
2007

NEW JERSEY FAIR HOUSING REPORT:
Housing Discrimination Enforcement and Initiatives in 2007



New Jersey Office of the Attorney General
Department of Law & Public Safety
Division on Civil Rights

Report on Housing Discrimination Initiatives for Calendar Year 2007

The New Jersey Division on Civil Rights (Division) is responsible for enforcing the New Jersey Law Against Discrimination (LAD) and the New Jersey Family Leave Act (FLA). Among other things, the LAD seeks to prevent and remedy unlawful discrimination in housing. By investigating and resolving allegations of unlawful discrimination and violations of the LAD, the Division serves as a fair and impartial forum for addressing claims that New Jersey law has been violated.

In a broader sense, the Division's key legislative mandate is to foster sensitivity, acceptance and respect among all people across the State. Central to the mission of the Division is the Legislature's declaration that if unlawful discrimination affects any one individual in New Jersey, it affects every individual in New Jersey. For this reason, the Division not only is engaged in aggressive enforcement of the LAD, but it sponsors a variety of education and community outreach activities.

The Division maintains a longstanding relationship with the United States Department of Housing and Urban Development (HUD), which enforces the federal Fair Housing Act. On April 11, 2008, the Fair Housing Act celebrated its 40th year of providing a federal response to the need for equal housing opportunity. However, in New Jersey, state law provided for equal housing opportunity for several decades prior to the April 11, 1968 enactment of the federal Fair Housing Act.



Division on **CIVIL RIGHTS**

Jon S. Corzine, Governor

Anne Milgram, Attorney General

Division on Civil Rights

J. Frank Vespa-Papaleo, Director

Gary LoCassio, *Deputy Director*
Bureaus of Enforcement and Policy

Stuart Sherman, *Chief of Enforcement*

Elizabeth Russian, *Manager, HIU*





Legislative History

In 1945, the New Jersey Legislature enacted the LAD, the nation's first state civil rights statute. However, it did not prohibit housing discrimination until New Jersey enacted, in 1950, its first state law that prohibited housing discrimination based on race, creed, color, national origin or ancestry in housing built with public funds or public assistance. This same law was amended in 1957 to prohibit discrimination in publicly assisted housing accommodations. In 1955, the State Savings and Loan Act was amended to prohibit discrimination because of race, creed, color, national origin or ancestry in granting mortgage loans.

In 1961, many of these earlier housing provisions were incorporated into the LAD, and the Act also was amended to prohibit discrimination in real property based on race, creed, color, national origin or ancestry. In 1968, the federal government enacted the Fair Housing Act, which at that time only prohibited housing discrimination based on race, color, religion and national origin.

Prohibitions against discrimination because of sex and marital status were added to the LAD in 1970, and two years later amended to prohibit discrimination based on disability, or because of the disability of a person residing or intending to reside in a dwelling, or the disability of a person associated with the buyer or renter. Congress amended the federal Fair Housing Act in 1974 to include the prohibition of discrimination based on sex.

In 1977, New Jersey law was further amended to specify that people with disabilities must be permitted to maintain guide or service dogs in housing accommodations, and could not be required to pay extra compensation to do so. At the federal level, protections for persons with disabilities were enacted in 1973 with passage of Section 504 of the Rehabilitation Act of 1973, prohibiting such discrimination in HUD-funded housing. However, the Fair Housing Act did not provide for equal housing opportunity for persons with disabilities until it was amended in 1988, twelve years after New Jersey law had already provided such protections to persons with disabilities.

In 1991, the LAD was further amended to prohibit discrimination, including in housing, based on sexual orientation. A year later the law was amended to prohibit housing discrimination based on familial status (families with a child or children under 18 years old and/or pregnant women), and was further amended to cover failure to construct multi-family dwellings (four or more units) in accordance with barrier-free standards. The LAD was also amended at that time to prohibit municipalities, counties or other political subdivisions from discriminating in regulating land use or housing, but vesting such jurisdiction only in Superior Court.

In 2001 the New Jersey Legislature increased the statutory penalties for violating the LAD, so that a first violation could result in a penalty of up to \$10,000, \$25,000 for a second violation, and up to \$50,000 for a third violation. A year later, the LAD was amended to prohibit housing discrimination based on source of lawful income used for rent or mortgage, and against families with minor children. Additionally, for the first time, attorney fees were made available to the State for the services of attorneys who successfully prosecuted cases on behalf of the Division.

