

Chapter 44--HousingSubchapter A--Fair Housing

44.010. Declaration of Policy. The City Council of the City of Sarcoxie hereby 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, color, religion, sex, handicap, familial status, or national origin. This ordinance shall be deemed an exercise of the police powers of the City of Sarcoxie for the protection of the public welfare, prosperity, health, and peace of the people of Sarcoxie, Missouri.

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

1. Person shall include any individual, firm, partnership or corporation.
2. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Sarcoxie, Missouri.
3. Discriminate shall mean distinctions in treatment because of race, color, religion, sex, handicap, familial status, or national origin of any person.

44.030. Discriminatory Practices. It shall be a discriminatory practice and a violation of the ordinance for any person to:

1. Refuse to sell or rent after the making of a bona fide offer or to refuse to negotiate for the sale or rent of or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin of any person.
2. 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, color, religion, sex, handicap, familial status, or national origin.
3. 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, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
4. Represent to any person because of race, color, religion, sex, handicap, familial status, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

5. For profit, to 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, color, religion, sex, handicap, familial status, or national origin.

6. Discriminate in the sale or rental of housing on the basis of a handicap of that buyer or renter; a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or any person associated with that buyer or renter. The design and construction of new multi-family dwellings containing four (4) or more units is required to meet certain adaptability and accessibility requirements in accordance with Section 8904 of the 1988 Fair Housing Amendments Act.

7. Discriminate in the sale or rental of housing on the basis of familial status or because a family has children, exempting certain types of building that house older persons (e.g. Section 02 housing) in accordance with Section 807 of the 1988 Fair Housing Amendments Act.

44.040. Discrimination in the Financing of a House. It shall be 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 any person in the fixing of the amount of conditions of such loan because of the race, color, religion, sex handicap, familial status, or national origin of such person or any person therein associated in connection with such financing.

44.050. Administration.

1. There is hereby created a Fair Housing Committee whose membership shall consist of five (5) members who shall be appointed by the Mayor of the City with the approval of the City Council.

2. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event the fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

3. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by conference and conciliation, then and in that event the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of

whether to prosecute in Municipal Court on said complaint shall be left to the City Attorney.

4. Nothing in this ordinance shall be construed in such manner as to limit administrative enforcement mechanisms and recourse against alleged discriminatory housing practices through the U. S. Department of Housing and Urban Development as specified under Section 810 of the Fair Housing Act as amended effective March 12, 1989 or through the Missouri Commission on Human Rights as specified in applicable State statutes.

44.060. Enforcement.

1. Any person convicted in Municipal Court of a violation of this ordinance shall be punished by a fine of not more than Five Hundred and No/100 (\$500.00) Dollars, or by confinement in the City jail for not more than one hundred (100) days, or both such fine and imprisonment.

2. The City Attorney, instead of filing a complaint in Municipal Court of said City may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

44.070. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of these standards shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

44.080. Savings Clause. This ordinance shall not affect violations of any other ordinance, code, or regulation of the City of Sarcoxie existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

(Amended by Ordinance 832, Passed and Effective 10/5/98)

Subchapter B -- Affirmative Action Plan

44.200. Policy statements. It is the policy of the City of Sarcoxie, Missouri, in compliance with State Laws; Titles VI and VII of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Section 504 of the Rehabilitation Act of 1973; Section 109 of the Housing and Community Development Act of 1974; Section 3 of the HUD Act of 1968; Executive Order 11246; and Executive Order 11063, that no person shall be discriminated against on the basis of race, color, sex, religion, national origin, age, marital status, educational attainment, or physical disability. In order to insure equal employment opportunity (EEO) in all aspects of employment, both in the practices of the City itself, and

in the practices of its contractors, subcontractors, and suppliers, the following affirmative action program is adopted.

44.210. Equal Employment Opportunity Officer. The City Clerk has been appointed the EEO Officer for the City. He/she has the responsibility for implementing the Affirmative Action Program, and auditing and evaluating its success. He/she shall be aided in his/her duties by the Citizens Advisory Committee, when established, and by the City Council of the City of Sarcoxie, Missouri.

The EEO Officer has the following duties:

1. To insure continuing compliance on the part of contractors and suppliers with the affirmative action program by regularly reviewing employment procedures of these companies as applicable.
2. To insure that minority contractors and suppliers are notified of any requests for bids by the City and that an effort is made to use these businesses.
3. To keep all necessary records relative to the affirmative action programs of the City and its contractors, subcontractors, and suppliers.
4. To annually audit and evaluate the Affirmative Action Program and, with the help of City officials and the Citizens Advisory Committee, to revise the plan in areas where deficiencies remain.
5. To prepare an annual report assessing Sarcoxie's performance regarding the plan.
6. To be responsible, along with the Citizens Advisory Committee and City Council, for investigating and resolving charges of discrimination made against the City.

