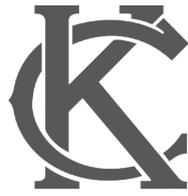




The Kansas City Human Rights Commission

The 2018-21 Report



KANSAS CITY HUMAN RIGHTS COMMISSION

Annual Report for the Years 2018-21

COMMISSIONERS

Jane McQueeney
(2007- current)

Kelly Kendall
(1995-current)

Eddie Lorenzo
(2007- current)

Nancy Olivares
(2011-current)

Eric Hurtt
(2020-current)

Christopher Huff
(2011- 2020)

Michael Lewis
(2018- 2020)

TABLE OF CONTENTS

Letter to the Honorable Mayor Quinton Lucas And the Members of the City Council	4
History of the Human Rights Commission	6
Human Rights Commission Accomplishments	10
Status of Administrative Hearings	12
Task Force Descriptions	13
Kansas City Human Relations Department Staff Bios	21
Recommendations to the Mayor and City Council	22
Acknowledgments	24



To: The Honorable Mayor Quinton Lucas
Members of City Council

Subject: Kansas City, Missouri Human Rights Commission
2018-21 Annual Report

As Chair of the Human Rights Commission, I have the distinct honor and privilege of presenting this annual report for the years 2018-21. This past year has been a challenging one for all Kansas Citians and our nation. As we struggled to keep healthy and safe, we learned new definitions of community; virtually and socially distanced. The Pandemic has affected all of us. We have learned through this challenge the joy and richness that community brings us and that isolation places heavy burdens on the less advantaged in our communities.

We have learned lessons on the importance of and the value of speaking up and taking action. The Black Lives Matter movement has refocused our energy and our awareness that there is still great work to be done. Gun violence in Kansas City and its devastating impact remains a problem we still struggle to overcome.

The Commission has engaged in planning sessions this year where we have examined our role, our goals, our mission and our importance to making Kansas City a better community for all citizens. We have worked to include and ensure that all voices are heard.

We have developed as a cohesive group engaged in the process of securing the civil rights for all our citizens. The year 2020 has seen our physical presence in the community lessened with a greater opportunity to research and focus on discussion of the topics we want to strategically address in the future. The pandemic has made it difficult to provide in person forums and training sessions. We are just now reentering a time when in person meetings are a possibility. We are energized by this past year and hope to bring many projects to fruition in 2021.

In prior years we have been a strong and steadfast supporter of the Gay and Lesbian Film Festival. Movie premiers included thought provoking and engaging depictions of gay and lesbian life in America. Through the film festival and our support, we have been able to see into the lives of this important community and their everyday struggles and challenges.

At the 2018 premier of the “Ordinance Project”, Austin Williams, a UMKC Professor, presented his documentary “The Ordinance Project” to tell the story of the anti-AIDS discrimination ordinance that passed in Kansas City in June of 1993.

The ordinance adopted by Kansas City in 1993 is “one of the most controversial pieces of legislation in Kansas City’s history,” Williams told the gathered audience. The ordinance made it illegal for Kansas City employers, businesses and housing entities to discriminate against LGBT+ and HIV-positive people.

“The Ordinance Project” has only been shown a handful of times to select audiences. It premiered at the 2018 Kansas City LGBT Film Festival. The Kansas City Human Rights Commission was proud to sponsor the showing of this film as it highlighted leadership from City Councilwoman Katheryn Shields and community activities and former Commission member Keith Spears.

This year as we get back on track and return to the “new normal” we have other projects in the development stage that will be shared with you later in this report. It is an honor and a privilege to the serve the citizens of Kansas City, Missouri. On behalf of myself and the other Commissioners, we thank you for this opportunity to serve and look forward to continuing our progress.

Jane McQueeney
Chair Human Rights Commission

HUMAN RIGHTS COMMISSION HISTORY

The City of Kansas City, Mo., by City Council resolution formed its first Mayor's Human Relations Commission in the 1940s. The Commission sought to end the manifest segregation in Kansas City in concert with other groups such as the National Association for the Advancement of Colored People (NAACP), Congress of Racial Equality (CORE), etc., throughout the 1950s and 60s.

