

[First Reprint]

**ASSEMBLY, No. 4841**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

INTRODUCED SEPTEMBER 23, 2024

**Sponsored by:**

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**District 15 (Hunterdon and Mercer)**

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**District 15 (Hunterdon and Mercer)**

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**Assemblymen Atkins, Sampson, Assemblywomen Hall, Speight, Donlon,  
Peterpaul, Assemblyman Allen, Assemblywoman Lopez, Senators Stack  
and Timberlake**

**SYNOPSIS**

Concerns housing discrimination based on source of lawful income.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on December 19, 2024.



**(Sponsorship Updated As Of: 12/18/2025)**

1 AN ACT concerning <sup>1</sup>**[certain forms of]** housing<sup>1</sup> discrimination <sup>1</sup>**[**,  
2 including in housing and employment**]** based on source of lawful  
3 income<sup>1</sup>, and amending P.L.1945, c.169.

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

7  
8 1. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read as  
9 follows:

10 3. The Legislature finds and declares that practices of  
11 discrimination against any of its inhabitants, because of race, creed,  
12 color, national origin, ancestry, age, sex, gender identity or  
13 expression, affectional or sexual orientation, marital status, familial  
14 status, liability for service in the Armed Forces of the United States,  
15 disability **[or]** , nationality, or source of lawful income used for  
16 rental or mortgage payments, are matters of concern to the  
17 government of the State, and that such discrimination threatens not  
18 only the rights and proper privileges of the inhabitants of the State  
19 but menaces the institutions and foundation of a free democratic  
20 State; provided, however, that nothing in this expression of policy  
21 prevents the making of legitimate distinctions between citizens and  
22 aliens when required by federal law or otherwise necessary to  
23 promote the national interest.

24 The Legislature further declares its opposition to such practices  
25 of discrimination when directed against any person by reason of the  
26 race, creed, color, national origin, ancestry, age, sex, gender  
27 identity or expression, affectional or sexual orientation, marital  
28 status, liability for service in the Armed Forces of the United States,  
29 disability **[or]** , nationality , or source of lawful income used for  
30 rental or mortgage payments of that person or that person's family  
31 members, partners, members, stockholders, directors, officers,  
32 managers, superintendents, agents, employees, business associates,  
33 suppliers, or customers, in order that the economic prosperity and  
34 general welfare of the inhabitants of the State may be protected and  
35 ensured.

36 The Legislature further finds that because of discrimination,  
37 people suffer personal hardships, and the State suffers a grievous  
38 harm. The personal hardships include: economic loss; time loss;  
39 physical and emotional stress; and in some cases severe emotional  
40 trauma, illness, homelessness or other irreparable harm resulting  
41 from the strain of employment controversies; relocation, search and  
42 moving difficulties; anxiety caused by lack of information,  
43 uncertainty, and resultant planning difficulty; career, education,  
44 family and social disruption; and adjustment problems, which

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly floor amendments adopted December 19, 2024.

1 particularly impact on those protected by this act. Such harms  
2 have, under the common law, given rise to legal remedies, including  
3 compensatory and punitive damages. The Legislature intends that  
4 such damages be available to all persons protected by this act and  
5 that this act shall be liberally construed in combination with other  
6 protections available under the laws of this State.  
7 (cf: P.L.2019, c.436, s.1)

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

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

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

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

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

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

27 e. "Employer" includes all persons as defined in subsection a. of  
28 this section and "hiring entities" as defined by section 2 of  
29 P.L.2023, c.262 (C.34:11-70), unless otherwise specifically exempt  
30 under another section of P.L.1945, c.169 (C.10:5-1 et seq.), and  
31 includes the State, any political or civil subdivision thereof, and all  
32 public officers, agencies, boards, or bodies.

