

*DISCRIMINATORY PRACTICES:
Employment, Housing, Public
Accommodations and Hate Crimes*



*Louisville and Jefferson County Metro
Human Relations Commission*

410 West Chestnut Street, Suite 300A
Louisville, Kentucky 40202
E-Mail: hrc@louisvilleky.gov
Phone: (502) 574-3631
Fax: (502) 574-3190
TDD: (502) 574-4332

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

Table of Contents

INTRODUCTION	2
DECLARATION OF POLICY	2
HUMAN RELATIONS COMMISSION	2
GENERAL REGULATIONS: HOUSING	5
<i>Unlawful practices in connection with housing</i>	5
<i>Housing exceptions</i>	9
GENERAL REGULATIONS: EMPLOYMENT	10
<i>Unlawful practices in connection with employment</i>	10
<i>Employment exceptions</i>	11
GENERAL REGULATIONS: PUBLIC ACCOMMODATIONS	13
<i>Unlawful practices in connection with public accommodations</i>	13
GENERAL REGULATIONS: BIAS-RELATED (“HATE”) CRIMES	14
<i>Policy</i>	14
<i>Prohibition of discriminatory interference with another person or property of another person</i>	14
<i>Complaints to Human Relations Commission; procedure; conciliation agreements; enforcement</i>	15
<i>Notice and hearing; procedure</i>	17
<i>Findings of Commission; order; nature of affirmative action</i>	18
<i>Judicial review; scope; procedure; order for enforcement</i>	19
<i>Investigations; powers; confidential nature of</i>	20
<i>Subpoenas; issue; enforcement</i>	21
<i>Commission or court not to take jurisdiction over claim for unlawful act while same claim pending before other body; final determination exclusive</i>	21
<i>Penalty</i>	22
COMPLAINT PROCESS	22
<i>Conduct of Human Relations Commission Hearing</i>	25
<i>Consequences of default</i>	26
<i>Finding of fact; conclusions of law</i>	26
<i>Appeal of hearing officer decision</i>	27
<i>Appeals</i>	27
<i>Penalty</i>	28
<i>Obstruction and retaliation</i>	28
<i>Computation of time</i>	29
<i>Filing and serving papers</i>	29
<i>Affirmative marketing plan required for city funds</i>	29
<i>Analysis of population by race; goals and timetables for appropriate representation</i> ..	29
<i>Programs and activities required to submit plan; exceptions</i>	29
<i>Submission of monthly reports by housing developments required</i>	30
<i>Administration by Affirmative Action Officer</i>	30
<i>Severability</i>	30
<i>Conflict</i>	30
DEFINITION OF TERMS	31

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

INTRODUCTION

The Louisville Metro Human Relations Commission provides this informational booklet as an important community resource for sharing knowledge regarding local laws that protect against discriminatory practices in employment, housing and public accommodations and against biased-related crimes (otherwise referred to as hate crimes). This booklet defines policy, general regulations, terminologies, and the process for which discrimination complaints are handled.

Information contained in this booklet is adapted to combine provisions of Chapter 92 of the Jefferson County code of ordinances, adopted and effective October 12, 1999; and, Ordinance No. 193, Series 2004, of the Louisville-Jefferson County Metro Government Legislative Council, adopted and effective June 2003.

DECLARATION OF POLICY

It is the policy of Metro Louisville to safeguard all individuals within the local jurisdiction from discrimination in certain contexts because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation. Certain practices must be prohibited within the areas of employment, housing, public accommodation, resort or amusement as necessary to protect individuals' personal dignity and insure freedom from humiliation; to make available to the City all full productive capacities; to secure the City against strife and unrest which would menace its democratic institutions; and to preserve the public safety, health, and general welfare.

HUMAN RELATIONS COMMISSION

The administration and enforcement of the local ordinances outlined in this booklet shall be the responsibility of the Louisville Metro Human Relations Commission, and it shall have full operating responsibility for carrying out these provisions.

In addition to any powers or duties heretofore conferred on said Commission, it shall have the power and duty to:

- 1) Meet and exercise its powers and any place within Metro Louisville;
- 2) Employ attorneys, hearing examiners, clerks, and other employees and agents and to appoint and empower committees and divisions to assist in effecting the purposes and provisions of this regulation;
- 3) Accept gifts or bequests, grants, or other payments, public or private, to help finance its activities;

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- 4) Receive, initiate, investigate, seek to conciliate, hold hearing on and pass on complaints alleging violations of this regulation. This commission may hold public or private hearings, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question. If a person whom a complaint of discriminatory practice is made is notified, as hereinafter provided, to attend any hearing, public or private, before the Commission Enforcement or Executive Director, as the case may be, the Commission may proceed to make a determination in such person's absence;
- 5) Compel the attendance of witnesses and production of evidence before it by subpoena issued through the Jefferson Circuit Court;
- 6) Issue remedial orders, after notice and hearing, requiring cessation of violations of this regulation;
- 7) Publish or cause to be published conciliation agreements or enforcement agreements. All other records and information shall be confidential except as reasonably necessary to conduct an investigation and proceedings.
- 8) Issue such affirmative orders as in the judgment of the Commission-Enforcement will carry out the purposes of this regulation. Affirmative action ordered may include, but is not limited to, the remedies enumerated in KRS 344.230(3); and
 - a) All other remedies detailed in KRS 344 and Title VII of the Federal Civil Rights Act of 1964 as amended;
 - b) Applying to the Jefferson Circuit Court for such temporary or permanent relief as it deems necessary; where such relief is granted, notice of the relief shall be promptly filed in the office of the County Clerk of Jefferson County, Kentucky.
- 9) Subject to the approval of appropriate governmental entities, adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this chapter, including regulations requiring the posting of notices prepared and approved by the Commission; and
- 10) Receive, initiate as hereinafter provided, investigate, hear or determine charges, and remediate violation of unlawful practices prohibited by the chapter, and;
 - a) Enter into cooperative working agreements with the United States Equal Employment Opportunity Commission (EEOC) created by Section 705 of the Federal Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of the act; and with any federal or state agency in order to achieve the purposes of this regulation.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- b) In its discretion, or upon request of the Kentucky Commission on Human Rights (the “State Commission”), may refer a matter under its jurisdiction to the State Commission for initial action or review.
 - c) Refer to the State Commission for resolution a dispute over jurisdiction or other matter with another local commission.
 - d) Provide a copy of its annual report to the State Commission.
- 11) Institute proceedings in Jefferson Circuit Court for enforcement of the orders of the Commission of its Executive Director, including appeal;
- 12) Exercise all other applicable powers as provided in the Kentucky Civil Rights Act.

