

ASSEMBLY, No. 2204

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblywoman GILL

1 AN ACT concerning discrimination and amending the "Law Against  
2 Discrimination," P.L.1945, c.169.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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

9 4. All persons shall have the opportunity to obtain employment,  
10 and to obtain all the accommodations, advantages, facilities, and  
11 privileges of any place of public accommodation, publicly assisted  
12 housing accommodation, and other real property without  
13 discrimination because of race, creed, color, national origin, ancestry,  
14 age, marital status, affectional or sexual orientation, familial status,  
15 [or] sex or atypical hereditary cellular or blood trait of any individual,  
16 or because of their liability for service in the Armed Forces of the  
17 United States or the nationality of any individual, subject only to  
18 conditions and limitations applicable alike to all persons. This  
19 opportunity is recognized as and declared to be a civil right.  
20 (cf: P.L.1992, c.146, s.2)

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

24 5. As used in this act, unless a different meaning clearly appears  
25 from the context:

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

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

32 c. "Labor organization" includes any organization which exists and  
33 is constituted for the purpose, in whole or in part, of collective  
34 bargaining, or of dealing with employers concerning grievances, terms

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

**Matter underlined thus is new matter.**

1 or conditions of employment, or of other mutual aid or protection in  
2 connection with employment.

3 d. "Unlawful employment practice" and "unlawful discrimination"  
4 include only those unlawful practices and acts specified in section 11  
5 of [this act] P.L.1945 c.169 (C.10:5-12).

6 e. "Employer" includes all persons as defined in subsection a. of  
7 this section unless otherwise specifically exempt under another section  
8 of this act, and includes the State, any political or civil subdivision  
9 thereof, and all public officers, agencies, boards or bodies.

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

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

19 h. "Division" means the "Division on Civil Rights" created by this  
20 act.

21 i. "Attorney General" means the Attorney General of the State of  
22 New Jersey or his representative or designee.

23 j. "Commission" means the Commission on Civil Rights created by  
24 this act.

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

26 l. "A place of public accommodation" shall include, but not be  
27 limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer  
28 camp, day camp, or resort camp, whether for entertainment of  
29 transient guests or accommodation of those seeking health, recreation  
30 or rest; any producer, manufacturer, wholesaler, distributor, retail  
31 shop, store, establishment, or concession dealing with goods or  
32 services of any kind; any restaurant, eating house, or place where food  
33 is sold for consumption on the premises; any place maintained for the  
34 sale of ice cream, ice and fruit preparations or their derivatives, soda  
35 water or confections, or where any beverages of any kind are retailed  
36 for consumption on the premises; any garage, any public conveyance  
37 operated on land or water, or in the air, any stations and terminals  
38 thereof; any bathhouse, boardwalk, or seashore accommodation; any  
39 auditorium, meeting place, or hall; any theatre, motion-picture house,  
40 music hall, roof garden, skating rink, swimming pool, amusement and  
41 recreation park, fair, bowling alley, gymnasium, shooting gallery,  
42 billiard and pool parlor, or other place of amusement; any comfort  
43 station; any dispensary, clinic, proprietary nursing home, convalescent  
44 home, home for adults, intermediate care facility or hospital; any  
45 public library; any kindergarten, primary and secondary school, trade  
46 or business school, high school, academy, college and university, or

1 any educational institution under the supervision of the State Board of  
2 Education, or the Commissioner of Education of the State of New  
3 Jersey. Nothing herein contained shall be construed to include or to  
4 apply to any institution, bona fide club, or place of accommodation,  
5 which is in its nature distinctly private; nor shall anything herein  
6 contained apply to any educational facility operated or maintained by  
7 a bona fide religious or sectarian institution, and the right of a natural  
8 parent or one in loco parentis to direct the education and upbringing  
9 of a child under his control is hereby affirmed; nor shall anything  
10 herein contained be construed to bar any private secondary or post  
11 secondary school from using in good faith criteria other than race,  
12 creed, color, national origin, ancestry or affectional or sexual  
13 orientation in the admission of students.

