

EXECUTIVE CABINET
Kentucky Commission on Human Rights
(Amended at ARRS Committee)

104 KAR 1:080. Guidelines on fair housing.

RELATES TO: KRS 344.010, 344.360-344.385, 344.600-344.680, 24 C.F.R. 100.75, 100.80

STATUTORY AUTHORITY: KRS 344.190(14)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 344.190(14) requires the Kentucky Commission on Human Rights to promulgate administrative regulations to effect the purposes of KRS Chapter 344, including requiring the posting of notices prepared or approved by the commission. 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) "Conduct" means, in addition to practices prohibited by KRS 344.360, any action including statements, words, and utterances.
- (2) "Real estate operator" is defined by 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.

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

- (1) A written or oral notice or statement by a real estate operator;
- (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;
- (3) Notices, statements, and advertisements, including:
 - (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, 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;
- (4) Discriminatory representations on the availability of dwellings, including those specified in 24 C.F.R. 100.80(a) and (b);
- (5) Use of advertising media that fails to comply with the provisions of 24 C.F.R. 100.75, 61 Federal Register 5205, February 9, 1996; and
- (6) Occupancy restrictions because of familial status unless warranted under paragraphs (a) and (b) of this subsection.
 - (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.

(19 Ky.R. 2157; Am. 2396; eff. 5-10-1993; Cert eff. 1-29-2020; 50 Ky.R. 84; 51 Ky.R. 40; eff. 10-1-2024.)

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CONTACT PERSON: Colt C. Sells, Staff Attorney Manager/Assistant General Counsel, Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, Louisville, Kentucky 40222, phone (502) 595-4024, email colt.sells@ky.gov.