

SECOND REGULAR SESSION

HOUSE BILL NO. 2455

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FUCHS.

5592H.01I

JOSEPH ENGLER, Chief Clerk

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 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213.075, 213.076, 213.077, 213.085, 213.095, 213.101, 213.111, 213.112, 213.126, 213.135, and 510.265, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 213.010, 213.020, 213.030, 213.070, 213.075, 213.077, 213.085, 213.095, 213.101,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 dollars;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (2) "Because" or "because of", as it relates to the adverse decision or action, the
12 protected criterion was ~~[the motivating]~~ **a contributing** factor;

13 (3) "Commission", the Missouri commission on human rights;

14 (4) "Complainant", a person who has filed a complaint with the commission alleging
15 that another person has engaged in a prohibited discriminatory practice;

16 (5) "Disability", a physical or mental impairment which substantially limits one or
17 more of a person's major life activities, being regarded as having such an impairment, or a
18 record of having such an impairment, which with or without reasonable accommodation does
19 not interfere with performing the job[;] **or** utilizing the place of public accommodation[; ~~or~~
20 ~~occupying the dwelling in question. For purposes of this chapter,].~~ The term "disability"
21 does not include current[;] illegal use of, or addiction to, a controlled substance as such term
22 is defined by section 195.010; however, a person may be considered to have a disability if that
23 person:

24 (a) Has successfully completed a supervised drug rehabilitation program and is no
25 longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or
26 has otherwise been rehabilitated successfully and is no longer engaging in such use and is not
27 currently addicted;

28 (b) Is participating in a supervised rehabilitation program and is no longer engaging
29 in illegal use of controlled substances; or

30 (c) Is erroneously regarded as currently illegally using, or being addicted to, a
31 controlled substance;

32 (6) "Discrimination", conduct proscribed herein, taken because of race, color,
33 religion, national origin, ancestry, sex, ~~[or]~~ age as it relates to employment, **or** disability[; ~~or~~
34 ~~familial status as it relates to housing];~~

35 (7) ~~["Dwelling", any building, structure or portion thereof which is occupied as, or
36 designed or intended for occupancy as, a residence by one or more families, and any vacant
37 land which is offered for sale or lease for the construction or location thereon of any such
38 building, structure or portion thereof];~~

39 ~~(8)] "Employer", [a person engaged in an industry affecting commerce who has six or
40 more employees for each working day in each of twenty or more calendar weeks in the
41 current or preceding calendar year, and shall include] the state, [or] any political or civil
42 subdivision thereof, [or] any person employing six or more persons within the state, **or any
43 person directly acting in the interest of an employer,** but "employer" does not include
44 corporations and associations owned ~~[or]~~ **and** operated by religious or sectarian
45 ~~[organizations. "Employer" shall not include:~~~~

46 ~~(a) The United States;~~

47 ~~(b) A corporation wholly owned by the government of the United States;~~

48 ~~(e) An individual employed by an employer;~~

49 ~~(d) An Indian tribe;~~

50 ~~(e) Any department or agency of the District of Columbia subject by statute to~~
51 ~~procedures of the competitive service, as defined in 5 U.S.C. Section 2101; or~~

52 ~~(f) A bona fide private membership club, other than a labor organization, that is~~
53 ~~exempt from taxation under 26 U.S.C. Section 501(c)] groups;~~

54 ~~[(9)]~~ (8) "Employment agency" includes any person or agency, public or private,
55 regularly undertaking with or without compensation to procure employees for an employer or
56 to procure for employees opportunities to work for an employer **and includes any person**
57 **acting in the interest of such a person or agency;**

58 ~~[(10)]~~ (9) "Executive director", the executive director of the Missouri commission on
59 human rights;

60 ~~[(11)]~~ "Familial status", one or more individuals who have not attained the age of
61 eighteen years being domiciled with:

62 ~~(a) A parent or another person having legal custody of such individual; or~~

63 ~~(b) The designee of such parent or other person having such custody, with the written~~
64 ~~permission of such parent or other person. The protections afforded against discrimination~~
65 ~~because of familial status shall apply to any person who is pregnant or is in the process of~~
66 ~~securing legal custody of any individual who has not attained the age of eighteen years;~~

67 ~~[(12)]~~ (10) "Human rights fund", a fund established to receive civil penalties as
68 required by federal regulations and as set forth by subdivision (2) of subsection 11 of section
69 ~~[213.075]~~ **213.167**, and which will be disbursed to offset additional expenses related to
70 compliance with the Department of Housing and Urban Development regulations;

71 ~~[(13)]~~ (11) "Labor organization" includes any organization which exists for the
72 purpose, in whole or in part, of collective bargaining or of dealing with employers concerning
73 grievances, terms or conditions of employment, or for other mutual aid or protection in
74 relation to employment;

75 ~~[(14)]~~ (12) "Local commissions", any commission or agency established prior to
76 August 13, 1986, by an ordinance or order adopted by the governing body of any city,
77 constitutional charter city, town, village, or county;

78 ~~[(15)]~~ (13) "Person" includes one or more individuals, corporations, partnerships,
79 associations, organizations, labor organizations, legal representatives, mutual companies,
80 joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other
81 organized groups of persons;

82 ~~[(16)]~~ (14) "Places of public accommodation", all places or businesses offering or
83 holding out to the general public, goods, services, privileges, facilities, advantages or
84 accommodations for the peace, comfort, health, welfare and safety of the general public or

85 such public places providing food, shelter, recreation and amusement, including, but not
86 limited to:

87 (a) Any inn, hotel, motel, or other establishment which provides lodging to transient
88 guests, other than an establishment located within a building which contains not more than
89 five rooms for rent or hire and which is actually occupied by the proprietor of such
90 establishment as ~~his~~ **the proprietor's** residence;

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

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

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

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

101 (f) Any establishment which is physically located within the premises of any
102 establishment otherwise covered by this section or within the premises of which is physically
103 located any such covered establishment, and which holds itself out as serving patrons of such
104 covered establishment;

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

107 ~~(18)]~~ **(15)** "Respondent", a person who is alleged to have engaged in a prohibited
108 discriminatory practice in a complaint filed with the commission;

109 ~~[(19) "The motivating factor", the employee's protected classification actually played~~
110 ~~a role in the adverse action or decision and had a determinative influence on the adverse~~
111 ~~decision or action;~~

112 ~~(20)]~~ **(16)** "Unlawful discriminatory practice", any act that is unlawful under ~~this~~
113 ~~chapter~~ **sections 213.010 to 213.137.**

213.020. 1. There is hereby created a "Missouri Commission on Human Rights". It
2 shall consist of eleven members, with no less than one from each of the congressional districts
3 of this state, serving without compensation, to be appointed by the governor with the advice
4 and consent of the senate. One of the members shall be appointed chairperson by the
5 governor. Appointments to the commission shall be for a term of six years. No more than six
6 members at any one time shall be members of the same political party. In the event of the
7 death or resignation of any member, his **or her** successor shall be appointed to serve for the
8 unexpired period of the term for which such member had been appointed.

9 2. ~~[The]~~ A function of the commission shall be to encourage fair treatment for and to
10 foster mutual understanding and respect among, and to discourage discrimination **in**
11 **employment and public accommodation** against, any racial, ethnic, religious, or other
12 group protected by ~~[this chapter]~~ **sections 213.010 to 213.137**, members of these groups, or
13 persons with disabilities.

14 3. Any local commission created and established prior to August 13, 1986, by an
15 ordinance adopted by the governing body of any city, constitutional charter city, town,
16 village, or county, shall have the power and authority to seek to eliminate and prevent
17 discrimination in employment~~[-housing]~~ and public accommodation~~[-]~~ and to establish
18 related programs, which shall be certified by the commission as substantially equivalent. The
19 power and authority of such commissions to initiate and pursue administrative proceedings
20 and remedies shall 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 in places of**
3 **public accommodation** because of race, color, religion, national origin, ancestry, sex, age as
4 it relates to employment, **or** disability~~[-or familial status as it relates to housing]~~ and to take
5 other actions against discrimination because of race, color, religion, national origin, ancestry,
6 sex, age, **or** disability~~[-or familial status as provided by law; and]~~. The commission is hereby
7 given general jurisdiction and power for such purposes;

8 (2) To implement the purposes of this chapter first by conference, conciliation and
9 persuasion so that persons may be guaranteed their civil rights and goodwill be fostered;

10 (3) To formulate policies to implement the purposes of this chapter and to make
11 recommendations to agencies and officers of the state and political subdivisions in aid of such
12 policies and purposes;

13 (4) To appoint such employees as it may deem necessary, fix their compensation
14 within the appropriations provided and in accordance with the wage structure established for
15 other state agencies, and prescribe their duties;

16 (5) To obtain upon request and utilize the services of all governmental departments
17 and agencies to be paid from appropriations to this commission;

18 (6) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry
19 out the provisions of this chapter and the policies and practices of the commission in
20 connection therewith;

21 (7) To receive, investigate, initiate, and pass upon complaints alleging discrimination
22 in employment~~[-housing]~~ or in places of public ~~[accommodations]~~ **accommodation** because
23 of race, color, religion, national origin, ancestry, sex, age as it relates to employment, **or**
24 disability~~[-or familial status as it relates to housing]~~ and to require the production for

25 examination of any books, papers, records, or other materials relating to any matter under
26 investigation;

27 (8) To hold hearings, subpoena witnesses, compel their attendance, administer oaths,
28 to take the testimony of any person under oath, and, in connection therewith, to require the
29 production for examination of any books, papers or other materials relating to any matter
30 under investigation or in question before the commission;

31 (9) To issue publications and the results of studies and research which will tend to
32 promote goodwill and minimize or eliminate discrimination in ~~[housing,]~~ employment or in
33 places of public accommodation because of race, color, religion, national origin, ancestry,
34 sex, age as it relates to employment, or disability~~[-or familial status as it relates to housing];~~

35 (10) To provide each year to the governor and to the general assembly a full written
36 report of all its activities and of its recommendations;

37 (11) To adopt an official seal;

38 (12) To cooperate, act jointly, enter into cooperative or work-sharing agreements with
39 the United States Equal Employment Opportunity Commission, the United States Department
40 of Housing and Urban Development, and other federal agencies and local commissions or
41 agencies to achieve the purposes of this chapter;

42 (13) To accept grants, private gifts, bequests, and establish funds to dispose of such
43 moneys so long as the conditions of the grant, gift, or bequest are not inconsistent with the
44 purposes of this chapter and are used to achieve the purposes of this chapter;

45 (14) To establish a human rights fund as defined in section 213.010, for the purposes
46 of administering sections ~~[213.040, 213.045, 213.050,]~~ 213.070, 213.075, ~~[and 213.076]~~
47 **213.152, 213.158, 213.161, and 213.164.**

48 2. No rule or portion of a rule promulgated under the authority of this chapter shall
49 become effective unless it has been promulgated pursuant to the provisions of section
50 536.024.