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

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

42 o. "Real estate broker" includes a person, firm or corporation who,  
43 for a fee, commission or other valuable consideration, or by reason of  
44 promise or reasonable expectation thereof, lists for sale, sells,  
45 exchanges, buys or rents, or offers or attempts to negotiate a sale,  
46 exchange, purchase, or rental of real estate or an interest therein, or

1 collects or offers or attempts to collect rent for the use of real estate,  
2 or solicits for prospective purchasers or assists or directs in the  
3 procuring of prospects or the negotiation or closing of any transaction  
4 which does or is contemplated to result in the sale, exchange, leasing,  
5 renting or auctioning of any real estate, or negotiates, or offers or  
6 attempts or agrees to negotiate a loan secured or to be secured by  
7 mortgage or other encumbrance upon or transfer of any real estate for  
8 others; or any person who, for pecuniary gain or expectation of  
9 pecuniary gain conducts a public or private competitive sale of lands  
10 or any interest in lands. In the sale of lots, the term "real estate  
11 broker" shall also include any person, partnership, association or  
12 corporation employed by or on behalf of the owner or owners of lots  
13 or other parcels of real estate, at a stated salary, or upon a  
14 commission, or upon a salary and commission or otherwise, to sell  
15 such real estate, or any parts thereof, in lots or other parcels, and who  
16 shall sell or exchange, or offer or attempt or agree to negotiate the  
17 sale or exchange, of any such lot or parcel of real estate.

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

33 q. "Handicapped" means suffering from physical disability,  
34 infirmity, malformation or disfigurement which is caused by bodily  
35 injury, birth defect or illness including epilepsy, and which shall  
36 include, but not be limited to, any degree of paralysis, amputation, lack  
37 of physical coordination, blindness or visual impediment, deafness or  
38 hearing impediment, muteness or speech impediment or physical  
39 reliance on a service or guide dog, wheelchair, or other remedial  
40 appliance or device, or from any mental, psychological or  
41 developmental disability resulting from anatomical, psychological,  
42 physiological or neurological conditions which prevents the normal  
43 exercise of any bodily or mental functions or is demonstrable,  
44 medically or psychologically, by accepted clinical or laboratory  
45 diagnostic techniques. Handicapped shall also mean suffering from  
46 AIDS or HIV infection. "Handicapped" includes conditions which are

1 regarded by others as handicapped. "Handicap" means the same as  
2 "disability."

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

8 s. "Guide dog" means a dog used to assist deaf persons or which  
9 is fitted with a special harness so as to be suitable as an aid to the  
10 mobility of a blind person, and is used by a blind person who has  
11 satisfactorily completed a specific course of training in the use of such  
12 a dog, and has been trained by an organization generally recognized by  
13 agencies involved in the rehabilitation of the blind or deaf as reputable  
14 and competent to provide dogs with training of this type.

15 t. "Guide or service dog trainer" means any person who is  
16 employed by an organization generally recognized by agencies  
17 involved in the rehabilitation of the blind, handicapped or deaf as  
18 reputable and competent to provide dogs with training, and who is  
19 actually involved in the training process.

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

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

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

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

39 y. "Sickle cell trait" means the condition wherein the major natural  
40 hemoglobin components present in the blood of the individual are  
41 hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as  
42 defined by standard chemical and physical analytic techniques,  
43 including electrophoresis; and the proportion of hemoglobin A is  
44 greater than the proportion of hemoglobin S or one natural parent of  
45 the individual is shown to have only normal hemoglobin components  
46 (hemoglobin A, hemoglobin A<sub>2</sub>, hemoglobin F) in the normal

