

**CITY OF (INSERT NAME) HUMAN RIGHTS ORDINANCE**

CHAPTER \_\_\_\_\_: HUMAN RIGHTS COMMISSION

CITY OF (INSERT NAME) HUMAN RIGHT COMMISSION

**§ \_\_\_\_\_ PURPOSE:**

It is the public policy of the City of (insert name) (the "City") to promote fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, gender identity, or familial status. The City desires to implement a policy to protect all individuals within the City from discrimination on the basis of these protected classifications in the contexts of housing and related financial transactions, employment and public accommodations. In these areas, certain discriminatory practices must be prohibited as necessary to protect an individual's personal dignity and ensure freedom from humiliation; to make available to the City all full productive capacities; to secure the City against domestic strife and unrest which would menace its democratic institutions; and to preserve the public safety, health, and general welfare.

To facilitate the achievement of these policies and goals, the City hereby enacts this ordinance and creates the (insert name) Commission on Human Rights (the "Commission") all in accordance with the provisions set out in KRS 344.300 – 344.350 of the Kentucky Civil Rights Act, KRS Chapter 344 et seq. (the "KCRA"). The City Commission shall enter into cooperative working agreement(s) with the Kentucky Commission on Human Rights, (the "KCHR"), for the purpose of referring all discrimination claims cognizant under KCRA for processing, enforcement, and administrative proceedings by the KCHR, but reserving unto the City Commission the resolution of such claims which are based on sexual orientation or gender identity.

**§ \_\_\_\_\_ DEFINITIONS:**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **AGE**: Age 40 years and over.

2. **"BECAUSE OF SEX" OR "ON THE BASIS OF SEX"**: Shall include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in this section shall be interpreted to permit otherwise.

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

4. CITY: The geographical and jurisdictional limits within the City of (insert name), Kentucky.

5. COLOR: The hue or pigmentation of the human skin.

6. COMMISSION: The (insert name) Commission on Human Rights.

7. COMMISSIONER: A member of the (insert name) Commission on Human Rights.

8. DIRECT THREAT: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

- (a) The duration of the risk;
  - (b) The nature and severity of the potential harm;
  - (c) The likelihood that the potential harm will occur; and
  - (d) The imminence of the potential harm.
- (Source, 29 CFR §1630.2(f))

9. DISABLED INDIVIDUAL: Any person who:

- (a) Has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (b) Has a record of a physical or mental impairment that substantially limited one or more of the major life activities of such individual; or
- (c) Is regarded or perceived by an entity or person regulated under this subchapter as having an impairment that is neither transitory (lasting or expecting to last for six months or less) nor minor, whether or not such impairment actually exists, and whether or not the impairment was perceived as substantially limiting, but only where the regulated entity or

person takes an action prohibited by this subchapter based upon the impairment.

Persons with current or past controlled substances abuse or alcohol abuse problems and persons excluded from coverage by the Americans with Disabilities Act of 1990 (P.L. 101-336) shall be excluded from this section.

10. **DISCRIMINATION:** Any direct or indirect act or practice of exclusion, distinction, 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 subchapter.

11. **DISCRIMINATORY HOUSING PRACTICE:** means an act that is declared unlawful under KRS 344.360, 344.370, 344.380, 344.680, or this City Ordinance No.: \_\_\_\_\_.

12. **EMPLOYEE:** An individual employed by an employer, but does not include an individual employed by his parent(s), grandparent(s), spouse, or child, or an individual employed to render services as a domestic in the home of the employer.

13. **EMPLOYER:** Any person who has eight (8) or more employees within the city in each of twenty (20) or more calendar weeks in the current or preceding calendar year and an agent of such a person, except for purposes of determining discrimination based on disability, employer means a person engaged in an industry affecting commerce who has fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and any agent of that person

14. **EMPLOYMENT AGENCY:** Any person or entity 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 any agent of such person or entity.

15. **FAMILY:** Includes a single individual.

