

1 **BOARD BILL NO. 67 CS INTRODUCED BY ALDERMAN SHANE COHN,**
2 **PRESIDENT LEWIS REED, ALDERWOMAN FLORIDA, ALDERWOMAN**
3 **FLOWERS, ALDERMAN KENNEDY, ALDERWOMAN DAVIS,**
4 **ALDERWOMAN GRIFFIN, ALDERMAN ORTMANN, ALDERWOMAN**
5 **YOUNG, ALDERMAN SCHMID**

6
7
8 An ordinance intended to eliminate, reduce and remedy discrimination in housing,
9 employment, education, services, public accommodations, and real property transactions
10 and uses, to provide equal opportunity enforcement, and to bring the laws of the City of
11 St. Louis into substantial compliance with the Federal Fair Housing Act by amending
12 Sections Two, Five, Seven, Eight and Nine of Ordinance 67119, approved June 13, 2006
13 and containing a severability clause and an emergency clause.

14 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

15 **SECTION ONE.** Section Two of Ordinance 67119, approved June 13, 2006, is
16 hereby amended to read as follows:

17 Section Two. Definition of Terms.

18 As used in this ordinance, unless a different meaning clearly appears from the
19 context in which used, the following terms and phrases shall be taken to have the
20 meaning ascribed to them in this section, to wit:

21 (1) "Academic, professional or vocational school" includes any person who
22 trains and teaches individuals to engage in any trade, business, profession, calling or
23 vocational pursuit.

24 (2) "Act" means the federal Fair Housing Act, 42 U.S. C. 3601, et seq.

25 (3) "Age" means an age of forty or more years but less than seventy years,
26 except that it shall not be an unlawful employment practice for an employer to require the

May 21, 2010

Page 1 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderwoman Florida/ Alderwoman Flowers/ Alderman Kennedy/ Alderwoman Davis/
Alderwoman Griffin/ Alderman Ortmann/ Alderwoman Young/ Alderman Schmid

1 compulsory retirement of any person who has attained the age of sixty-five and who, for
2 the two-year period immediately before retirement, is employed in a bona fide executive
3 or high policy-making position, if such person is entitled to an immediate nonforfeitable
4 annual retirement benefit from a pension, profit sharing, savings or deferred
5 compensation plan, or any combination of such plans, of the employer, which equals, in
6 the aggregate, at least forty-four thousand dollars.

7 (4) "Agency" means the St. Louis Civil Rights Enforcement Agency.

8 (5) "Aggrieved person" includes any person who:

9 (a) claims to have been injured by a discriminatory housing practice; or

10 (b) believes that such person will be injured by a discriminatory housing
11 practice that is about to occur.

12 (6) "Commission" means the St. Louis Civil Rights Enforcement Commission;

13 (7) "Commissioner" means a member of the St. Louis Civil Rights
14 Enforcement Commission.

15 (8) "Complainant" shall mean a person who has filed a complaint with the
16 Agency alleging that another person has engaged in a prohibited discriminatory practice,
17 or a person who has joined in such a complaint after its initial filing.

18 (9) "Conciliation" means the attempted resolution of issues raised by a
19 complaint, or by the investigation of such complaint, through informal negotiations
20 involving the aggrieved person, the respondent and the Commission and/or the
21 Commission's agent.

May 21, 2010

Page 2 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderdwoman Florida/ Alderdwoman Flowers/ Alderman Kennedy/ Alderdwoman Davis/
Alderdwoman Griffin/ Alderman Ortmann/ Alderdwoman Young/ Alderman Schmid

1 (10) "Conciliation agreement" means a written agreement setting forth the
2 resolution of the issues in conciliation.

3 (11) As used in ' 9(C)(2)(c) of this ordinance, the term "Covered Multifamily
4 Dwelling" means:

5 (a) buildings consisting of 4 or more units if such buildings have one or more
6 elevators; and

7 (b) ground floor units in other buildings consisting of 4 or more units.

8 (12) "Director" means the Executive Director of the St. Louis Civil Rights
9 Enforcement Agency.

10 (13) "Disability" or "Handicap" means, with respect to a person:

11 (a) a physical or mental impairment which substantially limits one or more of
12 such person's major life activities;

13 (b) a record of having such impairment; or

14 (c) being regarded as having such an impairment, but such term does not
15 include current, illegal use of or addiction to a controlled substance (as defined by
16 Section 195.010 R.S.Mo.), however, a person may be considered to be disabled if that
17 person:

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

May 21, 2010

Page 3 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Aldermwoman Florida/ Aldermwoman Flowers/ Alderman Kennedy/ Aldermwoman Davis/
Aldermwoman Griffin/ Alderman Ortman/ Aldermwoman Young/ Alderman Schmid

1 (ii) Is participating in a supervised rehabilitation program and is no longer
2 engaging in illegal use of controlled substances; or

3 (iii) Is erroneously regarded as currently illegally using, or being addicted
4 to, a controlled substance.

