



NJ Office of the Attorney General

**CIVIL RIGHTS**

# FACT SHEET

## Marital & Civil Union Status Discrimination - Your Rights

### Does Discrimination based on Marital or Civil Union Status violate the New Jersey Law Against Discrimination?

Yes. It is generally unlawful to treat you differently because of your marital status or civil union status. Under the New Jersey Law Against Discrimination (LAD) it is generally unlawful to treat you differently or harass you because you are:

- Single
- Married
- Separated
- Divorced
- Widowed
- A partner in a civil union as recognized under NJ law
- A partner in a domestic partnership as recognized under NJ law

### What are My Work Rights?

In employment, your marital or civil union status should not be a factor in any decisions regarding hiring, promotions, job assignments, pay, or termination of employment;

### What are My Rights in Housing and Real Estate?

It is unlawful to discriminate based on marital status or civil union status in the rental and purchase of housing, commercial properties and land. You have the right to rent, buy and occupy housing, land or commercial facilities on the same terms, and based on the same criteria, as everyone else.

**EXCEPTION:** The LAD does not apply to two kinds of residences:

- rental of an apartment in a two-family dwelling, if the owner occupies the other unit
- rental of a room or rooms in a one-family dwelling, if the person renting out the rooms, or that person's family, lives there

You must be given the same opportunity as other prospective renters or purchasers to view or inspect a property and any related facilities offered for sale or rent to the general public.

It is unlawful for any advertisement or any application for the purchase, rental, lease, or sublease of any property to make an inquiry which expresses any limitation, specification or discrimination as to marital status or civil union status.

### What are My Rights with Regard to Businesses and Public Accommodations?

Public accommodations, including shops, restaurants, resorts, hotels, camps, entertainment places, gyms, banks, professional offices, medical facilities, state and local government agencies, and public transportation, are prohibited from discriminating based on marital status or civil union status in providing goods or services or in permitting people access. In addition, individuals and businesses may not refuse to contract with you or otherwise do business with you because of your marital status or civil union status.

You have the right to get goods or services in the same way, and on the same terms and at the same prices, as everyone else.

- You cannot be refused service or turned away
- You cannot be given less favorable treatment or harassed

- You cannot be asked to pay more or to meet more difficult requirements or standards than other people seeking the same goods or services
- You may not be turned away based on your marital status or civil union status because of the biases or preferences of other customers.

## What are My Rights to Education?

The New Jersey Law Against Discrimination prohibits most schools and educational institutions from discriminating based on marital status or civil union status in the educational and other activities and services they provide.

**EXCEPTION:** Any school or educational facility that is operated or maintained by a bona fide religious institution is exempt from the LAD.

For schools and educational facilities that are covered by the LAD, if you meet the school or educational facility's enrollment criteria, you cannot be denied admission or enrollment. Once you are enrolled, you cannot be held to higher standards or stricter criteria. In addition, the school or educational facility cannot permit you to be harassed or bullied by staff or other students.

## Am I Protected From Harassment Because of My Marital Status or Civil Union Status?

Yes. It is unlawful for any employer, education provider, any housing provider or other person engaged in real estate transactions, or any proprietor, employee or agent of a business or other public accommodation to harass you or permit others to harass you because of marital status or civil union status; this includes making or permitting derogatory comments about your marital or civil union status, or permitting people to interfere with your education, your employment, or your use of premises or facilities because of your marital or civil union status.

## Am I Protected From Reprisal or Retaliation?

Yes. The LAD also prohibits reprisal or retaliation because an individual made a good faith complaint about discrimination or harassment based on marital status or civil union status, or assisted someone else in making such a complaint.

## What Should I Do Next?

When the parties are unable to resolve a dispute themselves, the law provides two basic ways to seek relief under the Law Against Discrimination.

### Administrative remedy:

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the Law Against Discrimination (LAD). If you believe that you have been the victim of unlawful discrimination, please visit or phone us at the Division on Civil Rights office closest to where you live or where the discrimination occurred. Our addresses and phone numbers are at the end of this fact sheet, or visit us on the web at [www.NJCivilRights.gov](http://www.NJCivilRights.gov).

A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the act of discrimination. An initial evaluation will be conducted to determine if you state a claim for relief under the LAD. If so, the Division will prepare a complaint for you to sign and then the Division will conduct an investigation into your allegations. If the investigation shows enough evidence to support your complaint (known as probable cause), and your complaint cannot be settled, a hearing will be held in the Office of Administrative Law. You may choose to retain a private attorney to represent you at the hearing, or a lawyer will be provided to prosecute the case on behalf of the New Jersey Division on Civil Rights. At the conclusion of the hearing, the Director of the Division on Civil Rights will make a final decision as to whether unlawful discrimination has been proven and, if so, what remedies should be awarded to the complainant. Other than fees for a private attorney, if applicable, there is no cost to the individual for these services.

### Judicial Remedy:

In the alternative, an individual who believes he or she has been discriminated against in violation of the LAD may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years from the act of discrimination.

## What Remedies Are Available?

In employment cases, a prevailing complainant may be entitled to be placed into the job he or she was unfairly denied, with back pay and interest; restoration of employee benefits that the complainant would have received but for the unlawful discrimination; damages for pain, humiliation, and emotional distress caused by the unlawful discrimination; reasonable attorney's fees if the complainant was represented by counsel; and out-of-pocket expenses associated with pursuing the complaint.

In housing cases, a prevailing complainant may be entitled to the house or apartment that was unfairly denied, plus costs associated with finding another place to live; damages for pain, humiliation and emotional distress caused by the unlawful discrimination; and reasonable attorney's fees if the complainant was represented by counsel.

In addition, the Division may impose penalties on the party who violated the LAD of up to \$10,000 for the first violation, up to \$25,000 for a second violation within 5 years, and up to \$50,000 for third and subsequent offenses within 7 years. These penalties are payable to the State, not the complainant. Punitive damages are only available in Superior Court actions.

Remember, it's against the law for anyone to retaliate against you because you have exercised your rights under the New Jersey Law Against Discrimination.



NJ Office of the Attorney General

# CIVIL RIGHTS

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

**Atlantic City Regional Office:**

1325 Boardwalk, Tennessee Ave. & Boardwalk  
Atlantic City, NJ 08401  
Phone: (609) 441-3100 • Fax: (609) 441-3578

**Camden Regional Office:**

One Port Center, 4th Floor, Suite 402  
2 Riverside Drive, Camden, NJ 08103  
Phone: (856) 614-2550 • Fax: (856) 614-2568

**Newark Regional Office:**

31 Clinton Street, Newark, NJ 07102  
Phone: (973) 648-2700 • Fax: (973) 648-4405

**Trenton Regional Office:**

140 East Front Street / P.O. Box 090  
Trenton, NJ 08625-0090  
Phone: (609) 292-4605 • Fax: (609) 984-3812

Visit our web site at [www.NJCivilRights.gov](http://www.NJCivilRights.gov)