The following year, the LAD was amended yet again to make the Division's procedures for filing, investigating and litigating housing discrimination cases substantially equivalent to HUD procedures for housing discrimination cases, including the right of either party to request a transfer to Superior Court if the Director issues a Finding of Probable Cause. Additionally, the housing section of LAD was amended to prohibit, specifically, discrimination based on nationality.

In 2004 the Legislature amended the LAD to prohibit discrimination on the basis of domestic partnership status and then, effective in February and June 2007, respectively, on the bases of civil union status and gender identity or expression, making the LAD one of the few statewide civil rights statutes to protect sexual and gender minorities from discrimination in housing.



Overview

The Division is responsible for combating housing discrimination in New Jersey. During 2007, the Division continued to engage in aggressive and proactive enforcement of the State's housing anti-discrimination laws. The Division maintained the staff of its Housing Investigations Unit (HIU), and continued to enhance its education and outreach initiatives in the area of housing.

The State Of Fair Housing Enforcement In New Jersey

United States Department of Housing and Urban Development

Work-Sharing Agreement

Since 2004, the Division has participated in a work-sharing agreement with HUD that makes federal funds available to New Jersey for the reimbursement of housing investigations dual-filed under both federal and state statutes. This agreement was granted by HUD after statutory amendments to the LAD and regulatory changes were made to render New Jersey law 'substantially equivalent' to the federal Fair Housing Act. In 2007, the Division earned interim certification as a Federal Housing Assistance Program agency. This accomplishment provides New Jersey with a substantial increase in federal aid for fair housing enforcement, as HUD now compensates the Division for each individual case completed, nearly tripling the Division's prior year HUD funding from \$115,000 to \$343,480. Moreover, compliance with this new contract ensures an increase of revenue in the coming years and provides the Division the opportunity to apply for additional federal aid for training, outreach activities and special grants. In 2007, the Division received 141 and closed 132 HUD dual-filed cases.

Housing Investigations Unit

The Division's Housing Investigations Unit effectively enforces new housing initiatives and handles the significant number of housing discrimination cases received by the Division as a result of the Division's work sharing agreement with HUD.

This specialized enforcement unit is responsible for combating and enforcing housing discrimination in New Jersey. It is headed by a statewide manager and regionally assigned housing investigators that receive specialized training at the National Fair Housing Training Academy in Washington D.C., sponsored by the HUD Office of Fair Housing and Equal Opportunity. After completing a five-week core curriculum, investigators are awarded Federal certification as enforcement practitioners in civil rights fair housing, thereby further enhancing the professional growth of civil rights investigators. Additionally, the unit conducts undercover housing testing to detect systemic discriminatory practices and develops relationships with related housing advocacy organizations that refer clients who have been discriminated against in the rental, sale or advertisement of real property.

The HIU also oversees compliance with the Multiple Dwelling Reporting Rule that requires property owners with 25 or more rental units to submit by January 31 of each year, an annual report to the Division detailing the racial and ethnic composition of their tenants and applicants during the preceding year. More than 3,200 multiple-dwelling complexes are obligated to file reports under this regulation. The report assists the Division in discerning potential patterns of housing discrimination and includes information on the degree of access property owners provide to persons with disabilities and Section 8 rental subsidies.

Case Inventory

In 2007, the Division received 186 housing discrimination cases from throughout the State. More than 19% of all new case investigations initiated by the Division in 2007 were in the area of housing, compared to 5% of new cases just six years prior.

