

SECOND REGULAR SESSION

# SENATE BILL NO. 605

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4558S.02I

## AN ACT

To repeal sections 213.010, 213.020, 213.030, 213.040, 213.041, 213.045, 213.050, 213.070, 213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, and to enact in lieu thereof twenty-eight new sections relating to unlawful discriminatory housing practices, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 213.010, 213.020, 213.030, 213.040, 213.041, 213.045, 213.050, 213.070, 213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 213.010, 213.020, 213.030, 213.070, 213.075, 213.077, 213.085, 213.095, 213.101, 213.111, 213.126, 213.135, 213.150, 213.151, 213.152, 213.155, 213.158, 213.161, 213.164, 213.167, 213.170, 213.173, 213.176, 213.179, 213.182, 213.185, 213.188, and 510.265, to read as follows:

213.010. As used in [this chapter] **sections 213.010 to 213.137**, the following terms shall mean:

(1) "Age", an age of forty or more years but less than seventy years, except that it shall not be an unlawful employment practice for an employer to require the compulsory retirement of any person who has attained the age of sixty-five and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan, or any combination of such plans, of the employer, which equals, in the aggregate, at least forty-four thousand

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 dollars;

12 (2) "Because" or "because of", as it relates to the adverse decision or  
13 action, the protected criterion was the motivating factor;

14 (3) "Commission", the Missouri commission on human rights;

15 (4) "Complainant", a person who has filed a complaint with the  
16 commission alleging that another person has engaged in a prohibited  
17 discriminatory practice;

18 (5) "Disability", a physical or mental impairment which substantially  
19 limits one or more of a person's major life activities, being regarded as having  
20 such an impairment, or a record of having such an impairment, which with or  
21 without reasonable accommodation does not interfere with performing the job[,]  
22 **or** utilizing the place of public accommodation[, or occupying the dwelling in  
23 question. For purposes of this chapter,]. The term "disability" does not include  
24 current, illegal use of or addiction to, a controlled substance as such term is  
25 defined by section 195.010; however, a person may be considered to have a  
26 disability if that person:

27 (a) Has successfully completed a supervised drug rehabilitation program  
28 and is no longer engaging in the illegal use of, and is not currently addicted to,  
29 a controlled substance or has otherwise been rehabilitated successfully and is no  
30 longer engaging in such use and is not currently addicted;

31 (b) Is participating in a supervised rehabilitation program and is no  
32 longer engaging in illegal use of controlled substances; or

33 (c) Is erroneously regarded as currently illegally using, or being addicted  
34 to, a controlled substance;

35 (6) "Discrimination", conduct proscribed herein, taken because of race,  
36 color, religion, national origin, ancestry, sex, or age as it relates to employment,  
37 **or** disability[, or familial status as it relates to housing];

38 (7) ["Dwelling", any building, structure or portion thereof which is  
39 occupied as, or designed or intended for occupancy as, a residence by one or more  
40 families, and any vacant land which is offered for sale or lease for the  
41 construction or location thereon of any such building, structure or portion thereof;

42 (8) "Employer", a person engaged in an industry affecting commerce who  
43 has six or more employees for each working day in each of twenty or more  
44 calendar weeks in the current or preceding calendar year, and shall include the  
45 state, or any political or civil subdivision thereof, or any person employing six or  
46 more persons within the state but does not include corporations and associations

47 owned or operated by religious or sectarian organizations. "Employer" shall not  
48 include:

49 (a) The United States;

50 (b) A corporation wholly owned by the government of the United States;

51 (c) An individual employed by an employer;

52 (d) An Indian tribe;

53 (e) Any department or agency of the District of Columbia subject by  
54 statute to procedures of the competitive service, as defined in 5 U.S.C. Section  
55 2101; or

56 (f) A bona fide private membership club, other than a labor organization,  
57 that is exempt from taxation under 26 U.S.C. Section 501(c);

58 [(9)] (8) "Employment agency" includes any person or agency, public or  
59 private, regularly undertaking with or without compensation to procure  
60 employees for an employer or to procure for employees opportunities to work for  
61 an employer;

62 [(10)] (9) "Executive director", the executive director of the Missouri  
63 commission on human rights;

64 [(11)] "Familial status", one or more individuals who have not attained the  
65 age of eighteen years being domiciled with:

66 (a) A parent or another person having legal custody of such individual; or

67 (b) The designee of such parent or other person having such custody, with  
68 the written permission of such parent or other person. The protections afforded  
69 against discrimination because of familial status shall apply to any person who  
70 is pregnant or is in the process of securing legal custody of any individual who  
71 has not attained the age of eighteen years;

72 [(12)] (10) "Human rights fund", a fund established to receive civil  
73 penalties as required by federal regulations and as set forth by subdivision (2) of  
74 subsection 11 of section 213.075 **and subdivision (2) of subsection 11 of**  
75 **section 213.167**, and which will be disbursed to offset additional expenses  
76 related to compliance with the Department of Housing and Urban Development  
77 regulations;

78 [(13)] (11) "Labor organization" includes any organization which exists  
79 for the purpose, in whole or in part, of collective bargaining or of dealing with  
80 employers concerning grievances, terms or conditions of employment, or for other  
81 mutual aid or protection in relation to employment;

82 [(14)] (12) "Local commissions", any commission or agency established

83 prior to August 13, 1986, by an ordinance or order adopted by the governing body  
84 of any city, constitutional charter city, town, village, or county;

85       [(15)] **(13)** "Person" includes one or more individuals, corporations,  
86 partnerships, associations, organizations, labor organizations, legal  
87 representatives, mutual companies, joint stock companies, trusts, trustees,  
88 trustees in bankruptcy, receivers, fiduciaries, or other organized groups of  
89 persons;

90       [(16)] **(14)** "Places of public accommodation", all places or businesses  
91 offering or holding out to the general public, goods, services, privileges, facilities,  
92 advantages or accommodations for the peace, comfort, health, welfare and safety  
93 of the general public or such public places providing food, shelter, recreation and  
94 amusement, including, but not limited to:

95       (a) Any inn, hotel, motel, or other establishment which provides lodging  
96 to transient guests, other than an establishment located within a building which  
97 contains not more than five rooms for rent or hire and which is actually occupied  
98 by the proprietor of such establishment as his **or her** residence;

99       (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
100 other facility principally engaged in selling food for consumption on the premises,  
101 including, but not limited to, any such facility located on the premises of any  
102 retail establishment;

103       (c) Any gasoline station, including all facilities located on the premises of  
104 such gasoline station and made available to the patrons thereof;

105       (d) Any motion picture house, theater, concert hall, sports arena, stadium,  
106 or other place of exhibition or entertainment;

107       (e) Any public facility owned, operated, or managed by or on behalf of this  
108 state or any agency or subdivision thereof, or any public corporation; and any  
109 such facility supported in whole or in part by public funds;

110       (f) Any establishment which is physically located within the premises of  
111 any establishment otherwise covered by this section or within the premises of  
112 which is physically located any such covered establishment, and which holds itself  
113 out as serving patrons of such covered establishment;

114       [(17)] "Rent" includes to lease, to sublease, to let and otherwise to grant  
115 for consideration the right to occupy premises not owned by the occupant;

116       (18)] **(15)** "Respondent", a person who is alleged to have engaged in a  
117 prohibited discriminatory practice in a complaint filed with the commission;

118       [(19)] **(16)** "The motivating factor", the employee's protected classification

119 actually played a role in the adverse action or decision and had a determinative  
120 influence on the adverse decision or action;

121       [(20)] (17) "Unlawful discriminatory practice", any act that is unlawful  
122 under [this chapter] **sections 213.010 to 213.137**.

213.020. 1. There is hereby created a "Missouri Commission on Human  
2 Rights". It shall consist of eleven members, with no less than one from each of  
3 the congressional districts of this state, serving without compensation, to be  
4 appointed by the governor with the advice and consent of the senate. One of the  
5 members shall be appointed chairperson by the governor. Appointments to the  
6 commission shall be for a term of six years. No more than six members at any  
7 one time shall be members of the same political party. In the event of the death  
8 or resignation of any member, his **or her** successor shall be appointed to serve  
9 for the unexpired period of the term for which such member had been appointed.

10       2. [The] **A** function of the commission shall be to encourage fair treatment  
11 for and to foster mutual understanding and respect among, and to discourage  
12 discrimination **in employment and public accommodation** against, any  
13 racial, ethnic, religious or other group protected by [this chapter] **sections**  
14 **213.010 to 213.137**, members of these groups or persons with disabilities.

15       3. Any local commission created and established prior to August 13, 1986,  
16 by an ordinance adopted by the governing body of any city, constitutional charter  
17 city, town, village, or county, shall have the power and authority to seek to  
18 eliminate and prevent discrimination in employment[, housing,] and public  
19 accommodation, and to establish related programs, which shall be certified by the  
20 commission as substantially equivalent. The power and authority of such  
21 commissions to initiate and pursue administrative proceedings and remedies shall  
22 be solely as provided in section 213.135.

213.030. 1. The powers and duties of the commission shall be:

2       (1) To seek to eliminate and prevent discrimination **in employment and**  
3 **in places of public accommodation** because of race, color, religion, national  
4 origin, ancestry, sex, age as it relates to employment, **or** disability[, or familial  
5 status as it relates to housing] and to take other actions against discrimination  
6 because of race, color, religion, national origin, ancestry, sex, age, **or** disability[,  
7 or familial status as provided by law; and]. The commission is hereby given  
8 general jurisdiction and power for such purposes;

9       (2) To implement the purposes of this chapter first by conference,  
10 conciliation and persuasion so that persons may be guaranteed their civil rights

11 and goodwill be fostered;

12 (3) To formulate policies to implement the purposes of this chapter and  
13 to make recommendations to agencies and officers of the state and political  
14 subdivisions in aid of such policies and purposes;

15 (4) To appoint such employees as it may deem necessary, fix their  
16 compensation within the appropriations provided and in accordance with the  
17 wage structure established for other state agencies, and prescribe their duties;

18 (5) To obtain upon request and utilize the services of all governmental  
19 departments and agencies to be paid from appropriations to this commission;

20 (6) To adopt, promulgate, amend, and rescind suitable rules and  
21 regulations to carry out the provisions of this chapter and the policies and  
22 practices of the commission in connection therewith;

23 (7) To receive, investigate, initiate, and pass upon complaints alleging  
24 discrimination in employment[, housing] or in places of public accommodations  
25 because of race, color, religion, national origin, ancestry, sex, age as it relates to  
26 employment, **or** disability, [or familial status as it relates to housing] and to  
27 require the production for examination of any books, papers, records, or other  
28 materials relating to any matter under investigation;

29 (8) To hold hearings, subpoena witnesses, compel their attendance,  
30 administer oaths, to take the testimony of any person under oath, and, in  
31 connection therewith, to require the production for examination of any books,  
32 papers or other materials relating to any matter under investigation or in  
33 question before the commission;

34 (9) To issue publications and the results of studies and research which  
35 will tend to promote goodwill and minimize or eliminate discrimination in  
36 [housing,] employment or in places of public accommodation because of race,  
37 color, religion, national origin, ancestry, sex, age as it relates to employment, **or**  
38 disability[, or familial status as it relates to housing];

39 (10) To provide each year to the governor and to the general assembly a  
40 full written report of all its activities and of its recommendations;

41 (11) To adopt an official seal;

42 (12) To cooperate, act jointly, enter into cooperative or work-sharing  
43 agreements with the United States Equal Employment Opportunity Commission,  
44 the United States Department of Housing and Urban Development, and other  
45 federal agencies and local commissions or agencies to achieve the purposes of this  
46 chapter;

47 (13) To accept grants, private gifts, bequests, and establish funds to  
48 dispose of such moneys so long as the conditions of the grant, gift, or bequest are  
49 not inconsistent with the purposes of this chapter and are used to achieve the  
50 purposes of this chapter;

51 (14) To establish a human rights fund as defined in section 213.010, for  
52 the purposes of administering sections [213.040, 213.045, 213.050,] 213.070,  
53 213.075, [and] 213.076, **213.152, 213.158, 213.161, and 213.164.**

54 2. No rule or portion of a rule promulgated under the authority of this  
55 chapter shall become effective unless it has been promulgated pursuant to the  
56 provisions of section 536.024.

