

A 4492 -- Redline

Introduced to Amended -- "Immigrant Tenant Protection Act"; provides certain protections to residential tenants and codifies certain warranty of habitability protections.

Deletions ~~struck~~ · Insertions underlined

A4492 1R [First Reprint] ASSEMBLY, No.

Assemblywomen Collazos-Gill, ~~Reynolds-Jackson~~Reynolds-Jackson, Brennan and BrennanQuijano

SYNOPSIS "Immigrant Tenant Protection Act.";

CURRENT VERSION OF TEXT As ~~introduced,~~reported by the Assembly Housing Committee on June 8, 2026,
with amendments.

An Act related to the immigration status of residential tenants, supplementing chapter 42 of Title 2A of the New Jersey Statutes, and amending 1P.L.1975, c.311 and~~1~~ P.L.1970, c.210.

1. (New section) This act shall be known and may be cited as the "Immigrant Tenant Protection Act."

~~2-2.~~ (New section) a. (1) A landlord shall not threaten to disclose, or actually disclose, information relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of influencing the person to vacate a dwelling unit.

~~(2)-(2)~~ A landlord shall not bring an action to recover possession of a dwelling unit based solely or partially on the immigration or citizenship status of a tenant.

~~(3)-(3)~~ A landlord shall not cause a tenant or occupant to quit involuntarily, or bring an action to recover possession, because of the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, unless the landlord's action is in compliance with a legal obligation under a federal government program that provides for rent limitations or rental assistance to a qualified tenant.

~~b-b.~~ If a landlord violates subsection a.

~~(1)-(1)~~ actual damages, as reasonably determined by the court, for injury or loss suffered;

~~(2)-(2)~~ a civil penalty in an amount not to exceed \$2,000 for each violation, payable to the tenant;

~~(3)-(3)~~ reasonable attorney's fees and court costs;

and ~~(4)-(4)~~ other ~~equitable~~1[equitable]1 relief as the court may deem appropriate and just.

~~c-c.~~ The immigration or citizenship status of a person shall not be relevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. In proceedings or discovery undertaken in a civil action involving a tenant's housing rights, no inquiry shall be permitted into the tenant's immigration or citizenship status, unless:

~~(1)-(1)~~ the tenant's claims or defenses raised place a person's immigration or citizenship status directly in contention;

or ~~(2)-(2)~~ the person seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law.

~~d-d.~~ The assertion of an affirmative defense to an eviction action shall not constitute cause for discovery or other inquiry into a person's immigration or citizenship status.

~~e-e.~~ 1Nothing in P.L. , c. (C.) (pending before the Legislature as this bill) shall be construed to limit an individual's rights or remedies under the "Law Against Discrimination," P.L.1945, c.169 (C.10-5-1 et seq.) f.1 As used in this section, ~~"immigration"~~immigration or citizenship ~~status"~~status" includes a perception that a person has a particular immigration status or citizenship status, or that a person is associated with a person who has, or is perceived to have, a particular immigration status or citizenship status.

~~(1)-(1)~~ the landlord's demand for possession is based solely or partially on the citizenship or immigration status of the tenant;

or ~~(2)-(2)~~ if the lease with the tenant has commenced and the tenant has taken possession, the landlord's demand for possession is based solely or partially on the tenant's failure to provide a social security number, information required to obtain a consumer credit report, or a form of identification deemed acceptable by the landlord.

b. In an ~~unlawful~~1[unlawful] detainer ~~action,~~action] action to recover possession of a dwelling unit1, a tenant or occupant may raise, as an affirmative defense, that the landlord violated the provisions of ~~P.L. — P.L. ,~~ c. (C.) (pending before the Legislature as this bill).

c. There shall be a rebuttable presumption that a tenant or occupant has established an affirmative defense under this section in an ~~unlawful~~1[unlawful] detainer ~~action]~~ action to recover possession of a dwelling unit1 if the landlord did the following:

(1) approved the tenant or occupant to take possession of a unit before filing an ~~unlawful~~1[unlawful] detainer ~~action;~~action] action to recover possession of a dwelling unit1;

and (2) included in the unlawful [unlawful] detainer [action] action to recover possession of a dwelling unit a claim based on one of the following:

or — (c) the failure of a previously approved tenant or occupant to provide a form of identification deemed acceptable by the landlord.

