

**September 29, 2020**

**Minutes of the Country Side Homes Association Board Meeting**

**In attendance:**     Officers:  
Jason Pryor, President  
Mitch Burgess, Vice President  
Evan Stange, Treasurer  
Season Burnett, Secretary

Directors:  
John Legg  
Jill McGee  
Jim Kraus

**Absent:**             —

President Jason Pryor called the meeting to order at 7:09 p.m.

The minutes for the July & August Board meetings were reviewed and approved.

**TREASURER’S REPORT (EVAN STANGE)**

- The payment for the dumpsters for Dumpster Day, & Evan’s reimbursement for same from HA-KC, have now been completed.
- Payment for the Main St. sign repair has been completed as well.

**COMMUNICATIONS (EVAN STANGE)**

- Due to time demands, Evan would like someone else to take over communications; Season volunteered. They will work together to get the hand-over completed.
- Evan has owned the countrysidekc.org domain for the past several years, but hasn’t ever done anything with it. He & Season will check into possibilities for using that.

**SOCIAL**

- Dumpster Day — not including the people who came before Season arrived to do check-ins, & not including the people who snuck past her, we had 82 separate addresses come to Dumpster Day and 14 additional trips amongst those, so it was a very successful event. We received dues payments from 3 neighbors, as well.
- The Board will not be endorsing/encouraging neighborhood holiday events (*e.g.*, Halloween) because of COVID-19 concerns, but will also not be attempting to prohibit them. Jason suggested that the Board send out communication encouraging homeowners to use (& abide by) the traditional “porch light system” re trick-or-treating.

**MAINTENANCE (MITCH BURGESS)**

- Mitch is planning to get the maintenance company to do a weekly weeding next year.

## NEW/CONTINUING BUSINESS

- Racist language in the HA's originating documents —
  - Background: A new homeowner in the CSHA has informed the Board that they are troubled by the racist restrictive language existent in the original plat for their property (as penned by J.C. Nichols and other original plat-makers in the early 1900s), which they discovered when applying for a Certificate of Appropriateness with the KCMO Historic Preservation Commission. They've spoken with HA-KC about it, & they've stated that they've reached out to the Missouri Attorney General's office and the Dept. of Justice. They want to know what the Board is planning to do about the language.
  - Jason spoke with Patty Steele (HA-KC), who said that she won't be talking with this homeowner anymore because her words were taken out of context. Patty asked Jason to share with the Board that, concerning her conversation with the homeowner, in the sense that things will be on the documents forever, it's simply because that's the historic nature of what was written. She's indicating that what was there would never be removed, but certainly anything that overrides it (*e.g.*, the legislation passed in 2005 [*i.e.*, §213.041 RSMO — *see* attachment 1]), goes right next to the original language so people understand what was voted on.
  - Mitch consulted with HA-KC, who informed him that nine subdivisions make up CSHA, each with its own original plat & formation documents. HA-KC also sent him a copy of the South Country Side Plat which was recorded by the CSHA Board in 2005 which has language pasted over the original restrictive paragraph on the plat. HA-KC also informed Mitch that when Wornall Homestead received a letter from the MO AG saying that they needed to become compliant with the 2005 legislation, Wornall Homestead contacted the MO AG to see what they needed to do. (Crestwood & Country Club Homes Association, however, apparently did not.) The MO AG told Wornall Homestead that they could pass an addendum which basically strikes the language which references §213.041 RSMO. (Wornall Homestead recorded Amendments with the Jackson County Recorder on 08/25/20 — *see* Attachment 3.)
  - Typically, a HA can't change their restrictive covenants without a 100% approval by each homeowners in the HA. So, the MO legislature came along in 2005 & said that a Board can strike that restrictive language without the consent of the homeowners. But then it says we're actually supposed to re-file the restrictive covenants — the Board can't change any other language in the document but can only add language rejecting the restrictive covenants. It also says that, upon notice of someone requesting that a Board do that, if the Board doesn't, then the HA can be sued and the prevailing party can be awarded attorney's fees. At the end of this, even though the original documents will still be present and available to any member of the public to see, they will have been officially superseded by the most recent filing and .
  - How this would be accomplished was discussed. It would likely entail typing up each of the original plats which has restrictive language, then adding the necessary language to reject the restrictive language. Jill volunteered to do the typing; Season volunteered to continue to do the research finding the original documents & sending them to the Board. Jill moved that the Board do what is required by law to strike the restrictive language from all documents related to the HA, & get the new documents filed/recorded as required. Seconded by Jason & passed unanimously. Jason asked whether the Board should include a budget for this motion; Mitch thought that no budget should be allocated for now, until we know whether there will be any filing/recording fees.

- As for responding to the homeowner who brought this topic up, Mitch will draft a response to them for the Board's review.
- Jill inquired whether anyone has information regarding the Water Services line re-do; nobody had any concrete information but it was agreed to keep tabs on it and report to the HA as information is received.

**OLD BUSINESS**

- Single-side street parking — Jill said that the City told her that they're waiting for a meeting to be scheduled so the applications can be approved. She said that the traffic has calmed down compared to high summer, but on days with good weather it's still a problem.