213.070. 1. It shall be an unlawful discriminatory practice for an  
2 employer, employment agency, labor organization, or place of public  
3 accommodation:

4 (1) To aid, abet, incite, compel, or coerce the commission of acts prohibited  
5 under [this chapter] **sections 213.010 to 213.137**, or to attempt to do so;

6 (2) To retaliate or discriminate in any manner against any other person  
7 because such person has opposed any practice prohibited by [this chapter]  
8 **sections 213.010 to 213.137**, or because such person has filed a complaint,  
9 testified, assisted, or participated in any manner in any investigation, proceeding  
10 or hearing conducted pursuant to [this chapter] **sections 213.075 to 213.135**;

11 (3) For the state or any political subdivision of this state to discriminate  
12 on the basis of race, color, religion, national origin, sex, ancestry, age, as it  
13 relates to employment, **or** disability[, or familial status as it relates to housing];  
14 or

15 (4) To discriminate in any manner against any other person because of  
16 such person's association with any person protected by [this chapter] **sections**  
17 **213.010 to 213.137.**

18 2. [This chapter] **Sections 213.010 to 213.137**, in addition to chapter  
19 285 and chapter 287, shall provide the exclusive remedy for any and all claims  
20 for injury or damages arising out of an employment relationship.

213.075. 1. As a jurisdictional condition precedent to filing a civil action  
2 under [this chapter] **sections 213.010 to 213.137**, any person claiming to be  
3 aggrieved by an unlawful discriminatory practice shall make, sign and file with  
4 the commission a verified complaint in writing, within one hundred eighty days  
5 of the alleged act of discrimination, which shall state the name and address of the  
6 employer, employment agency, labor organization, or place of public

7 accommodation alleged to have committed the unlawful discriminatory practice  
8 and which shall set forth the particulars thereof and such other information as  
9 may be required by the commission. The complainant's agent, attorney or the  
10 attorney general may, in like manner, make, sign and file such complaint. The  
11 failure to timely file a complaint with the commission shall deprive the  
12 commission of jurisdiction to investigate the complaint. The commission shall  
13 make a determination as to its jurisdiction with respect to all  
14 complaints. Notwithstanding any other provision of [this chapter] **sections**  
15 **213.010 to 213.137** to the contrary, if a complaint is not filed with the  
16 commission within one hundred eighty days of the alleged act of discrimination,  
17 the commission shall lack jurisdiction to take any action on such a complaint  
18 other than to dismiss the complaint for lack of jurisdiction. The failure to timely  
19 file a complaint with the commission may be raised as a complete defense by a  
20 respondent or defendant at any time, either during the administrative  
21 proceedings before the commission, or in subsequent litigation, regardless of  
22 whether the commission has issued the person claiming to be aggrieved a letter  
23 indicating his or her right to bring a civil action and regardless of whether the  
24 employer asserted the defense before the commission.

25         2. Any complaint which is filed with the federal Equal Employment  
26 Opportunity Commission or other federal agencies with which the commission has  
27 a work-sharing or deferral agreement, or with a local commission which has been  
28 certified as substantially equivalent by the commission, shall be deemed filed  
29 with the commission on the date that such complaint is received by such federal  
30 agency or local commission. A copy of all complaints filed with a local commission  
31 with the authority to enforce the provisions of [this chapter is to] **sections**  
32 **213.010 to 213.137** shall be forwarded to the commission within seven days of  
33 the filing thereof with such local commission. If a local commission has  
34 jurisdiction to hear a complaint filed with the commission, such complaint shall  
35 be deemed to have been filed with the local commission on the date on which such  
36 complaint was filed with the commission. The commission shall, within seven  
37 days of the receipt of a complaint which a local commission has jurisdiction to  
38 hear, forward a copy thereof to such local commission.

39         3. After the filing of any complaint, the executive director shall, with the  
40 assistance of the commission's staff, promptly investigate the complaint, and if  
41 the director determines after the investigation that probable cause exists for  
42 crediting the allegations of the complaint, the executive director shall

43 immediately endeavor to eliminate the unlawful discriminatory practice  
44 complained of by conference, conciliation and persuasion, and shall report the  
45 results to the commission. The investigation, determination of probable cause  
46 and conciliation shall be conducted according to such rules, regulations and  
47 guidelines as the commission shall prescribe.

48         4. A person who is not named as a respondent in a complaint, but who is  
49 identified as a respondent in the course of investigation, may be joined as an  
50 additional or substitute respondent upon written notice, pursuant to such rules,  
51 regulations, and guidelines as the commission shall prescribe. Such notice, in  
52 addition to complying with the requirements of such rules, regulations, and  
53 guidelines, shall also state the reason why the person to whom the notice is  
54 addressed has been joined as a party.

55         5. In case of failure to eliminate such discriminatory practice as found in  
56 the investigation, if in the judgment of the chairperson of the commission  
57 circumstances so warrant, there shall be issued and served in the name of the  
58 commission, a written notice, together with a copy of the complaint, as it may  
59 have been amended, requiring the person named in the complaint, hereinafter  
60 referred to as "respondent", to answer the charges of the complaint at a hearing,  
61 at a time and place to be specified in the notice, before a panel of at least three  
62 members of the commission sitting as the commission or before a hearing  
63 examiner licensed to practice law in this state who shall be appointed by the  
64 executive director and approved by the commission. The place of the hearing  
65 shall be in the office of the commission or such other place designated by it,  
66 except that if the respondent so requests, in writing, the hearing shall be held in  
67 the county of such person's residence or business location at the time of the  
68 alleged unlawful discriminatory practice. A copy of the notice shall also be served  
69 on the complainants.

70         6. [In all cases where a written notice of hearing has been issued and a  
71 party has not elected the option to proceed in circuit court as set forth in section  
72 213.076, the procedures set forth for a hearing shall apply.

73         7.] The commission shall be a party to the action and shall be represented  
74 before the panel or the hearing examiner by the office of the attorney general or,  
75 when so delegated by the attorney general, a staff attorney of the  
76 commission. Neither the hearing examiner nor any member of the panel shall  
77 have participated in the investigation of the complaint. Evidence concerning  
78 endeavors at conciliation shall be excluded.

79 [8.] 7. The respondent may file a written verified answer to the complaint  
80 and appear at the hearing in person or otherwise with or without counsel, and  
81 submit testimony. At the discretion of the hearing examiner or the panel, the  
82 complainant may be allowed to intervene, thereby becoming a party to the action  
83 with the right to present testimony in person or by counsel, provided the  
84 complainant at all times shall be treated as a party for the purpose of discovery  
85 and the taking of depositions. The commission or complainant intervenor shall  
86 have the power to reasonably and fairly amend any complaint, and the  
87 respondent shall have like power to amend any answer. The testimony taken at  
88 the hearing shall be under oath and be transcribed.

89 [9.] 8. In any contested case before the commission, any party may take  
90 and use written interrogatories, requests for production of documents and other  
91 materials, and requests for admissions, and all other forms of discovery  
92 authorized by rules of civil procedure in the same manner, upon, and under the  
93 same conditions, and upon the same notice, as is or may hereafter be provided for  
94 with respect to the taking and using of written interrogatories, requests for  
95 production of documents and other materials, and requests for admissions, and  
96 all other forms of discovery authorized by rules of civil procedure in civil actions  
97 in the circuit court. The panel or hearing examiner shall have the authority to  
98 impose sanctions in the same manner as set forth in the rules of civil procedure.

99 [10.] 9. The hearing shall be conducted in the manner provided by  
100 chapter 536.

101 [11.] 10. When the case is heard by a panel of the commission, the  
102 chairperson of the commission shall select the hearing panel and the presiding  
103 officer. The presiding officer shall have full authority to call and examine  
104 witnesses, admit or exclude evidence and rule upon all motions and  
105 objections. The panel shall state its findings of fact and conclusions of law, and  
106 if, upon all the evidence at the hearing, the panel finds[:

107 (1) that a respondent has engaged in an unlawful discriminatory practice  
108 [as defined in this chapter], the commission shall issue and cause to be served on  
109 the respondent an order requiring the respondent to cease and desist from the  
110 unlawful discriminatory practice. The order shall require the respondent to take  
111 such affirmative action, as in the panel's judgment will implement the purposes  
112 of [this chapter] **sections 213.010 to 213.137**, including, but not limited to,  
113 payment of back pay; hiring; reinstatement or upgrading; restoration to  
114 membership in any respondent labor organization; [the extension of full, equal

115 and unsegregated housing;] the extension of full, equal and unsegregated public  
116 accommodations; [extension of a commercial real estate loan or other financial  
117 assistance; extension or restoration of membership or participation in any  
118 multiple listing service or other real estate service organization or facility;]  
119 payment of actual damages; and the submission of a report of the manner of  
120 compliance[;

121 (2) That a respondent has engaged or is about to engage in a violation of  
122 section 213.040, 213.045, 213.050, or 213.070, to the extent that the alleged  
123 violation of section 213.070 relates to or involves a violation of one or more of  
124 such other sections or relates to or involves the encouraging, aiding, or abetting  
125 of a violation of such other sections, the commission may, in addition to the relief  
126 provided in subdivision (1) of this subsection, assess a civil penalty against the  
127 respondent, for purposes of vindicating the public interest:

128 (a) In an amount not exceeding two thousand dollars if the respondent has  
129 not been adjudged to have violated one or more of the sections enumerated in  
130 subdivision (2) of this subsection within five years of the date of the filing of the  
131 complaint;

132 (b) In an amount not exceeding five thousand dollars if the respondent  
133 has been adjudged to have committed one violation of the sections enumerated in  
134 subdivision (2) of this subsection within five years of the date on which the  
135 complaint is filed;

136 (c) In an amount not exceeding ten thousand dollars if the respondent has  
137 been adjudged to have committed two or more prior violations of the sections  
138 enumerated in subdivision (2) of this subsection within seven years of the date  
139 on which the complaint is filed].

140 All civil penalties set forth in this subsection shall be paid to the human rights  
141 fund.

142 [12.] 11. If, upon all the evidence, the panel finds that a respondent has  
143 not engaged in any unlawful discriminatory practice, the panel shall state its  
144 findings of fact and conclusions of law and shall issue and cause to be served on  
145 the complainant and respondent an order dismissing the complaint.

146 [13.] 12. When the case is heard by a hearing examiner, the examiner  
147 shall have all powers described in subdivision (8) of **subsection 1 of** section  
148 213.030 and subsection [11] 10 of this section, for the purpose of the  
149 hearing. The hearing examiner shall make findings of fact and conclusions of law  
150 and shall recommend to the commission an order granting such relief as provided

151 in subsection [11] **10** of this section or dismissing the complaint as to the  
152 respondent as provided in subsection [12] **11** of this section, in accordance with  
153 such findings.