Racial tension in Kansas City came to the boiling point in April of 1968 following the assassination of Dr. Martin Luther King, Jr. The community exploded in civil insurrection. As a result, the Kansas City Council in May of 1968 created the Human Relations Department and codified the mayor's Human Relations Commission.

1981

In 1981, the City Council recognized that the city needed to provide a remedy for individual victims of discrimination because the Mayor's Human Relations Commission had no remedial powers. Subsequently, the Civil Rights Board was created to operate in concert with the Human Relations Commission to provide a method to administratively adjudicate individual complaints of employment, housing, and public accommodations discrimination. This model for the Commission endures today.

Also in 1981, the Mayor's Human Relations Commission was re-codified as a seven-member body to review a variety of human rights problems and recommend appropriate action to the City Council. **Examples of this included:**

- The creation of the city workforce affirmative action plan; and
- The inclusion of minority and women business enterprise goals on economic development projects not funded by the city, but providing tax incentives



In 1989, the Missouri Legislature granted powers to charter cities, such as Kansas City, to enforce the state's anti-discrimination statutes through the local Human Rights Commission. In 1989, the Missouri Supreme Court struck down the remedial power of the Civil Rights Board. As a result, the Missouri Legislature granted powers to charter cities such as Kansas City to enforce the state anti-discrimination statutes through the local Human Rights Commissions.

1989

1993

In 1993 the City adopted an amendment to Chapter 38 making it illegal to discriminate against an individual because of their sexual orientation in employment or housing. This protection was ahead of its time and demonstrates how significant all human rights are to the City. Federal and state law have only recently recognized sexual orientation as a prohibited form of discrimination.

The City Council passed the Civil Rights Ordinance creating the Human Rights Commission authorized by state statute with the power and authority to hear complaints of violations of the Missouri Human Rights statute (Chapter 213)

1994

2008

The Ordinances were amended by City Council vote to prohibit discrimination based on gender identity.

2018

The Commissions powers, duties and responsibilities are set out in Chapter 38 of the Kansas City Municipal Code. Recent enactments and modifications to the Chapter 38 have been: On February 2, 2018, the City of Kansas City Missouri (“KCMO” or “the City”) adopted a “Ban The Box” ordinance that applies

to private employers. The KCMO “Criminal Records in Employment” ordinance enacted a new section, Section 38-104. The ordinance becomes effective on June 9, 2018. Before this ordinance, private employers located in KCMO were encouraged, but not required, to limit the extent to which they based employment-decisions on an applicant’s criminal history. The new Section 38-104 clearly and unambiguously places limitations on the extent to which all private employers located in KCMO can take an applicant or current employee’s criminal history into account when making employment decisions. (The City has applied a similar rule to its own employment procedures since 2013.). The ordinance required Employers with locations in KCMO to carefully review the ordinance and seek guidance from legal counsel in determining whether, how and when to make inquiries regarding criminal history. This Ordinance was strongly supported and lead by efforts in the Kansas City Human Relations Department. Prior criminal history and felony convictions disproportionately affected black males by eliminating them from the employment market thus creating a cycle of poverty and crime. The adoption of this ordinance by the City obfuscated another barrier taking one more step towards an inclusive community for all.

2019

In 2019 another amendment was made to Chapter 38 prohibiting Employers in Kansas City are now barred from asking about a job applicant’s salary history. The City Council passed Ordinance #190380, which adds Kansas City to the list of other jurisdictions, such as Massachusetts, Delaware, California, New York, New York City, and New Orleans, who have enacted

similar laws. The Ordinance narrows the gender and race pay discrepancies that continue to plague most professional realms. For example, in Kansas City, women make just over 78 cents for every dollar their male counterparts make, which is wider gap than the national average. Now Employers can’t argue that paying men more is justified simply because a woman has made less. Research on pay equity has shown that women often make less than their male counterparts because they take time off from work to have children thus taking themselves out of the market for significant periods of time resulting in not only lower pay but lower pensions as well.

