

**Rules of
Department of Labor and Industrial
Relations
Division 60—Missouri Commission
on Human Rights
Chapter 4—Guidelines and Interpretations of
Fair Housing Sections of the
Missouri Human Rights Act**

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**Title 8—DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS**
**Division 60—Missouri Commission on
Human Rights**
**Chapter 4—Guidelines and
Interpretations of Fair Housing Sections
of the Missouri Human Rights Act**

8 CSR 60-4.010 Definitions

PURPOSE: This rule defines terms used in sections 213.040, 213.045, 213.050 and 213.070, RSMo.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. A route that complies with the appropriate requirements of American National Standards Institute, (ANSI) A117.1-1986 or a comparable standard is an accessible route.

(2) Accessible, when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase, readily accessible to and usable by, is synonymous with accessible. A public or common use area that complies with the appropriate requirements of the (ANSI) A117.1-1986 or a comparable standard is accessible within the meaning of this definition.

(3) ANSI A117.1-1986 means the 1986 edition of the *American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People*. Copies may be obtained from American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(4) Building entrance on an accessible route means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with ANSI A117.1-1986 or a comparable standard complies with the requirements of this section.

(5) Building means a structure, facility or portion of it that contains or serves one (1) or more dwelling units.

(6) Common use areas means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or their guests. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

(7) Controlled substance means any drug or other substance, or immediate precursor, included in the definition in section 195.010, RSMo.

(8) Covered multifamily dwellings means buildings consisting of four (4) or more dwelling units if these buildings have one (1) or more elevators, and ground floor dwelling units in other buildings.

(9) Dwelling means any building, structure or portion of it which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families and any vacant land which is offered for sale or lease for the construction or location of any building, structure or portion of it intended for residential purposes.

(10) Dwelling unit means a single unit of residence for a family of one (1) or more persons. Examples of dwelling units include: a single family home; an apartment unit within an apartment building; and in other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one (1) room or portion of the dwelling, or rooms in which people sleep. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

(11) Entrance means any access point to a building or portion of a building used by residents for the purpose of entering.

(12) Exterior means all areas of the premises outside of an individual dwelling unit.

(13) First occupancy means a building that has never before been used for any purpose.

(14) Ground floor means a floor of a building with a building entrance on an accessible route. A building may have more than one (1) ground floor.

(15) Interior means the spaces, parts, components or elements of an individual dwelling unit.

(16) Modification means any change to the public or common use areas of a building or any change to a dwelling unit.

(17) Other financial assistance as used in section 213.045, RSMo includes the purchasing of loans which are for purchasing, constructing, improving, repairing or maintaining a dwelling or which are secured by residential real estate.

(18) Premises means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

(19) Public use areas means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

(20) Site means a parcel of land bounded by a property line or a designated portion of a public right of way.

*Auth: sections 213.030, 213.040, 213.045 and 213.050, RSMo (Cum. Supp. 1992).**
Original rule filed Dec. 2, 1992, effective June 7, 1993.

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.040, 213.045 and 213.050, RSMo (1986), amended 1992.*

8 CSR 60-4.015 Inquiries Regarding Handicaps

PURPOSE: This rule clarifies lawful and unlawful inquiries regarding the handicaps of an applicant for a dwelling, a person intending to reside in that dwelling, or any person associated with that person.

(1) It shall be unlawful to make inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is so sold, rented or made available, or any person associated with that person, has a handicap or to make inquiry as to the nature or severity of a handicap of the person. However, this section does not prohibit the following



inquiries, provided these inquiries are made of all applicants, whether or not they have handicaps:

(A) Is an applicant able to meet the requirements of ownership or tenancy?

(B) Is an applicant qualified for a dwelling available only to persons with handicaps or to persons with a particular type of handicap?

(C) Is an applicant for a dwelling qualified for a priority available to persons with handicaps or to persons with a particular type of handicap?

(D) Is an applicant for a dwelling a current illegal abuser or addict of a controlled substance? and

(E) Has an applicant been convicted of the illegal manufacture or distribution of a controlled substance?