- 1 proportions by standard chemical and physical analytic tests.
- 2 z. "Hemoglobin C trait" means the condition wherein the major  
3 natural hemoglobin components present in the blood of the individual  
4 are hemoglobin A (normal) and hemoglobin C as defined by standard  
5 chemical and physical analytic techniques, including electrophoresis;  
6 and the proportion of hemoglobin A is greater than the proportion of  
7 hemoglobin C or one natural parent of the individual is shown to have  
8 only normal hemoglobin components (hemoglobin A, hemoglobin A2,  
9 hemoglobin F) in normal proportions by standard chemical and  
10 physical analytic tests.
- 11 aa. "Thalassemia trait" means the presence of the thalassemia gene  
12 which in combination with another similar gene results in the chronic  
13 hereditary disease Cooley's anemia.
- 14 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene  
15 which in combination with another similar gene results in the chronic  
16 hereditary disease Tay-Sachs.
- 17 cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis  
18 gene which in combination with another similar gene results in the  
19 chronic hereditary disease cystic fibrosis.
- 20 dd. "Service dog" means any dog individually trained to a  
21 handicapped person's requirements including, but not limited to  
22 minimal protection work, rescue work, pulling a wheelchair or  
23 retrieving dropped items.
- 24 ee. "Qualified Medicaid applicant" means an individual who is a  
25 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 26 ff. "AIDS" means acquired immune deficiency syndrome as defined  
27 by the Centers for Disease Control of the United States Public Health  
28 Service.
- 29 gg. "HIV infection" means infection with the human  
30 immunodeficiency virus or any other related virus identified as a  
31 probable causative agent of AIDS.
- 32 hh. "Affectional or sexual orientation" means male or female  
33 heterosexuality, homosexuality or bisexuality by inclination, practice,  
34 identity or expression, having a history thereof or being perceived,  
35 presumed or identified by others as having such an orientation.
- 36 ii. "Heterosexuality" means affectional, emotional or physical  
37 attraction or behavior which is primarily directed towards persons of  
38 the other gender.
- 39 jj. "Homosexuality" means affectional, emotional or physical  
40 attraction or behavior which is primarily directed towards persons of  
41 the same gender.
- 42 kk. "Bisexuality" means affectional, emotional or physical  
43 attraction or behavior which is directed towards persons of either  
44 gender.
- 45 ll. "Familial status" means being the natural parent of a child, the  
46 adoptive parent of a child, the foster parent of a child, having a "parent

1 and child relationship" with a child as defined by State law, or having  
2 sole or joint legal or physical custody, care, guardianship, or visitation  
3 with a child, or any person who is pregnant or is in the process of  
4 securing legal custody of any individual who has not attained the age  
5 of 18 years.

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

7 (1) provided under any State or federal program that the Attorney  
8 General determines is specifically designed and operated to assist  
9 elderly persons (as defined in the State or federal program); or

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

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

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

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

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

27 Housing shall not fail to meet the requirements for housing for  
28 older persons by reason of: persons residing in such housing as of  
29 March 12, 1989 not meeting the age requirements of this subsection,  
30 provided that new occupants of such housing meet the age  
31 requirements of this subsection; or unoccupied units, provided that  
32 such units are reserved for occupancy by persons who meet the age  
33 requirements of this subsection.

34 nn. "Discrimination because of sex" includes sexual harassment,  
35 and discrimination because of pregnancy, childbirth, or related medical  
36 conditions.

37 oo. "Sexual harassment" means unwelcome sexual advances,  
38 requests for sexual favors, and other verbal or physical conduct or  
39 communication of a sexual nature when:

40 (1) Submission to the conduct or communication is made a term or  
41 condition either explicitly or implicitly to obtain employment, public  
42 accommodations or public services, education or housing; or

43 (2) Submission to or rejection of the conduct or communication by  
44 an individual is used as a factor in decisions affecting the individual's  
45 employment, public accommodations or public services, education, or  
46 housing; or

1       (3) The conduct or communication has the purpose or effect of  
2 unreasonably interfering with an individual's employment, public  
3 accommodations or public services, educational or housing environment.  
4 (cf: P.L.1992, c.146, s.4)

