

Chapter 18

HUMAN RIGHTS*

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***Cross reference(s)**--Human rights commission, § 2-551 et seq.
State law reference(s)--Powers of home rule charter cities, Mo. Const. art. VI, § 19(a);
human rights, RSMo ch. 213.

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ARTICLE I. IN GENERAL

Sec. 18-1. ADA grievance procedure.

(a) *Procedure.* The following procedure is hereby established for the handling of any complaint filed by a person who has a concern about the city's compliance with any aspect of the Americans with Disabilities Act of 1990, as amended:

- (1) The complaint should be filed, in writing, with the City's ADA Coordinators, the human resources director and the building regulations supervisor, City Hall, 1100 Frederick Avenue, St. Joseph, Missouri, 64501. The complaint must contain the name and address of the person filing the complaint and a brief description of the alleged violation.
- (2) An investigation or inquiry, as appropriate, will be immediately initiated, employing such staff support as required. Such investigation will be thorough and will afford all interested persons and/or their representatives an opportunity to submit relevant evidence.
- (3) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA coordinators with a copy provided to the complainant no later than 30 working days after initial receipt of the complaint. The ADA coordinators shall be responsible for maintenance of files and records relating to all complaints filed.
- (4) The complainant may request reconsideration of the administrative determination if his or her complaint is not resolved to his or her satisfaction. Such appeal must be addressed to the disability services board and filed with the ADA coordinators. The disability services board shall hear the complaint and issue an advisory ruling to the city manager within 15 working days from the date the appeal is received. The city manager may either affirm, reject or modify the ruling.
- (5) If the complainant is still not satisfied that his or her complaint has been resolved, he may appeal to the city council. Such appeal shall be filed in writing with the city clerk. All files maintained by the city which pertain to the complainant's concern shall be made available for city council review and use in determining disposition of the complaint.
- (6) The right of a person to a prompt and equitable resolution of the complaint filed

under this section shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(b) *Personnel code.* This section shall not be construed to waive or modify any provision of the city's personnel code on file with the city clerk. (Gen. Ord. No. 1036, § 1(16-414, 16-415), 11-9-92; G.O. 1529, 6-30-97)

Secs. 18-2--18-25. Reserved.

ARTICLE II. PROTECTION OF HUMAN RIGHTS FROM DISCRIMINATION IN HOUSING*

DIVISION 1. GENERAL PROVISIONS AND PROCEDURES.

Sec. 18-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Age means the age of 40 or more years but less than 70 years.

Complainant means any person who files a complaint with the commission alleging that another person has engaged in an unlawful discriminatory housing practice.

Complaint means a written statement containing the information required by Section 18-27(c)(1).

Covered multi-family dwelling means:

- (1) Buildings consisting of four or more units if such buildings have one or more elevators; and

*Cross reference(s)--Businesses, ch. 8.

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- (2) Ground floor units in other buildings consisting of four or more units.

Dwelling means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, or occupied, designed or intended for occupancy for one or more persons for commercial, professional or institutional purposes, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Familial status means one or more individuals who have not attained the age of 18 years being domiciled with:

- (1) a parent or another person having legal custody of such individual; or
- (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Handicap means a physical or mental impairment which substantially limits one or more of a person's major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation or occupying the dwelling in question. For purposes of this article, the term "handicap" does not include current, illegal use of or addiction to, a controlled substance as such term is defined by R.S.Mo Section 195.010; however a person may be considered handicapped if that person:

- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
- (2) Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
- (3) Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

Housing for older persons means housing:

- (1) Provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
- (2) Intended for, and solely occupied by, persons 62 years of age or older; or
- (3) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

Investigator means a staff member of the department of community services designated by the City to investigate housing complaints and coordinate all activities up to, and including, the consummation of the settlement and conciliation process and to make referrals to the appropriate agencies.

Records means any written, printed, taped, photographic, stenographic, microfilmed, computerized or other form or document used in the storage of information.

Rent means to lease, sublease, let and otherwise grant for consideration the right to occupy premises not owned by the occupant.

Respondent means any person who is alleged to have engaged in an unlawful discriminatory housing practice in a complaint filed with the investigator.

Settlement and conciliation agreement means a written agreement between the complainant and the respondent resolving the dispute outlined in the complaint and setting forth remedies for relief.

Unlawful discriminatory practice means any act that is unlawful under this article. (Code 1969, Sec. 16-172, G.O. 1237, 11-7-94; G.O. 1529, 6-30-97; 1544, 8-11-97)

Sec. 18-27. Powers and duties of investigator.

(a) The investigator shall have the authority to receive, investigate and consider complaints alleging discrimination in housing within the city because of race, color, religion, sex, national origin, age, handicap or familial status.

