

ASSEMBLY, No. 5096

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED DECEMBER 12, 2024

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Enhances protections under Law Against Discrimination for immigrants and persons who are not United States citizens.

CURRENT VERSION OF TEXT

As introduced.



A5096 QUIJANO

2

1 AN ACT concerning unlawful discrimination against immigrants and
2 non-citizens, amending various parts of the statutory law and
3 supplementing chapter 5 of Title 10 of the Revised Statutes.

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, immigration status, citizenship status,
13 ancestry, age, sex, gender identity or expression, affectional or
14 sexual orientation, marital status, familial status, liability for service
15 in the Armed Forces of the United States, disability or nationality,
16 are matters of concern to the government of the State, and that such
17 discrimination threatens not only the rights and proper privileges of
18 the inhabitants of the State but menaces the institutions and
19 foundation of a free democratic State; provided, however, that
20 nothing in this expression of policy prevents the making of
21 legitimate distinctions between United States citizens, non-United
22 States citizens, and **[aliens]** immigrants when required by federal
23 law or otherwise necessary to 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, immigration status, citizenship
27 status, ancestry, age, sex, gender identity or expression, affectional
28 or sexual orientation, marital status, liability for service in the
29 Armed Forces of the United States, disability or nationality of that
30 person or that person's family members, partners, members,
31 stockholders, directors, officers, managers, superintendents, agents,
32 employees, business associates, suppliers, or customers, in order
33 that the economic prosperity and general welfare of the inhabitants
34 of the State may be protected and ensured.

35 The Legislature further finds that because of discrimination,
36 people suffer personal hardships, and the State suffers a grievous
37 harm. The personal hardships include: economic loss; time loss;
38 physical and emotional stress; and in some cases severe emotional
39 trauma, illness, homelessness or other irreparable harm resulting
40 from the strain of employment controversies; relocation, search and
41 moving difficulties; anxiety caused by lack of information,
42 uncertainty, and resultant planning difficulty; career, education,
43 family and social disruption; and adjustment problems, which
44 particularly impact on those protected by this act. Such harms
45 have, under the common law, given rise to legal remedies, including

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.

A5096 QUIJANO

1 compensatory and punitive damages. The Legislature intends that
2 such damages be available to all persons protected by this act and
3 that this act shall be liberally construed in combination with other
4 protections available under the laws of this State.

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

6

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

9 4. Obtaining employment and privileges without discrimination;
10 civil right.

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

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

25

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

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

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

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

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

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

44 e. "Employer" includes all persons as defined in subsection a.
45 of this section and "hiring entities" as defined by section 2 of
46 P.L.2023, c.262 (C.34:11-70), unless otherwise specifically exempt
47 under another section of P.L.1945, c.169 (C.10:5-1 et seq.), and

A5096 QUIJANO

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1 includes the State, any political or civil subdivision thereof, and all
2 public officers, agencies, boards, or bodies.

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

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

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

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

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

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

19 l. "A place of public accommodation" shall include, but not be
20 limited to: any tavern, roadhouse, hotel, motel, trailer camp,
21 summer camp, day camp, or resort camp, whether for entertainment
22 of transient guests or accommodation of those seeking health,
23 recreation, or rest; any producer, manufacturer, wholesaler,
24 distributor, retail shop, store, establishment, or concession dealing
25 with goods or services of any kind; any restaurant, eating house, or
26 place where food is sold for consumption on the premises; any
27 place maintained for the sale of ice cream, ice and fruit preparations
28 or their derivatives, soda water or confections, or where any
29 beverages of any kind are retailed for consumption on the premises;
30 any garage, any public conveyance operated on land or water or in
31 the air or any stations and terminals thereof; any bathhouse,
32 boardwalk, or seashore accommodation; any auditorium, meeting
33 place, or hall; any theatre, motion-picture house, music hall, roof
34 garden, skating rink, swimming pool, amusement and recreation
35 park, fair, bowling alley, gymnasium, shooting gallery, billiard and
36 pool parlor, or other place of amusement; any comfort station; any
37 dispensary, clinic, or hospital; any public library; and any
38 kindergarten, primary and secondary school, trade or business
39 school, high school, academy, college and university, or any
40 educational institution under the supervision of the State Board of
41 Education or the Commissioner of Education of the State of New
42 Jersey. Nothing herein contained shall be construed to include or to
43 apply to any institution, bona fide club, or place of accommodation,
44 which is in its nature distinctly private; nor shall anything herein
45 contained apply to any educational facility operated or maintained
46 by a bona fide religious or sectarian institution, and the right of a
47 natural parent or one in loco parentis to direct the education and
48 upbringing of a child under **[his]** the control of a natural parent or

1 one in loco parentis is hereby affirmed; nor shall anything herein
2 contained be construed to bar any private secondary or post-
3 secondary school from using in good faith criteria other than race,
4 creed, color, national origin, immigration status, citizenship status,
5 ancestry, gender identity, or expression or affectional or sexual
6 orientation in the admission of students.