213.070. ~~[1-]~~ It shall be an unlawful discriminatory practice ~~[for an employer,~~
2 ~~employment agency, labor organization, or place of public accommodation]:~~

3 (1) To aid, abet, incite, compel, or coerce the commission of acts prohibited under
4 ~~[this chapter]~~ **sections 213.010 to 213.137**, or to attempt to do so;

5 (2) To retaliate or discriminate in any manner against any other person because such
6 person has opposed any practice prohibited by ~~[this chapter]~~ **sections 213.010 to 213.137** or
7 because such person has filed a complaint, testified, assisted, or participated in any manner in
8 any investigation, proceeding or hearing conducted pursuant to ~~[this chapter]~~ **sections**
9 **213.075 to 213.137;**

10 (3) For the state or any political subdivision of this state to discriminate on the basis
11 of race, color, religion, national origin, sex, ancestry, age[;] as it relates to employment, **or**
12 disability[, or familial status as it relates to housing]; or

13 (4) To discriminate in any manner against any other person because of such person's
14 association with any person protected by ~~[this chapter]~~ **sections 213.010 to 213.137.**

15 ~~[2. This chapter, in addition to chapter 285 and chapter 287, shall provide the~~
16 ~~exclusive remedy for any and all claims for injury or damages arising out of an employment~~
17 ~~relationship.]~~

213.075. 1. ~~[As a jurisdictional condition precedent to filing a civil action under this~~
2 ~~chapter,]~~ Any person claiming to be aggrieved by an unlawful discriminatory practice ~~[shall]~~
3 **may** make, sign, and file with the commission a verified complaint in writing, within one
4 hundred eighty days of the alleged act of discrimination, which shall state the name and
5 address of the ~~[employer, employment agency, labor organization, or place of public~~
6 ~~accommodation]~~ **person** alleged to have committed the unlawful discriminatory practice and
7 which shall set forth the particulars thereof and such other information as may be required by
8 the commission. The complainant's agent, attorney or the attorney general may, in like
9 manner, make, sign, and file such complaint. ~~[The failure to timely file a complaint with the~~
10 ~~commission shall deprive the commission of jurisdiction to investigate the complaint. The~~
11 ~~commission shall make a determination as to its jurisdiction with respect to all complaints.~~
12 ~~Notwithstanding any other provision of this chapter to the contrary, if a complaint is not filed~~
13 ~~with the commission within one hundred eighty days of the alleged act of discrimination, the~~
14 ~~commission shall lack jurisdiction to take any action on such a complaint other than to~~
15 ~~dismiss the complaint for lack of jurisdiction. The failure to timely file a complaint with the~~
16 ~~commission may be raised as a complete defense by a respondent or defendant at any time,~~
17 ~~either during the administrative proceedings before the commission, or in subsequent~~
18 ~~litigation, regardless of whether the commission has issued the person claiming to be~~
19 ~~aggrieved a letter indicating his or her right to bring a civil action and regardless of whether~~
20 ~~the employer asserted the defense before the commission.]~~

21 2. Any complaint which is filed with the federal Equal Employment Opportunity
22 Commission or other federal agencies with which the commission has a work-sharing or
23 deferral agreement, or with a local commission which has been certified as substantially
24 equivalent by the commission, shall be deemed filed with the commission on the date that
25 such complaint is received by such federal agency or local commission. A copy of all
26 complaints filed with a local commission with the authority to enforce the provisions of ~~[this~~
27 ~~chapter is to]~~ **sections 213.010 to 213.137** shall be forwarded to the commission within seven
28 days of the filing thereof with such local commission. If a local commission has jurisdiction
29 to hear a complaint filed with the commission, such complaint shall be deemed to have been

30 filed with the local commission on the date on which such complaint was filed with the
31 commission. The commission shall, within seven days of the receipt of a complaint which a
32 local commission has jurisdiction to hear, forward a copy thereof to such local commission.

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

41 4. A person who is not named as a respondent in a complaint, but who is identified as
42 a respondent in the course of investigation, may be joined as an additional or substitute
43 respondent upon written notice, pursuant to such rules, regulations, and guidelines as the
44 commission shall prescribe. Such notice, in addition to complying with the requirements of
45 such rules, regulations, and guidelines, shall also state the reason why the person to whom the
46 notice is addressed has been joined as a party.

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

60 6. ~~In all cases where a written notice of hearing has been issued and a party has not~~
61 ~~elected the option to proceed in circuit court as set forth in section 213.076, the procedures set~~
62 ~~forth for a hearing shall apply.~~

63 7.] The commission shall be a party to the action and shall be represented before the
64 panel or the hearing examiner by the office of the attorney general or, when so delegated by
65 the attorney general, a staff attorney of the commission. Neither the hearing examiner nor

66 any member of the panel shall have participated in the investigation of the complaint.
67 Evidence concerning endeavors at conciliation shall be excluded.

68 [8:] 7. The respondent may file a written verified answer to the complaint and appear
69 at the hearing in person or otherwise with or without counsel, and submit testimony. At the
70 discretion of the hearing examiner or the panel, the complainant may be allowed to intervene,
71 thereby becoming a party to the action with the right to present testimony in person or by
72 counsel, provided the complainant at all times shall be treated as a party for the purpose of
73 discovery and the taking of depositions. The commission or complainant intervenor shall
74 have the power to reasonably and fairly amend any complaint, and the respondent shall have
75 like power to amend any answer. The testimony taken at the hearing shall be under oath and
76 be transcribed.

77 [9:] 8. In any contested case before the commission, any party may take and use
78 written interrogatories, requests for production of documents and other materials, and
79 requests for admissions, and all other forms of discovery authorized by rules of civil
80 procedure in the same manner, upon, and under the same conditions, and upon the same
81 notice, as is or may hereafter be provided for with respect to the taking and using of written
82 interrogatories, requests for production of documents and other materials, and requests for
83 admissions, and all other forms of discovery authorized by rules of civil procedure in civil
84 actions in the circuit court. The panel or hearing examiner shall have the authority to impose
85 sanctions in the same manner as set forth in the rules of civil procedure.

86 [10:] 9. The hearing shall be conducted in the manner provided by chapter 536.

87 [11:] 10. When the case is heard by a panel of the commission, the chairperson of the
88 commission shall select the hearing panel and the presiding officer. The presiding officer
89 shall have full authority to call and examine witnesses, admit or exclude evidence and rule
90 upon all motions and objections. The panel shall state its findings of fact and conclusions of
91 law, and if, upon all the evidence at the hearing, the panel finds[:

92 (1) that a respondent has engaged in an unlawful discriminatory practice [as defined
93 in this chapter], the commission shall issue and cause to be served on the respondent an order
94 requiring the respondent to cease and desist from the unlawful discriminatory practice. The
95 order shall require the respondent to take such affirmative action, as in the panel's judgment
96 will implement the purposes of [this chapter,] **sections 213.010 to 213.137** including, but not
97 limited to, payment of back pay; hiring; reinstatement or upgrading; restoration to
98 membership in any respondent labor organization; [the extension of full, equal and
99 unsegregated housing;] the extension of full, equal, and unsegregated public
100 accommodations; [extension of a commercial real estate loan or other financial assistance;
101 extension or restoration of membership or participation in any multiple listing service or other

~~real estate service organization or facility;] payment of actual damages; and the submission of a report of the manner of compliance[;~~

~~(2) That a respondent has engaged or is about to engage in a violation of section 213.040, 213.045, 213.050, or 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of one or more of such other sections or relates to or involves the encouraging, aiding, or abetting of a violation of such other sections, the commission may, in addition to the relief provided in subdivision (1) of this subsection, assess a civil penalty against the respondent, for purposes of vindicating the public interest:~~

~~(a) In an amount not exceeding two thousand dollars if the respondent has not been adjudged to have violated one or more of the sections enumerated in subdivision (2) of this subsection within five years of the date of the filing of the complaint;~~

~~(b) In an amount not exceeding five thousand dollars if the respondent has been adjudged to have committed one violation of the sections enumerated in subdivision (2) of this subsection within five years of the date on which the complaint is filed;~~

~~(c) In an amount not exceeding ten thousand dollars if the respondent has been adjudged to have committed two or more prior violations of the sections enumerated in subdivision (2) of this subsection within seven years of the date on which the complaint is filed.~~

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

~~[12.]~~ **11.** If, upon all the evidence, the panel finds that a respondent has not engaged in any unlawful discriminatory practice, the panel shall state its findings of fact and conclusions of law and shall issue and cause to be served on the complainant and respondent an order dismissing the complaint.

~~[13.]~~ **12.** When the case is heard by a hearing examiner, the examiner shall have all powers described in subdivision (8) **of subsection 1** of section 213.030 and subsection ~~[11]~~ **10** of this section, for the purpose of the hearing. The hearing examiner shall make findings of fact and conclusions of law and shall recommend to the commission an order granting such relief as provided in subsection ~~[11]~~ **10** of this section or dismissing the complaint as to the respondent as provided in subsection ~~[12]~~ **11** of this section, in accordance with such findings.

~~[14.]~~ **13.** A panel of at least three members of the commission, sitting as the commission, shall review the record, findings and recommended order of the hearing examiner. The panel shall thereafter accept or amend the recommended order which shall become the order of the commission. All orders shall be served on the complainant and respondent, and copies shall be delivered to the attorney general and such other public officers as the commission deems proper.

138 ~~[15:]~~ 14. No order of the commission issued pursuant to this section shall affect any
139 contract, sale, encumbrance or lease consummated before the issuance of such order and
140 involving a bona fide purchaser without actual notice of the charge filed pursuant to this
141 section.

142 ~~[16:]~~ 15. Any person aggrieved by an order of the commission may appeal as
143 provided in chapter 536.

213.077. 1. During the period beginning with the filing of a complaint under section
2 213.075, and ending with the filing of a charge, setting of a complaint for hearing or dismissal
3 of a complaint pursuant to the provisions of that section, the executive director and the
4 commission staff shall, to the extent feasible, engage in settlement and/or conciliation with
5 respect to the complaint. Any settlement and conciliation agreement negotiated during such
6 period shall be an agreement between the complainant and respondent and shall be subject to
7 approval by the executive director. Nothing said or done in the course of settlement or
8 conciliation under this section shall be made public or used as evidence in any subsequent
9 proceeding under ~~[this chapter]~~ **sections 213.010 to 213.137**, without the written consent of
10 the complainant and respondent.