5 (14) "Discriminatory housing practice" or "Discriminatory practice" means an
6 act that is unlawful under section 3604, 3605, 3606, or 3617 of the Fair Housing Act, or
7 is otherwise prohibited by the provisions of this ordinance.

8 (15) "Dwelling" means any building, structure, or portion thereof which is
9 occupied as, or designed or intended for occupancy as, a residence by one or more
10 families, and any vacant land which is offered for sale or lease for the construction or
11 location thereon of any such building, structure, or portion thereof.

12 (16) "Employer" included any person who employs six or more persons
13 exclusive of that person's parents, spouse or children.

14 (17) "Employment agency" includes any person undertaking for compensation
15 to procure opportunities to work or to procure, recruit, refer or place employees.

16 (18) "Familial status" means one or more individuals (who have not attained
17 the age of 18 years) being domiciled with--

18 (a) a parent or another person having legal custody or such individual or
19 individuals; or

20 (b) the designee of such parent or other person having such custody, with the
21 written permission of such parent or other person;

May 21, 2010

Page 4 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 The protection afforded by this ordinance against discrimination on the basis of
2 familial status shall apply to any person who is pregnant or is in the process of securing
3 legal custody of any individual who has not attained the age of 18 years.

4 (19) "Family" includes a single individual.

5
6 (20) "Financial Institution" means bank, banking organization, mortgage
7 company, insurance company, investment company or other lender to whom application
8 is made for financial assistance for the purchase, lease, acquisition, construction,
9 rehabilitation, repair, maintenance, or improvement of real property, or an individual
10 employed by or acting on behalf of or as agent of any of these.

11 (21) "Gender Identity or Expression" means an inner sense of being a specific
12 gender, or the expression, intended or unintended, of a gender identity by verbal
13 statement, appearance, or mannerisms, or other gender-related characteristics of an
14 individual with or without regard to the individual's designated sex at birth.

15 (22) As used in ' 9(C)(3)(c) of this ordinance, the term "Housing for Older
16 Persons" means housing:

17 (a) provided under any state or federal program that the Secretary of the
18 United States Department of Housing and Urban Development has determined is
19 specifically designed and operated to assist elderly persons;

20 (b) intended for, and solely occupied by, persons 62 years of age or older; or

21 (c) intended and operated for occupancy by at least one person 55 years of
22 age or older per unit:

May 21, 2010

Page 5 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderdwoman Florida/ Alderdwoman Flowers/ Alderman Kennedy/ Alderdwoman Davis/
Alderdwoman Griffin/ Alderman Ortmann/ Alderdwoman Young/ Alderman Schmid

1 (i) in which at least eighty percent of the units are occupied by at least one
2 person 55 years of age or older; and

3 (ii) for which management has published and adheres to policies and
4 procedures which demonstrate an intent by the owner or manager to provide housing for
5 persons 55 years of age or older.

6 (d) that complies with rules issued by the Secretary for verification of
7 occupancy, which shall:

8 (i) provide for verification by reliable surveys and affidavits; and

9 (ii) include examples of the types of policies and procedures relevant to a
10 determination of compliance with the requirement of clause (ii) above. Such surveys and
11 affidavits shall be admissible in administrative and judicial proceedings for the purposes
12 of such verification.

13 (e) housing shall not fail to meet the requirements for housing for older
14 persons by reason of:

15 (i) persons residing therein as of September 13, 1988 who do not meet the
16 age requirements set out in subparagraphs (b) or (c) of this definition, provided that new
17 occupants of such housing do meet said age requirements; or

18 (ii) unoccupied units, provided that such units are reserved for persons
19 who meet the relevant age requirement of subparagraphs (b) or (c) of this definition.

20 (23) "Individual" means one or more individuals.

21 (24) "Labor organization" includes any organization which exists for the
22 purpose, in whole or in part, of collective bargaining or of dealing with employers

May 21, 2010

Page 6 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortmann/ Alderman Young/ Alderman Schmid

1 concerning grievances, terms or conditions of employment, or for other mutual aid or
2 protection in relation to employment.

3 (25) "Person" includes one or more individuals, partnerships, associations,
4 unincorporated organizations, corporations, mutual companies, joint stock companies,
5 legal representatives, trusts, trustees, labor organizations, fiduciaries, trustees in
6 bankruptcy, and/or receivers.

7 (26) "Places of Public Accommodation" means all places or businesses offering
8 or holding out to the general public services or facilities for the comfort, health and safety
9 of such general public, including, but not limited to, public places providing food, shelter,
10 recreation and amusement.

11 (27) "Prevailing party" has the same meaning as such term has in 42 U.S.C. '
12 1988 and ' 802(o) of the Act.

