

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Rules Pertaining to the Multiple Dwelling Reports

Proposed Readoption with Amendments: N.J.A.C. 13:10

Authorized By: Sundeeep Iyer, 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 2024-113.

Submit comments by December 6, 2024, to:

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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. Pursuant to N.J.S.A. 52:14B-5.1, DCR's rules concerning Multiple Dwelling Reports (MDRR), N.J.A.C. 13:10, were set to expire on September 6, 2024. As DCR has timely filed this notice of proposal with the Office of Administrative Law, this chapter is extended 180 days to February 5,

2025, pursuant to N.J.S.A. 52:14B-5.1.c. DCR has reviewed these rules and determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. However, pursuant to its rulemaking authority, DCR proposes amendments at N.J.A.C. 13:10 to improve efficiency and enhance its ability to enforce the LAD. Accordingly, DCR proposes to readopt the rules with proposed amendments.

The LAD makes it unlawful to discriminate on the basis of actual or perceived race, religion, national origin, gender, sexual orientation, gender identity, gender expression, pregnancy, breastfeeding, disability, or other protected characteristics in the rental of any real property or in the terms and conditions of such rental. DCR promulgated the MDRR in 1970 to provide DCR with the data necessary to study patterns of housing occupancy, investigate practices of discrimination, and affirmatively enforce the LAD. The validity of the MDRR was upheld as a “proper exercise of the rule making power” in *New Jersey Builders, Owners and Managers Ass’n v. Blair*, 60 N.J. 330, 339 (1972). The MDRR has required owners of multiple apartment developments with 25 or more units to retain certain records and file an annual report with DCR setting forth the racial/ethnic identity of apartment applicants and leaseholders, information about turnovers, rental rates and apartment sizes, information about rental recruiting techniques, and whether its rentals are barrier free.

DCR proposes amendments to the MDRR to improve their utility and efficiency. DCR proposes amendments to the terms and phrases used in the chapter, and their definitions, and to provide clarity as to the content of required reporting. The proposed amendments update the MDRR to require reporting for individual known occupants, rather than for only leaseholders, and expand demographic reporting from that of only race and ethnicity to include the protected characteristics of gender and familial status. In addition, the proposed amendments require

owners to provide leaseholders with the MDRR Tenant/Applicant Inquiry document; explicitly protect applicants and tenants against harassment, discrimination, intimidation, and other adverse action by owners related to the reports; require filers to certify the truth of their submissions; and demand strict confidentiality of related records. DCR also proposes amendments to increase the penalties for late filing and, at the discretion of DCR's Director, to institute a penalty for false reporting.

The following is a summary of the rules proposed for readoption and the proposed amendments:

N.J.A.C. 13:10-1.1 sets forth definitions of relevant terms and phrases used throughout the chapter. The proposed amendments include several updates to the terms and definitions. DCR proposes replacing the term "apartment" with "dwelling unit" in many terms and definitions and add that a "dwelling unit" may be an apartment, condominium, duplex, townhome, or single-family home, among other types of residences, because not all properties subject to reporting include apartments.

DCR proposes updating the term "multiple apartment development" to "multiple dwelling" and clarifying that a multiple dwelling includes 25 or more dwelling units that are in the same general location or across various locations under common ownership or under one management. DCR also proposes clarifying that long-term care health facilities licensed by the New Jersey Department of Health pursuant to N.J.S.A. 26:2H-1 et seq., as well as academic housing owned or operated by colleges and universities for the exclusive use of their students, such as dormitories, are not considered "multiple dwellings." Despite being excepted from the MDRR requirements, these entities may be considered housing pursuant to the LAD for other purposes. DCR also proposes replacing the definition of the term "applicant" to a person considered for, or who

requests to be considered for, tenancy within a rental dwelling unit, to align the definition with that of the Fair Chance in Housing Act, N.J.S.A. 46:8-54.

The proposed amendments also add the term “known occupant” and remove the term “racial/ethnic designation.” DCR proposes amendments throughout the chapter to conform with changes to terms at N.J.A.C. 13:10-1.1.