16. **FAMILY STATUS:** One or more individuals who have not attained the age of 18 years being domiciled with:

(a) A parent or another person having legal custody of the individual or individuals; or

(b) The designee of the parent or other person having such custody, with the written permission of the parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

17. **FINANCIAL INSTITUTION:** A bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

18. **GENDER IDENTITY:** means the actual or perceived appearance, expression or identity of a person with respect to masculinity and femininity.

19. **HOUSING ACCOMMODATION:**

(a) Any parcel or parcels of real property or lands, or any interest therein, whether contiguous or noncontiguous, located in the City, 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;

(b) Any real property, including vacant land intended for sale or lease, or any interest therein, located in the city; or

(c) Any single-family dwelling or multiple-family dwelling, or any portion thereof, including a housing unit or a rooming unit, or any interest therein, located in the city, 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.

20. **HOUSING UNIT:** A single room, suite of 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.

21. **LABOR ORGANIZATION:** Any labor organization and an agent of such 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 counsel so engaged, which is subordinate to a national or international labor organization.

22. **LICENSING AGENCY:** Means any public or private organization which has as one (1) of its duties the issuing of licenses or the setting of standards which an individual must hold or must meet as a condition to practicing a particular trade or

profession or to obtaining certain employment within the state or as a condition to competing effectively with an individual who does hold a license or meet the standards.

23. **MAJOR LIFE ACTIVITIES:** Those basic activities, including major bodily functions that most people in the general population can perform with little or no difficulty. Major life activities include, but are not limited to:

(a) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(b) The operation of major bodily functions, including functions of the immune system, special sense organs, and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. For example, kidney disease affects bladder function; cancer affects normal cell growth; diabetes affects functions of the endocrine system (e.g., production of insulin); epilepsy affects neurological functions or functions of the brain; and Human Immunodeficiency Virus (HIV) and AIDS affect functions of the immune system and reproductive functions. Likewise, sickle cell disease affects functions of the hemic system, lymphedema affects lymphatic functions, and rheumatoid arthritis affects musculoskeletal functions.

(Source, EEOC Notice of Proposed Rulemaking to Implement the 2008 Americans With Disabilities Act Amendments Act of 2008) Federal Register/ Vol. 74, No. 183 48431 (Wednesday, September 23, 2009))

24. **MINOR CHILD:** A person under 18 years of age.

25. **MITIGATING MEASURES:** "Mitigating measures" include, but are not limited to:

(a) Medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(b) Use of assistive technology;

(c) Reasonable accommodations or "auxiliary aids or services" (as defined by 42 U.S.C. 12103(1)); or

- (d) Learned behavioral or adaptive neurological modifications; or those that permanently eliminate an impairment.

(Source, EEOC Notice of Proposed Rulemaking to Implement the 2008 Americans With Disabilities Act Amendments Act of 2008) Federal Register / Vol. 74, No. 183 48431 (Wednesday, September 23, 2009))

26. **NATIONAL ORIGIN:** The country or region from which a person was born, or from which their family originate.

27. **OWNER:** A lessee, sub lessee, co-tenant, assignee, managing agent, or other person having the right of ownership or possession, or the right to sell, rent, or lease any housing accommodation.

28. **PERSON OR INDIVIDUAL:** An individual and any group of one or more natural persons such as, but not limited to, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trusts, legal representatives, trustees, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity, either appointed by a court or otherwise, the city and county 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.

29. **PHYSICAL OR MENTAL DISABILITY:**

- (a) A physical or mental impairment that substantially limits one or more of the major life activities;
- (b) A record of physical or mental impairment that substantially limited one or more major life activities; or
- (c) Having been regarded or perceived by an entity or person regulated under this subchapter as having an impairment that is neither transitory (lasting or expecting to last for six months or less) nor minor, whether or not such impairment actually exists, and whether or not the impairment was perceived as substantially limiting, but only where the regulated entity or person takes an action prohibited by this subchapter based upon the impairment.

