

application and submit it to the Authority between July 1 and September 30.

1. The Program application includes, but is not limited to:
 - i. The applicant's identification and contact information;
 - ii. Certification of full-time employment from the applicant's current employer or anticipated employer, including the start date;
 - iii. Proof of medical school attendance and graduation; and
 - iv. Proof of the amount of the applicant's tuition expenses for each year of medical school.

(b) The Authority will select Program participants from among those applicants who meet the eligibility criteria established pursuant to the N.J.A.C. 9A:10-3.4. Approval of the selected candidates is conditional upon the candidate receiving a license to practice medicine in New Jersey.

(c) In the event there are insufficient funds to select all of the applicants who meet the eligibility criteria, the Authority will rank all of the applications received during the application submission period using predetermined scoring evaluation criteria, which will be updated annually and posted on the Authority's website prior to July 1 each year.

(d) The Authority's approval of Program participation is subject to available funding.

9A:10-3.6 Terms for tuition reimbursement

(a) An applicant who is selected for participation in the Program shall enter into a written contract with the Authority. The contract shall specify the total amount of eligible tuition expenses to be reimbursed by the State, not to exceed 25 percent of the participant's eligible tuition expenses for the one academic year of medical school attendance in which tuition was the lowest, in return for each full year of service satisfactorily completed by the participant, not to exceed four years. The contract shall require a program participant to:

1. Charge for professional services at the usual and customary rate prevailing in the State underserved area, but allow a patient who is unable to pay that charge to pay at a reduced rate or receive care at no charge;
2. Not discriminate against any patient in the provision of mental health care services on the basis of that person's ability to pay or source of payment; and
3. Agree not to charge in excess of the limiting fee for a service, as determined by United States Secretary of Health and Human Services, to a recipient of benefits under the Federal Medicare program established pursuant to Pub. L. 89-97 (42 U.S.C. §§ 1395 et seq.).

(b) In order to maintain Program eligibility a participant must:

1. Maintain residency in the State;
2. Maintain a license to practice medicine in the State;
3. Annually submit a certification signed by his or her employer verifying his or her continued employment and satisfactory performance in an eligible position.

(c) If a participant changes employers while participating in the Program, he or she must provide the Authority with a certification signed by the previous full-time employer containing the termination date from that position and a certification from the new full-time employer containing the start date for that position and verification of the participant's continued employment and satisfactory performance in an eligible position. If there is a gap in full-time service between eligible positions, the service obligation will be extended a commensurate amount of time to complete a full year of service.

9A:10-3.7 Termination or suspension of the participant's tuition reimbursement contract

(a) The Authority shall terminate the participant's employment service obligation and cancel the tuition reimbursement contract if it determines:

1. On the basis of a sworn affidavit of a qualified physician, that the participant is totally and permanently disabled;
2. On the basis of a death certificate, or other evidence of death that is conclusive under State law, that the participant has died;

3. On the basis of substantiating documentation as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant;

4. That the participant is no longer employed in a qualified position;

5. That the participant has been convicted of a felony and/or a high misdemeanor, as defined in N.J.S.A. 2C:1-4.d, or has committed an act of gross negligence in the performance of his or her employment service obligation; or

6. That the participant's license to practice has been revoked or suspended for cause.

(b) The Authority may suspend the participant's employment service obligation and the tuition reimbursement contract if it determines, on the basis of substantiating documentation as may be deemed necessary by the Authority upon specific case review, that continued enforcement of the employment service obligation may result in extreme hardship for the participant. Extreme hardships include, but are not limited to: temporary disability, military action, or temporary suspension of professional license pending the outcome of an investigation.

1. The Authority may suspend the employment service obligation and the tuition reimbursement contract of the Program participant for a period of up to two calendar years from the date the suspension commences. At the end of the first year of suspension, the participant must provide the Authority with substantiating documentation, as defined in this subsection, to renew the suspension for a second year.

2. The suspension, as stipulated in (b)1 above, may be extended beyond two years for exceptional circumstances at the discretion of the Authority on the basis of substantiating documentation, as defined in this subsection.