Subchapter 2 sets forth reporting requirements. N.J.A.C. 13:10-2.1 states the purpose of the subchapter. DCR proposes amendments to clarify that the purpose of the section is to investigate patterns or practices of housing discrimination and enforce the LAD.

N.J.A.C. 13:10-2.2 identifies the property owners who must file reports pursuant to the chapter. DCR proposes an amendment to remove the provision that a multiple dwelling must have 25 units or more to be covered by the reporting requirements because proposed amendments clarify that all multiple dwellings, by definition, have at least 25 units. DCR proposes an amendment to require owners to report on the “demographic composition,” rather than only the “racial/ethnic composition,” of their multiple dwellings. DCR proposes replacing the term “development” with “multiple dwelling” at N.J.A.C. 13:10-2.2(b). Additionally, DCR proposes to add N.J.A.C. 13:10-2.2(c), which permits a property manager or other individual responsible for the operation of a multiple dwelling to file the report on behalf of a multiple dwelling’s owner. This is already a common practice among MDRR filers and will codify the current practice.

N.J.A.C. 13:10-2.3 establishes the form and contents of the required annual reports. DCR proposes several amendments at N.J.A.C. 13:10-2.3(b). N.J.A.C. 13:10-2.3(b) requires the inclusion of the listed information. The proposed amendments at paragraph (b)1 add the protected characteristics of gender and familial status, as well as require reporting for rental

applicants, dwelling unit leaseholders, and known occupants. At N.J.A.C. 13:10-2.3(b)2, the proposed amendments require reporting on whether rental applicants, dwelling unit leaseholders, and known occupants receive rental assistance, including, but not limited to, Section 8 housing choice vouchers.

DCR also proposes amendments to add seven new subsections at N.J.A.C. 13:10-2.2. Proposed new N.J.A.C. 13:10-2.3(c) requires owners of a multiple dwelling to provide leaseholders with the Division on Civil Rights MDRR Tenant/Applicant Inquiry document so they can voluntarily report their demographic information to the owners in order to facilitate the owners' obligation to report accurately. The proposed amendment requires owners to provide the document to leaseholders at the start of the lease and with every offer of lease renewal, or at least on an annual basis if the lease term is one year or less.

Proposed new N.J.A.C. 13:10-2.3(d) prohibits owners from requesting the information in this subsection from an applicant prior to the completion of their application process and mandates that owners provide applicants with the MDRR Tenant/Applicant Inquiry document upon the completion of their application process.

Proposed new N.J.A.C. 13:10-2.3(e) prohibits owners from requiring an occupant or applicant to complete the MDRR Tenant/Applicant Inquiry document.

Proposed new N.J.A.C. 13:10-2.3(f) specifies that owners are required to report for each known occupant and applicant to the best of their knowledge, even when a leaseholder, tenant, or applicant does not complete the MDRR Tenant/Applicant Inquiry document, unless otherwise specified on the reporting forms.

Proposed new N.J.A.C. 13:10-2.3(g) prohibits owners from harassing, discriminating against, or intimidating an occupant or applicant with respect to MDRR reporting obligations.

This includes taking adverse action, including raising rent, against a tenant or occupant on the basis of information provided related to the reporting rules. The subsection also clarifies that owners and property managers may not enter a dwelling unit without the permission of leaseholders or occupants, or otherwise conduct an investigation for the purpose of collecting information related to this chapter.

Proposed new N.J.A.C. 13:10-2.3(h) requires the filer to certify that the reported information is true and correct to the best of their knowledge.

Proposed new N.J.A.C. 13:10-2.3(i) clarifies that this section is not intended to conflict with or otherwise affect an owner or property manager's obligations pursuant to the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

N.J.A.C. 13:10-2.4 explains the electronic report filing process, the timeframe covered by each report, and the due date for each report. DCR proposes to amend N.J.A.C. 13:10-2.4 to replace a reference to DCR's general website with a website address to the MDRR filing portal.

N.J.A.C. 13:10-2.5 identifies the records that property owners must maintain for a period of three years, provides that the Attorney General may require retention of additional records, and states that the DCR may inspect records maintained pursuant to the rule during business hours.

