

1 AN ACT relating to the Kentucky Commission on Human Rights.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 344.200 is amended to read as follows:

4 (1) An individual claiming to be aggrieved by an unlawful practice other than a
5 discriminatory housing practice, a member of the commission, or the Attorney
6 General may file with the commission a written sworn complaint stating that an
7 unlawful practice has been committed, setting forth the facts upon which the
8 complaint is based, and setting forth facts sufficient to enable the commission to
9 identify the persons charged (referred to as the respondent in this section, KRS
10 344.210, 344.230, and 344.240). The commission shall make reasonable
11 accommodations to assist persons with disabilities in filing a written sworn
12 complaint. The commission staff or a person designated pursuant to its
13 administrative regulations shall promptly investigate the allegations of unlawful
14 practice set forth in the complaint and shall within five (5) days furnish the
15 respondent with a copy of the complaint. The complaint must be filed within one
16 hundred eighty (180) days after the alleged unlawful practice occurs.

17 (2) The commission or an individual designated pursuant to its administrative
18 regulations shall determine within ninety (90)~~thirty (30)~~ days after the complaint
19 has been filed whether there is probable cause to believe the respondent has
20 engaged in an unlawful practice. If it is determined that there is no probable cause to
21 believe that the respondent has engaged in an unlawful practice, the commission
22 shall issue an order dismissing the complaint and shall furnish a copy of the order to
23 the complainant, the respondent, the Attorney General, and any other public officers
24 and persons that the commission deems proper.

25 (3) The complainant, within ten (10) days after receiving a copy of the order dismissing
26 the complaint, may file with the commission an application for reconsideration of
27 the order. Upon receiving a reconsideration application, the commission or an

1 individual designated pursuant to administrative regulation shall make a new
2 determination within ten (10) days whether there is probable cause to believe that
3 the respondent has engaged in an unlawful practice. If it is determined that there is
4 no probable cause to believe that the respondent has engaged in an unlawful
5 practice, the commission shall issue an order dismissing the complaint and
6 furnishing a copy of the order to the complainant, the respondent, the Attorney
7 General, and any other public officers and persons that the commission deems
8 proper.

9 (4) If the staff determines, after investigation, or if the commission determines after the
10 review provided for in subsection (3) of this section that there is probable cause to
11 believe that the respondent has engaged in an unlawful practice, the commission
12 staff shall endeavor to eliminate the alleged unlawful practice by conference,
13 conciliation, and persuasion. The terms of a conciliation agreement reached with a
14 respondent may require him to refrain from the commission of unlawful
15 discriminatory practices in the future and make any further provisions as may be
16 agreed upon between the commission or its staff and the respondent. If a
17 conciliation agreement is entered into, the commission shall issue and serve on the
18 complainant an order stating its terms. A copy of the order shall be delivered to the
19 respondent, the Attorney General, and any other public officers and persons that the
20 commission deems proper. Except for the terms of the conciliation agreement,
21 neither the commission nor any officer or employee thereof shall make public,
22 without the written consent of the complainant and the respondent, information
23 concerning efforts in a particular case to eliminate an unlawful practice by
24 conference, conciliation, or persuasion whether or not there is a determination of
25 probable cause or a conciliation agreement.

26 (5) At the expiration of one (1) year from the date of a conciliation agreement, and at
27 other times in its reasonable discretion, the commission staff may investigate

1 whether the terms of the agreement have been and are being complied with by the
2 respondent. Upon a finding that the terms of the agreement are not being complied
3 with by the respondent, the commission shall take whatever action it deems
4 appropriate to assure compliance.

5 (6) At any time after a complaint is filed, the commission may file an action in the
6 Circuit Court in a county in which the subject of the complaint occurs, or in a
7 county in which a respondent resides or has his principal place of business, seeking
8 appropriate temporary relief against the respondent, pending final determination of
9 proceedings including an order or decree restraining him from doing or procuring
10 any act tending to render ineffectual any order the commission may enter with
11 respect to the complaint. The court shall have power to grant temporary relief or a
12 restraining order as it deems just and proper.

13 (7) Nothing in this section shall apply to any discriminatory housing practice.

14 ➔Section 2. KRS 344.210 is amended to read as follows:

15 (1) Within ninety (90)~~[sixty (60)]~~ days after a complaint other than a complaint
16 alleging a discriminatory housing practice is filed, unless the commission has issued
17 an order dismissing the complaint or stating the terms of a conciliation agreement or
18 within thirty (30) days after an application for review is filed under subsection (3) of
19 KRS 344.200, the commission shall serve on the respondent by certified mail a
20 written notice, together with a copy of the complaint as it may have been amended,
21 requiring the respondent to answer the allegations of the complaint at a hearing held
22 in accordance with this chapter and the provisions of KRS Chapter 13B. A copy of
23 the notice shall be furnished to the complainant, the Attorney General, and any
24 other public officers and persons that the commission deems proper.