(c) The Higher Education Student Assistance Authority shall have final decision making authority to terminate a Program participant's employment service obligation and cancel the tuition reimbursement contract.

9A:10-3.8 Appeals process

(a) When an applicant has received a notification of ineligibility for Program participation, he or she may submit a written appeal to the Authority within 30 days of the date of the notification. The written appeal must include the following:

1. A copy of the notification of ineligibility received by the applicant from the Authority; and
2. The reason(s) why the applicant feels he or she is eligible to participate in the Program along with any documentation that the applicant has obtained to support the appeal, if applicable.

(b) The applicant will receive a written response from the Authority concerning the determination of his or her eligibility for Program participation within 30 days of the receipt of the appeal.

LAW AND PUBLIC SAFETY

(a)

DIVISION ON CIVIL RIGHTS

Advertising Relating to Real Property

Proposed New Rule: N.J.A.C. 13:9

Authorized By: Craig Sashihara, Director, Division on Civil Rights.

Authority: N.J.S.A. 10:5-8, 10:5-12, and 10:5-18.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-048.

Submit written comments by August 3, 2018, to:

Estelle Bronstein, Deputy Executive Director
 Department of Law and Public Safety
 Division on Civil Rights

PO Box 089
Trenton, NJ 08625-0089
E-mail: Estelle.Bronstein@njcivilrights.gov

The agency proposal follows:

Summary

The New Jersey Division on Civil Rights (DCR) in the Department of Law and Public Safety, enforces the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq. The LAD provides, with certain limited exceptions, that it is unlawful for any person, including any housing provider or real estate salesperson, to:

print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, pregnancy or breastfeeding, gender identity, or expression, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination . . .” N.J.S.A. 10:5-12.g(3); see also N.J.S.A. 10:5-12.h(3).

The expired rule proposed herein as a new rule, with changes to conform to recent amendments to the LAD, will otherwise be identical to the rule prior to its expiration regarding Advertising Relating to Real Property, N.J.A.C. 13:9.

DCR first promulgated rules on real estate advertisement in 1969. The rules have been modified in the decades since to reflect amendments to the LAD. When readopted in 2005, the rules were streamlined and amended to clarify that the LAD’s prohibition on discriminatory advertising applies not only to newspaper advertisements, but to advertisements in any form of media. The rules were also amended to clarify that the prohibition on discriminatory advertising applied to the advertisement of real property even when the underlying property may be otherwise exempt from the LAD’s prohibitions against discriminatory housing practices. This latter amendment, which is consistent with the proscriptions of the LAD, was required by the Federal Department of Housing and Urban Development (HUD) in order for DCR’s rules to be “substantially equivalent” to those of HUD. See 42 U.S.C. § 3603(b). This substantial equivalence determination allowed DCR to enter into a work-sharing agreement with HUD. Under that agreement, DCR receives Federal funding for investigations, case processing, and outreach activities.

In 2011, the rule was amended to clarify that the rule governs advertisements in both print and electronic form, and to incorporate amendments to the LAD prohibiting housing discrimination on the basis of gender identity or expression (P.L. 2006, c. 100) and on the basis of civil union status (P.L. 2006, c. 103).

DCR has now reviewed the expired rule proposed herein as a new rule and has determined that a similar rule is necessary, reasonable, and proper for the purpose for which it was originally promulgated. Since the rule was last readopted, the LAD has been amended to prohibit discrimination in housing based on pregnancy (P.L. 2013, c.220), breastfeeding (P.L. 2017, c. 263), and liability for service in the Armed Forces of the United States (P.L. 2017, c. 184). DCR proposes to incorporate these LAD amendments into the expired rule proposed herein as a new rule.

The following is a summary of expired rule proposed herein as a proposed new N.J.A.C. 13:9-1.1.