DCR proposes several changes at N.J.A.C. 13:10-2.5(a). The proposed amendments at subsection (a) remove the demographic-related records list and, instead, require owners of multiple dwellings to maintain records that pertain to the demographic and other data they are required to report pursuant to N.J.A.C. 13:10-2.3, as well as all MDRR Tenant/Applicant Inquiry documents received from leaseholders, tenants, and applicants, and other records as the Attorney General deems necessary to effectuate the purposes of the provisions. DCR proposes new

N.J.A.C. 13:10-2.5(c), which requires all records related to MDRR reporting requirements be kept confidential, except for the purposes of reporting, and separate from all other tenant files and rental records.

N.J.A.C. 13:10-2.6 provides that failure to comply with the chapter constitutes a violation of the LAD.

N.J.A.C. 13:10-2.7 establishes a schedule of penalties for late filing of annual MDRR reports. The proposed amendments raise the amount for each late filing penalty in order to more accurately account for DCR's costs of ensuring compliance. The current penalty structure was adopted in 2004 and has not been updated since. The proposed amendments raise the penalties for filing a report more than 15 calendar days after the deadline, but not later than 30 days, from \$100.00 to \$500.00; for filing a report more than 30 calendar days after the deadline, but not later than 60 days, from \$250.00 to \$1,000; and for filing a report more than 60 calendar days after the deadline, but not later than 90 days, from \$500.00 to \$1,500. The proposed amendment establishes a penalty of \$2,500 for filing a report more than 90 days after the deadline. These proposed amendments better reflect the costs DCR incurs in securing compliance. DCR proposes an amendment to institute a penalty for filing a false report. The proposed amendment gives DCR's Director the discretion to designate the false reporting penalty amount, pursuant to N.J.S.A. 10:5-14.1a, and mandates the Director require the filing of a corrected report.

DCR proposes an amendment to allow DCR's Director, in their discretion, to issue a Notice of Violation for the failure to comply with any part of the MDRR in lieu of filing a more formal administrative complaint. DCR also proposes an amendment to require owners who request a waiver or relaxation of penalties to do so through an electronic submission through the filing portal through DCR's website. DCR also proposes minor clarifying and/or technical

amendments throughout the chapter that do not change the meaning of the text.

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

DCR believes that the rules proposed for readoption with amendments will have a positive social impact on all owners of multiple dwellings, housing applicants, and tenants in the State of New Jersey. Unlawful discrimination threatens the rights and privileges of all inhabitants of the State. The rules proposed for readoption with amendments provide important data to study patterns of housing occupancy and investigate practices of housing discrimination. The rules will have a beneficial social impact because they provide an enforcement tool to help reduce discrimination in housing and, therefore, can advance equal access and choice in the housing rental market. The proposed amendments will also have a positive social impact because they provide DCR with the ability to collect the necessary information to properly assess the demographic landscape of multiple dwellings in the State of New Jersey. This allows DCR to affirmatively enforce the LAD.

Economic Impact

DCR does not anticipate that the rules proposed for readoption with amendments will have a significant economic impact. However, DCR anticipates that they may have a modest economic impact because the proposed amendments expand the coverage of the MDRR to owners of multiple dwellings which, combined, have 25 dwelling units or more. DCR anticipates that the rules proposed for readoption with amendments may have a minimal economic impact on covered owners who fail to complete the necessary reporting pursuant to the MDRR. Although the MDRR has long required penalties for circumstances that involved delayed or

absent reporting, the proposed amendments increase these penalties both for delayed reporting and for owners who fail to report entirely, as well as add penalties for false reporting. There is no fee for owners who timely file the report.

Owners of multiple dwellings may also incur a minimal economic impact by the costs associated with providing demographic surveys to all applicants and leaseholders who wish to report any or all information required by the MDRR reports.

Federal Standards Statement

A Federal standards analysis is not necessary because the rules proposed for re-adoption with amendments are not intended to implement or comply with any programs established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law.

