

1 AN ACT relating to housing discrimination.

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

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 In this chapter:

- 5 (1) "Person" includes one (1) or more individuals, labor organizations, joint
6 apprenticeship committees, partnerships, associations, corporations, legal
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal
9 or commercial entity; the state, any of its political or civil subdivisions or agencies.
- 10 (2) "Commission" means the Kentucky Commission on Human Rights.
- 11 (3) "Commissioner" means a member of the commission.
- 12 (4) "Disability" means, with respect to an individual:
- 13 (a) A physical or mental impairment that substantially limits one (1) or more of
14 the major life activities of the individual;
- 15 (b) A record of such an impairment; or
- 16 (c) Being regarded as having such an impairment.
- 17 Persons with current or past controlled substances abuse or alcohol abuse problems
18 and persons excluded from coverage by the Americans with Disabilities Act of
19 1990 (P.L. 101-336) shall be excluded from this section.
- 20 (5) "Discrimination" means any direct or indirect act or practice of exclusion,
21 distinction, restriction, segregation, limitation, refusal, denial, or any other act or
22 practice of differentiation or preference in the treatment of a person or persons, or
23 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under
24 this chapter.
- 25 (6) "Real property" includes buildings, structures, real estate, lands, tenements,
26 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and
27 incorporeal, or any interest in the above.

- 1 (7) "Housing accommodations" includes improved and unimproved property and
2 means any building, structure, lot or portion thereof, which is used or occupied, or
3 is intended, arranged, or designed to be used or occupied as the home or residence
4 of one (1) or more families, and any vacant land which is offered for sale or lease
5 for the construction or location thereon of any such building or structure.
- 6 (8) "Real estate operator" means any individual or combination of individuals, labor
7 organizations, joint apprenticeship committees, partnerships, associations,
8 corporations, legal representatives, mutual companies, joint-stock companies, trusts,
9 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or
10 commercial entity, the county, or any of its agencies, that is engaged in the business
11 of selling, purchasing, exchanging, renting, or leasing real estate, or the
12 improvements thereon, including options, or that derives income, in whole or in
13 part, from the sale, purchase, exchange, rental, or lease of real estate; or an
14 individual employed by or acting on behalf of any of these.
- 15 (9) "Real estate broker" or "real estate salesman" means any individual, whether
16 licensed or not, who, on behalf of others, for a fee, commission, salary, or other
17 valuable consideration, or who with the intention or expectation of receiving or
18 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or
19 the improvements thereon, including options, or who negotiates or attempts to
20 negotiate on behalf of others such an activity; or who advertises or holds himself or
21 herself out as engaged in these activities; or who negotiates or attempts to negotiate
22 on behalf of others a loan secured by mortgage or other encumbrance upon a
23 transfer of real estate, or who is engaged in the business of charging an advance fee
24 or contracting for collection of a fee in connection with a contract whereby he or
25 she undertakes to promote the sale, purchase, exchange, rental, or lease of real
26 estate through its listing in a publication issued primarily for this purpose; or any
27 person employed by or acting on behalf of any of these.

- 1 (10) "Financial institution" means bank, banking organization, mortgage company,
2 insurance company, or other lender to whom application is made for financial
3 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,
4 maintenance, or improvement of real property, or an individual employed by or
5 acting on behalf of any of these.
- 6 (11) "Licensing agency" means any public or private organization which has as one (1)
7 of its duties the issuing of licenses or the setting of standards which an individual
8 must hold or must meet as a condition to practicing a particular trade or profession
9 or to obtaining certain employment within the state or as a condition to competing
10 effectively with an individual who does hold a license or meet the standards.
- 11 (12) "Credit transaction" shall mean any open or closed end credit transaction whether in
12 the nature of a loan, retail installment transaction, credit card issue or charge, or
13 otherwise, and whether for personal or for business purposes, in which a service,
14 finance, or interest charge is imposed, or which provides for repayment in
15 scheduled payments, when such credit is extended in the course of the regular
16 course of any trade or commerce, including but not limited to transactions by banks,
17 savings and loan associations, or other financial lending institutions of whatever
18 nature, stock brokers, or by a merchant or mercantile establishment which as part of
19 its ordinary business permits or provides that payment for purchases of property or
20 services therefrom may be deferred.
- 21 (13) "To rent" means to lease, to sublease, to let, or otherwise to grant for a
22 consideration the right to occupy premises not owned by the occupant.
- 23 (14) "Family" includes a single individual.
- 24 (15) (a) "Familial status" means one (1) or more individuals who have not attained the
25 age of eighteen (18) years and are domiciled with:
- 26 1. A parent or another person having legal custody of the individual or
27 individuals; or

1 2. The designee of a parent or other person having custody, with the
2 written permission of the parent or other person.