Proposed new N.J.A.C. 13:9-1.1(a) provides that the LAD’s prohibitions on discriminatory advertising apply to any type of posting, advertisement, or listing related to real property in any form of print or electronic media and apply to “any person,” including, but not limited to,

newspapers and other media outlets. To conform to recent amendments to the LAD, the expired rule proposed herein as a proposed new rule expands the list of protected characteristics in subsection (a), to add pregnancy, breastfeeding, and liability for service in the Armed Forces of the United States.

N.J.A.C. 13:9-1.1(b) clarifies that the prohibited discriminatory advertising activities delineated in this chapter include those relating to the rental of: 1) a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence at the time of such rental; and 2) a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence. While the rental practices in connection with these two types of property are exempt from the LAD, this section makes clear that landlords and their agents may not use discriminatory advertising in connection with the rental of these types of property.

As DCR has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The expired rule proposed herein as a new rule will have a beneficial social impact on the residents of New Jersey by clarifying that discriminatory advertising in all forms, and for all real property, is prohibited. The expired rule proposed herein as a new rule will also ensure consistency with amendments to the LAD.

Economic Impact

The expired rule proposed herein as a new rule should not have any significant economic impact on the real estate industry or others conducting real estate transactions since all legal obligations arising under the rule is already mandated by Federal law and the State’s Law Against Discrimination, at N.J.S.A. 10:5-12.g(3) and h(3). The expired rule proposed herein as a new rule will have a positive economic impact on the State as it will permit DCR to maintain its work-sharing agreement with HUD, allowing DCR to continue to receive Federal funding for investigations, case processing, and outreach initiatives.

Federal Standards Statement

A Federal standards analysis is not required because the substance of the expired rule proposed herein as a new rule does not exceed Federal standards. The Federal Fair Housing Act (FHA) prohibits discriminatory advertising related to the sale or rental of real property. See 42 U.S.C. § 3604(c). The expired rule proposed herein as a new rule is consistent with the FHA’s prohibitions against discriminatory advertising. To the extent that the prohibitions against discrimination based on marital status, civil union status, sexual orientation, gender identity or expression, source of lawful income used for rent or mortgage payments, pregnancy, breastfeeding, and liability for service in the U.S. Armed Forces exceed the scope of the FHA, such provisions are mandated by the LAD.

Jobs Impact

The expired rule proposed herein as a new rule will have no impact on the number of jobs in the State.

Agriculture Industry Impact

The expired rule proposed herein as a new rule will have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The costs of compliance with the expired rule proposed herein as a new rule for any affected small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is unchanged, and are likely to be minimal or nonexistent. All legal obligations arising under the expired rule proposed herein as a new rule have already been mandated by existing Federal or State laws. The expired rule proposed herein as a new rule merely clarifies the type of discriminatory advertising that is prohibited under the LAD. The expired rule proposed herein as a new rule will not impose new reporting, recordkeeping, or other compliance requirements on small businesses as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. No professional services are required for compliance.

Housing Affordability Impact Analysis

The expired rule proposed herein as a new rule will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing. The expired rule proposed herein as a new rule merely clarifies the type of discriminatory advertising that is prohibited under the LAD.

Smart Growth Development Impact Analysis

DCR does not anticipate that the expired rule proposed herein as a new rule will have any impact on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The expired rule proposed herein as a new rule merely clarifies the type of discriminatory advertising that is prohibited under the LAD.

Full text of the proposed changes to the expired rule proposed herein as a new rule follows (additions indicated in boldface **thus**):

CHAPTER 9

ADVERTISING RELATING TO REAL PROPERTY

SUBCHAPTER 1. GENERAL PROVISIONS

13:9-1.1 Discriminatory advertising regarding realty

(a) It shall be a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., for any person, including any newspaper or publication published or circulated within this State, to make, print, publish, circulate, issue, display, post, utter or disseminate or to cause to be made, printed, published, circulated, issued, displayed, posted, uttered or disseminated any print or electronic notice, listing, statement, sign or advertisement regarding the sale, lease, sub-lease, rental or assignment of any real property, which expresses, overtly or subtly, directly or indirectly, any preference, limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, sex, **pregnancy, breastfeeding,** gender identity or expression, familial status, nationality, disability, affectional or sexual orientation, source of lawful income used for rental or mortgage payments, **or liability for service in the Armed Forces of the United States,** as such terms may be defined in the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

(b) This section applies to real property as defined in the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., public housing and the rental of:

1. A single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence at the time of such rental; and

2. A room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental.

(a)

DIVISION ON CIVIL RIGHTS

Housing for Older Persons

Proposed New Rules: N.J.A.C. 13:15

Authorized By: Craig Sashihara, Director, Division on Civil Rights.