General Regulations: Housing

Unlawful practices in connection with housing

In connection with any of the transactions set forth herein, which affect any sale, purchase, exchange, rental, or lease of any housing accommodation, it shall be a prohibited, unlawful practice for a person, owner, financial institution, real estate broker, or real estate salesperson, or any representative of the above to:

- A) Refuse to sell, purchase, exchange, rent or lease, lend or deny brokerage service or otherwise deny to or withhold any housing accommodation from a person because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or
- B) Discriminate against a person because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation in terms, conditions, or privileges of the appraisal, purchasing of loans, financial assistance, sale, purchase, exchange, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- C) Refuse to receive or transmit a bona fide offer to sell, purchase, exchange, rent or lease any housing accommodation from or to a person because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or
- D) Refuse to negotiate for the sale, purchase, exchange, rental or lease of any housing accommodation to a person because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or
- E) Represent to a person that any housing accommodation is not available for inspection, sale, purchase, exchange, rental, or lease when in fact it is available,

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

or refuse to permit a person to inspect any housing accommodation because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or

- F) Make, print, circulate, post, mail or cause to be printed, circulated, posted, or mailed any notice, statement, or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, exchange, rental, lease, or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, exchange, rental lease, or financing of any housing accommodation which indicates directly or indirectly, any discrimination or any intent to discriminate as to race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or
- G) Offer, solicit, accept, or use a listing of any housing accommodation for sale, purchase, exchange, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, exchange, rental or lease, or in the furnishing of facilities or services in connections therewith because of his/her race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation; or
- H) Induce, directly or indirectly, or attempt to induce, directly or indirectly, the sale, purchase, exchange, rental, or lease or the listing for any of the above, of any housing accommodations by representing that the presence or anticipated presence of persons of a particular race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation in the area to be affected by such sale, purchase, exchange, rental, or lease will or may result in:
 - (1) Lowering of property values in the area;
 - (2) An increase in criminal or antisocial behavior in the area; or
 - (3) A decline in the quality of the schools in the area, or
- I) Make any misrepresentation concerning the listing for sale, purchase, exchange, rental or lease or the anticipated listing for any of the above, or the sale, purchase, exchange, rental, or lease of any housing accommodation in any area in the City for the purpose of inducing, or attempting to induce, any such listing or any of the above transactions.
- J) Place a sign purporting to offer for sale, purchase, exchange, rental, or lease any housing accommodation that is not, in fact, so offered; or
- K) Advertise for sale, purchase, exchange, rental, or lease any housing accommodation which is nonexistent, or which is not actually being offered for any of the above; or

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- L) Engage in, hire to be done, or to conspire with another to commit threats or acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, or create or play on fear with the purpose of either discouraging or inducing or attempting to induce the sale, occupancy, purchase, exchange, rental, or lease or the listing for any of the above, of any housing accommodation; or
- M) Do any of the unlawful practices prohibited by this subchapter by canvassing; or
- N) Otherwise deny to or withhold any housing accommodation from a person because of race, color, religion, national origin, familial status, disability, sex, gender identity, or sexual orientation.
- O) 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 the buyer or renter, of a person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or of any person associated with that buyer or renter; or to discriminate against any person in terms, conditions or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection with such dwelling, because of a disability of that person, of a person residing in or intending to reside in that dwelling after it is sold, rented or made available, or of any person associated with that person:
 - (1) For purposes of this subsection, discrimination includes:
 - (a) A refusal to permit, at the expense of the disabled person, reasonable modification of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person's full enjoyment of the premises, except that in the case of rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - (b) A refusal to make reasonable accommodation 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
 - (c) In connection with the design and construction of covered multi-family housing accommodation for first occupancy after the effective date of passage of this ordinance, a failure to design and construct those housing accommodations in a manner ensuring that they have at least one entrance to an accessible route unless impractical to do so

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

because of the terrain or unusual characteristics of the site. Housing accommodations with building entrance on an accessible route shall comply with the following requirements:

1. The public use and common use portions of such housing accommodations; and
2. All the doors designed to allow passage into and within all premises within the housing accommodations shall be sufficiently wide to allow passage by disabled persons using wheelchairs; and
3. All premises within housing accommodations shall contain the following features of adaptive design:
 - a. An accessible route into and through the housing accommodations; and
 - b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; and
 - c. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - d. Usable kitchens and bathrooms such that a person in a wheelchair can maneuver about the space.

Housing exceptions

- A) The provisions of this chapter, which prohibit discriminatory housing practices, other than the prohibition of discriminatory advertising, shall not apply:
 - (1) To the rental or lease of any housing accommodations in a building which contains not more than two families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations; or
 - (2) To the rental of one room or one rooming unit in a housing accommodation by an owner if he or a member of his family resides therein;
 - (3) To a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious corporation, association or society, which limits the sale, lease, rental, occupancy, assignment, or sublease of housing accommodation which it owns or operates for other than

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

commercial purposes to persons of the same religion, or from giving preference to those persons, unless membership in the 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 incident to its primary purpose or purposes provides lodging, which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of the lodging to its members or from giving preference to its members.

- (4) To a private individual homeowner disposing of his property through private sale without the aid of any real estate operator, broker, or salesperson and without advertising or public display except that attorneys, escrow agents, abstractors, title companies, and other professional assistance may be utilized as necessary to perfect or transfer the title.
- B) Nothing in this chapter shall require a real estate operator to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.
- C) Nothing in this section shall limit the applicability of any reasonable local, state or federal restriction regarding the maximum number of occupants permitted to occupy a housing accommodation. No provision in the chapter regarding familial status shall apply with respect to “housing for older persons,” as defined in the Federal Fair Housing Act, 42 USC 3607.
- D) Nothing in this section prohibits conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 USC 802) or KRS Chapter 218A.