44.220. Equal employment opportunity and affirmative action practices for the City.

1. All recruiting announcements shall contain the statement: "The City of Sarcoxie, Missouri is an equal opportunity employer".
2. Pertinent sources of minorities and women shall be contacted regarding job opportunities.
3. Visits shall be made to the area educational institutions in order to make aware employment opportunities within the City.
4. An effort shall be made to hire minority and women employees for part-time and summer positions, in order to encourage their interest in future full-time employment opportunities in the City.
5. Job descriptions shall be reviewed, and revised where necessary, to insure that

they accurately reflect current work responsibilities.

6. Job specifications shall be reviewed, and revised where necessary, to insure that they are related to job content, and are set at the minimum level necessary for that position.

7. Application blanks shall be reviewed to insure that all questions not related to job performance, or which operate to the detriment of minorities and women are eliminated.

8. Selection criteria such as physical or education requirements shall be reviewed to insure job relatedness. Specifically, this includes such areas as educational degrees, years of work experience, etc.

9. All criteria used in selection of employees shall be the minimum necessary for the job for which the individual is hired.

10. An EEO clause shall be included on all application blanks and employee records.

11. All applications for jobs shall be kept for one year, and qualified applicants notified of any job openings within the City.

12. Records shall be kept of all personnel recruitment advertising, and all efforts made to identify and hire lower income and minority residents within the project area in the case of Federally assisted projects.

13. Employees shall be terminated only for just cause or their own volition, and records shall be kept stating the reason for termination.

44.230. Equal employment opportunity and affirmative action regarding HUD Community Development projects.

1. No person shall be denied the opportunity to serve as a member of a Citizens Advisory Committee, should one be formed.

2. Citizens who are likely to be affected by community development projects shall be encouraged to come before the City Council to express their needs, preferences about proposed activities, and any complaints they may have about the management of a program.

3. The announcement of funds available for community development programs shall be made through the local news media, as soon as official notice of the amount is received by the City.

4. Public hearings shall be held in accordance with the City's Community Participation Plan.

5. Records shall be kept by the EEO Officer of all job applicants for participation in any project of the Community Development Act.

6. Demographic data according to the most recent census shall be maintained. This data will include prevailing population characteristics relating to race, ethnic group, sex, age, and head of household. Racial, ethnic and gender data shall also be maintained showing the extent to which these categories of persons have benefited from, or participated in, programs under the Community Development projects.

44.240. Equal employment opportunity and affirmative action regarding Contractors EEO.

1. The City of Sarcoxie shall require all contractors, subcontractors, and suppliers to file affirmative action programs and goals, as applicable, with the City. These programs shall be in compliance with all statutory and regulatory requirements relating to EEO. The City agrees to give cooperation and assistance in distributing and collecting forms, and in notifying contractors of violations of EEO requirements.

2. Failure to comply with affirmative action requirements could lead to termination of the contract or other appropriate action.

3. The City of Sarcoxie agrees to refrain from entering into any contract with any contractor, subcontractor, or supplier, where it has been duly notified that the contractor is in violation of statutory and/or regulatory EEO requirements. It further agrees to take appropriate actions concerning contracts entered into prior to notification of non-compliance.

4. When applicable, the contractor shall file monthly reports with the City EEO Officer concerning the status of its Affirmative Action Program.

5. All contracts and purchase order shall include an equal employment opportunity clause as a condition of making the award or purchase.

6. Bidding and purchasing procedures shall be reviewed by the EEO Officer to insure that minority contractors and suppliers are able to bid competitively. These procedures shall be reviewed periodically to insure continued compliance.

7. When feasible, the contractor shall establish goals for the number of lower-income persons and minorities to be trained and employed on each projects.

8. The City of Sarcoxie agrees to make an effort to locate minority contractors and suppliers, and to notify them of any requests for bids by the City. Copies will be kept of all notification efforts.

44.250. Distribution. Copies of this Plan shall be posted on City bulletin boards, furnished to employees, and be on file in the Office of the City Clerk for inspection by any

interested person or organization.