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

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

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

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

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

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

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

46 s. "Guide dog" means a dog used to assist persons who are
47 deaf, or which is fitted with a special harness so as to be suitable as
48 an aid to the mobility of a person who is blind, and is used by a

1 person who is blind and has satisfactorily completed a specific
2 course of training in the use of such a dog, and has been trained by
3 an organization generally recognized by agencies involved in the
4 rehabilitation of persons with disabilities, including, but not limited
5 to, those persons who are blind or deaf, as reputable and competent
6 to provide dogs with training of this type.

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

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

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

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

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

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

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

1 the proportion of hemoglobin C or one natural parent of the
2 individual is shown to have only normal hemoglobin components
3 (hemoglobin A, hemoglobin A2, hemoglobin F) in normal
4 proportions by standard chemical and physical analytic tests.

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

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

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

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

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

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

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

28 hh. "Affectional or sexual orientation" means male or female
29 heterosexuality, homosexuality, or bisexuality by inclination,
30 practice, identity, or expression, having a history thereof or being
31 perceived, presumed, or identified by others as having such an
32 orientation.

33 ii. "Heterosexuality" means affectional, emotional, or physical
34 attraction or behavior which is primarily directed towards persons
35 of the other gender.

36 jj. "Homosexuality" means affectional, emotional, or physical
37 attraction or behavior which is primarily directed towards persons
38 of the same gender.

39 kk. "Bisexuality" means affectional, emotional, or physical
40 attraction or behavior which is directed towards persons of multiple
41 genders.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 rr. "Gender identity or expression" means having or being
2 perceived as having a gender related identity or expression whether
3 or not stereotypically associated with a person's assigned sex at
4 birth.

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

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

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

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

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

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

27 yy. "Citizenship status" means an individual's status as a citizen
28 or national of the United States or a country or countries other than
29 the United States.

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

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

35
36 4. Section 6 of P.L.1945, c.169 (C.10:5-6) is amended to read as
37 follows:

38 6. There is created in the Department of Law and Public Safety
39 a division known as "The Division on Civil Rights" with power to
40 prevent and eliminate discrimination in the manner prohibited by
41 **[this act]** P.L.1945, c.169 (C.10:5-1 et seq.) against persons
42 because of race, creed, color, national origin, immigration status,
43 citizenship status, ancestry, age, marital status, affectional or sexual
44 orientation, gender identity or expression, familial status,
45 nationality, disability, or sex or because of their liability for service
46 in the Armed Forces of the United States, by employers, labor
47 organizations, employment agencies or other persons and to take
48 other actions against unlawful discrimination because of race,

1 creed, color, national origin, immigration status, citizenship status,
2 ancestry, marital status, sex, familial status, nationality, disability,
3 or age or because of their liability for service in the Armed Forces
4 of the United States, as herein provided; and the division created
5 hereunder is given general jurisdiction and authority for such
6 purposes.
7 (cf: P.L.2006, c.100, s.5)

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

11 8. The Attorney General shall:

12 a. Exercise all powers of the **【division】** Division on Civil
13 Rights not vested in the **【commission】** Commission on Civil
14 Rights.

15 b. Administer the work of the division.

16 c. Organize the division into sections, which shall include but
17 not be limited to a section which shall receive, investigate, and act
18 upon complaints alleging unlawful discrimination against persons
19 because of race, creed, color, national origin, immigration status,
20 citizenship status, ancestry, age, marital status, affectional or sexual
21 orientation, gender identity or expression, familial status, disability,
22 nationality or sex or because of their liability for service in the
23 Armed Forces of the United States; and another which shall, in
24 order to eliminate prejudice and to further good will among **【the**
25 **various racial and religious and nationality groups】** all people in
26 this State, study, recommend, prepare and implement, in
27 cooperation with such other departments of the State **【Government】**
28 or any other agencies, groups or entities both public and private,
29 such educational and human relations programs as are consonant
30 with the objectives of **【this act】** P.L.1945, c.169 (C.10:5-1 et seq.);
31 and prescribe the organization of **【said】** the sections and the duties
32 of **【his】** the Attorney General's subordinates and assistants.

