

CHAPTER 9

ADVERTISING RELATING TO REAL PROPERTY

Authority

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

Source and Effective Date

R.2005 d.370, effective October 4, 2005.
See: 37 N.J.R. 1681(a), 37 N.J.R. 4276(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 9, Advertising Relating to Real Property, expires on April 2, 2011. See: 42 N.J.R. 2718(a).

Chapter Historical Note

Chapter 9, Newspaper Advertisement Relating to Real Property, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 9, Newspaper Advertisement Relating to Real Property, was readopted as R.2000 d.186, effective April 7, 2000. See: 32 N.J.R. 647(b), 32 N.J.R. 1619(a).

Chapter 9, Newspaper Advertising Relating to Real Property, was readopted by R.2005 d.370, effective October 4, 2005. As a part of R.2009, d.370, Chapter 9, Newspaper Advertising Relating to Real Property, was renamed Advertising Relating to Real Property, effective November 7, 2005. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

13:9-1.1 Discriminatory advertising regarding realty

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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 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 dis-

crimination as to race, creed, color, national origin, ancestry, marital status, domestic partnership status, sex, nationality, disability, affectional or sexual orientation, source of lawful income used for rental or mortgage payments or familial status, 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.

Amended by R.1995 d.243, effective May 15, 1995.

See: 26 N.J.R. 1942(a), 27 N.J.R. 2005(a).

Amended by R.2000 d.186, effective May 1, 2000.

See: 32 N.J.R. 647(b), 32 N.J.R. 1619(a).

Rewrote (a).

Amended by R.2005 d.370, effective November 7, 2005.

See: 37 N.J.R. 1681(a), 37 N.J.R. 4276(a).

Deleted chapter statements; rewrote (a); deleted former (b); added new (b).

Case Notes

Oral statements suffice for a violation of the prohibition against discriminatory "statements or utterances" under New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq.; writing is not required. *Almeida v. Moreira*, OAL Dkt. No. CRT 01061-08, 2009 N.J. AGEN LEXIS 617, Final Decision (March 9, 2009).

There is no constitutional distinction between rental transactions of exempt and non-exempt real property; a discriminatory statement made in connection with the rental of an owner-occupied two-unit dwelling is commercial speech for purposes of the prohibition against discriminatory "statements or utterances" in New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq. *Almeida v. Moreira*, OAL Dkt. No. CRT 01061-08, 2009 N.J. AGEN LEXIS 617, Final Decision (March 9, 2009).

Although complainant contended that the landlord told him that he would not rent his owner-occupied two-unit dwelling to complainant because complainant had two children, the landlord denied making the statement and the Director of New Jersey Division on Civil Rights had limited authority to reject the ALJ's credibility determinations and the factual findings that the landlord did not violate New Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 et seq.; there was no basis to conclude that the ALJ's credibility determinations were arbitrary or were not based on sufficient competent evidence in the record. *Almeida v. Moreira*, OAL Dkt. No. CRT 01061-08, 2009 N.J. AGEN LEXIS 617, Final Decision (March 9, 2009).