GENERAL REGULATIONS: EMPLOYMENT

Unlawful practice in connection with employment

- A) It is a prohibited, unlawful practice for an employer:
 - (1) To fail or refuse to hire or to discharge any individual, or otherwise discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation; or

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- (2) To limit, segregate, or classify his or her employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of the individual's race, color, religions, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation; or
 - (3) It is an unlawful practice for an employment agency to fail or to refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation, or to classify or refer for employment any individual on the basis of race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation; or
- B) It is unlawful practice for a labor organization:
- (1) To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation; or
 - (2) To limit, segregate, or to classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect one's status as an employee or as an applicant for employment because of such individual's race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation; or
 - (3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.
- C) It is an unlawful practice for any employer, labor organization or joint labor management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation in admission to or employment in, any program established to provide such apprenticeship, training, or retraining.

Employment exceptions

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- A) Notwithstanding any other provisions of this chapter, it shall not be an unlawful practice for:
- (1) An employer to hire and employ employees; or an employment agency to classify or refer for employment an individual; or a labor organization to classify its membership or to classify or refer for employment an individual; or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ an individual in any such program on the basis of his religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise;
 - (2) A religious corporation, association, or society to employ an individual on the basis of his or her religion to perform work connected with the carrying on by such corporation, association, or society of its religious activity;
 - (3) A school, college, university, or other educational institution to hire and employ individuals of a particular religion, if the school, college, university, or other educational institution is in whole or substantial part owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of the school, college, university, or other educational institution is directed toward the propagation of a particular religion, and the choice of employees is calculated by such organization to promote the religious principles for which it is established or maintained;
 - (4) 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, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of race, color, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation nor is it an unlawful practice for an employer to give and act upon the results of any professionally developed ability test provided that the test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, national origin, age 40 and over, disability, sex, gender identity, or sexual orientation;
or

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- B) The provisions of this regulation in regard to sexual orientation or gender identity shall not apply to a religious institution, or to an organization operated for charitable or education purposes, which is operated, supervised, or controlled by a religious corporation, association or society.

GENERAL REGULATIONS: PUBLIC ACCOMODATIONS

Unlawful practice in connection with public accommodations

- A) Except as otherwise provided herein, it is an unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort or amusement as defined in this regulation, on the ground of race, color, religion, national origin, disability, sexual orientation, or gender identity.
- B) It is an unlawful practice of a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral or visual communication, notice, or advertisement, which indicates that the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation, resort or amusement, will be refused, withheld, or denied an individual on account of his race, color, religion, national origin, disability, sexual orientation, gender identity, or that patronage of, or presence at, a place of public accommodation, resort or amusement, of an individual, on account of his race, color, religion, national origin, disability, sexual orientation, gender identity is objectionable, unwelcome, unacceptable, or undesirable.
- C) It shall be an unlawful practice to deny an individual, because of sex, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodation of a restaurant, hotel, motel, or any facility supported directly or indirectly by government funds.
- (1) The provisions of this subsection shall not apply to:
- (a) Restrooms, shower rooms, bath houses and similar facilities which are in their nature distinctly private;
 - (b) YMCA, YWCA and similar type dormitory lodging facilities;
 - (c) The exemptions contained in the definitions of "Place of Public Accommodations, Resort or Amusement" set forth in this regulation;

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- (d) Hospitals, nursing homes, penal or similar facilities, to require that men and women be in the same room.

GENERAL REGULATION: BIAS-RELATED (“HATE”) CRIMES

Policy

It is hereby declared to be the policy of Metro Government for the preservation of the peace, protection, comfort, health, safety, and welfare of persons in the City to protect all persons from tortuous acts of interference with their person and/or their property motivated by hate or bias directed at classes of persons which historically have been victimized by such acts, as specifically set forth in section (b)(1) of the Federal Hate Crimes Statistics Act (Public Law 101-275) and, in addition, classes of persons identifiable by gender and/or disability or health related condition. Persons victimized by such acts in the City must have adequate remedies for redress of their grievances. The Metro Government recognizes that such acts are often punishable as crimes. Criminal statutes undoubtedly have had a desirable effect in diminishing the number of these acts of discrimination, intimidation and terror in punishing the perpetrators of such acts. However, the Metro Government finds that many such acts are not reported as crimes because victims are frightened and feel they have little to gain by reporting them. The Metro Government further finds that its experience in providing civil redress for civil rights violations in the areas of public accommodations and housing through Louisville Metro Human Relations Commission provides a promising model for diminishing acts of discrimination, intimidation and terror and for affording civil remedies for victims of such acts.

Prohibition of discriminatory interference with another person or property of another person

- A) No person shall discriminate against another person by intentionally interfering with another person or the property of another person with the motive to intimidate or interfere with or oppress the other person because the other person is a member of one or more classes or persons referenced in paragraph (b)(1) of the Federal Hate Crimes Statistics Act (Public Law 101-275) and/or, in addition, classes of persons identifiable by gender and/or disability or health related condition.
- B) A person intentionally interferes with another person by committing a tortuous battery, assault, imprisonment or infliction of mental distress. A person intentionally interferes with the property of another person by trespassing on the other’s land or by tortuously and deliberately damaging, defacing or destroying the real or personal property of the other person.
- C) A person is shown to have acted intentionally when his or her conduct is such that a reasonable person in his or her position would believe that the particular

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

wrongful result of his or her conduct which did in fact occur was substantially certain to follow from said conduct.