11 2. If a complaint has been filed pursuant to section 213.055, 213.065 or 213.070,
12 alleging commission of an unlawful employment practice or discrimination in public
13 accommodations:

14 (1) During investigation, the public shall not have access to records relating to the
15 complaint, nor shall any information relating thereto be released to the public;

16 (2) During investigation, the complainant and respondent shall only have access to
17 records they provided until the point at which disclosure is allowed at hearing, or if a request
18 for civil action is made under section 213.111 for a right to or other legal proceedings
19 pursuant to federal, state or local discrimination laws that require disclosure;

20 (3) Settlement agreements, executed during investigation shall be disclosed to the
21 public only by agreement of the complainant and respondent;

22 (4) After closure of a complaint, the public may only have access to the complaint
23 and closure documents by agreement of the complainant and respondent;

24 (5) Excluding a finding of probable cause, after an investigation closure, the
25 complainant and respondent may have access to the investigative file except for sensitive or
26 confidential records and records relating to witnesses who have requested anonymity. With
27 respect to records that the commission has obtained from other government agencies, the
28 commission ~~[will]~~ **shall** observe any statutory confidentiality provisions imposed on the
29 originating agencies;

30 (6) A conciliation agreement shall be disclosed to the public only by agreement of the
31 complainant and respondent;

32 (7) After failure of conciliation attempts, the complainant and respondent may have
33 access to copies of the investigative file, except for sensitive or confidential records and
34 records relating to witnesses who have requested anonymity;

35 (8) To achieve the purposes of ~~[this chapter]~~ **sections 213.010 to 213.137**, this
36 subsection shall not apply to disclosure of information to representatives of interested federal,
37 state or local civil or human rights agencies.

38 ~~[3. If a complaint is filed alleging violation of section 213.040, 213.045, 213.050, or~~
39 ~~213.070, to the extent that the alleged violation of section 213.070 relates to or involves~~
40 ~~violations of one or more of the other above enumerated sections or relates to or involves the~~
41 ~~encouraging, aiding or abetting of violation of such sections:~~

42 ~~(1) The public, complainant and respondent shall have access to records relating to~~
43 ~~the complaint in the same manner as set forth in subdivisions (1), (2), (4), (5), (7), and (8) of~~
44 ~~subsection 2 of this section;~~

45 ~~(2) Any settlement or conciliation agreement entered into by the complainant and~~
46 ~~respondent shall be made public unless the parties thereto otherwise agree and the executive~~
47 ~~director determines that disclosure is not required to further the purpose of this chapter.]~~

213.085. 1. All final decisions, settlement agreements, conciliation agreements,
2 findings, rules and orders of the commission under any provision of ~~[this chapter]~~ **sections**
3 **213.010 to 213.137** shall be in writing. Parties to proceedings shall each be sent a copy of the
4 commission's decision and order in the proceedings.

5 2. Any person who is aggrieved by a final decision, finding, rule or order of the
6 commission may obtain judicial review by filing a petition in the circuit court of the county of
7 proper venue within thirty days after the mailing or delivery of the notice of the commission's
8 final decision.

9 3. Judicial review shall be in the manner provided by chapter 536, as it may be
10 amended or superseded from time to time. The venue of such cases shall, at the option of the
11 appealing party, be in the circuit court of Cole County or in the county of the appealing party's
12 residence, or if the appealing party is a corporation, domestic or foreign, having a registered
13 office or business office in this state, in the county of its registered office or business office.

14 4. If no proceeding for review is instituted in the circuit court within the time herein
15 prescribed, the commission may obtain an order in a proceeding brought in the circuit court of
16 the county wherein the unlawful discriminatory practice which is the subject of the
17 commission's order occurred, or the county wherein any person required in the order to cease
18 and desist from an unlawful discriminatory practice, or to take other affirmative action,
19 resides or conducts business. The record on the commission's petition for enforcement shall
20 consist solely of duly certified records of the commission showing that it has jurisdiction over
21 the respondent, that the procedure prescribed by this action has been complied with, and a

22 certified copy of the commission's order with proof of service. On such a petition, the inquiry
 23 of the court shall be limited to a determination of whether the action of the commission is in
 24 excess of its statutory authority or jurisdiction and whether the respondent has substantially
 25 complied with the order of the commission.

26 5. Where no proceeding for judicial review is filed within the time established under
 27 subsection ~~[3]~~ **2** of this section, and the commission has not filed a petition for enforcement of
 28 its order in the circuit court, any person entitled to relief may, after the expiration of sixty
 29 days from the date of the commission's order, file a petition for enforcement of the
 30 commission's decision in a circuit court having proper venue thereof. The contents of the
 31 petition and the jurisdiction of the court shall be as set forth in subsection 4 of this section.

32 6. Where a suit for enforcement of a commission order has been filed pursuant to
 33 either subsection 4 or 5 of this section, the circuit court shall issue its order enforcing the
 34 commission decision, unless the party against whom enforcement is sought affirmatively
 35 shows that:

- 36 (1) The court is without jurisdiction or venue;
- 37 (2) Such commission order violates the provisions of the constitution of this state or
- 38 of the United States;
- 39 (3) The commission order is beyond its statutory authority or jurisdiction; or
- 40 (4) The party has substantially complied with the order of the commission.

41 7. Where the commission deems there has been a breach of the terms or conditions of
 42 a settlement agreement or conciliation agreement, the commission shall institute an action in
 43 circuit court to enforce the terms of the agreement or to obtain the appropriate remedy for
 44 such breach. Nothing in this subsection shall prohibit the parties to such agreement from
 45 personally filing suit to enforce this subsection.

213.095. Any person who shall willfully violate an order of the commission **issued**
 2 **and served under section 213.075** shall be guilty of a class C misdemeanor.

213.101. ~~[1-]~~ The provisions of ~~[this chapter]~~ **sections 213.010 to 213.137** shall be
 2 construed to accomplish the purposes thereof and any law inconsistent with any provision of
 3 ~~[this chapter]~~ **those sections** shall not apply. Nothing contained in ~~[this chapter]~~ **sections**
 4 **213.010 to 213.137** shall be deemed to repeal any of the provisions of any law of this state
 5 relating to discrimination because of race, color, religion, national origin, sex, ancestry, age,
 6 **or disability**~~[-or familial status]~~.

7 ~~[2- The general assembly hereby expressly abrogates the case of McBryde v. Ritenour~~
 8 ~~School District, 207 S.W.3d 162 (Mo.App. E.D. 2006), and its progeny as it relates to the~~
 9 ~~necessity and appropriateness of the issuance of a business judgment instruction. In all civil~~
 10 ~~actions brought under this chapter, a jury shall be given an instruction expressing the business~~
 11 ~~judgment rule.~~

3. ~~If an employer in a case brought under this chapter files a motion pursuant to rule 74.04 of the Missouri rules of civil procedure, the court shall consider the burden-shifting analysis of McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), and its progeny to be highly persuasive for analysis in cases not involving direct evidence of discrimination.~~

4. ~~The general assembly hereby expressly abrogates by this statute the cases of Daugherty v. City of Maryland Heights, 231 S.W.3d 814 (Mo. 2007) and its progeny as they relate to the contributing factor standard and abandonment of the burden-shifting framework established in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973).~~

5. ~~The general assembly hereby expressly abrogates by this statute the holding in Hurst v. Kansas City Mo. School District, 437 S.W.3d 327 (Mo.App. W.D. 2014), that Missouri Approved Instruction 19.01 may be applied to actions brought pursuant to this chapter, and the holding in Thomas v. McKeever's Enterprises, Inc., 388 S.W.3d 206 (Mo.App. W.D. 2012), that juries shall not be instructed that plaintiffs bear the burden of establishing "but for" causation in actions brought pursuant to this chapter.~~

6. ~~The general assembly hereby abrogates all Missouri approved jury instructions specifically addressing civil actions brought under this chapter which were in effect prior to August 28, 2017.]~~

213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) ~~[of subsection 1]~~ of section 213.070 as it relates to employment ~~[and]~~ **or** public accommodations, the commission has not completed its administrative processing and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. ~~[If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of subsection 1 of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. The commission may not at any other time or for any other reason issue a letter indicating a complainant's right to bring a civil action.]~~ Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have ~~[been committed]~~ **occurred**, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the

21 issuance of a notice under this section relating to the same practice or act. Any action brought
22 in court under this section shall be filed within ninety days from the date of the commission's
23 notification letter to the individual but no later than two years after the alleged cause occurred
24 or its reasonable discovery by the alleged injured party.

25 2. **Notwithstanding the fact that a person has not filed a complaint with the**
26 **commission as provided under section 213.075, a person claiming to be aggrieved may**
27 **bring a civil action in any circuit court in any county in which the unlawful**
28 **discriminatory action is alleged to have occurred, either before a circuit or associate**
29 **circuit judge.**

30 3. The court may grant as relief, as it deems appropriate, any permanent or temporary
31 injunction, temporary restraining order, or other order, and may award to the plaintiff actual
32 and punitive damages, and may award court costs and reasonable ~~[attorney]~~ **attorney's** fees to
33 the prevailing party, other than a state agency or commission or a local commission; except
34 that, a prevailing respondent may be awarded **court costs and** reasonable ~~[attorney]~~
35 **attorney's** fees only upon a showing that the case was without foundation.

36 ~~[3:]~~ 4. Any party to any action initiated under this section has a right to a trial by jury.

