

ORDINANCE #71344
Board Bill No. 238

The bill amends **Ordinance 67119** to prohibit employers and labor organizations from advertising that individuals of a certain age, race, creed, color, sexual orientation, gender identity, national origin, religion or disability are not accepted for employment or membership; and to prohibit landlords from declining rental applicants because they are victims of domestic, dating, or sexual violence, or stalking or construing such violence as a violation or cause for termination of a lease; and to allow landlords to bifurcate leases to remove offenders and allow victims to remain.

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

SECTION ONE. Section Nine of **Ordinance 67119** which concerns prohibited discriminatory practices in employment and housing is hereby amended to be and read as follows:

SECTION TWO. **Ordinance 67119** Section Nine paragraph (B) which concerns discrimination in employment is hereby amended by the addition of a new subparagraph, subparagraph (B) (10), to be and read as follows:

- (B) **DISCRIMINATION IN EMPLOYMENT.** It shall be a prohibited discriminatory employment practice:
- (1) For an employer to fail or refuse to hire, to discharge or otherwise to discriminate against any individual with respect to compensation or the terms, conditions or privileges of employment, because of race, color, age, religion, sex, familial status, disability, sexual orientation, national origin or ancestry.
 - (2) For a labor organization to exclude or expel from membership, or otherwise to discriminate against any applicant or member, because of race, color, age, religion, sex, familial status, disability, sexual orientation, national origin or ancestry of any applicant or member;
 - (3) For an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of race, color, age, religion, sex, familial status, disability, sexual orientation, national origin or ancestry of said individual;
 - (4) For an employer, labor organization or employment agency to print or circulate or cause to be printed or circulated, any statement, advertisement or publication, or to make any inquiry in connection with prospective employment, which expresses directly or indirectly any preference, limitation, specification or discrimination because of race, color, age, religion, sex, familial status, sexual orientation, disability, national origin or ancestry, unless based upon a bona fide occupational qualification.
 - (5) Notwithstanding paragraphs 1, 2, 3 and 4 of subsection B of this section, the age prohibition shall be limited to individuals who are at least forty (40) years of age, but less than seventy years of age.
 - (6) For an academic, professional or vocational school to exclude or expel from enrollment, or otherwise to discriminate against any applicant or student, because of the race, color, religion, familial status, disability, sexual orientation, national origin or ancestry of said applicant or student.
 - (7) For an academic, professional or vocational school to or circulate or cause to be printed or circulated, a statement, advertisement or publication, or to use any form of application for admission to said school, or to make any inquiry in connection with prospective enrollment in said school, which expresses directly or indirectly any preference, limitation, specification, or discrimination because of race, color, religion, sexual orientation, familial status, disability, national origin or ancestry.
 - (8) It shall not be an unlawful employment practice for a school, college, university or other educational institution which is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion, or by a particular religious corporation, association, or society, if the curriculum of such school, college, university or other educational institution is substantially directed toward the propagation or teaching of a particular religion, for such school, college, university or educational institution to consider the religion of an applicant in making a hiring decision for a teaching or counseling position, a professorship, or a position involving supervision of teachers, counselors or professors.

- (9) Nothing contained in this ordinance shall be interpreted to require any employer, employment agency, labor organization, or joint labor management committee subject to this ordinance to grant or accord preferential treatment to any individual or group because of the race, color, national origin or ancestry of such individual or group because or on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, familial status, disability, national origin or ancestry employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sexual orientation, familial status, disability, national origin or ancestry in this community, or in the available work force in this community.
- (10) Employer, employment agency, labor organization or their employees, agents or members thereof, to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sexual orientation, gender identity, national origin, religion or disability are unwelcome, objectionable, not acceptable or not solicited for employment or membership unless based on the nature of the occupation.**

SECTION THREE. Ordinance 67119 Section Nine paragraph (C) which concerns discrimination in the provision of housing and realty is hereby amended by the addition of a new subparagraph, subparagraph (C) (4)), to be and read as follows:

(C) DISCRIMINATION IN PROVISION OF HOUSING OR REALTY.

- (1) Prohibited Discriminatory Housing or Realty Practices. It shall be a prohibited housing or realty practice and shall constitute a discriminatory housing practice:
- (a) For any person, including, without limitation any real estate broker, salesman or agent, or any employee thereof, to discriminate against any individual because of race, color, religion, sex, sexual orientation, familial status, legal source of income, disability, national origin or ancestry, with respect to the use, enjoyment or transfer, or prospective use, enjoyment or transfer, of any interest whatsoever in realty, or with respect to the terms, conditions, privileges or services granted or rendered in connection therewith, or with respect to the making or purchasing of loans for the purchase or maintenance of residential real estate or loans in the secondary market, or the provision of other financial assistance, or with respect to the terms, conditions, privileges or services granted or rendered in connection with any interest whatsoever in realty, or with respect to the making of loans secured by residential real estate;
- (b) For any person, including, without limitation, any banking, money lending, credit securing or other financial institution, or any officer, agent or employee thereof, to discriminate against any individual because of race, marital status, familial status, color, religion, sex, sexual orientation, disability, national origin or ancestry, with respect to the granting or withholding of credit or financial assistance, or the extending or renewing of credit or financial assistance, or modifying of rates, terms, conditions, privileges or other provisions of credit or financial assistance, or services retained or rendered, in connection with the transfer or prospective transfer of any interest whatsoever in realty, or in connection with the construction, repair, improvement or rehabilitation of realty;
- (c) For any real estate broker, salesman or agent, or any employee thereof, or any other person seeking financial gain thereby, directly or indirectly to induce or solicit, or attempt to induce or solicit, the transfer of any interest whatsoever in realty, by making or distributing, or causing to be made or distributed, any statement or representation concerning the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, sexual orientation, disability, familial status, national origin or ancestry or with a particular source of lawful income;
- (d) For any person to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, legal source of income, disability, sexual orientation, national origin or ancestry;

