

FAIR HOUSING ORDINANCE

Section 1. POLICY

It is the policy of the County to provide, within constitutional limitations, for fair housing throughout the County.

Section 2. DEFINITIONS

(a) "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

(b) "Family" includes a single individual.

(b) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(c) "To rent" includes to lease to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

(d) "Discriminatory housing practice" means an act that is unlawful under section 4, 5, or 6 of this Fair Housing Order.

Section 3. UNLAWFUL PRACTICE

Subject to the provisions of subsection (b) and Section 7, the prohibitions against discrimination in the sale or rental of housing set fourth in Section 3 shall apply to:

(a) All dwelling except as exempted by subsection (b).

(b) Nothing in Section 4 shall apply to:

(1) Any single-family house sold or rented by an owner, Provided, that such private individual owner does not own more than three single-family houses at any one time; Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the

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most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary

agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; Provided further, that the sale or rental of any such single-family house shall be exempted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person and (B) without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 4 (C) of this order, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he/she has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he/she has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental of any dwelling or any interest therein, or

(3) he/she is the owner of any dwelling designed or intended for occupancy by or occupied by, five or more families.

Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

As made applicable by Section 3 and except as exempted by Sections 3(b) and 7, it shall be unlawful:

any person because of race, color, religion, sex, national origin, familial status or handicapped status.

(b) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or handicapped status.

(c) To make, print or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or handicapped status, or an intention to make any such precedence, limitation or discrimination.

(d) To represent to any person because of race, color, religion, sex, national origin, familial status or handicapped status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

Section 5. DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a persons applying thereof for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other person or of any person associated with him in connection with such loan or other financial assistance or the purposed of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; Provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in Section 3(b).

Section 6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, familial statuses or handicapped status.

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Section 7. EXEMPTION

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provided lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 8. ADMINISTRATION

(a) The authority and responsibility for administering this Act shall be in the COUNTY JUDGE EXECUTIVE of Perry County.

(b) The COUNTY JUDGE EXECUTIVE may delegate any of these functions, duties, and powers to the Kentucky State Human Rights Commission or to a designated employee of the County, including functions, duties, and powers with respect to investigation, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this order. The COUNTY JUDGE EXECUTIVE shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to others hearing examiners or to the Kentucky State Human Rights Commission, as shall be appropriate and in accordance with law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the COUNTY JUDGE EXECUTIVE to further such purposes.

Section 9. EDUCATION AND CONCILIATION

Immediately after the enactment of this order, the COUNTY JUDGE EXECUTIVE shall commence such educational and conciliatory activities as will further the purposes of this order and his suggested means of implementing it, and shall endeavor to work out programs of voluntary compliance and of enforcement.

Section 10. ENFORCEMENT

(a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the COUNTY JUDGE EXECUTIVE or their designated County employee. Complaints shall

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be in writing and shall contain such information and be in such form, as the COUNTY JUDGE EXECUTIVE requires. Upon receipt of such a complaint, the COUNTY JUDGE EXECUTIVE shall furnish a copy of the same both to the Kentucky Civil Rights Commission and to the person or persons who allegedly committed or was about to commit the alleged discriminatory housing practice. The COUNTY JUDGE EXECUTIVE will request assistance from the Kentucky Civil Rights Commission in resolving this complaint either

through informal endeavors or through procedures, conciliation, agreement and/or enforcement per Section 344.200 through 344.290 of the Kentucky Revised Statutes. The COUNTY JUDGE EXECUTIVE shall act as a facilitator and will assist (when requested and/or where appropriate) the Kentucky Civil Rights Commission in resolving the complaint. Nothing said or done in the course of informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the COUNTY JUDGE EXECUTIVE who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed with the Kentucky Human Rights Commission within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Kentucky Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) If within thirty days after a complaint is filed with the Kentucky Human Rights Commission, the Kentucky Human Rights Commission has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The Kentucky Human Rights Commission will assist in this filing.

Section 11. INVESTIGATIONS: SUBPOENA - GIVING OF EVIDENCE

(a) In conducting an investigation the Kentucky Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and report the testimony or statements of such person as are reasonably necessary for the furtherance of the investigation per KRS 344.200 - 344.290; Provided, however. That the Kentucky Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Kentucky Human Rights Commission may issue

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subpoenas to compel his access to of the production of such materials, or the appearance of such persons, any may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Kentucky Human Rights Commission shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Kentucky Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Kentucky Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned nor more than one year, or both.

Section 12. INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

Section 13. SEPARABILITY OF PROVISIONS

If any provision of this order or the application thereof to any person or circumstances is held invalid, the remainder of the order and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 14. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(a) any person because of his race, color, religion, sex, national origin, familial status or handicapped status. and because he is or has been selling, purchasing

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(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) participating, without discrimination on account of race, color, religion, sex, national origin,, familial status or handicapped status in any of the activities, services, organizations or facilities described in subsection 13 (1);

(2) affording another person or class of persons opportunity or protection so to participate.

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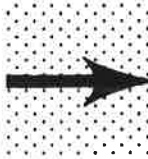
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BE IT SO ORDAINED on this 24 day of April, 2001.

First Reading 3-22-01

Second Reading 4-24-01



Denny Ray Noble
COUNTY JUDGE EXECUTIVE



Shawn Adams
ATTEST