

Kentucky Commission on Human Rights

Heyburn Building, Suite 700
332 West Broadway
Louisville, KY 40202
(502) 595-4024
Fax: (502) 595-4801

Email: kchr.mail@mail.state.ky.us

Website: www.state.ky.us/agencies2/kchr

**Toll Free Statewide
In Kentucky**
(800) 292-5566

TDD Lines

(502) 595-4084

Kentucky Relay Service

(800) 648-6056 (tty/tdd)

Field Office

Northern Kentucky Field Office
City Building, Suite 401
636 Madison
Covington, KY 41011
(859) 292-2935
Fax: (859) 292-2938



The Kentucky Commission on Human Rights affords all persons equal employment opportunity and equal access to services without regard to race, color, national origin, disability, age, sex, or religion. This publication may be available in other formats for the disabled.

Printed with state funds 04/01

Disability and Fair Housing in

It's
the
LAW



Rights and responsibilities of
property managers, owners, and
housing customers under the
Kentucky Civil Rights Act

Commission on Human Rights

The Law

The Kentucky Civil Rights Act was amended in 1992 to provide legal protection for person with disabilities to obtain housing. Chapter 344 defines an individual with a 'disability' as someone with:

- (a.) A physical or mental impairment that substantially limits one or more major life activities,
- (b.) A record of such an impairment, and/or
- (c.) Being regarded as having an impairment.

Persons with current or past controlled-substance or alcohol abuse problems are not covered by Kentucky law. However, persons in recovery for substance or alcohol abuse may be covered under Federal law.

It is unlawful for a real estate operator, broker, or sales agent to:

- (a.) Refuse to sell, rent, lease or exchange real property for discriminatory reasons;
- (b.) Refuse to receive or transmit good faith offers to purchase or rent;
- (c.) Deny any services or facilities relating to real property transactions;
- (d.) Represent that real property is not available for inspection sale or rental when in fact it is;
- (e.) Retain a listing with the understanding that the seller plans to discriminate, or
- (f.) Discriminate in the terms or conditions of sale or rental.

In addition, the law specifies two additional practices, which are prohibited in relation to disability:

- (a.) Refusal to make reasonable accommodations in rules, policies, practices and services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a housing accommodation, and
- (b.) Refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises if the modifications may be necessary to afford the person full enjoyment of the premises.

A landlord may, where it is reasonable to do so, make condition modifications of the property contingent upon the renter agreeing to restore the interior of the premises to the condition that existed before the modification.

Kentucky Civil Rights Act

The Kentucky Civil Rights Act (KCRA) protects persons in the state from discrimination based on race, color, religion, national origin, sex, and disability in employment, housing, financial transactions, and public accommodation. Also illegal is discrimination in employment based on age (40 and over); discrimination against a person because he or she does or does not smoke; retaliation emanating from filing a complaint; and discrimination in housing based on familial status (households with children age 17 and under).

The Kentucky Commission on Human Rights (KCHR) enforces the KCRA. It is comprised of 11 Commissioners, who are appointed by the Governor, and KCHR staff. The Commissioners oversee the work of the staff and act as a court in hearing discrimination complaints presented by KCHR staff attorneys.

Staff compliance enforcement officers receive and investigate complaints of discrimination. If investigation indicates probable cause to believe illegal discrimination occurred, enforcement officers forward the complaint to staff attorneys for litigation. When a conciliation settlement cannot be reached, the Commissioners may hold a hearing. They issue corrective orders when discrimination is proven. Orders can include payment of damages for embarrassment and humiliation to the victims of discrimination. The Commissioners may ask a circuit court to enforce an order.



Frequently Asked Questions:

Q - If a landlord has a "No Pets" policy, can he/she refuse to rent to a disabled person who requires a guide dog?

A - NO. A landlord may have a 'no pets' policy and enforce that policy, however, a guide dog or service animal is not a pet. Its purpose is to assist a person with a disability and acceptance of the service animal would be considered a reasonable accommodation.

Q - If a landlord is willing to accept pets, but charges a special pet fee or pet rent, can those same fees be charged for a service animal?

A - NO. The landlord may establish a pet policy and related fee schedule. However, the policy and fee schedule have no bearing on service animals and no pet fee or additional deposit may be charged to a person with a disability for having a service animal residing on the premises.

Q - If a person needs a ramp in order for a unit to be accessible, must that ramp be allowed if it would interfere with other residents' access and pathways, or if the ramp would result in the violation of another law or code?

A - The law states that the modification must be "reasonable". One of the tests of reasonableness is the effect or impact the modification will have on the rights of other residents. If the modification would severely restrict or interfere with other residents' rights, it is possible that it may not be "reasonable". The law also states a property owner may not be required to violate another law in order to comply with the Fair Housing Law, e.g. zoning, parking requirements or fire codes.

Q - If a landlord agrees to permit a renter to make necessary modifications, is it all right to charge a higher rent or security deposit to cover the cost of converting back to the original condition when the premises is vacated?

A - NO. Charging higher rents or deposit is potentially unlawful because it may appear to be a different term or condition based on a protected class (disability). A landlord and renter may, however, negotiate a dollar amount, which would be deposited into an escrow account, and which would be sufficient to cover the cost of conversion when the premises are vacated.

Q - If a landlord has knowledge about a mental illness that an applicant has and the landlord is afraid the applicant's behavior may upset the other residents, is it legal to refuse to rent to that person?

A - A person with a mental disability who applies for housing should be screened in the same manner and held to the same eligibility standards as other applicants. Acceptance or rejection of that person as a renter should be based on whether or not they meet eligibility standards, not on the fact that the person has a disability. An applicant's acceptance needs to be based on standards relating to rental history and behavior, not on the mental disability. There may, however, be instances in which a disability has affected the individual's ability to meet the eligibility standards and the landlord might permit an accommodation. For example, an individual's credit may be poor due to the disability, but everything else has checked out. The landlord might agree to a six-month lease as a trial period and extend to the usual full year if the rent is paid in full and on time.

Q - If a landlord knows that an applicant has a record of violent behavior, must he/she rent to that person?

A - The law states that housing need not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. Although some behaviors may be the result of a mental illness, the law does exclude certain behaviors from the protection of the law.

Q - Is an individual who is HIV Positive or who has AIDS protected by this law?

A - YES. Persons who have AIDS or are HIV Positive have protected class status under disability and are entitled to the full protection of the law. In addition, KRS 207.250 makes it unlawful to disclose the fact that a current or former occupant is infected with HIV or has AIDS and also protects an owner or his/her agent from legal action for the failure to disclose that information.