

1 AN ACT relating to the Commission on Human Rights.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 344.360 is amended to read as follows:

4 It is an unlawful housing practice for a real estate operator, or for a real estate broker, real
5 estate salesman, or any person employed by or acting on behalf of any of these:

- 6 (1) To refuse to sell, exchange, rent, or lease, or otherwise deny to or withhold, real
7 property from any person because of race, color, religion, sex, familial status,
8 disability, *source of income*, or national origin;
- 9 (2) To discriminate against any person because of race, color, religion, sex, familial
10 status, disability, *source of income*, or national origin in the terms, conditions, or
11 privileges of the sale, exchange, rental, or lease of real property or in the furnishing
12 of facilities or services in connection therewith;
- 13 (3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real
14 property from any person because of race, color, religion, sex, familial status,
15 disability, *source of income*, or national origin;
- 16 (4) To refuse to negotiate for the sale, rental, or lease of real property to any person
17 because of race, color, religion, sex, familial status, disability, *source of income*, or
18 national origin;
- 19 (5) To represent to any person that real property is not available for inspection, sale,
20 rental, or lease when it is so available, or to refuse to permit any person to inspect
21 real property because of his race, color, religion, sex, familial status, disability,
22 *source of income*, or national origin;
- 23 (6) To make, print, circulate, post, or mail or cause to be printed, circulated, posted, or
24 mailed an advertisement or sign, or to use a form of application for the purchase,
25 rental, or lease of real property, or to make a record of inquiry in connection with
26 the prospective purchase, rental, or lease of real property, which indicates, directly
27 or indirectly, a limitation, specification, or discrimination as to race, color, religion,

- 1 sex, familial status, disability, source of income, or national origin or an intent to
2 make such a limitation, specification, or discrimination;
- 3 (7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or
4 lease with the understanding that any person may be discriminated against in the
5 sale, rental, or lease of that real property or in the furnishing of facilities or services
6 in connection therewith because of his race, color, religion, sex, familial status,
7 disability, source of income, or national origin;
- 8 (8) To otherwise deny to or withhold real property from any person because of his race,
9 color, religion, sex, familial status, disability, source of income, or national origin;
- 10 (9) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a
11 housing accommodation to any buyer or renter because of a disability of:
- 12 (a) That buyer or renter;
- 13 (b) A person residing in or intending to reside in that housing accommodation
14 after it is so sold, rented, or made available; or
- 15 (c) Any person associated with that buyer or renter; or
- 16 (10) To discriminate against any person in the terms, conditions, or privileges of sale or
17 rental of a dwelling, or in the provision of services or facilities in connection with
18 such housing accommodation, because of a disability of:
- 19 (a) That person; or
- 20 (b) A person residing in or intending to reside in that housing accommodation
21 after it is sold, rented, or made available; or
- 22 (c) Any person associated with that person.
- 23 (11) For purposes of this section, discrimination includes:
- 24 (a) A refusal to permit, at the expense of the disabled person, reasonable
25 modifications of existing premises occupied or to be occupied by a person, if
26 the modifications may be necessary to afford the person full enjoyment of the
27 premises; except that, in the case of a rental, the landlord may, where it is

1 reasonable to do so, condition permission for a modification on the renter
2 agreeing to restore the interior of the premises to the condition that existed
3 before the modification, reasonable wear and tear excepted.

4 (b) A refusal to make reasonable accommodations in rules, policies, practices, or
5 services, when the accommodations may be necessary to afford the person
6 equal opportunity to use and enjoy a housing accommodation; or

7 (c) In connection with the design and construction of covered multifamily
8 housing accommodations for first occupancy after January 1, 1993, a failure to
9 design and construct those housing accommodations in a manner ensuring that
10 they have at least one (1) entrance on an accessible route unless impractical to
11 do so because of the terrain or unusual characteristics of the site. Housing
12 accommodations with a building entrance on an accessible route shall comply
13 with the following requirements:

14 1. The public use and common use portions of the housing
15 accommodations shall be readily accessible to and usable by disabled
16 persons;

17 2. All the doors designed to allow passage into and within all premises
18 within the housing accommodations shall be sufficiently wide to allow
19 passage by disabled persons in wheelchairs; and

20 3. All premises within the housing accommodations shall contain the
21 following features of adaptive design:

22 a. An accessible route into and through the housing accommodation;

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

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

27 d. Usable kitchens and bathrooms so that an individual in a

1 wheelchair can maneuver about the space.

2 (12) Compliance with the appropriate requirements of the American National Standard
3 for buildings and facilities providing accessibility and usability for physically
4 disabled persons, (commonly cited as "ANSI A117.1 - 1986") suffices to satisfy the
5 requirements of subsection (11)(c)3. of this section.

