

CHAPTER 9
NEWSPAPER ADVERTISEMENT RELATING
TO REAL PROPERTY

Authority

N.J.S.A. 10:5-1 et seq.

Source and Effective Date

R.2000 d.186, effective April 7, 2000.
32 N.J.R. 647(b), 32 N.J.R. 1619(a).

Executive Order No. 66 (1978) Expiration Date

Chapter 9, Newspaper Advertisement Relating to Real Property, expires on April 7, 2005.

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: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

13:9-1.1 Discriminatory advertising regarding realty

STATEMENT

It is a violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., for a newspaper to print, publish, circulate, issue or display any advertisement relating to real property or public housing which is discriminatory on the basis of race, creed, color, national origin, ancestry, marital status, sex, nationality, handicap, affectional or sexual orientation or familial status. N.J.S.A. 10:5-12e, f, g(3), h(3). The law is couched in very broad terms and includes the prohibition of any ad for the sale, lease, rental, assignment or sublease of any real property which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, sex, nationality, handicap, affectional or sexual orientation or familial status. It is evident that newspapers may not publish in this State any advertisement which would aid such discrimination, when the content of the advertisement be overtly or subtly discriminatory.

In actual practice, such phrases as "integrated," "open to all," "everybody welcome," in newspaper ads of housing for

sale or for rent, usually mean just the opposite of what they say. It is evident that these ads invariably are for homes or apartments in neighborhoods which are already segregated. The publishing of such ads helps to continue and to extend the segregation. A landlord or property owner who truly intends to rent or sell his or her property, without distinction based on race, is merely obeying the law and serves no honest purpose in proclaiming his or her law-abiding character (at so much per line) in a newspaper ad.

The burden of interpretation placed upon newspapers publishing or circulating in this State would be onerous without some clarification of the law's broad interdiction.

Amended by R.1995 d.243, effective May 15, 1995.
See: 26 N.J.R. 1942(a), 27 N.J.R. 2005(a).

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 newspaper, published or circulated within this State, to print, publish, circulate, issue, display, utter or disseminate any advertisement regarding the sale, lease, sub-lease, rental, or assignment of any real property, which expresses, overtly or subtly, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, ancestry, marital status, sex, nationality, handicap, affectional or sexual orientation or familial status, as such terms may be defined in the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

(b) The use of any language such as "colored," "white," "restricted," "open occupancy," "interracial," "segregated," "integrated," "open to all," "everybody welcome," "no discrimination," "mixed," or any other word, term, phrase or expression which tends to influence, persuade or dissuade, encourage or discourage, attract or repel, any person or persons because of race or color shall be considered discriminatory advertising in violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq.

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).