33 f. (Deleted by amendment, P.L.2023, c.262)

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

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

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

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

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

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

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

44       n. The term "real property" includes real estate, lands, tenements  
45 and hereditaments, corporeal and incorporeal, and leaseholds,  
46 provided, however, that, except as to publicly assisted housing  
47 accommodations, the provisions of this act shall not apply to the  
48 rental: (1) of a single apartment or flat in a two-family dwelling,

1 the other occupancy unit of which is occupied by the owner as a  
2 residence; or (2) of a room or rooms to another person or persons by  
3 the owner or occupant of a one-family dwelling occupied by the  
4 owner or occupant as a residence at the time of such rental.  
5 Nothing herein contained shall be construed to bar any religious or  
6 denominational institution or organization, or any organization  
7 operated for charitable or educational purposes, which is operated,  
8 supervised, or controlled by or in connection with a religious  
9 organization, in the sale, lease, or rental of real property, from  
10 limiting admission to or giving preference to persons of the same  
11 religion or denomination or from making such selection as is  
12 calculated by such organization to promote the religious principles  
13 for which it is established or maintained. Nor does any provision  
14 under this act regarding discrimination on the basis of familial  
15 status apply with respect to housing for older persons.

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

39 p. "Real estate salesperson" includes any person who, for  
40 compensation, valuable consideration or commission, or other thing  
41 of value, or by reason of a promise or reasonable expectation  
42 thereof, is employed by and operates under the supervision of a  
43 licensed real estate broker to sell or offer to sell, buy or offer to buy  
44 or negotiate the purchase, sale, or exchange of real estate, or offers  
45 or attempts to negotiate a loan secured or to be secured by a  
46 mortgage or other encumbrance upon or transfer of real estate, or to  
47 lease or rent, or offer to lease or rent any real estate for others, or to  
48 collect rents for the use of real estate, or to solicit for prospective

1 purchasers or lessees of real estate, or who is employed by a  
2 licensed real estate broker to sell or offer to sell lots or other parcels  
3 of real estate, at a stated salary, or upon a commission, or upon a  
4 salary and commission, or otherwise to sell real estate, or any parts  
5 thereof, in lots or other parcels.

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

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

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

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

43 u. "Housing accommodation" means any publicly assisted  
44 housing accommodation or any real property, or portion thereof,  
45 which is used or occupied, or is intended, arranged, or designed to  
46 be used or occupied, as the home, residence, or sleeping place of  
47 one or more persons, but shall not include any single family

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

1 trained to alert or otherwise assist persons with epilepsy or other  
2 seizure disorders.

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

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

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

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

16 ii. "Heterosexuality" means affectional, emotional, or physical  
17 attraction or behavior which is primarily directed towards persons  
18 of the other gender.

19 jj. "Homosexuality" means affectional, emotional, or physical  
20 attraction or behavior which is primarily directed towards persons  
21 of the same gender.

22 kk. "Bisexuality" means affectional, emotional, or physical  
23 attraction or behavior which is directed towards persons of multiple  
24 genders.

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

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

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

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

42 (3) intended and operated for occupancy by at least one person  
43 55 years of age or older per unit. In determining whether housing  
44 qualifies as housing for older persons under this paragraph, the  
45 Attorney General shall adopt regulations which require at least the  
46 following factors:

47 (a) the existence of significant facilities and services specifically  
48 designed to meet the physical or social needs of older persons, or if

1 the provision of such facilities and services is not practicable, that  
2 such housing is necessary to provide important housing  
3 opportunities for older persons; and

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

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

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

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

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

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

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

31 rr. "Gender identity or expression" means having or being  
32 perceived as having a gender related identity or expression whether  
33 or not stereotypically associated with a person's assigned sex at  
34 birth.

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

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

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

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

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

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

9 yy. "Source of lawful income" means any source of income  
10 lawfully obtained or any source of rental or mortgage payment  
11 lawfully obtained including, but not limited to, any federal, State, or  
12 local public assistance or housing assistance voucher or funds,  
13 including Section 8 housing choice vouchers, temporary rental  
14 assistance programs or State rental assistance programs; rental  
15 assistance funds provided by a nonprofit organization; federal,  
16 State, or local benefits, including disability benefits and veterans'  
17 benefits; court-ordered payments, including, but not limited to,  
18 child support, alimony, or damages; and any form of lawful  
19 currency tendered, without regard to whether the currency is  
20 tendered in the form of cash, check, money order, or other lawful  
21 means.