44.260. Grievances. City employees or job applicants who feel they have been discriminated against in contradiction to the provisions of this Plan or any State or Federal law or regulation may file a grievance with the City Clerk. Grievored persons may also register complaints with the State Human Rights Commission, P.O. Box 1129, Jefferson City, Missouri, 65101; the Federal Equal Employment Opportunity Commission, 2401 E. Street, N.W., Washington, D.C., 20506; or any combination of the preceding.

(Added by Ordinance 603, Passed and Effective 8/3/81)

Subchapter C – Housing Rehabilitation Grant Guidelines

44.300. Purpose. The purpose of the rehabilitation program is to correct code violations, overcrowded or unsanitary conditions, to improve the housing and living environment for persons of low to moderate income levels living in the City of Sarcoxie.

44.310. General Objectives.

1. The program is devised to conserve the City's present housing stock.
2. Low to moderate income families, as hereinafter defined in Section 44.300, will receive rehabilitation work.
3. A quarterly review of the program shall be conducted to determine if changes or refinements are needed.
4. City codes will be followed in all work performed and in the installation of all material.
5. All work will be done by qualified and licensed contractors.
6. Grants are limited to one per property.
7. The program will encompass the target area as outlines in the Community Development Application, as noted herein in Section 44.330 E.
8. The Housing Inspector (H-1) shall be responsible for the making of all decisions as to the method used in rehabilitating the property with the right of appeal by the owner to the Board of Alderman of the City of Sarcoxie.
9. Competitive bids shall be let on each project and the lowest responsible selected, subject to approval of the Housing Inspector and Board of Alderman of the City of Sarcoxie. Minority contractors may receive negotiated bids, if approved by the Housing Inspector and the Board of Alderman of the City of Sarcoxie.
10. Inspections of the work shall be made to insure that it fulfills the terms of the grant

and contract agreement before payment is submitted.

11. City Council Members, Public Works Employees, the Mayor, City Employees, and City Officers shall not be eligible for grant assistance, contract or subcontract for any work or have any personal interest, direct or indirect, in any contract under this project.

44.320. Process.

1. This is a voluntary program. All interested persons must make application before any action can be taken.

2. Applicants who qualify will be taken on a first-come, first-serve basis. An emergency situation will receive priority. All decisions pertaining to emergencies will be made by the Housing Inspector, which decision must be approved by the Board of Alderman of the City of Sarcoxie before becoming effective.

3. A complete house inspection will be made by the Program Housing Inspector. A deficiency list will be prepared and submitted to the property owner. A work write-up will be prepared, as well as a cost estimate. All decisions concerning repairs to be made to the structure will be made by the Housing Inspector and Administrator with the right to appeal by the owner to the Board of Alderman of the City of Sarcoxie.

4. All items on the work write-up, as well as other pertinent information, will be discussed with the owner, Housing Inspector, Administrator, and Contractor before a contract is signed.

44.330. Qualifications.

1. Income limits for applicants: Number of Persons/Household

| <u>Household Income</u> | <u>Total Annual Gross</u> |
|-------------------------|---------------------------|
| 1 person | \$20,550 |
| 2 persons | \$23,500 |
| 3 persons | \$26,400 |
| 4 persons | \$29,350 |
| 5 persons | \$31,700 |
| 6 persons | \$34,050 |
| 7 persons | \$36,400 |
| 8 persons | \$38,750 |

2. The property to be rehabilitated must have been owned by the applicant prior to July 1, 1998. Property will be eligible only if the owner signs an agreement to repay a percentage of grant funds expended if property rehabilitation is sold within three (3) years of completion or, if rental property, the rent received by the owner is increased in violation of the rent freeze agreement executed for this property.

3. An owner/applicant must not have net assets in excess of \$225,000.00, excluding equity in property. A renter-applicant must not have net assets in excess if \$150,000.00

4. The owner must have a recorded deed of ownership. A contract for deed, properly executed, shall not constitute ownership, but shall be considered a rental. The buyer and the seller will be required to make joint application and jointly execute the contract for rehabilitation work. The same applies to renter-applicant, both renter and owner shall be required to jointly apply and execute the contract.

5. Only properties within the target area will be eligible for grant assistance, except in circumstances which involve minority or handicap needs, as set out in the City's grant application.

44.340. Grant Amount. The amount of any approved grant will be the total cost of the rehabilitation, not to exceed the sum of \$15,000.00 unless lead base paint is addressed.

44.350. Repayment. Recipients do not repay grants unless a violation of Section 44.300 of this ordinance, Qualifications, occurs.

(Ordinance No. 831 Added, Passed and Effective 10/5/98)