

Housing act violations can be very expensive



No definitive list of 'red-flag' words

...be absolutely sure you are running a Fair Housing Act notice in your advertising section.

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Newspaper advertising departments call the hotline frequently to discuss concerns over housing ads. It is important that those at your paper who are accepting want ad placements for housing are sensitive to the requirements of the Fair Housing Act, because the liability for violations of the act can flow back to the newspaper, and it is not unusual for damage claims to be made in the four and five-figure range for such violations.

As you probably know, the act makes it illegal to advertise "any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin...." In some cases, in addition to these federal guidelines, you need to be sensitive to local laws, specifically, in some cases, local requirements that add a protected class for "sexual preference."

If life were easy, I could send your ad sales staff a list of words which should be red-flagged and not permitted in any advertising. Unfortunately, life is not that simple. There are some phrases that are good candidates to avoid just for common-sense reasons, such as "no children," "adults only," or "Christian woman wanted." But it is not true, you might be surprised to know, that there are rare occasions when these words are OK.

Therefore, what is important is that your staff understands some basic concepts in following the spirit of the Fair Housing Act. If they understand these principles, you should avoid trouble.

1. If you run photographs in your housing advertising section, the photos need to be reflective of the general population basis in the country. If you are in rural Missouri, I would still argue you cannot get away with running photos only of Caucasians. The photos need to be reflective of the broad diversity across the country.

2. Ads should only describe the property, NOT the renter.

This is probably the most important rule of this article. If you stick with describing the property, you will be okay. The discrimination comes in describing the tenant that the landlord is seeking. That is what is illegal. Therefore, while you cannot say "no children," or "adults only" or "Muslims preferred," you certainly can say "nice playground for children," and "mother-in-law's apartment included."

Where this gets sticky is when the ads describe the neighborhood in which the unit is contained. It is appropriate to describe a landmark in the neighborhood of particular interest, such as near a university or museum. I would not describe the unit in terms of the kinds of persons living in the neighborhood.

3. If an ad designates the property as being for senior citizens only, it needs to meet certain legal requirements.

The federal government has a program that allows certain properties to be designated as senior housing. In those complexes, 80 percent of the units must be occupied by at least one person over 55. If the complex is not certified as being within that program, it cannot refuse to rent to families with children.

You may want to go so far as to require advertisers who seek to use this designation to provide proof of their certification to be in this program, to protect your newspaper from liability.

4. The only ads that can limit the kind of tenant are ads to rent a room in a private residence. This is the only exception to the housing rules. If you are renting a room in your house, you as the landlord have the right to designate the gender of the person to whom you rent. If, however, the ad is for a separate living area within your home (for example, a basement apartment), then this exception does not apply.

Finally, be absolutely sure you are running a Fair Housing Act notice in your advertising section, along with the Fair Housing Act logo.

And, as always, call if you have questions about any ad that you are being asked to run.

A quick P.S.: I hesitate to write this month about the shield law bill. At the time I write this, we don't know what will happen when it hits the Senate floor. By the time you read this, it may have already come to the floor and either be alive and kicking, or deader than one Senator's "hammer."

I do, however, want to thank each and every one of you for writing in support of the bill over and over this session. Our progress happened because of your actions. You supported the bill last summer at a time when we pondered the chances of even resurrecting it for another try in 2007. You are the reason the Press Association began its push for a second year.

Again and again this year, when I asked for editorial support, you provided it. I cannot say thank you enough and know that whatever happens, the success we measure is due to your efforts.