

**LEGAL ISSUES YOU HAVE TO UNDERSTAND TO STAY OUT OF REAL ESTATE
BROKERAGE JAIL!***

A. COPING WITH INDEPENDENT CONTRACTOR STATUS/FAIR HOUSING LAWS

1. Even if a real estate salesperson has an independent contractor agreement with a broker, the salesperson is treated as an employee in New Jersey for purposes of workers' compensation, the Whistleblower Act, wrongful termination and the Law against Discrimination. **TRUE or FALSE?**
2. Under the Fair Housing Act, age-restricted communities can require that at least 80 percent of the owners must be 55 or older. **TRUE or FALSE?**

B. DISCLOSING RELEVANT INFORMATION

3. A listing agent must disclose a mold issue at a house that occurred four years ago even though the owner had it professionally remediated and there have not been any signs of mold since then. **TRUE or FALSE?**
4. A buyer's agent automatically will be liable for three times the buyer's damages and the buyer's attorneys' fees under the Consumer Fraud Act for repeating to the buyer misinformation obtained by the agent from a municipal Clerk about square footage, even if the agent did not know the information was wrong. **TRUE or FALSE?**
5. A buyer's agent has a duty to reveal to the agent's buyers that a person committed suicide in the backyard of the house. **TRUE or FALSE?**
6. If a dual agent knows that the prosecutor sent a notice to the seller that a neighbor is a registered sex offender, the agent has a fiduciary duty to disclose this information if the buyers ask if there are any sex offenders in the neighborhood because they are concerned about the safety of their six-year old daughter. **TRUE or FALSE?**

C. DEALING WITH TEAMS/FAIR CHANCE IN HOUSING ACT

7. A team may operate from an office other than the office of the broker where they are licensed as long as the broker duly supervises the team. **TRUE or FALSE?**

* *Prepared by Barry S. Goodman, Esq. of Greenbaum, Rowe, Smith & Davis LLP for the Triple Play Convention on December 6, 2023.

8. Under the New Jersey Fair Chance in Housing Act that went into effect in January 2022, a landlord and its agent are prohibited from requiring a potential tenant to complete any application that includes any inquiry or asking any applicant about the applicant's criminal record before making a conditional offer to the applicant. **TRUE or FALSE?**

D. NAVIGATING LEAD-BASED PAINT LAWS/NAR LAWSUIT ISSUES

9. Under legislation that went into effect in July 2022, there must be a lead-based paint inspection for one-family, two-family and multiple dwellings at tenant turnover, or within two years, for housing that has not been certified as lead free and was constructed before 1978, except for seasonal rentals of less than six months and multiple dwellings registered with the DCA for at least ten years. **TRUE or FALSE?**
10. As a result of the antitrust lawsuits against NAR, real estate agents should use written buyer agency agreements to protect themselves if the seller does not offer compensation or offers minimal compensation to a buyer's agent. **TRUE or FALSE?**