154 [14.] **13.** A panel of at least three members of the commission, sitting as  
155 the commission, shall review the record, findings and recommended order of the  
156 hearing examiner. The panel shall thereafter accept or amend the recommended  
157 order which shall become the order of the commission. All orders shall be served  
158 on the complainant and respondent, and copies shall be delivered to the attorney  
159 general and such other public officers as the commission deems proper.

160 [15.] **14.** No order of the commission issued pursuant to this section shall  
161 affect any contract, sale, encumbrance or lease consummated before the issuance  
162 of such order and involving a bona fide purchaser without actual notice of the  
163 charge filed pursuant to this section.

164 [16.] **15.** Any person aggrieved by an order of the commission may appeal  
165 as provided in chapter 536.

213.077. 1. During the period beginning with the filing of a complaint  
2 under section 213.075, and ending with the filing of a charge, setting of a  
3 complaint for hearing or dismissal of a complaint pursuant to the provisions of  
4 that section, the executive director and the commission staff shall, to the extent  
5 feasible, engage in settlement and/or conciliation with respect to the  
6 complaint. Any settlement and conciliation agreement negotiated during such  
7 period shall be an agreement between the complainant and respondent and shall  
8 be subject to approval by the executive director. Nothing said or done in the  
9 course of settlement or conciliation under this section shall be made public or  
10 used as evidence in any subsequent proceeding under [this chapter] **sections**  
11 **213.010 to 213.137**, without the written consent of the complainant and  
12 respondent.

13 2. If a complaint has been filed pursuant to section 213.055, 213.065 or  
14 213.070, alleging commission of an unlawful employment practice or  
15 discrimination in public accommodations:

16 (1) During investigation, the public shall not have access to records  
17 relating to the complaint, nor shall any information relating thereto be released  
18 to the public;

19 (2) During investigation, the complainant and respondent shall only have  
20 access to records they provided until the point at which disclosure is allowed at  
21 hearing, or if a request for civil action is made under section 213.111 for a right

22 to or other legal proceedings pursuant to federal, state or local discrimination  
23 laws that require disclosure;

24 (3) Settlement agreements, executed during investigation shall be  
25 disclosed to the public only by agreement of the complainant and respondent;

26 (4) After closure of a complaint, the public may only have access to the  
27 complaint and closure documents by agreement of the complainant and  
28 respondent;

29 (5) Excluding a finding of probable cause, after an investigation closure,  
30 the complainant and respondent may have access to the investigative file except  
31 for sensitive or confidential records and records relating to witnesses who have  
32 requested anonymity. With respect to records that the commission has obtained  
33 from other government agencies, the commission ~~[will]~~ **shall** observe any  
34 statutory confidentiality provisions imposed on the originating agencies;

35 (6) A conciliation agreement shall be disclosed to the public only by  
36 agreement of the complainant and respondent;

37 (7) After failure of conciliation attempts, the complainant and respondent  
38 may have access to copies of the investigative file, except for sensitive or  
39 confidential records and records relating to witnesses who have requested  
40 anonymity;

41 (8) To achieve the purposes of ~~[this chapter]~~ **sections 213.010 to**  
42 **213.137**, this subsection shall not apply to disclosure of information to  
43 representatives of interested federal, state or local civil or human rights agencies.

44 [3. If a complaint is filed alleging violation of section 213.040, 213.045,  
45 213.050, or 213.070, to the extent that the alleged violation of section 213.070  
46 relates to or involves violations of one or more of the other above enumerated  
47 sections or relates to or involves the encouraging, aiding or abetting of violation  
48 of such sections:

49 (1) The public, complainant and respondent shall have access to records  
50 relating to the complaint in the same manner as set forth in subdivisions (1), (2),  
51 (4), (5), (7), and (8) of subsection 2 of this section;

52 (2) Any settlement or conciliation agreement entered into by the  
53 complainant and respondent shall be made public unless the parties thereto  
54 otherwise agree and the executive director determines that disclosure is not  
55 required to further the purpose of this chapter.]

213.085. 1. All final decisions, settlement agreements, conciliation  
2 agreements, findings, rules and orders of the commission under any provision of

3 [this chapter] **sections 213.010 to 213.137** shall be in writing. Parties to  
4 proceedings shall each be sent a copy of the commission's decision and order in  
5 the proceedings.

6         2. Any person who is aggrieved by a final decision, finding, rule or order  
7 of the commission may obtain judicial review by filing a petition in the circuit  
8 court of the county of proper venue within thirty days after the mailing or  
9 delivery of the notice of the commission's final decision.

10         3. Judicial review shall be in the manner provided by chapter 536, as it  
11 may be amended or superseded from time to time. The venue of such cases shall,  
12 at the option of the appealing party, be in the circuit court of Cole County or in  
13 the county of the appealing party's residence, or if the appealing party is a  
14 corporation, domestic or foreign, having a registered office or business office in  
15 this state, in the county of its registered office or business office.

16         4. If no proceeding for review is instituted in the circuit court within the  
17 time herein prescribed, the commission may obtain an order in a proceeding  
18 brought in the circuit court of the county wherein the unlawful discriminatory  
19 practice which is the subject of the commission's order occurred, or the county  
20 wherein any person required in the order to cease and desist from an unlawful  
21 discriminatory practice, or to take other affirmative action, resides or conducts  
22 business. The record on the commission's petition for enforcement shall consist  
23 solely of duly certified records of the commission showing that it has jurisdiction  
24 over the respondent, that the procedure prescribed by this action has been  
25 complied with, and a certified copy of the commission's order with proof of service.  
26 On such a petition, the inquiry of the court shall be limited to a determination of  
27 whether the action of the commission is in excess of its statutory authority or  
28 jurisdiction and whether the respondent has substantially complied with the  
29 order of the commission.

30         5. Where no proceeding for judicial review is filed within the time  
31 established under subsection 3 of this section, and the commission has not filed  
32 a petition for enforcement of its order in the circuit court, any person entitled to  
33 relief may, after the expiration of sixty days from the date of the commission's  
34 order, file a petition for enforcement of the commission's decision in a circuit  
35 court having proper venue thereof. The contents of the petition and the  
36 jurisdiction of the court shall be as set forth in subsection 4 of this section.

37         6. Where a suit for enforcement of a commission order has been filed  
38 pursuant to either subsection 4 or 5 of this section, the circuit court shall issue

39 its order enforcing the commission decision, unless the party against whom  
40 enforcement is sought affirmatively shows that:

41 (1) The court is without jurisdiction or venue;

42 (2) Such commission order violates the provisions of the constitution of  
43 this state or of the United States;

44 (3) The commission order is beyond its statutory authority or jurisdiction;  
45 or

46 (4) The party has substantially complied with the order of the commission.

47 7. Where the commission deems there has been a breach of the terms or  
48 conditions of a settlement agreement or conciliation agreement, the commission  
49 shall institute an action in circuit court to enforce the terms of the agreement or  
50 to obtain the appropriate remedy for such breach. Nothing in this subsection  
51 shall prohibit the parties to such agreement from personally filing suit to enforce  
52 this subsection.

213.095. Any person who shall willfully violate an order of the commission  
2 **issued and served under section 213.075** shall be guilty of a class C  
3 misdemeanor.

213.101. 1. The provisions of [this chapter] **sections 213.010 to 213.137**  
2 shall be construed to accomplish the purposes thereof and any law inconsistent  
3 with any provision of [this chapter] **such sections** shall not apply. Nothing  
4 contained in [this chapter] **sections 213.010 to 213.137** shall be deemed to  
5 repeal any of the provisions of any law of this state relating to discrimination  
6 because of race, color, religion, national origin, sex, ancestry, age, **or** disability[,  
7 or familial status].

8 2. The general assembly hereby expressly abrogates the case of McBryde  
9 v. Ritenour School District, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny  
10 as it relates to the necessity and appropriateness of the issuance of a business  
11 judgment instruction. In all civil actions brought under this chapter, a jury shall  
12 be given an instruction expressing the business judgment rule.

13 3. If an employer in a case brought under this chapter files a motion  
14 pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall  
15 consider the burden-shifting analysis of McDonnell Douglas Corp. v. Green, 411  
16 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not  
17 involving direct evidence of discrimination.

18 4. The general assembly hereby expressly abrogates by this statute the  
19 cases of Daugherty v. City of Maryland Heights, 231 S.W.3d 814 (Mo. 2007) and

20 its progeny as they relate to the contributing factor standard and abandonment  
21 of the burden-shifting framework established in *McDonnell Douglas Corp. v.*  
22 *Green*, 411 U.S. 792 (1973).

23         5. The general assembly hereby expressly abrogates by this statute the  
24 holding in *Hurst v. Kansas City Mo. School District*, 437 S.W.3d 327 (Mo.App.  
25 W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions  
26 brought pursuant to this chapter, and the holding in *Thomas v. McKeever's*  
27 *Enterprises, Inc.*, 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be  
28 instructed that plaintiffs bear the burden of establishing "but for" causation in  
29 actions brought pursuant to this chapter.

30         6. The general assembly hereby abrogates all Missouri-approved jury  
31 instructions specifically addressing civil actions brought under this chapter which  
32 were in effect prior to August 28, 2017.

213.111. 1. If, after one hundred eighty days from the filing of a  
2 complaint alleging an unlawful discriminatory practice pursuant to section  
3 213.055, 213.065 or 213.070 to the extent that the alleged violation of section  
4 213.070 relates to or involves a violation of section 213.055 or 213.065, or  
5 subdivision (3) of subsection 1 of section 213.070 as it relates to employment and  
6 public accommodations, the commission has not completed its administrative  
7 processing and the person aggrieved so requests in writing, the commission shall  
8 issue to the person claiming to be aggrieved a letter indicating his or her right  
9 to bring a civil action within ninety days of such notice against the respondent  
10 named in the complaint. [If, after the filing of a complaint pursuant to sections  
11 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of  
12 section 213.070 relates to or involves a violation of sections 213.040, 213.045 and  
13 213.050, or subdivision (3) of subsection 1 of section 213.070 as it relates to  
14 housing, and the person aggrieved so requests in writing, the commission shall  
15 issue to the person claiming to be aggrieved a letter indicating his or her right  
16 to bring a civil action within ninety days of such notice against the respondent  
17 named in the complaint.] The commission may not at any other time or for any  
18 other reason issue a letter indicating a complainant's right to bring a civil  
19 action. Such an action may be brought in any circuit court in any county in  
20 which the unlawful discriminatory practice is alleged to have been committed,  
21 either before a circuit or associate circuit judge. Upon issuance of this notice, the  
22 commission shall terminate all proceedings relating to the complaint. No person  
23 may file or reinstate a complaint with the commission after the issuance of a

24 notice under this section relating to the same practice or act. Any action brought  
25 in court under this section shall be filed within ninety days from the date of the  
26 commission's notification letter to the individual but no later than two years after  
27 the alleged cause occurred or its reasonable discovery by the alleged injured  
28 party.

29         2. The court may grant as relief, as it deems appropriate, any permanent  
30 or temporary injunction, temporary restraining order, or other order, and may  
31 award to the plaintiff actual and punitive damages, and may award court costs  
32 and reasonable attorney fees to the prevailing party, other than a state agency  
33 or commission or a local commission; except that, a prevailing respondent may be  
34 awarded reasonable attorney fees only upon a showing that the case was without  
35 foundation.

