality, sexual health or reproductive health decisions, source of lawful income used for rental or mortgage payments, criminal record, or consumer credit history of that person or that person's family members, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, in order that the economic prosperity and general welfare of the inhabitants of the State may be protected and ensured.

The Legislature further finds that because of discrimination, people suffer personal hardships, and the State suffers a grievous harm. The personal hardships include: economic loss; time loss; physical and emotional stress; and in some cases severe emotional trauma, illness, homelessness or other irreparable harm resulting from the strain of employment controversies; relocation, search and moving difficulties; anxiety caused by lack of information, uncertainty, and resultant planning difficulty; career, education, family and social disruption; and adjustment problems, which particularly impact on those protected by this act. Such harms have, under the common law, given rise to legal remedies, including compensatory and punitive damages. The Legislature intends that such damages be available to all persons protected by this act and that this act shall be liberally construed in combination with other protections available under the laws of this State.

The Legislature further intends that P.L.1945, c.169 (C.10:5-1 et seq.) be construed to prohibit unlawful discrimination and other unlawful practices against an individual who is or who is perceived to be any of the following: (1) a member of a protected class, as described in P.L.1945, c.169 (C.10:5-1 et seq.); (2) associated with an individual who is a member of a protected class or who is perceived to be a member of a protected class; (3) a member of a protected class who is in transition to being a member of another protected class; or (4) a member of one protected class who is in transition from one state in that protected class to another state within that or another protected class.

(cf: P.L.2019, c.436, s.1)

2. Section 1 of P.L.2013, c.220 (C.10:5-3.1) is amended to read as follows:

1. The Legislature finds and declares:

a. That pregnant [women] individuals are vulnerable to discrimination in the workplace in New Jersey, as indicated in reports that [women] individuals who request an accommodation that will allow them to maintain a healthy pregnancy, or who need a reasonable accommodation while recovering from childbirth, are being removed from their positions, placed on unpaid leave, or fired;

b. It is the intent of the Legislature to combat this form of discrimination by requiring employers to provide reasonable accommodations to pregnant [women] individuals and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work; and

c. It is not the intent of the Legislature to require such accommodations if their provision would cause an undue hardship in the conduct of an employer's business.

(cf: P.L.2013, c.220, s.1)

3. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read as follows:

4. All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without unlawful discrimination because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, sex, gender identity [or], gender expression, or source of lawful income used for rental or mortgage payments, subject only to conditions and limitations applicable alike to all persons and subject to the provisions of P.L.1945, c.169 (C.10:5-1 et seq.). This opportunity is recognized as and declared to be a civil right.

4. Section 2 of P.L.1972, c.114 (C.10:5-4.1) is amended to read as follows:

2. All of the provisions of [the act to which this act is a supplement] P.L.1945, c.169 (C.10:5-1 et seq.) shall be construed to prohibit any unlawful discrimination against any person because such person is or has been at any time disabled or any unlawful employment practice against such person, unless the nature and extent of the disability reasonably precludes the performance of the particular employment. It shall be unlawful discrimination under [the "Law Against Discrimination,"] P.L.1945, c.169 (C.10:5-1 et seq.) to discriminate against any buyer or renter because of the disability of a person residing in or intending to reside in a dwelling after it is sold, rented or made available or because of any person associated with the buyer or renter.

(cf: P.L.2017, c.184, s.1)

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

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

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

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

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

d. "Unlawful employment practice" and "unlawful discrimination" include only those unlawful practices and acts specified in section 11 of P.L.1945, c.169 (C.10:5-12) including, but not limited to, practices and acts constituting unlawful harassment.

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

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

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

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

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

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

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

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

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

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations and except as set forth in paragraphs (2) and (3) of subsection g. and paragraph (3) of subsection h. of section 11 of P.L.1945, c.169 (C.10:5-12), the provisions of this act shall not apply to the rental[: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence; or (2)] of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, in the sale, lease, or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. Nor does any provision under this act regarding discrimination on the basis of familial status apply with respect to housing for older persons.

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

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

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

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

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

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

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

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

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

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

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

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

aa. "Thalassemia trait" means the presence of the thalassemia gene which in combination with another similar gene results in the chronic hereditary disease Cooley's anemia.

bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

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

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

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

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

hh. "Affectional or sexual orientation" means [male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity, or expression, having a history thereof or being perceived, presumed, or identified by others as having such an orientation] a person’s romantic or sexual attraction to people of the same gender, another gender, or both genders.

ii. ["Heterosexuality" means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.] (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)

jj. ["Homosexuality" means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.] (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)

kk. ["Bisexuality" means affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.] (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)

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

mm. "Housing for older persons" means housing:

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

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

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

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

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

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

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

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

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

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

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

rr. ["Gender identity or expression" means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.] (Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)

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

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

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

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

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

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

yy. ”Citizenship status” means an individual’s status as a citizen or national of the United States or a country or countries other than the United States.

zz. “Immigration status” means an individual's category of presence in the United States, including but not limited to, naturalized citizen, permanent resident, asylee, refugee, work authorization holder, or undocumented individual.

aaa. “Consumer credit history” means an individual’s creditworthiness, credit standing, credit capacity, and borrowing or payment history, as indicated by: (1) a consumer credit report; (2) a credit score; or (3) information a person obtains directly from the individual regarding: (i) details about credit accounts, including the individual’s number of credit accounts, late or missed payments, charged-off debts, items in collections, credit limit, or prior credit report inquiries; or (ii) bankruptcies, judgements, or liens. For purposes of this definition, consumer credit report includes any written, oral or other communication of any information by a consumer reporting agency that bears on an individual’s creditworthiness, credit standing, credit capacity, or credit history.

bbb. “Criminal record” means information about individuals collected by criminal justice agencies consisting of identifiable descriptions and notations of arrests, detentions, indictments, criminal complaints or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, release or conviction including, but not limited to, any conviction or sentence arising from a verdict or plea of guilty or nolo contendere, including a sentence of incarceration, a suspended sentence, a sentence of probation, or a sentence of conditional discharge.

ccc. “Gender” includes a person’s actual or perceived sex, gender identity, and gender expression.

ddd. “Gender expression” means a person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s assigned gender at birth, and is reflected in the manner in which a person represents or expresses their gender to others, such as through their name, pronouns, titles, clothing, hairstyle, voice, or mannerisms.

eee. “Gender identity” means a person’s innate, deeply felt identification as a man, woman, both, or neither, which may or may not correspond in expected ways to the person’s assigned gender at birth.

fff. “Sexual health or reproductive health decision” means a decision by an individual to receive services that are arranged for or offered or provided to an individual relating to sexual health or reproductive health, including the reproductive system and its functions. These services include, but are not limited to, fertility-related medical procedures; sexually transmitted disease prevention, testing, and treatment; and family planning services and counseling, including birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.

ggg. “Salary history” includes, but is not limited to, a person’s prior wages, salaries, and benefits.

hhh. “Service in the Armed Forces of the United States” means being in active service in any branch of the Armed Forces of the United States, or having been discharged or released from active service in any branch of the Armed Forces of the United States.

iii. “Source of lawful income” means any source of income lawfully obtained or any source of rental or mortgage payment lawfully obtained including, but not limited to, any federal, state, or local public assistance or housing assistance voucher or funds, including Section 8 housing choice vouchers, temporary rental assistance programs or state rental assistance programs; rental assistance funds provided by a nonprofit organization; federal, state, or local benefits, including disability benefits and veterans’ benefits; court-ordered payments, including, but not limited to, child support, alimony, or damages; and any form of lawful currency tendered, without regard to whether the currency is tendered in the form of cash, check, money order, or other lawful means.

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

6. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read as follows:

6. There is created in the Department of Law and Public Safety a division known as "The Division on Civil Rights" with power to prevent and eliminate discrimination in the manner prohibited by [this act] P.L.1945, c.169 (C.10:5-1 et seq.) against persons because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, gender identity [or], gender expression, familial status, nationality, disability, [or] sex, sexual health or reproductive health decisions, source of lawful income used for rental or mortgage payments, criminal record, consumer credit history, or because of their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, by employers, labor organizations, employment agencies or other persons and to take other actions against unlawful discrimination because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, gender identity, gender expression, familial status, nationality, disability, sex, sexual health or reproductive health decisions, source of lawful income used for rental or mortgage payments, criminal record, consumer credit history, [familial status, nationality, disability, or age] or because of their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, as herein provided; and the division created hereunder is given general jurisdiction and authority for such purposes.

(cf: P.L.2006, c.100, s.5)

7. Section 7 of P.L.1945, c.169 (C.10:5-7) is amended to read as follows:

7. The [said division] Division on Civil Rights shall consist of the Attorney General and the [commission] Commission on Civil Rights. The commission shall consist of [7] seven members; each member shall be appointed by the Governor, with the advice and consent of the Senate, for a term of [5] five years and until [his] that member’s successor is appointed and qualified, except that of those first appointed, one shall be appointed for a term of [1] one year, one for a term of [2] two years, one for a term of [3] three years and [2] two for a term of [4] four years. Vacancies caused other than by expiration of term shall be filled in the same manner but for the unexpired term only. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. The first chairman of the commission shall be designated by the Governor and thereafter, the chairman shall be elected by the members, annually.

