

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, NJ 07101
Attorney for New Jersey Division on Civil Rights

By: Farngh-Yi D. Foo
Deputy Attorney General
(973) 648-4802

Carla Mitchell,

Complainant,

v.

Nirav M. Patel,

Respondent.

DCR DKT NO. HT08QO-66865

CONSENT ORDER AND DECREE

THIS MATTER was commenced on February 12, 2018, when Carla Mitchell (“Complainant”) filed a verified complaint with the New Jersey Division on Civil Rights (the “Division”) against Respondent Nirav M. Patel (“Respondent”) alleging that he discriminated against her by refusing her rental application because she intended to use a Section 8 housing voucher to pay a portion of her rent in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to -49; and

WHEREAS, Respondent owns a single family home located in Somerset, New Jersey; and

WHEREAS, Respondent posted an advertisement listing this home for rent; and

WHEREAS, Complainant responded to the advertisement and arranged a tour of the home;

and

WHEREAS, Complainant after visiting the home, sent an email to Respondent expressing an interest in renting the home; and

WHEREAS, Complainant and Respondent communicated about the home over email; and

WHEREAS, Complainant informed Respondent that she would be using a Section 8 voucher to pay a portion of her rent; and

WHEREAS, Respondent told the Division that he believed that a landlord had to affirmatively participate in the Section 8 program to be able to accept a Section 8 voucher from a tenant; and

WHEREAS, pursuant to N.J.S.A. 10:5-12(g), it is unlawful for any person to refuse to rent real property to a prospective tenant because of source of lawful income, including a Section 8 housing voucher, to be used for rent; and

WHEREAS, pursuant to N.J.S.A. 10:5-12(g)(3), it is unlawful for an owner of any real property to display any rental advertisement which expresses any limitation as to source of lawful income used for rental payment;

WHEREAS, Respondent declined to proceed with the rental process with Complainant and revised his advertisement for the home to include a statement that the property does not participate in the Section 8 program; and

WHEREAS, the Division conducted an investigation of the allegations and on March 18, 2019, issued a finding of probable cause; and

WHEREAS, the parties engaged in conciliation efforts; and

WHEREAS, it is now the intention of the parties to amicably settle, compromise, and resolve in good faith, the differences and disputes that exist or may exist between them; and

NOW THEREFORE, it is on this 19 day of July, 2019 ORDERED AND AGREED as follows:

LAD COMPLIANCE

1. Respondent Nirav M. Patel shall comply with the New Jersey Law Against Discrimination (“LAD”), N.J.S.A. 10:5-1 et seq., and shall not discriminate against any resident, tenant or apartment applicant on the basis of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy or breastfeeding, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, nationality, or source of lawful income used for rental or mortgage payments, including taking any action or establishing any practice or policy that has the effect of discriminating against a person or persons on any of the foregoing bases.

2. Respondent shall not make any statements, use any form of application, or post any rental advertisements for real property 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, pregnancy or breastfeeding, sex, 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.

3. Respondent shall not engage in any act prohibited by the LAD, including any retaliatory conduct against Complainant, against members of Complainant’s immediate family, or against any participant in these proceedings, or allow any of his agents to engage in any such conduct.

EQUITABLE RELIEF & PENALTY

4. Respondent acknowledges that the conduct alleged in the above referenced verified complaint---the failure to permit a potential tenant to submit an application to rent an apartment based on her source of lawful income and posting an advertisement expressing a refusal to accept a source of lawful income as rent---are unlawful under the New Jersey Law Against Discrimination. Respondent recognizes that a source of lawful income includes a housing voucher provided by a state or federal agency, including a Section 8 housing voucher. Respondent further acknowledges that he has received materials pertaining to housing discrimination from the Division, has reviewed those materials, and has raised any questions with Division staff.

