

## HB 1317 -- UNLAWFUL DISCRIMINATORY PRACTICES

SPONSOR: Mitten

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

### MISSOURI HUMAN RIGHTS ACT

The bill modifies the definition of "because" to be that the protected criterion was a contributing factor to the adverse decision or action, and modifies the definition of "employer" to include any person acting in the interest of an employer.

The bill removes a jurisdictional condition precedent to filing a civil action and provides that a person aggrieved by an unlawful discriminatory practice may file a complaint with the Missouri Commission on Human Rights. The bill repeals provisions of the act which abrogated certain court decisions related to the act, which established a legal standard to use in deciding summary judgment motions, and which mandated or abrogated the use of certain jury instructions.

The bill further repeals a provision of the act which limited the time that the commission could issue a letter indicating a complainant's right to bring a civil action. An aggrieved person may bring a civil action in circuit court notwithstanding the fact that the person has not filed a complaint with the commission. The bill provides that a prevailing respondent may only be awarded court costs upon a showing that the case was without foundation, and removes certain limits on the damages recoverable by a prevailing plaintiff. The bill repeals a provision which stated that Chapters 213, 285 and 287, RSMo, provide the only remedies for a claim arising out of the employment relationship.

### MISSOURI FAIR HOUSING ACT

The repealed provisions of the Missouri Human Rights Act relating to discrimination in housing practices are reenacted in substantially the same form as part of the Missouri Fair Housing Act. The bill provides that certain housing practices are unlawful if taken because of a person's race, color, religion, national origin, ancestry, sex, disability or familial status. The term "because" is defined to mean that the protected criterion was a contributing factor in the adverse decision or action.