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

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

- 1 f. Maintain liaison with local and State officials and agencies
2 concerned with matters related to the work of the division.
- 3 g. Adopt, promulgate, amend, and rescind suitable rules and
4 regulations to carry out the provisions of **[this act]** P.L.1945, c.169
5 (C.10:5-1 et seq.).
- 6 h. Conduct investigations, receive complaints and conduct
7 hearings thereon other than those complaints received and hearings
8 held pursuant to the provisions of **[this act]** P.L.1945, c.169
9 (C.10:5-1 et seq.).
- 10 i. In connection with any investigation or hearing held
11 pursuant to the provisions of **[this act]** P.L.1945, c.169 (C.10:5-1 et
12 seq.), subpoena witnesses, compel their attendance, administer
13 oaths, take the testimony of any person, under oath, and, in
14 connection therewith, require the production for examination of any
15 books or papers relating to any subject matter under investigation or
16 in question by the division and conduct such discovery procedures
17 which may include the taking of interrogatories and oral depositions
18 as shall be deemed necessary by the Attorney General in any
19 investigation. The Attorney General may make rules as to the
20 issuance of subpoenas by the director. The failure of any witness
21 when duly subpoenaed to attend, give testimony, or produce
22 evidence shall be punishable by the Superior Court of New Jersey
23 in the same manner as such failure is punishable by such court in a
24 case therein pending.
- 25 j. Issue such publications and such results of investigations
26 and research tending to promote good will and to minimize or
27 eliminate unlawful discrimination because of race, creed, color,
28 national origin, immigration status, citizenship status, ancestry, age,
29 marital status, affectional or sexual orientation, gender identity or
30 expression, familial status, disability, nationality or sex, as the
31 commission shall direct, subject to available appropriations.
- 32 k. Render each year to the Governor and Legislature a full
33 written report of all the activities of the division.
- 34 l. Appoint, subject to the approval of the commission, a panel
35 of not more than five hearing examiners, each of whom shall be
36 duly licensed to practice law in this State for a period of at least five
37 years, and each to serve for a term of one year and until **[his]** such
38 examiner's successor is appointed, any one of whom the director
39 may designate in **[his]** the director's place to conduct any hearing
40 and recommend findings of fact and conclusions of law. The
41 hearing examiners shall receive such compensation as may be
42 determined by the Attorney General, subject to available
43 appropriations.
44 (cf: P.L.2006, c.100, s.6)
45
- 46 6. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read
47 as follows:

1 1. The Division on Civil Rights in the Department of Law and
2 Public Safety shall enforce the laws of this State against unlawful
3 discrimination in housing built with, or leased with the assistance
4 of, public funds or public assistance, pursuant to any law, and in
5 real property, as defined in the law hereby supplemented, because
6 of race, religious principles, color, national origin, immigration
7 status, citizenship status, ancestry, marital status, affectional or
8 sexual orientation, familial status, disability, liability for service in
9 the Armed Forces of the United States, nationality, sex, gender
10 identity or expression or source of lawful income used for rental or
11 mortgage payments. **【The said】** These laws shall be **【so】** enforced
12 in the manner prescribed in **【the act to which this act is a**
13 **supplement】** P.L.1945, c.169 (C.10:5-1 et seq.).
14 (cf: P.L 2017, c.184, s.2)
15

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

18 9. The commission shall:

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

21 b. Survey and study the operations of the division.

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

25 The mayors or chief executive officers of the municipalities in
26 the State may appoint local commissions on civil rights to aid in
27 effectuating the purposes of **【this act】** P.L.1945, c.169 (C.10:5-1 et
28 seq.). **【Such】** These local commissions shall be composed of
29 representative citizens serving without compensation. **【Such】** The
30 commissions shall attempt to foster through community effort or
31 otherwise, good will, cooperation and conciliation among the
32 groups and elements of the inhabitants of the community, and they
33 may be empowered by the local governing bodies to make
34 recommendations to them for the development of policies and
35 procedures in general and for programs of formal and informal
36 education that will aid in eliminating all types of unlawful
37 discrimination based on race, creed, color, national origin,
38 immigration status, citizenship status, ancestry, age, marital status,
39 affectional or sexual orientation, gender identity or expression,
40 familial status, disability, nationality or sex.