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

6 (16) "Discriminatory housing practice" means an act that is unlawful under KRS
7 344.360, 344.367, 344.370, 344.380, or 344.680.

8 **(17) "Source of income" means any lawful and verifiable source of money paid**
9 **directly to, indirectly to, or on behalf of, a person, including:**

10 **(a) Income derived from any lawful profession or occupation;**

11 **(b) Income or rental payments derived from any government or private**
12 **assistance, grant, or loan program, including vouchers under Section 8 of**
13 **the United States Housing Act of 1937, as amended; and**

14 **(c) Child support or alimony payments.**

15 ➔Section 2. KRS 344.360 is amended to read as follows:

16 It is an unlawful housing practice for a real estate operator, or for a real estate broker, real
17 estate salesman, or any person employed by or acting on behalf of any of these:

18 (1) To refuse to sell, exchange, rent, or lease, or otherwise deny to or withhold, real
19 property from any person because of race, color, religion, sex, familial status,
20 disability,~~[-or]~~ national origin, **or source of income;**

21 (2) To discriminate against any person because of race, color, religion, sex, familial
22 status, disability,~~[-or]~~ national origin, **or source of income** in the terms, conditions,
23 or privileges of the sale, exchange, rental, or lease of real property or in the
24 furnishing of facilities or services in connection therewith;

25 (3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real
26 property from any person because of race, color, religion, sex, familial status,
27 disability,~~[-or]~~ national origin, **or source of income;**

- 1 (4) To refuse to negotiate for the sale, rental, or lease of real property to any person
2 because of race, color, religion, sex, familial status, disability,~~[-or]~~ national origin,
3 *or source of income*;
- 4 (5) To represent to any person that real property is not available for inspection, sale,
5 rental, or lease when it is so available, or to refuse to permit any person to inspect
6 real property because of his *or her* race, color, religion, sex, familial status,
7 disability,~~[-or]~~ national origin, *or source of income*;
- 8 (6) To make, print, circulate, post, or mail or cause to be printed, circulated, posted, or
9 mailed an advertisement or sign, or to use a form of application for the purchase,
10 rental, or lease of real property, or to make a record of inquiry in connection with
11 the prospective purchase, rental, or lease of real property, which indicates, directly
12 or indirectly, a limitation, specification, or discrimination as to race, color, religion,
13 sex, familial status, disability,~~[-or]~~ national origin, *or source of income* or an intent
14 to make such a limitation, specification, or discrimination;
- 15 (7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or
16 lease with the understanding that any person may be discriminated against in the
17 sale, rental, or lease of that real property or in the furnishing of facilities or services
18 in connection therewith because of his *or her* race, color, religion, sex, familial
19 status, disability,~~[-or]~~ national origin, *or source of income*;
- 20 (8) To otherwise deny to or withhold real property from any person because of his *or*
21 *her* race, color, religion, sex, familial status, disability,~~[-or]~~ national origin, *or*
22 *source of income*;
- 23 (9) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a
24 housing accommodation to any buyer or renter because of a disability of:
- 25 (a) That buyer or renter;
- 26 (b) A person residing in or intending to reside in that housing accommodation
27 after it is so sold, rented, or made available; or