The Women’s Equality Network were strong proponents of this Ordinance and spent several months lobbying City Hall for its passage. The Kansas City Human Rights Commission strongly supported this Ordinance and testified at the City Council meeting at its adoption. Councilpersons Wagner and Justus were strong allies and leaders in this amendment to Chapter 38.

2020

On October 1, 2020, the Kansas City, Missouri City Council unanimously voted to enact the “Creating a Respectful and Open World for Natural Hair” Act (“**CROWN Act**”). The CROWN Act addresses discrimination based on natural hair or particular hairstyles traditionally tied to race. This new amendment to Chapter 38, makes it clear that “hair discrimination targeting hairstyles associated with race is racial discrimination.”

The CROWN Act, Ordinance No. 200837, modifies the definition of “Race” to include “traits historically associated with race including, but not limited to, hair texture and protective hairstyles.” The CROWN Act further defines “protective hairstyles” to include, though not limited to, “such hairstyles as braids, locks, and twists.” In its preamble, the CROWN Act also identifies afros, making it clear that they are a protected hairstyle as well.

The CROWN Act, which also modified Chapter 38 of the Kansas City Municipal Code, went into effect on November 1, 2020.



The **CROWN** Act

HUMAN RIGHTS COMMISSION ACCOMPLISHMENTS

Participation and support for the Gay Pride Festival. During this reporting period the Commission has provided significant annual support for Gay Pride. Due to the pandemic, there was no Pride Festival in 2020 but plans are underway for an October 2021 Pride Festival and the Commission has already voted to support this project.



The Human Rights Commission is currently making plans to hold an annual Retreat in late June or early July. During the retreat all Commission task force members will participate in break-out brainstorming sessions to set goals and objectives for the upcoming year and to conduct some strategic planning with the new Human Relations Director.

Over the last several years we have supported the Guadalupe Center and were table sponsors for their 100-year anniversary. The Guadalupe Center improves the quality of life for individuals in the Latino communities of Greater Kansas City by providing educational, social, health and economic support.

The KCHRC has been a long-standing supporter of the Heartland's Men's Chorus. The Chorus through their outreach efforts reach thousands of youths with their inclusive messaging.

The Ad Hoc Group Against Crime has been a beneficiary of the KCHRC support for the last ten years. We have helped sponsor the Community Garden Awards Dinner recognizing those Kansas Citians that have helped make our community safer for all races.

The Commission has participated in the SCLC Martin Luther King Luncheon for more than a decade. Prior chair of the Commission the Reverend Fuzzy Thompson was an instrumental leader in the SCLC and its mission of eradicating Racism wherever it exists. The Commission has strongly supported the SCLC's efforts for twenty years.

The educational divide in our community often creates disparities. For this reason, the Commission has provided annual support to Literacy KC. Literacy KC's mission is advance literacy through direct services, advocacy and collaboration. By ensuring all members of the community has the skills to read economic and social divides are eliminated creating a more fair and equitable society.

HUMAN RIGHTS COMMISSION ACCOMPLISHMENTS AND GOALS FOR 2021

In 2020-21 the Kansas City Sports Commission prepared a bid to host the 2026 FIFA World Cup. The FIFA World Cup is an international event with competitors and guests from all over the world. The bid process asked about our city's policies relating to human rights and discrimination. KCHRC assisted in preparing a lengthy response highlighting our community efforts to make Kansas City a great community for all regardless of ancestry, ethnicity, race, gender, sexual orientation, gender identity, age and disability.

The Commission has continued to support the Women's Equality Network in a variety of ways. The Commission has provided funding for Women's Equality Week over the past several years and have provided speakers and attended the Weeklong events associated with eliminating discrimination against women. This year the WEN has worked with the City to study pay disparities.

The Human Rights Commission will solidify Task Force membership, provide operational oversight for each task force and assist each task force in developing goals and objectives.