37 ~~[4. The sum of the amount of actual damages, including damages for future pecuniary~~
38 ~~losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life,~~
39 ~~and other nonpecuniary losses, and punitive damages awarded under this section shall not~~
40 ~~exceed for each complaining party:~~

41 ~~(1) Actual back pay and interest on back pay; and~~

42 ~~(2) (a) In the case of a respondent who has more than five and fewer than one~~
43 ~~hundred one employees in each of twenty or more calendar weeks in the current or preceding~~
44 ~~calendar year, fifty thousand dollars;~~

45 ~~(b) In the case of a respondent who has more than one hundred and fewer than two~~
46 ~~hundred one employees in each of twenty or more calendar weeks in the current or preceding~~
47 ~~calendar year, one hundred thousand dollars;~~

48 ~~(c) In the case of a respondent who has more than two hundred and fewer than five~~
49 ~~hundred one employees in each of twenty or more calendar weeks in the current or preceding~~
50 ~~calendar year, two hundred thousand dollars; or~~

51 ~~(d) In the case of a respondent who has more than five hundred employees in each of~~
52 ~~twenty or more calendar weeks in the current or preceding calendar year, five hundred~~
53 ~~thousand dollars.~~

54 ~~5. In any employment-related civil action brought under this chapter, the plaintiff~~
55 ~~shall bear the burden of proving the alleged unlawful decision or action was made or taken~~
56 ~~because of his or her protected classification and was the direct proximate cause of the~~
57 ~~claimed damages.]~~

213.126. 1. Whenever the attorney general has a reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this chapter or that any group of persons has been denied any of the rights granted by this chapter, and such denial raises an issue of general public importance, he **or she** may bring a civil action to any appropriate state court by filing with it a complaint setting forth the facts and requesting such preventive relief, including, but not limited to, an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he **or she** deems necessary to ensure the full enjoyment of the rights granted by this chapter.

2. If, at any time following the filing of a complaint alleging violation of one or more of the provisions of sections ~~[213.040]~~ **213.055** to 213.070 **or sections 213.152 to 213.164**, the chairperson determines that prompt judicial action is necessary to carry out the purposes of this chapter, the chairperson may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under the provisions of this chapter. Upon receipt of such authorization, the attorney general may commence and maintain an action seeking temporary or preliminary relief of an equitable nature in the circuit court of the county in which the respondent resides or in any county in which respondent conducts business.

3. Upon request by the commission, the attorney general shall take appropriate action in circuit court to enforce a subpoena issued by the commission.

4. The attorney general may file suit to enforce a settlement or conciliation agreement or any order of the commission referred by the commission or executive director.

213.135. 1. Any local commission authorized under subsection 3 of section 213.020 and certified by the commission as substantially equivalent shall, pursuant to the provisions of this section, have power and authority to hear complaints of violations of this chapter that are alleged to have been committed within the city, town, village or county which created the commission, provided that no complaint against the state of Missouri, including the University of Missouri system, or any official, officer, employee, department, agency, or other agent or servant thereof shall be entertained by a municipal or county commission as authorized in subsection 3 of section 213.020. Such authority may only be exercised in a manner consistent with the provisions of this chapter. In furtherance of the authority granted in this section, local commissions shall be empowered to hold hearings, subpoena witnesses, compel their attendance, administer oaths, to take the testimony of any person under oath, and to require the production for examination of any books, papers or other materials relating to any matter under investigation or in question before the commission.

14 2. Any local commission authorized under subsection 3 of section 213.020 may be
15 empowered by the legislative body of the city, town, village or county it serves to exercise the
16 powers granted in this section, any provision of law, charter or ordinance to the contrary
17 notwithstanding.

18 3. Proceedings before the local commission shall be consistent with the requirements
19 of section 213.075~~[, with the exceptions that]~~ **if the matter relates to unlawful**
20 **discriminatory conduct proscribed under sections 213.010 to 213.137. If the matter**
21 **relates to conduct proscribed under sections 213.150 to 213.188, proceedings shall be**
22 **consistent with the requirements of section 213.167.** In the context of these proceedings,
23 the references to the attorney general therein shall apply to an attorney or counselor for the
24 city, town, village or county, and ~~that~~ contested cases before the local commission shall be
25 heard by a hearing examiner who shall present to the local commission, or to a panel of
26 members thereof, proposed findings of fact, proposed conclusions of law, and a proposed
27 order, or who shall, if the municipal ordinance so provides, render findings of fact,
28 conclusions of law, and an order. Hearings before local commissions shall either be tape
29 recorded or held before a certified court reporter.

30 4. The order of a local commission shall not be final for appeal purposes until filed
31 with and reviewed by a hearing examiner of the commission. The order shall be filed with the
32 commission within thirty days of the date the local commission entered its order. Within
33 fifteen days of the filing of the order the local commission shall transmit the transcript of the
34 hearing previously reduced to writing to the commission. The local commission shall prepare
35 the transcript of the hearing and file with it all exhibits, whether received or rejected, with the
36 commission. The commission hearing examiner shall issue an opinion within ninety days of
37 receipt of the local commission's complete hearing record. Thirty days from the date of
38 issuance of the opinion, the order of the local commission shall become final for purposes of
39 appeal and may be appealed in the same manner as any other decision of the commission as
40 set out in section 213.085 **for matters relating to unlawful discriminatory conduct**
41 **proscribed under sections 213.010 to 213.137 or as set out in section 213.176 for matters**
42 **relating to conduct proscribed under sections 213.150 to 213.188.** If no opinion is issued
43 by the hearing examiner within ninety days, the local commission's decision shall be
44 considered final for purposes of appeal and may be appealed in the same manner as any other
45 decision of the commission as set out in section 213.085 **for matters relating to unlawful**
46 **discriminatory conduct proscribed under sections 213.010 to 213.137 or as set out in**
47 **section 213.176 for matters relating to conduct proscribed under sections 213.150 to**
48 **213.188.**

49 5. If no appeal from a final order of a local commission has been filed within thirty
50 days, a petition for enforcement of the order may be filed in the circuit court as provided in

51 section 213.085 for matters relating to unlawful discriminatory conduct proscribed
52 under sections 213.010 to 213.137 or as set out in section 213.176 for matters relating to
53 conduct proscribed under sections 213.150 to 213.188.

54 6. Local commissions may adopt procedural rules relating to the investigation,
55 settlement and conciliation of complaints and conduct of hearings, provided that such rules
56 and regulations are consistent with the provisions and spirit of this chapter. Such rules and
57 regulations shall be subject to review by the Missouri commission on human rights, and shall
58 not become effective until approved thereby. The commission shall have authority to
59 approve, disapprove, or approve with amendments any local commission rules submitted to it.
60 In the event that the commission approves local commission rules and regulations with
61 amendments, such rules shall become effective when the amendments are adopted by the
62 local commission.

213.150. 1. Sections 213.150 to 213.188 shall be known as the "Missouri Fair
2 Housing Act".

3 2. A function of the commission shall be to encourage fair treatment of racial,
4 ethnic, religious, and other groups protected by sections 213.150 to 213.188; members of
5 these groups; and persons with disabilities. A function of the commission shall also be to
6 foster mutual understanding and respect among these groups, members of these groups,
7 and persons with disabilities and to discourage discrimination in housing against these
8 groups, members of these groups, and persons with disabilities.

9 3. The commission shall have jurisdiction and power to seek to eliminate and
10 prevent discrimination in housing because of race, color, religion, national origin,
11 ancestry, sex, disability, gender identity, immigration status, or familial status and to
12 take other actions against discrimination because of race, color, religion, national origin,
13 ancestry, sex, disability, gender identity, immigration status, or familial status. The
14 commission is hereby given general jurisdiction and power for such purposes.

15 4. The commission shall issue publications and the results of studies and
16 research that tend to promote goodwill and minimize or eliminate discrimination in
17 housing because of race, color, religion, national origin, ancestry, sex, disability, gender
18 identity, immigration status, or familial status.

19 5. The commission shall receive, investigate, initiate, and pass upon complaints
20 alleging discrimination in housing because of race, color, religion, national origin,
21 ancestry, sex, disability, gender identity, immigration status, or familial status and
22 require the production, for examination, of any books, papers, records, or other
23 materials relating to any matter under investigation.

24 6. Any local commission created and established prior to August 13, 1986, by an
25 ordinance adopted by the governing body of any city, constitutional charter city, town,

26 village, or county shall have the power and authority to seek to eliminate and prevent
27 discrimination in housing and to establish related programs that shall be certified by the
28 commission as substantially equivalent. Such commissions shall be certified in the same
29 manner as in section 213.131. The power and authority of such commissions to initiate
30 and pursue administrative proceedings and remedies shall be solely as provided in
31 section 213.135.

213.151. For purposes of sections 213.150 to 213.188, the following terms mean:

- 2 (1) "Because" or "because of", as it relates to the adverse decision or action, the
3 protected criterion was a contributing factor;
- 4 (2) "Commission", the Missouri commission on human rights;
- 5 (3) "Complainant", a person who has filed a complaint with the commission
6 alleging that another person has engaged in a prohibited discriminatory practice;
- 7 (4) "Disability", a physical or mental impairment that substantially limits one or
8 more of a person's major life activities, being regarded as having such an impairment,
9 or a record of having such an impairment, that with or without reasonable
10 accommodation does not interfere with occupying the dwelling in question. The term
11 "disability" does not include current illegal use of, or addiction to, a controlled
12 substance, as such term is defined in section 195.010; however, a person may be
13 considered to have a disability if that person:
 - 14 (a) Has successfully completed a supervised drug rehabilitation program and is
15 no longer engaging in the illegal use of, and is not currently addicted to, a controlled
16 substance or has otherwise been rehabilitated successfully and is no longer engaging in
17 such use and is not currently addicted;
 - 18 (b) Is participating in a supervised drug rehabilitation program and is no longer
19 engaging in illegal use of controlled substances; or
 - 20 (c) Is erroneously regarded as currently illegally using or being addicted to a
21 controlled substance;
- 22 (5) "Discrimination", any unfair treatment based on race, color, religion,
23 national origin, ancestry, sex, disability, gender identity, immigration status, or familial
24 status;
- 25 (6) "Dwelling", any building, structure, or portion thereof that is occupied as, or
26 designed or intended for occupancy as, a residence by one or more families and any
27 vacant land that is offered for sale or lease for the construction or location thereon of
28 any such building, structure, or portion thereof;
- 29 (7) "Executive director", the executive director of the Missouri commission on
30 human rights;

31 (8) "Familial status", one or more individuals who have not attained eighteen
32 years of age being domiciled with:

33 (a) A parent or another person having legal custody of such individual; or

34 (b) The designee of a parent or other person having legal custody of such
35 individual, with the written permission of such parent or other person.

