

FIRST REGULAR SESSION

SENATE BILL NO. 191

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Pre-filed December 20, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0117S.01I

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213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 213.010, 213.020, 213.030, 213.070, 213.075, 213.077, 213.085, 213.095, 213.101,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] **2102**; 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] **213.167**, and which will be disbursed to offset
75 additional expenses related to compliance with the Department of Housing and
76 Urban Development regulations;

77 [(13)] **(11)** "Labor organization" includes any organization which exists
78 for the purpose, in whole or in part, of collective bargaining or of dealing with
79 employers concerning grievances, terms or conditions of employment, or for other
80 mutual aid or protection in relation to employment;

81 [(14)] **(12)** "Local commissions", any commission or agency established
82 prior to August 13, 1986, by an ordinance or order adopted by the governing body

83 of any city, constitutional charter city, town, village, or county;

84 [(15)] **(13)** "Person" includes one or more individuals, corporations,
85 partnerships, associations, organizations, labor organizations, legal
86 representatives, mutual companies, joint stock companies, trusts, trustees,
87 trustees in bankruptcy, receivers, fiduciaries, or other organized groups of
88 persons;

89 [(16)] **(14)** "Places of public accommodation", all places or businesses
90 offering or holding out to the general public, goods, services, privileges, facilities,
91 advantages or accommodations for the peace, comfort, health, welfare and safety
92 of the general public or such public places providing food, shelter, recreation and
93 amusement, including, but not limited to:

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

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

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

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

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

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

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

115 **(18)] (15)** "Respondent", a person who is alleged to have engaged in a
116 prohibited discriminatory practice in a complaint filed with the commission;

117 [(19)] **(16)** "The motivating factor", the employee's protected classification
118 actually played a role in the adverse action or decision and had a determinative

119 influence on the adverse decision or action;

120 [(20)] **(17)** "Unlawful discriminatory practice", any act that is unlawful
121 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] **unlawful discriminatory practice**, which
6 shall state the name and address of the employer, employment agency, labor
7 organization, or place of public accommodation alleged to have committed the

8 unlawful discriminatory practice and which shall set forth the particulars thereof
9 and such other information as may be required by the commission. The
10 complainant's agent, attorney or the attorney general may, in like manner, make,
11 sign and file such complaint. The failure to timely file a complaint with the
12 commission shall deprive the commission of jurisdiction to investigate the
13 complaint. The commission shall make a determination as to its jurisdiction with
14 respect to all complaints. Notwithstanding any other provision of [this chapter]
15 **sections 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 **unlawful** discriminatory practice
56 as found in the investigation, if in the judgment of the chairperson of the
57 commission circumstances so warrant, there shall be issued and served in the
58 name of the commission, a written notice, together with a copy of the complaint,
59 as it may have been amended, requiring the person named in the complaint,
60 hereinafter referred to as "respondent", to answer the charges of the complaint
61 at a hearing, at a time and place to be specified in the notice, before a panel of
62 at least three members of the commission sitting as the commission or before a
63 hearing examiner licensed to practice law in this state who shall be appointed by
64 the 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] 2 of this section, and the commission has not
32 filed a petition for enforcement of its order in the circuit court, any person
33 entitled to relief may, after the expiration of sixty days from the date of the
34 commission's order, file a petition for enforcement of the commission's decision
35 in a circuit court having proper venue thereof. The contents of the petition and
36 the 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. McKeeever'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 of, and**
5 **to 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 an unlawful
8 discriminatory housing 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 an
60 unlawful discriminatory housing 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 commission, a city or county in which a common interest development
17 is located, or any person may bring an action against the homeowners'
18 association for injunctive relief to enforce the provisions of subsections
19 1 and 2 of this section. The court may award attorney's fees to the
20 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 unlawful discriminatory housing practice, which
5 shall state the name and address of the person alleged to have
6 committed the unlawful discriminatory housing practice and which
7 shall set forth the particulars thereof and such other information as
8 may be required by the commission. The complainant's agent, attorney
9 or the attorney general may, in like manner, make, sign and file such
10 complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

115 of a report of the manner of compliance;

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

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

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

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

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

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

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

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

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

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

160 16. Any person aggrieved by an order of the commission may
161 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 2 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, the person aggrieved so requests
3 in writing, the commission shall issue to the person claiming to be
4 aggrieved a letter indicating his or her right to bring a civil action
5 within ninety days of such notice against the respondent named in the
6 complaint. Such an action may be brought in any circuit court in any
7 county in which the unlawful discriminatory housing practice is
8 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.

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.

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.

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.

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 shall be subject to the provisions of sections 213.150 to 213.188 only if
3 a 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

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

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

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

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

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

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

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

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

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

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

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of 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.]

✓

Bill

Copy