22 (cf: P.L.2023, c.262, s.3)

23

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

26 6. There is created in the Department of Law and Public Safety a  
27 division known as "The Division on Civil Rights" with power to  
28 prevent and eliminate discrimination in the manner prohibited by  
29 **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.) against persons  
30 because of race, creed, color, national origin, ancestry, age, marital  
31 status, affectional or sexual orientation, gender identity or  
32 expression, familial status, nationality, disability, **【or】** sex, source  
33 of lawful income used for rental or mortgage payments, or because  
34 of their liability for service in the Armed Forces of the United  
35 States, by employers, labor organizations, employment agencies or  
36 other persons and to take other actions against unlawful  
37 discrimination because of race, creed, color, national origin,  
38 ancestry, marital status, sex, familial status, nationality, disability,  
39 **【or】** age, source of lawful income used for rental or mortgage  
40 payments, or because of their liability for service in the Armed  
41 Forces of the United States, as herein provided; and the division  
42 created hereunder is given general jurisdiction and authority for  
43 such purposes.

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

45

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

48 8. The Attorney General shall:

- 1 a. Exercise all powers of the division not vested in the  
2 commission.
- 3 b. Administer the work of the division.
- 4 c. Organize the division into sections, which shall include but  
5 not be limited to a section which shall receive, investigate, and act  
6 upon complaints alleging unlawful discrimination against persons  
7 because of race, creed, color, national origin, ancestry, age, marital  
8 status, affectional or sexual orientation, gender identity or  
9 expression, familial status, disability, nationality **【or】** sex, or  
10 source of lawful income used for rental or mortgage payments, or  
11 because of their liability for service in the Armed Forces of the  
12 United States; and another which shall, in order to eliminate  
13 prejudice and to further good will among **【the various racial and**  
14 **religious and nationality groups】** all people in this State, study,  
15 recommend, prepare and implement, in cooperation with such other  
16 departments of the State **【Government】** or any other agencies,  
17 groups or entities both public and private, such educational and  
18 human relations programs as are consonant with the objectives of  
19 **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.); and prescribe the  
20 organization of said sections and the duties of **【his】** the Attorney  
21 General's subordinates and assistants.
- 22 d. Appoint a Director of the Division on Civil Rights, who  
23 shall act for the Attorney General, in the Attorney General's place  
24 and with the Attorney General's powers, which appointment shall be  
25 subject to the approval of the commission and the Governor, a  
26 deputy director and such assistant directors, field representatives  
27 and assistants as may be necessary for the proper administration of  
28 the division and fix their compensation within the limits of  
29 available appropriations. The director, deputy director, assistant  
30 directors, field representatives and assistants shall not be subject to  
31 the Civil Service Act and shall be removable by the Attorney  
32 General at will.
- 33 e. Appoint such clerical force and employees as the Attorney  
34 General may deem necessary and fix their duties, all of whom shall  
35 be subject to the Civil Service Act.
- 36 f. Maintain liaison with local and State officials and agencies  
37 concerned with matters related to the work of the division.
- 38 g. Adopt, promulgate, amend, and rescind suitable rules and  
39 regulations to carry out the provisions of **【this act】** P.L.1945, c.169  
40 (C.10:5-1 et seq.).
- 41 h. Conduct investigations, receive complaints and conduct  
42 hearings thereon other than those complaints received and hearings  
43 held pursuant to the provisions of **【this act】** P.L.1945, c.169  
44 (C.10:5-1 et seq.).
- 45 i. In connection with any investigation or hearing held  
46 pursuant to the provisions of **【this act】** P.L.1945, c.169 (C.10:5-1 et  
47 seq.), subpoena witnesses, compel their attendance, administer

1 oaths, take the testimony of any person, under oath, and, in  
2 connection therewith, require the production for examination of any  
3 books or papers relating to any subject matter under investigation or  
4 in question by the division and conduct such discovery procedures  
5 which may include the taking of interrogatories and oral depositions  
6 as shall be deemed necessary by the Attorney General in any  
7 investigation. The Attorney General may make rules as to the  
8 issuance of subpoenas by the director. The failure of any witness  
9 when duly subpoenaed to attend, give testimony, or produce  
10 evidence shall be punishable by the Superior Court of New Jersey  
11 in the same manner as such failure is punishable by such court in a  
12 case therein pending.