~~e. This section shall not be construed as enlarging or diminishing a landlord's right to terminate a tenancy pursuant to State or local law.~~

~~6. 16. Section 1 of P.L.1970, P.L.1975, c. 210 c. 311 (C.2A:42-10.10) (C.2A:18-61.6) is amended to read as follows:~~

~~1. a. NoWhere landlorda oftenant premisesvacates orthe unitspremises toafter whichbeing [thisgiven act] P.L.1970, c.210 (C.2A:42-10.10 et seq.) is applicable shall serve a notice toalleging quitthe uponowner anyseeks tenant or institute any action against a tenant to recoverpersonally possessionoccupy of premises, whether by summary dispossession proceedings, civil action for the possessionpremises ofunder land, subsection a or l. otherwise;~~

~~of a section As2 of reprisalP.L.1974, forc.49 (C.2A:18-61.1) and the tenant'sowner efforts thereafter arbitrarily fails to securepersonally oroccupy enforce the anypremises rightsfor undera thetotal leaseof orat contract, least six months, or underarbitrarily fails to execute the lawscontract for sale, but instead permits personal occupancy of the Statepremises ofby Newanother Jerseytenant or itsinstead governmentalpermits subdivisions, registration orof conversion of the Unitedpremises States; by the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P.L.~~

~~or1977, — c.419 b. (C.45:22A-21 Aset aseq.), reprisalsuch forowner theshall tenant'sbe goodliable faith complaint to a governmental authority of the landlord'sformer allegedtenant violationin ofa anycivil healthaction orfor safetythree law, times regulation, the codedamages orplus ordinance, or State law or regulation which has as its objective the regulationtenant's ofattorney premisesfees usedand forcosts. dwelling purposes;~~

~~or c. b. (1) If Asan aowner reprisal purchases for the tenant'spremises beingpursuant anto organizera of, contract arequiring memberthe of, tenant orto involved vacate in anyaccordance activitieswith of, subsection anyl. lawful organization;~~

~~orof — section (2) 2 As of aP.L.1974, reprisalc.49 (C.2A:18-61.1) and thereafter arbitrarily fails to personally occupy the premises for a total of at least six months, but instead permits personal occupancy of the premises by another tenant or oninstead permits registration of conversion of the basispremises by the Department of Community Affairs pursuant to P.L.1977, c.419 (C.45:22A-21 et seq.), such owner-purchaser shall be liable to the tenant'sformer immigrationtenant orin citizenshipa status; civil action for three times the damages plus the tenant's attorney fees and costs.~~

~~or d. c. OnIf accounta oftenant thevacates tenant'sa faileddwelling orunit refusalafter tonotice complyhas withbeen thegiven termsalleging ofthat the tenancyowner asseeks alteredto bypermanently theboard landlord, up ifor demolish the landlordpremises shallor have to alteredretire substantiallypermanently the termspremises offrom theresidential tenancyuse aspursuant ato reprisal for any actions of the tenant set forth in subsection a, g. (1) b, or andh. c of this section [1 of this act]. Substantialof alterationsection shall2 includeof P.L.1974, c.49 (C.2A:18-61.1) and instead, within five years following the refusaldate tooon renewwhich athe leasedwelling unit or tothe continuepremises abecome tenancyvacant, an owner permits residential use of the vacated premises, the owner shall be liable to the former tenant withoutin cause, a civil action for three times the damages plus the tenant's attorney fees and costs of suit.~~

~~UnderAn subsectionowner b of thisany sectionpremises thewhere tenantnotice shallhas originallybeen bringgiven hispursuant good faith complaint to thesubsection attentiong. (1) of the landlord or his. agent and give the landlord a reasonable time to correct the violation before complaining to a governmental authority.~~

~~of section 2 of P.L.1974, c.49 (C.2A:18-61.1), who subsequently seeks to sell, lease or convey the property to another, shall, before executing any lease, deed or contract for such conveyance, advise in writing the prospective owner that such notice was given and that the owners of the property are subject to the liabilities provided in this subsection and sections 3 and 4 of [this 1986 amendatory and supplementary act] P.L.1986, c.138 (C.2A:18-61.1c and C.2A:18-61.1d). Whoever fails to so advise a prospective owner prior to the execution of the contract of sale, lease or conveyance is liable to a civil penalty of not less than \$2,500.00 or more than \$10,000.00 for each offense, and shall also be liable in treble damages, plus attorney fees and costs of suit, for any loss or expenses incurred by a new owner of the property as a result of that failure.~~

~~The civil penalty prescribed in this subsection shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court, Law Division, Special Civil Part, in the county in which the rental premises are located shall have jurisdiction over such proceedings. Process shall be in the nature of a summons or warrant, and shall issue upon the complaint of the Commissioner of the Department of Community Affairs, the Attorney General, or any other person.~~

d. If a tenant vacates a dwelling unit after receiving from an owner an eviction notice (1) purporting to compel by law the tenant to vacate the premises for cause or purporting that if the tenant does not vacate the premises, the tenant shall be compelled by law to vacate the premises for cause; and (2) using a cause that is clearly not provided by law or using a cause that is based upon a lease clause which is contrary to law pursuant to section 6 of P.L.1975, c.310 (C.46:8-48); and (3) misrepresenting that, under the facts alleged, the tenant would be subject to eviction, the owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs. An owner shall not be liable under this subsection for alleging any cause for eviction which, if proven, would subject the tenant to eviction pursuant to N.J.S.2A:18-53 et seq.

or P.L.1974, c.49 (C.2A:18-61.1 et seq.).

