

**AN ORDINANCE OF THE CITY OF PEVELY, MISSOURI DEFINES
DISCRIMINATORY HOUSING PRACTICES AND CREATES A FAIR
HOUSING COMMITTEE**

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

SECTION 1. – DECLARATION OF POLICY

The City Council of the City of Pevely 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, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of Pevely for the protection of the public welfare, prosperity, health, and peace of the people of Pevely, 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 and person who is attempting to provide housing for himself and/or his family in the City of Pevely, Missouri
- c. **Discriminate** shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

SECTION 3. – DISCRIMANTORY PRACTICES

It shall be a discriminatory practice and a violation of the 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 rase, color, religion, sex, handicap, familial status, or national origin of any person.
- b. Discriminate against any person in the terms, conditions, or privileges or sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status, 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, color, religion, sex, handicap, familial stats, or national origin, or an intention to make any such preference, limitation, or discrimination.
- d. Represent to any person because of race, color, religion, sex, handicap, familial status, 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 person of a particular race, color, religion, sex, handicap, familial status, or national origin.

- f. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 804 of the 1988 Fair Housing Amendments Act.
- g. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children exempting certain types of buildings that house older persons (e.g. Section 202 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

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 of 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, color, religion, sex, 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 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 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 to prosecute in Municipal Court on said complaint shall be left to the City Attorney.
- d. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U. S. Department of Housing and Urban Development, as specified under Section 810 of the Fair Housing Act as

amended effective March 12, 1989, or through the Missouri Commission on Human Rights, as specified in applicable state statutes.

SECTION 6. – ENFORCEMENT

- a. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of (not more than) \$500.00, or by confinement in the City Jail for (not more than) 90 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. – SAVIND CLAUSE


This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Pevely 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.

Read two times, passed, approved, and adopted by the City Council of the City of Pevely, Missouri, this 2 Day of October, 2023.

ATTEST:



Ashton Cooke
City Clerk of Pevely, MO



Stephanie M. Haas
Mayor of Pevely, MO

APPROVED AS TO FORM:



City Attorney Allison Sweeney

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**To Put Bill #2023/108 on its 1st reading
By Caption:**

Motioned: DON MENKHUS
Seconded: TRAVIS DITTMANN

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	—
Menkhkus	✓	—
Yount	✓	—
Markus	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: _____

**To Accept Bill #2023/108 on its 1st
Reading by Caption:**

Motioned: RICK YOUNT
Seconded: TYLER LEEDER

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	—
Menkhkus	✓	—
Yount	✓	—
Markus	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: _____

**To Put Bill #2023/108 on its 2nd Reading
2nd
By Caption:**

Motioned: STEVE MARKUS
Seconded: DON MENKHUS

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	—
Menkhkus	✓	—
Yount	✓	—
Markus	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: _____

**To Approve Bill #2023/108 on its
and Final Reading by Caption:**

Motioned: RICK YOUNT
Seconded: DON MENKHUS

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	—
Menkhkus	✓	—
Yount	✓	—
Markus	✓	—
Tucker	✓	—
Leeder	✓	—
Brooks	✓	—

Absent: _____