(cf: P.L.1963, c. 40, s. 3)

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

8. The Attorney General shall:

a. Exercise all powers of the [division] Division on Civil Rights not vested in the [commission] Commission on Civil Rights.

b. Administer the work of the division.

c. Organize the division into sections, which shall include but not be limited to a section which shall receive, investigate, and act upon complaints alleging unlawful discrimination against persons because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, gender identity [or] , gender expression, familial status, disability, nationality [or], sex, sexual health or reproductive health decisions, criminal record, consumer credit history, or source of lawful income used for rental or mortgage payments, or because of their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States; and another section which shall, in order to eliminate prejudice and to further good will among [the various racial and religious and nationality groups] all people in this State, study, recommend, prepare and implement, in cooperation with such other departments of the State [Government] or any other agencies, groups or entities both public and private, such educational and human relations programs as are consonant with the objectives of [this act] P.L.1945, c.169 (C.10:5-1 et seq.); and prescribe the organization of [said] the sections and the duties of [his] the Attorney General’s subordinates and assistants.

d. Appoint a Director of the Division on Civil Rights, who shall act for the Attorney General, in the Attorney General's place and with the Attorney General's powers, which appointment shall be subject to the approval of the commission and the Governor, a deputy director and such assistant directors, field representatives and assistants as may be necessary for the proper administration of the division and fix their compensation within the limits of available appropriations. The director, deputy director, assistant directors, field representatives and assistants shall not be subject to the Civil Service Act and shall be removable by the Attorney General at will.

e. Appoint such clerical force and employees as the Attorney General may deem necessary and fix their duties, all of whom shall be subject to the Civil Service Act.

f. Maintain liaison with local and State officials and agencies concerned with matters related to the work of the division.

g. Adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of [this act] P.L.1945, c.169 (C.10:5-1 et seq.).

h. Conduct investigations related to individual complaints received by the division or on matters as to which no individual complaints have been received when the Attorney General or director believe it is in the public interest for an investigation to be made, receive complaints and conduct hearings thereon other than those complaints received and hearings held pursuant to the provisions of [this act] P.L.1945, c.169 (C.10:5-1 et seq.).

i. In connection with any investigation or hearing held pursuant to the provisions of [this act] P.L.1945, c.169 (C.10:5-1 et seq.), subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and, in connection therewith, require the production for examination of any books or papers relating to any subject matter under investigation or in question by the division and conduct such discovery procedures which may include the taking of interrogatories and oral depositions as shall be deemed necessary by the Attorney General in any investigation. The Attorney General may make rules as to the issuance of subpoenas by the director. The Attorney General or the director may also issue subpoenas related to individual complaints received by the division or on matters as to which no individual complaints have been received when the Attorney General or director believe it is in the public interest for an investigation to be made. The failure of any witness when duly subpoenaed to attend, give testimony, or produce evidence shall be punishable by the Superior Court of New Jersey in the same manner as such failure is punishable by such court in a case therein pending.

j. Issue such publications and such results of investigations and research tending to promote good will and to minimize or eliminate unlawful discrimination because of race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, gender identity [or], gender expression, familial status, disability, nationality [or], sex, sexual health or reproductive health decisions, criminal record, consumer credit history, source of lawful income used for rental or mortgage payments, or because of an individual’s service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, as the commission shall direct, subject to available appropriations.

k. Render each year to the Governor and Legislature a full written report of all the activities of the division.

l. Appoint, subject to the approval of the commission, a panel of not more than five hearing examiners, each of whom shall be duly licensed to practice law in this State for a period of at least five years, and each to serve for a term of one year and until his successor is appointed, any one of whom the director may designate in his place to conduct any hearing and recommend findings of fact and conclusions of law. The hearing examiners shall receive such compensation as may be determined by the Attorney General, subject to available appropriations.

(cf: P.L.2006, c.100, s.6)

9. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read as follows:

1. The Division on Civil Rights in the Department of Law and Public Safety shall enforce the laws of this State against unlawful discrimination in housing built with, or leased with the assistance of, public funds or public assistance, pursuant to any law, and in real property, as defined in the law hereby supplemented, because of race, religious principles, color, national origin, immigration status, citizenship status, ancestry, marital status, affectional or sexual orientation, familial status, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, sex, gender identity [or], gender expression or source of lawful income used for rental or mortgage payments. [The said] These laws shall be [so] enforced in the manner prescribed in [the act to which this act is a supplement] P.L.1945, c.169 (C.10:5-1 et seq.).

(cf: P.L.2017, c.184, s.2)

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

9. The commission shall:

a. Consult with and advise the Attorney General with respect to the work of the division.

b. Survey and study the operations of the division.

c. Report to the Governor and the Legislature with respect to such matters relating to the work of the division and at such times as it may deem in the public interest.

The mayors or chief executive officers of the municipalities in the State may appoint local commissions on civil rights to aid in effectuating the purposes of [this act] P.L.1945, c.169 (C.10:5-1 et seq.). [Such] These local commissions shall be composed of representative citizens serving without compensation. [Such] The commissions shall attempt to foster through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the inhabitants of the community, and they may be empowered by the local governing bodies to make recommendations to them for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of unlawful discrimination based on race, creed, color, national origin, immigration status, citizenship status, ancestry, age, marital status, affectional or sexual orientation, gender identity [or], gender expression, familial status, disability, nationality, [or] sex, sexual health or reproductive health decisions, criminal record, consumer credit history, or because of an individual’s service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States.

(cf: P.L.2006, c.100, s.8)

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

10. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Attorney General, director, or hearing examiner on the ground that the testimony or evidence required of [him] the person may tend to incriminate [him] the person or subject [him] the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which [he] the person is compelled, after having claimed [his] the person’s privilege against self-incrimination, to testify or produce evidence. But [he] the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence in accordance with the subpoena, and any such testimony given or evidence produced shall be admissible against [him] the person in any proceeding concerning such perjury or contempt. The immunity herein provided shall extend only to natural persons so compelled to testify.

(cf: P.L1966, c. 17, s. 3)

12. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding, sex, gender identity [or], gender expression, disability or atypical hereditary cellular or blood trait of any individual, or because of [the] their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the criminal record of any individual except to the extent permitted pursuant to section 30 of P.L. , c. (C. ) (pending before the Legislature as this bill), or because of the consumer credit history of any individual except to the extent permitted pursuant to section 32 of P.L. , c. (C. ) (pending before the Legislature as this bill), or because of the sexual health or reproductive health decisions of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, or to request the consumer credit history of a job applicant or employee except to the extent permitted pursuant to section 32 of P.L. , c. (C. ) (pending before the Legislature as this bill); provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; and provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least [$27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest] $44,000.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

For the purposes of this subsection, an unlawful employment practice occurs, with respect to discrimination in compensation or in the financial terms or conditions of employment, each occasion that an individual is affected by application of a discriminatory compensation decision or other practice, including, but not limited to, each occasion that wages, benefits, or other compensation are paid, resulting in whole or in part from the decision or other practice.

In addition to any other relief authorized by the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.) for discrimination in compensation or in the financial terms or conditions of employment, liability shall accrue and an aggrieved person may obtain relief for back pay for the entire period of time, except not more than six years, in which the violation with regard to discrimination in compensation or in the financial terms or conditions of employment has been continuous, if the violation continues to occur within the statute of limitations.

Nothing in this subsection shall prohibit the application of the doctrine of "continuing violation" or the "discovery rule" to any appropriate claim as those doctrines currently exist in New Jersey common law. It shall be an unlawful employment practice to require employees or prospective employees to consent to a shortened statute of limitations or to waive any of the protections provided by the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

b. For a labor organization, because of the race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity [or], gender expression, disability, pregnancy or breastfeeding, or sex of any individual, or because of [the] their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States or nationality of any individual, or because of the criminal record of any individual except to the extent permitted pursuant to section 30 of P.L. , c. (C. ) (pending before the Legislature as this bill), or because of the consumer credit history of any individual except to the extent permitted pursuant to section 32 of P.L. , c. (C. ) (pending before the Legislature as this bill), or because of the sexual health or reproductive health decisions of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity [or], gender expression, disability, nationality, pregnancy or breastfeeding, [or] sex, or service in the Armed Forces of the United States or liability of any applicant for employment for service in the Armed Forces of the United States, or because of the criminal record of any individual except to the extent permitted pursuant to section 30 of P.L. , c. (C. ) (pending before the Legislature as this bill),or because of the consumer credit history of any individual except to the extent permitted pursuant to section 32 of P.L. , c. (C. )(pending before the Legislature as this bill), or because of the sexual health or reproductive health decisions of any individual, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under [this act] P.L.1945, c.169 (C.10:5-1 et seq.) or because that person has sought legal advice regarding rights under [this act] P.L.1945, c.169 (C.10:5-1 et seq.), shared relevant information with legal counsel, shared information with a governmental entity, or filed a complaint, testified or assisted in any proceeding under [this act] P.L.1945, c.169 (C.10:5-1 et seq.) or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by [this act] P.L.1945, c.169 (C.10:5-1 et seq.).

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under [this act] P.L.1945, c.169 (C.10:5-1 et seq.), or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, or nationality of such person, or that the patronage or custom thereat of any person of any particular race, creed, color, national origin, immigration status, or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding status, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one [sex] gender, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, locker room, restroom, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one [sex] gender, provided individuals shall be admitted based on their gender identity or gender expression, from refusing, withholding from or denying to any individual of a different gender [the opposite sex] any of the accommodations, advantages, facilities or privileges thereof on the basis of sex or gender; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "a place of public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity, [or] , gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or association, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, familial status, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, immigration status or citizenship status of any individual except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, familial status, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith; provided that, notwithstanding subsection n. of section 5 of P.L.1945, c.169 (C.10:5-5), for purposes of claims brought pursuant to this subsection alleging that any owner or other person having the right of ownership or possession is liable for an unlawful discrimination because an individual was subjected to unlawful harassment based on any category protected pursuant to this paragraph, the definition of “real property” shall include the rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or, notwithstanding subsection n. of P.L.1945, c.169 (C.10:5-5), for the rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or, notwithstanding subsection n. of P.L.1945, c.169 (C.10:5-5), for the rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or] gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to [sex] gender for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one [sex] gender to any individual of [the exclusively opposite sex] a different gender on the basis of sex or gender, provided individuals shall be qualified based on their gender identity or gender expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; including, but not limited to, by refusing to accept as payment any source of lawful income or by applying, in assessing eligibility for the rental of housing, any minimum income requirement or financial or consumer credit history-related standard that is not based only on the portion of the rent to be paid by the tenant; [or]

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5);

(6) To refuse to rent or lease, or to refuse to offer to rent or lease, any real property or portion thereof to a prospective tenant because the prospective tenant was involved in a past or pending landlord-tenant matter unless such matter resulted in a final judgment against the prospective tenant within three years of the effective date of the prospective rental or lease agreement, and subject to the provisions of section 31 of P.L. , c. (C. ) (pending before the Legislature as this bill);

(7) To make any inquiry regarding or based on the immigration status or citizenship status of a tenant, occupant, or prospective tenant or occupant of residential rental property, or to require that any such person disclose or make any statement, representation, or certification concerning such person’s immigration status or citizenship status, except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill; or

(8) To threaten to disclose or actually disclose information regarding or relating to the immigration status or citizenship status of a tenant, occupant, prospective tenant or occupant, or other person known to be associated with a tenant, occupant, or prospective tenant or occupant, for the purpose of, or with the intent of, harassing or intimidating a tenant, occupant, or prospective tenant or occupant, influencing a tenant or occupant to vacate a dwelling; recovering possession of a dwelling from a tenant or occupant, or taking reprisals against a tenant, occupant, or prospective tenant or occupant as prohibited by subsection d. of this section.