*Auth: sections 213.030 and 213.040, RSMo (Cum. Supp. 1992). * Original rule filed Dec. 2, 1992, effective June 7, 1993.*

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.040, RSMo (1986), amended 1992.*

8 CSR 60-4.020 Reasonable Modifications of Existing Premises

PURPOSE: This rule establishes guidelines regarding modifications made to premises for a handicapped person.

(1) It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises. In the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. The landlord may not increase any customarily required security deposit for handicapped persons. However, where it is necessary to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement, a provision requiring that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in this account shall accrue to the benefit of the tenant.

(2) A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a satisfactory manner and that any required building permits will be obtained.

(3) The application of this rule may be illustrated by the following examples:

(A) Example 1: A tenant with a handicap asks his/her landlord for permission to install grab bars in the bathroom at the tenant's expense. It is necessary to reinforce the walls with blocking between studs in order to affix the grab bars. It is unlawful for the landlord to refuse to permit the tenant, at the tenant's own expense, from making the modifications necessary to add the grab bars. However, the landlord may condition permission for the modification on the tenant agreeing to restore the bathroom to the condition that existed before the modification, reasonable wear and tear excepted. It would be reasonable for the landlord to require the tenant to remove the grab bars at the end of the tenancy. The landlord also may reasonably require that the wall to which the grab bars are to be attached be repaired and restored to its original condition, reasonable wear and tear excepted. However, it would be unreasonable for the landlord to require the tenant to remove the blocking, since the reinforced walls will not interfere in any way with the landlord's or the next tenant's use and enjoyment of the premises and may be needed by some future tenant.

(B) Example 2: An applicant for rental housing has a child who uses a wheelchair. The bathroom door in the dwelling unit is too narrow to permit the wheelchair to pass. The applicant asks the landlord for permission to widen the doorway at the applicant's own expense. It is unlawful for the landlord to refuse to permit the applicant to make the modification. Further, the landlord, in usual circumstances, may not condition permission for the modification on the applicant paying for the doorway to be narrowed at the end of the lease because a wider doorway will not interfere with the landlord's or the next tenant's use and enjoyment of the premises.

*Auth: sections 213.030 and 213.040, RSMo (Cum. Supp. 1992). * Original rule filed Dec. 2, 1992, effective June 7, 1993.*

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.040, RSMo (1986), amended 1992.*

8 CSR 60-4.025 Design and Construction Requirements

PURPOSE: This rule establishes accessibility requirements in the design and construction of covered multifamily dwellings.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Covered multifamily dwellings planned for first occupancy after March 13, 1991 shall be designed and constructed to have at least one (1) building entrance on an accessible route unless it is impractical to do so because of the terrain or unusual characteristics of the site. For purposes of this section, a covered multifamily dwelling shall be deemed to be designed and constructed for first occupancy before March 14, 1991 if it is occupied before that date or if the last building permit or permit renewal for the covered multifamily dwellings is issued by a state, county or local government before January 14, 1990. The burden of establishing impracticality because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility.

(A) Example 1: A real estate developer plans to construct six (6) covered multifamily dwelling units on a site with a hilly terrain. Because a long and steep stairway is necessary in order to enter the dwellings and since there is no practical way to provide an accessible route to any of the dwellings, one need not be provided.

(B) Example 2: A real estate developer plans to construct a building consisting of ten (10) units of multifamily housing on a waterfront site that floods frequently. Because of this unusual characteristic of the site, the builder plans to construct the building on stilts. It is customary for housing in the geographic area where the site is located to be built on stilts. The housing lawfully may be constructed on the proposed site on stilts even though this means that there will be no practical way to provide an accessible route to the building entrance.

(C) Example 3: A real estate developer plans to construct a multifamily housing facility on a particular site. The developer would like the facility to be built on the site to contain as many units as possible. Because of the configuration and terrain of the site, it is possible to construct a building with one

hundred five (105) units on the site, provided the site does not have an accessible route leading to the building entrance. It is also possible to construct a building on the site with an accessible route leading to the building entrance. However, this building would have no more than one hundred (100) dwelling units. The building to be constructed on the site must have a building entrance on an accessible route because it is not impractical to provide such an entrance because of the terrain or unusual characteristics of the site.