If a tenant vacates a dwelling unit after the owner or landlord threatens to disclose, or actually discloses, information relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, unless the landlord's action is in compliance with a legal obligation under a federal government program that provides for rent limitations or rental assistance to a qualified tenant, the owner or landlord shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs. In any action under this section the court shall, in addition to damages, award any other appropriate legal or equitable relief. For the purposes of P.L.1974, c.49 (C.2A:18-61.1 et seq.), the term "owner" includes, but is not limited to, lessee, successor owner and lessee, and other successors in interest.

e. An owner shall not be liable for damages pursuant to this section or section 6 of [this 1986 amendatory and supplementary act] P.L.1986, c.138 (C.2A:18-61.1e) or subject to a more restrictive local ordinance adopted pursuant to section 8 of [this amendatory and supplementary act] P.L.1986, c.138 (C.2A:18-61.1f) if:

(1) Title to the premises was transferred to that owner by means of a foreclosure sale, execution sale or bankruptcy sale;

and (2) Prior to the foreclosure sale, execution sale or bankruptcy sale, the former tenant vacated the premises after receiving eviction notice from the former owner pursuant to subsection g.(1) or h.

of section 2 of P.L.1974, c.49 (C.2A:18-61.1);

and (3) The former owner retains no financial interest, direct or indirect, in the premises. The term "former owner" shall include, but not be limited to, any officer or board member of a corporation which was the former owner and any holder of more than [5%] five percent equity interest in any incorporated or unincorporated business entity that was the former owner;

and (4) The former tenant is provided notice and rights in accordance with the provisions of section 6 of [this 1986 amendatory and supplementary act] P.L.1986, c.138 (C.2A:18-61.1e).1 (cf: P.L.1986, c.138, s.5) 1[6] 71.

Section of P.L.1970, c.210 (C.2A:42-10.10) is amended to read as follows:

1. No landlord of premises or units to which [this act] P.L.1970, c.210 (C.2A:42-10.10 et seq.) is applicable shall serve a notice to quit upon any tenant or institute any action against a tenant to recover possession of premises, whether by summary dispossession proceedings, civil action for the possession of land, or otherwise;

a. As a reprisal for the tenant's efforts to secure or enforce any rights under the lease or contract, or under the laws of the State of New Jersey or its governmental subdivisions, or of the United States;

or b. As a reprisal for the tenant's good faith complaint to a governmental authority of the landlord's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

or c. (1) As a reprisal for the tenant's being an organizer of, a member of, or involved in any activities of, any lawful organization;

or (2) As a reprisal for or on the basis of the tenant's immigration or citizenship status;

or d. On account of the tenant's failure or refusal to comply with the terms of the tenancy as altered by the landlord, if the landlord shall have altered substantially the terms of the tenancy as a reprisal for any actions of the tenant set forth in subsection a 1.1, b 1.1, and c 1.1 of this section [1 of this act].

Substantial alteration shall include the refusal to renew a lease or to continue a tenancy of the tenant without cause.

Under subsection b.

of this section the tenant shall originally bring 1[his] the tenant's 1good faith complaint to the attention of the landlord or 1[his agent] property manager 1and give the landlord a reasonable time to correct the violation before complaining to a governmental authority.

P.L.1970, c.210, s.1) ~~7, 18.~~ This Section act of shall P.L.1970, take c.210 effect (C.2A:42-10.13) immediately is amended to read as follows:

~~STATEMENT — This bill act would shall add apply legal protections for tenants against landlords who might otherwise try to use all immigration rental status premises as a way of intimidating tenants who have exercised, or who units are used about for to dwelling exercise, purposes their except housing owner-occupied rights. premises The with bill not would more prohibit than a two landlord rental from units, evicting except a that tenant as a reprisal for or on the basis provisions of the P.L. , c. (C.)~~
~~tenant's (pending immigration before or citizenship status. Under the bill, Legislature the as term this "immigration bill) or shall citizenship apply status" to would all include rental a premises perception that a person has a particular immigration status or citizenship units status, used or for that dwelling a purposes person including is all associated owner-occupied with premises. a Mobile person home who spaces has, and or mobile is homes perceived shall to constitute have, rental a premises particular under immigration this status act.1 or (cf. citizenship status.~~

