

## HB 1395 -- UNLAWFUL DISCRIMINATORY PRACTICES

SPONSOR: Fuchs

This bill repeals housing related discrimination provisions from the Missouri Human Rights Act and establishes the "Missouri Fair Housing Act" for such claims. The Missouri Human Rights Act, as amended, applies only to employment and public accommodation discrimination claims.

### MISSOURI HUMAN RIGHTS ACT

The bill modifies the definition of "because" or "because of" to mean that the protected criterion was a contributing factor, instead of the motivating factor, to the adverse decision or action. The bill modifies the definition of "employer" to include any person directly acting in the interest of an employer and deletes reference under current law to who is not included under the definition of employer. The bill deletes the definitions for "dwelling"; "familial status"; "rent" and "the motivating factor" (Section 213.010, RSMo).

The bill provides that a function of the Missouri Commission of Human Rights is to discourage discrimination in employment and public accommodation against any racial, ethnic, religious, or other group protected by sections 213.010 to 213.137 (Section 213.020).

The bill repeals reference to chapters 213, 285 and 287 as providing the exclusive remedy for any and all claims for injury or damages arising out of an employment relationship (Section 213.070).

This bill repeals a jurisdictional condition for filing a civil action where a person has to file a verified complaint within 180 days of the alleged discriminatory practice with the Commission, or the Commission is deprived of jurisdiction to investigate the complaint. The bill repeals a provision stating all civil penalties imposed pursuant to a finding by the Commission be paid to the Human Rights Fund (Section 213.075).

The bill repeals certain provisions governing access to and disclosure of records for certain violations. (Section 213.077).

The bill repeals certain court decisions related to the Act which established jury instructions on the business judgment rule, the standard used in motions for summary judgment and consideration of the burden shifting analysis of the McDonnell Douglas Corp case, the holdings in certain cases that juries must not be instructed

that plaintiffs bear the burden of proof establishing "but for" causation in actions that are brought under the Act; and all State approved jury instructions addressing civil actions under chapter 213 that were in effect prior to August 28, 2017. (Section 213.101).

The bill specifies that an aggrieved person can bring a civil action in circuit court where the discriminatory action occurred notwithstanding the fact that the person has not filed a complaint with the Commission. The bill provides that a prevailing respondent can be awarded court costs and reasonable attorney's fees upon a showing that the case was without foundation, and removes certain limits on the damages recoverable (Section 213.111).

#### MISSOURI FAIR HOUSING ACT

The repealed provisions of the Missouri Human Rights Act relating to discrimination in housing practices are reenacted in substantially the same form as part of the Missouri Fair Housing Act. The bill provides that certain housing practices are unlawful when taken because of a person's race, color, religion, national origin, ancestry, sex, disability, gender identity, immigration status, or familial status (Sections 213.150 to 213.188).

This bill is similar to HB 2000 (2024) and HB 505 (2023).