41 (cf: P.L.2006, c.100, s.8)
42

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

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

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1 a. For an employer, because of the race, creed, color, national
2 origin, immigration status or citizenship status except to the extent
3 permitted under section 9 of P.L. , c. (C.) pending before
4 the Legislature as this bill), ancestry, age, marital status, civil
5 union status, domestic partnership status, affectional or sexual
6 orientation, genetic information, pregnancy or breastfeeding, sex,
7 gender identity or expression, disability or atypical hereditary
8 cellular or blood trait of any individual, or because of the liability
9 for service in the Armed Forces of the United States or the
10 nationality of any individual, or because of the refusal to submit to
11 a genetic test or make available the results of a genetic test to an
12 employer, to refuse to hire or employ or to bar or to discharge or
13 require to retire, unless justified by lawful considerations other than
14 age, from employment such individual or to discriminate against
15 such individual in compensation or in terms, conditions or
16 privileges of employment; provided, however, it shall not be an
17 unlawful employment practice to refuse to accept for employment
18 an applicant who has received a notice of induction or orders to
19 report for active duty in the armed forces; provided further that
20 nothing herein contained shall be construed to bar an employer from
21 refusing to accept for employment any person on the basis of sex in
22 those certain circumstances where sex is a bona fide occupational
23 qualification, reasonably necessary to the normal operation of the
24 particular business or enterprise; provided further that it shall not be
25 an unlawful employment practice for a club exclusively social or
26 fraternal to use club membership as a uniform qualification for
27 employment, or for a religious association or organization to utilize
28 religious affiliation as a uniform qualification in the employment of
29 clergy, religious teachers or other employees engaged in the
30 religious activities of the association or organization, or in
31 following the tenets of its religion in establishing and utilizing
32 criteria for employment of an employee; and provided further, that
33 it shall not be an unlawful employment practice to require the
34 retirement of any employee who, for the two-year period
35 immediately before retirement, is employed in a bona fide executive
36 or a high policy-making position, if that employee is entitled to an
37 immediate non-forfeitable annual retirement benefit from a pension,
38 profit sharing, savings or deferred retirement plan, or any
39 combination of those plans, of the employer of that employee which
40 equals in the aggregate at least \$27,000.00; and provided further
41 that an employer may restrict employment to citizens of the United
42 States where such restriction is required by federal law or is
43 otherwise necessary to protect the national interest.

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

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

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

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

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

32 b. For a labor organization, because of the race, creed, color,
33 national origin, immigration status or citizenship status except to
34 the extent permitted under section 9 of P.L. , c. (C.)
35 pending before the Legislature as this bill), ancestry, age, marital
36 status, civil union status, domestic partnership status, affectional or
37 sexual orientation, gender identity or expression, disability,
38 pregnancy or breastfeeding, or sex of any individual, or because of
39 the liability for service in the Armed Forces of the United States or
40 nationality of any individual, to exclude or to expel from its
41 membership such individual or to discriminate in any way against
42 any of its members, against any applicant for, or individual included
43 in, any apprentice or other training program or against any
44 employer or any individual employed by an employer; provided,
45 however, that nothing herein contained shall be construed to bar a
46 labor organization from excluding from its apprentice or other
47 training programs any person on the basis of sex in those certain
48 circumstances where sex is a bona fide occupational qualification

1 reasonably necessary to the normal operation of the particular
2 apprentice or other training program.

3 c. For any employer or employment agency to print or circulate
4 or cause to be printed or circulated any statement, advertisement or
5 publication, or to use any form of application for employment, or to
6 make an inquiry in connection with prospective employment, which
7 expresses, directly or indirectly, any limitation, specification or
8 discrimination as to race, creed, color, national origin, immigration
9 status or citizenship status except to the extent permitted under
10 section 9 of P.L. , c. (C.) pending before the Legislature as
11 this bill, ancestry, age, marital status, civil union status, domestic
12 partnership status, affectional or sexual orientation, gender identity
13 or expression, disability, nationality, pregnancy or breastfeeding, or
14 sex or liability of any applicant for employment for service in the
15 Armed Forces of the United States, or any intent to make any such
16 limitation, specification or discrimination, unless based upon a bona
17 fide occupational qualification.

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

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

34 f. (1) For any owner, lessee, proprietor, manager,
35 superintendent, agent, or employee of any place of public
36 accommodation directly or indirectly to refuse, withhold from or
37 deny to any person any of the accommodations, advantages,
38 facilities or privileges thereof, or to discriminate against any person
39 in the furnishing thereof, or directly or indirectly to publish,
40 circulate, issue, display, post or mail any written or printed
41 communication, notice, or advertisement to the effect that any of
42 the accommodations, advantages, facilities, or privileges of any
43 such place will be refused, withheld from, or denied to any person
44 on account of the race, creed, color, national origin, immigration
45 status, citizenship status, ancestry, marital status, civil union status,
46 domestic partnership status, pregnancy or breastfeeding, sex, gender
47 identity or expression, affectional or sexual orientation, disability,