36         3. Any party to any action initiated under this section has a right to a  
37 trial by jury.

38         4. The sum of the amount of actual damages, including damages for future  
39 pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss  
40 of enjoyment of life, and other nonpecuniary losses, and punitive damages  
41 awarded under this section shall not exceed for each complaining party:

42             (1) Actual back pay and interest on back pay; and

43             (2) (a) In the case of a respondent who has more than five and fewer than  
44 one hundred one employees in each of twenty or more calendar weeks in the  
45 current or preceding calendar year, fifty thousand dollars;

46             (b) In the case of a respondent who has more than one hundred and fewer  
47 than two hundred one employees in each of twenty or more calendar weeks in the  
48 current or preceding calendar year, one hundred thousand dollars;

49             (c) In the case of a respondent who has more than two hundred and fewer  
50 than five hundred one employees in each of twenty or more calendar weeks in the  
51 current or preceding calendar year, two hundred thousand dollars; or

52             (d) In the case of a respondent who has more than five hundred employees  
53 in each of twenty or more calendar weeks in the current or preceding calendar  
54 year, five hundred thousand dollars.

55         5. In any employment-related civil action brought under [this chapter]  
56 **sections 213.010 to 213.137**, the plaintiff shall bear the burden of proving the  
57 alleged unlawful decision or action was made or taken because of his or her  
58 protected classification and was the direct proximate cause of the claimed  
59 damages.

213.126. 1. Whenever the attorney general has a reasonable cause to  
2 believe that any person or group of persons is engaged in a pattern or practice of  
3 resistance to the full enjoyment of any of the rights granted by this chapter or  
4 that any group of persons has been denied any of the rights granted by this  
5 chapter, and such denial raises an issue of general public importance, he **or she**  
6 may bring a civil action to any appropriate state court by filing with it a  
7 complaint setting forth the facts and requesting such preventive relief, including,  
8 but not limited to, an application for a permanent or temporary injunction,  
9 restraining order, or other order against the person or persons responsible for  
10 such pattern or practice or denial of rights, as he **or she** deems necessary to  
11 ensure the full enjoyment of the rights granted by this chapter.

12 2. If, at any time following the filing of a complaint alleging violation of  
13 one or more of the provisions of sections [213.040] **213.055** to 213.070 **or 213.152**  
14 **to 213.164**, the chairperson determines that prompt judicial action is necessary  
15 to carry out the purposes of this chapter, the chairperson may authorize a civil  
16 action for appropriate temporary or preliminary relief pending final disposition  
17 of the complaint under the provisions of this chapter. Upon receipt of such  
18 authorization, the attorney general may commence and maintain an action  
19 seeking temporary or preliminary relief of an equitable nature in the circuit court  
20 of the county in which the respondent resides or in any county in which  
21 respondent conducts business.

22 3. Upon request by the commission, the attorney general shall take  
23 appropriate action in circuit court to enforce a subpoena issued by the  
24 commission.

25 4. The attorney general may file suit to enforce a settlement or  
26 conciliation agreement or any order of the commission referred by the commission  
27 or executive director.

213.135. 1. Any local commission authorized under subsection 3 of section  
2 213.020 and certified by the commission as substantially equivalent shall,  
3 pursuant to the provisions of this section, have power and authority to hear  
4 complaints of violations of this chapter that are alleged to have been committed  
5 within the city, town, village or county which created the commission, provided  
6 that no complaint against the state of Missouri, including the University of  
7 Missouri system, or any official, officer, employee, department, agency, or other  
8 agent or servant thereof shall be entertained by a municipal or county  
9 commission as authorized in subsection 3 of section 213.020. Such authority may

10 only be exercised in a manner consistent with the provisions of this chapter. In  
11 furtherance of the authority granted in this section, local commissions shall be  
12 empowered to hold hearings, subpoena witnesses, compel their attendance,  
13 administer oaths, to take the testimony of any person under oath, and to require  
14 the production for examination of any books, papers or other materials relating  
15 to any matter under investigation or in question before the commission.

16         2. Any local commission authorized under subsection 3 of section 213.020  
17 may be empowered by the legislative body of the city, town, village or county it  
18 serves to exercise the powers granted in this section, any provision of law, charter  
19 or ordinance to the contrary notwithstanding.

20         3. Proceedings before the local commission shall be consistent with the  
21 requirements of section 213.075, [with the exceptions that] **if the matter**  
22 **relates to an unlawful discriminatory practice proscribed in sections**  
23 **213.010 to 213.137. If the matter relates to conduct proscribed under**  
24 **sections 213.150 to 213.188, proceedings shall be consistent with the**  
25 **requirements of section 213.167.** In the context of these proceedings, the  
26 references to the attorney general therein shall apply to an attorney or counselor  
27 for the city, town, village or county, and that contested cases before the local  
28 commission shall be heard by a hearing examiner who shall present to the local  
29 commission, or to a panel of members thereof, proposed findings of fact, proposed  
30 conclusions of law, and a proposed order, or who shall, if the municipal ordinance  
31 so provides, render findings of fact, conclusions of law, and an order. Hearings  
32 before local commissions shall either be tape recorded or held before a certified  
33 court reporter.

34         4. The order of a local commission shall not be final for appeal purposes  
35 until filed with and reviewed by a hearing examiner of the commission. The  
36 order shall be filed with the commission within thirty days of the date the local  
37 commission entered its order. Within fifteen days of the filing of the order the  
38 local commission shall transmit the transcript of the hearing previously reduced  
39 to writing to the commission. The local commission shall prepare the transcript  
40 of the hearing and file with it all exhibits, whether received or rejected, with the  
41 commission. The commission hearing examiner shall issue an opinion within  
42 ninety days of receipt of the local commission's complete hearing record. Thirty  
43 days from the date of issuance of the opinion, the order of the local commission  
44 shall become final for purposes of appeal and may be appealed in the same  
45 manner as any other decision of the commission as set out in section 213.085 **for**

46 **matters relating to an unlawful discriminatory practice proscribed**  
47 **under sections 213.010 to 213.137, or as set out in section 213.176 for**  
48 **matters relating to conduct proscribed under sections 213.150 to**  
49 **213.188.** If no opinion is issued by the hearing examiner within ninety days, the  
50 local commission's decision shall be considered final for purposes of appeal and  
51 may be appealed in the same manner as any other decision of the commission as  
52 set out in section 213.085 **for matters relating to an unlawful**  
53 **discriminatory practice proscribed under sections 213.010 to 213.137,**  
54 **or as set out in section 213.176 for matters relating to conduct**  
55 **proscribed under sections 213.150 to 213.188.**

56         5. If no appeal from a final order of a local commission has been filed  
57 within thirty days, a petition for enforcement of the order may be filed in the  
58 circuit court as provided in section 213.085 **for matters relating to an**  
59 **unlawful discriminatory practice proscribed under sections 213.010 to**  
60 **213.137, or as set out in section 213.176 for matters relating to conduct**  
61 **proscribed under sections 213.150 to 213.188.**

62         6. Local commissions may adopt procedural rules relating to the  
63 investigation, settlement and conciliation of complaints and conduct of hearings,  
64 provided that such rules and regulations are consistent with the provisions and  
65 spirit of this chapter. Such rules and regulations shall be subject to review by  
66 the Missouri commission on human rights, and shall not become effective until  
67 approved thereby. The commission shall have authority to approve, disapprove,  
68 or approve with amendments any local commission rules submitted to it. In the  
69 event that the commission approves local commission rules and regulations with  
70 amendments, such rules shall become effective when the amendments are adopted  
71 by the local commission.

**213.150. 1. Sections 213.150 to 213.188 shall be known as the**  
2 **"Missouri Fair Housing Act".**

3         **2. A function of the commission shall be to encourage fair**  
4 **treatment for and to foster mutual understanding and respect, and to**  
5 **discourage discrimination in housing against, any racial, ethnic,**  
6 **religious, or other group protected by sections 213.150 to 213.188,**  
7 **members of these groups, or persons with disabilities.**

8         **3. The commission shall have jurisdiction and power to seek to**  
9 **eliminate and prevent discrimination in housing because of race, color,**  
10 **religion, national origin, ancestry, sex, disability, or familial status and**

11 take other actions against discrimination because of race, color,  
12 religion, national origin, ancestry, sex, disability, or familial  
13 status. The commission is hereby given general jurisdiction and power  
14 for such purposes.

15 4. The commission shall issue publications and the results of  
16 studies and research which will tend to promote goodwill and minimize  
17 or eliminate discrimination in housing because of race, color, religion,  
18 national origin, ancestry, sex, disability, or familial status.

19 5. The commission shall receive, investigate, initiate, and pass  
20 upon complaints alleging discrimination in housing because of race,  
21 color, religion, national origin, ancestry, sex, disability, or familial  
22 status and to require the production for examination of any books,  
23 papers, records, or other materials relating to any matter under  
24 investigation.

25 6. Any local commission created and established prior to August  
26 13, 1986, by an ordinance adopted by the governing body of any city,  
27 constitutional charter city, town, village, or county, shall have the  
28 power and authority to seek to eliminate and prevent discrimination  
29 in housing and to establish related programs, which shall be certified  
30 by the commission as substantially equivalent. Such commissions shall  
31 be certified in the same manner as in section 213.131. The power and  
32 authority of such commissions to initiate and pursue administrative  
33 proceedings and remedies shall be solely as provided in section 213.135.

213.151. For purposes of sections 213.150 to 213.188, the following  
2 terms and phrases shall mean:

3 (1) "Because" or "because of", as it relates to the adverse decision  
4 or action, the protected criterion was a contributing factor;

5 (2) "Commission", the Missouri commission on human rights;

6 (3) "Complainant", a person who has filed a complaint with the  
7 commission alleging that another person has engaged in a prohibited  
8 discriminatory practice;

9 (4) "Disability", a physical or mental impairment which  
10 substantially limits one or more of a person's major life activities, being  
11 regarded as having such an impairment, or a record of having such an  
12 impairment, which with or without reasonable accommodation does not  
13 interfere with occupying the dwelling in question. The term "disability"  
14 does not include current, illegal use of or addiction to a controlled

15 substance as such term is defined by section 195.010; however, a person  
16 may be considered to have a disability if that person:

17 (a) Has successfully completed a supervised drug rehabilitation  
18 program and is no longer engaging in the illegal use of, and is not  
19 currently addicted to, a controlled substance or has otherwise been  
20 rehabilitated successfully and is no longer engaging in such use and is  
21 not currently addicted;

22 (b) Is participating in a supervised rehabilitation program and  
23 is no longer engaging in illegal use of controlled substances; or

24 (c) Is erroneously regarded as currently illegally using, or being  
25 addicted to, a controlled substance;

26 (5) "Discrimination", any unfair treatment based on race, color,  
27 religion, national origin, ancestry, sex, disability, or familial status;

28 (6) "Dwelling", any building, structure or portion thereof which  
29 is occupied as, or designed or intended for occupancy as, a residence  
30 by one or more families, and any vacant land which is offered for sale  
31 or lease for the construction or location thereon of any such building,  
32 structure or portion thereof;

33 (7) "Executive director", the executive director of the Missouri  
34 commission on human rights;

35 (8) "Familial status", one or more individuals who have not  
36 attained the age of eighteen years being domiciled with:

37 (a) A parent or another person having legal custody of such  
38 individual; or

39 (b) The designee of such parent or other person having such  
40 custody, with the written permission of such parent or other  
41 person. The protections afforded against discrimination on the basis  
42 of familial status shall apply to any person who is pregnant or is in the  
43 process of securing legal custody of any individual who has not  
44 attained the age of eighteen years;

45 (9) "Human rights fund", the fund established by the Missouri  
46 commission on human rights under section 213.030;

47 (10) "Local commission", any commission or agency established  
48 prior to August 13, 1986, by an ordinance or order adopted by the  
49 governing body of any city, constitutional charter city, town, village, or  
50 county;

51 (11) "Person", includes one or more individuals, corporations,

52 partnerships, associations, organizations, legal representatives, mutual  
53 companies, joint stock companies, trusts, trustees, trustees in  
54 bankruptcy, receivers, fiduciaries, or other organized groups of  
55 persons;

56 (12) "Rent", includes to lease, to sublease, to let and otherwise to  
57 grant for consideration the right to occupy premises not owned by the  
58 occupant;

59 (13) "Respondent", a person who is alleged to have engaged in a  
60 prohibited discriminatory practice in a complaint filed with the  
61 commission;

62 (14) "Unlawful discriminatory housing practice", any act that is  
63 unlawful under sections 213.150 to 213.188.