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

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

10       a. For an employer, because of the race, creed, color, national  
11 origin, ancestry, age, marital status, affectional or sexual orientation,  
12 sex or atypical hereditary cellular or blood trait of any individual, or  
13 because of the liability for service in the Armed Forces of the United  
14 States or the nationality of any individual, to refuse to hire or employ  
15 or to bar or to discharge or require to retire, unless justified by lawful  
16 considerations other than age, from employment such individual or to  
17 discriminate against such individual in compensation or in terms,  
18 conditions or privileges of employment; provided, however, it shall not  
19 be an unlawful employment practice to refuse to accept for  
20 employment an applicant who has received a notice of induction or  
21 orders to report for active duty in the armed forces; provided further  
22 that nothing herein contained shall be construed to bar an employer  
23 from refusing to accept for employment any person on the basis of sex  
24 in those certain circumstances where sex is a bona fide occupational  
25 qualification, reasonably necessary to the normal operation of the  
26 particular business or enterprise; provided further that nothing herein  
27 contained shall be construed to bar an employer from refusing to  
28 accept for employment or to promote any person over 70 years of age;  
29 provided further that it shall not be an unlawful employment practice  
30 for a club exclusively social or fraternal to use club membership as a  
31 uniform qualification for employment, or for a religious association or  
32 organization to utilize religious affiliation as a uniform qualification in  
33 the employment of clergy, religious teachers or other employees  
34 engaged in the religious activities of the association or organization,  
35 or in following the tenets of its religion in establishing and utilizing  
36 criteria for employment of an employee; provided further, that it shall  
37 not be an unlawful employment practice to require the retirement of  
38 any employee who, for the two-year period immediately before  
39 retirement, is employed in a bona fide executive or a high  
40 policy-making position, if that employee is entitled to an immediate  
41 non-forfeitable annual retirement benefit from a pension, profit  
42 sharing, savings or deferred retirement plan, or any combination of  
43 those plans, of the employer of that employee which equals in the  
44 aggregate at least \$27,000.00; and provided further that an employer  
45 may restrict employment to citizens of the United States where such  
46 restriction is required by federal law or is otherwise necessary to

1 protect the national interest.

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

8 b. For a labor organization, because of the race, creed, color,  
9 national origin, ancestry, age, marital status, affectional or sexual  
10 orientation or sex of any individual, or because of the liability for  
11 service in the Armed Forces of the United States or nationality of any  
12 individual, to exclude or to expel from its membership such individual  
13 or to discriminate in any way against any of its members, against any  
14 applicant for, or individual included in, any apprentice or other training  
15 program or against any employer or any individual employed by an  
16 employer; provided, however, that nothing herein contained shall be  
17 construed to bar a labor organization from excluding from its  
18 apprentice or other training programs any person on the basis of sex  
19 in those certain circumstances where sex is a bona fide occupational  
20 qualification reasonably necessary to the normal operation of the  
21 particular apprentice or other training program.

22 c. For any employer or employment agency to print or circulate or  
23 cause to be printed or circulated any statement, advertisement or  
24 publication, or to use any form of application for employment, or to  
25 make an inquiry in connection with prospective employment, which  
26 expresses, directly or indirectly, any limitation, specification or  
27 discrimination as to race, creed, color, national origin, ancestry, age,  
28 marital status, affectional or sexual orientation or sex or liability of any  
29 applicant for employment for service in the Armed Forces of the  
30 United States, or any intent to make any such limitation, specification  
31 or discrimination, unless based upon a bona fide occupational  
32 qualification.

33 d. For any person to take reprisals against any person because that  
34 person has opposed or refused or failed to participate in any practices,  
35 policies or acts which he reasonably believes are forbidden under this  
36 act or because that person has filed a complaint, testified or assisted  
37 in any proceeding under this act or to coerce, intimidate, threaten or  
38 interfere with any person in the exercise or enjoyment of, or on  
39 account of that person having aided or encouraged any other person  
40 in the exercise or enjoyment of, any right granted or protected by this  
41 act.