(b) Any person who claims to have been aggrieved by an unlawful discriminatory practice referred to in subsection (a) above may file a complaint with the investigator as follows:

- (1) *Complaints; form, content, filing.*

- a. A complaint must be made in writing and must contain the following information:

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- i. the name and address of the complainant;
 - ii. the name and address of the respondent, if known;
 - iii. a statement of the facts on which the allegation of an unlawful discriminatory housing practice is based;
 - iv. the latest date on which the alleged unlawful discriminatory housing practice occurred, or a statement that the unlawful discriminatory housing practice is presently continuing;
 - v. a verification statement in which the complainant states that the information contained in the complaint is true, or that the complainant believes the information contained in the complaint is true; and
 - vi. the complainant's signature.
- b. A complaint must be filed within 180 days after the date on which the alleged unlawful discriminatory housing practice occurred. In the case of an alleged unlawful discriminatory housing practice which is continuous, the complaint must be filed within 180 days after the last day on which the alleged unlawful discriminatory housing practice took place.
- c. A complaint must be recorded on a form provided by the investigator. The complaint shall be considered filed on the date received by the investigator.
- d. Upon the investigator's receipt of a complaint, the investigator shall, within ten calendar days, furnish a copy of the complaint to the respondent.
- corrections being made by the amendment.
- c. Amendments will be considered filed with the investigator when they are received by the investigator.
- d. Within ten days after the filing of an amendment, the investigator shall notify the original respondent(s) of the filing and provide each respondent with a copy of the amendment. Each respondent shall be given an appropriate amount of time to respond to the amendment.
- e. If the amendment includes new respondents, within ten days after the amendment is filed, each new respondent shall be notified of the filing of the complaint and the amendment and shall be given the same opportunity to answer the complaint as was provided to the original respondent(s) after the filing of the original complaint.
- f. All claims asserted in an amendment are deemed to have been made at the time the original complaint was filed. All new respondents named in an amendment are deemed to have been named at the time the original complaint was filed.
- (3) *Withdrawal of Complaint.* A complaint shall be withdrawn only upon the written request of the complainant. The reasons for the withdrawal shall be stated within the request. When a case is withdrawn, it shall be without prejudice to the rights of the complainant.
- (4) *Settlements and conciliation agreements.*

(2) *Amendments to Complaint.*

- a. A complaint may be amended by the complainant to correct typographical errors and errors of fact, to clarify and amplify allegations contained in the complaint, to add other allegations of unlawful discriminatory housing practices related to, or growing out of, the subject matter of the original complaint and to add the names of respondents discovered during the course of processing the complaint. Amendments must be filed on forms provided by the investigator.
 - b. Amendments need not contain a restatement of the entire text of the original complaint, but may adopt the original complaint by reference and include a statement of the additions or
- a. After the filing of any complaint, the investigator shall promptly investigate the complaint and, if it is determined after the investigation that probable cause exists for crediting the allegations contained in the complaint, the investigator shall immediately endeavor to eliminate the unlawful discriminatory housing practice complained of by conference, conciliation and persuasion.
 - b. Any and all discussions regarding the potential for entering into a settlement and conciliation agreement shall be engaged in only after the respondent is given the opportunity to present his or her version of the facts. Such an agreement shall be presented to the respondent as an option to be considered.
 - c. Any or all parties to a complaint, including the investigator, may agree to

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resolve a complaint at any time. The investigator shall consider a complaint resolved and shall close his/her processing of the complaint if:

- i. the terms of the agreement are reduced to writing;
 - ii. all parties to the agreement have executed the same; and
 - iii. the investigator is a party to the agreement.
- d. If a complainant and a respondent agree to resolve a complaint without including the investigator as a party to the agreement, the investigator shall continue to process the complaint unless:
- i. the investigator determines that the terms of the agreement are consistent with its goals and purposes; or
 - ii. the complainant withdraws the complaint.
- e. In a complaint involving multiple complainants or multiple respondents, any one or more complainants may agree to resolve the complaint with any one or more respondents. If such an agreement is reached between some, but not all, of the complainants and respondents, and if the investigator is a party to the agreement, the investigator shall consider the complaint resolved and shall close its proceedings of the complaint as it concerns the differences and allegations between the parties to the agreement. The investigator shall continue to process the complaint as it concerns differences and allegations between parties who have not reached an agreement.

(Code 1969, § 16-173; G.O. 1237, 11-7-94; G.O. 1529, 6-30-97; G.O. 1544, 8-11-97)

Secs. 18-28--18-50. Reserved.

DIVISION 2. FAIR HOUSING*

Sec. 18-51. Discrimination prohibited.

(a) *Discrimination in the sale or rental of housing and other prohibited practices.* It shall be an unlawful discriminatory practice and in violation of this division for any person to:

- (1) Refuse to sell or rent after the making of a bona fide offer and refuse to negotiate for the sale or rental of or to deny, or otherwise make unavailable, a dwelling to any person

because of race, color, religion, sex, national origin, handicap or familial status.

- (2) Discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, handicap or familial status.
- (3) Make, print or publish or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation or discrimination based on race, color, religion, sex, national origin, handicap or familial status, or an intention to make any such preference, limitation or discrimination.
- (4) Represent to any person because of race, color, religion, sex, national origin, handicap or familial status that a dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

*State law reference(s)--Fair housing, RSMo 213.040 et seq.