Authority: N.J.S.A. 10:5-8, 10:5-12, and 10:5-18.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-049.

Submit written comments by August 3, 2018, to:

Estelle Bronstein, Deputy Executive Director
 Department of Law and Public Safety
 Division on Civil Rights
 PO Box 089
 Trenton, NJ 08625-0089
 E-mail: Estelle.Bronstein@njcivilrights.gov

The agency proposal follows:

Summary

The New Jersey Division on Civil Rights (DCR) in the Department of Law and Public Safety enforces the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq. Among other things and with some exceptions, the LAD prohibits housing providers from discriminating based on familial status, that is, discriminating against individuals or families because they have a minor child, are seeking custody of a minor child, or are pregnant. See N.J.S.A. 10:5-12 and 10:5-5.11. Residential housing that qualifies as "Housing for older persons," as defined in the LAD, N.J.S.A. 10:5-5.11, is exempt from the provisions of the LAD prohibiting discrimination based on familial status.

Rules regarding housing for older persons were originally adopted in 1995 to provide clarification on this exemption. The rules were amended upon re-adoption in 2005 to be consistent with amendments to the LAD, as well as with the rules for housing for older persons promulgated by the Federal Department of Housing and Urban Development (HUD). The 2005 amendments made DCR's rules "substantially equivalent" to HUD's rules, which enabled DCR to enter into a work-sharing agreement with HUD. Under that agreement DCR receives funding from HUD for investigations, case processing, and outreach activities.

In 2011, DCR again reviewed the rules on housing for older persons. DCR determined that these rules were necessary, reasonable, and proper for the purpose for which they were originally promulgated, and re-adopted them.

The rules expired on March 17, 2018. DCR has now reviewed the expired rules and has determined that they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Consequently, the expired rules are proposed herein as new rules without change, regarding Housing for Older Persons, N.J.A.C. 13:15.

The expired rules are proposed herein as new rules clarify the types of housing for older persons that automatically qualify for the statutory exemption. Specifically, the expired rules proposed herein as new rules clarify that provisions regarding familial status do not apply to: (1) housing provided under any State program that the Attorney General determines is specifically designed and operated to assist elderly persons, as defined in the State program; (2) housing provided under any Federal program that the Secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the Federal program; (3) certain housing intended for, and solely occupied by, persons 62 years of age or older; and (4) housing intended and operated for occupancy by at least one person 55 years of age or older per unit. The expired rules proposed herein as new rules also clarify that nothing in this chapter limits the applicability of any reasonable local or State restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

In addition to providing more detailed guidance on the LAD's exemption for housing for older persons, the expired rules proposed herein as new rules support DCR's work-sharing agreement with HUD.

The following is a summary of the expired rules proposed herein as new rules.

N.J.A.C. 13:15-1.1 sets forth the purpose of the chapter.

N.J.A.C. 13:15-1.2 provides that housing that satisfies the requirements of this chapter as housing for older persons is not subject to the prohibitions against discrimination based on familial status.

N.J.A.C. 13:15-1.3 sets forth the requirements of elderly housing programs that are exempt from the prohibitions against discrimination in housing based on familial status.

N.J.A.C. 13:15-1.4 sets forth the requirements for housing intended for, and occupied by, persons 62 years of age or older in order to be exempt from the prohibitions against discrimination based on familial status.

N.J.A.C. 13:15-1.5 sets forth the requirements for housing intended and operated for persons 55 years of age or older in order to be exempt from the prohibitions against discrimination based on familial status.

As DCR has provided a 60-day comment period on the notice for this proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.