- D) A person is shown to have acted with the motive of intimidating, interfering or oppressing another person because the other person is a member of one or more of the classes of person referenced in paragraph (b)(1) of the Federal Hate Crimes statistics Act (Public Law 101-275) and/or, in addition, classes of persons identifiable by gender and/or disability or health related condition when it is shown by a preponderance of evidence that a material factor in the commission of the act was the person's underlying purpose to cause such intimidation, interference or oppression of the other person and/or of others in the same protected class as the other person.
- E) Except for the list of protected classes set forth in paragraph (b)(1) thereof, no section of the Federal Hate Crimes Statistics Act is incorporated herein.

Complaints to Human Relations Commission; procedure; conciliation agreements; enforcement

- A) An individual claiming to be aggrieved by an act prohibited by this regulation (hereinafter, an "unlawful act") may file with the Louisville Metro Human Relations Commission (hereafter, the "Commission") a written sworn complaint setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Commission to identify and serve notice to the person charged (hereafter, the "Respondent"). The Commission staff shall promptly investigate the allegations set forth in the complaint and shall within ten days furnish the Respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged act upon which the complaint is based is alleged to have occurred.
- B) The Commission shall determine within 60 days after the complaint has been filed, unless impracticable to do so, whether there is probable cause to believe that an act which is prohibited by this regulation has been committed against the Complainant. If it is determined that there is no probable cause to believe that the Respondent has committed an unlawful act against the Complainant, the Commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the Complainant, the Respondent, and such other public officers and persons as the Commission deems proper.
- C) The Complainant, within twenty days after receiving a copy of the order dismissing the complaint, may file with the Commission an application for reconsideration of the order. Upon such application, the Commission shall make a new determination within ten days whether there is probable cause

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

to believe that the Respondent has committed an unlawful act against the Complainant. If it is determined that there is no probable cause to believe the Respondent has committed an unlawful act as described in the complaint, the Commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the Complainant, the Respondent, and such other public offices and persons as the Commission deems proper.

- D) If the staff determines, after investigation, or if the Commission determines after the review provided for in division (C) above that there is probable cause to believe that the Respondent has committed an unlawful act, the Commission staff shall endeavor to provide proper redress for the Complainant by conference, conciliation, and persuasion with the Respondent. The terms of a conciliation agreement reached with a Respondent may require the Respondent to refrain from the commission of similar unlawful acts in the future and make such further provision as may be agreed upon between the Commission or its staff and the Respondent. If a conciliation agreement is entered into, the Commission shall issue and serve on the Complainant an order stating its terms. A copy of the order shall be delivered to the Respondent, and such other public officers and persons as the Commission deems proper. Except for the terms of the conciliation agreement, neither the Commission nor any officer or employee thereof shall make public, without the written consent of the Complainant and the Respondent, information concerning efforts in a particular case to reach an agreement with the Respondent by conference, conciliation, or persuasion, whether or no there is a determination of probable cause or a conciliation agreement.
- E) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the Commission staff may investigate whether the terms of the agreement have been and are being complied with by the Respondent. Upon finding that the terms of the agreement are not being complied with by the Respondent, the Commission shall take such action as it deems appropriate to assure compliance.
- F) At any time after a complaint is filed, the Commission may file an action in the Jefferson Circuit Court seeking appropriate temporary relief against the Respondent, pending final determination of proceedings under this subchapter, including an order or decree restraining him from doing or procuring any act tending to render ineffective any order the Commission may enter with respect to the complaint.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- G) Insofar as they are not inconsistent or in conflict with the procedure and practice provided by this chapter, the Kentucky Rules of Civil Procedure will apply to proceedings under this subchapter.

Notice and hearing; procedure

- A) Within 90 days after a complaint is filed, unless the Commission has issued an order dismissing the complaint or stating the terms of a conciliation agreement or within 30 days after an application for review is filed under KRS 344.200(3), the Commission shall serve on the Respondent by certified mail a written notice, together with a copy of the complaint as it may have been made requiring the Respondent to answer the allegations of the complaint at a hearing before a hearing officer appointed by the Commission at a time and place specified in the notice. A copy of the notice shall be furnished to the Complainant, and such other public officers and persons as the Commission deems proper. The hearing officer shall be a person qualified to be a District Court Judge and shall be appointed by the Commission for a term not to exceed one year. The hearing officer shall rule on all questions of law and fact and after the hearing shall issue written findings of fact and conclusions of law.
- B) A member of the Commission who files the complaint or endeavors to eliminate the repetition of the alleged unlawful act by conference, conciliation, or persuasion shall not participate in the hearing or in the subsequent deliberation of the Commission.
- C) The Respondent shall file an answer with the Commission by certified mail not less than 20 days before the hearing date. The Commission or the Complainant may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the Respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.
- D) The case in support of the Complainant shall be presented before the hearing officer by one of the attorneys of the County Attorney's Office. Efforts at conference, conciliation, and persuasion shall not be received in evidence.
- E) A Respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the Complainant, and may offer evidence. The Complainant, and in the discretion of the hearing officer, any person, may intervene, examine and cross-examine witnesses, and present evidence.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- F) If the Respondent fails to answer the complaint, the commission may enter his or her default. Unless he default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.
- G) Testimony taken at the hearing shall be under oath and transcribed.

Findings of Commission; order; nature of affirmative action

- A) If the hearing officer determines that the Respondent has not engaged in an unlawful act, he/she shall state his/her findings of fact and conclusions of law, and shall tender to the Commission an order dismissing the complaint. A copy of the order shall be delivered to the Complainant, the Respondent, and such other public officers and persons as the Commission deems proper.
- B) If the hearing officer determines that the Respondent has engaged in an unlawful act, he/she shall state his/her findings of fact and conclusions of law and shall tender to the Commission an order requiring the Respondent to cease and desist from the commission of unlawful acts and take such affirmative action as in the judgment of the Commission will carry out the purposes of this chapter. A copy of the order shall be delivered to the Respondent, the Complainant, and to such other public officers and persons as the Commission deems proper.
- C) Affirmative action ordered under this section may include but is not limited to:
 - (1) Payment to the Complainant of damages for injury caused by an unlawful act including compensation for humiliation and embarrassment.
 - (2) Payment to the Complainant of property damages caused by an unlawful act.
 - (3) The Commission may publish or cause to be published the names of person who have been determined to have engaged in an unlawful act.
 - (4) Within 20 days after receipt of the order tendered to the Commission by the hearing officer, the Commission shall either approve the hearing officer's order and issue the order as an order of the Commission, or disapprove the order and send the hearing officer a written statement of the reasons for its disapproval and its instruction that a new hearing be held in light of the Commission's expressed

