

CHAPTER 93: FAIR HOUSING

Section

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§ 93.01 UNLAWFUL HOUSING PRACTICES.

(A) It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status;

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status;

(3) To 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, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status;

(6) To 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) A 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) To discriminate against any person in the terms, conditions, or privileges of 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) A 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) For purposes of §§ 93.01 to 93.03, **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 may be 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; and

(3) In connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, 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 the 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:

1. An accessible route into and through the dwelling;

2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
3. Reinforcements in bathroom walls to allow later installation of grab bars; and
4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(C) As used in division (B)(3) above, the term ***COVERED MULTI-FAMILY DWELLING*** means:

- (1) Buildings consisting of four or more units if such buildings have one or more elevators; and
- (2) Ground floor units in other buildings consisting of four or more units.

(D) Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of division (B)(3)(a) above.
(Prior Code, § 220.010) Penalty, see § 10.99

§ 93.02 DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS.

It shall be unlawful for any bank, building and 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 because of race, color, religion, national origin, ancestry, sex, handicap, or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him or her in 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, national origin, ancestry, sex, 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 of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

(Prior Code, § 220.020) Penalty, see § 10.99

§ 93.03 DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED.

It shall be unlawful to deny any person 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, national origin, ancestry, sex, handicap, or familial status.

(Prior Code, § 220.030) Penalty, see § 10.99

§ 93.04 DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS.

(A) All persons within the city are free and equal and shall be entitled to the full and equal use and enjoyment within this state of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.

(B) It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from, or deny any other person, or to attempt to refuse, withhold from, or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in state statutes, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.

(C) The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association, or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in state statutes.

(Prior Code, § 220.040) Penalty, see § 10.99

§ 93.05 ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES.

It shall be an unlawful discriminatory practice:

(A) To aid, abet, incite, compel, or coerce the commission of acts prohibited under this chapter or to attempt to do so;

(B) To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this chapter 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 chapter;

(C) For the city to discriminate on the basis of race, color, religion, national origin, sex, ancestry, or age, as it relates to employment, handicap, or familial status as it relates to housing; or

(D) To discriminate in any manner against any other person because of such person's association with any person protected by this chapter.

(Prior Code, § 220.050) Penalty, see § 10.99

§ 93.06 EXEMPTIONS.

(A) Nothing in this chapter shall be construed to:

(1) Require the Commission to review or approve the plans, designs, or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of § 93.01(B)(3); and

(2) To invalidate or limit any law of the state or of the city that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this chapter.

(B) Nothing in §§ 93.01 to 93.03:

(1) Requires 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;

(2) Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said sections regarding familial status apply with respect to housing for older persons; or

(3) Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by RSMo. § 195.010.

(C) Nothing in this chapter 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 national origin. Nor shall anything in this chapter 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.

(D) Nothing in this chapter, other than the prohibitions against discriminatory advertising in § 93.01(A)(3), shall apply to:

(1) The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:

(a) The private individual owner does not own or have any interest in more than three single-family houses at any one time; and

(b) 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. 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 section applies to only one such sale in any 24-month period.

(2) 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.

(Prior Code, § 220.060)