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, [or] nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person because of race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity or expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or, notwithstanding subsection n. of P.L.1945, c.169 (C.10:5-5), for the rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or, notwithstanding subsection n. of P.L.1945, c.169 (C.10:5-5), for the rental of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h[,] shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to [sex] gender for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one [sex] gender to any individual of [the opposite sex] a different gender on the basis of [sex] gender, provided individuals shall be qualified based on their gender identity or gender expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property, including, but not limited to, by refusing to accept as payment any source of lawful income, or by applying, in assessing eligibility for the rental of housing, any minimum income requirement or financial or consumer credit history-related standard that is not based only on the portion of the rent to be paid by the tenant; [or]

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5); or

(6) To refuse to rent or lease, or to refuse to offer to rent or lease, any real property or portion thereof to a prospective tenant because the prospective tenant was involved in a past or pending landlord-tenant matter unless such matter resulted in a final judgment against the prospective tenant within three years of the effective date of the prospective rental or lease agreement, and subject to the provisions of section 31 of P.L. , c. (C. ) (pending before the Legislature as this bill);

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, including but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, familial status or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of [this act] P.L.1945, c.169 (C.10:5-1 et seq.) to refuse to post or display such notices concerning the rights or responsibilities of persons affected by [this act] P.L.1945, c.169 (C.10:5-1 et seq.) as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, immigration status or citizenship status except to the extent permitted pursuant to section 29 of P.L. , c. (C. ) (pending before the Legislature as this bill), ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments of such other person or of such other person's family members, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that [he, she or it] such person has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's family members, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, familial status, pregnancy or breastfeeding, sex, gender identity [or], gender expression, affectional or sexual orientation, disability, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

q. (1) For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement or transfers, any terms or conditions that would require a person to violate or forego a sincerely held religious practice or religious observance, including but not limited to the observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the religion or religious belief, unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's religious observance or practice without undue hardship on the conduct of the employer's business. Notwithstanding any other provision of law to the contrary, an employee shall not be entitled to premium wages or premium benefits for work performed during hours to which those premium wages or premium benefits would ordinarily be applicable, if the employee is working during those hours only as an accommodation to [his] the employee’s religious requirements. Nothing in this subsection q. shall be construed as reducing:

(a) The number of the hours worked by the employee which are counted towards the accruing of seniority, pension or other benefits; or

(b) Any premium wages or benefits provided to an employee pursuant to a collective bargaining agreement.

(2) For an employer to refuse to permit an employee to utilize leave, as provided for in this subsection q., which is solely used to accommodate the employee's sincerely held religious observance or practice. Except where it would cause an employer to incur an undue hardship, no person shall be required to remain at [his] the person’s place of employment during any day or days or portion thereof that, as a requirement of [his] the person’s religion, [his] the person observes as [his] the person’s Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between [his] the person’s place of employment and [his] the person’s home; provided that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, and any such absence not so made up or charged, may be treated by the employer of that person as leave taken without pay.

(3) (a) For purposes of this subsection q., "undue hardship" means an accommodation requiring unreasonable expense or difficulty, unreasonable interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system or a violation of any provision of a bona fide collective bargaining agreement.

(b) In determining whether the accommodation constitutes an undue hardship, the factors considered shall include:

(i) The identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer.

(ii) The number of individuals who will need the particular accommodation for a sincerely held religious observance or practice.

(iii) For an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

(c) An accommodation shall be considered to constitute an undue hardship if it will result in the inability of an employee to perform the essential functions of the position in which [he or she] the employee is employed.

(d) (i) The provisions of this subsection q. shall be applicable only to reasonable accommodations of religious observances and shall not supersede any definition of undue hardship or standards for reasonable accommodation of the disabilities of employees.

(ii) This subsection q. shall not apply where the uniform application of terms and conditions of attendance to employees is essential to prevent undue hardship to the employer. The burden of proof regarding the applicability of this subparagraph (d) shall be upon the employer.

r. For any employer to take reprisals against any employee for requesting from, discussing with, or disclosing to, any other employee or former employee of the employer, a lawyer from whom the employee seeks legal advice, or any government agency information regarding the job title, occupational category, and rate of compensation, including benefits, of the employee or any other employee or former employee of the employer, or the gender, race, ethnicity, military status, or national origin of the employee or any other employee or former employee of the employer, regardless of whether the request was responded to, or to require, as a condition of employment, any employee or prospective employee to sign a waiver, or to otherwise require an employee or prospective employee to agree, not to make those requests or disclosures. Nothing in this subsection shall be construed to require an employee to disclose such information about the employee herself to any other employee or former employee of the employer or to any authorized representative of the other employee or former employee.

s. For an employer to treat, for employment-related purposes, [a woman] an employee that the employer knows, or should know, is affected by pregnancy or breastfeeding in a manner less favorable than the treatment of other persons not affected by pregnancy or breastfeeding but similar in their ability or inability to work. In addition, an employer of an employee who is [a woman] an individual affected by pregnancy shall make available to the employee reasonable accommodation in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of [her] the employee’s health care provider, including but not limited to a physician, doula, midwife, or nurse practitioner, requests the accommodation, and, in the case of [a] an employee [breast feeding her] breastfeeding the employee’s infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area for the employee to express breast milk for the child, unless the employer can demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer. The employer shall not in any way penalize the employee in terms, conditions or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid or unpaid leave provided to an employee affected by pregnancy or breastfeeding shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy or breastfeeding but similar in their ability or inability to work. This subsection shall not be construed as otherwise increasing or decreasing any employee's rights under law to paid or unpaid leave in connection with pregnancy or breastfeeding.

For the purposes of this section "pregnancy or breastfeeding" means pregnancy, childbirth, and [breast feeding] breastfeeding or expressing milk for breastfeeding, or medical conditions related to pregnancy, childbirth, or breastfeeding, including recovery from childbirth.

For the purposes of this subsection, in determining whether an accommodation would impose undue hardship on the operation of an employer's business, the factors to be considered include: the overall size of the employer's business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer's operations, including the composition and structure of the employer's workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

t. For an employer to pay any of its employees who is a member of a protected class at a rate of compensation, including benefits, which is less than the rate paid by the employer to employees who are not members of the protected class for substantially similar work, when viewed as a composite of skill, effort and responsibility. An employer who is paying a rate of compensation in violation of this subsection shall be liable for discrimination in compensation or in the financial terms or conditions of employment and shall not reduce the rate of compensation of any employee in order to comply with this subsection. [An] Pursuant to this subsection, an employer may pay a different rate of compensation only if the employer demonstrates that the differential is made pursuant to a seniority system, a merit system, or the employer demonstrates:

(1) That the differential is based on one or more legitimate, bona fide factors other than the characteristics of members of the protected class, such as training, education or experience, or the quantity or quality of production;

(2) That the factor or factors do not include salary history and are not otherwise based on, and do not perpetuate, a differential in compensation based on sex or any other characteristic of members of a protected class;

(3) That each of the factors is applied reasonably;

(4) That one or more of the factors account for the entire wage differential; and

(5) That the factors are job-related with respect to the position in question and based on a legitimate business necessity. A factor based on business necessity shall not apply if it is demonstrated that there are alternative business practices that would serve the same business purpose without producing the wage differential.

Comparisons of wage rates shall be based on wage rates in all of an employer's operations or facilities. For the purposes of this subsection, "member of a protected class" means an employee who has one or more characteristics, including race, creed, color, national origin, immigration status, citizenship status, nationality, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy or breastfeeding, sex, sexual health or reproductive health decisions, gender identity [or], gender expression, disability or atypical hereditary cellular or blood trait of any individual, service in the Armed Forces of the United States or liability for service in the [armed forces] Armed Forces of the United States, criminal record, or consumer credit history, for which subsection a. of this section prohibits an employer from refusing to hire or employ or barring or discharging or requiring to retire from employment or discriminating against the individual in compensation or in terms, conditions or privileges of employment.

For the purposes of this subsection, an unlawful employment practice occurs with respect to discrimination in compensation or in the financial terms or conditions of employment each occasion that an individual is affected by application of a discriminatory compensation decision or other practice including, but not limited to, each occasion that wages, benefits, or other compensation are paid, resulting in whole or in part from the decision or other practice.