- 1 (c) Any person associated with that buyer or renter; or
- 2 (10) To discriminate against any person in the terms, conditions, or privileges of sale or
- 3 rental of a dwelling, or in the provision of services or facilities in connection with
- 4 such housing accommodation, because of a disability of:
- 5 (a) That person; or
- 6 (b) A person residing in or intending to reside in that housing accommodation
- 7 after it is sold, rented, or made available; or
- 8 (c) Any person associated with that person.
- 9 (11) For purposes of this section, discrimination includes:
- 10 (a) A refusal to permit, at the expense of the disabled person, reasonable
- 11 modifications of existing premises occupied or to be occupied by a person, if
- 12 the modifications may be necessary to afford the person full enjoyment of the
- 13 premises; except that, in the case of a rental, the landlord may, where it is
- 14 reasonable to do so, condition permission for a modification on the renter
- 15 agreeing to restore the interior of the premises to the condition that existed
- 16 before the modification, reasonable wear and tear excepted.
- 17 (b) A refusal to make reasonable accommodations in rules, policies, practices, or
- 18 services, when the accommodations may be necessary to afford the person
- 19 equal opportunity to use and enjoy a housing accommodation; or
- 20 (c) In connection with the design and construction of covered multifamily
- 21 housing accommodations for first occupancy after January 1, 1993, a failure
- 22 to design and construct those housing accommodations in a manner ensuring
- 23 that they have at least one (1) entrance on an accessible route unless
- 24 impractical to do so because of the terrain or unusual characteristics of the
- 25 site. Housing accommodations with a building entrance on an accessible route
- 26 shall comply with the following requirements:
- 27 1. The public use and common use portions of the housing

1 accommodations shall be readily accessible to and usable by disabled
2 persons;

3 2. All the doors designed to allow passage into and within all premises
4 within the housing accommodations shall be sufficiently wide to allow
5 passage by disabled persons in wheelchairs; and

6 3. All premises within the housing accommodations shall contain the
7 following features of adaptive design:

8 a. An accessible route into and through the housing accommodation;

9 b. Light switches, electrical outlets, thermostats, and other
10 environmental controls in accessible locations;

11 c. Reinforcements in bathroom walls to allow later installation of
12 grab bars; and

13 d. Usable kitchens and bathrooms so that an individual in a
14 wheelchair can maneuver about the space.

15 (12) Compliance with the appropriate requirements of the American National Standard
16 for buildings and facilities providing accessibility and usability for physically
17 disabled persons, (commonly cited as "ANSI A117.1 - 1986") suffices to satisfy the
18 requirements of subsection (11)(c)3. of this section.

19 (13) As used in subsection (11) of this section, the term "covered multifamily housing
20 accommodation" means:

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

23 (b) Ground floor units in other buildings consisting of two (2) or more units.

24 (14) Nothing in this section requires that a housing accommodation be made available to
25 an individual whose tenancy would constitute a direct threat to the health or safety
26 of other individuals or whose tenancy would result in substantial physical damage
27 to the property of others.

1 ➔Section 3. KRS 344.367 is amended to read as follows:

2 It is an unlawful practice for a person in the business of insuring against hazards to refuse
3 to enter into, or discriminate in the terms, conditions, or privileges of, a contract of
4 insurance against hazards to a housing accommodation because of the race, color,
5 religion, national origin, familial status, disability,~~[-or]~~ sex, or source of income of
6 persons owning, or residing in or near the housing accommodation.

7 ➔Section 4. KRS 344.370 is amended to read as follows:

8 It is an unlawful practice for a financial institution or for any person or other entity whose
9 business includes engaging in real estate-related transactions:

10 (1) To discriminate against an individual because of the race, color, religion, or
11 national origin, familial status, disability, sex,~~[-or]~~ age, or source of income of the
12 individual or the present or prospective owner, tenant, or occupant of the real
13 property or of a member, stockholder, director, officer, employee, or representative
14 of any of these, in the granting, withholding, extending, modifying, or renewing the
15 rates, terms, conditions, privileges, or other provisions of financial assistance or in
16 the extension of services in connection therewith;

17 (2) To use a form of application for financial assistance or to make or keep a record or
18 inquiry in connection with applications for financial assistance which indicate,
19 directly or indirectly, a limitation, specification, or discrimination as to race, color,
20 religion, familial status, disability,~~[-or]~~ national origin, or source of income or an
21 intent to make such a limitation, specification, or discrimination;

22 (3) To discriminate by refusing to give full recognition, because of sex, to the income
23 of each spouse or the total income and expenses of both spouses where both
24 spouses become or are prepared to become joint or several obligors in real estate
25 transactions; or

26 (4) As used in this section, the term "real estate-related transaction" means any of the
27 following:

- 1 (a) The making or purchasing of loans or providing other financial assistance;
- 2 1. For purchasing, constructing, improving, repairing, or maintaining a
- 3 housing accommodation; or
- 4 2. Secured by real estate.
- 5 (b) The selling, brokering, or appraising of real property except that a person
- 6 engaged in the business of furnishing appraisals of real property may take into
- 7 consideration factors other than race, color, religion, national origin, sex,
- 8 disability, or familial status.