

104 KAR 1:080. Guidelines on fair housing.

RELATES TO: KRS 344.010, 344.360-344.385, 344.600-344.680

STATUTORY AUTHORITY: KRS 344.190(14), 24 C.F.R. 101.20, 101.25

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes standards and procedures for determining permissible conduct by persons engaged in real estate or real estate-related transactions.

Section 1. Definitions.

(1) "Real estate operator" is defined in KRS 344.010(8), and includes, subject to KRS 344.362 and 344.365, any person engaging in housing practices or any real estate or real estate-related transaction and is not limited to those persons regularly engaging in real estate as a business.

(2) "Conduct" means in addition to practices prohibited by KRS 344.360 any action including statements, words, and utterances.

Section 2. Discriminatory conduct notice, statements and advertisements shall include:

(1) A written or oral notice or statement by a real estate operator; and

(2) Written notice or statement including an application, flyer, brochure, deed, sign, banner, poster, billboard, or a document used with respect to the sale or rental of housing accommodations; and

(3) Notices, statements and advertisements include the following:

(a) The use of words, phrases, photographs, illustrations, symbols or forms which convey that housing accommodations are available or not available to a particular group of persons because of race, color, religion, sex, disability, familial status, or national origin;

(b) Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, sex, disability, familial status, or national origin of such persons;

(c) Selecting media or locations for advertising the sale or rental of housing accommodations which deny particular segments of the housing market information about housing opportunities because of race, color, religion, sex, disability, familial status, or national origin; and

(d) Refusing to publish advertising for the sale or rental of housing accommodations or requiring different charges or terms for such advertising because of race, color, religion, sex, disability, familial status, or national origin; and

(4) "Prohibited words, phrases, symbols and visual aids" shall include those specified in 24 CFR 109.20(a) to (f).

(5) Use of advertising media shall comply with the provisions of 24 CFR 109.25(a) to (c).

(6) Occupancy restrictions because of familial status.

(a) Real estate operators may enforce nondiscriminatory policies or standards involving reasonable occupancy restrictions on the basis of familial status.

(b) In reviewing occupancy restrictions, the Kentucky Commission on Human Rights shall consider the:

1. Size of bedrooms and unit;

2. Age of children;

3. Configuration of unit; and

4. Other special circumstances which may warrant occupancy restrictions.

Section 3. Material Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Use of words, phrases, symbols, and visual aids, 24 CFR 109.20(a) to (f)", (54 Federal Register 3308, January 23, 1989, as amended at 55 FR 53294, December 28,

1990).

(b) "Selective Use of Advertising Media or Content, 24 CFR 109.25(a) to (c)", (54 Federal Register 3308, January 23, 1989, as amended at 55 FR 53294, December 28, 1990).

(2) This material may be inspected, copied, or obtained:

(a) At the offices of the Kentucky Commission on Human Rights, the Heyburn Building, Suite 700, 332 West Broadway, Louisville, Kentucky 40202; or

(b)

1. (502) 595-4024;

2. (800) 292-5566;

3. (502) 595-4084 (TDD), for the hearing impaired;

4. Kentucky Relay Service, (800) 648-6056 (TTD/TDD).

(19 Ky.R. 2157; Am. 2396; eff. 5-10-93; Crt eff. 1-29-2020.)