213.152. 1. It shall be an unlawful discriminatory housing  
2 practice:

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

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

11 (3) To make, print, or publish, or cause to be made, printed, or  
12 published any notice, statement or advertisement, with respect to the  
13 sale or rental of a dwelling that indicates any preference, limitation, or  
14 discrimination based on race, color, religion, national origin, ancestry,  
15 sex, disability, or familial status, or an intention to make any such  
16 preference, limitation, or discrimination;

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

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

25 (6) To discriminate in the sale or rental of, or to otherwise make

26 **unavailable or deny, a dwelling to any buyer or renter because of a**  
27 **disability of:**

28 **(a) That buyer or renter;**

29 **(b) A person residing in or intending to reside in that dwelling**  
30 **after it is so sold, rented, or made available; or**

31 **(c) Any person associated with that buyer or renter;**

32 **(7) To discriminate against any person in the terms, conditions,**  
33 **or privileges of sale or rental of a dwelling, or in the provision of**  
34 **services or facilities in connection with such dwelling, because of a**  
35 **disability of:**

36 **(a) That person;**

37 **(b) A person residing in or intending to reside in that dwelling**  
38 **after it is so sold, rented, or made available; or**

39 **(c) Any person associated with that person.**

40 **2. For purposes of this section and sections 213.158 and 213.161,**  
41 **discrimination includes:**

42 **(1) A refusal to permit, at the expense of the person with the**  
43 **disability, reasonable modifications of existing premises occupied or to**  
44 **be occupied by such person if such modifications may be necessary to**  
45 **afford such person full enjoyment of the premises, except that, in the**  
46 **case of a rental, the landlord may, where it is reasonable to do so,**  
47 **condition permission for a modification on the renter's agreeing to**  
48 **restore the interior of the premises to the condition that existed before**  
49 **the modification, reasonable wear and tear excepted;**

50 **(2) A refusal to make reasonable accommodations in rules,**  
51 **policies, practices, or services, when such accommodations may be**  
52 **necessary to afford such person equal opportunity to use and enjoy a**  
53 **dwelling; or**

54 **(3) In connection with the design and construction of covered**  
55 **multifamily dwellings for first occupancy after March 13, 1991, a failure**  
56 **to design and construct those dwellings in such a manner that:**

57 **(a) The public use and common use portions of such dwellings**  
58 **are readily accessible to and usable by persons with a disability;**

59 **(b) All the doors designed to allow passage into and within all**  
60 **premises within such dwellings are sufficiently wide to allow passage**  
61 **by persons with a disability in wheelchairs; and**

62 **(c) All premises within such dwellings contain the following**

63 features of adaptive design:

- 64 a. An accessible route into and through the dwelling;
- 65 b. Light switches, electrical outlets, thermostats, and other  
66 environmental controls in accessible locations;
- 67 c. Reinforcements in bathroom walls to allow later installation  
68 of grab bars; and
- 69 d. Usable kitchens and bathrooms such that an individual in a  
70 wheelchair can maneuver about the space.

71 3. As used in subdivision (3) of subsection 2 of this section, the  
72 term "covered multifamily dwelling" means:

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

77 4. Compliance with the appropriate requirements of the  
78 American National Standard for Buildings and Facilities providing  
79 accessibility and usability for people with physical disabilities,  
80 commonly cited as "ANSI A117.1", suffices to satisfy the requirements  
81 of paragraph (a) of subdivision (3) of subsection 2 of this section.

82 5. Where a unit of general local government has incorporated  
83 into its laws the requirements set forth in subdivision (3) of subsection  
84 2 of this section, compliance with such laws shall be deemed to satisfy  
85 the requirements of that subdivision. Such compliance shall be subject  
86 to the following provisions:

87 (1) A unit of general local government may review and approve  
88 newly constructed covered multifamily dwellings for the purpose of  
89 making determinations as to whether the design and construction  
90 requirements of subdivision (3) of subsection 2 of this section are met;

91 (2) The commission shall encourage, but may not require, the  
92 units of local government to include in their existing procedures for the  
93 review and approval of newly constructed covered multifamily  
94 dwellings, determinations as to whether the design and construction of  
95 such dwellings are consistent with subdivision (3) of subsection 2 of  
96 this section, and shall provide technical assistance to units of local  
97 government and other persons to implement the requirements of  
98 subdivision (3) of subsection 2 of this section;

99 (3) Nothing in sections 213.150 to 213.188 shall be construed to

100 require the commission to review or approve the plans, designs or  
101 construction of all covered dwellings, to determine whether the design  
102 and construction of such dwellings are consistent with the  
103 requirements of subdivision (3) of subsection 2 of this section.

104       **6. Nothing in sections 213.150 to 213.188 shall be construed to**  
105 **invalidate or limit any law of the state or political subdivision of the**  
106 **state, or other jurisdiction in which sections 213.150 to 213.188 shall be**  
107 **effective, that requires dwellings to be designed and constructed in a**  
108 **manner that affords persons with disabilities greater access than is**  
109 **required by sections 213.150 to 213.188.**

110       **7. Nothing in this section and sections 213.158 and 213.161**  
111 **requires that a dwelling be made available to an individual whose**  
112 **tenancy would constitute a direct threat to the health or safety of other**  
113 **individuals or whose tenancy would result in substantial physical**  
114 **damage to the property of others.**

115       **8. Nothing in this section and sections 213.158 and 213.161 limits**  
116 **the applicability of any reasonable local or state restriction regarding**  
117 **the maximum number of occupants permitted to occupy a dwelling, nor**  
118 **does any provision in this section and sections 213.158 and 213.161**  
119 **regarding familial status apply with respect to housing for older**  
120 **persons.**

121       **9. As used in this section "housing for older persons" means**  
122 **housing:**

123       **(1) Provided under any state or federal program that the**  
124 **commission determines is specifically designed and operated to assist**  
125 **elderly persons, as defined in the state or federal program;**

126       **(2) Intended for, and solely occupied by, persons sixty-two years**  
127 **of age or older; or**

128       **(3) Intended and operated for occupancy by at least one person**  
129 **fifty-five years of age or older per unit. In determining whether**  
130 **housing qualifies as housing for older persons under this subsection,**  
131 **the commission shall develop regulations which require at least the**  
132 **following factors:**

133       **(a) The existence of significant facilities and services specifically**  
134 **designed to meet the physical or social needs of older persons, or if the**  
135 **provision of such facilities and services is not practicable, that such**  
136 **housing is necessary to provide important housing opportunities for**

137 **older persons; and**

138 **(b) That at least eighty percent of the units are occupied by at**  
139 **least one person fifty-five years of age or older per unit; and**

140 **(c) The publication of, and adherence to, policies and procedures**  
141 **which demonstrate an intent by the owner or manager to provide**  
142 **housing for persons fifty-five years of age or older.**

143 **10. Housing shall not fail to meet the requirements for housing**  
144 **for older persons by reason of:**

145 **(1) Persons residing in such housing as of August 28, 1992, who**  
146 **do not meet the age requirements of paragraphs (b) or (c) of**  
147 **subdivision (3) of subsection 9 of this section, provided that new**  
148 **occupants of such housing meet the age requirements of paragraphs (b)**  
149 **or (c) of subdivision (3) of subsection 9 of this section; or**

150 **(2) Unoccupied units, provided that such units are reserved for**  
151 **occupancy by persons who meet the age requirements of paragraphs (b)**  
152 **or (c) of subdivision (3) of subsection 9 of this section.**

153 **11. Nothing in this section or sections 213.158 or 213.161 shall**  
154 **prohibit conduct against a person because such person has been**  
155 **convicted by any court of competent jurisdiction of the illegal**  
156 **manufacture or distribution of a controlled substance, as defined by**  
157 **section 195.010.**

158 **12. Nothing in sections 213.150 to 213.188 shall prohibit a**  
159 **religious organization, association, or society, or any nonprofit**  
160 **institution or organization operated, supervised or controlled by or in**  
161 **conjunction with a religious organization, association, or society, from**  
162 **limiting the sale, rental or occupancy of dwellings which it owns or**  
163 **operates for other than a commercial purpose to persons of the same**  
164 **religion, or from giving preference to such persons, unless membership**  
165 **in such religion is restricted on account of race, color, or national**  
166 **origin. Nor shall anything in sections 213.150 to 213.188 prohibit a**  
167 **private club not in fact open to the public, which as an incident to its**  
168 **primary purpose or purposes provides lodging which it owns or**  
169 **operates for other than a commercial purpose, from limiting the rental**  
170 **or occupancy of such lodging to its members or from giving preference**  
171 **to its members.**

172 **13. Nothing in sections 213.150 to 213.188, other than the**  
173 **prohibitions against discriminatory advertising in subdivision (3) of**

174 subsection 1 of this section, shall apply to:

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

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

179 (b) The house is sold or rented without the use of a real estate  
180 broker, agent or salesperson or the facilities of any person in the  
181 business of selling or renting dwellings and without publication,  
182 posting or mailing of any advertisement. If the owner selling the house  
183 does not reside in it at the time of the sale or was not the most recent  
184 resident of the house prior to such sale, the exemption in this section  
185 applies to only one such sale in any twenty-four-month period; or

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

213.155. 1. No declaration or other governing document of a  
2 homeowners' association shall include a restrictive covenant in  
3 violation of section 213.152.

4 2. Notwithstanding any other provision of law or provision of the  
5 governing documents, the board of directors of a homeowners'  
6 association shall amend, without approval of the owners, any  
7 declaration or other governing document that includes a restrictive  
8 covenant in violation of section 213.152, and shall restate the  
9 declaration or other governing document without the restrictive  
10 covenant but with no other change to the declaration or governing  
11 document.

12 3. If after providing written notice to a homeowners' association  
13 requesting that the association delete a restrictive covenant in  
14 violation of section 213.152, and the association fails to delete the  
15 restrictive covenant within thirty days of receiving the notice, the  
16 Missouri commission on human rights, a city or county in which a  
17 common interest development is located, or any person may bring an  
18 action against the homeowners' association for injunctive relief to  
19 enforce the provisions of subsections 1 and 2 of this section. The court  
20 may award attorney's fees to the prevailing party.