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

reason for disapproval. The failure of the Commission to act within the 20-day period proscribed hereby shall constitute approval of the hearing officer's tendered order and at the expiration of said period shall become an order of the Commission

Judicial Review: scope; procedure; order for enforcement

- A) A Complainant, Respondent, or an intervenor aggrieved by an order of the Commission, including an order dismissing a complaint, may obtain judicial review, and the Commission may obtain an order of the court for enforcement of its order, in a proceeding brought as provided by KRS 344.240.
- B) The proceeding for review or enforcement is initiated by filing a complaint in the Jefferson Circuit Court. Copies of the complaint shall be served upon all parties of record. Within 30 days after the service of the complaint upon the Commission or its filing by the Commission, or within such further time as the court may allow, the Commission shall transmit to the court the original or a certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the review proceeding, the record may be shortened. The findings of fact of the Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have the power to grant such temporary relief or restraining order as it deems just, and to enter an order enforcing, modifying, and enforcing as modified, or setting aside in whole or in part the order of the Commission, or remanding the case to the Commission for further proceedings.
- C) If the Commission has failed to schedule a hearing or has failed to issue an order within 180 days after the complaint is filed, the Complainant, Respondent, or and intervenor, may petition the circuit court in a county in which the alleged unlawful act set forth in the complaint is alleged to have occurred or in which the petitioner resides or has his principal place of business, for an order directing the Commission to take such action.
- D) The Court shall not consider any matter not considered by, nor any objection not raised before the Commission, unless the failure of a party to present such matter to or raise such objection before the Commission is excused because of good cause shown. A party may move the court to remand the case to the Commission in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided they show good cause for the failure to adduce such evidence before the Commission.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- E) The jurisdiction of the circuit court shall be exclusive and its final judgment or decree shall be subject to review by the Court of Appeals as provided by the rules of Civil Procedure. The Commission's copy of the testimony shall be available to all parties for examination without cost during business hours of the Commission.
- F) A proceeding under this section must be initiated within 30 days after a copy of the order of the Commission is received. If no proceeding is so initiated, the Commission may obtain a decree of court for enforcement of its order upon showing that a copy of the petition for enforcement was served on the Respondent.

Investigations; powers; confidential nature of

- A) In connection with an investigation of a complaint filed under this chapter, the Commission or its designated representative at any reasonable time may request access to premises, records, and documents relevant to the complaint and the right to examine photographs and copy evidence.
- B) It is unlawful for a Commissioner or employee of the Commission to make public with respect to a particular person without his consent information required by the Commission pursuant to its authority under this section except as reasonably necessary to the conduct of the proceeding under this chapter.
- C) If a person fails to permit access, examination, photographing or copying or fails to make, keep, or preserve records or make reports in accordance with this section, the circuit court of the county in which such person is found, resides, or has his principal place of business, upon application of the Commission, may issue an order requiring compliance.

Subpoenas; issue; enforcement

- A) Upon written application to the Commission a party to a proceeding is entitled as of right to the issue of subpoenas in the name of the Commission requiring attendance and giving of testimony and the production of document. A subpoena so issued shall show on its face the name and address of the party at whose request the subpoena was issued. On petition of the individual to whom the subpoena is directed and notice to the requesting party, the Commission may vacate or modify the subpoena.
- B) Depositions of witnesses may be taken as prescribed by the Rules of Civil Procedure as provided by KRS 344.260(2).

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- C) As provided by KRS 344.260(3), if a person fails to comply with a subpoena, the Jefferson Circuit Court, upon application of the Commission or the party requesting the subpoena, may issue an order requiring compliance. In any proceeding brought under this section, the court may modify or set aside the subpoena.

Commission or court not to take jurisdiction over claim for unlawful act while same claim pending before other body; final determination exclusive

As provided by KRS 344.270, the Commission shall not take jurisdiction over any claim of an unlawful act under this chapter while a claim of the same person seeking relief for the same unlawful act under KRS 344.450 is pending. As provided by KRS 344.370, a state court shall not take jurisdiction over any claim of an unlawful act under this chapter while a claim of the same person seeking relief for the same unlawful act is pending before the Commission. As provided by KRS 341.270 a final determination by a state court or the Commission of a claim alleging an unlawful act under this subchapter of Ordinance 98 shall exclude any other action or proceeding brought by the same person based on the same unlawful act.

Penalty

- A) If the Commission finds that any person has committed an unlawful practice as defined under this regulation, it may subject such person to a fine not greater than civil penalties established by the Federal Fair Housing Act in Section 812. The Commission may, if such persons refuse to pay the fine, file an action in the Jefferson County Circuit Court for the collection thereof.
- B) If a real estate broker, a real estate salesman, or an employee thereof has failed to comply with any order issued by the Commission, or has been found to have committed an unlawful practice in violation of this regulation, the Commission shall so notify in writing the Real Estate Commission of the Commonwealth of Kentucky.
- C) Should the Commission determine at anytime that a complaint filed with it alleging a violation of this regulation was filed in bad faith, the Commission shall forthwith issue an order requiring the Complainant(s) to pay to the Respondent the amount of reasonable expenses caused to the Respondent by the filing of the complaint, including reasonable attorney's fees, and such order may be enforced in the same manner as any other order issued by the Commission pursuant to the provisions of those sections.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

