

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO ASSEMBLY, No. 1706

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 1, 2018

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 1706.

As amended by the committee, this bill would provide rental and lease protections for domestic violence, sexual assault, or stalking victims. Under the bill, a landlord may not terminate a tenancy, fail to renew a tenancy, or refuse to enter into a rental agreement based on the tenant's or applicant's or a household member's status as a victim of domestic violence, sexual assault, or stalking, or based on the tenant or applicant having terminated a rental agreement pursuant to the "New Jersey Safe Housing Act," P.L.2008, c.111 (C.46:8-9.4 et seq.). Under the "New Jersey Safe Housing Act," a tenant may terminate a lease prior to its expiration if the tenant provides written notice that the tenant or a child of the tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises, and provides appropriate documentation.

The bill provides for the same documentation requirements as those set out in the "New Jersey Safe Housing Act." The documentation may be any of the following:

- (1) a copy of a permanent domestic violence restraining order;
- (2) a copy of a permanent restraining order from another jurisdiction, issued pursuant to the jurisdiction's laws concerning domestic violence, sexual assault, or stalking;
- (3) a law enforcement agency record documenting the domestic violence, or certifying that the tenant or a child of the tenant is a victim of domestic violence, sexual assault, or stalking;
- (4) medical documentation of the domestic violence, sexual assault, or stalking provided by a health care provider;
- (5) certification, provided by a certified Domestic Violence Specialist, or the director of a designated domestic violence agency, that the tenant or a child of the tenant is a victim of domestic violence; or
- (6) other documentation or certification, provided by a licensed social worker, that the tenant or a child of the tenant is a victim of domestic violence, sexual assault, or stalking.

Under the bill, a landlord who refuses to enter into a rental agreement in violation of this section may be liable to the tenant or

applicant in a civil action for damages sustained by the tenant or applicant. The prevailing party may also recover court costs and reasonable attorneys' fees.

The bill amends N.J.S.A.2A:18-53 and N.J.S.A.2A:18-61.1, which concern actions by landlords to remove tenants, to provide that these sections of law shall not be construed to authorize the removal of a lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes based upon such person's status as a victim of domestic violence, sexual assault, or stalking.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to clarify that the provisions of the bill would provide rental and lease protections for victims of sexual assault or stalking, as well as victims of domestic violence, as originally provided by the bill.