213.158. It shall be unlawful for any bank, building and loan

2 association, insurance company or other corporation, association, firm  
3 or enterprise whose business consists in whole or in part in the making  
4 of commercial real estate loans, to deny a loan or other financial  
5 assistance because of race, color, religion, national origin, ancestry,  
6 sex, disability or familial status to a person applying therefor for the  
7 purpose of purchasing, construction, improving, repairing, or  
8 maintaining a dwelling, or to discriminate against him or her in fixing  
9 of the amount, interest rate, duration or other terms or conditions of  
10 such loan or other financial assistance, because of the race, color,  
11 religion, national origin, ancestry, sex, disability, or familial status of  
12 such person or of any person associated with him or her in connection  
13 with such loan or other financial assistance, or of the present or  
14 prospective owners, lessees, tenants, or occupants, of the dwellings in  
15 relation to which such loan or other financial assistance is to be made  
16 or given.

213.161. It shall be unlawful to deny any person access to or  
2 membership or participation in any multiple listing service, real estate  
3 brokers' organization or other service organization, or facility relating  
4 to the business of selling or renting dwellings, because of race, color,  
5 religion, national origin, ancestry, sex, disability, or familial status.

213.164. It shall be an unlawful discriminatory housing practice:

2 (1) To aid, abet, incite, compel, or coerce the commission of acts  
3 prohibited under sections 213.150 to 213.188 or to attempt to do so;

4 (2) To retaliate or discriminate in any manner against any other  
5 person because such person has opposed any practice prohibited by  
6 sections 213.150 to 213.188 or because such person has filed a  
7 complaint, testified, assisted, or participated in any manner in any  
8 investigation, proceeding or hearing conducted pursuant to sections  
9 213.150 to 213.188;

10 (3) For the state or any political subdivision of this state to  
11 discriminate in housing on the basis of race, color, religion, national  
12 origin, sex, ancestry, disability, or familial status; or

13 (4) To discriminate in any manner against any other person  
14 because of such person's association with any person protected by  
15 sections 213.150 to 213.188.

213.167. 1. Any person claiming to be aggrieved by an unlawful  
2 discriminatory housing practice may make, sign and file with the

3 commission a verified complaint in writing, within one hundred eighty  
4 days of the alleged act of discrimination, which shall state the name  
5 and address of the person alleged to have committed the unlawful  
6 discriminatory housing practice and which shall set forth the  
7 particulars thereof and such other information as may be required by  
8 the commission. The complainant's agent, attorney or the attorney  
9 general may, in like manner, make, sign and file such complaint.

10       2. Any complaint which is filed with a federal agency with which  
11 the commission has a work-sharing or deferral agreement, or with a  
12 local commission which has been certified as substantially equivalent  
13 by the commission, shall be deemed filed with the commission on the  
14 date that such complaint is received by such federal agency or local  
15 commission. A copy of all complaints filed with a local commission  
16 with the authority to enforce the provisions of this chapter is to be  
17 forwarded to the commission within seven days of the filing thereof  
18 with such local commission. If a local commission has jurisdiction to  
19 hear a complaint filed with the commission, such complaint shall be  
20 deemed to have been filed with the local commission on the date on  
21 which such complaint was filed with the commission. The commission  
22 shall, within seven days of the receipt of a complaint which a local  
23 commission has jurisdiction to hear, forward a copy thereof to such  
24 local commission.

25       3. After the filing of any complaint, the executive director shall,  
26 with the assistance of the commission's staff, promptly investigate the  
27 complaint, and if the director determines after the investigation that  
28 probable cause exists for crediting the allegations of the complaint, the  
29 executive director shall immediately endeavor to eliminate the  
30 unlawful discriminatory housing practice complained of by conference,  
31 conciliation and persuasion, and shall report the results to the  
32 commission. The investigation, determination of probable cause and  
33 conciliation shall be conducted according to such rules, regulations and  
34 guidelines as the commission shall prescribe.

35       4. A person who is not named as a respondent in a complaint, but  
36 who is identified as a respondent in the course of investigation, may be  
37 joined as an additional or substitute respondent upon written notice,  
38 pursuant to such rules, regulations, and guidelines as the commission  
39 shall prescribe. Such notice, in addition to complying with the

40 requirements of such rules, regulations, and guidelines, shall also state  
41 the reason why the person to whom the notice is addressed has been  
42 joined as a party.

43       5. In case of failure to eliminate such discriminatory practice as  
44 found in the investigation, if in the judgment of the chairperson of the  
45 commission circumstances so warrant, there shall be issued and served  
46 in the name of the commission, a written notice, together with a copy  
47 of the complaint, as it may have been amended, requiring the person  
48 named in the complaint, hereinafter referred to as "respondent", to  
49 answer the charges of the complaint at a hearing, at a time and place  
50 to be specified in the notice, before a panel of at least three members  
51 of the commission sitting as the commission or before a hearing  
52 examiner licensed to practice law in this state who shall be appointed  
53 by the executive director and approved by the commission. The place  
54 of the hearing shall be in the office of the commission or such other  
55 place designated by it, except that if the respondent so requests, in  
56 writing, the hearing shall be held in the county of such person's  
57 residence or business location at the time of the alleged unlawful  
58 discriminatory housing practice. A copy of the notice shall also be  
59 served on the complainants.

60       6. In all cases where a written notice of hearing has been issued  
61 and a party has not elected the option to proceed in circuit court as set  
62 forth in section 213.170, the procedures set forth for a hearing shall  
63 apply.

64       7. The commission shall be a party to the action and shall be  
65 represented before the panel or the hearing examiner by the office of  
66 the attorney general or, when so delegated by the attorney general, a  
67 staff attorney of the commission. Neither the hearing examiner nor any  
68 member of the panel shall have participated in the investigation of the  
69 complaint. Evidence concerning endeavors at conciliation shall be  
70 excluded.

71       8. The respondent may file a written verified answer to the  
72 complaint and appear at the hearing in person or otherwise with or  
73 without counsel, and submit testimony. At the discretion of the hearing  
74 examiner or the panel, the complainant may be allowed to intervene,  
75 thereby becoming a party to the action with the right to present  
76 testimony in person or by counsel, provided the complainant at all

77 times shall be treated as a party for the purpose of discovery and the  
78 taking of depositions. The commission or complainant intervenor shall  
79 have the power to reasonably and fairly amend any complaint, and the  
80 respondent shall have like power to amend any answer. The testimony  
81 taken at the hearing shall be under oath and be transcribed.

82       **9. In any contested case before the commission, any party may**  
83 **take and use written interrogatories, requests for production of**  
84 **documents and other materials, and requests for admissions, and all**  
85 **other forms of discovery authorized by rules of civil procedure in the**  
86 **same manner, upon, and under the same conditions, and upon the same**  
87 **notice, as is or may hereafter be provided for with respect to the taking**  
88 **and using of written interrogatories, requests for production of**  
89 **documents and other materials, and requests for admissions, and all**  
90 **other forms of discovery authorized by rules of civil procedure in civil**  
91 **actions in the circuit court. The panel or hearing examiner shall have**  
92 **the authority to impose sanctions in the same manner as set forth in**  
93 **the rules of civil procedure.**

94       **10. The hearing shall be conducted in the manner provided by**  
95 **chapter 536.**

96       **11. When the case is heard by a panel of the commission, the**  
97 **chairperson of the commission shall select the hearing panel and the**  
98 **presiding officer. The presiding officer shall have full authority to call**  
99 **and examine witnesses, admit or exclude evidence and rule upon all**  
100 **motions and objections. The panel shall state its findings of fact and**  
101 **conclusions of law, and if, upon all the evidence at the hearing, the**  
102 **panel finds:**

103       **(1) That a respondent has engaged in an unlawful discriminatory**  
104 **housing practice, the commission shall issue and cause to be served on**  
105 **the respondent an order requiring the respondent to cease and desist**  
106 **from the unlawful discriminatory housing practice. The order shall**  
107 **require the respondent to take such affirmative action, as in the panel's**  
108 **judgment will implement the purposes of sections 213.150 to 213.188,**  
109 **including, but not limited to, the extension of full, equal and**  
110 **unsegregated housing; extension of a commercial real estate loan or**  
111 **other financial assistance; extension or restoration of membership or**  
112 **participation in any multiple listing service or other real estate service**  
113 **organization or facility; payment of actual damages; and the submission**

114 of a report of the manner of compliance;

115 (2) That a respondent has engaged or is about to engage in a  
116 violation of section 213.152, 213.158, 213.161, or 213.164 or relates to or  
117 involves the encouraging, aiding, or abetting of a violation of such  
118 other sections, the commission may, in addition to the relief provided  
119 in subdivision (1) of this subsection, assess a civil penalty against the  
120 respondent, for purposes of vindicating the public interest:

121 (a) In an amount not exceeding two thousand dollars if the  
122 respondent has not been adjudged to have violated one or more of the  
123 sections enumerated in this subdivision within five years of the date of  
124 the filing of the complaint;

125 (b) In an amount not exceeding five thousand dollars if the  
126 respondent has been adjudged to have committed one violation of the  
127 sections enumerated in this subdivision within five years of the date on  
128 which the complaint is filed;

129 (c) In an amount not exceeding ten thousand dollars if the  
130 respondent has been adjudged to have committed two or more prior  
131 violations of the sections enumerated in this subdivision within seven  
132 years of the date on which the complaint is filed.

133 All civil penalties set forth in this subsection shall be paid to the  
134 human rights fund.

135 12. If, upon all the evidence, the panel finds that a respondent  
136 has not engaged in any unlawful discriminatory housing practice, the  
137 panel shall state its findings of fact and conclusions of law and shall  
138 issue and cause to be served on the complainant and respondent an  
139 order dismissing the complaint.

140 13. When the case is heard by a hearing examiner, the examiner  
141 shall have all powers described in subdivision (8) of subsection 1 of  
142 section 213.030 and subsection 11 of this section, for the purpose of the  
143 hearing. The hearing examiner shall make findings of fact and  
144 conclusions of law and shall recommend to the commission an order  
145 granting such relief as provided in subsection 11 of this section or  
146 dismissing the complaint as to the respondent as provided in  
147 subsection 12 of this section, in accordance with such findings.

148 14. A panel of at least three members of the commission, sitting  
149 as the commission, shall review the record, findings and recommended  
150 order of the hearing examiner. The panel shall thereafter accept or

151 amend the recommended order which shall become the order of the  
152 commission. All orders shall be served on the complainant and  
153 respondent, and copies shall be delivered to the attorney general and  
154 such other public officers as the commission deems proper.

155       15. No order of the commission issued pursuant to this section  
156 shall affect any contract, sale, encumbrance or lease consummated  
157 before the issuance of such order and involving a bona fide purchaser  
158 without actual notice of the charge filed pursuant to this section.

159       16. Any person aggrieved by an order of the commission may  
160 appeal as provided in chapter 536.

213.170. 1. When a written notice of hearing is issued alleging  
2 violation of section 213.152, 213.158, 213.161, or 213.164 a complainant  
3 or respondent may elect to have the claims asserted in that complaint  
4 decided in a civil action under the provisions of this section in lieu of  
5 a hearing pursuant to the provisions of section 213.167. Written notice  
6 of an election made pursuant to this subsection shall be filed with the  
7 commission and all parties within twenty days of the date on which the  
8 written notice of hearing is placed in the mail by the commission staff.

