

ORDINANCE NO. 21XXXX

WHEREAS, the nation's homeless crisis has reached emergency levels, in that, in 2019, 567,715 people in the United States were experiencing homelessness on a single night during the Department of Housing and Urban Development's annual Point-In-Time count; and

WHEREAS, almost 2,000 residents in the Kansas City region have been rendered homeless as a result of deep, prolonged economic inequality, wage stagnation, a severe shortage of safe, affordable housing, and a shrinking social safety net; and

WHEREAS, individuals currently experiencing homelessness, or individuals forced into homelessness due to the COVID-19 pandemic are unable to properly sanitize, shelter-in-place, or otherwise protect themselves and others from the virus; and

WHEREAS, individuals experiencing homelessness face discrimination on the basis of their housing status, and these factors limit individuals ability to access safe, truly affordable housing, employment, and other services; and

WHEREAS, lacking the resources necessary to obtain adequate legal representation, individuals experiencing homelessness are often denied relief or damages through the courts when they have been unfairly targeted and their constitutional rights violated; and

WHEREAS, individuals experiencing homelessness rarely have access to shelters, and when shelter is available, its conditions can be so poor as to jeopardize their health and physical and mental safety; and

WHEREAS, Lesbian, gay, bisexual, transgender, gender non-conforming, and queer individuals are often forced to accept inappropriate or unsafe accommodations to access publicly funded emergency shelters; and

WHEREAS, student homelessness is increasing, resulting in higher rates of school transfers, absenteeism, and lower standardized test scores that result in higher rates of leaving school permanently; and

WHEREAS, individuals experiencing homelessness exhibit higher rates of depression, anxiety, psychological distress, and physical health problems than others; and

WHEREAS, Black, Hispanic, Native American, Pacific Islander, multiracial, and LGBTQ individuals are overrepresented in the population of individuals and families experiencing homelessness; and

WHEREAS, the City Council believes that every person is afforded certain human rights and should not be subject to discrimination based on their housing status, and affirms, in

partnership with houseless organizers, tenant leadership and housing providers, its active commitment to protecting the rights of individuals and families experiencing homelessness now and in the future; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY, MISSOURI:

Section 1. The Council hereby establishes the Houseless Bill of Rights to read as follows:

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or an alternative definition has been provided:

(1) *Access*, as applied to an existing facility, service, or public space means the ability and permission to enter and make use of the facility, service, or public space. Otherwise, *access* means the offering or availability of a facility or service.

(2) *Damages* means, but is not limited to, losses.

(3) *Harassment* means frightening, intimidating, causing substantial emotional distress or disturbing another person or with the result of frightening, intimidating, causing substantial emotional distress or disturbing another person of reasonable or average sensibility, as defined in Section 50-159, Code of Ordinances of the City of Kansas City, Missouri.

(4) *Unhoused status* means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person.

(5) *Public space* means any property that is owned by the City of Kansas City that is held open to the public, including, but not limited to, plazas, courtyards, parking lots, sidewalks, public transportation, public buildings and parks. *Public space* does not include a private business establishment.

(6) *Rest* means the state of not moving, holding certain postures that include, but are not limited to, sitting, standing, leaning, kneeling, squatting, sleeping, or lying.

(7) *Soliciting donations* means asking for food, water, or money, which includes panhandling, as defined by Section 50-8.5(b)(8), Code of Ordinances of the City of Kansas City, Missouri.

(b) The existence of homelessness requires that fundamental rights that are amply protected in the home and in private places be extended to the public domain to ensure the equal rights of individuals and families experiencing homelessness. Every person experiencing homelessness within the legal boundaries of the City shall have all of the

following basic human rights and legal and civil protections, except when prohibited by local, state or federal law:

- (1) The right to move freely in the same manner as any other person in public spaces without being subject to criminal or civil sanctions, harassment or arrest because they are homeless.
- (2) The right to rest and protect oneself from the elements in a public space in the same manner as any other person without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless, as long as that rest, sleep, and protection of oneself does not maliciously or substantially obstruct a passageway.
- (3) The right to set down or leave at rest personal property in public spaces without being subject to criminal or civil sanctions, harassment, or arrest as long as that personal property does not maliciously or substantially obstruct a passageway, or the possession or placement of that personal property does not deny another of the right to property. This includes the right to restitution for loss of property or personal effects and belongings if the property or personal effects are confiscated, removed, damaged, or destroyed in violation of this paragraph or any other protections of property provided under law.
- (4) The right to eat, share, accept, or give food or water in public spaces in the same manner as any other person without being subject to criminal or civil sanctions, harassment, or arrest because they are experiencing homelessness.
- (5) The right to solicit donations in public spaces in the same manner as any other person without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless.
- (6) The right to the same protections that law enforcement agencies afford any other person, including, but not limited to, the right to reasonable protection from assault, domestic violence, sexual assault, or robberies.
- (7) The right to rest, stand, eat, solicit donations, or share food in a public space or in a vehicle in a public space, without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless.
- (8) The right to engage in lawful self-employment in the same manner as any other person including, but not limited to, the right to seek self-employment in junk-removal and recycling that requires the collection, possession, redemption, and storage of goods for reuse and recycling, without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless, within reasonable restrictions.

- (9) The right to pray, meditate, or practice religion in public spaces in the same manner as any other person, without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless.
- (10) The right to decline admittance to a public or private shelter or any other accommodation, including social services programs, for any reason they see fit, without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless.
- (11) The right to occupy a motor vehicle or recreational vehicle either to rest, or use for the purposes of shelter, provided that the vehicle is legally parked on public property, without being subject to criminal or civil sanctions, harassment, or arrest because they are homeless.
- (12) The right to confidentiality of their records and information by homeless shelters, medical centers, schools, or any other publicly funded human service provider to law enforcement agencies, employers, or landlords, except that the records or information may be disclosed if the disclosure is based on appropriate legal authority. Disclosure of an individual's records or information shall not be allowed unless the individual received oral and written notice of the legal authority to disclose this information and the individual's right to opt out of having the records or information disclosed.
- (c) *Penalty.* Any person that violates any provision of this section shall be subject to the civil penalty prescribed in section 1-17 but in no instance shall a violation of this article be punishable by imprisonment.

Section 2. That Chapter 2, Article VII, "Officers and Employees" is hereby amended by repealing Section 2-972, "Residence of Employees" and replacing it with a new section of like name and subject matter containing a new subsection (10), for the purpose of establishing conditions regulating residence shall apply to all nonelected city employees, said section to read as follows:

Section 2-972. Residence of Employees

- (1) *Employment Preference.* Preference for employment shall be given to residents of the city for all positions in the classified service.
- (2) *Applicants.* Applicants for employment with the city, who are nonresidents at the time of appointment, shall establish residence inside the city limits within nine months after the date of appointment. In the discretion of the director of human resources, persons who, at the time the nine months expires, have entered into a contract to purchase a residence for their use and who are prepared to move in

within a reasonable time not to exceed six months may be deemed to have met this requirement.

- (3) *Workplace exception.* Any employee whose work is such a nature that they spend 75 percent of their work time outside the city limits shall be exempted from this residence requirement.
- (4) *Residence defined.* Residence is defined as the place where a person has their true, fixed, and permanent home and principal establishment and to which, whenever they are absent, they have the intention of returning. A person satisfied the residence requirement if a portion of the lot or the parcel of land on which their residence is located is within the city limits.
- (5) *Change of residency forfeiture.* Any employee who has established a residence within the city limits and who subsequently moves their place of residence outside the city limits shall forfeit their position of employment with the city.
- (6) *Failure to comply forfeiture.* Nonelected employees of the city failing to comply with the provisions of this section will be dismissed from the municipal service forthwith.
- (7) *Rules authorized.* The director of human resources is authorized to promulgate rules on residence consistent with this article, subject to city manager approval.
- (8) *Limited application of definition.* This article defines residence for city employment purposes only.
- (9) *Involuntary transfer of employment MAST – Exception.* City employees who were employed by the Metropolitan Ambulance Service Trust (MAST) when ambulance services were transferred from MAST to the city on April 25, 2010, and who were living outside the city at the time of transfer may continue their residency at the location outside the city. Should the employee either voluntarily move their residence or transfer from a non-firefighter position in the classified service to the position of firefighter or to any position outside the fire department, the employee shall comply with the requirements of this section.
- (10) ***Housing Status Exception.*** A person with a primary nighttime residence that is a public or private space not designed for or ordinarily used as a regular sleeping accommodation for human beings, or a person living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, or as defined in 42 U.S.C. § 11302, shall be exempted from this residence requirement.

