

AN ORDINANCE PROVIDING "FAIR HOUSING" FOR THE CITY OF NEOSHO, MISSOURI, DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

SECTION 1. Declaration of Policy

The City Council of the City of Neosho hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to see, purchase, lease, rent, or obtain real property without regard to race, sex, color, national origin, ancestry, religion or religious affiliation, handicap, and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the City of Neosho, Missouri, for the protection of the public welfare, prosperity, health, and peace of the people of Neosho, Missouri.

Section 2. Definitions

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein unless the context otherwise indicates.

- a. Person shall include any individual, firm, partnership, or corporation.
- b. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Neosho, Missouri.
- c. Discriminate shall mean distinctions in treatment because of race, sex, color, religion or religious affiliation, handicap, familial status, or national origin of any person.

Section 3. Discriminatory Practices

It shall be a discriminatory practice and a violation of this ordinance for any person to:

- a. Refuse to sell or rent after the making of a bona fide offer, or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion or religious affiliation, or national origin of any person.
- b. 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, sex, color, religion or religious affiliation, or national origin.

- c. 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, sex, color, religion or religious affiliation, or national origin, or an intention to make any such preference, limitation, or discrimination.
- d. Represent to any person because of race, sex, color, religion or religious affiliation, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- e. For profit 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, sex, color, religion or religious affiliation, or national origin.
- f. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwellings with four (4) or more units to meet certain adaptability and accessibility requirements.
- g. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

Section 4. Discrimination in the Financing of a House

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 to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion or religious affiliation, handicap, familial status, or national origin of such person or of any person therein associated in connection with such financing.

Section 5. Administration

- a. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.

- b. Every complaint of a violation of this ordinance shall be referred to a Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- c. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney.

Section 6. Enforcement

- a. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred dollars (\$200.00), or by confinement in the City jail for not more than thirty (30) days, or both such fine and imprisonment.
- b. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

Section 7. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

Section 8. Savings Clause

This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Neosho existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

Section 9.

Ordinance No. 977 is hereby repealed. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Neosho, Missouri, as an addition or amendment, thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

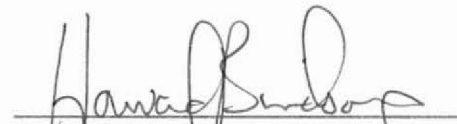
This ordinance shall be in full force and effect 15 days following final passage and approval.

APPROVED after final passage this 20th day of December, 1994.

ATTEST:

CITY COUNCIL, CITY OF NEOSHO


James E. Haddock, City Clerk


Howard Birdsong, Mayor

APPROVED:


Greg Bridges, City Attorney