1 liability for service in the Armed Forces of the United States or
2 nationality of such person, or that the patronage or custom thereat
3 of any person of any particular race, creed, color, national origin,
4 immigration status or citizenship status except to the extent
5 permitted under section 9 of P.L. , c. (C.) (pending before
6 the Legislature as this bill), ancestry, marital status, civil union
7 status, domestic partnership status, pregnancy or breastfeeding
8 status, sex, gender identity or expression, affectional or sexual
9 orientation, disability, liability for service in the Armed Forces of
10 the United States or nationality is unwelcome, objectionable or not
11 acceptable, desired or solicited, and the production of any such
12 written or printed communication, notice or advertisement,
13 purporting to relate to any such place and to be made by any owner,
14 lessee, proprietor, superintendent or manager thereof, shall be
15 presumptive evidence in any action that the same was authorized by
16 such person; provided, however, that nothing contained herein shall
17 be construed to bar any place of public accommodation which is in
18 its nature reasonably restricted exclusively to individuals of one
19 sex, and which shall include but not be limited to any summer
20 camp, day camp, or resort camp, bathhouse, dressing room,
21 swimming pool, gymnasium, comfort station, dispensary, clinic or
22 hospital, or school or educational institution which is restricted
23 exclusively to individuals of one sex, provided individuals shall be
24 admitted based on their gender identity or expression, from
25 refusing, withholding from or denying to any individual of the
26 opposite sex any of the accommodations, advantages, facilities or
27 privileges thereof on the basis of sex; provided further, that the
28 foregoing limitation shall not apply to any restaurant as defined in
29 R.S.33:1-1 or place where alcoholic beverages are served.

30 (2) Notwithstanding the definition of "a place of public
31 accommodation" as set forth in subsection 1. of section 5 of
32 P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor,
33 manager, superintendent, agent, or employee of any private club or
34 association to directly or indirectly refuse, withhold from or deny to
35 any individual who has been accepted as a club member and has
36 contracted for or is otherwise entitled to full club membership any
37 of the accommodations, advantages, facilities or privileges thereof,
38 or to discriminate against any member in the furnishing thereof on
39 account of the race, creed, color, national origin, immigration status
40 or citizenship status except to the extent permitted under section 9
41 of P.L. , c. (C.) (pending before the Legislature as this
42 bill), ancestry, marital status, civil union status, domestic
43 partnership status, pregnancy or breastfeeding, sex, gender identity,
44 or expression, affectional or sexual orientation, disability, liability
45 for service in the Armed Forces of the United States or nationality
46 of such person.

47 In addition to the penalties otherwise provided for a violation of
48 P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2)

1 of subsection f. of this section is the holder of an alcoholic beverage
2 license issued under the provisions of R.S.33:1-12 for that private
3 club or association, the matter shall be referred to the Director of
4 the Division of Alcoholic Beverage Control who shall impose an
5 appropriate penalty in accordance with the procedures set forth in
6 R.S.33:1-31.

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

12 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise
13 to deny to or withhold from any person or group of persons any real
14 property or part or portion thereof because of race, creed, color,
15 national origin, immigration status or citizenship status except to
16 the extent permitted under section 9 of P.L. , c. (C.)
17 (pending before the Legislature as this bill), ancestry, marital status,
18 civil union status, domestic partnership status, pregnancy or
19 breastfeeding, sex, gender identity or expression, affectional or
20 sexual orientation, familial status, disability, liability for service in
21 the Armed Forces of the United States, nationality, or source of
22 lawful income used for rental or mortgage payments;

23 (2) To discriminate against any person or group of persons
24 because of race, creed, color, national origin, immigration status or
25 citizenship status except to the extent permitted under section 9 of
26 P.L. , c. (C.) (pending before the Legislature as this bill),
27 ancestry, marital status, civil union status, domestic partnership
28 status, pregnancy or breastfeeding, sex, gender identity or
29 expression, affectional or sexual orientation, familial status,
30 disability, liability for service in the Armed Forces of the United
31 States, nationality or source of lawful income used for rental or
32 mortgage payments in the terms, conditions or privileges of the
33 sale, rental or lease of any real property or part or portion thereof or
34 in the furnishing of facilities or services in connection therewith;

35 (3) To print, publish, circulate, issue, display, post or mail, or
36 cause to be printed, published, circulated, issued, displayed, posted
37 or mailed any statement, advertisement, publication or sign, or to
38 use any form of application for the purchase, rental, lease,
39 assignment or sublease of any real property or part or portion
40 thereof, or to make any record or inquiry in connection with the
41 prospective purchase, rental, lease, assignment, or sublease of any
42 real property, or part or portion thereof which expresses, directly or
43 indirectly, any limitation, specification or discrimination as to race,
44 creed, color, national origin, immigration status or citizenship status
45 except to the extent permitted under section 9 of
46 P.L. , c. (C.) (pending before the Legislature as this bill),
47 ancestry, marital status, civil union status, domestic partnership
48 status, pregnancy or breastfeeding, sex, gender identity, or

