

March 6, 2018

The Honorable Alexander Acosta  
Secretary of Labor  
900 Constitution Avenue NW  
Washington, D.C. 20210

Re: “Definition of Employer under Section 3(5) of ERISA-Association Health Plans”; RIN 1210-AB85 or Docket ID No. 2017-28103 (submitted electronically)

Dear Secretary Acosta:

On behalf of the approximately 50,000 New Jersey Realtors®, many of whom are independent contractors and as such, are self-employed, that find it difficult as real estate professionals to find affordable health care coverage, we are in support of the DOL’s proposed regulation that would allow self-employed individuals to participate in American Health Plans (AHPs.)

New Jersey Realtors® often express their concerns over constantly rising health insurance premiums that lead to either reduced medical coverage and/or higher deductibles. Given that most real estate agents are independent contractors as opposed to employees of the real estate brokerage they are licensed with, they do not get health insurance through their company as most Americans do. Unfortunately, a good number of New Jersey Realtors® find it difficult to afford any health insurance and hope that they or any one in their family do not experience a severe illness, disease or have an accident that could lead to dramatic medical bills. .

We understand the many complicated issues that surround affordable health insurance reform, but we believe that the Department of Labor’s notice of proposed rulemaking has the potential to increase health insurance options, which is greatly welcomed by real estate professionals and their families. Especially in a high-cost-of-living state such as New Jersey where medical insurance is also extremely costly, New Jersey Realtors® thanks the DOL for putting this regulation forward.

The rule proposes to provide more affordable choices for independent contractors by modifying the definition of “employer” to include “working owners.” This is essential to enabling real estate professionals to participate in an AHP in the large group market, rather than being forced to purchase in the more costly and volatile individual insurance market. Large group plans typically have more flexibility in plan design and offer greater negotiating power to bargain for lower premiums – benefits that are key to reducing health care costs. The rule would also protect consumers enrolling in these plans by prohibiting discrimination based on health status.

However, the proposed rule includes provisions that may restrict many self-employed persons from seeking more affordable insurance in an AHP. For example, working owners are excluded

from eligibility if they have an offer of coverage from a spouse's employer subsidized group health plan. Coverage available through a spouse's employer may not be the most affordable option for a family. Eliminating this requirement will provide more insurance choices for many real estate professionals and their families.

The need for affordable health insurance options remains a top priority for real estate professionals. Allowing working owners to participate in AHPs will offer new options for health insurance coverage, providing much needed relief that will support the real estate industry as a whole. Ensuring the proposed rule does not impose burdensome, unnecessary requirements on working owners is also essential. Thank you for the opportunity to comment on this proposed rule.

If you have any questions, please do not hesitate to contact me at (609) 341-7100 or via e-mail at [jgrasso@njrealtor.com](mailto:jgrasso@njrealtor.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Grasso', written in a cursive style.

Jarrod. C. Grasso, RCE  
Chief Executive Officer