13 j. Issue such publications and such results of investigations  
14 and research tending to promote good will and to minimize or  
15 eliminate unlawful discrimination because of race, creed, color,  
16 national origin, ancestry, age, marital status, affectional or sexual  
17 orientation, gender identity or expression, familial status, disability,  
18 nationality **【or】**, sex, or source of lawful income used for rental or  
19 mortgage payments, as the commission shall direct, subject to  
20 available appropriations.

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

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

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

34  
35 5. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read  
36 as follows:

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

39 a. For an employer, because of the race, creed, color, national  
40 origin, ancestry, age, marital status, civil union status, domestic  
41 partnership status, affectional or sexual orientation, genetic  
42 information, pregnancy or breastfeeding, sex, gender identity or  
43 expression, disability or atypical hereditary cellular or blood trait of  
44 any individual, or because of the liability for service in the Armed  
45 Forces of the United States or the nationality of any individual, or  
46 because of the refusal to submit to a genetic test or make available  
47 the results of a genetic test to an employer, to refuse to hire or  
48 employ or to bar or to discharge or require to retire, unless justified

1 by lawful considerations other than age, from employment such  
2 individual or to discriminate against such individual in  
3 compensation or in terms, conditions or privileges of employment;  
4 provided, however, it shall not be an unlawful employment practice  
5 to refuse to accept for employment an applicant who has received a  
6 notice of induction or orders to report for active duty in the armed  
7 forces; provided further that nothing herein contained shall be  
8 construed to bar an employer from refusing to accept for  
9 employment any person on the basis of sex in those certain  
10 circumstances where sex is a bona fide occupational qualification,  
11 reasonably necessary to the normal operation of the particular  
12 business or enterprise; provided further that it shall not be an  
13 unlawful employment practice for a club exclusively social or  
14 fraternal to use club membership as a uniform qualification for  
15 employment, or for a religious association or organization to utilize  
16 religious affiliation as a uniform qualification in the employment of  
17 clergy, religious teachers or other employees engaged in the  
18 religious activities of the association or organization, or in  
19 following the tenets of its religion in establishing and utilizing  
20 criteria for employment of an employee; provided further, that it  
21 shall not be an unlawful employment practice to require the  
22 retirement of any employee who, for the two-year period  
23 immediately before retirement, is employed in a bona fide executive  
24 or a high policy-making position, if that employee is entitled to an  
25 immediate non-forfeitable annual retirement benefit from a pension,  
26 profit sharing, savings or deferred retirement plan, or any  
27 combination of those plans, of the employer of that employee which  
28 equals in the aggregate at least **[\$27,000.00**; and provided further  
29 that an employer may restrict employment to citizens of the United  
30 States where such restriction is required by federal law or is  
31 otherwise necessary to protect the national interest] <sup>1</sup>**[\$44,000]**  
32 \$27,000; and provided further that an employer may restrict  
33 employment to citizens of the United States where such restriction  
34 is required by federal law or is otherwise necessary to protect the  
35 national interest<sup>1</sup>.

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

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

46 For the purposes of this subsection, an unlawful employment  
47 practice occurs, with respect to discrimination in compensation or  
48 in the financial terms or conditions of employment, each occasion

1 that an individual is affected by application of a discriminatory  
2 compensation decision or other practice, including, but not limited  
3 to, each occasion that wages, benefits, or other compensation are  
4 paid, resulting in whole or in part from the decision or other  
5 practice.

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

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

23 b. For a labor organization, because of the race, creed, color,  
24 national origin, ancestry, age, marital status, civil union status,  
25 domestic partnership status, affectional or sexual orientation,  
26 gender identity or expression, disability, pregnancy or  
27 breastfeeding, or sex of any individual, or because of the liability  
28 for service in the Armed Forces of the United States or nationality  
29 of any individual, to exclude or to expel from its membership such  
30 individual or to discriminate in any way against any of its members,  
31 against any applicant for, or individual included in, any apprentice  
32 or other training program or against any employer or any individual  
33 employed by an employer; provided, however, that nothing herein  
34 contained shall be construed to bar a labor organization from  
35 excluding from its apprentice or other training programs any person  
36 on the basis of sex in those certain circumstances where sex is a  
37 bona fide occupational qualification reasonably necessary to the  
38 normal operation of the particular apprentice or other training  
39 program.