Current or past controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) abuse or alcohol abuse problems shall be excluded within the definition of "physical or mental disability." Also excluded from coverage under this definition are disabilities that, after allowing for reasonable accommodation, would nonetheless constitute a direct threat to the

property or safety of the disabled person or others, or that would prevent performance of essential job functions.

30. **PHYSICAL OR MENTAL IMPAIRMENT:**

(a) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(b) Any mental or psychological disorder, such as an intellectual disability (formerly termed mental retardation), organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Source, EEOC Notice of Proposed Rulemaking to Implement the 2008 Americans With Disabilities Act Amendments Act of 2008) Federal Register / Vol. 74, No. 183 48431 (Wednesday, September 23, 2009)).

Current or past controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) abuse or alcohol abuse problems shall be excluded within the definition of "physical or mental impairment." Also excluded from coverage under this definition are impairments that, after allowing for reasonable accommodation, would nonetheless constitute a direct threat to the property or safety of the disabled person or others, or that would prevent performance of essential job functions. (Source, Covington Human Rights Ordinance and KRS 344.010(4)).

31. **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.

The exemptions to a place of public accommodation, resort or amusement shall be the same as those contained in KRS 344.130 and 344.145.

32. **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.

33. **QUALIFIED INDIVIDUAL WITH A DISABILITY:** An individual with a disability as defined in KRS 344.010 who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's disability without

undue hardship on the conduct of the employers' business. Consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job.

34. **RACE:** A subdivision of mankind having a relatively constant set of physical traits, such as color of skin and eyes, stature, texture of hair, and so forth.

35. **REAL ESTATE BROKER OR REAL ESTATE SALESPERSON:** An individual, whether licensed or not, who for a fee, commission, salary, or other valuable consideration or who with the intention or expectation of receiving or collecting consideration, lists, sells, purchases, exchanges, rents, or leases any housing accommodation, including options thereupon, or who negotiates, rents or leases any housing accommodation, including options 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 attempts 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.

36. **REAL ESTATE OPERATOR:** Means any individual or combination of individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, or other legal or commercial entity, the county, or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting, or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part, from the sale, purchase, exchange, rental, or lease of real estate; or an individual employed by or acting on behalf of any of these.

37. **REAL ESTATE RELATED TRANSACTION:** Means any of the following:

- (a) The making or purchasing of loans or providing other financial assistance;
  - (1) For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or
  - (2) Secured by real estate.
- (b) The selling, brokering, or appraising of real property except that a person engaged in the business of furnishing appraisals of real property may take



into consideration factors other than race, color, religion, national origin, sex, disability, sexual orientation, gender identity or familial status.

38. **REAL PROPERTY:** Includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

39. **REASONABLE ACCOMMODATION:** Includes making existing facilities used by employees readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

40. **RELIGION:** Includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

41. **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.

42. **SEXUAL ORIENTATION:** An individual's actual or imputed heterosexuality, homosexuality, bisexuality or asexuality.

43. **SUBSTANTIALLY LIMITS:** Describes an impairment that "substantially limits" the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered a disability. Also, an impairment that "substantially limits" one major life activity need not limit other major life activities in order to be considered a disability. The "transitory and minor" exception in regard to the "regarded as" prong of the definition of "disability" does not establish a durational minimum for the definition of "disability" under to a showing of actual disability or record of disability. An impairment may substantially limit a major life activity even if it lasts, or is expected to last, for fewer than six months.

44. **UNDUE HARDSHIP:** For purposes of disability discrimination, "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (a) The nature and cost of the accommodation needed;

- (b) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at the facility; the effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;
- (b) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; and the number, type, and location of its facilities; and
- (c) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

§ \_\_\_\_\_ **CREATION OF COMMISSION:**

1. Pursuant to KRS 344.300, there is hereby created a (insert name) Commission on Human Rights, (the "Commission"). It shall consist of five (5) members who shall be appointed on a non-partisan basis and shall be broadly representative of employers, proprietors, real estate operators, brokers, sales persons and lending institutions, trade unions, human rights groups, and the general public. The Mayor shall appoint the members. Of the first members appointed, three shall be appointed for one year, and two shall be appointed for two years; after the first appointments, all appointments shall be for a term of three years, and members shall continue to serve until reappointed or replaced.