42 e. For any person, whether an employer or an employee or not, to  
43 aid, abet, incite, compel or coerce the doing of any of the acts  
44 forbidden under this act, or to attempt to do so.

45 f. For any owner, lessee, proprietor, manager, superintendent,  
46 agent, or employee of any place of public accommodation directly or

1 indirectly to refuse, withhold from or deny to any person any of the  
2 accommodations, advantages, facilities or privileges thereof, or to  
3 discriminate against any person in the furnishing thereof, or directly or  
4 indirectly to publish, circulate, issue, display, post or mail any written  
5 or printed communication, notice, or advertisement to the effect that  
6 any of the accommodations, advantages, facilities, or privileges of any  
7 such place will be refused, withheld from, or denied to any person on  
8 account of the race, creed, color, national origin, ancestry, marital  
9 status, sex, affectional or sexual orientation or nationality of such  
10 person, or that the patronage or custom thereof of any person of any  
11 particular race, creed, color, national origin, ancestry, marital status,  
12 sex, affectional or sexual orientation or nationality is unwelcome,  
13 objectionable or not acceptable, desired or solicited, and the  
14 production of any such written or printed communication, notice or  
15 advertisement, purporting to relate to any such place and to be made  
16 by any owner, lessee, proprietor, superintendent or manager thereof,  
17 shall be presumptive evidence in any action that the same was  
18 authorized by such person; provided, however, that nothing contained  
19 herein shall be construed to bar any place of public accommodation  
20 which is in its nature reasonably restricted exclusively to individuals of  
21 one sex, and which shall include but not be limited to any summer  
22 camp, day camp, or resort camp, bathhouse, dressing room, swimming  
23 pool, gymnasium, comfort station, dispensary, clinic or hospital, or  
24 school or educational institution which is restricted exclusively to  
25 individuals of one sex, from refusing, withholding from or denying to  
26 any individual of the opposite sex any of the accommodations,  
27 advantages, facilities or privileges thereof on the basis of sex; provided  
28 further, that the foregoing limitation shall not apply to any restaurant  
29 as defined in R.S.33:1-1 or place where alcoholic beverages are  
30 served.

31 g. For the owner, lessee, sublessee, assignee or managing agent of,  
32 or other person having the right of ownership or possession of or the  
33 right to sell, rent, lease, assign, or sublease any real property or part  
34 or portion thereof, or any agent or employee of any of these:

35 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
36 to deny to or withhold from any person or group of persons any real  
37 property or part or portion thereof because of the race, creed, color,  
38 national origin, ancestry, marital status, affectional or sexual  
39 orientation, familial status or nationality of such person or group of  
40 persons;

41 (2) To discriminate against any person or group of persons because  
42 of the race, creed, color, national origin, marital status, sex, affectional  
43 or sexual orientation or familial status of such person or group of  
44 persons in the terms, conditions or privileges of the sale, rental or  
45 lease of any real property or part or portion thereof or in the  
46 furnishing of facilities or services in connection therewith; or

1 (3) To print, publish, circulate, issue, display, post or mail, or  
2 cause to be printed, published, circulated, issued, displayed, posted or  
3 mailed any statement, advertisement, publication or sign, or to use any  
4 form of application for the purchase, rental, lease, assignment or  
5 sublease of any real property or part or portion thereof, or to make  
6 any record or inquiry in connection with the prospective purchase,  
7 rental, lease, assignment, or sublease of any real property, or part or  
8 portion thereof which expresses, directly or indirectly, any limitation,  
9 specification or discrimination as to race, creed, color, national origin,  
10 ancestry, marital status, sex, affectional or sexual orientation, familial  
11 status or nationality, or any intent to make any such limitation,  
12 specification or discrimination, and the production of any such  
13 statement, advertisement, publicity, sign, form of application, record,  
14 or inquiry purporting to be made by any such person shall be  
15 presumptive evidence in any action that the same was authorized by  
16 such person; provided, however, that nothing contained in this  
17 subsection shall be construed to bar any person from refusing to sell,  
18 rent, lease, assign or sublease or from advertising or recording a  
19 qualification as to sex for any room, apartment, flat in a dwelling or  
20 residential facility which is planned exclusively for and occupied by  
21 individuals of one sex to any individual of the exclusively opposite sex  
22 on the basis of sex.