~~P.L.1975, The c.124, bills.1) would prohibit a [7.] landlord 9.1 from threatening to disclose, or actually disclosing, information relating to the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant, for the purpose of influencing the person to vacate a dwelling unit. Additionally, the bill would prohibit a landlord from bringing an action to recover possession of a dwelling unit based solely or partially on the immigration or citizenship status of a tenant. The bill would also prohibit a landlord from bringing an action to recover possession, or otherwise causing a tenant or occupant to quit involuntarily, because of the immigration or citizenship status of a tenant, occupant, or other person known to the landlord to be associated with a tenant or occupant. This prohibition act would shall not take apply effect if immediately. a landlord's action is in compliance with a legal obligation under a federal government program that provides for rent limitations or rental assistance to a qualified tenant.~~

~~The bill would enable a tenant to bring an action seeking damages, penalties, court costs and attorney's fees, and other equitable relief against a landlord that engages in prohibited conduct.~~

~~The bill also provides that the immigration or citizenship status of a person is irrelevant to any issue of liability or remedy in a civil action involving a tenant's housing rights. The bill would prohibit inquiry into a tenant's immigration or citizenship status in a civil action involving a tenant's housing rights, unless the tenant places a person's immigration or citizenship status directly in contention, or the person seeking to make the inquiry demonstrates by clear and convincing evidence that the inquiry is necessary in order to comply with federal law. Under the bill, a tenant's assertion of an affirmative defense to an eviction action would not constitute cause for discovery or other inquiry into a person's immigration or citizenship status.~~

~~The bill would establish an affirmative defense for a tenant to raise against an eviction action if the eviction action is commenced after the start of the lease term, and after the tenant has moved in, and if the action is based, in whole or in part, either on the citizenship or immigration status of the tenant, or on the tenant's failure to provide a social security number, credit information, or a form of identification acceptable to the landlord.~~

~~The bill would establish an affirmative defense for a tenant against an unlawful detainer action if a tenant can prove that a landlord has violated provisions of this bill. The bill would establish a rebuttable presumption that a tenant or occupant has an affirmative defense against an unlawful detainer action if the landlord:~~

~~? — approved the tenant or occupant to take possession of a unit before filing an unlawful detainer action;~~

~~and ? — included in the unlawful detainer action a claim based on one of the following:~~

~~o — the failure of a previously approved tenant or occupant to provide a valid social security number;~~

~~o — the failure of a previously approved tenant or occupant to provide information required to obtain a consumer credit report;~~

~~or o — the failure of a previously approved tenant or occupant to provide a form of identification deemed acceptable by the landlord.~~

~~The bill specifically provides that its provisions do not prohibit a landlord from:~~

~~? — complying with a subpoena, warrant, court order, or legal obligation including, but not limited to, a legal obligation under a government program that provides for rent limitations or rental assistance to a qualified tenant;~~

~~? — requesting information or documentation necessary to determine or verify the financial qualifications of a prospective tenant, or to determine or verify the identity of a prospective tenant or prospective occupant;~~

~~? — notifying a tenant that the tenant's conduct violates the terms of a lease, rental agreement, rule, or regulation.~~

~~The bill does not enlarge or diminish a landlord's right to terminate a tenancy nor enlarge or diminish~~

~~the ability of a municipality to regulate or enforce a prohibition against a landlord's harassment of a tenant.~~

~~The bill requires the Commissioner of Community Affairs (commissioner) to prepare and make available at no cost to the public, a summary of the rights and responsibilities of landlords and tenants established by the bill. The summary is to be accessible to the public on the Internet website of the Department of Community Affairs in the seven most common non-English languages spoken by individuals with limited-English proficiency in the State. The bill directs the commissioner to periodically update the summary as necessary to retain accuracy.~~

~~This bill also codifies the court-created doctrine of the implied warranty of habitability, and expressly provides that the doctrine applies regardless of immigration or citizenship status. New Jersey courts have recognized that residential leases carry an "implied warranty of habitability," and that tenants have a right to safe, sanitary, and decent housing. This means that a landlord has a duty to maintain the rental unit and keep it fit for residential purposes throughout the entire term of the lease, and it is the intent of this bill to ensure that a lack of repairs by a landlord may not be weaponized by the landlord as tool to constructively evict a tenant.~~

~~The bill is to take effect immediately.~~

Generated by One Click Politics — a computer-generated comparison, not an authoritative print.