1 expression, affectional or sexual orientation, familial status,
2 disability, liability for service in the Armed Forces of the United
3 States, nationality, or source of lawful income used for rental or
4 mortgage payments, or any intent to make any such limitation,
5 specification or discrimination, and the production of any such
6 statement, advertisement, publicity, sign, form of application,
7 record, or inquiry purporting to be made by any such person shall
8 be presumptive evidence in any action that the same was authorized
9 by such person; provided, however, that nothing contained in this
10 subsection shall be construed to bar any person from refusing to
11 sell, rent, lease, assign or sublease or from advertising or recording
12 a qualification as to sex for any room, apartment, flat in a dwelling
13 or residential facility which is planned exclusively for and occupied
14 by individuals of one sex to any individual of the exclusively
15 opposite sex on the basis of sex provided individuals shall be
16 qualified based on their gender identity or expression;

17 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
18 to deny to or withhold from any person or group of persons any real
19 property or part or portion thereof because of the source of any
20 lawful income received by the person or the source of any lawful
21 rent payment to be paid for the real property; **[or]**

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

29 (6) To make any inquiry regarding or based on the immigration
30 status or citizenship status of a tenant, occupant, or prospective
31 tenant or occupant of residential rental property, or to require that
32 any such person disclose or make any statement, representation, or
33 certification concerning such person's immigration status or
34 citizenship status, except to the extent permitted under section 9 of
35 P.L. , c. (C.) (pending before the Legislature as this bill);

36 or

37 (7) To threaten to disclose or actually disclose information
38 regarding or relating to the immigration status or citizenship status
39 of a tenant, occupant, prospective tenant or occupant, or other
40 person known to be associated with a tenant, occupant, or
41 prospective tenant or occupant, for the purpose of, or with the intent
42 of, harassing or intimidating a tenant, occupant, or prospective
43 tenant or occupant; influencing a tenant or occupant to vacate a
44 dwelling; recovering possession of a dwelling from a tenant or
45 occupant; or taking reprisals against a tenant, occupant, or
46 prospective tenant or occupant under subsection d. of this section.

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

1 (1) To refuse to sell, rent, assign, lease or sublease, or offer for
2 sale, rental, lease, assignment, or sublease any real property or part
3 or portion thereof to any person or group of persons or to refuse to
4 negotiate for the sale, rental, lease, assignment, or sublease of any
5 real property or part or portion thereof to any person or group of
6 persons because of race, creed, color, national origin, immigration
7 status or citizenship status except to the extent permitted under
8 section 9 of P.L. , c. (C.) (pending before the Legislature
9 as this bill), ancestry, marital status, civil union status, domestic
10 partnership status, familial status, pregnancy or breastfeeding, sex,
11 gender identity or expression, affectional or sexual orientation,
12 liability for service in the Armed Forces of the United States,
13 disability, nationality, or source of lawful income used for rental or
14 mortgage payments, or to represent that any real property or portion
15 thereof is not available for inspection, sale, rental, lease,
16 assignment, or sublease when in fact it is so available, or otherwise
17 to deny or withhold any real property or any part or portion of
18 facilities thereof to or from any person or group of persons because
19 of race, creed, color, national origin, immigration status or
20 citizenship status except to the extent permitted under section 9 of
21 P.L. , c. (C.) (pending before the Legislature as this bill),
22 ancestry, marital status, civil union status, domestic partnership
23 status, familial status, pregnancy or breastfeeding, sex, gender
24 identity or expression, affectional or sexual orientation, disability,
25 liability for service in the Armed Forces of the United States, or
26 nationality;

27 (2) To discriminate against any person because of race, creed,
28 color, national origin, immigration status or citizenship status
29 except to the extent permitted under section 9 of P.L. , c.
30 (C.) (pending before the Legislature as this bill), ancestry,
31 marital status, civil union status, domestic partnership status,
32 familial status, pregnancy or breastfeeding, sex, gender identity or
33 expression, affectional or sexual orientation, disability, liability for
34 service in the Armed Forces of the United States, nationality, or
35 source of lawful income used for rental or mortgage payments in
36 the terms, conditions or privileges of the sale, rental, lease,
37 assignment or sublease of any real property or part or portion
38 thereof or in the furnishing of facilities or services in connection
39 therewith;

40 (3) To print, publish, circulate, issue, display, post, or mail, or
41 cause to be printed, published, circulated, issued, displayed, posted
42 or mailed any statement, advertisement, publication or sign, or to
43 use any form of application for the purchase, rental, lease,
44 assignment, or sublease of any real property or part or portion
45 thereof or to make any record or inquiry in connection with the
46 prospective purchase, rental, lease, assignment, or sublease of any
47 real property or part or portion thereof which expresses, directly or
48 indirectly, any limitation, specification or discrimination as to race,