36

37 The protections afforded against discrimination on the basis of familial status shall
38 apply to any person who is pregnant or is in the process of securing legal custody of any
39 individual who has not attained eighteen years of age;

40 (9) "Gender identity", the gender-related identity, appearance, mannerisms, or
41 other gender-related characteristics of an individual, with or without regard to the
42 individual's assigned sex at birth;

43 (10) "Human rights fund", the fund established by the Missouri commission on
44 human rights under section 213.030;

45 (11) "Immigration status", a person's authorized lawful presence or
46 unauthorized unlawful presence in the United States, including the actual or
47 perceived citizenship or immigration status of such person;

48 (12) "Local commission", any commission or agency established prior to August
49 13, 1986, by an ordinance or order adopted by the governing body of any city,
50 constitutional charter city, town, village, or county;

51 (13) "Person", one or more individuals, corporations, partnerships, associations,
52 organizations, legal representatives, mutual companies, joint-stock companies, trusts,
53 trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of
54 persons;

55 (14) "Rent", to lease, to sublease, to let, and otherwise to grant for consideration
56 the right to occupy premises not owned by the occupant;

57 (15) "Respondent", a person who is alleged to have engaged in a prohibited
58 discriminatory practice in a complaint filed with the commission;

59 (16) "Unlawful discriminatory housing practice", any act that is unlawful under
60 sections 213.150 to 213.188.

213.152. 1. It shall be an unlawful discriminatory housing practice:

2 (1) To refuse to sell or rent after the making of a bona fide offer, to refuse to
3 negotiate for the sale or rental of, to deny, or to otherwise make unavailable a dwelling
4 to any person because of race, color, religion, national origin, ancestry, sex, disability,
5 gender identity, immigration status, or familial status;

6 (2) To discriminate against any person in the terms, conditions, or privileges of
7 sale or rental of a dwelling or in the provision of services or facilities in connection

8 therewith because of race, color, religion, national origin, ancestry, sex, disability,
9 gender identity, immigration status, or familial status;

10 (3) To make, print, or publish, or cause to be made, printed, or published, any
11 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
12 indicates any preference, limitation, or discrimination based on race, color, religion,
13 national origin, ancestry, sex, disability, gender identity, immigration status, or familial
14 status or that indicates an intention to make any such preference, limitation, or
15 discrimination;

16 (4) To represent to any person because of race, color, religion, national origin,
17 ancestry, sex, disability, gender identity, immigration status, or familial status that any
18 dwelling is not available for inspection, sale, or rental if such dwelling is in fact so
19 available;

20 (5) To induce or attempt to induce any person to sell or rent any dwelling by
21 representations regarding the entry or prospective entry into the neighborhood of a
22 person or persons of a particular race, color, religion, national origin, ancestry, sex,
23 disability, gender identity, immigration status, or familial status;

24 (6) To discriminate in the sale or rental of, or to otherwise make unavailable or
25 deny, a dwelling to any buyer or renter because of a disability of:

26 (a) That buyer or renter;

27 (b) A person residing in or intending to reside in that dwelling after it is so sold,
28 rented, or made available; or

29 (c) Any person associated with that buyer or renter; or

30 (7) To discriminate against any person in the terms, conditions, or privileges of
31 sale or rental of a dwelling, or in the provision of services or facilities in connection with
32 such dwelling, because of a disability of:

33 (a) That person;

34 (b) A person residing in or intending to reside in that dwelling after it is so sold,
35 rented, or made available; or

36 (c) Any person associated with that person.

37 2. For purposes of this section and sections 213.158 and 213.161, discrimination
38 includes:

39 (1) A refusal to permit, at the expense of the person with the disability,
40 reasonable modifications of existing premises occupied or to be occupied by such person
41 if such modifications may be necessary to afford such person full enjoyment of the
42 premises, except that in the case of a rental, the landlord may, if it is reasonable to do so,
43 condition permission for a modification on the renter's agreeing to restore the interior of

44 the premises to the condition that existed before the modification, reasonable wear and
45 tear excepted;

46 (2) A refusal to make reasonable accommodations in rules, policies, practices, or
47 services when such accommodations may be necessary to afford such person equal
48 opportunity to use and enjoy a dwelling; or

49 (3) In connection with the design and construction of covered multifamily
50 dwellings for first occupancy after March 13, 1991, a failure to design and construct
51 those dwellings in such a manner that:

52 (a) The public use and common use portions of such dwellings are readily
53 accessible to and usable by persons with a disability;

54 (b) All the doors designed to allow passage into and within all premises within
55 such dwellings are sufficiently wide to allow passage by persons in wheelchairs; and

56 (c) All premises within such dwellings contain the following features of adaptive
57 design:

58 a. An accessible route into and through the dwelling;

59 b. Light switches, electrical outlets, thermostats, and other environmental
60 controls in accessible locations;

61 c. Reinforcements in bathroom walls to allow later installation of grab bars; and

62 d. Usable kitchens and bathrooms such that an individual in a wheelchair can
63 maneuver about the space.

64 3. As used in subdivision (3) of subsection 2 of this section, the term "covered
65 multifamily dwellings" means:

66 (1) Buildings consisting of four or more units if such buildings have one or more
67 elevators; and

68 (2) Ground floor units in buildings consisting of four or more units.

69 4. Compliance with the appropriate requirements of the American National
70 Standard for Buildings and Facilities, commonly cited as "ANSI A117.1", providing
71 accessibility and usability for people with physical disabilities, suffices to satisfy the
72 requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

73 5. If a unit of general local government has incorporated into its laws the
74 requirements set forth in subdivision (3) of subsection 2 of this section, compliance with
75 such laws shall be deemed to satisfy the requirements of that subdivision. Such
76 compliance shall be subject to the following provisions:

77 (1) A unit of general local government may review and approve newly
78 constructed covered multifamily dwellings for the purpose of making determinations as
79 to whether the design and construction requirements of subdivision (3) of subsection 2
80 of this section are met;

81 (2) The commission shall encourage, but shall not require, the units of general
82 local government to include in their existing procedures for the review and approval of
83 newly constructed covered multifamily dwellings determinations as to whether the
84 design and construction of such dwellings are consistent with subdivision (3) of
85 subsection 2 of this section and shall provide technical assistance to units of general local
86 government and other persons to implement the requirements of subdivision (3) of
87 subsection 2 of this section; and

88 (3) Nothing in sections 213.150 to 213.188 shall be construed to require the
89 commission to review or approve the plans, designs, or construction of all covered
90 multifamily dwellings to determine whether the design and construction of such
91 dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this
92 section.

93 6. Nothing in sections 213.150 to 213.188 shall be construed to invalidate or limit
94 any law of the state or any political subdivision of the state, or any other jurisdiction in
95 which sections 213.150 to 213.188 shall be effective, that requires dwellings to be
96 designed and constructed in a manner that affords persons with disabilities greater
97 access than is required by sections 213.150 to 213.188.

98 7. Nothing in this section, section 213.158, or section 213.161 shall require that a
99 dwelling be made available to an individual whose tenancy would constitute a direct
100 threat to the health or safety of other individuals or whose tenancy would result in
101 substantial physical damage to the property of others.

102 8. Nothing in this section, section 213.158, or section 213.161 shall limit the
103 applicability of any reasonable local or state restriction regarding the maximum
104 number of occupants permitted to occupy a dwelling, nor shall any provision in this
105 section, section 213.158, or section 213.161 regarding familial status apply with respect
106 to housing for older persons.

107 9. (1) As used in this section, "housing for older persons" means housing:

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

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

113 (c) Intended and operated for occupancy by at least one person fifty-five years of
114 age or older per unit.

115 (2) In determining whether housing qualifies as housing for older persons under
116 this subsection, the commission shall develop regulations that require at least the
117 following factors:

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

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

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

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

129 (1) Persons residing in such housing as of August 28, 2026, who do not meet the
130 age requirements of paragraph (b) or (c) of subdivision (1) of subsection 9 of this
131 section, provided that new occupants of such housing meet the age requirements of
132 paragraph (b) or (c) of subdivision (1) of subsection 9 of this section; or

133 (2) Unoccupied units, provided that such units are reserved for occupancy by
134 persons who meet the age requirements of paragraph (b) or (c) of subdivision (1) of
135 subsection 9 of this section.

136 11. Nothing in this section, section 213.158, or section 213.161 shall prohibit
137 conduct against a person because such person has been convicted by any court of
138 competent jurisdiction of the illegal manufacture or distribution of a controlled
139 substance, as defined by section 195.010.

140 12. (1) Nothing in sections 213.150 to 213.188 shall prohibit a religious
141 organization, association, or society; or any nonprofit institution or organization
142 operated, supervised, or controlled by or in conjunction with a religious organization,
143 association, or society; from limiting the sale, rental, or occupancy of dwellings that it
144 owns or operates for other than a commercial purpose to persons of the same religion,
145 or from giving preference to such persons, unless membership in such religion is
146 restricted on account of race, color, or national origin.

147 (2) Nothing in sections 213.150 to 213.188 shall prohibit a private club, not in
148 fact open to the public, which as an incident to its primary purpose or purposes provides
149 lodging that it owns or operates for other than a commercial purpose, from limiting the
150 rental or occupancy of such lodging to its members or from giving preference to its
151 members.

152 13. Nothing in sections 213.150 to 213.188, other than the prohibitions against
153 discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply
154 to:

155 (1) The sale or rental of any single-family house by a private individual owner,
156 provided the following conditions are met:

157 (a) The private individual owner does not own or have any interest in more than
158 three single-family houses at any one time; and

159 (b) The house is sold or rented without the use of a real estate broker, agent, or
160 salesperson or the facilities of any person in the business of selling or renting dwellings
161 and without publication, posting, or mailing of any advertisement. If the owner selling
162 the house does not reside in it at the time of the sale or was not the most recent resident
163 of the house prior to such sale, the exemption in this section shall apply to only one such
164 sale in any twenty-four-month period; or

165 (2) Rooms or units in dwellings containing living quarters occupied or intended
166 to be occupied by no more than four families living independently of each other if the
167 owner maintains and occupies one of such living quarters as his or her residence.

213.155. 1. No declaration or other governing document of a homeowners'
2 association shall include a restrictive covenant in violation of section 213.152.

3 2. Notwithstanding any other provision of law or provision of the governing
4 documents, the board of directors of a homeowners' association shall amend, without
5 approval of the owners, any declaration or other governing document that includes a
6 restrictive covenant in violation of section 213.152 and shall restate the declaration or
7 other governing document without the restrictive covenant but with no other change to
8 the declaration or governing document.

9 3. If, after providing written notice to a homeowners' association requesting that
10 the association delete a restrictive covenant in violation of section 213.152, the
11 association fails to delete the restrictive covenant within thirty days of receiving the
12 notice, the Missouri commission on human rights, a city or county in which a common
13 interest development is located, or any person may bring an action against the
14 homeowners' association for injunctive relief to enforce the provisions of subsections 1
15 and 2 of this section. The court may award attorney's fees to the prevailing party.

