

ADOPTION SECTION

INSURANCE

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

REAL ESTATE COMMISSION

Notice of Administrative Corrections

Advertising Rules

N.J.A.C. 11:5-6.1

Take notice that the Real Estate Commission discovered errors in N.J.A.C. 11:5-6.1. Subsection (i) of that section includes a cross-reference to N.J.A.C. 11:5-6.4(h) for a definition of “handicapped.” The cross-reference to N.J.A.C. 11:5-6.4(h) was included in N.J.A.C. 11:5-6.1(i) effective October 5, 1998 (see 30 N.J.R. 2333(a) and 3646(a)); however, at that time, the cross-reference was incorrect, as the definition of handicapped was set forth in N.J.A.C. 11:5-6.4(k). Effective September 21, 2009, N.J.A.C. 11:5-6.4(k) was rewritten to conform the language to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., including changing “handicapped” to “disability” and replacing the subsection’s definition of “handicapped” with a cross-reference to the definition of “disability” at N.J.S.A. 10:5-5.q. See 41 N.J.R. 1381(a) and 3440(a). The definition of “handicapped” that was in N.J.A.C. 11:5-6.4(k) was in accord with the definition of the term in the Law Against Discrimination; in 2003, that statutorily-defined term was changed to “disability,” with references to “suffering from” deleted. See P.L. 2003, c. 180, § 6. In the promulgation of amendments to N.J.A.C. 11:5-6.4(k), the related terminology change in N.J.A.C. 11:5-6.1(i) was overlooked. Through this notice,

published pursuant to N.J.A.C. 1:30-2.7, that oversight, as well as the cross-reference citation error, are corrected.

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

11:5-6.1 Advertising rules

(a)-(h) (No change.)

(i) No licensed individual, limited or general partnership, firm or corporation shall advertise or use any form of application or make any inquiry which expresses directly or indirectly any limitation, specification or discrimination as to race, religion, creed, color, sex, affectional or sexual orientation, marital status, national origin, ancestry or as to whether a person [is handicapped] **has a disability** as that term is defined in N.J.A.C. 11:5-6.4[(h)](**k**).

(j)-(t) (No change.)