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

22 (4) To refuse to sell, rent, lease, assign, or sublease or otherwise
23 to deny to or withhold from any person or group of persons any real
24 property or part or portion thereof because of the source of any
25 lawful income received by the person or the source of any lawful
26 rent payment to be paid for the real property; or

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

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

42 (1) To discriminate against any person or group of persons
43 because of race, creed, color, national origin, immigration status or
44 citizenship status except to the extent permitted under section 9 of
45 P.L. , c. (C.) (pending before the Legislature as this bill),
46 ancestry, marital status, civil union status, domestic partnership
47 status, pregnancy or breastfeeding, sex, gender identity or
48 expression, affectional or sexual orientation, disability, liability for

1 service in the Armed Forces of the United States, familial status or
2 nationality, in the granting, withholding, extending, modifying,
3 renewing, or purchasing, or in the fixing of the rates, terms,
4 conditions or provisions of any such loan, extension of credit or
5 financial assistance or purchase thereof or in the extension of
6 services in connection therewith;

7 (2) To use any form of application for such loan, extension of
8 credit or financial assistance or to make record or inquiry in
9 connection with applications for any such loan, extension of credit
10 or financial assistance which expresses, directly or indirectly, any
11 limitation, specification or discrimination as to race, creed, color,
12 national origin, immigration status or citizenship status except to
13 the extent permitted under section 9 of P.L. , c. (C.)
14 (pending before the Legislature as this bill), ancestry, marital status,
15 civil union status, domestic partnership status, pregnancy or
16 breastfeeding, sex, gender identity or expression, affectional or
17 sexual orientation, disability, liability for service in the Armed
18 Forces of the United States, familial status or nationality or any
19 intent to make any such limitation, specification or discrimination;
20 unless otherwise required by law or regulation to retain or use such
21 information;

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

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

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

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

39 k. For any real estate broker, real estate salesperson or
40 employee or agent thereof or any other individual, corporation,
41 partnership, or organization, for the purpose of inducing a
42 transaction for the sale or rental of real property from which
43 transaction such person or any of its members may benefit
44 financially, to represent that a change has occurred or will or may
45 occur in the composition with respect to race, creed, color, national
46 origin, immigration status or citizenship status except to the extent
47 permitted under section 9 of P.L. , c. (C.) (pending before
48 the Legislature as this bill), ancestry, marital status, civil union

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

13 l. For any person to refuse to buy from, sell to, lease from or
14 to, license, contract with, or trade with, provide goods, services or
15 information to, or otherwise do business with any other person on
16 the basis of the race, creed, color, national origin, immigration
17 status or citizenship status except to the extent permitted under
18 section 9 of P.L. , c. (C.) (pending before the Legislature
19 as this bill), ancestry, age, pregnancy or breastfeeding, sex, gender
20 identity or expression, affectional or sexual orientation, marital
21 status, civil union status, domestic partnership status, liability for
22 service in the Armed Forces of the United States, disability,
23 nationality, or source of lawful income used for rental or mortgage
24 payments of such other person or of such other person's family
25 members, partners, members, stockholders, directors, officers,
26 managers, superintendents, agents, employees, business associates,
27 suppliers, or customers. This subsection shall not prohibit refusals
28 or other actions (1) pertaining to employee-employer collective
29 bargaining, labor disputes, or unfair labor practices, or (2) made or
30 taken in connection with a protest of unlawful discrimination or
31 unlawful employment practices.

32 m. For any person to:

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

47 (2) Refuse to grant or accept any letter of credit or other
48 document which evidences the transfer of funds or credit, or refuse

1 to enter into any contract for the exchange of goods or services, on
2 the ground that it does not contain such a discriminatory provision
3 or certification.

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

12 n. For any person to aid, abet, incite, compel, coerce, or induce
13 the doing of any act forbidden by subsections l. and m. of section
14 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to
15 do so. Such prohibited conduct shall include, but not be limited to:

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

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

30 o. For any multiple listing service, real estate brokers'
31 organization or other service, organization or facility related to the
32 business of selling or renting dwellings to deny any person access
33 to or membership or participation in such organization, or to
34 discriminate against such person in the terms or conditions of such
35 access, membership, or participation, on account of race, creed,
36 color, national origin, immigration status or citizenship status
37 except to the extent permitted under section 9 of
38 P.L. , c. (C.) (pending before the Legislature as this bill),
39 ancestry, age, marital status, civil union status, domestic partnership
40 status, familial status, pregnancy or breastfeeding, sex, gender
41 identity or expression, affectional or sexual orientation, disability,
42 liability for service in the Armed Forces of the United States or
43 nationality.