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

25 (1) To refuse to sell, rent, assign, lease or sublease, or offer for  
26 sale, rental, lease, assignment, or sublease any real property or part or  
27 portion thereof to any person or group of persons or to refuse to  
28 negotiate for the sale, rental, lease, assignment, or sublease of any real  
29 property or part or portion thereof to any person or group of persons  
30 because of the race, creed, color, national origin, ancestry, marital  
31 status, familial status, sex, affectional or sexual orientation or  
32 nationality of such person or group of persons, or to represent that any  
33 real property or portion thereof is not available for inspection, sale,  
34 rental, lease, assignment, or sublease when in fact it is so available, or  
35 otherwise to deny or withhold any real property or any part or portion  
36 of facilities thereof to or from any person or group of persons because  
37 of the race, creed, color, national origin, ancestry, marital status,  
38 familial status, sex, affectional or sexual orientation or nationality of  
39 such person or group of persons;

40 (2) To discriminate against any person because of his race, creed,  
41 color, national origin, ancestry, marital status, familial status, sex or  
42 affectional or sexual orientation in the terms, conditions or privileges  
43 of the sale, rental, lease, assignment or sublease of any real property  
44 or part or portion thereof or in the furnishing of facilities or services  
45 in connection therewith; or

46 (3) To print, publish, circulate, issue, display, post, or mail, or

1 cause to be printed, published, circulated, issued, displayed, posted or  
2 mailed any statement, advertisement, publication or sign, or to use any  
3 form of application for the purchase, rental, lease, assignment, or  
4 sublease of any real property or part or portion thereof or to make any  
5 record or inquiry in connection with the prospective purchase, rental,  
6 lease, assignment, or sublease of any real property or part or portion  
7 thereof which expresses, directly or indirectly, any limitation,  
8 specification or discrimination as to race, creed, color, national origin,  
9 ancestry, marital status, familial status, sex, affectional or sexual  
10 orientation or nationality or any intent to make any such limitation,  
11 specification or discrimination, and the production of any such  
12 statement, advertisement, publicity, sign, form of application, record,  
13 or inquiry purporting to be made by any such person shall be  
14 presumptive evidence in any action that the same was authorized by  
15 such person; provided, however, that nothing contained in this  
16 subsection h., shall be construed to bar any person from refusing to  
17 sell, rent, lease, assign or sublease or from advertising or recording a  
18 qualification as to sex for any room, apartment, flat in a dwelling or  
19 residential facility which is planned exclusively for and occupied  
20 exclusively by individuals of one sex to any individual of the opposite  
21 sex on the basis of sex.

22 i. For any person, bank, banking organization, mortgage company,  
23 insurance company or other financial institution, lender or credit  
24 institution to whom application is made for any loan or extension of  
25 credit including but not limited to an application for financial  
26 assistance for the purchase, acquisition, construction, rehabilitation,  
27 repair or maintenance of any real property or part or portion thereof  
28 or any agent or employee thereof:

29 (1) To discriminate against any person or group of persons because  
30 of the race, creed, color, national origin, ancestry, marital status, sex,  
31 affectional or sexual orientation or nationality of such person or group  
32 of persons or of the prospective occupants or tenants of such real  
33 property or part or portion thereof, in the granting, withholding,  
34 extending, modifying or renewing, or in the fixing of the rates, terms,  
35 conditions or provisions of any such loan, extension of credit or  
36 financial assistance or in the extension of services in connection  
37 therewith; or