40 c. For any employer or employment agency to print or circulate  
41 or cause to be printed or circulated any statement, advertisement or  
42 publication, or to use any form of application for employment, or to  
43 make an inquiry in connection with prospective employment, which  
44 expresses, directly or indirectly, any limitation, specification or  
45 discrimination as to race, creed, color, national origin, ancestry,  
46 age, marital status, civil union status, domestic partnership status,  
47 affectional or sexual orientation, gender identity or expression,  
48 disability, nationality, pregnancy or breastfeeding, or sex or liability

1 of any applicant for employment for service in the Armed Forces of  
2 the United States, or any intent to make any such limitation,  
3 specification or discrimination, unless based upon a bona fide  
4 occupational qualification.

5 d. For any person to take reprisals against any person because  
6 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  
7 sought legal advice regarding rights under **【this act】** P.L.1945,  
8 c.169 (C.10:5-1 et seq.), shared relevant information with legal  
9 counsel, shared information with a governmental entity, or filed a  
10 complaint, testified or assisted in any proceeding under **【this act】**  
11 P.L.1945, c.169 (C.10:5-1 et seq.) or to coerce, intimidate, threaten  
12 or interfere with any person in the exercise or enjoyment of, or on  
13 account of that person having aided or encouraged any other person  
14 in the exercise or enjoyment of, any right granted or protected by  
15 **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.).

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

21 f. (1) For any owner, lessee, proprietor, manager,  
22 superintendent, agent, or employee of any place of public  
23 accommodation directly or indirectly to refuse, withhold from or  
24 deny to any person any of the accommodations, advantages,  
25 facilities or privileges thereof, or to discriminate against any person  
26 in the furnishing thereof, or directly or indirectly to publish,  
27 circulate, issue, display, post or mail any written or printed  
28 communication, notice, or advertisement to the effect that any of  
29 the accommodations, advantages, facilities, or privileges of any  
30 such place will be refused, withheld from, or denied to any person  
31 on account of the race, creed, color, national origin, ancestry,  
32 marital status, civil union status, domestic partnership status,  
33 pregnancy or breastfeeding, sex, gender identity or expression,  
34 affectional or sexual orientation, disability, liability for service in  
35 the Armed Forces of the United States or nationality of such person,  
36 or that the patronage or custom thereof of any person of any  
37 particular race, creed, color, national origin, ancestry, marital status,  
38 civil union status, domestic partnership status, pregnancy or  
39 breastfeeding status, sex, gender identity or expression, affectional  
40 or sexual orientation, disability, liability for service in the Armed  
41 Forces of the United States or nationality is unwelcome,  
42 objectionable or not acceptable, desired or solicited, and the  
43 production of any such written or printed communication, notice or  
44 advertisement, purporting to relate to any such place and to be made  
45 by any owner, lessee, proprietor, superintendent or manager thereof,  
46 shall be presumptive evidence in any action that the same was  
47 authorized by such person; provided, however, that nothing

1 contained herein shall be construed to bar any place of public  
2 accommodation which is in its nature reasonably restricted  
3 exclusively to individuals of one sex, and which shall include but  
4 not be limited to any summer camp, day camp, or resort camp,  
5 bathhouse, dressing room, swimming pool, gymnasium, comfort  
6 station, dispensary, clinic or hospital, or school or educational  
7 institution which is restricted exclusively to individuals of one sex,  
8 provided individuals shall be admitted based on their gender  
9 identity or expression, from refusing, withholding from or denying  
10 to any individual of the opposite sex any of the accommodations,  
11 advantages, facilities or privileges thereof on the basis of sex;  
12 provided further, that the foregoing limitation shall not apply to any  
13 restaurant as defined in R.S.33:1-1 or place where alcoholic  
14 beverages are served.

15 (2) Notwithstanding the definition of "a place of public  
16 accommodation" as set forth in subsection 1. of section 5 of  
17 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,  
18 manager, superintendent, agent, or employee of any private club or  
19 association to directly or indirectly refuse, withhold from or deny to  
20 any individual who has been accepted as a club member and has  
21 contracted for or is otherwise entitled to full club membership any  
22 of the accommodations, advantages, facilities or privileges thereof,  
23 or to discriminate against any member in the furnishing thereof on  
24 account of the race, creed, color, national origin, ancestry, marital  
25 status, civil union status, domestic partnership status, pregnancy or  
26 breastfeeding, sex, gender identity, or expression, affectional or  
27 sexual orientation, disability, liability for service in the Armed  
28 Forces of the United States or nationality of such person.