(cf: P.L.2021, c.248, s.2)

13. Section 12 of P.L.1992, c.146 (C.10:5-12.5) is amended to read as follows:

12. a. It shall be an unlawful discrimination for a municipality, county, or other local civil or political subdivision of the State of New Jersey, or an officer, employee, or agent thereof, to exercise the power to regulate land use or housing in a manner that discriminates on the basis of race, creed, color, national origin, immigration status, citizenship status, ancestry, marital status, familial status, sex, affectional or sexual orientation, gender identity [or], gender expression, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, nationality, or disability.

b. The provisions of subsection a. of this section may only be enforced by initiating an action in Superior Court pursuant to paragraph (2) of subsection a. of section 12 of P.L.1945, c.169 (C.10:5-13). The restrictions of this subsection shall not apply to claims alleging discrimination in housing owned or managed by a municipality, county or other local civil or political subdivision of the State of New Jersey where such discrimination is otherwise prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

(cf: P.L.2019, c.436, s.4)

14. Section 5 of P.L.2019, c.39 (C.10-5-12.11) is amended to read as follows:

5. Any person claiming to be aggrieved by a violation of P.L.2019, c.39 (C.10:5-12.7 et seq.) may initiate suit in Superior Court. An action pursuant to this section shall be commenced within [two] three years [next] after the cause of any such action shall have accrued. All remedies available in common law tort actions shall be available to prevailing plaintiffs. These remedies are in addition to any provided by P.L.2019, c.39 (C.10:5-12.7 et seq.) or any other statute. A prevailing plaintiff shall be awarded reasonable [attorney] attorney’s fees and costs.

(cf: P.L.2019, c.39, s.5)

15. Section 2 or P.L.2019, c.199 (C.10:5-12.12) is amended to read as follows:

2. a. Except as otherwise provided by section 1 of P.L.2019, c.199 (C.34:6B-20), if a job applicant is a member of a protected class as defined in subsection t. of section 11 of P.L.1945, c.169 (C.10:5-12), it shall be an unlawful employment practice in violation of P.L.1945, c.169 (C.10:5-1 et seq.) for an employer to :

(1) [to screen a job applicant based on the] inquire or direct an agent or third party to inquire about any applicant's salary history, including, but not limited to, the applicant's prior wages, salaries, or benefits; [or]

(2) [to] require [that] orally, in writing, or through an application form, any job applicant to provide the applicant's salary history [satisfy any minimum or maximum criteria] as a condition of being interviewed, being considered for a position, or being offered a position; or

(3) rely upon, use, or consider the salary history, including salary history information that is publicly available or subject to disclosure to the public pursuant to federal or state law, of a job applicant as a factor in determining whether to offer a position to the job applicant or in determining what compensation to offer the job applicant.

b. Notwithstanding the provisions of subsection a. of the section:

(1) An employer may, at any time, provide information about the compensation being offered for a position. Upon reasonable request from a job applicant after the applicant has completed an initial interview with the employer, an employer shall provide the pay scale, or a salary or hourly-wage range, for a position.

(2) An employer shall not be liable for an unlawful employment practice pursuant to subsection b. of this section for taking any action that would be lawful pursuant to subsection b., c., d., f., g. or h. of section 1 of P.L.2019, c.199 (C.34:6B-20).

[b.] c. An award of punitive damages shall not be an available remedy for a violation of this section.

d. Nothing in this section shall be construed to allow salary history to justify any disparity in compensation pursuant to subsection a. or t. of section 11 of P.L.1945, c.169 (C.10:5-12).

(cf: P.L.2019, c.199, s.2)

16. Section 12 of P.L.1945, c.169 (C.10:5-13) is amended to read as follows:

12. a. (1) Any person claiming to be aggrieved by an unlawful employment practice or an unlawful discrimination may, personally or by an attorney-at-law, make, sign, and file with the [division] Division on Civil Rights a verified complaint in writing which shall state the name and address of the person, employer, labor organization, employment agency, owner, lessee, proprietor, manager, superintendent, or agent alleged to have committed the unlawful employment practice or unlawful discrimination complained of and which shall set forth the particulars thereof and shall contain such other information as may be required by the division. Such complaint shall be filed with the division within one year after the alleged unlawful employment practice or unlawful discrimination based on any category protected by P.L.1945, c.169 (C.10:5-1 et seq.). Upon receipt of the complaint, the division shall notify the complainant on a form promulgated by the director of the division and approved by the Attorney General of the complainant's rights under P.L.1945, c.169 (C.10:5-1 et seq.), including the right to file a complaint in the Superior Court to be heard before a jury; of the jurisdictional limitations of the division; and any other provisions of P.L.1945, c.169 (C.10:5-1 et seq.), without interpretation, that may apply to the complaint. The Commissioner of Labor and Workforce Development, the Attorney General, the director, or the Commissioner of Education may, in like manner, make, sign, and file such complaint. Any employer whose employees, or some of them, refuse, or threaten to refuse to cooperate with the provisions of P.L.1945, c.169 (C.10:5-1 et seq.), may file with the division a verified complaint asking for assistance by conciliation or other remedial action.

(2) Any complainant, including any person claiming to be aggrieved by an unlawful employment practice or an unlawful discrimination, the Attorney General, the director, the Commissioner of Labor and Workforce Development, or the Commissioner of Education, may initiate suit in Superior Court under P.L.1945, c.169 (C.10:5-1 et seq.) without first filing a complaint with the division [or any municipal office]. Any such action, other than an action by the Attorney General or the director, shall be commenced within three years after the cause of that action shall have accrued. In such proceedings:

(a) Upon the application of any party, a jury trial shall be directed to try the validity of any claim under P.L.1945, c.169 (C.10:5-1 et seq.) specified in the suit.

(b) All remedies available in common law tort actions shall be available to prevailing plaintiffs, and if the Attorney General or the director is a prevailing plaintiff, those remedies shall be available on behalf of named or unnamed victims. If the suit seeks relief for one or more unnamed members of a protected class, the Attorney General or the director shall have the discretion to settle the suit on such terms as the Attorney General or the director deems appropriate. The injunctive relief set forth in section 16 of P.L.1945, c.169 (C.10:5-17) shall also be available to prevailing plaintiffs. These remedies are in addition to any other provided by P.L.1945, c.169 (C.10:5-1 et seq.) or any other statute.

(c) In addition to the remedies set forth in subparagraph (b) of this paragraph, the Attorney General or director may seek and obtain from the Superior Court penalties pursuant to section 2 of P.L.1983, c.412 (C.10:5-14.1a). In the alternative, in lieu of these penalties, the Attorney General or director may seek and obtain punitive damages payable to the State upon a finding that the provisions of P.L.1995, c.142 (C.2A:15-5.9 et al.) are satisfied.

Prosecution of such suit in Superior Court under P.L.1945, c.169 (C.10:5-1 et seq.) shall bar the filing of a complaint with the division [or any municipal office] during the pendency of any such suit.

(d) If a jury or court determines that an employer has committed an unlawful employment practice prohibited by subsection r. or t. of section 11 of P.L.1945, c.169 (C.10:5-12), the judge shall award three times any monetary damages to the person or persons aggrieved by the violation.

(e) Notwithstanding the provisions of section 6 of P.L.1979, c.404 (C.10:5-27.1), if the Attorney General or the director is a prevailing plaintiff, the court shall award reasonable attorney's fees and litigation and investigation costs.

b. At any time after 180 days from the filing of a complaint with the division, a complainant may file a request with the division to present the action personally or through counsel to the Office of Administrative Law. Upon such request, the director of the division shall file the action with the Office of Administrative Law, provided that no action may be filed with the Office of Administrative Law where the director of the division has found that no probable cause exists to credit the allegations of the complaint or has otherwise dismissed the complaint.

c. A party to an action based upon a violation of P.L.1945, c.169 (C.10:5-1 et seq.) shall mail a copy of the initial pleadings or claims, amended pleadings or claims, counterclaims, briefs, and legal memoranda to the division at the same time as filing such documents with the Office of Administrative Law or the court. Upon application to the Office of Administrative Law or to the court wherein the matter is pending, the division shall be permitted to intervene.

(cf: P.L.2019, c.436, s.5)

17. Section 13 of P.L.1945, c.169 (C.10:5-14) is amended to read as follows:

13. a. After the filing of any complaint, the Attorney General shall cause prompt investigation to be made in connection therewith and advise the [complainant] parties of the results thereof. During the period beginning with the filing of such complaint and ending with the closure of the case or 45 days from the date of a finding of probable cause, the Attorney General shall, to the extent feasible, engage in conciliation with respect to such complaint. Neither the Attorney General nor any officer or employee of the [division] Division on Civil Rights shall disclose any conversation between the Attorney General or a representative and the respondent or a representative at such conference, except that the Attorney General and any officer or employee may disclose the terms of a settlement offer to the complainant or other aggrieved person on whose behalf the complaint was filed.

b. If, upon preliminary investigation, the director of the Division on Civil Rights determines that further investigation will not advance the purposes of P.L.1945, c.169 (C.10:5-1 et seq.), the director shall notify the complainant of the complainant’s right to file a complaint in Superior Court or to request that the matter be transmitted to the Office of Administrative Law pursuant to section 12 of P.L.1945, c.169 (C.10:5-13). Should the complainant fail to request transmission of the matter to the Office of Administrative Law or otherwise withdraw the complaint with 90 days of the receipt of the notice, the director shall enter an order administratively dismissing the complaint filed with the division.

c. If, following an investigation, the director finds that probable cause does not exist to credit the allegations in the complaint, the director may set forth the findings of the investigation and shall notify the complainant of the complainant’s right to file a complaint in Superior Court. If the time for filing a complaint in Superior Court expired, or will expire within 90 days of the determination that probable cause does not exist to credit the allegations of the complaint, a complainant may file a complaint in Superior Court within 90 days of the receipt of the notice.