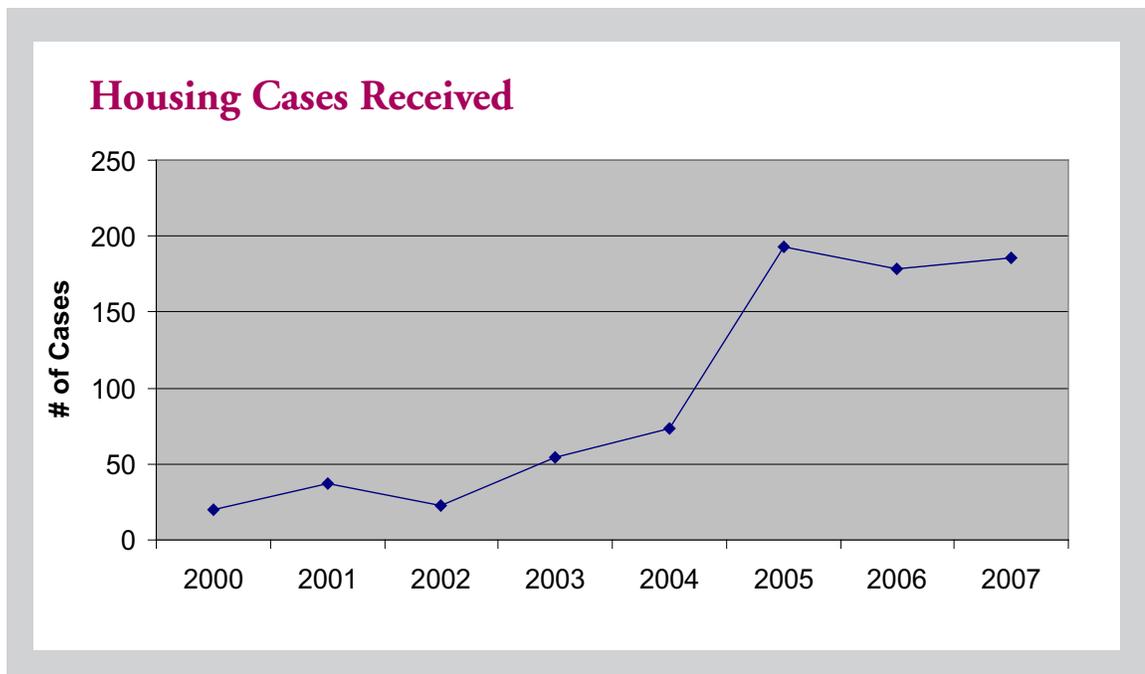


The Division concluded 2007 with 88 open housing discrimination cases, and one housing-related Director's Complaint under investigation. Seventy-four of the housing cases were under investigation, and 14 cases were in the post-investigative stage of processing, in conciliation or at the Office of Administrative Law. At year-end, the Division also had 47 open cases alleging violations of the Multiple Dwelling Reporting Rule reporting requirements. The unit closed 172 housing and 20 MDRR cases in 2007. Monetary awards collected in closings favorable to complainants exceeded \$89,700. The Division issued eight Findings of Probable Cause in housing cases during 2007. Several significant decisions involving housing discrimination are reported in other sections of this report.

During the Federal contract year (October 1-September 30), the Division closed 154 HUD dual-filed housing cases accepted by HUD for contract credit in accordance with the work-sharing agreement. Cases resulting in decisions favorable to complainant (Settlements and Director's Orders) accounted for about 32 of the closed cases. These cases resulted in monetary awards totaling \$61,809. In addition to monetary awards, some cases resulted in structural modifications to accommodate complainants with disabilities, such as the installation of wheelchair ramps, shower grab bars and fire alarms for persons with hearing loss.

Case Trends

The Division continues to see considerable growth in the number of housing cases under investigation, as demonstrated in the chart below. This increase is attributable to two primary factors: the amendment of the LAD in 2002 to include lawful source of income as a basis of unlawful discrimination, and the re-establishment in 2004 of the work-sharing agreement with HUD. This agreement resulted in an increase in the number of dual-filed housing cases and in a significant number of cases deferred by HUD to the Division for investigation. Based on the growth levels of the last several years it is expected that by 2009 the Division will receive more than 250 housing discrimination cases per year.



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The factors influencing the increased number of housing complaints received have also affected the bases of the housing discrimination complaints received by the Division. While prior to 2002, the predominant alleged bases of housing complaints had been race and national origin, the past several years have seen an increase in the number of complaints alleging discrimination based on disability, source of income and familial status.

Year	Total	Disability	Disability %	Race	Race %	Income	Income %	Familial Status	Familial Status %	Nat Origin	Nat Origin %
2002	23	7	30.4 %	8	34.8 %	1	4.3 %	2	8.7 %	3	13.0 %
2003	54	9	16.7 %	15	27.8 %	32	59.3 %	5	9.3 %	4	7.4 %
2004	73	13	17.8 %	19	26.0 %	29	39.7 %	7	9.6 %	6	8.2 %
2005	193	84	43.5 %	49	25.4 %	46	23.8 %	30	15.5 %	26	13.5 %
2006	178	74	41.6 %	57	32.0 %	31	17.4 %	27	15.2 %	33	18.5 %
2007	186	77	41.4 %	69	37.1 %	41	22.0 %	26	14.0 %	22	11.8 %
Total:	707	264	37.3 %	217	30.7 %	180	25.5 %	97	13.7 %	94	13.3 %

In the past three years, the number of disability related cases have grown to represent more than 40% of the Division's housing cases. This mirrors the trend at HUD, which now also reports disability discrimination as the most frequent basis for its housing discrimination complaints under the Fair Housing Act.