The KCHRC hopes to provide a community forum addressing the issues associated with "driving while black." While there seems to be increased awareness of "racially profiling" and its impact on drivers of color, there yet remains any overall or comprehensive approach to changing the statistics. The Commission has discussed this issue for over a year and hopes with the easing of the pandemic rules to be able to provide a community forum where the problem is not only discussed by answers and goals for eliminating this issue are found.



STATUS OF ADMINISTRATIVE HEARINGS



The City's civil rights ordinance permits the director of the Human Relations Department to refer cases to the Human Rights Commission to be set for administrative hearings. A case is set for hearing after the department has rendered a probable cause finding and is unable to facilitate an agreement that is acceptable to both parties. The hearings are conducted by a hearing officer appointed by the Commission.

Under the ordinance, the hearing officer may subpoena witnesses and has the same responsibilities and authority with respect to discovery as is vested in circuit court judges. After the proceedings, the hearing officer will make findings of fact and conclusions of law and may grant relief in the form of compensatory or equitable damages as is deemed appropriate. After a case is set for hearing, an attorney from the City's Law Department will represent the City and the complainant during the hearing process.

Over the past three years, the Commission, after a hearing officer recommendation, has adjudicated one case. The Commission understands from the Human Relations Department that most cases are resolved through the City's conciliation process.

The Commission is considering some marketing to see if increased visibility and outreach could increase the number of complaints and hearings.

TASK FORCE DESCRIPTIONS



Business and Labor Task Force:

The Commission has a vested interest in ensuring that all Kansas Citians who so desire should have an equal opportunity to become successful business owners. To that end this task force works to provide and highlight resources that are helpful to small, minority and women owned businesses. The task force will work on campaigns that support the maintenance of affirmative action programs that help small, minority and women owned businesses gain initial access to contracting opportunities.

The task force will also seek to assist in the entry of minorities and females into the workforces of the building trades and other occupations and careers where they have been historically underrepresented. The task force will seek to build relationships with the labor community and with all of the local Chambers of Commerce and to stay abreast of developments in the city that could affect business/labor relationships.



Religion Task Force:

This task force explores whether or not barriers to religious expression exist within the city. It also explores ways the faith-based community can become involved with the elimination of racism and intolerance within the community. This task force will also provide coordinated leadership on matters of spiritual growth and moral integrity. The Commission will routinely hold workshops, seminars, and public hearings to discover the extent of any problems and recommend solutions.



Youth/ Education Task Force:

The Commission is concerned with the plight of youth within the community. The Commission understands that there should be a focus on helping families highlight the underlying purpose of human investment, which is to develop individuals who are healthy, productive, caring and civil. The Commission believes that good health is the platform from which each of us proceeds in life. Without it, other achievements become difficult or impossible. The education of our children has long been a concern of the community. Our society encourages all adults to be able to support themselves, thereby being less of a burden on society. It is important that the

education of our children leads to them becoming self-sufficient. Obtaining a good education leads to contributing to the betterment of society as a whole. It also leads to having a good job on a career path. It builds self-esteem and allows people to improve their own lives. The Commission is committed to eliminating barriers in education that restrict full growth and learning potential.

Media Relations Task Force:



The media plays an integral role in the community. Not only does it provide an opportunity to get feedback on what is happening in our city, the media shapes our perceptions of ourselves and our circle of influence. We have been taught to trust the media to act responsibly and to report events in the community fairly and without bias or prejudice. The task force on media and communications relations raises the question as to the efficacy of reporting the news. The task force is identifying and working toward resolutions to the issues of racial and gender profiling, in addition to perpetuation of historical racial stereotyping. The Commission provides a forum for the community through workshops, seminars, town hall meetings and hearings in order to solicit from the community information relating to the extent of the problems and develop recommendations for corrective actions.

Gay and Lesbian Task Force Issues:



The issue of civil and human rights has never been so explosive or potentially divisive as it relates to issues involving gay and lesbian rights. The Commission is committed to eliminating any and all barriers that restrict citizens of this community from the full pursuit of happiness as guaranteed by the Constitution. The Human Relations Department will investigate all complaints of discrimination in housing, employment, and public accommodation involving the gay and lesbian community. The Commission hopes that many of the issues can be addressed through heightened public awareness through event sponsorship and co-sponsorship, workshops and seminars.