(cf: P.L.2003, c.180, s.14)

18. Section 2 of P.L.1983, c.412 (C.10:5-14.1a) is amended to read as follows:

2. Any person who violates any of the provisions of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), shall, in addition to any other relief or affirmative action provided by law, be liable for the following penalties:

a. In an amount not exceeding [$10,000] the greater of $25,000 or the maximum civil penalty amount provided for violations of the federal “Fair Housing Act,” 42 U.S.C. ss.3601 et seq., if the respondent has not been adjudged to have committed any prior violation within the five-year period ending on the date of the filing of this charge;

b. In an amount not exceeding [$25,000] the greater of $50,000 or the maximum civil penalty amount provided for violations of the federal “Fair Housing Act,” 42 U.S.C. ss.3601 et seq., if the respondent has been adjudged to have committed one other violation within the five-year period ending on the date of the filing of this charge; and

c. In an amount not exceeding [$50,000] the greater of $100,000 or the maximum civil penalty amount provided for violations of the federal “Fair Housing Act,” 42 U.S.C. ss.3601 et seq., if the respondent has been adjudged to have committed two or more violations within the seven-year period ending on the date of the filing of this charge.

The penalties shall be determined by the director in such amounts as the director of the Division on Civil Rights deems proper under the circumstances and included in an order following a finding of an unlawful discrimination or an unlawful employment practice pursuant to section 16 of P.L.1945, c.169 (C.10:5-17) or determined by the court in cases brought under subsection b. of section 9 of P.L.2019, c.436 (C.10:5-8.2). Any such amounts collected by the director shall be [paid forthwith into the State Treasury for the general purposes of the State] used by the division to offset the cost of enforcing the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.) and for other purposes in furtherance of the division’s statutory mission.

(cf: P.L.2019, c.436, s.7)

19. Section 14 of P.L.1945, c.169 (C.10:5-15) is amended to read as follows:

14. In case of failure so to eliminate such practice or discrimination, or in advance thereof if in [his] the Attorney General’s judgment circumstances so warrant, the Attorney General shall cause to be issued and served in the name of the [division] Division on Civil Rights, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization, employment agency, owner, lessee, proprietor, manager, superintendent, or agent named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before the director at a time and place to be specified in such notice. The place of any such hearing shall be the office of the Attorney General or such other place as may be designated by [him] the Attorney General.

(cf: P.L.1963, c. 40, s. 9)

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

16. If, upon all evidence at the hearing, the director of the Division on Civil Rights shall find that the respondent has engaged in any unlawful employment practice or unlawful discrimination as defined in P.L.1945, c.169 (C.10:5-1 et seq.), the director shall state [his] such findings of fact and conclusions of law and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice or unlawful discrimination and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership, in any respondent labor organization, or extending full and equal accommodations, advantages, facilities, and privileges to all persons, as, in the judgment of the director, will effectuate the purpose of P.L.1945, c.169 (C.10:5-1 et seq.), and including a requirement for report of the manner of compliance. If the conduct violative of P.L.1945, c.169 (C.10:5-1 et seq.) constitutes any form of unlawful economic discrimination prohibited in subsection 1., m., or n. of section 11 of P.L.1945, c.169 (C.10:5-12), or any form of unlawful employment practice prohibited by subsection r. or t. of section 11 of P.L.1945, c.169 (C.10:5-12), the affirmative action taken by the director may include the award of three-fold damages to the person or persons aggrieved by the violation. The director shall have the power to use reasonably certain bases, including but not limited to list, catalogue or market prices or values, or contract or advertised terms and conditions, in order to determine particulars or performance in giving appropriate remedy. In addition to any other remedies provided by P.L.1945, c.169 (C.10:5-1 et seq.), a prevailing complainant may recover damages to compensate for emotional distress caused by the activities found to be in violation of P.L.1945, c.169 (C.10:5-1 et seq.) to the same extent as is available in common law tort actions. In any case in which the director, Attorney General, or appropriate organization is a complainant, on behalf of named or unnamed individuals or a class of individuals, any of the remedies or relief allowed by P.L.1945, c.169 (C.10:5-1 et seq.) may be awarded or applied to the named or unnamed individual victims of discrimination. If, upon all evidence, the director shall find that the respondent has not engaged in any such unlawful practice or unlawful discrimination, the director shall state [his] such findings of fact and conclusions of law and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

[This section shall not apply to a violation regarding an inquiry as to an applicant's salary history pursuant to section 2 of P.L.2019, c.199 (C.10:4-12.12).]

(cf: P.L.2019, c.199, s.4)

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

17. The Attorney General shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and [his] the Attorney General’s own actions thereunder. [Any complaint filed in the division or in any municipal office pursuant to this act mus

be so filed within 180 days after the alleged act of discrimination.]

(cf: P.L.1979, c. 404, s. 4)

22. Section 26 of P.L.1945, c.169 (C.10-5-27) is amended to read as follows:

26. The provisions of this act shall be construed fairly and justly with due regard to the interests of all parties. Nothing contained in this act shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this State relating to discrimination because of race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, disability, gender identity [or], gender expression, nationality or sex, service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States; except that, as to practices and acts declared unlawful by section 11 of [this act] P.L.1945, c.169 (C.10:5-12), the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. Nothing herein contained shall bar, exclude or otherwise affect any right or action, civil or criminal, which may exist independently of any right to redress against or specific relief from any unlawful employment practice or unlawful discrimination. With respect only to affectional or sexual orientation and gender identity or expression, nothing contained herein shall be construed to require the imposition of affirmative action, plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination.

(cf: P.L.2006, c.100, s.11)

23. Section 6 of P.L.1979, c.404 (C.10:5-27.1) is amended to read as follows:

6. In any action or proceeding brought under P.L.1945, c.169 (C.10:5-1 et seq.), the prevailing party may be awarded [a] reasonable attorney's [fee] fees as part of the cost, provided however, that no attorney's fee shall be awarded to the respondent unless there is a determination that the complainant brought the charge in bad faith. If the complainant's case was initiated by a housing authority on behalf of a tenant for a violation of paragraph (4) of subsection g. or paragraph (4) of subsection h. of section 11 of P.L.1945, c.169 (C.10:5-12) and the complainant prevailed, reasonable costs, including [attorney] attorney’s fees, of the housing authority may be assessed against a nonprevailing respondent. If the complainant's case was presented by the attorney for the [division] Division on Civil Rights and the complainant prevailed, the reasonable costs, including [attorney] attorney’s fees and litigation and investigation costs, of such representation may be assessed against a nonprevailing respondent.

[Notwithstanding any other provision of law to the contrary, an award of an attorney's fee in accordance with this section shall not be available as a remedy to violations of section 2 of P.L.2019, c.199 (C.10:4-12.12).] In no circumstances may attorney’s fees be awarded against the Attorney General or the director in an action filed pursuant to the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.).

(cf: P.L.2019, c.199, s.5)

24. Section 1 of P.L.1971, c.130 (C.10:5-29) is amended to read as follows:

1. Any person with a disability accompanied by a service or guide dog trained by a recognized training agency or school is entitled, with [his] the person’s dog, to the full and equal enjoyment, advantages, facilities and privileges of all public facilities, subject only to the following conditions:

a. A person with a disability, if accompanied by a service or guide dog, shall keep such dog in [his] the person’s immediate custody at all times;

b. A person with a disability accompanied by a service or guide dog shall not be charged any extra fee or payment for admission to or use of any public facility;

c. A person with a disability who has a service or guide dog in [his] the person’s possession shall be liable for any damages done to the premises of a public facility by such dog.

d. (Deleted by amendment; P.L.1981, c. 391.)

(cf: P.L.2003, c.180, s.18)

25. Section 3 of P.L.1975, c.127 (C.10:5-33) is amended to read as follows:

3. The State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, shall include in the bid specifications and the contract provisions of any public works contract the following language:

"During the performance of this contract, the contractor agrees as follows:

a. The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity [or], gender expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or gender expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or gender expression, disability, nationality, or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause;

b. The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or gender expression, disability, nationality, or sex;

c. The contractor or subcontractor where applicable, will send to each labor union or representative of workers with which [he] the contractor or subcontractor has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment."

In soliciting bids for any public works contract the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, shall include in the advertisement and solicitation of bids the following language: "Bidders are required to comply with the requirements of P.L.1975, c.127."

(cf: P.L.2006, c.100, s.14)

26. Section 4 of P.L.1975, c.127 (C.10:5-34) is amended to read as follows:

4. Each prospective bidder on a public works contract or contracts and each subcontract bidder to a prime contract bidder shall formulate and submit to the State Treasurer [his or its] the bidder’s affirmative action program of equal opportunity whereby [he or it] the bidder guarantees minorities employment in all employment categories; the submission shall be accompanied by a fee in an amount to be fixed by the State Treasurer. For the purposes of this section, equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation and gender identity or gender expression. The State Treasurer shall notify the bidder of approval or disapproval of [his or its] the bidder’s program within 60 days of its submission; failure of the State Treasurer to so act within 60 days shall constitute approval of the program. Any existing federally approved or sanctioned affirmative action program shall be approved by the State Treasurer.

No subcontract bidder who has less than five employees need comply with the provisions of this section.