13 (28) "Real Estate Broker" or "Real Estate Salesman" means any person,
14 whether licensed or not, who, on behalf of others, for a fee, commission, salary or other
15 valuable consideration, or who with the intention or the expectation of receiving or
16 collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the
17 improvement thereon, including options, or who negotiates or attempts to negotiate on
18 behalf of others such an activity; or who advertises or holds himself out as engaged in
19 such activities; or who negotiates or attempts to negotiate on behalf of others, a loan
20 secured by mortgage or other encumbrance upon a transfer of real estate, or who is
21 engaged in the business of charging an advance fee or contracting for collection of a fee
22 in connection with a contract whereby he undertakes to promote the sale, purchase,

May 21, 2010

Page 7 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortmann/ Alderman Young/ Alderman Schmid

1 exchange, rental or lease of real estate through its listing in a publication issued primarily
2 for such purpose; or an individual employed by or acting on behalf of any of these.

3 For the purpose of this Section, a person shall be deemed to have engaged in
4 the activities set out above if:

5 (i) the person has, within the preceding twelve (12) months, participated as a
6 principal in three (3) or more transactions involving such activities; or

7 (ii) the person has, within the preceding twelve (12) months, participated as
8 agent, other than in connection with the person's own personal residence, in two (2) or
9 more transactions involving such activities; or

10 (iii) the person is the owner of any Dwelling designed or intended for
11 occupancy by, or occupied by, five (5) or more families.

12 (29) "Realty" includes real estate, lands, buildings, structures, housing
13 accommodations, dwellings, tenements, leaseholds, cooperatives, condominiums, and
14 hereditaments, corporeal or incorporeal, or any interest in the above.

15 (30) "Respondent" shall mean a person or other entity who is alleged to have
16 engaged in a prohibited discriminatory practice in a complaint filed with the Agency, or a
17 person or other entity who has been substituted for the originally named respondent, or a
18 person or other entity who has been added as a party respondent, subsequent to the initial
19 filing of the complaint, pursuant to investigation conducted by the Agency; provided,
20 however, that substituted or added persons or entities shall be notified as required in
21 Section 810(a) of the Fair Housing Act.

22 (31) "Secretary" means the Secretary of Housing and Urban Development.

May 21, 2010

Page 8 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 (32) "State" means any of the several States, the District of Columbia, the
2 Commonwealth of Puerto Rico, or any of the territories and possessions of the United
3 States.

4 (33) "To rent" includes to lease, to sublease, to let and otherwise to grant for a
5 consideration the right to occupy premises not owned by the occupant.

6

7 **SECTION TWO.** Section Five of Ordinance 67119, approved June 13, 2006, is
8 hereby amended to read as follows:

9 Section Five. Function and Duties of the Commission.

10 (1) The Commission shall act in an advisory capacity to the Mayor, the Board of
11 Aldermen and the Director for the purposes of furthering amicable relations among the
12 various segments of the population, which together comprise the citizenry of the City of
13 St. Louis; to help preserve and further the good name of St. Louis for tolerance and fair
14 play and promote better relations among its people; to help make it possible for each
15 citizen, regardless of race, color, religion, sex, age, disability, marital status, familial
16 status, sexual orientation, gender identity or expression, national origin or ancestry, or
17 legal source of income to develop talents and abilities without limitation; and to aid in
18 permitting the community to benefit from the fullest realization of its human resources. In
19 order to accomplish the objectives herein set out, the Commission shall advise and confer
20 with the Mayor and other officers of the City on problems affecting human and inter-
21 group relations; make studies, surveys and investigations to provide accurate data for
22 orderly and constructive community development, and to recommend such measures as

May 21, 2010

Page 9 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 are deemed necessary to carry out the objectives for which the commission has been
2 created; consult with and obtain cooperation and coordinated effort on the part of all
3 agencies, both private and public, which function in the field of human relations, schools,
4 law enforcement agencies, welfare organizations, youth and similar groups; utilize the
5 resources of individuals and groups toward the improvement of inter-group relations;
6 enlist all potential community forces in an effort to make more secure and to extend
7 democratic rights, opportunities and practices; influence and encourage community
8 support for educational programs; and where appropriate, draft, propose or support
9 legislation designed to: (a) combat those misconceptions, prejudices and untruths which
10 tend to set group against group; (b) reduce tensions created by ignorance and bigotry; and
11 (c) eliminate discriminatory practices arising from prejudice.

12 (2) The Commission shall review the record made in a contested case before a hearing
13 officer, consider the recommended findings of fact, conclusions of law and order of said
14 hearing officer and shall thereafter accept or amend the recommended findings of fact,
15 conclusions of law and order. Such action may be taken by a panel of not less than three
16 members of the Commission, and any order made by such panel shall become the final
17 order of the Commission. Neither the retention of hearing officers pursuant to Section
18 Eight hereof nor the appointment of such panel shall be construed as a delegation or
19 contracting out of the Commission's decision-making authority to a non-governmental
20 authority in violation of 24 C.F.R. 115.202(f). In any contested case, the final
21 determination shall be made solely by the Commission.