- (5) Induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, handicap or familial status.
- (6) Discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. Any person residing in, or intending to reside in, that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
- (7) Discriminate against any person in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - a. That person;
 - b. Any person residing in, or intending to reside in, that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.

(b) *Discrimination in commercial real estate loans prohibited.* It shall be unlawful and in violation of this division for any bank, building and

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loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, sex, national origin, handicap or familial status of such person or of any person associated with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

(c) *Discrimination in selling or renting by real estate agencies prohibited.* It shall be unlawful and in violation of this division to deny any person, who is otherwise qualified, access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, sex, national origin, handicap or familial status.

(d) For purposes of this division, handicap discrimination includes:

- (1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied, or to be occupied, by such person if such modifications are necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- (2) A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
- (3) In connection with the design and construction of covered multi-family dwellings, as defined in Section 18-26 "covered multi-family dwelling", for first occupancy after March 13, 1991, (the date that is 30 months after the date of enactment of the Fair Housing

Amendments of 1988), a failure to design and construct those dwellings in such a manner that:

- a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
- b. All doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- c. All premises within such dwellings contain the following features of adaptive design:
 - i. An accessible route into and through the dwelling;
 - ii. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - iii. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and useability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Section 18-51(d)(3)[a]. (Code 1969, Sec. 16-177; G.O. 1237, 11-7-94; G.O. 1529, 6-30-97)

State law reference(s)--Unlawful housing practices, RSMo 213.040; Discrimination in commercial real estate loans, RSMo 213.045; Discrimination by real estate agencies, RSMo 213.050.

Sec. 18-52. Exemptions.

(a) The sale or rental of any single-family house by a private individual owner shall be exempt from the operation of this division, if the following conditions are met:

- (1) The private individual owner does not own, or have any interest in, more than three such single-family houses at any one time; and
- (2) The house is sold or rented without the use of a real estate broker, agent or salesperson, or the facilities of any person in the business of selling or renting dwellings, and without publication, posting or mailing of any advertisement (provided nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstracters, title

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companies and other such professional assistance necessary to perfect or transfer the title). If the owner selling the house does not reside in it at the time of the sale, or was not the most recent resident of the house prior to such sale, the exemption in this subsection applies to only one such sale in any 24-month period.

(b) Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence, shall be exempt from the operation of this division.

(c) Nothing in this division shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with, a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings, which it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or natural origin.

(d) Nothing in this division shall prohibit a private club, not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members, or from giving preference to its members.

(e) Nothing in this division shall limit the applicability or enforcement of the minimum housing code, Chapter 7, Section 7-324. Owners and managers of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit, so long as the standards do not violate local, state or federal restrictions.

(f) Nothing in this division shall prohibit the lease, application or similar document from requiring information concerning the number, ages, sex and familial relationship of the applicants and the intended occupants of the dwelling. The owner or manager may consider these factors in determining payment of utilities. The application may also require disclosure by the applicant of the conviction of any intended occupant for violating any laws pertaining to the illegal manufacture or distribution of a controlled substance as defined by law.

(g) Nothing in this division shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy

would result in substantial physical damage to the property of others.

(h) The provisions hereunder, with respect to discrimination based on sex or familial status, do not apply to the rental or leasing of dwellings in a single-sex dormitory property.

(i) Nothing in this division shall be construed as a failure to meet the requirements for housing for older persons if:

- (1) New occupants of such housing meet the age requirements set forth in the definition of "housing for older persons" in Section 18-26; or
- (2) Unoccupied units are reserved for occupancy by persons who meet the age requirements set forth in the definition of "housing for older persons" in Section 18-26.

(j) Nothing in this section regarding familial status shall apply to housing for older persons. (Code 1969, § 16-178; G.O. 1237, 11-7-94; G.O. 1529, 6-30-97)

Sec. 18-53. Penalty for violation.

Any person found in violation of Section 18-51 shall be subject to the methods of enforcement enumerated in Section 18-27. If a settlement and conciliation conference does not result in the execution of a settlement and conciliation agreement, then the matter shall be sent to the appropriate agency for further processing. (Code 1969, § 16-179; G.O. 1237, 11-7-94; G.O. 1529, 6-30-97)

Secs. 18-54--18-75. Reserved.

DIVISION 3. MISCELLANEOUS

Sec. 18-76. Additional considerations.

It shall be unlawful:

- (1) To aid, abet, incite, compel or coerce the commission of acts prohibited under this article or to attempt to do so.
- (2) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this article or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this article.

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- (3) For the city to discriminate on the basis of race, color, religion, sex, national origin or handicap as it relates to public accommodations; race, color, religion, sex, national origin, handicap or age, as it relates to employment; or race, color, religion, sex, national origin, handicap or familial status as it relates to housing.
- (4) To discriminate in any manner against any other person because of such person's association with any person protected by this article.

(Code 1969, Sec. 16-184; G.O. 1237, 11-7-94; G.O. 1529, 6-30-97)