BILL NO. **2020-1960** ORDINANCE NO. **2020-1914**

AN ORDINANCE AMENDING THE FRONTENAC CODE OF ORDINANCES TO PROHIBIT DISCRIMINATION IN HOUSING PRACTICES.

WHEREAS, the Board of Aldermen finds and believes that it is important for the City of Frontenac to affirmatively support and promote programs designed to assure safe housing, lift people from cycles of poverty and to assure people they will not suffer from discrimination in seeking safe and suitable housing for themselves and their families.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FRONTENAC, MISSOURI, AS FOLLOWS:

SECTION 1.

Title II of the Code of Ordinances of the City of Frontenac, Missouri, is hereby amended by the adoption of one new Chapter consisting of three new Articles and twelve new Sections, initially to be designated as Chapter 260, Articles I, II and III and Sections 260.010 through 260.120, to read as follows:

Chapter 260. Fair Housing

Article I. In General

Section 260.010. Definitions.

As used in this Chapter, the following terms shall mean:

BECAUSE or BECAUSE OF - As it relates to an adverse decision or action, the protected criterion which was the motivating factor.

COMMISSION - The City of Frontenac Commission on Human Rights.

COMPLAINANT - A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY - A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, 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 Chapter, the

term *"disability"* does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability 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.

DISCRIMINATION - Conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability or familial status as it relates to housing.

DWELLING - Any building, structure or portion thereof located within the City which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families 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 -

1. One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
   a. A parent or another person having legal custody of such individual; or
   b. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
2. The protection afforded against discrimination because 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 eighteen (18) years.

HOUSING FOR OLDER PERSONS - Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

a. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

b. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and

c. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON - Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

RENT - Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

UNLAWFUL DISCRIMINATORY PRACTICE - Any act that is unlawful under this Chapter.

Article II. Commission on Human Rights

Section 260.020. Commission on Human Rights Created.

A. There is hereby created a Commission on Human Rights.

B. The function of the Commission shall be to encourage fair treatment for and to foster mutual understanding and respect among and to discourage discrimination against any racial, ethnic, religious or other group protected by this Chapter, members of these groups or disabled persons.

Section 260.030. Appointment of Members.

The Mayor, with the approval of a majority of the Board of Aldermen, shall appoint from among the members of the Board of Aldermen three (3) persons to serve on the Commission on Human Rights. The City Clerk/Administrator shall also be a member.

Section 260.040. Meetings — Records.

A. The Commission may provide such rules and regulations as it may deem necessary to carry out the provisions of this Chapter. The Commission may by rule establish a regular meeting time and procedures for giving notice of its meetings and shall file these regulations in the office of the City Clerk/Administrator. The Commission shall have the authority to call special meetings as it deems necessary.

B. The Commission may adopt rules for the transaction of business and keep a record of its proceedings.

Section 260.050. Conflict of Interest.

No member shall hear, discuss with other members of the Commission or act on any item which would constitute a conflict of interest for that member as established in Sections 105.450 et seq., RSMo.

Section 260.060. Functions, Powers and Duties.

A. The Commission shall have the following functions, powers and duties:

1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.

6. To cooperate with other organizations, private and public, to discourage discrimination.
7. To advise the Board of Aldermen on human rights issues.
8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the City.
10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

Article III. Discriminatory Practices

Section 260.070. 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, disability 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, disability 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 because of race, color, religion, national origin, ancestry, sex, disability 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, disability 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 because of a particular race, color, religion, national origin, ancestry, sex, disability 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 disability 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 disability 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 Sections 260.070, 260.080 and 260.090, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, 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; or

3. In connection with the design and construction of covered multi-family dwellings for first (1st) 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 persons with a disability;

b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to

allow passage by persons with a disability 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 Subdivision (3) of Subsection **(B)** of this Section, the term *"covered multi-family dwelling"* means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

Section 260.080. 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, disability 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/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, disability or familial status of such person or of any person associated with him/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.

Section 260.090. 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 because of race, color, religion, national origin, ancestry, sex, disability or familial status.

Section 260.100. Discrimination in Public Accommodations Prohibited — Exceptions.

A. All persons within the City of Frontenac 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 because of race, color, religion, national origin, sex, ancestry or disability.

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 Section 213.010, RSMo., and this Section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, ancestry or disability.

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 Section 213.010, RSMo., and this Section.

Section 260.110. Additional Unlawful Discriminatory Practices.

A. It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter 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 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;

3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or

4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

Section 260.120. Exemptions.

A. Nothing in this Chapter shall be construed 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 persons with disabilities greater access than is required by this Chapter.

B. Nothing in Sections 260.070, 260.080 and 260.090:

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.

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 Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit 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 Subsection (A)(3) of Section 260.070, 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 (3) 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 (1) such sale in any twenty-four (24) month period; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

SECTION TWO.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION THREE.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

SECTION FOUR.

This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF FRONTENAC, MISSOURI, THIS 14TH DAY OF MAY 2020.

Kate Hatfield
Presiding Officer

Leesa Ross
Leesa Ross, City Clerk

APPROVED THIS 14TH DAY OF MAY 2020.

Kate Hatfield
Kate Hatfield, Mayor

Attest:

Leesa Ross
Leesa Ross, City Clerk