COMPLAINT PROCESS

- A) Any person claiming to be aggrieved by an unlawful practice that is prohibited by this chapter may file a written complaint in accordance with the rules and regulations of the Commission. The complaint must be filed within 180 day after the alleged unlawful practice occurred. Any member of the Commission who has reason to believe an unlawful practice has occurred may file a complaint. Any person or persons claiming to be aggrieved by an act in violation of this chapter may file an action in Jefferson Circuit Court and obtain civil remedies as provided in KRS 344 and Title VII of the Federal Civil Rights Act of 1964, as amended, and any other federal civil rights statute that grants state courts concurrent jurisdiction.
- B) Complaints filed with the Commission by individual should:
- (1) Be executed and filed at the Commission office; a member of the Commission staff will assist the Complainant to prepare the complaint;
 - (2) Be verified by each Complainant;
 - (3) Contain the name and address of each Complainant;
 - (4) Contain the names and addresses of the Respondent(s) who committed the unlawful practice prohibited by this chapter;
 - (5) Give fair notice of the facts relied upon to show the unlawful practice or practices;
 - (6) State clearly and concisely the alleged violation; and
 - (7) State the date of the violation.
- C) On receipt of a complaint, or acceptance of a complaint referred by the Kentucky Commission on Human Rights, the EEOC or HUD, the Commission shall serve the complaint and a written resume setting forth the rights of the parties and the procedures to be followed by the Commission in the investigation and adjudication of the complaint on the person or persons charged with a violation of this chapter (hereinafter referred to as the Respondent, whether one or more person), and mail a copy to the Complainant.
- D) On receipt of a complaint, the Respondent shall, within 30 days, file with the Commission an answer, under oath or affirmation, to the allegations in

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

the complaint. The staff of the Commission shall attempt to resolve the complaint and conduct a preliminary investigation of the complaint and shall within 100 days after service of the complaint on the respondent, unless there has been a settlement, render a final investigative written report detailing the documentary and witness evidence to the Executive Director.

- E) The Executive Director, within 30 days after receipt from the staff of the Commission of the preliminary investigation, shall determine whether there is reasonable cause to believe that an unlawful practice has been committed.
 - (1) If the Executive Director of the Human Relations Commission determines that there is no such reasonable cause, the complaint shall be dismissed.
 - (2) If the Executive Director of the Commission determines that there is such reasonable cause, the Commission shall make an effort to eliminate the unlawful practice by conference and conciliation. All conciliation and/or enforcement agreements and administrative closures shall be approved by the Executive Director of the Commission.
 - (3) If reasonable cause concerning allegations of an unlawful practice in connection with housing is found, the Complainant and Respondent shall be advised in writing that either party may elect to have their claims asserted in the complaint decided in a civil action. Notice of this election must be made to the Commission and all other parties not later than the twentieth (20th) day after receipt of the right of election. Upon receipt of such notice, the Commission shall authorize, within 30 days thereafter, filing and maintaining an action on behalf of the Complainant in Jefferson Circuit Court, which may award all relief available under this chapter.
 - (4) Within 45 days after the Commission has determined that reasonable cause exists, unless an order has been issued dismissing the complaint or stating the terms of the conciliation agreement, a hearing shall be set and necessary and reasonable discovery conducted pursuant to KRS Chapter 344.
- F) Any endeavors or negotiations for conciliation shall not be received in evidence and shall be held in confidence by the Commission and its staff.
- G) The determination of the Executive Director may be reconsidered on petition of any aggrieved party, except that an application to reconsider

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

must be filed within 20 days of service of the adjudicative order on the aggrieved party. Dismissal after reconsideration is a final order of the Commission.

- H) In connection with an investigation of a complaint filed under this chapter, the Commission or its designated representative may at any reasonable time request access to the premise, records, and documents relevant to the complaint and shall have the right to examine, photograph, and copy evidence. If a person fails to permit access, examination, photographing, or copying of records or documents relative to the complaint, the Commission may apply to the Jefferson County Circuit Court for an order requiring compliance.
- I) All hearings held under and pursuant to this chapter shall be open to the public.
- J) At any time after the complaint has been filed, the Commission may file an action in the Jefferson Circuit Court seeking appropriate temporary relief against the Respondent, pending the final determination of proceedings under this section.
- K) At any time after a complaint has been filed, the Commission may file an action in the Jefferson Circuit Court seeking appropriate relief against any person as it may deem necessary to prevent any change of position between the Complainant(s) and the Respondent(s) or to prevent the questions presented to the Commission from becoming moot.
- L) If the Commission determines that any Respondent has committed an unlawful act provided by this chapter and the Respondent refuses to comply with or obey the order issued by the Commission, the Commission may file an action in the Jefferson Circuit Court seeking enforcement of the order.
- M) The commission may file suit in the Jefferson Circuit Court seeking enforcement of any of its orders pursuant to this chapter.

Conduct of Human Relations Commission Hearings

- A) In the event a complaint is not resolved, a written notice, signed by the Executive Director of the Commission or authorized representative, together with a copy of the complaint, shall require the Respondent to answer the charges of such complaint at a hearing before a Hearing Officer. The Executive Director shall not be eligible to serve as the Hearing Officer. The hearing shall be held no less than 60 days after service of the notice on the Respondent and Complainant.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

- B) At the hearing, the case in support of the averments of the complaint may be presented by counsel designated by the Commission. The order of proof shall be that set forth in the Kentucky Rules of Civil Procedure. The Hearing Officer may hear summations by counsel. While strict rules of evidence governing trial at law or in equity need not be applied, the Hearing Officer will abide by the general principles of evidence to the end that a rational investigation after the truth may be had.
- C) The Hearing Officer may grant continuances to either side for good cause shown. The introduction of issues not raised by pleadings is good cause for continuation of the hearing as to such issues.

Consequences of default

- A) Default as used herein is defined as:
 - 1) The failure of a Respondent to appear at a hearing shall be ruled as a default.
 - 2) Any act, counsel, deliberate omission, communication, signal, or the like, direct or indirect, made or done by a Respondent or any of his/her agents or attorneys on his/her behalf, which:
 - a) Induces or helps to induce a person other than the Respondent to refrain from testifying before the Commission, to refrain from discussing a matter with the Commission staff, to frustrate adjustments, or to misrepresent any fact to the Commission; or
 - b) Frustrates or attempts to frustrate an investigation, or cause the misrepresentation of a fact to the Commission.
- B) Whenever the Hearing Officer decides by clear and convincing evidence that a default has occurred, he/she shall serve upon the Respondent so charged an order of default against him/her. The making of such an order entitles the hearing Officer forthwith to make findings of fact sustaining the averments of the complaint without resort to testimony.