(cf: P.L.2006, c.100, s.15)

27. Section 6 of P.L.1975, c.127 (C.10:5-36) is amended to read as follows:

6. In carrying out [his] the State Treasurer’s responsibilities under [this act] P.L.1975, c.127 (C.10:5-31 et seq.), the State Treasurer, in addition to and without limitation of other powers which [he] the State Treasurer may have by law, shall have the following powers:

a. To investigate and determine the percentage of population of minority groups in the State or areas thereof from which the work force for public works contracts is or may be drawn;

b. To establish and promulgate such percentages as guidelines in determining the adequacy of affirmative action programs submitted for approval pursuant to section 2 of [this act] P.L.1975, c.127 (C.10:5-32);

c. To require all State and local agencies awarding public works contracts to submit for approval their affirmative action programs;

d. To prescribe those affirmative action program provisions to be included in all public works contracts;

e. To provide guidelines to assist governmental agencies in the formulation of and the administration and enforcement of affirmative action programs;

f. To require State and local agencies awarding public works contracts to designate appropriate officers or employees to maintain liaison with and assist the State Treasurer in the implementation of this act and affirmative action programs adopted pursuant thereto;

g. To prescribe appropriate administrative procedures relating to prequalification of bidders, bidding practices and contract awards to assure equal employment opportunities;

h. To provide staff and technical assistance to public bodies, contractors and subcontractors in furtherance of the objectives of this act;

i. To levy on contractors and subcontractors fees and charges found by him to be reasonable and necessary to accomplish the objectives of this act;

j. To refer to the Attorney General or [his] the Attorney General’s designee circumstances which may constitute violations of the "Law Against Discrimination" ;

k. To issue, amend and rescind rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

l. To enforce in a court of law the provisions of this act or to join in or assist any enforcement proceeding initiated by any aggrieved person;

m. To make and execute contracts and all other instruments with other public agencies and private firms or individuals necessary or convenient for the exercise of their powers and functions hereunder, including contracts with consultants for rendering professional or technical assistance and advice;

n. To contract for or accept any gifts or grants or loans of funds or property or financial or other aid in any form from the Federal government or any agency or instrumentality thereof, or from the State or any agency or instrumentality thereof, or from any other source and to comply, subject to the provisions of this act, with the terms and conditions thereof.

o. To issue rules and regulations that will expand business opportunities for socially and economically disadvantaged contractors and vendors seeking to provide materials and services for State contracts.

(cf: P.L.1979, c. 266, s. 1)

28. Section 1 of P.L.1983, c.197 (C.10:5-39) is amended to read as follows:

1. As used in this act:

a. "Affirmative action program for veterans" means a plan guaranteeing to veterans an equal employment opportunity, which includes but is not limited to the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, and fringe benefits.

b. "Public works contract" means any contract exceeding [$250,000.00] $250,000 in price to be performed for or on behalf of the State for the construction, alteration, or repair of any building or public work.

c. "Veteran " means any [soldier, sailor, marine, airman, nurse or army field clerk,] enlisted person or officer who has served at least 90 days in the active military, naval or air service of the United States and has been discharged or released therefrom under conditions other than dishonorable, and who has presented to the Civil Service Commission of New Jersey full and convincing evidence of such record of service on or before the date of making application for a position governed by this act. The 90-day requirement for active service is exclusive of any time such veteran was assigned: (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of [his] the veteran’s civilian course and was pursued to completion; or (2) as a cadet or [midshipman] student at one of the service academies; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army or Air Force National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided, that any person receiving an actual, service-incurred injury or disability shall be classed as a veteran, whether or not [he] the person has completed the 90 days' service as herein provided.

(cf: P.L.2017, c.184, s.5)

29. (New section) Immigration status or citizenship status, disclosures, verification.

a. It shall not be an unlawful employment practice or an unlawful discrimination pursuant to P.L.1945, c. 169 (C.10:5-1 et seq.), for any person to discriminate on the basis of immigration status or citizenship status, or to make any inquiry as to a person’s immigration status or citizenship status, or to give preference to a person who is a citizen or national of the United States over an equally qualified person who is a not a citizen or national of the United States, when such discrimination, inquiry, or preference is required or expressly permitted by federal or state law or regulation. In addition, nothing in P.L.1945, c.169 (C.10:5-1 et seq.) shall be interpreted to prohibit inquiries or determinations based on immigration status or citizenship status when such actions are necessary to obtain the benefits of a federal or state program.

b. Nothing in P.L.1945, c.169 (C.10:5-1 et seq.) shall be interpreted to prohibit disclosures of information regarding or relating to the immigration status or citizenship status of a person, where required or expressly permitted by federal or state law or regulation or when in compliance with any legal obligation under a subpoena, warrant issued by a court, or order issued by a court.

c. Nothing in P.L.1945, c.169 (C.10:5-1 et seq.) shall be interpreted to prohibit verification of immigration status or citizenship status or any discrimination based upon verified immigration status or citizenship status, where required or expressly permitted by federal or state law or regulation. Nothing in P.L.1945, c.169 (C.10:5-1 et seq.) shall be construed to alter an employer’s rights or obligations under the federal “Immigration and Nationality Act,” 8 U.S.C. s.1324a, regarding obtaining documentation evidencing identity and authorization for employment. Any action taken by an employer that is required by 8 U.S.C. s.1324a is not a violation of P.L.1945,c.169 (C.10:5-1 et seq.).

30. (New section) Discrimination in relying on criminal record in employment decisions; procedures; exceptions.

a. For purposes of this section:

(1) “Applicant” means any person considered for or who requests to be considered for employment.

(2) “Adverse employment action” means any action that is prohibited pursuant to subsection a. of section 11 of P.L.145, c.169 (C.10:5-12).

b. Notwithstanding this section or any other section of P.L.1945, c.169 (C.10:5-1 et seq.), an employer’s obligations regarding inquiries about an applicant for employment’s criminal record during the initial employment application process, as defined in section 3 of P.L.2014, c.32 (C.34:6B-13), shall be governed by the provisions of the “Opportunity to Compete Act,” P.L.2014, c.32 (C.34:6B-11 et seq.).

c. Following the initial employment application process, as defined in section 3 of P.L.2014, c.32 (C.34:6B-13), if an employer intends to review and consider a person’s criminal record in determining eligibility for employment or in taking any other adverse employment action against that person, the employer shall provide the applicant with the model disclosure statement made available by the Division on Civil Rights pursuant to subsection g. of this section.

d. It shall be a violation of P.L.1945, c.169 (C.10:5-1 et seq.), for an employer to refuse to hire a person, or to take any other adverse employment action against a person, because of that person’s criminal record or by reason of finding a “lack of good moral character” or “moral turpitude” which is based upon the person having a criminal record unless:

(1) such adverse employment action is otherwise required or expressly permitted by federal or state law or regulation;

(2) the employment involves a position in law enforcement, corrections, the judiciary, homeland security, or emergency management; or

(3) all of the following criteria are met:

(a) the criminal record consists of a a conviction that was entered within the 10 years immediately preceding the adverse employment action;

(b) the criminal record is not a record of any conviction that has been sealed, dismissed with prejudice, expunged, statutorily eradicated pursuant to law, overturned or vacated on appeal or pursuant to collateral review, or for which the person has received a full pardon; and

(c) the adverse employment action is justified by a legitimate business necessity, as set forth in subsection e. of this section.

e. Refusing to hire a person, or taking any other adverse employment action against a person, because of the person’s criminal record may be justified by a legitimate business necessity only when, pursuant to an individualized assessment of the particular circumstances, the employer’s action would achieve a substantial and legitimate nondiscriminatory interest. The following factors shall be taken into account in assessing whether such a nondiscriminatory interest would be achieved:

(1) whether an offer or continuation of employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;

(2) the nature and severity of the criminal offense;

(3) the specific duties and responsibilities of the position sought or held by the person;

(4) the bearing, if any, that the criminal offense has on the person’s fitness or ability to perform one or more such duties or responsibilities;

(5) the time which has elapsed since the criminal offense;

(6) the age of the person at the time of the criminal offense; and

(7) any information produced by the person, or produced on the person’s behalf, in regard to mitigating facts or circumstances regarding the criminal offense, or in regard to the applicant’s rehabilitation and good conduct since the criminal offense. If a certificate of rehabilitation has been issued to the person, there shall be a presumption of rehabilitation in regard to the offense specified therein. If the person provided any evidence of mitigating facts or circumstances, or evidence of rehabilitation and good conduct, the employer must consider such new information before deciding whether or not to take the adverse employment action.

f. (1) If an employer takes an adverse employment action based on the person’s criminal record, the employer shall provide the person with written notification, provided using a model notification form made available on the division’s website pursuant to subsection g. of this section, with specificity, the reason or reasons for the adverse employment action.

(2) (a) The person may request, within 20 days of receipt of the employer’s notice of the adverse action, that the employer afford the person a copy of all information upon which the employer relied in reaching its decision, including criminal records.

(b) The employer shall provide the information requested pursuant to subparagraph (a) of this paragraph, free of charge, within 10 days of receipt of a timely request pursuant to subparagraph (a) of this paragraph.

g. (1) The division shall prepare:

(a) a model disclosure statement as indicated in subsection c. of this section which provides notice that an employer intends to review and consider a person’s criminal record in determining eligibility for employment or in taking any other adverse employment action against that person; and

(b) a model notification form as indicated in subsection f. of this section which provides notice that an employer has taken an adverse employment action based on a person’s criminal record, provides space for the employer to identify with specificity the reason or reasons for the adverse employment action. The notification form shall also advise the person of the right to request a copy of all information upon which the employer relied in reaching its decision, including criminal records, and of the right to file a complaint with the Attorney General or pursue the other remedies pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), as well as the applicable statute of limitations, and shall also include any additional information the director deems appropriate.

(2) The model documents prepared pursuant to this subsection shall be made available on the division’s website, at no cost, in English, Spanish, and any other language the director deems appropriate.

h. Except as provided in this section or as otherwise required by law, an employer shall not:

(1) use a person’s criminal record for any purpose that is not consistent with this section; or

(2) distribute or disseminate a person’s criminal record to any person who the employer knows or reasonably should know would use the criminal record for any purpose other than evaluating the person in a manner consistent with this section.

i. Nothing in this section shall be construed to require or obligate an employer to make inquiries about or rely upon a person’s criminal record in making employment decisions.