In New Jersey, lawful source of income cases, which were not covered under the LAD prior to 2002, now account for approximately 22% of the housing cases under investigation. This increase in source of income cases has occurred despite the fact that this is not a basis of unlawful discrimination under the provisions of the Fair Housing Act, which in part, govern the HUD work-sharing agreement. The increase in cases alleging discrimination on the basis of familial status, however, can be attributed to cases referred by HUD to the Division for investigation.

Multiple Dwelling Reports

The Multiple Dwelling Reporting Rule (MDRR) was adopted in 1970 to enable the Division on Civil Rights to study patterns of housing occupancy, investigate practices of discrimination and affirmatively administer the LAD. Under the MDRR, N.J.A.C. 13:10-1.1, et seq., the owner or owners of every multiple apartment development that has 25 units or more are required to file an annual report with the Division that documents the racial and ethnic composition of the multiple dwelling, whether its buildings or developments are barrier-free, and factors affecting tenant composition.

In 2007, the Division enhanced its efforts to ensure timely compliance with MDRR. This included improvements to the online filing system (WebMDRR) and diligent collection of specified late fees. Online filing reduces the amount of paperwork and data entry for both complex owners and the Division, and provides the Division with the means to conduct enhanced data analysis. Imposing late fees is working to encourage timely compliance. Of the approximately 3,200 complexes subject to MDRR, representing more than 340,000 rental units filing reports in 2007, 354 reports were filed late. The Division collected \$76,650 in late filing fees from 258 complexes. At the end of the year, there were 95 complexes owing outstanding late fees totaling \$39,100.



Owners of multi-unit complexes who fail to comply with the State's Multiple Dwelling Reporting Rule or to respond to late filing notices are served an Order to Show Cause. Property owners are given ten days to file a completed Multiple Dwelling Report Rule form with the Division or file a written explanation as to why they cannot comply.

In 2007, 30 complex owners failed to respond to Orders to Show Cause. The Division is taking administrative action against these owners. Complex owners who fail to meet their obligations under MDRR are subject to fines of up to \$10,000 for a first offense, up to \$25,000 for a second offense, and up to \$50,000 for a third offense.

SIGNIFICANT HOUSING CASES

Disability

Susan Heller v. Claridge House II Condominium Association
Docket No. HG20HT-06114

In this matter, the Director issued a Finding of Probable Cause in May 2007 against the Association alleging that Complainant was unlawfully discriminated against based upon her disability (Multiple Sclerosis). Complainant alleged that Respondent had denied her several requests to accommodate her use of a wheelchair. Specifically, Complainant alleged that her wheelchair did not fit through the narrow doorways in the building and that the swimming pool was inaccessible to persons who are wheelchair ambulatory. Complainant further alleged that access ramps designed to serve persons with disabilities were overly steep. The Division's Housing Investigation Unit conducted a comprehensive onsite investigation, and found sufficient evidence to credit the Complainant's allegations of disability discrimination. This matter subsequently was settled in the Division's Conciliation Unit by a Consent Order and Decree where Respondent agreed to comply with the LAD by ensuring accessible entrances, exits and common areas for residents with disabilities. Additionally, Respondent agreed to engage in an interactive process with residents to determine ways of accommodating their disabilities, prior to all required renovations to the building's common areas that impact the mobility of its disabled residents. Moreover, Complainant was awarded \$5,000 for humiliation and mental pain and suffering. Finally, Respondent was required to compensate the Division \$2,500 for administrative costs attendant to the processing of this matter.

Race

Marcus & Brenda Riggins v. Edwin & Doris Baker
Docket No. HF10RO-06275

In this matter, the Director issued a Finding of Probable Cause in January 2008 against a husband and wife, Edwin and Doris Baker, formerly of Millville, New Jersey, after they had agreed to sell their South Jersey home and farm, then withdrew and walked out of a scheduled real estate closing upon learning the buyers were African-American. The buyers, Marcus and Brenda Riggins, filed their complaint with the Division in October 22, 2007, claiming that they signed a contract with the Bakers to purchase their 21-acre property in Millville. However, when the parties met for the first time at a real estate closing to finalize the sale on October 1, 2007, Edwin Baker announced that he would not sell to "Blacks", that a real estate agent involved in the transaction "should have told me they were colored," and walked out of the closing. Two real estate agents present at the closing and a representative for a Cumberland County title company, witnessed Baker's discriminatory remarks. After the complaint was filed, the Bakers agreed to complete the sale, and closed on November 29, 2007. However, Marcus and Brenda Riggins pursued their complaint alleging that the Bakers' conduct had been discriminatory and caused them significant humiliation and distress. This case has been referred for Conciliation, and if not resolved, the matter will be transferred to an Administrative Law Judge for a hearing on the merits.