(2) All covered multifamily dwellings planned for first occupancy after March 13, 1991 with a building entrance on an accessible route shall be designed and constructed in a manner that—

(A) The public and common use areas are readily accessible to and usable by handicapped persons (compliance with the appropriate requirements of American National Standards Institute (ANSI) A117.1-1986 suffices to satisfy these requirements);

(B) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(C) All premises within covered multifamily dwelling units contain the following features of adaptable design:

1. An accessible route into and through the covered dwelling unit;
2. Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
3. Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall and shower seat, where these facilities are provided; and
4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

A. Example 1: A developer plans to construct a one hundred (100)-unit condominium apartment building with one (1) elevator. In accordance with section (1), the building has at least one accessible route leading to an accessible entrance. All one hundred (100) units are covered multifamily dwelling units and they all must comply with the accessibility requirements of section (1) of this rule.

B. Example 2: A developer plans to construct thirty (30) garden apartments in a three (3)-story building. The building will not have an elevator. The building will have one (1) accessible entrance which will be on the first floor. Since the building does not have an elevator, only the ground floor units are covered multifamily units. The ground floor is the first floor because that is the floor that has an accessible entrance. All of the dwelling

units on the first floor must meet the accessibility requirements of section (1) of this rule and must have access to at least one (1) of each type of public or common use area available for residents in the building.

(3) Compliance with a duly enacted law of a state or unit of general local government that includes the requirements of (3)(C)1.—4. of this rule satisfies the requirements of sections (1) and (3) of the rule.

*Auth: sections 213.030 and 213.040, RSMo (Cum. Supp. 1992). * Original rule filed Dec. 2, 1992, effective June 7, 1993.*

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.040, RSMo (1986), amended 1992.*

8 CSR 60-4.030 Prohibited Coercion and Retaliation

PURPOSE: This rule clarifies the unlawful discriminatory practices prohibited by section 213.070, RSMo.

(1) It shall be unlawful to aid, abet, incite, compel or coerce the commission of acts prohibited by Chapter 213, RSMo or to attempt to do so.

(2) Conduct made unlawful under this rule includes, but is not limited to, coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, color, religion, sex, handicap, familial status, ancestry or national origin.

(3) Retaliating against any person because that person has filed a complaint, testified, assisted or participated in any manner in a proceeding under Chapter 213, RSMo shall be unlawful.

*Auth: sections 213.030, 213.070 and 213.075, RSMo (Cum. Supp. 1992). * Original rule filed Dec. 2, 1992, effective June 7, 1993.*

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.070 and 213.075, RSMo (1986), amended 1992.*

8 CSR 60-4.035 Exceptions

PURPOSE: This rule lists exceptions to the fair housing sections of Chapter 213, RSMo.

(1) Any 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 may limit the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose (activity engaged in for profit) to persons of the same religion or give preference to these persons, unless membership in the religion is restricted on account of race, color or national origin.

(2) A private club, not open to the public, which as an incident to its primary purpose(s) provides lodging which it owns or operates for other than a commercial purpose, may limit the rental or occupancy of the lodging to its members or may give preference in occupancy to its members.

(3) Other than the prohibitions against discriminatory advertising in 213.040.1(3), RSMo, the following are exempted from the coverage of Chapter 213, RSMo:

(A) The sale or rental of any single family house by a private individual owner, provided—

1. The private individual owner does not own or have any interest in more than three (3) single family homes at any one (1) time; and

2. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings, and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to the sale, this exemption applies to only one (1) such sale in any twenty-four (24)-month period; and

(B) The rental of rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of these living quarters as his/her residence.

*Auth: sections 213.030 and 213.040, RSMo (Cum. Supp. 1992). * Original rule filed Dec. 2, 1992, effective June 7, 1993.*

**Original authority: 213.030, RSMo (1959), amended 1978, 1986, 1992 and 213.040, RSMo (1986), amended 1992.*