31. (New section) Discrimination in seeking or relying on prior landlord-tenant dispute in housing decisions; procedures; exceptions.

a. Any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, real estate broker, real estate salesperson, or employee or agent of any of these, who refuses to rent or lease, or refuses to offer to rent or lease, any real property or portion thereof based on a prospective tenant’s involvement in a landlord-tenant matter that resulted in a final judgment against the prospective tenant within three years of the effective date of the prospective rental or lease agreement, shall provide the prospective tenant with written notification, provided using a model notification form made available on the website of the Division on Civil Rights pursuant to subsection c. of this section, in which the person includes, with specificity and in the language the applicant best understands from among English, Spanish, or any other language in which the division has made the model disclosure form available pursuant to subsection c. of this section, the reason or reasons for the refusal to rent or lease or offer to rent or lease to the prospective tenant.

b. Where there is no final judgment against a prospective tenant in a landlord-tenant matter within three years of the effective date of the prospective rental or lease agreement, there shall be a rebuttable presumption that a person is in violation of paragraph (6) of subsection g. or paragraph (6) of subsection i of section 11 of P.L.1945, c.169 (C.10:5-12), as the case may be, if it is established that the person requested information from a tenant screening bureau relating to the prospective tenant or otherwise inspected court records relating to the prospective tenant which disclose a past or pending landlord-tenant matter and the person subsequently refuses to rent or lease or offer to rent or lease to the prospective tenant.

c. (1) The division shall prepare a model notification form as indicated in subsection a. of this section which provides notice to a prospective tenant that a person refuses to rent or lease, or refuses to offer to rent or lease, any real property or portion thereof and provides space for the person to identify with specificity the reason or reasons for the refusal to rent or lease or offer to rent or lease to the prospective tenant. The notification form shall also advise the prospective tenant of the right to file a complaint with the Attorney General or pursue the other remedies pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), as well as the applicable statute of limitations, and shall include such other information as the director deems appropriate.

(2) The model notification form prepared pursuant to this subsection shall be made available on the division’s website, at no cost, and shall be in English, Spanish, and in any other language the director deems appropriate.

32. (New section) Discrimination in seeking or relying on consumer credit history in employment decisions; procedures; exceptions.

a. For purposes of this section and subsection a. of section 11 of P.L.1945, c.169 (C.10:5- 12), an employer shall be deemed to request the consumer credit history of a job applicant or employee when the employer, employer’s agent, representative, or designee seeks to obtain from any third party or requires a job applicant or current employee to provide or consent to the creation of a consumer credit report. For purposes of this section, “adverse employment action” means any action that is prohibited pursuant to subsection a. of section 11 of P.L.1945, c.169 (C.10:5-12).

b. An employer shall provide a job applicant or employee with written notification of its intention to request their consumer credit history from a third party before doing so. Subject to the foregoing requirement, nothing in this section or in subsection a. or c. of section 11 of P.L.1945,c.169 (C.10:5-12) shall preclude an employer from:

(1) requesting a job applicant’s or employee’s consumer credit history or taking an adverse employment action because of the job applicant’s or employee’s consumer credit history if the employer is:

(a) required or expressly permitted by federal or state law or regulation or by a self- regulatory organization as defined in paragraph (26) of subsection (a) of section 3 of the Securities Exchange Act of 1934, as amended, to obtain or use an individual’s consumer credit history in making an employment decision;

(b) a federally insured bank or credit union; or

(c) an entity, or an affiliate of the entity, that is registered as an investment advisor with the United States Securities and Exchange Commission;

(2) requesting or receiving consumer credit history pursuant to a lawful subpoena, court order, or law enforcement investigation; or

(3) requesting the consumer credit history of an employee or job applicant or taking an adverse employment action against a job applicant or employee because of the person’s consumer credit history if requesting or using the person’s consumer credit history is justified by a legitimate business necessity, as defined by subsection d. of this section.

c. If an employer intends to consider a person’s consumer credit history in taking an adverse employment action, the employer shall disclose its intention to do so in writing to the person, along with: (1) the credit information on which the adverse employment action will be based in whole or in part; and (2) the name, address, and telephone number of the reporting agency providing the information. As part of the disclosure required by this subsection, an employer must also provide a statement in writing that the applicant may dispute the relevance and accuracy of the credit information at issue or provide evidence of any other mitigating facts or circumstances.

d. For purposes of this section, requesting or taking an adverse employment action because of a job applicant or employee’s consumer credit history may be justified by a legitimate business necessity when:

(1) considering or relying in whole or in part on the job applicant or employee’s consumer credit history in the particular circumstance achieves a substantial and legitimate nondiscriminatory interest in light of the circumstances underlying the particular case, including any evidence provided pursuant to subsection c. of this section of mitigating facts or circumstances or that the credit information is irrelevant or inaccurate; and

(2) The position the job applicant or employee seeks or holds:

(a) is an appointed position in which a high degree of public trust has been placed;

(b) requires the employee to be bonded pursuant to State or federal law;

(c) requires the employee to possess security clearance pursuant to federal law or the law of any State;

(d) is a non-clerical position which involves regular access to confidential or proprietary information, trade secrets, intelligence information, or national security information;

(e) is a managerial position which involves setting the financial direction or control of a business, or a division or unit of a business;

(f) involves access to personal belongings or financial assets as defined in paragraph (9) of subsection a. of section 1 of P.L.1997, c.252 (C.12A:8-102), of customers, employees or employers, or financial information other than the belongings, assets, or information customarily involved in a retail transaction, or confers signatory authority over third party funds or assets valued at $10,000 or more on behalf of the employer;

(g) involves a fiduciary responsibility to the employer or to a person who contracts with the employer, including but not limited to, the authority to issue payments, transfer money or enter into contracts on behalf of the employer, or involves the leasing of real property;

(h) includes an expense account for the employee; or

(i) is as a law enforcement officer for a law enforcement agency in this State, or is as governmental or non-governmental security personnel, including security personnel in homeland security agencies, or includes regular duties that allow the employee to modify digital security systems established to prevent the unauthorized use of the employer’s or client’s networks or databases.

e. For purposes of this section:

(1) “Consumer credit report” means any written, oral or other communication of any information by a consumer reporting agency bearing on an individual’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living, which is requested, used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the individual’s eligibility for employment purposes;

(2) “Law enforcement agency” means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers; and

(3) “Law enforcement officer” means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.

f. Notwithstanding the provisions of subsection c. of section 11 of P.L.1945, c.169 (C.10:5- 12), an employer or employment agency shall not be liable pursuant to P.L.1945, c.169 (C.10:5-1 et seq.):

(1) For making any statement, inquiry, or disclosure required or expressly permitted by this section or by federal or state law or regulation; or

(2) For printing or circulating or causing to be printed or circulated any statement, advertisement or publication, or for using any form of application for employment, or for making an inquiry in connection with prospective employment when:

(a) the position is one for which an employer would be permitted to request the consumer credit history of an individual pursuant to this section; and

(b) doing so notifies a job applicant or prospective or current employee that an employer or employment agency intends to request the person’s consumer credit history in connection with evaluating the person for an open position for employment or promotion.

33. (New section) a. In furtherance of its mission to prevent and eliminate discrimination, the Division on Civil Rights shall be authorized to provide assistance to communities and individuals in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, familial status, nationality, disability, or sex or because of their service in the Armed Forces of the United States or liability for service in the Armed Forces of the United States, or any other protected characteristic pursuant to the “Law Against Discrimination,” P.L.1945,c.169 (C.10:5-1 et seq.).

b. The division may offer its services to address such disputes, disagreements, or difficulties whenever, in the judgment of the director, peaceful relations among the residents of the community involved are threatened thereby, and it may offer its services either upon its own initiative or upon the request of an appropriate State or local official or other interested person.

c. The activities of all officers and employees of the division in providing conciliation assistance pursuant to this section shall be conducted in confidence and without publicity, and the division shall hold confidential any information obtained in the regular performance of its duties upon the understanding that it would be so held.

d. No record held, maintained or kept on file by the division or acquired in the process of providing conciliation assistance pursuant to this section shall be deemed to be a public record pursuant to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning access to public records. The division shall designate such records as may be available for public inspection when, in the sole discretion of the division, the inspection of those records shall not compromise the conduct of the conciliation assistance.

e. No officer or employee of the division shall engage in the performance of investigative or prosecuting functions in any litigation arising out of a dispute in which the officer or employee acted on behalf of the division in the conduct of conciliation assistance pursuant to this section.

34. (New section) a. The division shall be authorized to develop and conduct live or prerecorded training courses and presentations on preventing discrimination and harassment, and on such other topics within the jurisdiction of the division that the director may deem to be in the public interest, and make such training courses and presentations available to the public or government employees. The division may establish and charge fees for such training courses and presentations, to be collected by the division to offset the cost of developing and conducting such training courses and presentations.

35. Section 5 of P.L.1985, c.73 (C.10:5-12.1) is repealed.

36. Sections 1 through 29 and sections 33 through 35 of this act shall take effect immediately, and sections 30 through 32 of this act shall take effect on the first day of the fourth month following enactment, provided that the director may take such anticipatory action as may be necessary to effectuate those provisions of this act.

STATEMENT

This bill would expand the protections of the Law Against Discrimination (“LAD”).

PROTECTED CATEGORIES: The bill adds new protected categories to the LAD including immigration status, citizenship status, service in the Armed Forces of the United States, sexual health or reproductive health decisions, source of lawful income used for rental or mortgage payments, criminal record, and consumer credit history. The bill also sets out definitions of these terms. In addition, the bill deletes the terms “heterosexuality,” “homosexuality,” and “bisexuality,” and adds new definitions of “affectional or sexual orientation,” “gender identity,” and “gender expression.”

The bill specifies that the LAD is intended to protect an individual who is, or who is perceived to be, (1) a member of a protected class, (2) associated with an individual who is a member of a protected class or who is perceived to be a member of a protected class; (3) a member of a protected class who is in transition to being a member of another protected class; or (4) a member of one protected class who is in transition from one state in that protected class to another state within that or another protected class.

An example of a member of a protected class in transition to being a member of another protected class (item (3) above) is a person in a civil union who is getting married. The person is in transition from being protected because of their civil union status to being protected because of their status as a married person. An example of a member of one protected class in transition from one state in that protected class to another state within that protected class (item (4)) is a married person who is in the process of getting divorced. The person is in transition from being married (a state in the “marital status” protected class) to being divorced (another state in the “marital status” protected class).

