

BILL NO. 992ORDINANCE NO. 977

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 CITY COUNCIL OF THE CITY OF NEOSHO, MISSOURI, AS FOLLOWS:

SECTION I - 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 sell, purchase, lease, rent or obtain real property without regard to race, sex, color, religion, national origin or ancestry. 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.

SECTION II- 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 national origin of any person.

SECTION III - 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 to 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 national origin.
- 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 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 national origin, or an intention to make any such preference, limitation, or discriminations.
- d. Represent to any person because of race, sex, color, religion, 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 or a person or persons of a particular race, sex, color, religion, or national origin.

SECTION IV - 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 him in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, or national origin of such person or of any person associated with him in connection with such financing.

SECTION V - Exemptions

The provisions of this ordinance, and particularly Section III herein, shall not apply to the following:

- a. A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the owner or members of his family reside in such dwelling unit.
- b. A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or members of his family reside therein.
- c. Any single family house sold or rented by an owner provided that such house is sold or rented:
 - (1) Without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and
 - (2) Without the publication, posting or mailing of any advertisement in violation of Section III c of this ordinance,

provided, however, that:

- (1) nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
 - (2) that any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single family houses at any one time.
- d. For the purposes of subsection v c , a person shall be in the business of selling or renting dwelling if:
 - (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

SECTION VI. - 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 the 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 a 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 VII. - 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 by 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 VIII. 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 IX - 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 X - This ordinance shall be in full force and effect 15 days following final passage and approval.

ATTEST:

Dele M. Martin
City Clerk

[Signature]
Mayor

APPROVED after passage this 6th day of December, 1977.

ATTEST:

Dele M. Martin City Clerk

[Signature]
Mayor