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

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

42 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
43 to deny to or withhold from any person or group of persons any real  
44 property or part or portion thereof because of race, creed, color,  
45 national origin, ancestry, marital status, civil union status, domestic  
46 partnership status, pregnancy or breastfeeding, sex, gender identity  
47 or expression, affectional or sexual orientation, familial status,  
48 disability, liability for service in the Armed Forces of the United

1 States, nationality, or source of lawful income used for rental or  
2 mortgage payments;

3 (2) To discriminate against any person or group of persons  
4 because of race, creed, color, national origin, ancestry, marital  
5 status, civil union status, domestic partnership status, pregnancy or  
6 breastfeeding, sex, gender identity or expression, affectional or  
7 sexual orientation, familial status, disability, liability for service in  
8 the Armed Forces of the United States, nationality or source of  
9 lawful income used for rental or mortgage payments in the terms,  
10 conditions or privileges of the sale, rental or lease of any real  
11 property or part or portion thereof or in the furnishing of facilities  
12 or services in connection therewith;

13 (3) To print, publish, circulate, issue, display, post or mail, or  
14 cause to be printed, published, circulated, issued, displayed, posted  
15 or mailed any statement, advertisement, publication or sign, or to  
16 use any form of application for the purchase, rental, lease,  
17 assignment or sublease of any real property or part or portion  
18 thereof, or to make any record or inquiry in connection with the  
19 prospective purchase, rental, lease, assignment, or sublease of any  
20 real property, or part or portion thereof which expresses, directly or  
21 indirectly, any limitation, specification or discrimination as to race,  
22 creed, color, national origin, ancestry, marital status, civil union  
23 status, domestic partnership status, pregnancy or breastfeeding, sex,  
24 gender identity, or expression, affectional or sexual orientation,  
25 familial status, disability, liability for service in the Armed Forces  
26 of the United States, nationality, or source of lawful income used  
27 for rental or mortgage payments, or any intent to make any such  
28 limitation, specification or discrimination, and the production of  
29 any such statement, advertisement, publicity, sign, form of  
30 application, record, or inquiry purporting to be made by any such  
31 person shall be presumptive evidence in any action that the same  
32 was authorized by such person; provided, however, that nothing  
33 contained in this subsection shall be construed to bar any person  
34 from refusing to sell, rent, lease, assign or sublease or from  
35 advertising or recording a qualification as to sex for any room,  
36 apartment, flat in a dwelling or residential facility which is planned  
37 exclusively for and occupied by individuals of one sex to any  
38 individual of the exclusively opposite sex on the basis of sex  
39 provided individuals shall be qualified based on their gender  
40 identity or expression;

41 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
42 to deny to or withhold from any person or group of persons any real  
43 property or part or portion thereof because of the source of any  
44 lawful income received by the person or the source of any lawful  
45 rent payment to be paid for the real property, including, but not  
46 limited to, by refusing to accept as payment any source of lawful  
47 income or by applying, in assessing eligibility for the rental of  
48 housing, any minimum income requirement or financial standard

1 that is not based exclusively on the portion of the rent to be paid by  
2 the tenant; or

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

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

12 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
13 sale, rental, lease, assignment, or sublease any real property or part  
14 or portion thereof to any person or group of persons or to refuse to  
15 negotiate for the sale, rental, lease, assignment, or sublease of any  
16 real property or part or portion thereof to any person or group of  
17 persons because of race, creed, color, national origin, ancestry,  
18 marital status, civil union status, domestic partnership status,  
19 familial status, pregnancy or breastfeeding, sex, gender identity or  
20 expression, affectional or sexual orientation, liability for service in  
21 the Armed Forces of the United States, disability, nationality, or  
22 source of lawful income used for rental or mortgage payments, or to  
23 represent that any real property or portion thereof is not available  
24 for inspection, sale, rental, lease, assignment, or sublease when in  
25 fact it is so available, or otherwise to deny or withhold any real  
26 property or any part or portion of facilities thereof to or from any  
27 person or group of persons because of race, creed, color, national  
28 origin, ancestry, marital status, civil union status, domestic  
29 partnership status, familial status, pregnancy or breastfeeding, sex,  
30 gender identity or expression, affectional or sexual orientation,  
31 disability, liability for service in the Armed Forces of the United  
32 States, or nationality, or source of lawful income used for rental or  
33 mortgage payments;