May 21, 2010

Page 10 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Aldermwoman Florida/ Aldermwoman Flowers/ Alderman Kennedy/ Aldermwoman Davis/
Aldermwoman Griffin/ Alderman Ortmann/ Aldermwoman Young/ Alderman Schmid

1 **SECTION THREE.** Section Seven of Ordinance 67119, approved June 13, 2006, is
2 hereby amended to read as follows:

3 Section Seven. Powers and Duties of the Commission.

4 The commission is hereby empowered:

5 (1) to recommend action to safeguard all individuals within the jurisdiction from
6 discrimination because of race, marital status, familial status, sexual orientation, gender
7 identity or expression, sex, color, age, religion, disability, national origin or ancestry, or
8 legal source of income;

9 (2) upon recommendation of the Director, to accept grants, gifts, or bequests, public or
10 private, to help finance the activities of the Commission or Civil Rights Enforcement
11 Agency and to enter into cooperative arrangements with other jurisdictions or agencies
12 for the production and dissemination of educational materials and/or programs;

13 (3) to enact by a majority vote of its members such rules and regulations as it may
14 deem necessary for governance of the Commission and to carry out the functions
15 assigned to it hereunder. Such rules and regulations shall be signed by the Chairman and
16 attested to by the Director. Once so signed and attested, rules and regulations
17 promulgated by the Commission shall be transmitted to the Missouri Commission on
18 Human Rights for review. Upon approval by the Missouri Commission, a copy of said
19 rules and regulations shall be filed with the Register of the City of St. Louis;

20 (4) to render to the Mayor and the Board of Aldermen a full written report of all of its
21 activities and of its recommendations on an annual basis;

May 21, 2010

Page 11 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortman/ Alderswoman Young/ Alderman Schmid

1 (5) to advise and consult with the Civil Service Commission and local offices
2 controlled by state statute to effectuate the policies of this ordinance and applicable
3 federal laws;

4 (6) to appoint a panel composed of not less than three members of the Commission, or
5 to act as the Commission as a whole, to review the record made before a hearing officer
6 in a contested hearing, to review that hearing officer's proposed findings of fact,
7 conclusions of law and order, and to accept or amend such proposed findings of fact,
8 conclusions of law and order, which shall become a final order of the Commission; and

9 (7) to issue such affirmative orders in contested cases as authorized by state statute.

10 **SECTION FOUR.** Section Eight of Ordinance 67119, approved June 13, 2006, is
11 hereby amended to read as follows:

12 Section Eight. Powers and Duties of the Executive Director.

13 The Executive Director is hereby empowered:

14 (1) to provide for execution within the City of St. Louis of the policies
15 embodied in this ordinance, the Federal Civil Rights Act of 1964, as amended, the
16 Federal Fair Housing Act of 1968, as amended and Chapter 213 of the Revised Statutes
17 of the State of Missouri;

18 (2) to receive, initiate, investigate, make probable cause findings with regard to,
19 and make recommendations concerning, violations of equal employment, fair housing
20 and/or public accommodation provisions of Chapter 213 of the Revised Statutes of the
21 State of Missouri, as authorized therein, and/or of ordinances, orders, or resolutions
22 forbidding discrimination which have been adopted or enacted by the City;

May 21, 2010

Page 12 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 (3) issue subpoenas to compel the attendance of witnesses and the production of
2 evidence relevant to the matter in question for investigatory and determinative purposes
3 and to enforce such subpoena in Circuit Court;

4 (4) to write, edit and produce educational materials and to arrange, sponsor,
5 promote and/or participate in educational programs intended to reduce or eliminate bias
6 or discrimination against persons or groups based upon the race, color, sex, disability,
7 national origin, ancestry, familial status or size, religion or sexual orientation, gender
8 identity or expression, or legal source of income of such person or group;

9 (5) to enter into deferral or other cooperative working agreements with the
10 United States Equal Employment Opportunity Commission, United States Department of
11 Housing and Urban Development, Missouri Commission on Human Rights, and/or any
12 other federal, state or local agency which is empowered to take action, enter into
13 agreements, or make grants for the purpose of reducing or eliminating discrimination.

14 (6) to refer a matter under its jurisdiction to the Missouri Commission on
15 Human Rights for initial action or review;

16 (7) should a finding of probable cause be made and the Director be unable to
17 successfully conciliate the complaint, to issue administrative charges of violation of this
18 ordinance;

19 (8) to recommend to the Commission acceptance of grant agreements, gifts and
20 bequests;

21 (9) to hire attorneys to act as hearing officers to hold hearings on charges issued
22 by the Director;

May 21, 2010

Page 13 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortmann/ Alderswoman Young/ Alderman Schmid

1 (10) where a hearing is held before the Commission on a charge issued by the
2 Director, to present evidence and testimony before the Commission relative to such
3 charge;

4 (11) to refer potential ordinance violations to the City Counselor for
5 prosecution in municipal court;