9       2. Where a party has made an election pursuant to the provisions  
10 of this section, to have the claims asserted in a written notice issued by  
11 the chairperson, decided in a civil action, the chairperson shall  
12 immediately direct staff attorneys employed by the commission to  
13 commence and maintain a civil action on behalf of the  
14 complainant. Such action shall be commenced within thirty days of the  
15 election. All expenses of the claimant related to a civil action brought  
16 under this section shall be paid by the commission.

17       3. Any person aggrieved with respect to the issues to be  
18 determined in a civil action instituted pursuant to this section may  
19 intervene as of right in a civil action.

20       4. In a civil action instituted pursuant to this section, if the court  
21 finds that an unlawful discriminatory housing practice has occurred or  
22 is about to occur, the court may grant all relief as set forth in section  
23 213.185. If monetary relief is sought for benefit of an aggrieved person  
24 who is not a party to the civil action, the court shall not award such  
25 relief if such person has not complied with discovery orders issued by  
26 the court.

27       5. The commission shall have authority to hire such attorneys as

28 may be necessary to perform duties assigned to it pursuant to this  
29 section.

213.173. 1. During the period beginning with the filing of a  
2 complaint under section 213.167, and ending with the filing of a charge,  
3 setting of a complaint for hearing or dismissal of a complaint pursuant  
4 to the provisions of that section, the executive director and the  
5 commission staff shall, to the extent feasible, engage in settlement or  
6 conciliation with respect to the complaint. Any settlement and  
7 conciliation agreement negotiated during such period shall be an  
8 agreement between the complainant and respondent and shall be  
9 subject to approval by the executive director. Nothing said or done in  
10 the course of settlement or conciliation under this section shall be  
11 made public or used as evidence in any subsequent proceeding under  
12 sections 213.150 to 213.188, without the written consent of the  
13 complainant and respondent.

14 2. If a complaint is filed alleging violation of section 213.152,  
15 213.158, 213.161, or 213.164:

16 (1) During investigation, the public shall not have access to  
17 records relating to the complaint, nor shall any information relating  
18 thereto be released to the public;

19 (2) During investigation, the complainant and respondent shall  
20 only have access to records they provided until the point at which  
21 disclosure is allowed at hearing, or if a request for civil action is made  
22 under section 213.185 for a right to or other legal proceedings pursuant  
23 to federal, state or local discrimination laws that require disclosure;

24 (3) After closure of a complaint, the public may only have access  
25 to the complaint and closure documents by agreement of the  
26 complainant and respondent;

27 (4) Excluding a finding of probable cause, after an investigation  
28 closure, the complainant and respondent may have access to the  
29 investigative file except for sensitive or confidential records and  
30 records relating to witnesses who have requested anonymity. With  
31 respect to records that the commission has obtained from other  
32 government agencies, the commission shall observe any statutory  
33 confidentiality provisions imposed on the originating agencies;

34 (5) After failure of conciliation attempts, the complainant and  
35 respondent may have access to copies of the investigative file, except

36 for sensitive or confidential records and records relating to witnesses  
37 who have requested anonymity;

38 (6) To achieve the purposes of sections 213.150 to 213.188, this  
39 subsection shall not apply to disclosure of information to  
40 representatives of interested federal, state or local civil or human  
41 rights agencies;

42 (7) Any settlement or conciliation agreement entered into by the  
43 complainant and respondent shall be made public unless the parties  
44 thereto otherwise agree and the executive director determines that  
45 disclosure is not required to further the purpose of sections 213.150 to  
46 213.188.

213.176. 1. All final decisions, settlement agreements,  
2 conciliation agreements, findings, rules and orders of the commission  
3 under any provision of sections 213.150 to 213.188 shall be in  
4 writing. Parties to proceedings shall each be sent a copy of the  
5 commission's decision and order in the proceedings.

6 2. Any person who is aggrieved by a final decision, finding, rule  
7 or order of the commission may obtain judicial review by filing a  
8 petition in the circuit court of the county of proper venue within thirty  
9 days after the mailing or delivery of the notice of the commission's  
10 final decision.

11 3. Judicial review shall be in the manner provided by chapter  
12 536, as it may be amended or superseded from time to time. The venue  
13 of such cases shall, at the option of the appealing party, be in the  
14 circuit court of Cole County or in the county of the appealing party's  
15 residence, or if the appealing party is a corporation, domestic or  
16 foreign, having a registered office or business office in this state, in the  
17 county of its registered office or business office.

18 4. If no proceeding for review is instituted in the circuit court  
19 within the time herein prescribed, the commission may obtain an order  
20 in a proceeding brought in the circuit court of the county wherein the  
21 unlawful discriminatory housing practice which is the subject of the  
22 commission's order occurred, or the county wherein any person  
23 required in the order to cease and desist from an unlawful  
24 discriminatory housing practice, or to take other affirmative action,  
25 resides or conducts business. The record on the commission's petition  
26 for enforcement shall consist solely of duly certified records of the

27 commission showing that it has jurisdiction over the respondent, that  
28 the procedure prescribed by this action has been complied with, and a  
29 certified copy of the commission's order with proof of service. On such  
30 a petition, the inquiry of the court shall be limited to a determination  
31 of whether the action of the commission is in excess of its statutory  
32 authority or jurisdiction and whether the respondent has substantially  
33 complied with the order of the commission.

34 5. Where no proceeding for judicial review is filed within the  
35 time established under subsection 3 of this section, and the commission  
36 has not filed a petition for enforcement of its order in the circuit court,  
37 any person entitled to relief may, after the expiration of sixty days  
38 from the date of the commission's order, file a petition for enforcement  
39 of the commission's decision in a circuit court having proper venue  
40 thereof. The contents of the petition and the jurisdiction of the court  
41 shall be as set forth in subsection 4 of this section.

42 6. Where a suit for enforcement of a commission order has been  
43 filed pursuant to either subsection 4 or 5 of this section, the circuit  
44 court shall issue its order enforcing the commission decision, unless the  
45 party against whom enforcement is sought affirmatively shows that:

46 (1) The court is without jurisdiction or venue;

47 (2) Such commission order violates the provisions of the  
48 constitution of this state or of the United States;

49 (3) The commission order is beyond its statutory authority or  
50 jurisdiction; or

51 (4) The party has substantially complied with the order of the  
52 commission.

53 7. Where the commission deems there has been a breach of the  
54 terms or conditions of a settlement agreement or conciliation  
55 agreement, the commission shall institute an action in circuit court to  
56 enforce the terms of the agreement or to obtain the appropriate remedy  
57 for such breach. Nothing in this subsection shall prohibit the parties  
58 to such agreement from personally filing suit to enforce this subsection.

213.179. Any person who shall willfully violate an order of the  
2 commission issued and served under section 213.167 shall be guilty of  
3 a class C misdemeanor.

213.182. The provisions of sections 213.150 to 213.188 shall be  
2 construed to accomplish the purposes thereof and any law inconsistent

3 with any provision of sections 213.150 to 213.188 shall not  
4 apply. Nothing contained in sections 213.150 to 213.188 shall be deemed  
5 to repeal any of the provisions of any law of this state relating to  
6 discrimination because of race, color, religion, national origin, sex,  
7 ancestry, age, disability, or familial status.

213.185. 1. If, after the filing of a complaint pursuant to section  
2 213.152, 213.158, 213.161, or 213.164, and the person aggrieved so  
3 requests in writing, the commission shall issue to the person claiming  
4 to be aggrieved a letter indicating his or her right to bring a civil  
5 action within ninety days of such notice against the respondent named  
6 in the complaint. Such an action may be brought in any circuit court  
7 in any county in which the unlawful discriminatory housing practice  
8 is alleged to have occurred, either before a circuit or associate circuit  
9 judge. Upon issuance of this notice, the commission shall terminate all  
10 proceedings relating to the complaint. No person may file or reinstate  
11 a complaint with the commission after the issuance of a notice under  
12 this section relating to the same practice or act. Any action brought in  
13 court under this subsection shall be filed within ninety days from the  
14 date of the commission's notification letter to the individual but no  
15 later than two years after the alleged cause occurred or its reasonable  
16 discovery by the alleged injured party.

17 2. Notwithstanding the fact that a person has not filed a  
18 complaint with the commission as provided under section 213.167, a  
19 person claiming to be aggrieved may bring a civil action in any circuit  
20 court in any county in which the unlawful discriminatory housing  
21 practice is alleged to have occurred, either before a circuit or associate  
22 circuit judge.

23 3. The court may grant as relief, as it deems appropriate, any  
24 permanent or temporary injunction, temporary restraining order, or  
25 other order, and may award to the plaintiff actual and punitive  
26 damages, and may award court costs and reasonable attorney fees to  
27 the prevailing party, other than a state agency or commission or a local  
28 commission.

29 4. Notwithstanding subsection 2 of this section to the contrary,  
30 a prevailing respondent may be awarded court costs and reasonable  
31 attorney fees only upon a showing that the case is without foundation.

32 5. Any party to an action initiated under this section has a right

33 to a trial by jury.

213.188. Legally permissible actions pursuant to section 441.020  
2 are subject to the provisions of sections 213.150 to 213.188 only if a  
3 primary motive for the section 441.020 action is not any of the factors  
4 listed in section 441.020.

510.265. 1. No award of punitive damages against any defendant shall  
2 exceed the greater of:

3 (1) Five hundred thousand dollars; or

4 (2) Five times the net amount of the judgment awarded to the plaintiff  
5 against the defendant.

6 Such limitations shall not apply if the state of Missouri is the plaintiff requesting  
7 the award of punitive damages, or the defendant pleads guilty to or is convicted  
8 of a felony arising out of the acts or omissions pled by the plaintiff.

9 2. The provisions of this section shall not apply to civil actions brought  
10 under section [213.111] **213.185** that allege a violation of section [213.040,  
11 213.045, 213.050, or 213.070, to the extent that the alleged violation of section  
12 213.070 relates to or involves a violation of section 213.040, 213.045, or 213.050,  
13 or subdivision (3) of subsection 1 of section 213.070 as it relates to housing]  
14 **213.152, 213.158, 213.161, or 213.164.**

[213.040. 1. It shall be an unlawful housing practice:

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

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

12 (3) To make, print, or publish, or cause to be made, printed,  
13 or published any notice, statement or advertisement, with respect  
14 to the sale or rental of a dwelling that indicates any preference,  
15 limitation, or discrimination because of race, color, religion,  
16 national origin, ancestry, sex, disability, or familial status, or an  
17 intention to make any such preference, limitation, or

18 discrimination;

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

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

28 (6) To discriminate in the sale or rental of, or to otherwise  
29 make unavailable or deny, a dwelling to any buyer or renter  
30 because of a disability of:

31 (a) That buyer or renter;

32 (b) A person residing in or intending to reside in that  
33 dwelling after it is so sold, rented, or made available; or

34 (c) Any person associated with that buyer or renter;

35 (7) To discriminate against any person in the terms,  
36 conditions, or privileges of sale or rental of a dwelling, or in the  
37 provision of services or facilities in connection with such dwelling,  
38 because of a disability of:

39 (a) That person;

40 (b) A person residing in or intending to reside in that  
41 dwelling after it is so sold, rented, or made available; or

42 (c) Any person associated with that person.