Section 3. That Chapter 38, Code of Ordinances of the City of Kansas City, Missouri is hereby amended by repealing Section 38-1, 38-103, 38-105, 28-109, and 38-113 and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Section 38-1. Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or an alternative definition has been provided:
- (1) *Age* means an age of 40 or more 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 85 and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking 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 \$344,000.00.
 - (2) *City* means the City of Kansas City, Missouri.
 - (3) *Commission* means the city human rights commission.
 - (4) *Complainant* means any person claiming injury by the alleged violation of Chapter 213, RSMo, or of this Chapter, including persons who believe they will be injured by an unlawful discriminatory practice that is about to occur.
 - (5) *Complaint* means a verified written statement of facts and circumstances, including dates, times, places and names of persons involved in any alleged violation of any provision of Chapter 213, RSMo, or of this Chapter.
 - (6) *Contract* means any contract to which the city shall be a contracting party, except the following:
 - a. Personal services contracts.
 - b. Emergency requisitions for goods, supplies or services.
 - c. Impressed accounts in the nature of petty cash funds.
 - d. Contract or lease, the cost of which will not exceed \$300,000.00.
 - (7) *Covered multifamily dwelling* means a building consisting of four or more units if the building has one or more elevators or a ground floor unit in a building consisting of four or more units.
 - (8) *Department* means the department of human relations.

(9) *Director* means the director of the human relations department or their delegate.

(10) *Disability* means with respect to employment, a person who is otherwise qualified and who, with reasonable accommodation, can perform the essential functions of the job in question. Generally, a person with a disability is any person who:

- a. Has a physical or mental impairment which substantially limits one or more major life activities;
- b. Has a record of having such impairment; or
- c. Is regarded as having such an impairment.

(11) *Dwelling* means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(12) *Employee* means any individual employed by an employer, but does not include an individual employed by his parents, spouse or child or any individual employed to render services as a domestic in the home of the employer.

(13) *Employer* includes any person employing six or more employees.

(14) *Employment agency* means any person, agency or organization, regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

(15) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with:

- a. A parent or another person having legal custody of such individual or individuals; or
- b. The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. No provision in this chapter regarding familial status shall apply to housing for older persons, as defined in section 3607 of title 42 of the United States Code Annotated.

(16) *Family* includes a single individual.

(17) *Franchise holder* means any individual, partnership, corporation, association or other entity, or any combination of such entities, holding a franchise hereafter granted or renewed by the city.

(18) *Gender identity* means the actual or perceived appearance, expression, identity or behavior of a person as being male or female, whether or not that appearance, expression, identity or behavior is different from that traditionally associated with the person's designated sex at birth.

(19) *Unhoused Status* means the actual or perceived status of being homeless, being a homeless individual, or being a homeless person.

(20) *Labor organization* means any organization which exists for the purpose in whole or in part of collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

(21) *Performance of work* means the furnishing of any personal service, labor, materials or equipment used in the fulfillment of a contractor's obligation under a city contract.

(22) *Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and other organizations; except the term "person" does not include any local, state or federal governmental entity.