Familial Status

Donald Bradley v. Murray Roberts

Docket No. HV12WW-06095

In this matter, the Director issued a Finding of Probable Cause on September 24, 2007, against Respondent Murray Roberts, a property owner, charging that he denied Complainant the opportunity to rent a two-bedroom apartment based upon his race and familial status; Complainant is black and had a four-year-old son. The LAD prohibits housing discrimination against families with children less than 18 years of age. In support of his claim, Complainant alleged that he made an appointment with Mr. Roberts to view the subject apartment and later expressed his interest to Mr. Roberts in renting the apartment. Complainant further alleged that Mr. Roberts failed to provide him with an application, declined to show him the full property and continued to solicit prospective tenants for the apartment. An investigation established sufficient evidence to support a reasonable suspicion that Mr. Roberts engaged in unlawful housing discrimination. The evidence established that contrary to Mr. Roberts' defense, Complainant had expressed a significant interest in renting the apartment through several documented emails sent to Mr. Roberts; and that, Mr. Roberts consistently ignored Complainant's email requests for rental consideration. Moreover, Mr. Roberts verbally inquired if Complainant had children, and subsequently rented the apartment to a Caucasian couple who had no children. A settlement was reached in the Division's Conciliation unit, under which the Respondent agreed to pay the Complainant \$2,000 for humiliation, mental pain and suffering, and \$500 to the Division to cover administrative costs. Respondent also was required to display the New Jersey Division's Housing Anti-Discrimination poster in office locations and to agree not to advertise or express any discriminatory limitation to renters.

Familial Status

Denilson Almeida v. Alberto Moreira

Docket No. HJ07BO-06108

In this matter, the Director issued a Finding of Probable Cause in March 2007, charging that Respondent denied Complainant the opportunity to rent an available apartment based on his familial status (Complainant has two children, ages 10 and 12). Complainant claimed that in August 2006 he provided Respondent's owner, Alberto Moreira, a security deposit toward the rental of an apartment. Complainant alleged that at that time, Mr. Moreira questioned him about his family and he responded that he was divorced and had two daughters. Mr. Moreira immediately gave his deposit back and informed Complainant that he does not rent to individuals with children. The investigation supported Mr. Moreira's defense that he was exempt from the rental provision because the property was a two-family dwelling in which the other unit was occupied by the owner at the time of such rental, N.J.S.A. 10:5-5(n). Nevertheless, the Division found sufficient evidence to support a reasonable suspicion that Mr. Moreira engaged in unlawful housing discrimination when he uttered statements to Complainant, that expressed directly and overtly, a preference, limitation or discrimination that the dwelling was not available to a particular group of persons because of their familial status, N.J.A.C. 13:9-1.1(a), (b) 1. This matter failed Conciliation and has been referred to an Administrative Law Judge for a hearing.

Source of Lawful Income

Lyle Rosen v. Glenwood Apartments & Country Club

HM09QW-05917

In this matter, the Director issued a Finding of Probable Cause on May 15, 2007, charging that Respondent denied Complainant the opportunity to rent an available apartment because of his source of lawful income or rental subsidy used for rental payments in violation of the LAD. Complainant was a recipient of the Federal Section 8 Rental Assistance Program, which provided a portion of his rental payment directly to the property owner. Additionally, Complainant received income from Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs. Complainant alleged that on October 24, 2005, he completed a rental application for a one-bedroom



apartment, and subsequently on October 28, 2005, Respondent's Rental Manager, Aracelly Guerra, advised him that he was being denied the apartment due to insufficient income. Respondent's written policy stated that for a one-bedroom apartment an applicant was required to have a minimum income of \$40,000. Complainant alleged that Respondent's reason for the denial was a pretext to discriminate against him and the real reason was based on his participation in the Federal Section 8 Program, as well as on the other sources of his lawful income. Moreover, Complainant claimed that his rental subsidy combined with his additional income, adequately covered the monthly rental payments of \$910 per month. In this case, the investigation established sufficient evidence to support a reasonable suspicion that Complainant was denied the opportunity to rent an available apartment because of his source of lawful income and rental subsidy used for rental payments, and that this Respondent inappropriately denied Complainant's tenancy based upon insufficient income. The evidence revealed that Complainant possessed a Section 8 voucher that guaranteed Respondent a substantial portion (88%) of his monthly rent. The remaining balance of the rent was small and Complainant adequately covered this amount through his personal income derived from SSI and SSDI. Moreover, the evidence indicated that Respondent's income requirement was discriminatory and adversely affected Complainant's eligibility to rent a one-bedroom apartment. This matter failed Conciliation and has been referred to an Administrative Law Judge for a hearing on the merits.