25 (2) A member of the commission who filed the complaint or endeavored to eliminate
26 the alleged unlawful practice by conference, conciliation, or persuasion shall not
27 participate in the hearing or in the subsequent deliberation of the commission.

1 (3) The respondent shall file an answer with the commission by certified mail within
2 twenty (20) days after receipt by the respondent of service under KRS 344.200. The
3 commission or the complainant may amend a complaint and the respondent may
4 amend an answer at any time prior to the issuance of final order pursuant to this
5 section based on the complaint, but no final order shall be issued unless the
6 respondent has had the opportunity of a hearing on the complaint or amendment on
7 which the final order is based.

8 (4) An administrative hearing on a discriminatory housing practice shall be held
9 pursuant to this section and KRS 344.640 and administrative regulations
10 promulgated pursuant to this chapter.

11 ➔Section 3. KRS 344.240 is amended to read as follows:

12 (1) Any complainant, respondent, or intervenor aggrieved by a final order of the
13 commission, including a final order dismissing any complaint or stating the terms of
14 a conciliation agreement, may obtain judicial review, and the commission may
15 obtain an order of the court for enforcement of its final order, in a proceeding
16 brought in the Circuit Court in a county in which the alleged unlawful practice
17 which is the subject of the final order or complaint occurs or in which a respondent
18 resides or has his principal place of business.

19 (2) Except for a discriminatory housing practice, if the commission has failed to
20 schedule a hearing in accordance with KRS 344.210(1) or has failed to issue a final
21 order within one (1) year~~[one hundred eighty (180) days]~~ after the complaint is
22 filed, the complainant, respondent, Attorney General, or an intervenor may petition
23 the Circuit Court in a county in which the alleged unlawful practice set forth in the
24 complaint occurs or in which the petitioner resides or has his principal place of
25 business for an order directing the commission to schedule a hearing or to issue its
26 final order. The court shall follow the procedure set forth in KRS Chapter 13B and
27 this section so far as applicable.

1 (3) If before the expiration of sixty (60) days after the date of the commission order is
2 entered for a discriminatory housing practice and no petition for review has been
3 filed under subsection (1) of this section, any person entitled to under the
4 discriminatory housing practice order may petition for a decree enforcing the order
5 in the Circuit Court for the county in which the discriminatory housing practice is
6 alleged to have occurred.

7 (4) Except for subsection (2) of this section, all provisions in this section shall apply to
8 orders issued in a discriminatory housing practice proceeding.

9 ➔Section 4. KRS 344.600 is amended to read as follows:

10 (1) (a) 1. An aggrieved person may, not later than one (1) year after an alleged
11 discriminatory housing practice has occurred or terminated, file a
12 complaint with the commission alleging a discriminatory housing
13 practice. All other complaints of an alleged discrimination practice must
14 be filed pursuant to the procedure described in KRS 344.200. The
15 commission, on its own initiative, or the Attorney General may also file
16 a complaint alleging a discriminatory housing practice.

17 2. The complaint shall be in writing and shall contain the information and
18 be in a form required by the commission.

19 3. The commission may also investigate housing practices to determine
20 whether a complaint should be brought under this section.

21 (b) Upon the filing of the discriminatory housing practice complaint:

22 1. The commission shall within ten (10)~~five (5)~~ days serve written notice
23 upon the aggrieved person acknowledging the filing and advising the
24 aggrieved person of the time limits and choice of forums provided in
25 KRS 344.635.

26 2. The commission shall, not later than ten (10) days after the filing or the
27 identification of an additional respondent under subsection (2) of this

- 1 section, serve on the respondent a written notice identifying the alleged
2 discriminatory housing practice and advising the respondent of the
3 procedural rights and obligations of respondents under this chapter,
4 together with a copy of the original complaint;
- 5 3. Each respondent shall file, not later than twenty (20)~~ten (10)~~ days after
6 receipt of notice from the commission, an answer to the complaint; and
- 7 4. The commission shall commence an investigation of the alleged
8 discriminatory housing practice within thirty (30) days of filing the
9 complaint and complete the investigation within one hundred (100) days
10 after the filing of the complaint, unless it is impracticable to do so.
- 11 (c) If the commission is unable to complete the investigation within one hundred
12 (100) days after the filing of the complaint, the commission shall notify the
13 complainant and respondent in writing of the reasons for not doing so.
- 14 (d) Complaints and answers shall be under oath or affirmation, and may be
15 reasonably and fairly amended at any time.
- 16 (2) (a) A person who is not named as a respondent in a complaint, but who is
17 identified as a respondent in the course of investigation, may be joined as an
18 additional or substitute respondent upon written notice, under subsection (1)
19 of this section, to that person, from the commission.
- 20 (b) The notice, in addition to meeting the requirements of subsection (1) of this
21 section, shall explain the basis for the commission's belief that the person to
22 whom the notice is addressed is properly joined as a respondent.