

AN ORDINANCE AMENDING CHAPTER 9.36, "HOUSING DISCRIMINATION," OF TITLE 9, "PUBLIC PEACE, MORALS AND WELFARE," OF THE CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI.

WHEREAS, the City of North Kansas City, Missouri (the "**City**") is a body corporate, a third class city and political subdivision of the State of Missouri, duly created, organized and validly existing under and by virtue of the Constitution and laws of the State of Missouri; and

WHEREAS, the City is a community that respects and actively seeks to welcome and protect all those who reside in our community; and

WHEREAS, the governing body finds that providing protection against wrongful discrimination contributes to the creation of a diverse, welcoming community that promotes harmony and mutual respect, and otherwise promotes the health, safety, and welfare of the citizens of North Kansas City; and

WHEREAS, the governing body finds that discrimination based on race, sex, sexual orientation, gender identity, color, religion or national origin is wrongful discrimination and inconsistent with the City's goals and values; and

WHEREAS, local, state, and federal laws provide protection against discrimination against certain classes of individuals in housing, and such laws provide a complaint and enforcement process for parties who allege discrimination in violation of local, state, or federal law; and

WHEREAS, in some instances, current state and federal housing laws have been interpreted to exclude protection against discrimination and retaliation on the basis of sexual orientation and gender identity, thereby precluding the use of the complaint and enforcement process outlined therein; and

WHEREAS, the City desires to extend the law to prohibit discrimination and retaliation based upon sexual orientation and gender identity, giving these characteristics the same protection state and federal law already consistently provide with respect to race, sex, sexual orientation, gender identity, color, religion, or national origin.¹

¹ In examining discrimination issues under the Fair Housing Act, the courts frequently draw from employment discrimination analysis. See *Gamble v. City of Escondido*, 104 F.3d 300, 304 (9th Cir.1997) ("We apply Title VII discrimination analysis in examining Fair Housing Act ('FHA') discrimination claims. 'Most courts applying the FHA, as amended by the [Fair Housing Act Amendments], have analogized it to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, which prohibits discrimination in employment.'" (quoting *Larkin v. Mich. Dep't of Soc. Servs.*, 89 F.3d 285, 289 (6th Cir.1996)); *Pfaff v. U.S. Dep't of Hous. & Urban Dev.*, 88 F.3d 739, 745 n. 1 (9th Cir.1996) ("We may look for guidance to employment discrimination cases."). In an employment discrimination case, the United States Supreme Court recently ruled stated as follows: "Today, we must decide whether an employer can fire someone simply for being homosexual or transgender. The answer is clear. An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex." *Bostock v. Clayton County*, ___ U.S. ___, 2020 WL 3146686 (2020).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH KANSAS CITY, MISSOURI, AS FOLLOWS:

Section 1. Section 9.36.010 of Chapter 9.36, “Housing Discrimination,” of Title 9, “Public Peace, Morals and Welfare,” of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

9.36.010 Declaration of policy.

The city council of the city of North Kansas City, Missouri, declares it to be the public policy of the city to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, sexual orientation, gender identity, color, religion, national origin or ancestry. This chapter shall be deemed an exercise of the police powers of the city for the protection of the public welfare, prosperity, health and peace of the citizens of the city.

Section 2. Section 9.36.020 of Chapter 9.36, “Housing Discrimination,” of Title 9, “Public Peace, Morals and Welfare,” of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

9.36.020 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

“Aggrieved person” means and includes any person who is attempting to provide housing for himself or herself and/or his or her family in the city.

“Discriminate” means distinctions in treatment because of race, sex, sexual orientation, gender identity, color, religion or national origin of any person. Discrimination includes any distinction in treatment based on a person’s presumed or assumed race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, or age, regardless of whether the presumption or assumption as to such characteristic is correct.

“Gender identity” means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual’s assigned sex at birth.

“Person” means and includes an individual, firm, partnership or corporation.

“Sexual orientation” means one’s actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone. The term

“sexual orientation” includes a history of such attraction or relationship or a history of no such attraction or relationship.

Section 3. Section 9.36.030 of Chapter 9.36, “Housing Discrimination,” of Title 9, “Public Peace, Morals and Welfare,” of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

9.36.030 Discriminatory practices.

It is a discriminatory practice and a violation of this chapter for any person to:

A. Refuse to sell or rent after making an offer of sale or rental and receiving a bona fide offer of purchase or rental, or refuse to negotiate for the sale or rental of a dwelling to any person because of race, sex, sexual orientation, gender identity, color, religion or national origin of any person;

B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, sexual orientation, gender identity, color, religion or national origin;

C. Make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, sexual orientation, gender identity, color, religion or national origin, or an intention to make any such preference, limitation or discrimination;

D. Represent to any person because of race, sex, sexual orientation, gender identity, color, religion or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

E. Induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry, or prospective entry, into the neighborhood of a person or persons of a particular race, sex, sexual orientation, gender identity, color, religion or national origin;

F. Discriminate in the sale or rental of housing on the basis of a handicap;

G. Discriminate in the sale or rental of housing because a family seeking to rent or purchase has children.

Section 4. Section 9.36.040 of Chapter 9.36, “Housing Discrimination,” of Title 9, “Public Peace, Morals and Welfare,” of the CODE OF THE CITY OF NORTH KANSAS CITY, MISSOURI is hereby amended to read as follows:

9.36.040 Discrimination in the financing of a house.

It is unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against him or her in the fixing of the amount or conditions of such loan, because of the race, sex, sexual orientation, gender identity, color, religion or national origin of such person or of any person associated with him or her in connection with such financing.

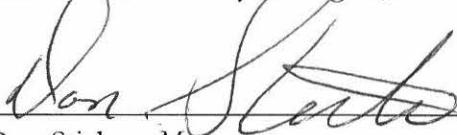
Section 5. Providing for Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Where appropriate, ordinances previously adopted are hereby amended to conform to the provisions of this Ordinance.

Section 6. Severability. The sections, paragraphs, sentences, clauses and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 7. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.


Section 8. Effective Date. This ordinance shall be in full force and effect upon passage by the City Council and approval by the Mayor.

PASSED this 4th day of August, 2020.




Don Stielow, *Mayor*

ATTEST:



Crystal Doss, *City Clerk*

APPROVED this 4th day of August, 2020.



Don Stielow, *Mayor*

APPROVED AS TO FORM:



Anthony W. Bologna, *City Attorney*



Thomas E. Barzee, Jr., *City Counselor*