Source of Lawful Income

Leonard Banks v. Maria Sidlov

HR14WT-06004-H

Complainant alleged that Respondent Maria Sidlov refused to rent him a room in her rooming house because of his physical disability (End Stage Renal Disease) and his source of lawful income used for rental payments (Social Security Insurance (SSI) and Social Security Disability (SSD) payments). The matter was transmitted to the Office of Administrative Law for a hearing and on June 8, 2007, the Honorable Walter M. Braswell, issued an initial decision concluding that Respondent violated the LAD, assessed Respondent a penalty of \$500, and awarded the State attorney's fees and costs. The Director adopted and modified the ALJ's initial decision by finding liability, awarding damages to Complainant, and increasing the penalty. In support of his claim, Complainant alleged that he contacted Respondent by telephone to inquire about a room for rent, and advised Respondent about his disability and source of income. Complainant alleged that Respondent informed him she would not rent the room to him because he was disabled and did not have a job. Respondent maintained that she did not know Complainant had a disability at the time he inquired about the availability of a room, and denied that she told him he could not have a room because of his disability or because he did not have a job since there were no rooms available at the time Complainant contacted her. In ruling in Complainant's favor, the ALJ rejected Respondent's contention that she had no rooms available for rent. Based on the record, the ALJ concluded that Complainant "has demonstrated that Respondent denied the rental of the apartment to the complainant based on the complainant's source of income and disability." Turning to the issue of remedies, the ALJ concluded that there was no evidence that Complainant suffered damages from an out-of-pocket loss because of the discrimination and, therefore, awarded no economic damages. The ALJ similarly awarded no damages to Complainant for emotional distress, despite acknowledging that Complainant testified he was depressed and humiliated by Respondent's refusal to rent to him. After his careful review of the record, the Director adopted the ALJ's findings of fact. Accordingly, the Director awarded Complainant \$2,500 in emotional distress damages. Because the record established that Respondent's discriminatory acts were intentional and based on the very preconceptions about people with disabilities who rely on government assistance that the LAD is meant to eliminate, the Director concluded that a penalty of \$2,500 was appropriate.



Reasonable Accommodation

Milner & Director v. Longview at Montville & Taylor Management
Docket Number HP21HW-05853

In May 2006, the Director issued a Finding of Probable Cause against a condominium association and its managing agent located in Montville, Morris County. Complainants, a husband and wife, claimed they had been subjected to differential treatment and denied reasonable accommodations for their physical disabilities (heart disorder and Multiple Sclerosis). Complainants' respective disabilities precluded them from walking their companion or therapy dogs, which had been prescribed by their physicians, so they installed an invisible underground electric fence around their lawn. Respondents ordered them to remove the electric fence or be subject to a \$100 per day penalty because it was located on a "common element." In this case, the evidence established that Complainants were persons with disabilities covered under the LAD and Respondents denied Complainants' request for a reasonable accommodation. Respondents had not demonstrated that making an exception to the association's policy, by permitting Complainants the continued use of an existing invisible underground electric fence for their therapy or companion dogs, would be an undue hardship on the Condominium Association. Complainants have maintained this invisible fence for more than five years and the dogs have not caused a health hazard or safety problem, have not threatened or unduly inconvenienced neighbors. Finally, Complainants had presented several medical certifications to Respondents advising that they were disabled and having a companion or therapy dog was a prescribed treatment for their condition. None of these medical certifications were refuted by medical professionals, and instead, Respondent failed to engage in sufficient interactive process to determine whether waiving its policy was reasonable in order to accommodate the Complainants. This matter failed Conciliation and on August 3, 2006, moved to New Jersey Superior Court to be litigated. This was the first case where a party initiated a suit in Superior Court under a new amendment to the LAD, N.J.S.A 10:5-16, ". . . When the director has issued a finding of probable cause in a housing complaint only, any party to that complaint may elect, in lieu of the administrative proceeding set forth in this section, to have the claim asserted in the Finding of Probable Cause adjudicated in a civil action in Superior Court pursuant to section 12 of P.L. 1945, c. 169(C.10:5-13)." In August 2007, the parties agreed to a settlement allowing complainants to maintain an invisible fence. The Association further agreed to pay the Division \$1,000 in administrative costs and to pay the Complainant's legal fees of \$10,625.