(23) *Prohibited dress code* means a set of rules governing, prohibiting or limiting access to a place or business, or portion thereof, defined herein as a "public accommodation" because of any of the following:

- a. The wearing of jewelry, the manner in which jewelry is worn or the combination of items of jewelry worn,
- b. The wearing of a garment or headdress which is generally associated with specific religions, national origins or ancestry,
- c. The length of the sleeve of a shirt or the leg of a pair of pants or shorts is too long, except that nothing herein shall be construed to prohibit a dress code that requires the wearing of a shirt,
- d. The style, cut or length of a hair style,
- e. The colors of the garments,

f. In conjunction with a major Kansas City sporting event the wearing of athletic apparel which displays either a number, a professional or college team name or the name of a player;

g. The wearing of tee-shirts, except that nothing herein shall be construed to prohibit a dress code that requires such tee-shirts to have sleeves, or to prohibit a dress code that does not allow undershirts, undergarments, or tee-shirts of an inappropriate length. Designer tee-shirts, which are fitted and neat, cannot be banned.

(24) *Public accommodation* means any place or business offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public, or providing food, drink, shelter, recreation or amusement, including but not limited to:

a. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence.

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

c. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof.

d. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment.

e. Any public facility owned, operated or managed by or on behalf of this city or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds.

f. Any establishment which is physically located within the premises of any establishment otherwise covered by this definition or within the premises in which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

g. Any institution, association, club or other entity that has over 250 members, provides regular meal service, and regularly receives payment for meals, beverages, dues, fees, the use of its facilities or services directly or indirectly from or on behalf of nonmembers in furtherance of trade or business.

(25) *Redevelopment area* means a tax increment redevelopment area as defined in section 99.805(11); RSMo, a planned industrial expansion project area as defined in section 100.300, et seq., RSMo; an urban renewal project area or land clearance project area as defined in section 99.300, et seq., RSMo; any area under the control of the port authority of Kansas City, Missouri, or subject to a contract, lease or other instrument to which the port authority is a party; or an area determined by the city to be blighted pursuant to chapter 353, RSMo.

(26) *Rent* means to lease, sublease, let or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(27) *Respondent* means any person against whom it shall be alleged by complaint or identified during the course of an investigation that such person has violated, is violating or is about to violate any provision of Chapter 213, RSMo, or this Chapter.

(28) *Sex* shall include sexual harassment.

(29) *Sexual orientation* means actual or perceived heterosexuality, homosexuality or bisexuality.

(30) *Subcontractor* means any individual, partnership, corporation, association or other entity, or other combination of such entities, which shall undertake, by virtue of a separate contract with a contractor, to fulfill all or any part of any contractor's obligation under a contract with the city, or who shall exercise any right granted to a franchise holder, and who has 50 or more employees exclusive of the parents, spouse or children or such subcontractor.

(31) *Unlawful discriminatory practice* means any discriminatory practice as defined and prohibited by sections 38-103, 38-105, 38-107, 38-109, 38-111 and 38-113.

(32) *Criminal history* means a record of a conviction, or a plea of guilty or no contest, to a violation of a federal or state criminal statute or municipal ordinance; records of arrests not followed by a valid conviction; convictions which have been, pursuant to law, annulled or expunged; pleas of guilty without conviction; convictions for which a person received a suspended impositions of sentence; and misdemeanor convictions where no jail sentence can be imposed.

Section 38-103. Employment

- (a) It shall be unlawful for any employer, employment agency or labor organization to commit any of the following discriminatory employment practices:

- (1) For any employer to fail or refuse to hire or promote, or to discharge, any individual or otherwise to rule or act against any individual with respect to compensation, tenure, conditions or privileges because of such individual's race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity, age, or **housing status**.
- (2) For any employer to limit, segregate or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual's race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity, age, or **housing status**.
- (3) For any employer, labor organization or employment agency or any joint labor-management committee controlling apprenticeship training programs to deny or withhold from any person the right to be admitted to or participate in a guidance program or an apprenticeship training program because of race, color, sex, religion, national origin or ancestry, disability sexual orientation, gender identity, or **housing status**.
- (4) For any employer or employment agency to fail or refuse to refer any individual for an employment interview or to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or preference, because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity, age, or **housing status**.
- (5) For any employer to substantially confine or limit recruitment or hiring of employees to any employment agency, employment services, labor organization, training school, training center or any other employee-referring source which excludes persons because of their race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity, age, or **housing status**.
- (6) For any labor organization to in any way deprive or limit any person in his or her employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee, with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment, because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity, age, or **housing status**.
- (7) For any employer, employment agency or labor organization to discharge, expel, demote, fail to promote or otherwise rule against any person because he or she has filed a complaint, testified or assisted in any manner in any investigation or proceedings under this chapter.