Jobs Impact

DCR does not anticipate that the rules proposed for re-adoption with amendments will have any impact on the number of jobs in this State.

Agriculture Industry Impact

DCR does not anticipate that the rules proposed for re-adoption with amendments will have any impact on the agriculture industry of this State.

Regulatory Flexibility Analysis

DCR anticipates that the rules proposed for re-adoption with amendments will apply to certain small businesses—as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.—which own a multiple dwelling, defined as having at least 25 units. DCR estimates that there are approximately 8,200 entities owning multiple dwellings throughout New Jersey. Some of these may be considered a “small business” pursuant to the Regulatory Flexibility Act. DCR does not possess the information necessary to determine which of these

entities qualify as “small businesses” pursuant to that Act. DCR does not require these businesses to disclose how many workers they employ on a full-time basis.

Therefore, a percentage of those approximately 8,200 covered owners may be small businesses as that term is defined in the Regulatory Flexibility Act and would be subject to minimal reporting and recordkeeping requirements pursuant to the rules proposed for readoption with amendments, as set forth in the Summary above. This obligation will not be onerous, as it is a one-time annual filing without a filing fee and can be accomplished without the need to retain professional services.

Housing Affordability Impact Analysis

DCR does not anticipate that the rules proposed for readoption with amendments will have any impact on the affordability of housing in New Jersey or would change the average costs associated with housing, as the rules set forth requirements intended to provide DCR with the data necessary to study patterns of housing occupancy, investigate practices of discrimination, and affirmatively enforce the LAD.

Smart Growth Development Impact Analysis

DCR does not anticipate that the rules proposed for readoption with amendments will have any impact on smart growth or would change housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments set forth requirements intended to provide DCR with the data necessary to study patterns of housing occupancy, investigate practices of discrimination, and affirmatively enforce the LAD.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

DCR has evaluated this rulemaking and determined that it will not have an impact on

pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State because the rules proposed for readoption with amendments amend reporting requirements for owners of multiple dwellings. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:10.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. DEFINITIONS

13:10-1.1 [Words and phrases defined] **Definitions**

The following words and phrases, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. (Unless the context indicates to the contrary, all terms used in this rule have the same meanings as [in] **at** N.J.S.A. 10:5-1 et seq.)

“[Apartment rental turn-over” means a change of leaseholder.

“Applicant” means any person who appears before either the owner, lessor, agent, or other principal or operator of a multiple apartment development for the purpose of renting an apartment.]

“Applicant” means any person considered for, or who requests to be considered for, tenancy within a rental dwelling unit.

...

“Dwelling unit” means a room or rooms forming one residence, such as an apartment, condominium, duplex, townhome, or single-family home, that is occupied or intended to be occupied for sleeping or dwelling purposes by one or more persons.

“Dwelling unit rental turn-over” means a change of leaseholder.

“Leaseholder” means the party with whom the landlord has contracted for the [apartment] **dwelling unit** rental, whether the contracting be orally or in writing. It shall include any sublettee or assignee of the contract where notice or approval of subletting or assignment is a condition of the contract.

“Multiple [apartment development] **dwelling**” means [one] **25** or more [buildings] **dwelling units** situated at the same general location, **or across various locations within the State of New Jersey**, and operated under one management or with ownership in common. [It shall include, but not be limited to, an apartment building or buildings and garden apartments.] **Multiple single-family dwelling units operated under one management or with ownership in common, even if geographically spread out, shall be considered a multiple dwelling for the purposes of this rule. “Multiple dwelling” does not include long-term health care facilities licensed by the New Jersey Department of Health pursuant to N.J.S.A. 26:2H-1 et seq., or academic housing owned or operated by colleges and universities for the exclusive use of their students, such as dormitories.**

[“Racial/ethnic designation” means designation in one or more of the following classifications:

1. Black or African American: a person having origins in any of the original peoples of Africa;
2. American Indian or Alaska Native: a person having origins in any of the original peoples of North or South America;
3. Asian: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;

4. Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish origin or culture, or a person having a Spanish surname;
5. Native Hawaiian or Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and/or
6. White or Caucasian: a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.]

