

CHAPTER 97: FAIR HOUSING

Section

- 97.01 [City policy](#)
- 97.02 [Definitions](#)
- 97.03 [Application of regulations](#)
- 97.04 [Discrimination in the sale or rental of housing](#)
- 97.05 [Discrimination in the financing of housing](#)
- 97.06 [Discrimination in the provision of brokerage services](#)
- 97.07 [Exemption](#)
- 97.08 [Administration](#)
- 97.09 [Education and conciliation](#)
- 97.10 [Enforcement](#)
- 97.11 [Investigations; subpoenas; giving of evidence](#)
- 97.12 [Enforcement by private persons](#)
- 97.13 [Interference, coercion, or intimidation](#)
- 97.14 [Prevention of intimidation in fair housing cases](#)

- 97.99 [Penalty](#)

§ 97.01 CITY POLICY.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city.
(Ord. 87-277, passed 9-8-87)

§ 97.02 DEFINITIONS.

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

"DISCRIMINATORY HOUSING PRACTICE." An act that is unlawful under §§ 97.04, 97.05, or 97.06.

"DWELLING." Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"FAMILY." Includes a single individual, but does not include two or more persons living together but not related by affinity or consanguinity within the third degree.

"PERSON." May extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, registered limited liability partnerships, joint stock companies, and limited liability companies. (KRS 446.010 (31))

"TO RENT." Includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(Ord. 87-277, passed 9-8-87)

§ 97.03 APPLICATION OF REGULATIONS.

(A) Subject to the provisions of division (B) below and § 97.07, the prohibitions against discrimination in the sale or rental of housing set forth in this section shall apply to all dwellings except as exempted by division (B) below.

(B) Nothing in § 97.04 shall apply to:

(1) Any single-family house sold or rented by an owner; provided that:

(a) Such private individual owner does not own more than three such single-family houses at any one time;

(b) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this division shall apply only with respect to one such sale within any 24-month period;

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time;

(d) That the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and without the publication, posting, or mailing, after notice of any advertisement or written notice in violation of § 97.04(C), but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(C) For the purposes of division (B) above, a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

(2) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
(Ord. 87-277, passed 9-8-87)

§ 97.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

As made applicable by § 97.03, and except as exempted by §§ 97.03 (B) and 97.07, it shall be unlawful to:

(A) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, disability, national origin, or sex.

(B) 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 therewith, because of race, color, religion, disability, national origin, or sex.

(C) Make print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, disability, national origin, or sex, or an intention to make any such preference, limitation, or discrimination.

(D) Represent to any person because of race, color, religion, disability, national origin, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.05 DISCRIMINATION IN THE FINANCING OF HOUSING.

It shall be unlawful for any bank, building and loan association, insurance company, or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, disability, national origin, or sex of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or

dwellings in relation to which such loan or other financial assistance is to be made or given. Nothing contained in this section shall impair the scope or effectiveness of the exception contained in § 97.03(B). (Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, disability, national origin, or sex.

(Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.07 EXEMPTION.

Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons, unless membership in such religion is restricted on account of race, color, disability, national origin, or sex. Nothing in this chapter shall prohibit a private club, not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. 87-277, passed 9-8-87)

§ 97.08 ADMINISTRATION.

(A) The authority and responsibility for administering this chapter shall be vested in the Mayor.

(B) The Mayor may delegate any of these functions, duties, and powers to employees of the city or to boards of such employees including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this chapter. The Mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the city, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(C) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner which will further the purposes of this chapter and shall cooperate with the Director of Community Development and the Mayor to further such purposes.

(Ord. 87-277, passed 9-8-87)

§ 97.09 EDUCATION AND CONCILIATION.

Immediately after the enactment of this chapter, the Mayor shall commence such educational and conciliatory activities as will further the purposes of this chapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this chapter and his suggested means of implementing it, and shall endeavor with their advice to establish programs of voluntary compliance and enforcement.

(Ord. 87-277, passed 9-8-87)

§ 97.10 ENFORCEMENT.

(A) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Mayor. Complaints shall be in writing and shall contain such information and be in such form as the Mayor requires. Upon receipt of such a complaint, the Mayor shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under division (C) below, the Mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Mayor decides to resolve the complaints, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. No employee of the Mayor shall make public any information in violation of this provision.

(B) A complaint under division (A) above shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegation of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Mayor, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(C) If within 30 days after a complaint is filed with the Mayor, the Mayor has been unable to obtain voluntary compliance with this chapter, the person aggrieved may, within 30 days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Mayor will assist in this filing.

(D) If the Mayor has been unable to obtain voluntary compliance within 30 days of the complaint, the person aggrieved may, within 30 days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights

granted or protected by this chapter, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(E) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(F) Whenever an action filed by an individual shall come to trial, the Mayor shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.11 INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE.

(A) In conducting an investigation, the Mayor, shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Mayor shall first comply with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Mayor may issue subpoenas to compel access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Mayor may administer oaths.

(B) Upon written application to the Mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Mayor to the same extent and subject to the same limitations as subpoenas issued by the Mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(C) Witnesses summoned by subpoena of the Mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(D) Within five days after service of a subpoena upon any person, such person may petition the Mayor to revoke or modify the subpoena. The Mayor shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(E) In case of contumacy or refusal to obey a subpoena, the Mayor or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(F) No person shall willfully fail or neglect to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Mayor. No person shall, with intent thereby to mislead the Mayor, make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Mayor pursuant to his subpoena or other order, or willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or willfully mutilate, alter, or by any other means falsify any documentary evidence.

(G) The City Attorney shall conduct all litigation in which the Mayor participates as a party or as amicus pursuant to this chapter. (Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.12 ENFORCEMENT BY PRIVATE PERSONS.

(A) The rights granted by §§ 97.03 through 97.06 may be enforced by civil actions in the appropriate state or local courts. A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or § 97.10(D) from time to time before bringing it to trial, if the court believes that the conciliation efforts of the Mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Mayor and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this chapter shall not be affected.

(B) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the said plaintiff in the opinion of the court is not financially able to assume the attorney's fees. (Ord. 87-277, passed 9-8-87)

§ 97.13 INTERFERENCE, COERCION, OR INTIMIDATION.

It shall be unlawful 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 §§ 97.03 through 97.06. This section may be enforced by appropriate civil action.

(Ord. 87-277, passed 9-8-87) Penalty, see § 97.99

§ 97.14 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

No person shall, whether or not acting under color of law, by force or threat of force willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with:

(A) Any person because of his race, color, religion, disability, national origin, or sex, and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(B) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, disability, national origin, or sex, in any of the activities, services, organizations, or facilities described in division (A) above; or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, disability, national origin, or sex, in any of the activities, services, organizations, or facilities described in division (A) above, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Ord. 87-277, passed 98-8-87) Penalty, see § 97.99

§ 97.99 PENALTY.

(A) Any person who violates any provision of this chapter for which another penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(B) Any person who violates § 97.14 shall be fined not

more than
\$1,000, or imprisoned not more than one year, or both; and if
bodily injury results shall be fined not more than \$10,000, or
imprisoned not more than ten years, or both; and if death results
shall be subject to imprisonment for any term of years or for
life.

(Ord. 87-277, passed 9-8-87)