6 (12) if the Director determines at any time subsequent to filing of a complaint
7 that prompt judicial action is necessary to effectuate the purposes of the equal
8 employment, fair housing or public accommodation provisions of Chapter 213 of the
9 Revised Statutes of the State of Missouri and/or of ordinances, orders or resolutions
10 forbidding discrimination which have been adopted or enacted by the City, the Director
11 may authorize the City Counselor to file a civil action seeking issuance of an appropriate
12 temporary restraining order or other injunctive relief. Upon receiving notice of such
13 authorization, the City Counselor shall promptly file and maintain such action in the
14 Missouri Circuit Court. The filing of such an action shall in no way affect or interfere
15 with the initiation of a complaint or continuation of administrative proceedings thereon,
16 pursuant to the provisions of this ordinance;

17 (13) to delegate any of his powers or duties provided for by this or any other
18 ordinance to one or more staff employees of the Agency, except that (a) all charges
19 referred to the Commission for hearing must be signed by the Director and (b) all
20 subpoenas issued pursuant hereto must also be signed by the Director.

21 **SECTION FIVE.** Section Nine of Ordinance 67119, approved June 13, 2006, is
22 hereby amended to read as follows:

May 21, 2010

Page 14 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortmann/ Alderswoman Young/ Alderman Schmid

1 Section Nine. Prohibited Discriminatory Practices.

2 (A) Discriminatory practices, as defined and established by this section, are
3 prohibited. Any person engaging in a prohibited discriminatory practice shall be guilty of
4 an ordinance violation, which shall be punishable in the manner set out in Section 17 of
5 this ordinance.

6 (B) DISCRIMINATION IN EMPLOYMENT. It shall be a prohibited
7 discriminatory employment practice:

8 (1) For an employer to fail or refuse to hire, to discharge or otherwise to
9 discriminate against any individual with respect to compensation or the terms, conditions
10 or privileges of employment, because of race, color, age, religion, sex, familial status,
11 disability, sexual orientation, gender identity or expression, national origin or ancestry.

12 (2) For a labor organization to exclude or expel from membership, or
13 otherwise to discriminate against any applicant or member, because of race, color, age,
14 religion, sex, familial status, disability, sexual orientation, gender identity or expression,
15 national origin or ancestry of any applicant or member;

16 (3) For an employment agency to fail or refuse to refer for employment, or
17 otherwise to discriminate against any individual because of race, color, age, religion, sex,
18 familial status, disability, sexual orientation, gender identity or expression, national origin
19 or ancestry of said individual;

20 (4) For an employer, labor organization or employment agency to print or
21 circulate or cause to be printed or circulated, any statement, advertisement or publication,
22 or to make any inquiry in connection with prospective employment, which expresses

May 21, 2010

Page 15 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortman/ Alderswoman Young/ Alderman Schmid

1 directly or indirectly any preference, limitation, specification or discrimination because of
2 race, color, age, religion, sex, familial status, sexual orientation, gender identity or
3 expression, disability, national origin or ancestry, unless based upon a bona fide
4 occupational qualification.

5 (5) Notwithstanding paragraphs 1, 2, 3 and 4 of subsection B of this
6 section, the age prohibition shall be limited to individuals who are at least forty (40) years
7 of age, but less than seventy years of age.

8 (6) For an academic, professional or vocational school to exclude or expel
9 from enrollment, or otherwise to discriminate against any applicant or student, because of
10 the race, color, religion, familial status, disability, sexual orientation, gender identity or
11 expression, national origin or ancestry of said applicant or student.

12 (7) For an academic, professional or vocational school to or circulate or
13 cause to be printed or circulated, a statement, advertisement or publication, or to use any
14 form of application for admission to said school, or to make any inquiry in connection
15 with prospective enrollment in said school, which expresses directly or indirectly any
16 preference, limitation, specification, or discrimination because of race, color, religion,
17 sexual orientation, gender identity or expression, familial status, disability, national origin
18 or ancestry.

19 (8) It shall not be an unlawful employment practice for a school, college,
20 university or other educational institution which is, in whole or in substantial part, owned,
21 supported, controlled or managed by a particular religion, or by a particular religious
22 corporation, association, or society, if the curriculum of such school, college, university

May 21, 2010

Page 16 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortman/ Alderswoman Young/ Alderman Schmid

1 or other educational institution is substantially directed toward the propagation or
2 teaching of a particular religion, for such school, college, university or educational
3 institution to consider the religion of an applicant in making a hiring decision for a
4 teaching or counseling position, a professorship, or a position involving supervision of
5 teachers, counselors or professors.