5. Respondent shall pay the total sum of one thousand (\$1,000) as a civil penalty for the alleged violations of the LAD. Within 30 days of the date this Consent Order is fully executed, a check made payable to “Treasurer, State of New Jersey” will be delivered to Deputy Attorney General Farn-Yi D. Foo, New Jersey Department of Law & Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101.

RELIEF TO COMPLAINANT & RELEASE

6. Respondent shall pay the total sum of five thousand dollars (\$5,000) to Complainant, in full settlement of her claims and damages arising from the allegations asserted in the Verified Complaint filed in this matter on February 12, 2018, and assigned DCR Docket No. HT08QO-66865. Within 30 days of the date this Consent Order is fully executed, a check made payable to “Carla Mitchell” will be delivered to Deputy Attorney General Farn-Yi D. Foo, New Jersey Department of Law & Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, for forwarding to Complainant.

7. Complainant expressly waives, releases, and gives up any claims that have been or could have been asserted in the verified complaint she filed with the Division (Docket No. HT08QO-66865) in connection with the resolution of this matter.

MISCELLANEOUS

8. This Consent Order and Decree shall have the same force and effect as a cease and desist order issued by the Director pursuant to N.J.S.A. 10:5-19 and shall operate as a complete and final disposition of the aforesaid verified complaint as to Respondent, subject only to the fulfillment of all the foregoing provisions.

9. In the event that Respondent defaults with respect to any provision herein, which would include failing to timely comply with the payment provision set forth in paragraph 6, Respondent hereby consents to the entry of this Consent Order and Decree in the Chancery Division of the Superior Court of New Jersey, thereby making this Consent Order and Decree an order of the Court for enforcement therein.

10. This Consent Order is executed in settlement of all the allegations and potential allegations against Respondent as set forth in the verified complaint filed with the Division (Docket No. HT08QO-66865). Nothing herein shall be construed to otherwise limit the authority of the New Jersey Attorney General or the Director of the New Jersey Division on Civil Rights to protect the interests of the State of New Jersey or the people of the State of New Jersey, including LAD enforcement against Respondent for matters not resolved through this Consent Order.

11. This Consent Order constitutes the entire agreement between the parties. There are no other agreements, promises, understandings, obligations, covenants or representations between them. Any addition, deletion, or change to this Consent Order must be in writing and signed by all parties.

12. This Consent Order shall be binding upon the parties to this agreement and their successors. In no event shall assignment of any right, power or authority avoid compliance with the terms of this Consent Order.

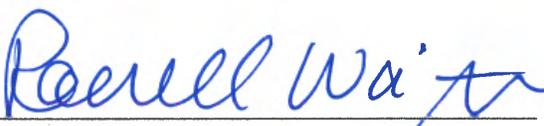
13. This Agreement shall be governed and interpreted in all respects in accordance with the laws of New Jersey.

14. The parties to this Consent Order represent that a person authorized to sign a document legally binding each party to its terms has signed this Consent Order with full knowledge, understanding, and acceptance of its terms.

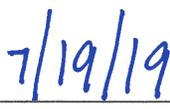
a. Complainant acknowledges that she has had the opportunity to review all terms of this Agreement and the opportunity to employ the assistance of counsel of her choosing as to its effects and understands her obligations.

b. Respondent acknowledges that he has had the opportunity to review all terms of this Agreement and the opportunity to employ the assistance of counsel of his choosing as to its effect and understands its obligations.

15. Any signature for the entry of this Consent Order may be executed in counterparts, each of which shall be deemed an original, but all of which shall together constitute one and the same Consent Order.



RACHEL WAINER APTER, DIRECTOR
OF THE NEW JERSEY DIVISION
ON CIVIL RIGHTS



DATE

**THE PARTIES CONSENT TO THE FORM, CONTENT AND ENTRY OF THIS
CONSENT ORDER:**

FOR COMPLAINANT:

By: Carla Mitchell
Carla Mitchell

7-13-19
Date

FOR RESPONDENT:

By: Nirav M. Patel
Nirav M. Patel

06/26/2019
Date