Internet Discrimination and Discriminatory Advertising

In 2007, the Division's Mediation Unit settled three separate Director's complaints against two property owners, Stephen F. Mandato of Malvern, Pennsylvania., and Robert Pratola of West Orange; and one real estate agency, Metropolitan Gallery of Homes in Jersey City. The parties had been charged with violating the LAD, after the Division's Housing Investigations Unit discovered their discriminatory ads on the popular internet web site www.Craigslist.org. In two of the cases, the State's complaint charged that Respondents placed on-line ads for rental property that stated "no Section 8", a reference to federal Section 8 housing assistance. In the matter of Metropolitan Gallery of Homes, the Jersey City real estate agency was accused of placing an on-line advertisement for a rental property on Undercliff Avenue in Edgewater, Bergen County, that stated "no children," in violation of state law that prohibits housing discrimination based on "familial status." In these complaints the property owners and real estate agency not only placed discriminatory ads on internet bulletin boards, but also were accused of engaging in discriminatory conduct when contacted by Division on Civil Rights undercover testers who responded to those ads. The cases were successfully mediated by the Division's Mediation Unit. Respondent's agreed to comply with the LAD by consenting never again to print, publish, circulate, display, post or mail any statement, advertisement or publication for rental which expressed directly, a limitation, specification or discrimination upon families with children under 18 years of age or prospective applicants who have rent subsidies or other sources of lawful income to pay rent. Respondents were required to compensate the Division for administrative costs attendant to the processing of this matter, in the amounts of \$500 (Pratola), \$1000 (Mandato) and \$2,000 (Metropolitan Gallery).

Municipal Ordinances

In 2006, the Division began to receive reports of local governing bodies considering the passage of municipal ordinances to address their growing concerns about undocumented immigrants residing and working in their municipalities. While the immigration laws are enforced by federal agencies, the Division is very concerned about the growing attempts to apply governmental ordinances and practices selectively to people of particular races and nationalities. The HIU is focusing on the issues surrounding unlawful conduct that could violate the LAD. Particular attention is being paid to disparate treatment of persons of different races with regard to the enforcement of anti-immigrant ordinances that might specifically “target” people of one race or national origin, or who are perceived to be of one race or national origin.

Consequently, the HIU continues to monitor local ordinances aimed at immigrant residents to determine if the practice violates the LAD. It is expected that this particular initiative will continue in the coming years.

Fair Housing Education and Outreach in 2007

One of the Division’s most effective strategies for combating housing discrimination in New Jersey is to focus aggressively on education and outreach. This also assists in the Division’s effort to provide quality training for HIU, legal, and management staff.

The Division achieved substantial success in its outreach and education efforts by efficiently deploying its internal resources and forging collaborations with third parties and organizations. Below are some of the highlights of the Division’s education and outreach efforts in 2007.

Fair Housing Conference

In April 2007, the Division, continued its extensive outreach initiative to New Jersey residents, conducting its first Fair Housing Conference, held at the New Jersey Law Center. The theme of the conference was “Fair Housing: It’s Not an Option, It’s the Law.” The conference was co-sponsored by the NJ State Bar Foundation, the NJ Commission on Civil Rights, the US Department of Housing & Urban Development, the NJ Department of Community Affairs, the NJ Apartment Association, and the NJ State Conference of the NAACP, the Latino Leadership Alliance of NJ, and the NJ Association of County Disability Services. It was attended by housing owners, property managers, real estate agents, mortgage lenders, tenants, tenant rights organizations, disability advocacy groups, fair housing advocates, attorneys, civil and human rights professionals, and government officials. The conference provided important, useful training related to the obligations of housing providers under LAD, as well as the rights of those seeking to rent or purchase housing. The presentations and panel discussion concentrated on the following topics: the fundamental principles of State and Federal Fair Housing Laws; National Origin and Anti-Immigrant Discrimination; Protecting the Rights of Renters with Disabilities; and Section 8 discrimination. Keynote speakers included the Hon. Ronald Chen, Esq., State Public Advocate, and Michael Shipp, then Assistant Attorney General and Counsel to the Attorney General.

Disability Law Conference, New Jersey Law Center

In June 2007, the Division held its 5th Annual Disability Law Conference attended by advocates for persons who are blind or visually impaired, attorneys, service providers, employers, employee organizations, persons with disabilities, human resources personnel, EEO/AA officers, diversity officers, self-advocates, real estate agents, landlords, and fair housing advocates. The Conference was co-sponsored by the NJ State Bar Foundation, the NJ Division on Civil Rights, the NJ Commission on Civil Rights, the NJ Commission for the Blind and Visually Impaired, the NJ Department of the Public Advocate, the U.S. Equal Employment Opportunity Commission, the U.S. Dept. of Housing & Urban Development, the NJ Division of Disability Services, the NJ Association of County Disability Services, the NJ Affirmative Action Officers’ Council, and the NJ Association of Realtors.