With no other business to attend to, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,  
Season Burnett  
Secretary

**09/29/2020 COUNTRY SIDE HOMES ASSOCIATION MINUTES**

**ATTACHMENT 1**

**RSMO §213.041.** Restrictive covenants, homeowners' association — limitations — procedure to delete violative restrictive covenants. —

1. No declaration or other governing document of a homeowners' association shall include a restrictive covenant in violation of section 213.040.

2. Notwithstanding any other provision of law or provision of the governing documents, the board of directors of a homeowners' association shall amend, without approval of the owners, any declaration or other governing document that includes a restrictive covenant in violation of section 213.040, and shall restate the declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document.

3. If after providing written notice to a homeowners' association requesting that the association delete a restrictive covenant in violation of section 213.040, and the association fails to delete the restrictive covenant within thirty days of receiving the notice, the Missouri commission on human rights, a city or county in which a common interest development is located, or any person may bring an action against the homeowners' association for injunctive relief to enforce the provisions of subsections 1 and 2 of this section. The court may award attorney's fees to the prevailing party.

4. The provisions of this section shall become effective on January 1, 2006.

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(L. 2005 S.B. 168)

Effective 1-01-06

## 09/29/2020 COUNTRY SIDE HOMES ASSOCIATION MINUTES

### ATTACHMENT 2

**RSMO §213.040.** Unlawful housing practices — discrimination in housing — sufficient compliance with other standards — local government compliance — construction of law — housing for older persons, defined — conviction for controlled substances, effect — religious organizations, effect of. —

1. It shall be an unlawful housing practice:

(1) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status;

(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 race, color, religion, national origin, ancestry, sex, disability, or familial status;

(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, limitation, or discrimination because of race, color, religion, national origin, ancestry, sex, disability, or familial status, or an intention to make any such preference, limitation, or discrimination;

(4) To represent to any person because of race, color, religion, national origin, ancestry, sex, disability, or familial status 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 a person or persons because of a particular race, color, religion, national origin, ancestry, sex, disability, or familial status;

(6) To discriminate in the sale or rental of, 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 so sold, rented, or made available; or

(c) Any person associated with that buyer or renter;

(7) 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 so sold, rented, or made available; or

(c) Any person associated with that person.

2. For purposes of this section and sections 213.045 and 213.050, discrimination includes:

(1) A refusal to permit, at the expense of the person with the disability, 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 excepted;

(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 after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(a) The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;

(b) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and

(c) All premises within such dwellings contain the following features of adaptive design:

a. An accessible route into and through the dwelling;

b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

c. Reinforcements in bathroom walls to allow later installation of grab bars;

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

3. As used in subdivision (3) of subsection 2 of this section, the term "covered multifamily dwelling" means:

(1) Buildings consisting of four or more units if such buildings have one or more elevators;

(2) Ground floor units in other buildings consisting of four or more units.

4. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of paragraph (a) of subdivision (3) of subsection 2 of this section.

5. Where a unit of general local government has incorporated into its laws the requirements set forth in subdivision (3) of subsection 2 of this section, compliance with such laws shall be deemed to

satisfy the requirements of that subdivision. Such compliance shall be subject to the following provisions:

(1) A unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of subdivision (3) of subsection 2 of this section are met;

(2) The commission shall encourage, but may not require, the units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with subdivision (3) of subsection 2 of this section, and shall provide technical assistance to units of local government and other persons to implement the requirements of subdivision (3) of subsection 2 of this section;

(3) Nothing in this chapter shall be construed to require the commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of subdivision (3) of subsection 2 of this section.

6. Nothing in this chapter shall be construed to invalidate or limit any law of the state or political subdivision of the state, or other jurisdiction in which this chapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this chapter.

7. Nothing in this section and sections 213.045 and 213.050 requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

8. Nothing in this section and sections 213.045 and 213.050 limits the applicability of any reasonable local or state restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision in this section and sections 213.045 and 213.050 regarding familial status apply with respect to housing for older persons.

9. As used in this section and sections 213.045 and 213.050, "housing for older persons" means housing:

(1) Provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) That at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older.

10. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(1) Persons residing in such housing as of August 28, 1992, who do not meet the age requirements of subdivision (2) or (3) of subsection 9 of this section, provided that new occupants of such housing meet the age requirements of subdivision (2) or (3) of subsection 9 of this section; or

(2) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subdivision (2) or (3) of subsection 9 of this section.

11. Nothing in this section or section 213.045 or 213.050 shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by section 195.010.

12. Nothing in this chapter 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 limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

13. Nothing in this chapter, other than the prohibitions against discriminatory advertising in subdivision (3) of subsection 1 of this section, shall apply to:

(1) The sale or rental of any single family house by a private individual owner, provided the following conditions are met:

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

(b) 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 such sale, the exemption in this section applies to only one such sale in any twenty-four-month period; or

(2) 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 and occupies one of such living quarters as his or her residence.

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(L. 1986 S.B. 513, A.L. 1992 H.B. 1619, A.L. 1998 S.B. 786, A.L. 2017 S.B. 43)

.... end of effective 28 Aug 2017 ....