6 (13) As used in subsection (11) of this section, the term "covered multifamily housing
7 accommodation" means:

8 (a) Buildings consisting of four (4) or more units if the buildings have one (1) or
9 more elevators; and

10 (b) Ground floor units in other buildings consisting of two (2) or more units.

11 (14) As used in this section, "source of income":

12 (a) Means any form of lawful income that can be verified, which a person can
13 use to pay rental, mortgage, or other payments associated with the provision
14 of housing; and

15 (b) May include child support, alimony, foster care subsidies, income derived
16 from social security, grants, pensions, or any form of federal, state, or local
17 public assistance or housing assistance, including section 8 vouchers, or
18 any other form of housing assistance payment or credit whether or not such
19 income or credit is paid or attributed directly to a landlord.

20 (15) Nothing in this section requires that a housing accommodation be made available to
21 an individual;

22 (a) Whose tenancy would constitute a direct threat to the health or safety of other
23 individuals or whose tenancy would result in substantial physical damage to
24 the property of others; or

25 (b) Who is not a United States citizen; a lawful permanent resident or lawful
26 conditional resident; a person who holds an unexpired employment
27 document issued by the United States Customs and Immigration Services; a

1 *foreign national who has obtained an appropriate visa, or as otherwise*
2 *determined under Title 8 of the United States Code.*

3 ➔Section 2. KRS 344.200 is amended to read as follows:

4 (1) An individual claiming to be aggrieved by an unlawful practice other than a
5 discriminatory housing practice, a member of the commission, or the Attorney
6 General may file with the commission a written sworn complaint stating that an
7 unlawful practice has been committed, setting forth the facts upon which the
8 complaint is based, and setting forth facts sufficient to enable the commission to
9 identify the persons charged (referred to as the respondent in this section, KRS
10 344.210, 344.230, and 344.240). The commission shall make reasonable
11 accommodations to assist persons with disabilities in filing a written sworn
12 complaint. The commission staff or a person designated pursuant to its
13 administrative regulations shall promptly investigate the allegations of unlawful
14 practice set forth in the complaint and shall within five (5) days furnish the
15 respondent with a copy of the complaint. The complaint must be filed within one
16 hundred eighty (180) days after the alleged unlawful practice occurs.

17 (2) The commission or an individual designated pursuant to its administrative
18 regulations shall determine within sixty (60)~~thirty (30)~~ days after the complaint
19 has been filed whether there is probable cause to believe the respondent has
20 engaged in an unlawful practice. If it is determined that there is no probable cause to
21 believe that the respondent has engaged in an unlawful practice, the commission
22 shall issue an order dismissing the complaint and shall furnish a copy of the order to
23 the complainant, the respondent, the Attorney General, and any other public officers
24 and persons that the commission deems proper.

25 (3) The complainant, within ten (10) days after receiving a copy of the order dismissing
26 the complaint, may file with the commission an application for reconsideration of
27 the order. Upon receiving a reconsideration application, the commission or an

1 individual designated pursuant to administrative regulation shall make a new
2 determination within ten (10) days whether there is probable cause to believe that
3 the respondent has engaged in an unlawful practice. If it is determined that there is
4 no probable cause to believe that the respondent has engaged in an unlawful
5 practice, the commission shall issue an order dismissing the complaint and
6 furnishing a copy of the order to the complainant, the respondent, the Attorney
7 General, and any other public officers and persons that the commission deems
8 proper.

9 (4) If the staff determines, after investigation, or if the commission determines after the
10 review provided for in subsection (3) of this section that there is probable cause to
11 believe that the respondent has engaged in an unlawful practice, the commission
12 staff shall endeavor to eliminate the alleged unlawful practice by conference,
13 conciliation, and persuasion. The terms of a conciliation agreement reached with a
14 respondent may require him to refrain from the commission of unlawful
15 discriminatory practices in the future and make any further provisions as may be
16 agreed upon between the commission or its staff and the respondent. If a
17 conciliation agreement is entered into, the commission shall issue and serve on the
18 complainant an order stating its terms. A copy of the order shall be delivered to the
19 respondent, the Attorney General, and any other public officers and persons that the
20 commission deems proper. Except for the terms of the conciliation agreement,
21 neither the commission nor any officer or employee thereof shall make public,
22 without the written consent of the complainant and the respondent, information
23 concerning efforts in a particular case to eliminate an unlawful practice by
24 conference, conciliation, or persuasion whether or not there is a determination of
25 probable cause or a conciliation agreement.

26 (5) At the expiration of one (1) year from the date of a conciliation agreement, and at
27 other times in its reasonable discretion, the commission staff may investigate

1 whether the terms of the agreement have been and are being complied with by the
2 respondent. Upon a finding that the terms of the agreement are not being complied
3 with by the respondent, the commission shall take whatever action it deems
4 appropriate to assure compliance.

