

Kentucky Commission on Human Rights

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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.

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What Kentucky's Fair Housing Law Means



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

Commission on Human Rights

WHAT HOUSING IS COVERED

Real property, (home, apartments, lots, etc.) rented or sold, whether by or through a real estate broker, sales agent or operator, or directly by the owner.

EXEMPTIONS INCLUDE:

The rental of an owner-occupied duplex or one room in a private home; the sale of property without help from a real estate dealer and without public advertising; and rental of church-owned housing to the extent of giving preference to those of that religion.

Refusal to rent on the basis of sex if:

- ◆ A single sex dormitory; the landlord chooses not to rent to unmarried couples; or the landlord rents fewer than 10 units or to fewer than 10 persons in an owner-occupied facility; it can be demonstrated that gender-based exclusions are necessary for reason of personal modesty or privacy.

Refusal to rent on the basis of familial status if:

- ◆ Housing is intended as housing for older persons: occupants 62 years of age or older; or 80 percent of all units in the facility have occupants 55 years of age or older and special services for older persons are provided.

WHO IS COVERED

- *Real estate operators, brokers and agents
- *Savings & loan associations, mortgage lenders, banks, or other financial institutions
- *Apartment house agents
- *Rental agents
- *Builders, contractors and developers
- *Owners of building lots
- *Advertising media
- *Home owners advertising and selling their own home
- *Multiple listing services/ real estate related organizations
- *Insurers and agents

EQUAL HOUSING OPPORTUNITIES

◆ With the passage of the Fair Housing Law in 1968, Kentucky established a public policy of encouraging fair treatment and equal housing opportunities for all persons, regardless of race, color, religion or national origin.

◆ The General Assembly said that discrimination against an individual represents an affront to the dignity of the individual against whom it is directed, intensifies group conflicts, and is detrimental to the public health, safety and welfare.

◆ In 1972, the General Assembly broadened this law by eliminating all major exemptions and thus covering virtually all housing in Kentucky. Discrimination in the public sale or rental of an individual home by the owner was prohibited. In 1980, the General Assembly again broadened the law to prohibit sex discrimination in housing.

◆ In 1992, the General Assembly expanded the law to prohibit familial status and disability discrimination in housing.

◆ The Kentucky Fair Housing Act provides equal opportunity to all who buy, sell, rent, finance or insure housing. It expands the real estate market by making all housing and property available to all Kentuckians. It protects the individual's basic right to choose where to live.

◆ KCHR regulation require this pamphlet be provided to owners and customers at the time of sale, purchase, rental or financing of property.

ENFORCEMENT

The Kentucky Commission on Human Rights (KCHR):

- ◆ Receives complaints which must be filed within one year of the alleged discrimination.
- ◆ Investigates the complaints and determines whether discrimination has occurred.
- ◆ Attempts to eliminate discriminatory acts through conference, persuasion and conciliation.
- ◆ Enters into conciliation agreements which are enforceable in court.
- ◆ Holds public hearings on complaints where discrimination has occurred if conciliation attempts fail.
- ◆ Issues court-enforceable cease and desist and affirmative action orders.
- ◆ Assesses damages and/or civil penalties when appropriate.

COMPLAINTS

If you believe you have been discriminated against on the basis of race, sex, color, religion, national origin, familial status or disability:

1. Keep copies of advertisements, letters or other relevant information.
2. Record your experiences. Write down names of individuals involved, all significant conversation and any incidents that may indicate discrimination.
3. Contact the offices of the Kentucky Commission on Human Rights.

Incidents of discriminatory treatment or attempts to promote panic-selling should be reported to KCHR.



WHAT THE LAW PROHIBITS:

Kentucky's Fair Housing Law forbids discrimination in housing because of a person's race, color, religion, national origin, sex, disability, or familial status. It also forbids retaliation.

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

- ◆ To refuse to sell, rent, lease or exchange real property for discriminatory reasons.
- ◆ To refuse to receive or transmit good faith offers to purchase or rent.
- ◆ To deny any services or facilities relating to real property transactions.
- ◆ To represent that real property is not available for inspection, sale or rental when in fact it is.
- ◆ To retain a listing with the understanding that the seller plans to discriminate.
- ◆ To discriminate in the terms or conditions of sale or rental.
- ◆ To engage in the tactics and practices of panic-selling; to represent that the racial composition of a neighborhood may change or that property values may lower; or make similar false and misleading statements.

It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of any housing rights.

It is unlawful for a financial institution:

- ◆ To discriminate in the granting, rates, terms, conditions or services of financial assistance in real estate transactions.
- ◆ To discriminate in the making or purchasing of loans.

It is unlawful for an insurance agent:

- ◆ To discriminate in terms, conditions, or privileges of insurance against hazards to a housing accommodation.

It is unlawful for a multiple listing service/real estate organization:

- ◆ To deny access or restrict membership or participation for discriminatory reasons.