Annual Real Estate Memorandum

In 2007, the Director, in conjunction with the State Attorney General, issued a memorandum to New Jersey real estate agents, landlords and property owners advising them of their obligations under the LAD's fair housing provisions as required under State law. For the first time, the Division collaborated with the New Jersey Real Estate Commission to mail copies of this memorandum, in both English and Spanish, to all 103,000 real estate licensees. The memoranda were made available on its website and on those of a number of advocacy organizations. An updated copy of the memorandum, dated April 2008, is now available on the website, and incorporates 2007 amendments to the LAD including the addition of protections in housing discrimination based on civil union status, and gender identity or expression.

New Housing Discrimination Posters

The Division's "Discrimination in Housing" poster was made available on its website providing free access to the posters by landlords, real estate agents, and others. The new housing posters are now available at www.NJCivilRights.org in a pdf format in both English and Spanish versions.

National Fair Housing Policy Conference

From April 9-11, 2008, the Division participated in the National Fair Housing Policy Conference held in Atlanta, Georgia. This conference, entitled "Fair Housing Act 40th Anniversary: On the Sunlit Path," was hosted by HUD's Office of Fair Housing and Equal Opportunity, brought together nearly 1,000 fair housing attorneys, law enforcement officials, investigators, and administrators from governmental and private fair housing agencies that are certified by HUD under the Fair Housing Assistance Program or Fair Housing Initiatives Program, respectively. The three-day policy conference provided attendees with substantive training on fair housing issues from leading national experts in the areas of lending discrimination, design and construction, reasonable modifications, grant writing, internet advertising discrimination, undercover "testing," and other important topics on housing discrimination law.

National Fair Housing Training Academy

During 2007, Division investigators assigned to the HIU attended HUD funded required training at the National Fair Housing Training Academy (NFHTA) held in Washington D.C. The NFHTA is sponsored and funded by the HUD's Office of Fair Housing and Equal Opportunity. This Academy is the only governmental institution in the U.S. that trains advocates, lawyers, investigators and other invested parties in the prevention and elimination of housing discrimination. It is required training for all Fair Housing Assistance Program agency staff that handle housing discrimination matters, such as all members of the Division's HIU. Investigators who complete the five-week core curriculum are awarded federal certification as enforcement practitioners in the civil rights fair housing field.

Abilities Expo

DCR housing enforcement staff attended the 2007 National Abilities Expo held at the convention center in Edison, New Jersey. This three-day event is sponsored for thousands of individuals with disabilities in New Jersey and advocacy and enforcement organizations. The event is dedicated to educating and improving the lives of people with disabilities, senior citizens, their families and caregivers, as well as healthcare and education professionals. It provided the Division a great opportunity to distribute materials concerning the rights of the disabled under the LAD for housing, public accommodations and employment issues.



On The Fair Housing Horizon

In 2007, the Division's staff had a banner year, focusing much attention on training, investigations and prosecutions. Another principal accomplishment was the education and outreach by the Division. While for many years housing discrimination matters were not a priority of the Division's enforcement and outreach efforts, this has become a top priority, as it is critical that we must protect equal housing opportunity for more and more residents in New Jersey. We expect that the expansion of the Division's housing discrimination docket will continue for years to come, and especially in the areas of discrimination based on disability, race, familial status, nationality and lawful source of income or rental subsidy.

Going forward, the Division intends to kick-off a special initiative in 2008 entitled "***Accessibility FIRST***." Accessibility FIRST—Fair Housing Instruction, Resources, Support, Technical Guidance—will serve to link, more effectively, the Division with HUD in enforcement and prosecution in the area of fair housing. This enhanced partnership will include the second annual Fair Housing Conference to be hosted by the Division, HUD, and the New Jersey State Bar Foundation. It will also include joint training and outreach, and sharing of important investigative and prosecutorial tools where appropriate.

The Division will also enhance staff training by experts from within the State, as well as experts beyond our borders, with the ultimate goal of reducing discrimination in New Jersey. Great attention will be paid to discrimination based on lawful source of income, lending discrimination, and discrimination in internet advertising.

In 2008, the Division is committed to enhancing outreach where possible, including in areas that target traditionally under-represented groups, including racial and ethnic minorities, parents with children, sexual and gender minorities, and persons with disabilities.

While discrimination is unfair, expensive, and unproductive, ultimately it is also illegal. The Division on Civil Rights will continue to focus substantial resources — fiscal and human — to attack housing discrimination. We are here to ensure "Your Rights. Our Commitment."

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