Findings of fact: conclusions of law

- A) Findings of fact and conclusions of law shall be made after all hearings have ended in a matter before the Hearing Officer and they shall be in the style prescribed in Rule 52.01, Kentucky Rules of Civil Procedure. Findings of fact made as a consequence to a default need merely recite the averments on the

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

complaint are true because of the default. Conclusions of law must accompany findings of fact made upon a default.

- B) Based upon the findings of fact and conclusions of law, the Hearing Officer shall, as to each Respondent, either dismiss the complaint on the merits or order the Respondent to cease and desist from the prohibited discriminatory practice or practices and take such affirmative action as detailed in KRS 344, Title VII of the Federal Civil Rights Act as amended, as the Hearing Officer deems necessary to remedy the violation and to prevent its continuation or recurrence. All Hearing Officer orders made under this rule shall be served upon each Complainant and Respondent affected by the order.

Appeal of Hearing Officer decision

- A) An appeal of the determination of the Hearing Officer to the Appeal Panel can be made only by filing with the Commission a notice of appeal. The service of such filing shall be made within 30 days after the service of the Hearing Officer's order. The notice of appeal shall specify the Hearing Officer's errors and the relief sought by the appeal. A brief may be filed within 30 days of the notice of appeal. A reply brief may be filed within 30 days of service of the appellant's brief.
- B) The Appeal Panel shall affirm, modify, reverse or remand after a review of the transcript, briefs, and findings and orders of the Hearing Officer. The Commission shall serve a copy of its final order upon each affected Respondent and individual Complainant. The Appeal Panel has the discretion to request oral argument.
- C) The Human Relations Commission shall complete its internal process within 365 days unless impractical to do so. The Commission shall endeavor to meet all deadlines. The Respondent and Complainant shall be notified of any necessary extension sought or granted by the Chair of the Commission.
- D) The Commission may make such investigations and hold such hearing as it sees fit to determine whether a Respondent, who has been ordered to cease and desist from an unlawful practice or practices, has complied with the order.

Appeals

Any Respondent or Complainant aggrieved by final order of the Commission, or any Complainant aggrieved by the final order of dismissal of his or her complaint by the Commission, may obtain a review of such order in the Jefferson Circuit Court by filing with the Clerk of the Court, within 30 days after service on him of

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

the order, a written petition in duplicate praying that such order be modified or set aside, and by serving a duplicate copy of the petition on the Commission. The Commission shall then cause to be filed in the Court a certified transcript of the record in the proceedings before it, including the pleadings, testimony and order.

Penalty

- A) In addition to any remedial order, if the Commission finds that any person has committed an unlawful practice with regard to housing, as defined in this chapter, it may subject such person to a fine not greater than civil penalties established by the Federal Fair Housing Act in Section 812. The Commission may, if such person refuses to pay the fine, file an action in the Jefferson Circuit Court for the collection thereof
- B) If a real estate broker, a real estate salesman, or an employee thereof has failed to comply with any order issued by the Commission, or has been found to have committed an unlawful housing discrimination practice in violation of this regulation, the Commission shall so notify in writing the Real Estate Commission of the Commonwealth of Kentucky.

Obstruction and retaliation

It shall be a prohibited, unlawful practice for any person:

- A) To retaliate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter or because he or she has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, hearing or conference before the Commission under this chapter; or
- B) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter or to obstruct or prevent any person from complying with the provisions of this chapter; or
- C) To obstruct or prevent a person from complying with the provisions of this chapter, or any order of the Commission issued thereunder; or
- D) To resist, prevent, impede, or interfere with the Human Relations Commission or any of its members or representatives in the lawful performance of its or their duties under this chapter; or
- E) Complaints filed with the Commission under this section shall be processed in conformity with the provisions set forth herein.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

Computation of time

In computing time periods of time of less than ten days, under this chapter, Saturdays, Sundays and legal holidays shall be excluded.

Filing and serving papers

All papers required to be filed with the Commission may be mailed to the Commission for filing. All papers required to be served by the Commission shall be mailed to the person by certified mail, return receipt requested. Service or filing by mail is complete upon receipt by the addressee or five days after mailing, whichever comes first.

Affirmative marketing plan required for city funds

No person, firm, corporation, association or agency of Jefferson County that provides housing opportunities for citizens of Jefferson County with the direct or indirect assistance of Metro Government funds, shall be approved by Metro Government or recommended for approval by any Metro Government entity without submission of an approved housing affirmative marketing plan.

Analysis of population by race; goals and timetables for appropriate representation

An approved housing affirmative marketing plan must be in writing and include an analysis of the eligible population by race, which is likely to apply for the housing proposed because of neighborhood custom, price or past patterns of discrimination. Development of documentable outreach programs to market the housing to the segment of the population by race least likely to apply and the establishment of goals and timetables to which the entity's good faith efforts will be directed, shall ensure appropriate representation by race.

Programs and activities required to submit plan; exceptions

Programs and activities required to submit an approved housing affirmative marketing plan before final approval include, but are not limited to, CDBG activities, low interest mortgage bond programs, public housing/Section 8 programs, UDAG applicant, IRB housing application, and sale of Metro government owned property specifically for the purpose of providing housing. Program proposals which involve fewer than ten housing units or lots are excluded from having an approved plan except that all advertising shall include the fair housing logo or wording.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

Submission of monthly reports by housing developments required

Housing developments receiving direct or indirect assistance of Metro Government funds or personnel and which are required to have approved affirmative action plans shall be required to submit monthly reports during the initial rent-up stage for not less than two months nor more than six months. Such reports shall include, but are not limited to, a list of the media used to advertise availability, copies of advertising text, number of applicants by race, number of occupants by race and number of remaining available units.