38 (2) To use any form of application for such loan, extension of  
39 credit or financial assistance or to make record or inquiry in  
40 connection with applications for any such loan, extension of credit or  
41 financial assistance which expresses, directly or indirectly, any  
42 limitation, specification or discrimination as to race, creed, color,  
43 national origin, ancestry, marital status, sex, affectional or sexual  
44 orientation or nationality or any intent to make any such limitation,  
45 specification or discrimination; unless otherwise required by law or  
46 regulation to retain or use such information; or

1 (3) To discriminate on the basis of familial status in any manner  
2 described in paragraph (1) or (2) of this subsection with respect to any  
3 real property.

4 j. For any person whose activities are included within the scope of  
5 this act to refuse to post or display such notices concerning the rights  
6 or responsibilities of persons affected by this act as the Attorney  
7 General may by regulation require.

8 k. For any real estate broker, real estate salesperson or employee  
9 or agent thereof or any other individual, corporation, partnership, or  
10 organization, for the purpose of inducing a transaction for the sale or  
11 rental of real property from which transaction such person or any of  
12 its members may benefit financially, to represent that a change has  
13 occurred or will or may occur in the composition with respect to race,  
14 creed, color, national origin, ancestry, marital status, familial status,  
15 sex, affectional or sexual orientation or nationality of the owners or  
16 occupants in the block, neighborhood or area in which the real  
17 property is located, and to represent, directly or indirectly, that this  
18 change will or may result in undesirable consequences in the block,  
19 neighborhood or area in which the real property is located, including,  
20 but not limited to the lowering of property values, an increase in  
21 criminal or anti-social behavior, or a decline in the quality of schools  
22 or other facilities.

23 l. For any person [to]:

24 (1) ~~To~~ refuse to buy from, sell to, lease from or to, license, contract  
25 with, or trade with, provide goods, services or information to, or  
26 otherwise do business with any other person on the basis of the race,  
27 creed, color, national origin, ancestry, age, sex, affectional or sexual  
28 orientation, marital status, liability for service in the Armed Forces of  
29 the United States, or nationality of such other person or of such other  
30 person's spouse, partners, members, stockholders, directors, officers,  
31 managers, superintendents, agents, employees, business associates,  
32 suppliers, or customers. This subsection shall not prohibit refusals or  
33 other actions~~[(1)](a)~~ pertaining to employee-employer collective  
34 bargaining, labor disputes, or unfair labor practices, or~~[(2)](b)~~ made  
35 or taken in connection with a protest of unlawful discrimination or  
36 unlawful employment practices;or

37 (2) To discriminate in the granting or refusing of membership, or  
38 the terms and conditions of membership, of a business, trade or  
39 professional association (a) where membership is an economic  
40 necessity to sucessfully engaging in the business, trade or profession;  
41 or (b) where lack of membership imposes substantial barriers to  
42 sucessfully engaging in the business, trade or profession.

43 m. For any person to:

44 (1) Grant or accept any letter of credit or other document which  
45 evidences the transfer of funds or credit, or enter into any contract for  
46 the exchange of goods or services, where the letter of credit, contract,

1 or other document contains any provisions requiring any person to  
2 discriminate against or to certify that he, she or it has not dealt with  
3 any other person on the basis of the race, creed, color, national origin,  
4 ancestry, age, sex, affectional or sexual orientation, marital status,  
5 liability for service in the Armed Forces of the United States, or  
6 nationality of such other person or of such other person's spouse,  
7 partners, members, stockholders, directors, officers, managers,  
8 superintendents, agents, employees, business associates, suppliers, or  
9 customers.

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

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

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

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

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

39 (cf: P.L.1992, c.146, s.9)

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41 4. This act shall take effect immediately.

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STATEMENT

This bill broadens the scope of the protection of civil rights afforded by the "Law Against Discrimination."

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Strengthens the "Law Against Discrimination" in cases involving discrimination in employment.