“Known occupant” means any person, regardless of age, known to a landlord to reside in a dwelling unit at the time the landlord contracted for the dwelling unit rental, orally or in writing.

SUBCHAPTER 2. REPORTING

13:10-2.1 Purpose

The provisions of this chapter are adopted to enable the Division on Civil Rights to study patterns of housing occupancy, investigate **patterns or** practices of **housing** discrimination and affirmatively [administer] **enforce** the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

13:10-2.2 Persons required to report

- (a) The owner or owners of [every] **a** multiple [apartment development which has 25 units or more] **dwelling** shall file an annual report with the Division on Civil Rights concerning the [racial/ethnic] **demographic** composition of [the] **each** multiple dwelling, whether any of its buildings or developments are [barrier-free] **barrier free**, and factors affecting its composition.
- (b) Where there are multiple owners of a [development] **multiple dwelling** and the [development] **multiple dwelling** is operated as one unit, a consolidated report may be filed.

(c) A property manager or other individual responsible for the operation of a multiple dwelling may file the report on behalf of an owner or owners of a multiple dwelling.

13:10-2.3 Form and contents of report

(a) (No change.)

(b) The report [may] **shall** include information concerning:

1. Racial/ethnic designation, [of] **gender, and familial status of rental** applicants, [for apartment rental;] **dwelling unit leaseholders, and known occupants;**

2. [Racial/ethnic designation of apartment] **Whether rental applicants, dwelling unit leaseholders, and known occupants receive rental assistance, including, but not limited to, Section 8 housing choice vouchers;**

3. [Apartment] **Dwelling unit** rental turn-overs;

4. [Apartment] **Dwelling unit** rental recruiting techniques;

5. Rental rates and **dwelling unit** [apartment] sizes;

6. Whether the multiple [apartment development] **dwelling** is [barrier-free] **barrier free;**

and

7. (No change.)

(c) The owner or owners of the multiple dwelling must provide leaseholders with the current Division on Civil Rights MDRR Tenant/Applicant Inquiry document when they provide leaseholders with a signed copy of the lease and with every offer of lease renewal, or on an annual basis if the lease term is one year or less, and may provide leaseholders with the current form at additional times, in order for occupants to voluntarily report information to facilitate the owner's or owners' obligation to report accurately.

(d) The owner or owners of the multiple dwelling are prohibited from requesting the information in this section from an applicant prior to the completion of their application process. The owner or owners must provide applicants with the Division on Civil Rights MDRR Tenant/Applicant Inquiry document upon their completion of their application process.

(e) The owner or owners of the multiple dwelling are prohibited from requiring a leaseholder, a known occupant, or an applicant to complete the MDRR Tenant/Applicant Inquiry document.

(f) The owner or owners are required to report for each known occupant and applicant, to the best of their knowledge, even when a tenant or applicant does not voluntarily complete the Division on Civil Rights MDRR Tenant/Applicant Inquiry document, unless otherwise specified on the reporting forms.

(g) The process of collecting any information from leaseholders, known occupants, and applicants related to this chapter shall not be used to harass, discriminate against, or intimidate a leaseholder, an occupant, or an applicant. The owner or owners are prohibited from taking any adverse action, including raising rent, against a tenant or occupant on the basis of information provided by tenants or occupants related to this chapter. Nothing in this section is intended to require or permit owners, property managers, or other individuals responsible for the operation of a multiple dwelling to enter a dwelling unit without the permission of a leaseholder or occupant, or to otherwise conduct an investigation for the purpose of collecting information related to this chapter.

(h) The report shall contain a certification by the filer that the information provided in the report is true and correct to the best of their knowledge.

(i) Nothing in this section is intended to conflict with or otherwise affect an owner or property manager's obligations pursuant to the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

13:10-2.4 Filing of reports

(a) One copy of the report shall be filed with the Division on Civil Rights on a yearly basis. The report shall be filed electronically using the [website of the Division on Civil Rights] **filing portal at <https://mdrr.njcivilrights.gov>.**

(b) (No change.)