5 (6) At any time after a complaint is filed, the commission may file an action in the
6 Circuit Court in a county in which the subject of the complaint occurs, or in a
7 county in which a respondent resides or has his principal place of business, seeking
8 appropriate temporary relief against the respondent, pending final determination of
9 proceedings including an order or decree restraining him from doing or procuring
10 any act tending to render ineffectual any order the commission may enter with
11 respect to the complaint. The court shall have power to grant temporary relief or a
12 restraining order as it deems just and proper.

13 (7) Nothing in this section shall apply to any discriminatory housing practice.

14 ➔Section 3. KRS 344.240 is amended to read as follows:

15 (1) Any complainant, respondent, or intervenor aggrieved by a final order of the
16 commission, including a final order dismissing any complaint or stating the terms of
17 a conciliation agreement, may obtain judicial review, and the commission may
18 obtain an order of the court for enforcement of its final order, in a proceeding
19 brought in the Circuit Court in a county in which the alleged unlawful practice
20 which is the subject of the final order or complaint occurs or in which a respondent
21 resides or has his principal place of business.

22 (2) Except for a discriminatory housing practice, if the commission has failed to
23 schedule a hearing in accordance with KRS 344.210(1) or has failed to issue a final
24 order within one (1) year~~[hundred eighty (180) days]~~ after the complaint is filed, the
25 complainant, respondent, Attorney General, or an intervenor may petition the
26 Circuit Court in a county in which the alleged unlawful practice set forth in the
27 complaint occurs or in which the petitioner resides or has his principal place of

1 business for an order directing the commission to schedule a hearing or to issue its
2 final order. The court shall follow the procedure set forth in KRS Chapter 13B and
3 this section so far as applicable.

4 (3) If before the expiration of sixty (60) days after the date of the commission order is
5 entered for a discriminatory housing practice and no petition for review has been
6 filed under subsection (1) of this section, any person entitled to under the
7 discriminatory housing practice order may petition for a decree enforcing the order
8 in the Circuit Court for the county in which the discriminatory housing practice is
9 alleged to have occurred.

10 (4) Except for subsection (2) of this section, all provisions in this section shall apply to
11 orders issued in a discriminatory housing practice proceeding.

12 ➔Section 4. KRS 344.600 is amended to read as follows:

13 (1) (a) 1. An aggrieved person may, not later than one (1) year after an alleged
14 discriminatory housing practice has occurred or terminated, file a
15 complaint with the commission alleging a discriminatory housing
16 practice. All other complaints of an alleged discrimination practice must
17 be filed pursuant to the procedure described in KRS 344.200. The
18 commission, on its own initiative, or the Attorney General may also file
19 a complaint alleging a discriminatory housing practice.

20 2. The complaint shall be in writing and shall contain the information and
21 be in a form required by the commission.

22 3. The commission may also investigate housing practices to determine
23 whether a complaint should be brought under this section.

24 (b) Upon the filing of the discriminatory housing practice complaint:

25 1. The commission shall within ten (10)~~five (5)~~ days serve written notice
26 upon the aggrieved person acknowledging the filing and advising the
27 aggrieved person of the time limits and choice of forums provided in

- 1 KRS 344.635.
- 2 2. The commission shall, not later than ten (10) days after the filing or the
- 3 identification of an additional respondent under subsection (2) of this
- 4 section, serve on the respondent a written notice identifying the alleged
- 5 discriminatory housing practice and advising the respondent of the
- 6 procedural rights and obligations of respondents under this chapter,
- 7 together with a copy of the original complaint;
- 8 3. Each respondent shall file, not later than twenty (20)~~ten (10)~~ days after
- 9 receipt of notice from the commission, an answer to the complaint; and
- 10 4. The commission shall commence an investigation of the alleged
- 11 discriminatory housing practice within thirty (30) days of filing the
- 12 complaint and complete the investigation within one hundred (100) days
- 13 after the filing of the complaint, unless it is impracticable to do so.
- 14 (c) If the commission is unable to complete the investigation within one hundred
- 15 (100) days after the filing of the complaint, the commission shall notify the
- 16 complainant and respondent in writing of the reasons for not doing so.
- 17 (d) Complaints and answers shall be under oath or affirmation, and may be
- 18 reasonably and fairly amended at any time.
- 19 (2) (a) A person who is not named as a respondent in a complaint, but who is
- 20 identified as a respondent in the course of investigation, may be joined as an
- 21 additional or substitute respondent upon written notice, under subsection (1)
- 22 of this section, to that person, from the commission.
- 23 (b) The notice, in addition to meeting the requirements of subsection (1) of this
- 24 section, shall explain the basis for the commission's belief that the person to
- 25 whom the notice is addressed is properly joined as a respondent.