- (e) For any person to discriminate against any other person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, legal source of income sexual orientation, disability, national origin, or ancestry;
 - (f) For any person to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion sex, familial status, lawful source of income, sexual orientation, disability, national origin, or ancestry, or an intention to make any such preference, limitation, or discrimination;
 - (g) For any person to represent to another person because of race, color, religion sex, familial status, lawful source of income, sexual orientation, disability, national origin, or ancestry that any dwelling is not available for inspection, sale, or rental when such dwelling is, in fact, so available;
 - (h) For any person to deny any other person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion sex, familial status, sexual orientation, disability, national origin, or ancestry.
 - (i) Notwithstanding the foregoing, a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than race, color, religion, national origin, sex, sexual orientation, handicap or familial status.
- (2) Discrimination Against Persons With Disabilities. For purposes of this subsection, the term "discriminatory practice" includes:
- (a) discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, or in the sale or rental or otherwise making unavailable or denying a dwelling to any buyer or renter because of a handicap of:
 - (i) that person; or
 - (ii) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - (iii) any person associated with that person,provided, however, that a refusal to make available a unit for rent shall not be a discriminatory practice if such potential renter, the person with one or more disabilities, or a person on behalf of a person with disabilities seeks modifications to the rental property but the potential renter is unable or unwilling to pay the expense of such modifications or provide the agreement to restore the premises, where it is reasonable to do so, in accordance with the provisions of subparagraph 2(b) below.
 - (b) a refusal to permit, at the expense of a person with disabilities, or another person on behalf of a person with disabilities, reasonable modifications of existing premises occupied or to be occupied by such person with disabilities, if such modifications may be necessary or desirable to afford the person with disabilities full enjoyment of the premises, except that, in the case of a rental unit, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (c) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodation may be necessary to afford such person an equal opportunity to use and enjoy a dwelling; and

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

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

(3) Exemptions.

- (a) None of the provisions of subsection (C) of section 9, except subparagraph (C)(1)(f) thereof, shall apply to: (i) any single family house sold or rented by an owner, provided that: such private individual owner does not own more than three single family dwellings at any one time; that in the case of the sale of any single family dwelling by a private owner who was not the most recent resident of such house prior to such sale, the exemption granted herein shall apply only with respect to one such sale within any twenty four month period, if such bona fide private individual owner does not own any interest in, nor is there owned or reserved any interest on his behalf, under any express or voluntary agreement, title to or rental of, or any right to all or a portion of the proceeds from the sale or rental of, more than three single family dwellings at one time; the sale or rental of any single family dwelling shall be excepted from the application of this subsection only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of paragraph (1)(f) of this subsection; except that nothing herein shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer title; or (ii) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (b) Nothing in subsection (C) of section 9 shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such person, unless membership in such religion is restricted on account of race, color, national origin or disability. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (c) The provisions of subsection (C) of section 9 regarding familial status shall not apply with respect to housing for older persons.

(4) Prohibited Acts by Landlords, Property Owners and Managers. It shall be unlawful for any landlord, property owner or manager to do any of the following, except as otherwise provided in this ordinance:

- (a) Decline a rental application of a potential tenant, or evict a current tenant, occupant or affiliated individual, for any grounds related to said person being a victim of domestic violence, dating violence, sexual violence or stalking.**
- (b) Construe any incident or incidents of actual or threatened domestic violence, dating violence, sexual violence or stalking to be a serious or repeated violation of the lease, or as otherwise "good cause" for terminating the tenancy or occupancy rights of the victim of abuse, provided**

that the victim has complied with the requirements for gaining the protections afforded by RSMo. 455.010, 455.030, 455.030.3, 455.050.

- (c) Terminate the tenancy or occupancy rights of a victim due to criminal activity directly related to the domestic violence, dating violence, sexual violence or stalking of which such person is the victim, even if the criminal activity is engaged in by a member of a tenant's household or any guest or other person under the tenant's control, provided that the victim has complied with the requirements for gaining the protections afforded by RSMo. 455.010, 455.030, 455.030.3, 455.050.
- (d) To directly or indirectly advertise or in any other manner indicate or publicize that the patronage of individual of a particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability is unwelcome, objectionable, not acceptable or not solicited.
- (e) If the domestic violence, sexual violence or stalking is being committed by a cotenant of the victim a landlord is authorized to bifurcate the lease to remove the offender while still allowing the victim to remain a tenant or occupant in the residence.

Approved: May 7, 2021