A member chosen to fill a vacancy otherwise than by expiration of a term shall be appointed for the unexpired term of the member who he/she is to succeed. A member of the Commission is eligible for reappointment. Before making new appointments, the Mayor shall request the recommendations of the Commission. No elected or appointed city official shall be a member of the Commission. The members shall serve without compensation.

2. The Mayor may remove any member of the (insert name) Human Rights Commission for a conflict of interest violation, any other violation of applicable law, regulation or policy, nonattendance to duty, failure to attend three consecutive regularly scheduled meetings without a leave of absence approved by the Mayor, or any other just cause.

§ \_\_\_\_\_ **POWERS AND DUTIES OF THE COMMISSION:**

- 1. Subject to the provisions of this subsection, the Commission shall have all of the powers and duties set out in KRS 344.300 thru KRS 344.350.

2. The Commission's essential mission and goal is to eradicate all forms of discrimination in the City of (insert name). The Commission shall encourage fair treatment, equal opportunity, mutual understanding and respect for and among all persons of all social and economic groups, regardless of race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, gender identity, or familial status.
3. In addition to its powers and duties otherwise enumerated, the Mayor may require the Commission to conduct studies and make reports which may be deemed necessary to further the mission and goals of this subsection.
4. The Commission shall elect a chair, vice-chair, secretary and treasurer, and such other officers as it deems necessary. The chair of the Commission shall appoint such committees as the Commission may deem necessary in order to carry out its functions.
5. The Commission shall adopt a budget for expenditures within the limits of the funds made available by the city. The treasurer shall make a semi-annual financial report to the Commission, the Mayor and other city officials.
6. The Mayor shall provide suitable office space and facilities for the Commission if such space is available, and shall meet to conduct regular business at least once every three (3) months.

§ \_\_\_\_\_ COMMISSION'S RELATIONSHIP WITH THE KENTUCKY  
COMMISSION ON HUMAN RIGHTS:

In order to effectuate and enforce the provisions of this subsection, the Commission shall enter into a cooperative working agreement with the Kentucky Commission on Human Rights whereby all claims filed with the Commission alleging discrimination in employment, public accommodations, housing, financial and credit transactions based on race, color, national origin, religion, age (over 40), familial status and disability, shall be referred to the Kentucky Commission on Human Rights for investigation and enforcement in accordance with the Kentucky Civil Rights Act, KRS Chapter 344 *et seq.* The Commission shall reserve to itself the resolution of all claims of discrimination based on sexual orientation or gender identity.

The Commission shall, when requested and with the advice and consent of the Mayor, act in an advisory capacity to and otherwise cooperate with the Kentucky Commission on Human Rights where ever possible to effectuate compliance with the Kentucky Civil Rights Act and this subchapter.

§ \_\_\_\_\_ DISCRIMINATORY HOUSING PRACTICES: SALE, RENTAL  
AND/OR RELATED FINANCIAL TRANSACTIONS:

It is a prohibited unlawful discriminatory housing practice for a person, owner, financial institution, real estate broker, real estate salesperson, or real estate operator, or any representative, agent or employee thereof to:

1. 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 his or her race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or,
2. Discriminate against a person because of that person's race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status in the 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,
3. 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 his or her race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or,
4. Refuse to negotiate for the sale, purchase, exchange, rental, or lease of any housing accommodation to a person because of his or her race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or,
5. Represent to a person that any housing accommodation is not available for inspection, sale, purchase, exchange, rental, or lease when in fact it is so available, or to refuse to permit an individual to inspect any housing accommodation because of his or her race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or,
6. 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 it relates to a person's race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or,
7. Offer, solicit, accept, or use a listing of real property for sale, purchase, exchange, rental, or lease with the understanding that an individual may be subjected to discrimination in connection with such sale, purchase, exchange, rental, or lease, or in the furnishing of facilities or services in