Law Enforcement Task Force:



Law enforcement is an essential part of our community. Our law enforcement officers provide the citizens of Kansas City with safety and security. In Kansas City we primarily use a community-based policing strategy. This policing method is aimed at increasing the interaction, cooperation and dialogue between local police and the people and neighborhoods they serve. The goals of the law enforcement task force are to reduce and prevent crime and to increase the feeling of safety among residents.

BUSINESS AND LABOR TASK FORCE

Commissioner Jane McQueeney

I am an attorney serving clients in private practice on a wide variety of matters with a focus on civil rights and discrimination in employment. I have held a variety of legal positions over the course of my career. One of my recent law firm affiliations was providing legal advice and training to businesses. I have been in house counsel for a substance abuse center and was a supervisory attorney with the US Department of Education, Office for Civil Rights (OCR). As a team leader with OCR, I conducted civil rights investigations in the area of education for eight and half years. I also served as the inaugural Executive Director of the Office of Institutional Opportunity and Access for the University of Kansas and was responsible for training and investigation of all forms of discrimination on the college campus and medical center sites. Prior to joining the federal government, I worked in the prosecutor's office and represented the Jackson County Drug Task Force for seven years. I was the County Counselor for Jackson County for four years. I have practiced law for over thirty years in a broad range of areas with a concentration in civil rights.

GOALS

My current goal is to put on two forums in the upcoming year:

- 1) addressing racial profiling of minorities when driving and
- 2) excessive force and the legal elements involved in an excessive force case involving police misconduct. The plans are underway, and the goal is to present the forums sometime in Fall of 2021. My goal would be to host this forum as a building block to put on an annual summit or to seek input from the community on ideas and topics for future summits.

RELIGION TASK FORCE Commissioner VACANT

This issue of civil and human rights has never been as disorderly as it relates to issues involving religious expression within the city. The Commission is committed to eliminating any and all barriers that restrict citizens of their community from the full pursuit of religious freedom as guaranteed by the United States Constitution.

The Human Relations Department will investigate all complains of discrimination in employment housing and public accommodations involving the religious community. In addition, the Commission, and its task forces, is empowered to conduct hearings to investigate and eliminate any signs of any religious discrimination. It is the hope of the Commission that many of the issues can be addressed to heighten public awareness through workshops, seminars and other public outreach programs.

GOALS

Eliminate any barriers to religious expression within the city.
Conduct educational and outreach workshops, as well as provide resources on issues facing the religious community.

Explore ways the faith-based community can be involved in the elimination of racism. Provide coordinated leadership on matters of spiritual growth and moral integrity. Work to ensure that faith-based communities have inclusive policies in place throughout Kansas City, Missouri. Provide information on various support available to all faith-based communities.

YOUTH & EDUCATION TASK FORCE

Commissioner Nancy Olivares

Nancy Z. Olivares was appointed to the Human Rights Commission in 2011. She received a Juris Doctorate from UMKC Law School in 2011 and a Bachelor and Master of Science in Mechanical Engineering degrees in 2001 and 2003, respectively, from the University of Missouri-Columbia. She currently owns and operates a small immigration and criminal defense firm committed to serving immigrants and underserved populations in Kansas City. Ms. Olivares' deep and humble roots inspire her to be a voice against social and economic injustices and an advocate for all human rights.