43 2. For purposes of this section and sections 213.045 and  
44 213.050, discrimination includes:

45 (1) A refusal to permit, at the expense of the person with  
46 the disability, reasonable modifications of existing premises  
47 occupied or to be occupied by such person if such modifications may  
48 be necessary to afford such person full enjoyment of the premises,  
49 except that, in the case of a rental, the landlord may, where it is  
50 reasonable to do so, condition permission for a modification on the  
51 renter's agreeing to restore the interior of the premises to the  
52 condition that existed before the modification, reasonable wear and  
53 tear excepted;

54 (2) A refusal to make reasonable accommodations in rules,  
55 policies, practices, or services, when such accommodations may be  
56 necessary to afford such person equal opportunity to use and enjoy  
57 a dwelling; or

58 (3) In connection with the design and construction of  
59 covered multifamily dwellings for first occupancy after March 13,  
60 1991, a failure to design and construct those dwellings in such a  
61 manner that:

62 (a) The public use and common use portions of such  
63 dwellings are readily accessible to and usable by persons with a  
64 disability;

65 (b) All the doors designed to allow passage into and within  
66 all premises within such dwellings are sufficiently wide to allow  
67 passage by persons with a disability in wheelchairs; and

68 (c) All premises within such dwellings contain the following  
69 features of adaptive design:

70 a. An accessible route into and through the dwelling;

71 b. Light switches, electrical outlets, thermostats, and other  
72 environmental controls in accessible locations;

73 c. Reinforcements in bathroom walls to allow later  
74 installation of grab bars; and

75 d. Usable kitchens and bathrooms such that an individual  
76 in a wheelchair can maneuver about the space.

77 3. As used in subdivision (3) of subsection 2 of this section,  
78 the term "covered multifamily dwelling" means:

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

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

83 4. Compliance with the appropriate requirements of the  
84 American National Standard for Buildings and Facilities providing  
85 accessibility and usability for people with physical disabilities,  
86 commonly cited as "ANSI A117.1", suffices to satisfy the  
87 requirements of paragraph (a) of subdivision (3) of subsection 2 of  
88 this section.

89 5. Where a unit of general local government has

90 incorporated into its laws the requirements set forth in subdivision  
91 (3) of subsection 2 of this section, compliance with such laws shall  
92 be deemed to satisfy the requirements of that subdivision. Such  
93 compliance shall be subject to the following provisions:

94 (1) A unit of general local government may review and  
95 approve newly constructed covered multifamily dwellings for the  
96 purpose of making determinations as to whether the design and  
97 construction requirements of subdivision (3) of subsection 2 of this  
98 section are met;

99 (2) The commission shall encourage, but may not require,  
100 the units of local government to include in their existing  
101 procedures for the review and approval of newly constructed  
102 covered multifamily dwellings, determinations as to whether the  
103 design and construction of such dwellings are consistent with  
104 subdivision (3) of subsection 2 of this section, and shall provide  
105 technical assistance to units of local government and other persons  
106 to implement the requirements of subdivision (3) of subsection 2 of  
107 this section;

108 (3) Nothing in this chapter shall be construed to require the  
109 commission to review or approve the plans, designs or construction  
110 of all covered dwellings, to determine whether the design and  
111 construction of such dwellings are consistent with the requirements  
112 of subdivision (3) of subsection 2 of this section.

113 6. Nothing in this chapter shall be construed to invalidate  
114 or limit any law of the state or political subdivision of the state, or  
115 other jurisdiction in which this chapter shall be effective, that  
116 requires dwellings to be designed and constructed in a manner that  
117 affords persons with disabilities greater access than is required by  
118 this chapter.

119 7. Nothing in this section and sections 213.045 and 213.050  
120 requires that a dwelling be made available to an individual whose  
121 tenancy would constitute a direct threat to the health or safety of  
122 other individuals or whose tenancy would result in substantial  
123 physical damage to the property of others.

124 8. Nothing in this section and sections 213.045 and 213.050  
125 limits the applicability of any reasonable local or state restriction

126 regarding the maximum number of occupants permitted to occupy  
127 a dwelling, nor does any provision in this section and sections  
128 213.045 and 213.050 regarding familial status apply with respect  
129 to housing for older persons.

130 9. As used in this section and sections 213.045 and 213.050,  
131 "housing for older persons" means housing:

132 (1) Provided under any state or federal program that the  
133 commission determines is specifically designed and operated to  
134 assist elderly persons, as defined in the state or federal program;

135 (2) Intended for, and solely occupied by, persons sixty-two  
136 years of age or older; or

137 (3) Intended and operated for occupancy by at least one  
138 person fifty-five years of age or older per unit. In determining  
139 whether housing qualifies as housing for older persons under this  
140 subsection, the commission shall develop regulations which require  
141 at least the following factors:

142 (a) The existence of significant facilities and services  
143 specifically designed to meet the physical or social needs of older  
144 persons, or if the provision of such facilities and services is not  
145 practicable, that such housing is necessary to provide important  
146 housing opportunities for older persons; and

147 (b) That at least eighty percent of the units are occupied by  
148 at least one person fifty-five years of age or older per unit; and

149 (c) The publication of, and adherence to, policies and  
150 procedures which demonstrate an intent by the owner or manager  
151 to provide housing for persons fifty-five years of age or older.

152 10. Housing shall not fail to meet the requirements for  
153 housing for older persons by reason of:

154 (1) Persons residing in such housing as of August 28, 1992,  
155 who do not meet the age requirements of subdivision (2) or (3) of  
156 subsection 9 of this section, provided that new occupants of such  
157 housing meet the age requirements of subdivision (2) or (3) of  
158 subsection 9 of this section; or

159 (2) Unoccupied units, provided that such units are reserved  
160 for occupancy by persons who meet the age requirements of  
161 subdivision (2) or (3) of subsection 9 of this section.

162           11. Nothing in this section or section 213.045 or 213.050  
163 shall prohibit conduct against a person because such person has  
164 been convicted by any court of competent jurisdiction of the illegal  
165 manufacture or distribution of a controlled substance, as defined  
166 by section 195.010.

167           12. Nothing in this chapter shall prohibit a religious  
168 organization, association, or society, or any nonprofit institution or  
169 organization operated, supervised or controlled by or in conjunction  
170 with a religious organization, association, or society, from limiting  
171 the sale, rental or occupancy of dwellings which it owns or operates  
172 for other than a commercial purpose to persons of the same  
173 religion, or from giving preference to such persons, unless  
174 membership in such religion is restricted on account of race, color,  
175 or national origin. Nor shall anything in this chapter prohibit a  
176 private club not in fact open to the public, which as an incident to  
177 its primary purpose or purposes provides lodging which it owns or  
178 operates for other than a commercial purpose, from limiting the  
179 rental or occupancy of such lodging to its members or from giving  
180 preference to its members.

181           13. Nothing in this chapter, other than the prohibitions  
182 against discriminatory advertising in subdivision (3) of subsection  
183 1 of this section, shall apply to:

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

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

189           (b) The house is sold or rented without the use of a real  
190 estate broker, agent or salesperson or the facilities of any person  
191 in the business of selling or renting dwellings and without  
192 publication, posting or mailing of any advertisement. If the owner  
193 selling the house does not reside in it at the time of the sale or was  
194 not the most recent resident of the house prior to such sale, the  
195 exemption in this section applies to only one such sale in any  
196 twenty-four-month period; or

197           (2) Rooms or units in dwellings containing living quarters

198 occupied or intended to be occupied by no more than four families  
199 living independently of each other, if the owner actually maintains  
200 and occupies one of such living quarters as his or her residence.]

[213.041. 1. No declaration or other governing document  
2 of a homeowners' association shall include a restrictive covenant in  
3 violation of section 213.040.

4 2. Notwithstanding any other provision of law or provision  
5 of the governing documents, the board of directors of a  
6 homeowners' association shall amend, without approval of the  
7 owners, any declaration or other governing document that includes  
8 a restrictive covenant in violation of section 213.040, and shall  
9 restate the declaration or other governing document without the  
10 restrictive covenant but with no other change to the declaration or  
11 governing document.

12 3. If after providing written notice to a homeowners'  
13 association requesting that the association delete a restrictive  
14 covenant in violation of section 213.040, and the association fails  
15 to delete the restrictive covenant within thirty days of receiving the  
16 notice, the Missouri commission on human rights, a city or county  
17 in which a common interest development is located, or any person  
18 may bring an action against the homeowners' association for  
19 injunctive relief to enforce the provisions of subsections 1 and 2 of  
20 this section. The court may award attorney's fees to the prevailing  
21 party.

22 4. The provisions of this section shall become effective on  
23 January 1, 2006.]

[213.045. It shall be unlawful for any bank, building and  
2 loan association, insurance company or other corporation,  
3 association, firm or enterprise whose business consists in whole or  
4 in part in the making of commercial real estate loans, to deny a  
5 loan or other financial assistance because of race, color, religion,  
6 national origin, ancestry, sex, disability or familial status to a  
7 person applying therefor for the purpose of purchasing,  
8 construction, improving, repairing, or maintaining a dwelling, or to  
9 discriminate against him in fixing of the amount, interest rate,  
10 duration or other terms or conditions of such loan or other financial

11 assistance, because of the race, color, religion, national origin,  
12 ancestry, sex, disability, or familial status of such person or of any  
13 person associated with him in connection with such loan or other  
14 financial assistance, or of the present or prospective owners,  
15 lessees, tenants, or occupants, of the dwellings in relation to which  
16 such loan or other financial assistance is to be made or given.]

[213.050. It shall be unlawful to deny any person access to  
2 or membership or participation in any multiple listing service, real  
3 estate brokers' organization or other service organization, or  
4 facility relating to the business of selling or renting dwellings,  
5 because of race, color, religion, national origin, ancestry, sex,  
6 disability, or familial status.]

[213.076. 1. When a written notice of hearing is issued  
2 alleging violation of section 213.040, 213.045, 213.050, or 213.070,  
3 to the extent that the alleged violation of section 213.070 relates to  
4 or involves violation of one or more of such other sections or relates  
5 to or involves the encouraging, aiding or abetting of violation of  
6 such sections, a complainant or respondent may elect to have the  
7 claims asserted in that complaint decided in a civil action under  
8 the provisions of this section in lieu of a hearing pursuant to the  
9 provisions of section 213.075. Written notice of an election made  
10 pursuant to this subsection shall be filed with the commission and  
11 all parties within twenty days of the date on which the written  
12 notice of hearing is placed in the mail by the commission staff.

13 2. Where a party has made an election pursuant to the  
14 provisions of this section, to have the claims asserted in a written  
15 notice issued by the chairperson, decided in a civil action, the  
16 chairperson shall immediately direct staff attorneys employed by  
17 the commission to commence and maintain a civil action on behalf  
18 of the complainant. Such action shall be commenced within thirty  
19 days of the election. All expenses of the claimant related to a civil  
20 action brought under this section shall be paid by the commission.

21 3. Any person aggrieved with respect to the issues to be  
22 determined in a civil action instituted pursuant to this section may  
23 intervene as of right in a civil action.

24 4. In a civil action instituted pursuant to this section, if the

25 court finds that an unlawful discriminatory practice has occurred  
26 or is about to occur, the court may grant all relief as set forth in  
27 section 213.111. If monetary relief is sought for benefit of an  
28 aggrieved person who is not a party to the civil action, the court  
29 shall not award such relief if such person has not complied with  
30 discovery orders issued by the court.

31 5. The commission shall have authority to hire such  
32 attorneys as may be necessary to perform duties assigned to it  
33 pursuant to this section.]

2 [213.112. Legally permissible actions pursuant to section  
3 441.020 are subject to the provisions of this chapter only if a  
4 primary motive for the section 441.020 action is not any of the  
factors listed in section 441.020.]

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