- connection therewith because of his or her race, color, religion, national origin, sex, disability, handicap, sexual orientation, gender identity, or familial status; or,
8. Otherwise deny to or withhold real property from any person because of his race, color, religion, sex, familial status, disability, national origin, sexual orientation or gender identity;
  9. Discriminate in the sale or rental, or to otherwise make unavailable or deny, a housing accommodation to any buyer or renter because of a disability of:
    - (a) That buyer or renter;
    - (b) A person residing in or intending to reside in that housing accommodation after it is so sold, rented, or made available; or
    - (c) Any person associated with that buyer or renter; or
  10. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such housing accommodation, because of a disability of:
    - (a) That person; or
    - (b) A person residing in or intending to reside in that housing accommodation after it is sold, rented, or made available; or
    - (c) Any person associated with that person.
  11. For purposes of this section, discrimination includes:
    - (a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by a person, if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of a 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 accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a housing accommodation; or

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

- (i) The public use and common use portions of the housing accommodations shall be readily accessible to and usable by disabled persons;
- (ii) 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 in wheelchairs; and
- (iii) All premises within the housing accommodations shall contain the following features of adaptive design:
  - (a) An accessible route into and through the housing accommodation;
  - (b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - (c) Reinforcements in bathroom walls to allow later installation of grab bars; and,
  - (d) Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

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

12. As used in this subsection the term "covered multifamily housing accommodation" means:

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

- (b) Ground floor units in other buildings consisting of two (2) or more units.
- 13. Nothing in this section requires that a housing accommodation 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.
- 14. Induce, directly or indirectly, or attempt to induce, directly or indirectly, the sale, purchase, exchange, rental, or lease or the listing for any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status in the area to be affected by such sale, purchase, exchange, rental, or lease will or may result in:
  - (a) The lowering of property values in the area;
  - (b) An increase in criminal or antisocial behavior in the area; or
  - (c) A decline in the quality of the schools serving the area; or
- 15. Make any misrepresentations 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;
- 16. Place a sign purporting to offer for sale, purchase, exchange, rental, or lease any housing accommodation that is not, in fact, so offered;
- 17. Advertise for sale, purchase, exchange, rental, or lease any housing accommodation which is nonexistent or which is not actually being offered;
- 18. Engage in, hire to be done, or to conspire with others 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 housing accommodation;
- 19. To otherwise deny to or withhold any housing accommodation from a person because of his or her race, color, religion, national origin, sex, disability, sexual orientation, gender identity, or familial status; or

20. To fail to reasonably accommodate a disabled person as required by federal fair housing law, as amended, or the fair housing provisions of the Kentucky Civil Rights Act.

21. **EXEMPTIONS:** The provisions of this subchapter, which prohibit discriminatory housing practices, other than the prohibition of discriminatory advertising, shall not apply to any exemptions and exceptions enumerated in KRS 344.365 and KRS 344.367, the terms and provisions of which are hereby adopted in full and incorporated herein by reference.

§            **UNLAWFUL PRACTICES -- PUBLIC ACCOMMODATIONS:**

1. Except as otherwise provided herein, it is an unlawful practice for a person to deny a person 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 KRS 344.130 as a result of that person's race, color, religion, national origin, sex, disability, sexual orientation, or gender identity, as defined herein.

2. It is an unlawful practice for 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 that 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 that person's race, color, religion, national origin, sex, disability, sexual orientation, or gender identity, as defined herein, or that patronage of, or presence at, a place of public accommodation, resort, or amusement, of an individual, on account of that person's race, color, religion, national origin, sex, disability, sexual orientation, or gender identity, as defined herein, is objectionable, unwelcome, unacceptable, or undesirable.

3. It shall be an unlawful practice to deny an individual, because of race, color, religion, national origin, sex, disability, sexual orientation, or gender identity, as defined herein, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a restaurant, hotel, motel, or any facility supported directly or indirectly by government funds.

4. **EXEMPTIONS:** The provisions of this subchapter, which prohibit discrimination in public accommodations shall not apply to any exemptions and exceptions enumerated in KRS 344.130 and 344.145, the terms and provisions of which are hereby adopted in full and incorporated herein by reference.