6 (9) Nothing contained in this ordinance shall be interpreted to require any
7 employer, employment agency, labor organization, or joint labor management committee
8 subject to this ordinance to grant or accord preferential treatment to any individual or
9 group because of the race, color, national origin or ancestry of such individual or group
10 because or on account of an imbalance which may exist with respect to the total number
11 or percentage of persons of any race, color, religion, sex, sexual orientation, gender
12 identity or expression, familial status, disability, national origin or ancestry employed by
13 any employer, referred or classified for employment by any employment agency or labor
14 organization, admitted to membership or classified by any labor organization, or admitted
15 to, or employed in, any apprenticeship or other training program, in comparison with the
16 total number or percentage of persons of such race, color, religion, sexual orientation,
17 gender identity or expression, familial status, disability, national origin or ancestry in this
18 community, or in the available work force in this community.

19 (C) DISCRIMINATION IN PROVISION OF HOUSING OR REALTY.

20 (1) Prohibited Discriminatory Housing or Realty Practices. It shall be a
21 prohibited housing or realty practice and shall constitute a discriminatory housing
22 practice:

May 21, 2010

Page 17 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 (a) For any person, including, without limitation any real estate broker,
2 salesman or agent, or any employee thereof, to discriminate against any individual
3 because of race, color, religion, sex, sexual orientation, gender identity or expression,
4 familial status, legal source of income, disability, national origin or ancestry, with respect
5 to the use, enjoyment or transfer, or prospective use, enjoyment or transfer, of any
6 interest whatsoever in realty, or with respect to the terms, conditions, privileges or
7 services granted or rendered in connection therewith, or with respect to the making or
8 purchasing of loans for the purchase or maintenance of residential real estate or loans in
9 the secondary market, or the provision of other financial assistance, or with respect to the
10 terms, conditions, privileges or services granted or rendered in connection with any
11 interest whatsoever in realty, or with respect to the making of loans secured by residential
12 real estate;

13 (b) For any person, including, without limitation, any banking, money
14 lending, credit securing or other financial institution, or any officer, agent or employee
15 thereof, to discriminate against any individual because of race, marital status, familial
16 status, color, religion, sex, sexual orientation, gender identity or expression, disability,
17 national origin or ancestry, with respect to the granting or withholding of credit or
18 financial assistance, or the extending or renewing of credit or financial assistance, or
19 modifying of rates, terms, conditions, privileges or other provisions of credit or financial
20 assistance, or services retained or rendered, in connection with the transfer or prospective
21 transfer of any interest whatsoever in realty, or in connection with the construction,
22 repair, improvement or rehabilitation of realty;

May 21, 2010

Page 18 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortmann/ Alderman Young/ Alderman Schmid

1 (c) For any real estate broker, salesman or agent, or any employee thereof,
2 or any other person seeking financial gain thereby, directly or indirectly to induce or
3 solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by
4 making or distributing, or causing to be made or distributed, any statement or
5 representation concerning the entry or prospective entry into the neighborhood of a
6 person or persons of a particular race, color, religion, sex, sexual orientation, gender
7 identity or expression, disability, familial status, national origin or ancestry or with a
8 particular source of lawful income;

9 (d) For any person to refuse to sell or rent after the making of a bona fide
10 offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny
11 a dwelling to any person because of race, color, religion, sex, familial status, legal source
12 of income, disability, sexual orientation, gender identity or expression, national origin or
13 ancestry;

14 (e) For any person to discriminate against any other person in the terms,
15 conditions, or privileges of sale or rental of a dwelling, or in the provision of services or
16 facilities in connection therewith, because of race, color, religion, sex, familial status,
17 legal source of income sexual orientation, gender identity or expression, disability,
18 national origin, or ancestry;

19 (f) For any person to make, print, or publish, or cause to be made, printed,
20 or published any notice, statement, or advertisement, with respect to the sale or rental of a
21 dwelling that indicates any preference, limitation, or discrimination based on race, color,
22 religion sex, familial status, lawful source of income, sexual orientation, gender identity

May 21, 2010

Page 19 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortmann/ Alderman Young/ Alderman Schmid

1 or expression, disability, national origin, or ancestry, or an intention to make any such
2 preference, limitation, or discrimination;

3 (g) For any person to represent to another person because of race, color,
4 religion sex, familial status, lawful source of income, sexual orientation, gender identity
5 or expression, disability, national origin, or ancestry that any dwelling is not available for
6 inspection, sale, or rental when such dwelling is, in fact, so available;

7 (h) For any person to deny any other person access to or membership or
8 participation in any multiple-listing service, real estate brokers' organization or other
9 service, organization or facility relating to the business of selling or renting dwellings, or
10 to discriminate against him in the terms or conditions of such access, membership, or
11 participation on account of race, color, religion sex, familial status, sexual orientation,
12 gender identity or expression, disability, national origin, or ancestry.

13 (i) Notwithstanding the foregoing, a person engaged in the business of
14 furnishing appraisals of real property may take into consideration factors other than race,
15 color, religion, national origin, sex, sexual orientation, gender identity or expression,
16 handicap or familial status.