Administration Affirmative Action Officer

The Affirmative Action Officer for the Metro Louisville government shall receive written reports on all affected projects and will approve, modify and reject proposals submitted through departmental offices.

Severability

If any section, subsection, sentence or clause of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter.

Conflict

If any section, subsection, sentence or clause of this chapter is found to be in conflict with a provision of any zoning, building, health, fire or safety code of Jefferson County or the Commonwealth of Kentucky, the provision which establishes the high standard for the promotion and protection of the public health and safety shall prevail.

DEFINITION OF TERMS

The following definition of terms used in this booklet shall apply unless the context clearly indicates or requires a different meaning.

Administrative closures. Complaint closures other than on the merits, such as failure to locate, failure to cooperate and withdrawals.

Appeal Panel. A panel of not less than three Commissioners appointed by the Chair of the Human Relations Commission-Enforcement to hear appeals from decisions of the Hearing Officer.

Canvassing. Includes door to door solicitation by the use of circular advertisements or any other means where the canvasser or his employer has not been requested by

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

the owner to obtain a listing of any housing accommodation or to confer with the owner regarding a transaction involving a housing accommodation.

Commission. The Louisville/ Jefferson County Human Relations Commission as authorized by appointments, resolutions and ordinances of the Mayor and Metro Council.

Commissioner. A member of the Louisville/Jefferson County Human Relations Commission.

Disability. A physical or mental impairment, which substantially limits one or more major life activities, a record of such impairment, or a condition which is regarded as causing such impairment. Current illegal use of drugs or chemicals shall not be considered a disability hereunder. Life activities shall be considered to include, but not necessarily limited to, communication, ambulation, socialization, self-care, education, vocational training, employment, transportation and adapting to housing.

Discrimination. Any direct or indirect act or practice or exclusion, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this chapter.

Employee. Any individual employed by an employer, but not including an individual employed by his or her parents, spouse or child, or an individual employed to render services as a nurse, domestic or personal companion in the home of the employer.

Employer. Any person who has two or more employees in each of four or more calendar weeks in the current or preceding calendar year, and any agent of such person.

Employment Agency. Any person regularly undertaking, either with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer and includes any agent of such person.

Executive Director. The Executive Director of the Human Relations Commission.

Familial Status. One or more individuals who have not attained the age of 18 years and are being domiciled with a parent or another person having legal custody of such individual or individuals; or 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 persons who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

Financial Institutions. Any person engaged in the business of lending money or guaranteeing losses.

Gender Identity. Manifesting an identity not traditionally associated with one's biological maleness or femaleness.

Hearing Officer. The Hearing Officer employed by the Human Relations Commission- Enforcement to hear complaints under applicable anti-discrimination laws.

Housing Accommodation.

1) Any parcel or parcels of real property or lands, or any interest therein, whether contiguous or noncontiguous located in Jefferson County, used for the building of one or more housing or rooming units or for mobile homes or mobile home parks owned by or otherwise subject to the control of one or more persons; or

2) Any real property, including vacant land intended for any sale or lease, or any interest therein, located in Jefferson County; or

3) Any single-family dwelling or multi-family dwelling, or any portion thereof, including a housing unit or a rooming unit, or any interest therein, located in Metro Louisville, which is used or occupied, or intended, arranged, assigned, or designated to be used or occupied, as the home, home-site, residence, or sleeping place of one or more persons.

Housing Unit. A single room, suite or rooms, or apartment, containing cooking and kitchen facilities, occupied or intended for occupancy as living quarters, by a person, a family, or a group of persons living together.

Labor Organization. Any labor organization and an agent of such an organization, including an organization of any kind, an agency or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint or system board, or joint council so engaged, which is subordinate to a national or international labor organization.

Owner. Includes a lessee, sub-lessee, co-tenant, assignees, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.

Person. Includes an individual and any group of one or more natural persons, such as, but not limited to, labor unions, joint apprenticeship committees, partnerships,

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trusts, legal representatives, trustees in bankruptcy, receivers, or any individuals acting in a financial or representative capacity, either appointed by a court or otherwise, the Metro Government or any of its agencies, and any other legal, governmental or commercial entity as well as a natural person or persons. **Persons**, when applied to any of the foregoing, includes members, representatives, officers, and directors.

Place of Public Accommodation, Resort or Amusement. Any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; except that a private club is not a place of public accommodation, resort or amusement if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests; and **Place of Public Accommodations Resort or Amusement** does not include a rooming or boarding house containing not more than one room for rent or hire and which is within a building occupied by the proprietor as his or her residence.

Purchaser. Includes any occupant, prospective tenant, assignee, prospective assignee, buyer, or any other person seeking the right of ownership or possession, or any agent of any of these.

Real Estate Broker or Real Estate Salesperson. An individual, whether licensed or not, who for a fee, commissions, salary, or other valuable consideration or who with the intention or expectation or receiving or collecting consideration, lists, sells, purchases, exchanges, rents, or leases any housing accommodation, including option thereupon, or who negotiates rents or leases any housing accommodation, including option thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds oneself out as engaged in such activities; or who negotiates or attempt to negotiate a loan secured by a mortgage or other encumbrance on transfer of any housing accommodation or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby a person undertakes to promote the sale, purchase, exchange, rental, or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

Real Property. Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditments, corporeal and incorporeal.

Rooming Unit. Any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

DISCRIMINATORY PRACTICES

Employment, Housing, Public Accommodations & Biased Related Crimes

Sexual Orientation. An individual's actual or imputed heterosexuality, homosexuality or bisexuality.

Source:

1. Chapter 92, Jefferson County Fiscal Court Code of Ordinances, adopted and effective October 12, 1999.
2. Louisville Metro Amended Ordinance No. 193, Series 2004.

Any questions or requests for additional information please contact:

Louisville and Jefferson County Metro Human Relations Commission

410 West Chestnut Street, Suite 300A

Louisville, KY 40202

E-mail: hrc@louisvilleky.gov

Tel.: (502) 574-3631

Fax: (502) 574-3190

TDD: (502) 574-4332

© Copyright Louisville and Jefferson County Metro Human Relations Commission, 2008