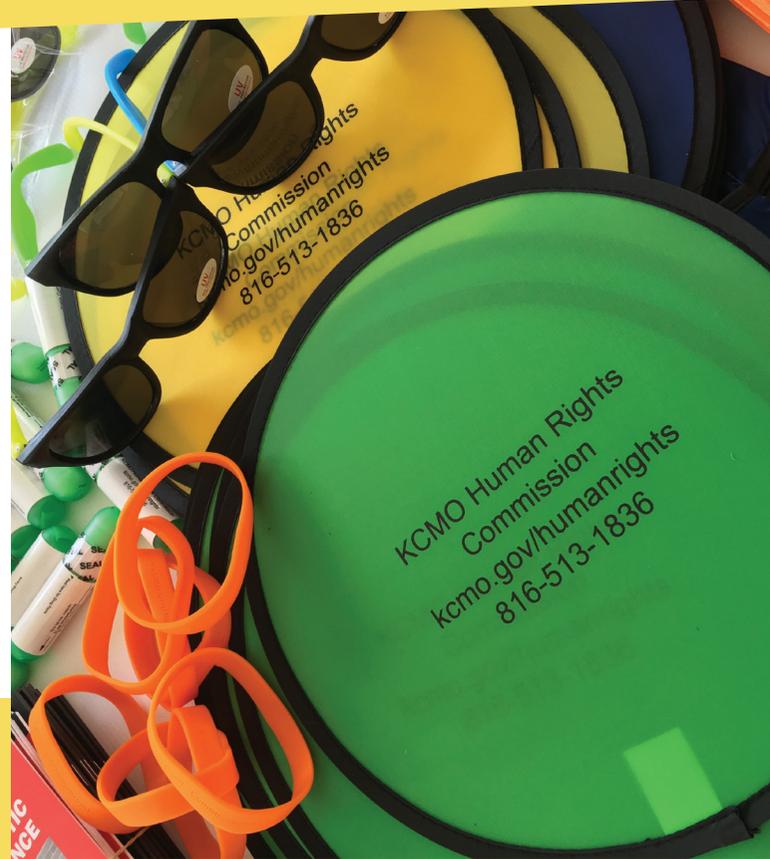
GOALS

This year as we have seen increased gun violence destroying the lives of our youth. I would like to have the Commission consider ways to eliminate such violence. I think our forum on excessive force will be educational for the community and could be one such effort. I am interested in discussing the mistrust between the police and the youth in our community. Are there ways we can bridge this divide? The Commission's support of the Police Athletic League (PAL) is a program that appears to be making a difference and I would like to see us explore further opportunities to support this type of programming.

COMMUNICATIONS AND MEDIA RELATIONS TASK FORCE

Commissioner Eddie Lorenzo

Eddie Lorenzo has served on the Human Rights Commission since 2008. He is currently a staff attorney at Legal Aid of Western Missouri in the Municipal Defense Unit. He is a former attorney with the American Civil Liberties Union and served as Chair of the Human Right Commission from 2008 to 2011.



GOALS

I would like to see the Commission increase our social medial presence. We have established a Facebook page but should do more to engage in social media discussions and use the various social media platforms to express opinions on important issues affecting our citizenry. We need to establish Twitter, Instagram and other social media platforms.

With the completion of our annual report, we will have a communication tool and I do see this Task Force as being instrumental in disseminating the report. This upcoming year, I would like to propose a marketing strategy that increases the visibility of the Commission and the Human Relations Department.

GAY & LESBIAN TASK FORCE

Commissioner Kelly Kendall

Kelly Kendall is currently employed by Yellow as a Vice-President of their Revenue Management team. During his 39 years with them he's had responsibility for various functions including credit, bill entry, imaging, invoicing, rate application, overcharge claims, customer incentives, customer database, payment processing, accounts payable, procurement, audits, and reporting – including 5 years in field operations. He has served on the Human Rights Commission for over 25-years; originally appointed by then Mayor Emanuel Cleaver. Kelly also served 6 years on the Board of Neighborhood Housing Services, Inc. a local not-for-profit organization and 10 years on the Board of the South Plaza Neighborhood Association. Kelly and his husband, Bryon Johnmeyer, co-own a commercial and residential electrical and construction corporation operated as AB Electrical, Inc. located here in Kansas City. He has been a resident of Kansas City area resident since 1987. Kelly holds a Bachelor Degree in Business Administration from Trine University in Angola, Indiana (previously Tri-State University). Kelly enjoys camping, outdoor activities, and spending time with family - specifically the two grandkids.

GOALS

Work to ensure companies doing business within Kansas City, Missouri have inclusive policies in place. Serve the gay, lesbian, bi-sexual, and transgender community by providing information on various support systems that are available for the community.