213.158. It shall be unlawful for any bank, building and loan association,
2 insurance company, or other corporation, association, firm, or enterprise whose
3 business consists in whole or in part of the making of commercial real estate loans to
4 deny a loan or other financial assistance because of race, color, religion, national origin,
5 ancestry, sex, disability, gender identity, immigration status, or familial status to a
6 person applying therefor for the purpose of purchasing, constructing, improving,
7 repairing, or maintaining a dwelling. It shall be unlawful to discriminate against such
8 person in fixing of the amount, interest rate, duration, or other terms or conditions of
9 such loan or other financial assistance because of the race, color, religion, national

10 origin, ancestry, sex, disability, gender identity, immigration status, or familial status of
11 such person or of any person associated with such person or of the present or
12 prospective owners, lessees, tenants, or occupants of the dwellings.

213.161. It shall be unlawful to deny any person access to, or membership or
2 participation in, any multiple listing service, real estate brokers' organization, or other
3 service organization, or any facility relating to the business of selling or renting
4 dwellings, because of race, color, religion, national origin, ancestry, sex, disability,
5 gender identity, immigration status, 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 prohibited
3 under sections 213.150 to 213.188 or to attempt to do so;

4 (2) To retaliate or discriminate in any manner against any person because such
5 person has opposed any practice prohibited by sections 213.150 to 213.188 or because
6 such person has filed a complaint, testified, assisted, or participated in any manner in
7 any investigation, proceeding, or hearing conducted in accordance with sections 213.150
8 to 213.188;

9 (3) For the state or any political subdivision of this state to discriminate in
10 housing on the basis of race, color, religion, national origin, sex, ancestry, disability,
11 gender identity, immigration status, or familial status; or

12 (4) To discriminate in any manner against any person because of such person's
13 association with an individual protected by sections 213.150 to 213.188.

213.167. 1. Any person claiming to be aggrieved by an unlawful discriminatory
2 housing practice may make, sign, and file with the commission a verified complaint in
3 writing, within one hundred eighty days of the alleged act of discrimination, which shall
4 state the name and address of the person alleged to have committed the unlawful
5 discriminatory housing practice and which shall set forth the particulars thereof and
6 such other information as may be required by the commission. The complainant's
7 agent, attorney, or the attorney general may, in like manner, make, sign, and file such
8 complaint.

9 2. Any complaint that is filed with a federal agency with which the commission
10 has a work-sharing or deferral agreement, or with a local commission that has been
11 certified as substantially equivalent by the commission, shall be deemed filed with the
12 commission on the date that such complaint is received by such federal agency or local
13 commission. A copy of all complaints filed with a local commission with the authority to
14 enforce the provisions of sections 213.150 to 213.188 shall be forwarded to the
15 commission within seven days of the filing thereof with such local commission. If a local
16 commission has jurisdiction to hear a complaint filed with the commission, such

17 complaint shall be deemed to have been filed with the local commission on the date on
18 which such complaint was filed with the commission. The commission shall, within
19 seven days of the receipt of a complaint that a local commission has jurisdiction to hear,
20 forward a copy thereof to such local commission.

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

29 4. A person who is not named as a respondent in a complaint but who is
30 identified as a respondent in the course of an investigation may be joined as an
31 additional or substitute respondent upon written notice under such rules, regulations,
32 and guidelines as the commission shall prescribe. Such notice, in addition to complying
33 with the requirements of such rules, regulations, and guidelines, shall also state the
34 reason the person to whom the notice is addressed has been joined as a party.

35 5. In a case of failure to eliminate such discriminatory practice as found in the
36 investigation, if the chair of the commission deems it warranted under the
37 circumstances, there shall be issued and served in the name of the commission a
38 written notice, together with a copy of the complaint, as it may have been amended,
39 requiring the person named in the complaint, hereinafter referred to as the
40 "respondent", to answer the charges of the complaint at a hearing, at a time and
41 place to be specified in the notice, before a panel of at least three members of the
42 commission, sitting as the commission, or before a hearing examiner licensed to practice
43 law in this state who shall be appointed by the executive director and approved by the
44 commission. The place of the hearing shall be in the office of the commission or such
45 other place designated by the commission, except that if the respondent so requests, in
46 writing, the hearing shall be held in the county of such respondent's residence or
47 business location at the time of the alleged unlawful discriminatory housing practice. A
48 copy of the notice shall also be served on the complainant.

49 6. If a written notice of hearing has been issued and a party has not elected to
50 proceed in circuit court as set forth in section 213.170, the procedures set forth for a
51 hearing in this section and in chapter 536 shall apply.

52 7. The commission shall be a party to the action and shall be represented before
53 the panel or the hearing examiner by the office of the attorney general or, if so delegated

54 by the attorney general, a staff attorney of the commission. Neither the hearing
55 examiner nor any member of the panel shall have participated in the investigation of the
56 complaint. Evidence concerning endeavors at conciliation shall be excluded.

57 8. The respondent may file a written verified answer to the complaint and
58 appear at the hearing, in person or otherwise, with or without counsel, and submit
59 testimony. At the discretion of the hearing examiner or the panel, the complainant may
60 be allowed to intervene, thereby becoming a party to the action with the right to present
61 testimony in person or by counsel, provided the complainant at all times shall be treated
62 as a party for the purpose of discovery and the taking of depositions. The commission
63 or complainant intervenor shall have the power to reasonably and fairly amend any
64 complaint, and the respondent shall have like power to amend any answer. The
65 testimony taken at the hearing shall be under oath and be transcribed.

66 9. In any contested case before the commission, any party may take and use
67 written interrogatories, make and use requests for production of documents and other
68 materials, make and use requests for admissions, and utilize all other forms of discovery
69 authorized by the rules of civil procedure in the same manner, upon, and under the
70 same conditions, and upon the same notice, as is or may hereafter be provided for with
71 respect to interrogatories, requests for production, requests for admissions, and all
72 other forms of discovery authorized by rules of civil procedure in civil actions in the
73 circuit court. The panel or hearing examiner shall have the authority to impose
74 sanctions in the same manner as set forth in the rules of civil procedure.

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

76 11. If the case is heard by a panel of the commission, the chair of the commission
77 shall select the hearing panel and the presiding officer. The presiding officer shall have
78 full authority to call and examine witnesses, admit or exclude evidence, and rule upon
79 all motions and objections. The panel shall state its findings of fact and conclusions of
80 law, and if, upon all the evidence at the hearing, the panel finds:

81 (1) That a respondent has engaged in an unlawful discriminatory housing
82 practice, the commission shall issue and cause to be served on the respondent an order
83 requiring the respondent to cease and desist from the unlawful discriminatory housing
84 practice. The order shall require the respondent to take such affirmative action as the
85 panel judges necessary to implement the purposes of sections 213.150 to 213.188
86 including, but not limited to, the extension of full, equal, and unsegregated housing;
87 extension of a commercial real estate loan or other financial assistance; extension or
88 restoration of membership or participation in any multiple listing service or other real
89 estate service organization or facility; payment of actual damages; and the submission
90 of a report of the manner of compliance; or

91 **(2) That a respondent has engaged or is about to engage in a violation of section**
92 **213.152, 213.158, 213.161, or 213.164 to the extent that the alleged violation of section**
93 **213.164 relates to or involves a violation of one or more of such other sections or relates**
94 **to or involves the encouraging, aiding, or abetting of a violation of such other sections,**
95 **the commission may, in addition to the relief provided in subdivision (1) of this**
96 **subsection, assess a civil penalty against the respondent, for the purpose of vindicating**
97 **the public interest:**

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

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

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

107

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

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

113 **13. If the case is heard by a hearing examiner, the examiner shall have all powers**
114 **described in subdivision (8) of subsection 1 of section 213.030 and subsection 11 of this**
115 **section for the purpose of the hearing. The hearing examiner shall make findings of fact**
116 **and conclusions of law and shall recommend to the commission an order granting such**
117 **relief as provided in subsection 11 of this section or dismissing the complaint as to the**
118 **respondent as provided in subsection 12 of this section, in accordance with such**
119 **findings.**

120 **14. A panel of at least three members of the commission, sitting as the**
121 **commission, shall review the record, findings, and recommended order of the hearing**
122 **examiner. The panel shall thereafter accept or amend the recommended order, which**
123 **shall become the order of the commission. All orders shall be served on the complainant**
124 **and respondent, and copies of all orders shall be delivered to the attorney general and**
125 **such other public officers as the commission deems proper.**

126 **15. No order of the commission issued in accordance with this section shall affect**
127 **any contract, sale, encumbrance, or lease consummated before the issuance of such**

128 order and involving a bona fide purchaser without actual notice of the charge filed
129 under this section.

130 16. Any person aggrieved by an order of the commission may appeal as provided
131 in chapter 536.

213.170. 1. When a written notice of hearing is issued alleging a violation of
2 section 213.152, 213.158, 213.161, or 213.164, a complainant or respondent may elect to
3 have the claims asserted in that complaint decided in a civil action under the provisions
4 of this section in lieu of a hearing under the provisions of section 213.167. Written
5 notice of an election made under this subsection shall be filed with the commission and
6 all parties within twenty days of the date on which the written notice of hearing is placed
7 in the mail by the commission staff.

8 2. If a party elects under the provisions of this section to have the claims asserted
9 in a written notice issued by the chair decided in a civil action, the chair shall
10 immediately direct staff attorneys employed by the commission to commence and
11 maintain a civil action on behalf of the complainant. Such action shall be commenced
12 within thirty days of the election. All expenses of the claimant related to a civil action
13 brought under this section shall be paid by the commission.

14 3. Any person aggrieved with respect to the issues to be determined in a civil
15 action instituted under this section may intervene as of right in a civil action.

16 4. In a civil action instituted under this section, if the court finds that an
17 unlawful discriminatory housing practice has occurred or is about to occur, the court
18 may grant all relief as set forth in section 213.185. If monetary relief is sought for the
19 benefit of an aggrieved person who is not a party to the civil action, the court shall not
20 award such relief if such person has not complied with discovery orders issued by the
21 court.

22 5. The commission shall have authority to hire such attorneys as may be
23 necessary to perform duties assigned to it under this section.

213.173. 1. During the period beginning with the filing of a complaint under
2 section 213.167 and ending with the filing of a charge, setting of a complaint for hearing,
3 or dismissal of a complaint under the provisions of that section, the executive director
4 and the commission staff shall, to the extent feasible, engage in settlement or conciliation
5 with respect to the complaint. Any settlement and conciliation agreement negotiated
6 during such period shall be an agreement between the complainant and respondent and
7 shall be subject to approval by the executive director. Nothing said or done in the course
8 of settlement or conciliation under this section shall be made public or used as evidence
9 in any subsequent proceeding under sections 213.150 to 213.188 without the written
10 consent of the complainant and respondent.