17 (2) Discrimination Against Persons With Disabilities. For purposes of this
18 subsection, the term "discriminatory practice" includes:

19 (a) discrimination against any person in the terms, conditions, or privileges
20 of sale or rental of a dwelling, or in the provision of services or facilities in connection
21 with such dwelling, or in the sale or rental or otherwise making unavailable or denying a
22 dwelling to any buyer or renter because of a handicap of:

May 21, 2010

Page 20 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 (i) that person; or
2 (ii) a person residing in or intending to reside in that dwelling after it is
3 so sold, rented, or made available; or

4 (iii) any person associated with that person, provided, however, that a
5 refusal to make available a unit for rent shall not be a discriminatory practice if such
6 potential renter, the person with one or more disabilities, or a person on behalf of a
7 person with disabilities seeks modifications to the rental property but the potential renter
8 is unable or unwilling to pay the expense of such modifications or provide the agreement
9 to restore the premises, where it is reasonable to do so, in accordance with the provisions
10 of subparagraph 2(b) below.

11 (b) a refusal to permit, at the expense of a person with disabilities, or
12 another person on behalf of a person with disabilities, reasonable modifications of
13 existing premises occupied or to be occupied by such person with disabilities, if such
14 modifications may be necessary or desirable to afford the person with disabilities full
15 enjoyment of the premises, except that, in the case of a rental unit, the landlord may,
16 where it is reasonable to do so, condition permission for a modification on the renter
17 agreeing to restore the interior of the premises to the condition that existed before the
18 modification, reasonable wear and tear excepted;

19 (c) a refusal to make reasonable accommodations in rules, policies,
20 practices, or services, when such accommodation may be necessary to afford such person
21 an equal opportunity to use and enjoy a dwelling; and

May 21, 2010

Page 21 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 (d) in connection with the design and construction of a covered
2 multifamily dwelling for first occupancy after March 13, 1991, a failure to design and
3 construct such dwelling, in a manner that complies with the Fair Housing Act and its
4 implementing regulations.

5 Notwithstanding the above, compliance with the appropriate requirements of
6 the American National Standard for buildings and facilities providing accessibility for
7 persons with physical disabilities (commonly cited as "ANSI A117.1") suffices to satisfy
8 certain requirements of the Fair Housing Act and its implementing regulations, and
9 nothing in this section shall require a dwelling to be made available to a person whose
10 occupancy would cause a direct threat to the health or safety of other individuals or
11 would result in substantial physical damage to the property of others.

12 (3) Exemptions.

13 (a) None of the provisions of subsection (C) of section 9, except
14 subparagraph (C)(1)(f) thereof, shall apply to:

15 (i) any single-family house sold or rented by an owner, provided that:
16 such private individual owner does not own more than three single-family dwellings at
17 any one time; that in the case of the sale of any single-family dwelling by a private owner
18 who was not the most recent resident of such house prior to such sale, the exemption
19 granted herein shall apply only with respect to one such sale within any twenty-four
20 month period, if such bona fide private individual owner does not own any interest in, nor
21 is there owned or reserved any interest on his behalf, under any express or voluntary
22 agreement, title to or rental of, or any right to all or a portion of the proceeds from the

May 21, 2010

Page 22 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Aldermwoman Florida/ Aldermwoman Flowers/ Alderman Kennedy/ Aldermwoman Davis/
Aldermwoman Griffin/ Alderman Ortman/ Aldermwoman Young/ Alderman Schmid

1 sale or rental of, more than three single-family dwellings at one time; the sale or rental of
2 any single family dwelling shall be excepted from the application of this subsection only
3 if such house is sold or rented (A) without the use in any manner of the sales or rental
4 facilities or the sales or rental services of any real estate broker, agent, or salesman, or of
5 such facilities or services of any person in the business of selling or renting dwellings, or
6 of any employee or agent of any such broker, agent, salesman, or of such facilities or
7 services of any person in the business of selling or renting dwellings, or of any employee
8 or agent of any such broker, and (B) without the publication, posting or mailing, after
9 notice, of any advertisement or written notice in violation of paragraph (1)(f) of this
10 subsection; except that nothing herein shall prohibit the use of attorneys, escrow agents,
11 abstractors, title companies, and other such professional assistance as necessary to perfect
12 or transfer title; or

13 (ii) rooms or units in dwellings containing living quarters occupied or
14 intended to be occupied by no more than four families living independently of each other,
15 if the owner actually maintains and occupies one of such living quarters as his residence.

16 (b) Nothing in subsection (C) of section 9 shall prohibit a religious
17 organization, association, or society, or any nonprofit institution or organization operated,
18 supervised or controlled by or in conjunction with a religious organization, association, or
19 society, from limiting the sale, rental or occupancy of dwellings which it owns or
20 operates for other than a commercial purpose to persons of the same religion, or from
21 giving preference to such person, unless membership in such religion is restricted on
22 account of race, color, national origin or disability. Nor shall anything in this subchapter

May 21, 2010

Page 23 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortman/ Alderman Young/ Alderman Schmid

1 prohibit a private club not in fact open to the public, which as an incident to its primary
2 purpose or purposes provides lodgings which it owns or operates for other than a
3 commercial purpose, from limiting the rental or occupancy of such lodgings to its
4 members or from giving preference to its members.