34 (2) To discriminate against any person because of race, creed,  
35 color, national origin, ancestry, marital status, civil union status,  
36 domestic partnership status, familial status, pregnancy or  
37 breastfeeding, sex, gender identity or expression, affectional or  
38 sexual orientation, disability, liability for service in the Armed  
39 Forces of the United States, nationality, or source of lawful income  
40 used for rental or mortgage payments in the terms, conditions or  
41 privileges of the sale, rental, lease, assignment or sublease of any  
42 real property or part or portion thereof or in the furnishing of  
43 facilities or services in connection therewith;

44 (3) To print, publish, circulate, issue, display, post, or mail, or  
45 cause to be printed, published, circulated, issued, displayed, posted  
46 or mailed any statement, advertisement, publication or sign, or to  
47 use any form of application for the purchase, rental, lease,  
48 assignment, or sublease of any real property or part or portion

1 thereof or to make any record or inquiry in connection with the  
2 prospective purchase, rental, lease, assignment, or sublease of any  
3 real property or part or portion thereof which expresses, directly or  
4 indirectly, any limitation, specification or discrimination as to race,  
5 creed, color, national origin, ancestry, marital status, civil union  
6 status, domestic partnership status, familial status, pregnancy or  
7 breastfeeding, sex, gender identity or expression, affectional or  
8 sexual orientation, disability, liability for service in the Armed  
9 Forces of the United States, nationality, or source of lawful income  
10 used for rental or mortgage payments or any intent to make any  
11 such limitation, specification or discrimination, and the production  
12 of any such statement, advertisement, publicity, sign, form of  
13 application, record, or inquiry purporting to be made by any such  
14 person shall be presumptive evidence in any action that the same  
15 was authorized by such person; provided, however, that nothing  
16 contained in this subsection h., shall be construed to bar any person  
17 from refusing to sell, rent, lease, assign or sublease or from  
18 advertising or recording a qualification as to sex for any room,  
19 apartment, flat in a dwelling or residential facility which is planned  
20 exclusively for and occupied exclusively by individuals of one sex  
21 to any individual of the opposite sex on the basis of sex, provided  
22 individuals shall be qualified based on their gender identity or  
23 expression;

24 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise  
25 to deny to or withhold from any person or group of persons any real  
26 property or part or portion thereof because of the source of any  
27 lawful income received by the person or the source of any lawful  
28 rent payment to be paid for the real property, including, but not  
29 limited to, by refusing to accept as payment any source of lawful  
30 income, or by applying, in assessing eligibility for the rental of  
31 housing, any minimum income requirement or financial standard  
32 that is not based exclusively on the portion of the rent to be paid by  
33 the tenant; or

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

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

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

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

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

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

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

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

41 k. For any real estate broker, real estate salesperson or  
42 employee or agent thereof or any other individual, corporation,  
43 partnership, or organization, for the purpose of inducing a  
44 transaction for the sale or rental of real property from which  
45 transaction such person or any of its members may benefit  
46 financially, to represent that a change has occurred or will or may  
47 occur in the composition with respect to race, creed, color, national  
48 origin, ancestry, marital status, civil union status, domestic

1 partnership status, familial status, pregnancy or breastfeeding, sex,  
2 gender identity or expression, affectional or sexual orientation,  
3 disability, liability for service in the Armed Forces of the United  
4 States, nationality, or source of lawful income used for rental or  
5 mortgage payments of the owners or occupants in the block,  
6 neighborhood or area in which the real property is located, and to  
7 represent, directly or indirectly, that this change will or may result  
8 in undesirable consequences in the block, neighborhood or area in  
9 which the real property is located, including, but not limited to the  
10 lowering of property values, an increase in criminal or anti-social  
11 behavior, or a decline in the quality of schools or other facilities.