§ UNLAWFUL PRACTICES -- EMPLOYMENT:

1. It is a prohibited, unlawful practice for an employer:
  - (a) To fail or refuse to hire or to discharge any individual, or otherwise to 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, sex, age (over the age of 40), disability, sexual orientation, or gender identity, as defined herein;
  - (b) To limit, segregate, or classify employees in any way that 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, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity; or
2. It is an unlawful practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of that person's race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity or to classify or refer for employment any individual on the basis of that person's race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity.
3. It is an unlawful practice for a labor organization:
  - (a) To exclude or to expel from its membership or to otherwise discriminate against a member or applicant for membership because of that person's race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity;
  - (b) To limit, segregate, or 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, sex, age (over the age of 40), disability, sexual orientation, or gender identity; or
- (c) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

4. 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 that person's race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity in admission to or employment in any program established to provide such apprenticeship, training, or retraining.
5. It is an unlawful practice for any employer, labor organization, or employment agency to print, publish, or cause to be printed or published any notice, advertisement, classification, or referral for employment imposing any limitation, preference, or specification based on race, color, religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity, except that such notice, advertisement, classification, referral for employment may indicate such a limitation, preference, or specification based on religion, national origin, sex, age (over the age of 40), disability, sexual orientation, or gender identity when it is a bona fide occupational qualification for employment.

6. Nothing herein shall be construed to prevent an employer from:

- (a) Enforcing a written employee dress policy, or requiring an employee to dress in attire customarily worn by members of the employee's biological gender, or
- (b) Designating appropriate restroom and shower facilities based on an employee's biological gender.

7. **EXEMPTIONS:** The provisions of this subchapter, which prohibit discriminatory employment practices shall not apply to any exemptions and exceptions enumerated in KRS 344.090, 344.100 and 344.110, the terms and provisions of which are hereby adopted in full and incorporated herein by reference.

§            **OBSTRUCTION AND RETALIATION:**

It shall be an unlawful practice for a person, or for two (2) or more persons to conspire:

1. To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this chapter, or because he has made a charge, filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter, or

2. To aid, abet, incite, compel, or coerce a person to engage in any of the acts or practices declared unlawful by this chapter, or
3. To obstruct or prevent a person from complying with the provisions of this chapter or any order issued thereunder,
4. To resist, prevent, impede, or interfere with the commission, or any of its members or representatives, in the lawful performance of duty under this chapter, or
5. To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this subsection and KRS 344.360, 344.367, 344.370, 344.380, or 344.680.

§            **ADMINISTRATION:**

1. The Mayor and/or City Manager may appoint a person to assist the Commission to carry out any or all of the duties, obligations, rights or powers under the provisions and enforcement of this ordinance. The job title shall be designated by the Mayor and/or City Manager.
2. The Mayor and/or City Manager shall provide the Commission with a monthly report of complaints received and the status of each complaint.

§            **FILING AND PROCESSING COMPLAINTS:**

1. Any person claiming to be aggrieved by a violation of this ordinance may, within 180 days of the alleged violation shall file a written complaint under oath with the City Manager containing the following information:
  - (a) The name and address (if known) of the alleged violator, ("Respondent") or facts sufficient to identify such person.
  - (b) An outline of the material facts upon which the complaint is based.
  - (c) The alleged violation.
  - (d) That any conduct of the complainant was for the purpose of obtaining the housing, employment, or public accommodation in question and not for the purpose of harassment or entrapment of the person against whom the complaint is made.
  - (e) That a complaint concerning this same matter has not been filed with another agency or that any complaint concerning this matter

filed with another agency has been dismissed by such agency without a final judgment on the merits.