- (8) For any person, whether or not an employer, employment agency or labor organization, to aid, abet, incite, compel, coerce or participate in the doing of any act declared to be a discriminatory practice under this chapter, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt to commit any act declared by this chapter to be a discriminatory practice.
- (b) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system.
- (c) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice for 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, to discriminate in its employment decisions on the basis of religion, sexual orientation or gender identity.

Section 38-105. Housing

- (a) It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the corporate limits of the city.
- (b) Within this section “protected trait” shall mean actual or perceived race, color, religion, national origin, sex, mental or physical disability, marital status, age, sexual orientation, gender identity, gender expression, ethnic background, being a victim of domestic violence, sexual assault, stalking, or **housing status**.
- (c) If the director finds probable cause of violation of this section, the director shall notify the director of health of the violation and assist the director of health in any related investigation, in addition to pursuing any enforcement authorized by Chapter 213 RSMo.
- (d) The following discriminatory housing practices shall be unlawful:
- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of property offered for sale or rental, or otherwise make unavailable or deny a dwelling to any person, because of a protected trait.
 - (2) To 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 a protected trait.

- (3) To 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 or limitation based on a protected trait or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person, because of a protected trait, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- (5) 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 persons of a particular protected trait.
- (6) For a person in the business of insuring against hazards to refuse to enter into or discriminate in the terms, conditions or privileges of a contract of insurance against hazards to a dwelling because of a protected trait pertaining to persons owning or residing in or near the dwelling.
- (7) To discriminate in the sale or rental or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:
- (a) That buyer or renter;
 - (b) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - (c) Any person associated with that buyer or renter.
- (8) To 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 with such dwelling, because of a disability of:
- (a) That person;
 - (b) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - (c) Any person associated with that person;
- (9) To sexually harass a property owner or tenant;
- (10) To 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 with such dwelling, because of a disability of:

- (a) That person;
 - (b) A person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - (c) Any person associated with that person;
- (e) While a person may examine a criminal background check or rental history in reviewing an application for rental housing, the person shall review additional information provided by the rental applicant, including, but not limited to, personal references, recency and severity of any convictions, recency and status of any evictions, and any actions taken by the rental applicant to resolve past evictions.
- (f) For the purposes of this section, the term “discrimination” includes:
- (1) A refusal to permit at the expense of the disabled person reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter’s agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected;
 - (2) A refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - (3) In connection with the design and construction of covered multifamily dwellings for first occupancy, a failure to design and construct those dwellings in a manner that:
 - a. The public and common use portions of such dwellings are readily accessible to and usable by disabled persons. This shall include at least one building entrance on an accessible route unless it is impracticable to do so because of the terrain or unusual characteristics of the site;
 - b. All doors designed to all passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and
 - c. All premises within such dwellings contain the following features of adaptive design:
 - 1. An accessible route into and through the dwelling;

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; and
4. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled persons, commonly cited as ANSI A117.1, suffices to satisfy that the requirements of subsections (b)(3)a of this section are met.

(4) For the purposes of subsection (a)(7) and (8) of this section, discrimination includes any act that would be discrimination under 42 USC 3604(f)(3) through (9).

(g) Nothing in this section shall apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other if the owner actually maintains or occupies one of such living quarters as the owner's residence, and if the dwelling contains any rooms, except hallways, which are shared by the families or the owner.

(h) Nothing in this section 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 discriminating in the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose on the basis of religion, sexual orientation or gender identity, or from giving preference to persons on those bases.

Section 38-109. Discrimination in the provision of brokerage services.

(a) It shall be unlawful for any person to deny any other person right to membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in terms or conditions of such access, membership or participation, on account of race, color, religion, national origin, sex, disability, marital status, familial status, sexual orientation, gender identity or **housing status**.