11 **2. If a complaint is filed alleging a violation of section 213.152, 213.158, 213.161,**
12 **or 213.164:**

13 **(1) During the investigation, the public shall not have access to records relating**
14 **to the complaint, nor shall any information relating thereto be released to the public;**

15 **(2) During the investigation, the complainant and respondent shall have access**
16 **to only those records that they have personally provided, until the point at which**
17 **disclosure is allowed at a hearing; however, if a request for civil action is made under**
18 **section 213.185, the complainant and respondent shall have access to those records**
19 **under applicable federal, state, or local discrimination laws that require disclosure;**

20 **(3) After closure of a complaint, the public shall have access to only the**
21 **complaint and closure documents by agreement between the complainant and**
22 **respondent;**

23 **(4) Excluding a finding of probable cause, after an investigation closure, the**
24 **complainant and respondent shall have access to the investigative file, except for**
25 **sensitive or confidential records and records relating to witnesses who have requested**
26 **anonymity. With respect to records that the commission has obtained from other**
27 **government agencies, the commission shall observe any statutory confidentiality**
28 **provisions imposed on the originating agencies;**

29 **(5) After failure of conciliation attempts, the complainant and respondent shall**
30 **have access to copies of the investigative file, except for sensitive or confidential records**
31 **and records relating to witnesses who have requested anonymity; and**

32 **(6) Any settlement or conciliation agreement entered into by the complainant**
33 **and respondent shall be made public unless the parties thereto agree otherwise and the**
34 **executive director determines that disclosure is not required to further the purposes of**
35 **sections 213.150 to 213.188.**

36 **3. To achieve the purposes of sections 213.150 to 213.188, the provisions of**
37 **subsection 2 of this section shall not apply to disclosure of information to representatives**
38 **of interested federal, state, or local civil or human rights agencies.**

213.176. 1. All final decisions, settlement agreements, conciliation agreements,
2 **findings, rules, and orders of the commission under any provision of sections 213.150 to**
3 **213.188 shall be in writing. Parties to proceedings shall each be sent a copy of the**
4 **commission's decision and order in the proceedings.**

5 **2. Any person who is aggrieved by a final decision, finding, rule, or order of the**
6 **commission may obtain judicial review by filing a petition in the circuit court of the**
7 **county of proper venue within thirty days after the commission's final decision has been**
8 **made known.**

9 **3. Judicial review shall be in the manner provided by chapter 536, as it may be**
10 **amended or superseded from time to time. The venue of such cases shall, at the option**
11 **of the appealing party, be in the circuit court of Cole County or in the county of the**
12 **appealing party's residence or, if the appealing party is a corporation, domestic or**
13 **foreign, having a registered office or business office in this state, in the county of its**
14 **registered office or business office.**

15 **4. If no proceeding for review is instituted in the circuit court within the time**
16 **herein prescribed, the commission may obtain an order in a proceeding brought in:**

17 **(1) The circuit court of the county wherein the unlawful discriminatory housing**
18 **practice that is the subject of the commission's order occurred;**

19 **(2) The circuit court of the county wherein any person required in the order to**
20 **cease and desist from an unlawful discriminatory housing practice resides or conducts**
21 **business; or**

22 **(3) The circuit court of the county wherein any person required in the order to**
23 **take other affirmative action resides or conducts business.**

24
25 **The record on the commission's petition for enforcement shall consist solely of duly**
26 **certified records of the commission showing that it has jurisdiction over the respondent**
27 **and that the procedure prescribed by this action has been complied with and contains a**
28 **certified copy of the commission's order with proof of service. On such a petition, the**
29 **inquiry of the court shall be limited to a determination of whether the action of the**
30 **commission is in excess of its statutory authority or jurisdiction and whether the**
31 **respondent has substantially complied with the order of the commission.**

32 **5. If no proceeding for judicial review is filed within the time established under**
33 **subsection 2 of this section and the commission has not filed a petition for enforcement**
34 **of its order in the circuit court, any person entitled to relief may, after the expiration of**
35 **sixty days from the date of the commission's order, file a petition for enforcement of the**
36 **commission's decision in a circuit court having proper venue thereof. The contents of**
37 **the petition and the jurisdiction of the court shall be as set forth in subsection 4 of this**
38 **section.**

39 **6. If a suit for enforcement of a commission order has been filed under either**
40 **subsection 4 or 5 of this section, the circuit court shall issue its order enforcing the**
41 **commission's decision unless the party against whom enforcement is sought**
42 **affirmatively shows that:**

43 **(1) The court is without jurisdiction or venue;**

44 **(2) Such commission order violates the provisions of the Constitution of**
45 **Missouri or the Constitution of the United States;**

46 (3) The commission order is beyond its statutory authority or jurisdiction; or

47 (4) The party has substantially complied with the order of the commission.

48 7. If the commission deems there has been a breach of the terms or conditions of
49 a settlement agreement or conciliation agreement, the commission shall institute an
50 action in circuit court to enforce the terms of the agreement or to obtain the appropriate
51 remedy for such breach. Nothing in this subsection shall prohibit the parties to such
52 agreement from personally filing suit to enforce this subsection.

 213.179. Any person who willfully violates an order of the commission issued
2 and served under section 213.167 shall be guilty of a class C misdemeanor.

 213.182. The provisions of sections 213.150 to 213.188 shall be construed to
2 accomplish the purposes thereof, and any law inconsistent with any provision of sections
3 213.150 to 213.188 shall not apply. Nothing contained in sections 213.150 to 213.188
4 shall be deemed to repeal any of the provisions of any law of this state relating to
5 discrimination because of race, color, religion, national origin, sex, ancestry, age,
6 disability, gender identity, immigration status, or familial status.

 213.185. 1. If, after the filing of a complaint under section 213.152, 213.158,
2 213.161, or 213.164, the person claiming to be aggrieved so requests in writing, the
3 commission shall issue to the person claiming to be aggrieved a letter indicating his or
4 her right to bring a civil action within ninety days of such notice against the respondent
5 named in the complaint. Such an action may be brought in any circuit court in any
6 county in which the unlawful discriminatory housing practice is alleged to have
7 occurred, either before a circuit or associate circuit judge. Upon issuance of this notice,
8 the commission shall terminate all proceedings relating to the complaint. No person
9 may file or reinstate a complaint with the commission after the issuance of a notice
10 under this section relating to the same practice or act. Any action brought in court
11 under this subsection shall be filed within ninety days from the date of the commission's
12 notification letter to the individual but no later than two years after the alleged cause
13 occurs or its reasonable discovery by the alleged injured party.

14 2. Notwithstanding the fact that a person has not filed a complaint with the
15 commission as provided under section 213.167, a person claiming to be aggrieved may
16 bring a civil action in any circuit court in any county in which the unlawful
17 discriminatory housing practice is alleged to have occurred, either before a circuit or
18 associate circuit judge.

19 3. The court may grant as relief, as it deems appropriate, any permanent or
20 temporary injunction, temporary restraining order, or other order; may award to the
21 plaintiff actual and punitive damages; and may award court costs and reasonable

22 attorney's fees to the prevailing party, other than a state agency or commission or a local
23 commission.

24 4. Notwithstanding subsection 3 of this section to the contrary, a prevailing
25 respondent shall be awarded court costs and reasonable attorney's fees only upon a
26 showing that the case is without foundation.

27 5. Any party to an action initiated under this section has a right to a trial by jury.

213.188. Legally permissible actions under section 441.020 shall be subject to the
2 provisions of sections 213.150 to 213.188 only if a primary motive for the section 441.020
3 action is not any of the factors listed in section 441.020.

510.265. 1. No award of punitive damages against any defendant shall exceed the
2 greater of:

3 (1) Five hundred thousand dollars; or

4 (2) Five times the net amount of the judgment awarded to the plaintiff against the
5 defendant.

6

7 Such limitations shall not apply if the state of Missouri is the plaintiff requesting the award of
8 punitive damages, or the defendant pleads guilty to or is convicted of a felony arising out of
9 the acts or omissions pled by the plaintiff.

10 2. The provisions of this section and sections 510.261 and 510.263 shall not apply to
11 civil actions brought under section ~~[213.111]~~ **213.185** that allege a violation of section
12 ~~[213.040, 213.045, 213.050, or 213.070, to the extent that the alleged violation of section~~
13 ~~213.070 relates to or involves a violation of section 213.040, 213.045, or 213.050, or~~
14 ~~subdivision (3) of subsection 1 of section 213.070 as it relates to housing]~~ **213.152, 213.158,**
15 **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 offer, to~~
3 ~~refuse to negotiate for the sale or rental of, to deny or otherwise make~~
4 ~~unavailable, a dwelling to any person because of race, color, religion, national~~
5 ~~origin, ancestry, sex, disability, or familial status;~~

6 ~~(2) To discriminate against any person in the terms, conditions, or~~
7 ~~privileges of sale or rental of a dwelling, or in the provision of services or~~
8 ~~facilities in connection therewith, because of race, color, religion, national~~
9 ~~origin, ancestry, sex, disability, or familial status;~~

10 ~~(3) To make, print, or publish, or cause to be made, printed, or~~
11 ~~published any notice, statement or advertisement, with respect to the sale or~~
12 ~~rental of a dwelling that indicates any preference, limitation, or discrimination~~
13 ~~because of race, color, religion, national origin, ancestry, sex, disability, or~~
14 ~~familial status, or an intention to make any such preference, limitation, or~~
15 ~~discrimination;~~

16 ~~(4) To represent to any person because of race, color, religion, national~~
17 ~~origin, ancestry, sex, disability, or familial status that any dwelling is not~~
18 ~~available for inspection, sale, or rental when such dwelling is in fact so~~
19 ~~available;~~

20 ~~(5) To induce or attempt to induce any person to sell or rent any~~
21 ~~dwelling by representations regarding the entry or prospective entry into the~~
22 ~~neighborhood of a person or persons because of a particular race, color,~~
23 ~~religion, national origin, ancestry, sex, disability, or familial status;~~

24 ~~(6) To discriminate in the sale or rental of, or to otherwise make~~
25 ~~unavailable or deny, a dwelling to any buyer or renter because of a disability~~
26 ~~of:~~

27 ~~(a) That buyer or renter;~~

28 ~~(b) A person residing in or intending to reside in that dwelling after it~~
29 ~~is so sold, rented, or made available; or~~

