

1 **BOARD BILL NO. 260 INTRODUCED BY ALDERWOMAN CHRISTINE INGRASSIA**

2 An ordinance amending the definitions under the Civil Rights Enforcement Agency,
3 repealing Section Two of Ordinance 67119, codified as 3.44.010 of the Revised Code of the City
4 of St. Louis and enacting new section in lieu thereof to include the definition “Source of
5 Income”, and containing an emergency clause.

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

7 **SECTION ONE:** Section Two of Ordinance #67119, codified as 3.44.010 of the
8 Revised Code of the City of St. Louis is hereby repealed and a new section is enacted in lieu
9 thereof to read as follows:

10 Section Two. Definition of Terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 and

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

22

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

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

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

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

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

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

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

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

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

21 (15) "Dwelling" means any building, structure, or portion thereof which is occupied as, or
22 designed or intended for occupancy as, a residence by one or more families, and any vacant land

1 which is offered for sale or lease for the construction or location thereon of any such building,
2 structure, or portion thereof.

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

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

7 (18) "Familial status" means one or more individuals (who have not attained the age of
8 18 years) being domiciled with--

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

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

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

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

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

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

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

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

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

7 (i) in which at least eighty percent of the units are occupied by at least one person
8 55 years of age or older; and

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

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

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

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

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

21

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

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

6 (22) "Individual" means one or more individuals.

7 (23) "Labor organization" includes any organization which exists for the purpose, in
8 whole or in part, of collective bargaining or of dealing with employers concerning grievances,
9 terms or conditions of employment, or for other mutual aid or protection in relation to
10 employment.

11 (24) "Person" includes one or more individuals, partnerships, associations,
12 unincorporated organizations, corporations, mutual companies, joint stock companies, legal
13 representatives, trusts, trustees, labor organizations, fiduciaries, trustees in bankruptcy, and/or
14 receivers.

15 (25) "Places of Public Accommodation" means all places or businesses offering or
16 holding out to the general public services or facilities for the comfort, health and safety of such
17 general public, including, but not limited to, public places providing food, shelter, recreation and
18 amusement.

19 (26) "Prevailing party" has the same meaning as such term has in 42 U.S.C. ' 1988 and '
20 802(o) of the Act.

21 (27) "Real Estate Broker" or "Real Estate Salesman" means any person, whether licensed
22 or not, who, on behalf of others, for a fee, commission, salary or other valuable consideration, or
23 who with the intention or the expectation of receiving or collecting the same, lists, sells,

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1 purchases, exchanges, rents or leases real estate, or the improvement thereon, including options,
2 or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises
3 or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on
4 behalf of others, a loan secured by mortgage or other encumbrance upon a transfer of real estate,
5 or who is engaged in the business of charging an advance fee or contracting for collection of a
6 fee in connection with a contract whereby he undertakes to promote the sale, purchase,
7 exchange, rental or lease of real estate through its listing in a publication issued primarily for
8 such purpose; or an individual employed by or acting on behalf of any of these.

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

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

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

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

18 (28) "Realty" includes real estate, lands, buildings, structures, housing accommodations,
19 dwellings, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal or
20 incorporeal, or any interest in the above.

21 (29) "Respondent" shall mean a person or other entity who is alleged to have engaged in
22 a prohibited discriminatory practice in a complaint filed with the Agency, or a person or other
23 entity who has been substituted for the originally named respondent, or a person or other entity

1 who has been added as a party respondent, subsequent to the initial filing of the complaint,
2 pursuant to investigation conducted by the Agency; provided, however, that substituted or added
3 persons or entities shall be notified as required in Section 810(a) of the Fair Housing Act.

4 (30) "Secretary" means the Secretary of Housing and Urban Development.

5 (31) "Source of Income" means the point or form of the origination of legal gains of
6 income accruing to a person in a stated period of time; from any occupation, profession or
7 activity, from any contract, agreement or settlement, from federal, state or local payments,
8 including Section 8 or any other rent subsidy or rent assistance program, from court
9 ordered payments or from payments received as gifts, bequests, annuities or life insurance
10 policies.

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

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

15 **SECTION TWO: EMERGENCY CLAUSE.**

16 This being an ordinance necessary for the immediate preservation of the health and
17 welfare of the residents of the City of St. Louis, it is hereby declared to be an emergency
18 measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St.
19 Louis and therefore this Ordinance shall become effective immediately upon its passage and
20 approval by the Mayor.