5 (c) The provisions of subsection (C) of section 9 regarding familial status
6 shall not apply with respect to housing for older persons.

7 (D) DISCRIMINATION IN PUBLIC ACCOMMODATIONS.

8 It shall be a prohibited discriminatory public accommodation practice for any
9 person, including without limitation, any owner, lessee, manager, proprietor, custodian,
10 agent or employee of a place of public accommodation, to discriminate against any
11 individual because of race, color, religion, sexual orientation, gender identity or
12 expression, familial status, legal source of income, disability, national origin or ancestry,
13 with respect to the terms, conditions and privileges of access to or with respect to the
14 uses, services and enjoyment of a place of public accommodation.

15 (E) DISCRIMINATION IN CITY ACTIVITIES OR PROGRAMS.

16 No person shall, on the ground of race, marital status, color, age, religion,
17 sexual orientation, gender identity or expression, familial status, disability, national origin
18 or ancestry, be excluded from participation in, be denied the benefits of, or be subjected
19 to discrimination under any program or activity receiving funding or other financial
20 assistance or relief directly or indirectly from the City of St. Louis.

21 (F) UNLAWFUL INTIMIDATION OR RETALIATION.

May 21, 2010

Page 24 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderdwoman Florida/ Alderdwoman Flowers/ Alderman Kennedy/ Alderdwoman Davis/
Alderdwoman Griffin/ Alderman Ortmann/ Alderdwoman Young/ Alderman Schmid

1 It shall be a prohibited discriminatory practice for any person, directly or
2 indirectly, to discriminate, coerce, intimidate, threaten, interfere with, or retaliate against
3 any person because he has: opposed any practice made unlawful by this Ordinance; has
4 exercised his rights, or encouraged another to exercise his rights under this Ordinance; or
5 because he has filed a complaint, cooperated with an investigation of an alleged
6 prohibited discriminatory practice, testified at a hearing held by the Commission, or
7 otherwise assisted in any proceeding under this Ordinance.

8 (G) UNLAWFUL INTERFERENCE.

9 It shall be unlawful to interfere with any person in the exercise or enjoyment of,
10 or on account of his having exercised or enjoyed, rights granted and protected by this
11 ordinance.

12 (H) EXEMPTIONS.

13 1. Nothing in this Ordinance shall limit the applicability of any reasonable
14 local, State or Federal restrictions regarding the maximum number of occupants
15 permitted to occupy a dwelling, nor shall any provision of this Ordinance regarding
16 familial status apply with respect to Housing for Older Persons.

17 2. Nothing in this Ordinance shall prohibit conduct against a Person because
18 such Person has been convicted by any court of competent jurisdiction of the illegal
19 manufacture or distribution of a controlled substance as defined by State and Federal law.

20 3. A Person shall not be held personally liable for monetary damages for a
21 violation of this Ordinance if such Person reasonably relied, in good faith, on the
22 application of the exemption under this section relating to Housing for Older Persons. For

May 21, 2010

Page 25 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderswoman Florida/ Alderswoman Flowers/ Alderman Kennedy/ Alderswoman Davis/
Alderswoman Griffin/ Alderman Ortmann/ Alderswoman Young/ Alderman Schmid

1 the purpose of this subparagraph 3, a Person may only show good faith reliance on the
2 application of this exemption by showing that:

3 (a) such Person has no actual knowledge that the facility or community is
4 not or will not be eligible for such exemption; and

5 (b) the facility or community has stated formally, in writing, that the
6 facility or community complies with the requirements for such exemption.

7 **SECTION SIX.** Severability Clause. The provisions of this ordinance shall be severable.

8 In the event that any provision of this ordinance is found by a court of competent
9 jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid
10 unless the court finds the valid provisions of this ordinance are so essentially and
11 inseparably connected with, and so dependent upon, the void provision that it cannot be
12 presumed that the Board of Aldermen would have enacted the valid provisions without
13 the void ones or unless the Court finds that the valid provisions, standing alone, are
14 incomplete and incapable of being executed in accordance with the legislative intent.

15 **SECTION SEVEN.** Emergency Clause. This being an ordinance for the preservation of
16 public peace, health and safety, it is hereby declared to be an emergency measure within
17 the meanings of Sections 19 and 20 of article IV of the Charter of the City of St. Louis
18 and therefore shall become effective immediately upon its passage and approval by the
19 Mayor.

May 21, 2010

Page 26 of 26

Board Bill No. 67 CS Sponsored by Alderman Shane Cohn/President Lewis Reed/
Alderman Florida/ Alderman Flowers/ Alderman Kennedy/ Alderman Davis/
Alderman Griffin/ Alderman Ortmann/ Alderman Young/ Alderman Schmid