HOUSING. The bill provides that it is unlawful discrimination to refuse to accept as payment any source of lawful income or, in assessing eligibility for rental, to apply a minimum income requirement or consumer credit history-related standard that is not based only on the portion of the rent to be paid by the tenant. It is also unlawful to refuse to rent to a prospective tenant because the person was involved in a landlord-tenant matter, unless the matter resulted in a final judgment against the prospective tenant within three years of the effective date of the prospective rental agreement; to inquire concerning the immigration or citizenship status of a tenant, occupant, or prospective tenant or occupant; or to threaten to disclose or actually disclose information regarding the person’s immigration or citizenship status.

Under the bill, a person who refuses to rent or lease based on a prospective tenant’s involvement in a landlord-tenant matter that resulted in a final judgment against the prospective tenant within three years of the effective date of the prospective rental or lease agreement is required to provide the prospective tenant with written notification, provided using a model notification form made available on the website of the Division on Civil Rights under the bill. The form is required to include any reasons for the refusal to rent or lease to the prospective tenant.

The bill also provides that where there is no final judgment against a prospective tenant in a landlord-tenant matter within three years of the effective date of the prospective rental or lease agreement, there would be a rebuttable presumption that a person is in violation of the LAD if it is established that the person requested information from a tenant screening bureau relating to the prospective tenant or otherwise inspected court records which disclose a past or pending landlord-tenant matter and the person subsequently refuses to rent or lease to the prospective tenant.

The bill requires the Division on Civil Rights to prepare a model notification form which provides notice to a prospective tenant that a person refuses to rent or lease to the prospective tenant and provides space for the person to identify the specific reason for the refusal. The notification form would also advise the prospective tenant of the right to file a complaint with the Attorney General or pursue the other remedies under the LAD, as well as the applicable statute of limitations and other information.

EMPLOYMENT: The bill provides that it is an unlawful employment practice with respect to discrimination in compensation or in the financial terms or conditions of employment each occasion that an individual is affected by application of a discriminatory compensation decision or other practice including, but not limited to, each occasion that wages, benefits, or other compensation are paid. It is also an unlawful employment practice under the bill to inquire or direct an agent or third party to inquire about any applicant's salary history, including, but not limited to, the applicant's prior wages, salaries, or benefits. In addition, the bill makes it an unlawful employment practice to require a job applicant to provide the applicant's salary history as a condition of being interviewed, being considered for a position, or being offered a position, or to use or consider the salary history of a job applicant as a factor in determining whether to hire the applicant or determine the applicant’s compensation.

Under the bill, an employer’s obligations regarding inquiries about an applicant for employment’s criminal record during the initial employment application process are governed by the provisions of the “Opportunity to Compete Act,” N.J.S.A.34:6B-11 et seq.). The bill provides that if an employer intends to consider a person’s criminal record in determining eligibility for employment or in taking any other adverse employment action against that person, the employer shall provide the applicant with the model disclosure statement made available by the Division on Civil Rights pursuant to the bill. The bill provides that it is a violation of the LAD to refuse to hire a person, or to take any other adverse employment action against a person, because of that person’s criminal record or by reason of finding a “lack of good moral character” or “moral turpitude” which is based upon the person having a criminal record unless:

(1) such adverse employment action is otherwise required or expressly permitted by federal or state law or regulation;

(2) the employment involves a position in law enforcement, corrections, the judiciary, homeland security, or emergency management; or

(3) all of the following criteria are met:

(a) the criminal record consists of a a conviction that was entered within the 10 years immediately preceding the adverse employment action;

(b) the criminal record is not a record of any conviction that has been sealed, dismissed with prejudice, expunged, statutorily eradicated pursuant to law, overturned or vacated on appeal or pursuant to collateral review, or for which the person has received a full pardon; and

(c) the adverse employment action is justified by a legitimate business necessity.

The bill specifies that refusing to hire a person, or taking any other adverse employment action, because of the person’s criminal record may be justified by a legitimate business necessity only when, pursuant to an individualized assessment of the particular circumstances, the employer’s action would achieve a substantial and legitimate nondiscriminatory interest.

CREDIT HISTORIES IN EMPLOYMENT: The bill provides that an employer is required to provide a job applicant or employee with written notification of any intention to request their consumer credit history from a third party before doing so. The bill provides that an employer is not precluded from requesting a credit history or taking an adverse employment action if the employer is:

(a) required or expressly permitted by federal or state law or regulation or by a self-regulatory organization as defined in the Securities Exchange Act of 1934, as amended, to obtain or use an individual’s consumer credit history in making an employment decision;

(b) a federally insured bank or credit union; or

(c) an entity, or an affiliate of the entity, that is registered as an investment advisor with the United States Securities and Exchange Commission;

(d) requesting or receiving consumer credit history pursuant to a lawful subpoena, court order, or law enforcement investigation; or

(e) requesting the consumer credit history of an employee or job applicant or taking an adverse employment action against a job applicant or employee because of the person’s consumer credit history if requesting or using the person’s consumer credit history is justified by a legitimate business necessity.

The bill provides that if an employer intends to consider a person’s consumer credit history in taking an adverse employment action, the employer is required to disclose its intention in writing, along with: (1) the credit information on which the adverse employment action will be based in whole or in part; and (2) the name, address, and telephone number of the reporting agency providing the information.

Under the bill, requesting or taking an adverse employment action because of a job applicant or employee’s consumer credit history may be justified by a legitimate business necessity when:

(1) considering or relying in whole or in part on the job applicant or employee’s consumer credit history in the particular circumstance achieves a substantial and legitimate nondiscriminatory interest in light of the circumstances underlying the particular case, including any evidence of mitigating facts or circumstances or that the credit information is irrelevant or inaccurate; and

(2) The position the job applicant or employee seeks or holds:

(a) is an appointed position in which a high degree of public trust has been placed;

(b) requires the employee to be bonded under State or federal law;

(c) requires the employee to possess security clearance under federal law or the law of any State;

(d) is a non-clerical position which involves regular access to confidential or proprietary information, trade secrets, intelligence information, or national security information;

(e) is a managerial position which involves setting the financial direction or control of a business, or a division or unit of a business; or under certain other conditions.

DEADLINES FOR FILING COMPLAINTS: The bill increases the time in which a complaint may be filed with the Division on Civil Rights. Current law provides for a deadline of 180 days after the alleged unlawful employment practice or unlawful discrimination. The bill sets a deadline of one year after the alleged unlawful practice or discrimination.

Current law allows a complainant to file suit in Superior Court without first filing a complaint with the division. The bill does not change this provision. The bill provides that any such complaint is required to be filed in Superior Court within three years after the cause of action has accrued.

Under the bill, if the director of the Division on Civil Rights conducts an investigation and determines that probable cause does not exist to credit the allegations in the complaint, the director may set forth the findings of the investigation and notify the complainant of the complainant’s right to file a complaint in Superior Court. If the time for filing a complaint in Superior Court expired, or will expire within 90 days of the director’s determination, a complainant may file a complaint in Superior Court within 90 days of receipt of the notice.

PENALTIES: The bill increases the penalties that may be imposed for violations of the LAD. Under current law, in addition to any other relief or affirmative action provided by law, a violator is liable for an amount not exceeding $10,000 if the violator has not been adjudged to have committed a prior violation within the five-year period ending on the date of the filing of the current charge. The bill increases this penalty to the greater of $25,000 or the maximum civil penalty amount provided for violations of the federal “Fair Housing Act.” Current law imposes a penalty not exceeding $25,000 if the violator has committed one other violation within the five-year period. The bill increases this to the greater of $50,000 or the maximum civil penalty amount provided for violations of the federal “Fair Housing Act.” If the violator committed two or more violations within the seven-year period ending on the date of the filing of the current charge, the law currently imposes a penalty not exceeding $50,000. The bill increases this to the greater of $100,000 or the maximum civil penalty amount provided for violations of the “Fair Housing Act.”

Under current law, any penalties collected by the Director of the Division on Civil Rights are paid to the State Treasury for the general purposes of the State. The bill provides that, instead of being paid to the State Treasury, the penalties will be used by the division to offset the cost of enforcing the LAD and for other purposes in furtherance of the division’s statutory mission.

ATTORNEY’S FEES: Currently, the law provides that the prevailing party in an action under the LAD may be awarded reasonable attorney’s fees. The bill provides that in no circumstances may attorney’s fees be awarded against the Attorney General or the Director of the Division on Civil Rights in an action filed under the LAD.

IMMIGRATION OR CITIZENSHIP STATUS: The bill further provides that it is not an unlawful employment practice or an unlawful discrimination to discriminate on the basis of immigration status or citizenship status, or to make any inquiry as to a person’s immigration status or citizenship status, or to give preference to a person who is a citizen or national of the United States over an equally qualified person who is a not a citizen or national, when such discrimination, inquiry, or preference is required or expressly permitted by federal or state law or regulation or when such actions are necessary to obtain the benefits of a federal or state program. The bill specifies that the LAD shall not be interpreted to prohibit disclosures of information regarding immigration or citizenship status where required or expressly permitted by federal or state law or regulation or when in compliance with any legal obligation under a subpoena, warrant, or court order.

INVESTIGATIONS AND SUBPOENAS: The bill clarifies that the director of the Division of Civil Rights is authorized to conduct investigations and issue subpoenas related to individual complaints received by the division or on matters as to which no individual complaints have been received when the Attorney General or director believe it is in the public interest.

RESOLUTION OF DISPUTES; TRAINING: Under the bill, the Division on Civil Rights is authorized to provide assistance to communities and individuals in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on the protected categories in the LAD. The division is also authorized to develop and conduct live or prerecorded training courses and presentations on preventing discrimination and harassment, and other topics within the jurisdiction of the division.

OTHER PROVISIONS OF THE BILL: Finally, the bill replaces gendered language in the LAD with gender-neutral language, and makes technical changes to update obsolete provisions and clarify various cross-references.