30 ~~(c) Any person associated with that buyer or renter;~~

31 ~~(7) To discriminate against any person in the terms, conditions, or~~
32 ~~privileges of sale or rental of a dwelling, or in the provision of services or~~
33 ~~facilities in connection with such dwelling, because of a disability of:~~

34 ~~(a) That person;~~

35 ~~(b) A person residing in or intending to reside in that dwelling after it~~
36 ~~is so sold, rented, or made available; or~~

37 ~~(c) Any person associated with that person.~~

38 ~~2. For purposes of this section and sections 213.045 and 213.050,~~
39 ~~discrimination includes:~~

40 ~~(1) A refusal to permit, at the expense of the person with the disability,~~
41 ~~reasonable modifications of existing premises occupied or to be occupied by~~
42 ~~such person if such modifications may be necessary to afford such person full~~
43 ~~enjoyment of the premises, except that, in the case of a rental, the landlord~~
44 ~~may, where it is reasonable to do so, condition permission for a modification~~
45 ~~on the renter's agreeing to restore the interior of the premises to the condition~~
46 ~~that existed before the modification, reasonable wear and tear excepted;~~

47 ~~(2) A refusal to make reasonable accommodations in rules, policies,~~
48 ~~practices, or services, when such accommodations may be necessary to afford~~
49 ~~such person equal opportunity to use and enjoy a dwelling; or~~

50 ~~(3) In connection with the design and construction of covered~~
51 ~~multifamily dwellings for first occupancy after March 13, 1991, a failure to~~
52 ~~design and construct those dwellings in such a manner that:~~

53 ~~(a) The public use and common use portions of such dwellings are~~
54 ~~readily accessible to and usable by persons with a disability;~~

55 ~~(b) All the doors designed to allow passage into and within all~~
56 ~~premises within such dwellings are sufficiently wide to allow passage by~~
57 ~~persons with a disability in wheelchairs; and~~

58 ~~(c) All premises within such dwellings contain the following features~~
59 ~~of adaptive design:~~

60 ~~a. An accessible route into and through the dwelling;~~

61 ~~b. Light switches, electrical outlets, thermostats, and other~~
62 ~~environmental controls in accessible locations;~~

63 e. Reinforcements in bathroom walls to allow later installation of grab
64 bars; and

65 d. Usable kitchens and bathrooms such that an individual in a
66 wheelchair can maneuver about the space.

67 3. As used in subdivision (3) of subsection 2 of this section, the term
68 "covered multifamily dwelling" means:

69 (1) Buildings consisting of four or more units if such buildings have
70 one or more elevators; and

71 (2) Ground floor units in other buildings consisting of four or more
72 units.

73 4. Compliance with the appropriate requirements of the American
74 National Standard for Buildings and Facilities providing accessibility and
75 usability for people with physical disabilities, commonly cited as "ANSI
76 A117.1", suffices to satisfy the requirements of paragraph (a) of subdivision
77 (3) of subsection 2 of this section.

78 5. Where a unit of general local government has incorporated into its
79 laws the requirements set forth in subdivision (3) of subsection 2 of this
80 section, compliance with such laws shall be deemed to satisfy the requirements
81 of that subdivision. Such compliance shall be subject to the following
82 provisions:

83 (1) A unit of general local government may review and approve newly
84 constructed covered multifamily dwellings for the purpose of making
85 determinations as to whether the design and construction requirements of
86 subdivision (3) of subsection 2 of this section are met;

87 (2) The commission shall encourage, but may not require, the units of
88 local government to include in their existing procedures for the review and
89 approval of newly constructed covered multifamily dwellings, determinations
90 as to whether the design and construction of such dwellings are consistent with
91 subdivision (3) of subsection 2 of this section, and shall provide technical
92 assistance to units of local government and other persons to implement the
93 requirements of subdivision (3) of subsection 2 of this section;

94 (3) Nothing in this chapter shall be construed to require the
95 commission to review or approve the plans, designs or construction of all
96 covered dwellings, to determine whether the design and construction of such
97 dwellings are consistent with the requirements of subdivision (3) of subsection
98 2 of this section.

99 6. Nothing in this chapter shall be construed to invalidate or limit any
100 law of the state or political subdivision of the state, or other jurisdiction in
101 which this chapter shall be effective, that requires dwellings to be designed
102 and constructed in a manner that affords persons with disabilities greater
103 access than is required by this chapter.

104 7. Nothing in this section and sections 213.045 and 213.050 requires
105 that a dwelling be made available to an individual whose tenancy would
106 constitute a direct threat to the health or safety of other individuals or whose
107 tenancy would result in substantial physical damage to the property of others.

108 8. Nothing in this section and sections 213.045 and 213.050 limits the
109 applicability of any reasonable local or state restriction regarding the
110 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.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter 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 persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

158 ~~13. Nothing in this chapter, other than the prohibitions against~~
159 ~~discriminatory advertising in subdivision (3) of subsection 1 of this section,~~
160 ~~shall apply to:~~

161 ~~(1) The sale or rental of any single family house by a private~~
162 ~~individual owner, provided the following conditions are met:~~

163 ~~(a) The private individual owner does not own or have any interest in~~
164 ~~more than three single family houses at any one time; and~~

165 ~~(b) The house is sold or rented without the use of a real estate broker,~~
166 ~~agent or salesperson or the facilities of any person in the business of selling or~~
167 ~~renting dwellings and without publication, posting or mailing of any~~
168 ~~advertisement. If the owner selling the house does not reside in it at the~~
169 ~~time of the sale or was not the most recent resident of the house prior to such~~
170 ~~sale, the exemption in this section applies to only one such sale in any twenty-~~
171 ~~four-month period; or~~

172 ~~(2) Rooms or units in dwellings containing living quarters occupied or~~
173 ~~intended to be occupied by no more than four families living independently of~~
174 ~~each other, if the owner actually maintains and occupies one of such living~~
175 ~~quarters as his or her residencee.]~~

2 ~~[213.041. 1. No declaration or other governing document of a~~
3 ~~homeowners' association shall include a restrictive covenant in violation of~~
4 ~~section 213.040.~~

5 ~~2. Notwithstanding any other provision of law or provision of the~~
6 ~~governing documents, the board of directors of a homeowners' association~~
7 ~~shall amend, without approval of the owners, any declaration or other~~
8 ~~governing document that includes a restrictive covenant in violation of section~~
9 ~~213.040, and shall restate the declaration or other governing document without~~
10 ~~the restrictive covenant but with no other change to the declaration or~~
11 ~~governing document.~~

12 ~~3. If after providing written notice to a homeowners' association~~
13 ~~requesting that the association delete a restrictive covenant in violation of~~
14 ~~section 213.040, and the association fails to delete the restrictive covenant~~
15 ~~within thirty days of receiving the notice, the Missouri commission on human~~
16 ~~rights, a city or county in which a common interest development is located, or~~
17 ~~any person may bring an action against the homeowners' association for~~
18 ~~injunctive relief to enforce the provisions of subsections 1 and 2 of this~~
19 ~~section. The court may award attorney's fees to the prevailing party.~~

20 ~~4. The provisions of this section shall become effective on January 1,~~
~~2006.]~~

2 ~~[213.045. It shall be unlawful for any bank, building and loan~~
3 ~~association, insurance company or other corporation, association, firm or~~
4 ~~enterprise whose business consists in whole or in part in the making of~~
5 ~~commercial real estate loans, to deny a loan or other financial assistance~~
6 ~~because of race, color, religion, national origin, ancestry, sex, disability or~~
7 ~~familial status to a person applying therefor for the purpose of purchasing,~~
8 ~~construction, improving, repairing, or maintaining a dwelling, or to~~
~~discriminate against him in fixing of the amount, interest rate, duration or~~

9 other terms or conditions of such loan or other financial assistance, because of
10 the race, color, religion, national origin, ancestry, sex, disability, or familial
11 status of such person or of any person associated with him in connection with
12 such loan or other financial assistance, or of the present or prospective owners,
13 lessees, tenants, or occupants, of the dwellings in relation to which such loan
14 or other financial assistance is to be made or given;]

2 ~~[213.050. It shall be unlawful to deny any person access to or~~
3 ~~membership or participation in any multiple listing service, real estate brokers'~~
4 ~~organization or other service organization, or facility relating to the business of~~
5 ~~selling or renting dwellings, because of race, color, religion, national origin,~~
~~ancestry, sex, disability, or familial status.]~~

2 ~~[213.076. 1. When a written notice of hearing is issued alleging~~
3 ~~violation of section 213.040, 213.045, 213.050, or 213.070, to the extent that~~
4 ~~the alleged violation of section 213.070 relates to or involves violation of one~~
5 ~~or more of such other sections or relates to or involves the encouraging, aiding~~
6 ~~or abetting of violation of such sections, a complainant or respondent may~~
7 ~~elect to have the claims asserted in that complaint decided in a civil action~~
8 ~~under 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 pursuant to~~
10 ~~this subsection shall be filed with the commission and all parties within twenty~~
11 ~~days of the date on which the written notice of hearing is placed in the mail by~~
12 ~~the commission staff.~~

13 ~~2. Where a party has made an election pursuant to the provisions of~~
14 ~~this section, to have the claims asserted in a written notice issued by the~~
15 ~~chairperson, decided in a civil action, the chairperson shall immediately direct~~
16 ~~staff attorneys employed by the commission to commence and maintain a civil~~
17 ~~action on behalf of the complainant. Such action shall be commenced within~~
18 ~~thirty days of the election. All expenses of the claimant related to a civil~~
19 ~~action brought under this section shall be paid by the commission.~~

20 ~~3. Any person aggrieved with respect to the issues to be determined in~~
21 ~~a civil action instituted pursuant to this section may intervene as of right in a~~
22 ~~civil action.~~

23 ~~4. In a civil action instituted pursuant to this section, if the court finds~~
24 ~~that an unlawful discriminatory practice has occurred or is about to occur, the~~
25 ~~court may grant all relief as set forth in section 213.111. If monetary relief is~~
26 ~~sought for benefit of an aggrieved person who is not a party to the civil action,~~
27 ~~the court shall not award such relief if such person has not complied with~~
28 ~~discovery orders issued by the court.~~

29 ~~5. The commission shall have authority to hire such attorneys as may~~
~~be necessary to perform duties assigned to it pursuant to this section.]~~

2 ~~[213.112. Legally permissible actions pursuant to section 441.020 are~~
3 ~~subject to the provisions of this chapter only if a primary motive for the section~~
~~441.020 action is not any of the factors listed in section 441.020.]~~