LAW ENFORCEMENT TASK FORCE

Commissioner Eric Hurtt

Eric Hurtt was born and raised in Kansas City, Missouri. He attended the University of Kansas for undergrad and the University of Missouri- Kansas City for law school.

Mr. Hurtt Currently works at the Jackson County Prosecutor's Office in the Special Victims Unit. Mr. Hurtt has been a public servant his entire legal career and enjoys volunteering his time helping the citizens of Kansas City on the Kansas City Human Rights Commission.

GOALS

We are working on putting on a forum in the Fall addressing excessive force. The Jackson County Prosecutor has provided a training to commissioners on the law of excessive force and criminal prosecution. This training was key in educating the Commission so that we had a greater understanding of the legal challenges involved in these cases. We have to provide a forum that addresses criminal and civil excessive force cases.

I would also like to do a community forum on policing. The latest report from the Mo Highway patrol again demonstrates that as a black driver in Missouri you are far more likely to be pulled over. We know there is a problem. What are the solutions? What can we do to change this statistic? We hope by including a broad swath of the community we will come up with some engaging and practical solutions.

KANSAS CITY HUMAN RELATIONS DEPARTMENT STAFF BIOS

Paul Pierce earned his Juris Doctorate from the University of Kansas School of Law. He holds a Bachelor of Science degree in political science and communications from William Jewell College. Paul investigates complaints of employment and public accommodations discrimination and acts as a neutral in cases where alternative dispute resolution, including mediation, is requested. In addition, Paul provides training for HR professionals, labor unions, business owners, neighborhood associations and citizens at large regarding the scope of the City's anti-discrimination ordinance. He has been a Senior Civil Rights Investigator with the Human Relations Department for the last 23 years.

Ayanna Hightower is a two-time graduate of Central Missouri State University where she earned her Bachelor of Science degree in Sociology (with an individualized Minor in Human Services) and a Master of Arts degree in Sociology. She has been a Senior Civil Rights Investigator with the Human Relations Department for over 17 years, investigating complaints of discrimination in employment and public accommodations. She serves as a neutral in employment cases where conciliatory settlements are requested. As a former Kansas City Public Schools teacher, she is a lead facilitator for citizen and employer training for federal anti-discrimination law, local ordinance, and policy.

Leidy Quitián Varón is a native speaker of Spanish from Colombia with education and work experience in education, human rights, and law. She received her teaching license and law degree from *Universidad de Caldas* and a master's degree in Human Rights and Democratization from *Universidad Externado de Colombia*. She has been with the Human Relations Department for six years and is currently working as a Senior Civil Rights Investigator. She is passionate about supporting human rights initiatives and is motivated to create connections within the community.

RECOMMENDATIONS TO MAYOR AND CITY COUNCIL

1. The Mayor and City Council have recently reserved funding from the KCPD to be utilized in other programs that increase community policing with the goal of reducing mistrust between law enforcement and the community and decreasing violence used by police, often leading to the deaths of suspects. The KCHRC would recommend that funding be used for youth programs, like PAL, and others that focuses on creating positive relationships with by and between the police and youth. The KCHRC would also recommend that the Mayor and Council consider funding programs aimed at decreasing gun violence in our city. The KCHRC is working on providing collaborative forums addressing racial inequities in our city and would encourage the City to support those programs in 2021-22.
2. The KCHRC recognizes that the unhoused in our community is ever increasing as economic and societal challenges have left minority, youth, and family populations on the fringes. The KCHRC would recommend the Mayor and Council consider funding Unhoused Community Centers through the City that could provide outreach efforts and medical, legal, and economic support. Much like the community centers created by the Parks and Recreation Center, these centers could provide day repast from heat and cold and provide check in points for education and other services. The centers could be spread thought out Kansas City geographical easing the burden on the unhoused to find support and providing a place that provided consistent and follow up care.



NOTES



The members of the Kansas City, Missouri Human Rights Commission wish to express their gratitude to the Honorable Mayor Quinton Lucas and Honorable Council members for your policy and budgetary support.

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