2. Upon receipt of the complaint, the City Manager shall first make the following determination, and take the following action:

- (a) If the complaint alleges discrimination based on race, color, national origin, religion, sex, age (over 40), familial status or disability, the complaint shall immediately be referred to the Kentucky Commission on Human Rights for further processing, investigation an administrative proceedings in accordance with the Kentucky Civil Rights Act, KRS Chapter 344, *et seq.*

- (b) If the complaint alleges discrimination based on sexual orientation or gender identity, a copy of the complaint shall be served on the respondent by certified mail. The respondent shall file a written response to the complaint within twenty (20) days from the receipt thereof.

§            **PRE-INVESTIGATION CONCILIATION EFFORTS:**

- (1) Before conducting a full investigation of the complaint, the City Manager may attempt to negotiate a settlement of the dispute between the parties, if the City Manager deems that such an attempt is practicable.

- (c) If the City Manager does not deem it practicable to attempt a pre-investigation settlement or if such settlement attempt is unsuccessful, the City Manager shall conduct an investigation to determine whether there is probable cause to believe the allegations of the complaint.

§            **INVESTIGATION – FINDINGS AND CONCILIATION:**

1. If, after investigation, the City Manager determines that there is no probable cause to believe that a violation has occurred, the City Manager shall dismiss the complaint. Written notice of the dismissal shall be served upon the complainant and respondent by U.S. Mail postage prepaid. The notice shall state that complainant or his or her designee may file a written request for reconsideration within ten (10) days in accordance with the provisions set out in KRS 344.200.

2. If, after investigation, the City Manager determines that there is probable cause to support the allegations contained in the complaint, the City Manager shall endeavor to eliminate the alleged violation by a conciliation agreement, signed by all parties and the City Manager, wherein the alleged violation is eliminated and the complainant is made whole to the greatest extent practicable.

3. If a settlement is achieved, the City Manager shall furnish a copy of a signed conciliation agreement to the complainant and the respondent. The terms of the conciliation agreement may be made public, but no other information relating to any complaint, its investigation, or its disposition may be disclosed without the consent of the complainant and the person charged. A conciliation agreement need not contain a declaration or finding that a violation has in fact occurred and it may provide for dismissal of the complaint without prejudice. The Commission shall have discretion to approve, modify, or reject the conciliation agreement.

4. If a conciliation is not achieved, the City Manager shall proceed with a hearing in accordance with the KCRA and KRS 13B.

§            **PROCEDURES, HEARINGS, JUDICIAL REVIEW AND APPEALS:**

1. The City Manager shall set a date, time and location for a hearing and notify the complainant and respondent in writing at least twenty (20) days in advance of that hearing date.
2. A hearing officer shall be appointed by the City Manager to preside over the conduct of an administrative hearing and to regulate the course of the proceedings in a manner that will promote the orderly and prompt conduct of the hearing. The hearing officer shall be an attorney, licensed to practice law in the Commonwealth of Kentucky, and shall be certified by the Attorney General's Office to serve as hearing officer in accordance with the requirements set forth in KRS 13B.
3. All pre-hearing proceedings, hearings, judicial review and appeals shall be conducted in accordance with all applicable provisions of the Kentucky Civil Rights Act, including KRS 344.240 and KRS 13B, the provisions of all of which are hereby adopted in full and incorporated herein by reference.
4. Any final adjudication and recommended order must be approved by the Commission.

§            **DAMAGES, INJUNCTIVE/EQUITABLE RELIEF, PENALTIES:**

All damages, injunctive/equitable relief and/or penalties which may be available to a complainant under applicable provisions of the Kentucky Civil Rights Act shall be available to the complainant in proceedings under this ordinance, including actual damages for economic loss, embarrassment and humiliation, reinstatement of employment, lost wages, and/or reasonable modifications/accommodations.

§            **ENFORCEMENT OF COMMISSION ORDERS:**

The proceeding for enforcement of a local commission order shall be in accordance with the applicable provisions of the Kentucky Civil Rights Act, and shall be initiated by filing a complaint in the Circuit Court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the local commission, or within such further time as the court may allow, the local 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 proceeding, the record may be shortened. The findings of fact of the local commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have 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 local commission, or remanding the case to the local commission for further proceedings.