

Be ever vigilant about ads in your newspaper

Housing ads must include federal logo

The federal Housing and Urban Development department announced in early October that it has filed a complaint against a Rolla apartment complex, management company and manager for housing discrimination based on race, race association, sex, and retaliation. These kinds of stories always cause me to think again that I need to remind all the advertising managers at Missouri newspapers that you must be diligent in terms of watching the advertising that comes in to ensure that it is not discriminatory.

In this case, the government alleges that the landlord refused to rent to an African American woman, and that in another instance, an application by a single male to rent property was refused, with the landlord stating he preferred to rent to women.

The federal Fair Housing law requires that all advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the public that the property is available to all persons regardless of race, color, religion, sex, handicap, familial status, or national origin.

The choice of logotype, statement or slogan will depend on the type of media used and, in space advertising, on the size of the advertisement. But if you are running display advertising in your real estate classified section, you should

ensure that every such ad carries one of the Fair Housing logos.

I'm always happy to take calls to discuss ads that concern you and we do have some materials that I can forward to you, which are provided by the government and are available online, to help your advertising department understand the issues that arise in such advertising. These sorts of claims can be expensive to defend and settle and it's better to be on guard for such matters up front than to have to deal with them after a claim is filed.



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As an aside, in doing some quick research on this subject, I see that the Obama administration is going to seek to extend this law to cover gay and lesbian discrimination. That would be a major change in the law, if it happens. However, some states (Missouri is not one) and some cities (for example, Columbia, Mo.) already have laws stricter than the federal law that make it illegal to discriminate on the basis of sexual orientation. That's one subject we need to keep an eye on as this law develops.

On another issue, I recently was working with a newspaper in connection with its sunshine law request, and the lack of a proper response to that request. In this case, the paper had the public body

caught in a clear violation of the sunshine law. But at the same time, I was aware, as I looked at the request for the record, that the written request that was made by the newspaper did not cite the

sunshine law in making that request.

After all the publicity this summer regarding the E.coli matter at Lake of the Ozarks, Missouri Attorney General Chris Koster gave the Department of Natural Resources a pass because the primary request for the records, which came from a newspaper, didn't cite the sunshine law.

I know it's only been two months since I brought this up for the reporters, but in light of the fact that already I've seen a sunshine law request that missed this important factor, I think it's critical that I say this again.

A N Y - TIME YOU DO A REQUEST FOR RECORDS, ADD TO IT THAT IT IS A REQUEST FOR RECORDS UNDER THE SUNSHINE LAW. That wording is critical if you want to rely on the benefits of the sunshine law, including the three-day response deadline.

I know how easy it is to fall into the habit of just asking for the records you want and assume that the party to whom you make the records request knows you are making it under the sunshine law, but when you end up in litigation, details like failing to cite the law will cause you to lose your case or not have the outcome you seek.

So right now, while you are thinking about this, tack a note to your computer screen to remind you that every request for records needs to cite the sunshine law.

Every request for records should state that the request is being made under the sunshine law.