Section 38-113. Discriminatory accommodation practices.

(a) It shall be a discriminatory accommodation practice for any owner, agent or employee of any place of public accommodation, directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations mentioned in this chapter or to

discriminate against any person in the furnishing thereof on account of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation, gender identity, **or housing status** of such person, or directly or indirectly to publish, circulate or display any written or printed communication, notice or advertisement to the effect that any of the accommodations or the facilities of such place of public accommodation will be refused, withheld from or denied to any person on account of race, religion, color, ancestry, national origin, sex, disability, marital status, familial status, sexual orientation, gender identity, **or housing status** or that, for such reasons, the patronage or custom of any person described in this section is unwelcome or objectionable or not acceptable to such place.

(b) It shall be a discriminatory accommodation practice for any owner, agent, operator or employee of a business or facility within a redevelopment area to use a prohibited dress code as defined in section 38-1 directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations mentioned in this chapter or to discriminate against any person in the furnishing thereof on account of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation, gender identity, **or housing status** of such person. Any dress code enforced in a redevelopment area or in any establishment with such area must be posted in accordance with the requirements of section 10-331(d) and must contain the phone number of the city's human relations department and a phone number of a representative of the establishment who is available to respond to complaints regarding the enforcement of the dress code during all hours when the establishment is open or such dress code is in effect. Any such dress code shall list all prohibited items of dress. Notwithstanding the foregoing, nothing herein shall be construed as prohibiting:

1. Any owner or operator of a business or facility within a redevelopment area from establishing an employee dress code or requiring that an employee abide by the employee dress code while at work.
2. Any owner, agent, operator or employee of a business or facility within a redevelopment area from affirmatively requiring the wearing of specified articles of clothing, which may include collared shirts and ties, sports jackets, business suits, business casual, formal clothing or smart casual clothing in keeping with the ambiance and quality of the particular business or facility and formal footwear, so long as the requirements are enforced with regard to each and every patron, regardless of race, religion, color, ancestry, national origin, sex, marital status, familial status, disability, sexual orientation, gender identity, **or housing status**.

Section 4. An employee shall not be retaliated against by their employer, for offering available public resources to an individual or family experiencing homelessness in order to protect that person from harm, including, but not limited to, offering or providing food, blankets, first-aid supplies, or water.

Section 5. Any person or organization offering food or water in a public space to any individual or family experiencing homelessness shall not be subject to criminal or civil sanctions, harassment, or arrest.

Section 6. **Hostile Architecture Provisions**

Section 7. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

DRAFT

RESOLUTION NO. 21XXXX

Directing the City Manager to study the feasibility of establishing hygiene facilities in the City for people experiencing homelessness.

WHEREAS, individuals experiencing homelessness in Kansas City need accessible services and facilities for their basic hygiene needs; and

WHEREAS, the lack of shower and laundry facilities can be a barrier for individuals experiencing homelessness seeking or attempting to maintain employment; and

WHEREAS, hygiene facilities specifically designed for individuals experiencing homelessness have been established in other cities in the United States, such as Seattle, Washington, and Oahu, Hawaii; and

WHEREAS, providing access to essential hygiene services through the establishment of hygiene facilities would improve the self-sufficiency of individuals and families experiencing homelessness and improve public health in Kansas City.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Manager is directed to study the feasibility of establishing hygiene facilities for individuals and families experiencing homelessness.

Section 2. That the scope of the City Manager's study will include, but not limited to, the viability of providing city funding or city-owned property for the establishment of hygiene facilities, how to collaborate with homeless service providers, nonprofit organizations and advocacy groups for the operation and staffing of such a facility, the cost of acquiring and running hygiene facilities, the possible locations, the number of people needing hygiene services, and how existing resources could be used to establish hygiene facilities for individuals and families experiencing homeless.

Section 3. That the City Manager is hereby directed to develop and submit to the Council its findings and recommendations within six months of the passage of this resolution and that appropriate notification of the findings and recommendations be made to the public.