44 p. Nothing in the provisions of this section shall affect the
45 ability of an employer to require employees to adhere to reasonable
46 workplace appearance, grooming and dress standards not precluded
47 by other provisions of State or federal law, except that an employer

1 shall allow an employee to appear, groom and dress consistent with
2 the employee's gender identity or expression.

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

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

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

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

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

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

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

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

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

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

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

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

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

45 s. For an employer to treat, for employment-related purposes,
46 **[a woman]** an employee that the employer knows, or should know,
47 is affected by pregnancy or breastfeeding in a manner less favorable
48 than the treatment of other persons not affected by pregnancy or

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

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

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

46 t. For an employer to pay any of its employees who is a
47 member of a protected class at a rate of compensation, including
48 benefits, which is less than the rate paid by the employer to

1 employees who are not members of the protected class for
2 substantially similar work, when viewed as a composite of skill,
3 effort and responsibility. An employer who is paying a rate of
4 compensation in violation of this subsection shall not reduce the
5 rate of compensation of any employee in order to comply with this
6 subsection. An employer may pay a different rate of compensation
7 only if the employer demonstrates that the differential is made
8 pursuant to a seniority system, a merit system, or the employer
9 demonstrates:

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

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

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

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

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

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

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

40

41 9. (New section) Immigration status or citizenship status,
42 disclosures, verification.

43 a. It shall not be an unlawful employment practice or an
44 unlawful discrimination pursuant to P.L.1945, c. 169 (C.10:5-1 et
45 seq.), for any person to discriminate on the basis of immigration
46 status or citizenship status, or to make any inquiry as to a person's
47 immigration status or citizenship status, or to give preference to a
48 person who is a citizen or national of the United States over an

1 equally qualified person who is a not a citizen or national of the
2 United States, when such discrimination, inquiry, or preference is
3 required or expressly permitted by federal or state law or regulation.
4 In addition, nothing in P.L.1945, c.169 (C.10:5-1 et seq.) shall be
5 interpreted to prohibit inquiries or determinations based on
6 immigration status or citizenship status when such actions are
7 necessary to obtain the benefits of a federal or state program.

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

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

25
26 10. This act shall take effect immediately.
27
28

29 STATEMENT

30
31 This bill enhances protections under the Law Against
32 Discrimination ("LAD") for immigrants and non-citizens.

33 IMMIGRATION STATUS. The bill adds immigration status as a
34 protected characteristic in employment, housing, and public
35 accommodations. The bill defines the term as "an individual's
36 category of presence in the United States, including but not limited
37 to, naturalized citizen, permanent resident, asylee, refugee, work
38 authorization holder, or undocumented individual."

39 CITIZENSHIP STATUS. Citizenship status is also added by the bill
40 as a protected characteristic in employment, housing, and public
41 accommodations. The bill defines "citizenship status" as "an
42 individual's status as a citizen or national of the United States or a
43 country or countries other than the United States."

44 HOUSING PROTECTIONS; EXCEPTIONS. The bill prohibits a
45 housing provider from asking about a person's immigration status
46 or citizenship status or requiring that the person disclose or make
47 any statement, representation, or certification concerning the
48 person's immigration or citizenship status. The bill also prohibits a

1 housing provider from threatening to disclose or actually disclosing
2 information about the immigration or citizenship status of a tenant,
3 occupant, or prospective tenant or occupant to harass or intimidate
4 the person, influence the person to vacate a dwelling, recover
5 possession of a dwelling, or retaliate against the person. The bill
6 makes an exception to the protections for immigration or citizenship
7 status if distinctions based on immigration or citizenship are
8 required by federal or state law or regulation, or if distinctions are
9 necessary to obtain the benefits of a federal or state program. The
10 bill provides that disclosure of information concerning immigration
11 or citizenship status is not prohibited where required or permitted
12 by federal or state law or regulation.

13 GENDER-NEUTRAL LANGUAGE. The bill changes gendered
14 language in the LAD to gender-neutral language.

15 UNLAWFUL DISCRIMINATION. The bill adds the term “unlawful”
16 before the term “discrimination” throughout the LAD to clarify that
17 the LAD prohibits only unlawful discrimination. The LAD does not
18 apply to discrimination that may be lawful. For example, practices
19 that result in a disproportionately negative impact on members of a
20 protected class constitute unlawful discrimination only if the entity
21 engaging in the practices cannot show that it is using the practices
22 for a substantial, legitimate, nondiscriminatory interest or cannot
23 show that there is a less discriminatory alternative that meets that
24 interest.