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

29 m. For any person to:

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

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

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

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

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

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

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

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

44       q. (1) For any employer to impose upon a person as a condition  
45 of obtaining or retaining employment, including opportunities for  
46 promotion, advancement or transfers, any terms or conditions that  
47 would require a person to violate or forego a sincerely held  
48 religious practice or religious observance, including but not limited

1 to the observance of any particular day or days or any portion  
2 thereof as a Sabbath or other holy day in accordance with the  
3 requirements of the religion or religious belief, unless, after  
4 engaging in a bona fide effort, the employer demonstrates that it is  
5 unable to reasonably accommodate the employee's religious  
6 observance or practice without undue hardship on the conduct of the  
7 employer's business. Notwithstanding any other provision of law to  
8 the contrary, an employee shall not be entitled to premium wages or  
9 premium benefits for work performed during hours to which those  
10 premium wages or premium benefits would ordinarily be  
11 applicable, if the employee is working during those hours only as an  
12 accommodation to **[his]** the employee's religious requirements.  
13 Nothing in this subsection q. shall be construed as reducing:

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

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

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

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

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

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

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

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

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

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

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

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

39 s. For an employer to treat, for employment-related purposes,  
40 **[a woman]** an employee that the employer knows, or should know,  
41 is affected by pregnancy or breastfeeding in a manner less favorable  
42 than the treatment of other persons not affected by pregnancy or  
43 breastfeeding but similar in their ability or inability to work. In  
44 addition, an employer of an employee who is **[a woman]** affected  
45 by pregnancy shall make available to the employee reasonable  
46 accommodation in the workplace, such as bathroom breaks, breaks  
47 for increased water intake, periodic rest, assistance with manual  
48 labor, job restructuring or modified work schedules, and temporary

1 transfers to less strenuous or hazardous work, for needs related to  
2 the pregnancy when the employee, based on the advice of **[her]** the  
3 employee's physician, requests the accommodation, and, in the case  
4 of **[a]** an employee breast feeding **[her]** the employee's infant  
5 child, the accommodation shall include reasonable break time each  
6 day to the employee and a suitable room or other location with  
7 privacy, other than a toilet stall, in close proximity to the work area  
8 for the employee to express breast milk for the child, unless the  
9 employer can demonstrate that providing the accommodation would  
10 be an undue hardship on the business operations of the employer.  
11 The employer shall not in any way penalize the employee in terms,  
12 conditions or privileges of employment for requesting or using the  
13 accommodation. Workplace accommodation provided pursuant to  
14 this subsection and paid or unpaid leave provided to an employee  
15 affected by pregnancy or breastfeeding shall not be provided in a  
16 manner less favorable than accommodations or leave provided to  
17 other employees not affected by pregnancy or breastfeeding but  
18 similar in their ability or inability to work. This subsection shall  
19 not be construed as otherwise increasing or decreasing any  
20 employee's rights under law to paid or unpaid leave in connection  
21 with pregnancy or breastfeeding.

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

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

38 t. For an employer to pay any of its employees who is a  
39 member of a protected class at a rate of compensation, including  
40 benefits, which is less than the rate paid by the employer to  
41 employees who are not members of the protected class for  
42 substantially similar work, when viewed as a composite of skill,  
43 effort and responsibility. An employer who is paying a rate of  
44 compensation in violation of this subsection shall not reduce the  
45 rate of compensation of any employee in order to comply with this  
46 subsection. An employer may pay a different rate of compensation  
47 only if the employer demonstrates that the differential is made

1 pursuant to a seniority system, a merit system, or the employer  
2 demonstrates:

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

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

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

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

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

18 Comparisons of wage rates shall be based on wage rates in all of  
19 an employer's operations or facilities. For the purposes of this  
20 subsection, "member of a protected class" means an employee who  
21 has one or more characteristics, including race, creed, color,  
22 national origin, nationality, ancestry, age, marital status, civil union  
23 status, domestic partnership status, affectional or sexual orientation,  
24 genetic information, pregnancy, sex, gender identity or expression,  
25 disability or atypical hereditary cellular or blood trait of any  
26 individual, or liability for service in the armed forces, for which  
27 subsection a. of this section prohibits an employer from refusing to  
28 hire or employ or barring or discharging or requiring to retire from  
29 employment or discriminating against the individual in  
30 compensation or in terms, conditions or privileges of employment.

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

32

33 6. This act shall take effect immediately.