

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2018 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 1056

**Bill #:** HB 195

**Document ID #:** 2056

**Bill Subject/Title:** An Act relating to civil rights.

**Sponsor:** Representative Mary Lou Marzian

Unit of Government:  City  County  Urban-County  
 Unified Local  
 Charter County  Consolidated Local  Government

Office(s) Impacted: fiscal courts/personnel offices, local human rights commission

Requirement:  Mandatory  Optional

Effect on Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

The Kentucky Civil Rights Act, codified at KRS Chapter 344, prohibits discrimination by race, color, religion, natural origin, sex, or disability in situations relating to: (1) employment; (2) sale or lease of real property; (3) public accommodations; (4) financial transactions; (5) housing insurance; and (6) credit transactions. HB 195 amends these civil rights statutes to prohibit discrimination based on sexual orientation and gender identity. This measure specifically broadens the scope of the powers and duties of the state and local human rights commissions to include protection from discrimination based on sexual orientation and gender identity in regard to various labor and employment practices.

The Kentucky Commission on Human Rights believes that the passage of this bill has the potential to increase the number of complaints as well as anticipates an increase in complaints the Commission must investigate. In FY 2017, the commission filed 350 complaints on behalf of citizens alleging discrimination in employment, public accommodations, housing, and credit transactions. In addition, the commission's federal partners at the U.S. Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development have determined that discrimination based on sexual

orientation or gender identity is in fact prohibited under Title VII and Title VIII as discrimination based on sex. With the passage of HB 195, the commission does not expect a significant increase or impact on existing caseloads as these complaints are currently being addressed.

Any local government engaged in the identified commercial or related activities in HB 195 (e.g. rental properties) would have to conform. Some local governments would be required to adopt conforming local ordinances. The bill would impact local governments that have adopted ordinances, orders, resolutions prohibiting discrimination, and 24 communities with local human rights commissions.

HB 195 would also require local governments with civil rights ordinances to amend any local civil rights laws to incorporate the language prescribed in HB 195. Costs would include the time and expense of repealing or revising an existing ordinance, advertising the revision in a local newspaper, placing the revision on the business docket for necessary action, and printing a revised list of ordinances. Municipalities revise their ordinances, at least every five years by state law, to eliminate “redundant, obsolete, inconsistent, and invalid provisions.” The cost of this mandate would be less if the repeal or revision were done in conjunction with this periodic updating of ordinances.

Additionally, local human rights commissions would retain a role in implementing the application of civil rights law as amended by HB 195. Therefore, their rules and policies would have to be rewritten to conform to the provisions of HB 195.

**The fiscal impact of HB 195 on local government is indeterminable but not expected to be significant.**

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

**Data Source(s):** LRC staff, Kentucky Commission on Human Rights, Kentucky League of Cities, Kentucky Municipal Statutory Law, LRC IBN. No. 145

**Preparer:** Mark Offerman      **Reviewer:** KHC      **Date:** 2/22/18