(c) The date of filing of a report filed through the Division on Civil Rights' **filing portal** [website] shall be the date the report is submitted in full on the website and an acknowledgment of receipt is issued.

13:10-2.5 Maintenance of records

(a) The owner or owners of the multiple [apartment development] **dwelling** shall be responsible to [have maintained] **maintain** at all times [the following] records[:

1. Racial/ethnic designation of each applicant for apartment rental;
2. Racial/ethnic designation of each apartment leaseholder;
3. Racial/ethnic designation of each new leaseholder;
4. Apartment rental recruiting techniques employed;] **that pertain to the demographic and**

[5. Such] **other data they are required to report pursuant to N.J.A.C. 13:10-2.3, Division on Civil Rights MDRR Tenant/Applicant Inquiry documents received**

from tenants and applicants, and such other records as the Attorney General determines is necessary to effectuate the purposes of these provisions.

(b) (No change.)

(c) Such records shall be kept confidential, except for the purposes of reporting as required by this chapter and separate from all other tenant files and rental records.

13:10-2.7 Late filing **and false reporting** penalties

(a) An owner or owners of a multiple [apartment development] **dwelling** who files a report more than 15 calendar days after the time for filing reports set forth [in] **at** N.J.A.C. 13:10-2.4, but not later than 30 calendar days after such time for filing, shall be subject to a penalty for late filing of [~~\$100.00~~] **\$500.00**.

(b) An owner or owners of a multiple [apartment development] **dwelling** who files a report more than 30 calendar days after the time for filing reports set forth [in] **at** N.J.A.C. 13:10-2.4, but not later than 60 calendar days after such time for filing, shall be subject to a penalty for late filing of [~~\$250.00~~] **\$1,000**.

(c) An owner or owners of a multiple [apartment development] **dwelling** who files a report more than 60 calendar days after the time for filing reports set forth [in] **at** N.J.A.C. 13:10-2.4, but not later than 90 calendar days after such time for filing, shall be subject to a penalty for late filing of [~~\$500.00~~] **\$1,500**.

(d) An owner or owners of a multiple [apartment development] **dwelling** who files a report more than 90 calendar days after the time for filing reports set forth [in] **at** N.J.A.C. 13:10-2.4 shall be subject to a penalty [in an amount designated by the Director of the Division on Civil Rights pursuant to N.J.S.A. 10:5-14.1a] **for late filing of \$2,500**.

(e) An owner or owners of a multiple dwelling who submit a false report shall be subject to a penalty for false reporting in an amount designated by the Director of the Division on Civil Rights pursuant to N.J.S.A. 10:5-14.1a. The Director of the Division on Civil Rights shall also require the filing of a corrected report.

[(e)] **(f)** Payment of the fees [under] **pursuant to** (a), (b), [and] (c), **(d), and (e)** above shall be transmitted in the form of a check made payable to “Treasurer—State of New Jersey.”

[(f)] **(g)** The Director of the Division on Civil Rights may, in [his or her] **their** discretion, waive all or part of the penalties incurred with the late filing of a report or reports for good cause shown, so long as such waiver would not compromise the purpose of the reports as set forth [in] **at** N.J.A.C. 13:10-2.1. An owner of a multiple [apartment development] **dwelling** may apply to the Director of the Division on Civil Rights for a waiver or relaxation of the penalties incurred because of the late filing or failure to file a report or reports. Such request shall be [made in writing,] **submitted electronically on the filing portal at <https://mdrr.njcivilrights.gov>** and shall set forth, with specificity, the owner's reasons for late filing or failure to file. If applicable, documentation supporting the request should be included. The Director may consider such factors as the owner’s previous filing history, the owner’s promptness in filing the report upon notice of delinquency, [DCR] **Division on Civil Rights’** resources expended on addressing the delinquency, and any exceptional circumstances related to the delinquency (which may include an owner[']’ s undue hardship, economic or otherwise).

(h) The Director of the Division on Civil Rights may, in their discretion, issue a Notice of Violation for failure to comply with any of the requirements in this section, setting forth the required penalties and other fines deemed appropriate.