

## MADISON COUNTY

FAIR HOUSING POLICYDRAFT  
of ORDINANCE TEXT  
1/13/86Section 1. POLICY

It is the policy of Madison 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 as, 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.

(c) "Persons" 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.

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

(e) "Discriminatory housing practice" means an act that is unlawful under sections 4, 5, or 6.

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 forth in section 3 shall apply to:

(a) All dwellings 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 such 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 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 excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, 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, salesman, 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 ordinance, but nothing in this provision 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 has, within the preceeding 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 has, within the preceeding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales of rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he 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:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, sex, age, religion, or national origin.
- (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, or national origin.
- (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, age, or national origin, or an intention to make any such preference, limitation, or discrimination.

- (d) To represent to any person because of race, color, sex, age, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, age, religion, or national origin.

#### 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 person applying therefore 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 financial assistance, because of race, color, sex, age, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance for the purposes of such loan or other financial assistance, or of the present or prospective owners, leasees, 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 in the terms or conditions of such access, membership, or participation, on account of race, color, sex, age, religion, or national origin.

#### Section 7. EXEMPTION

Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit 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 dwellings which it owns or operates for other than 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, sex, age, 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 provides lodgings which it owns or operates for other than a commercial purposes, from limiting the rental or occupancy of such 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 policy shall be in the Chief Executive Office of Madison County.

(b) The Chief Executive Officer shall refer all complaints to the Kentucky Human Rights Commission and shall provide this Commission with all information, data and correspondence, etc. relating to said complaint and shall assist as feasible in investigation - with the principal responsibilities for levying fines and penalties resting with the Kentucky Human Rights Commission.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer to further such purposes.

## Section 9. EDUCATION AND CONCILIATION

Immediately after the enactment of this ordinance, the Chief Executive Officer shall commence such educational and conciliatory activities as will further the purposes of this policy. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this policy and his suggested means of implementing it, and shall endeavor with their advice 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 was irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Chief Executive Officer, who shall refer the complaint to the Kentucky Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the Chief Executive Officer requires for use by the Kentucky Human Rights Commission.

(b) A complaint under subsection (a) shall be filed 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 are based. Complaints may be reasonable and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Chief Executive Officer, who will transmit same to 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.

## Section 11. INVESTIGATIONS: SUBPENAS---GIVING OF EVIDENCE

(a) In conducting an investigation the Chief Executive Officer shall make access available to the Kentucky Human Rights Commission 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 record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation.

## Section 12. ENFORCEMENT BY PRIVATE PERSONS

(a) The rights granted by sections 3, 4, 5, and 6 may be enforced by civil actions in State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, That the court shall continue such civil case brought pursuant to this section or section 10(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Chief Executive Officer and Kentucky Human Rights Commission are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Chief Executive Officer and which practice forms the basis for the action in court: And provided, however, That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued summated prior to the issuance of any court order issued under the authority of this ordinance, and involving a bona fide purchaser, encumberancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this policy shall not be affected.

(b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

## Section 13. 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, any right granted or protected by sections 3, 4, 5, or 6. This section may be enforced by appropriate civil action.

## Section 14. SEPARABILITY OF PROVISIONS

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

## Section 15. 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, sex, age, religion, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(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, sex, age, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a); or

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

(c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, sex, age, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

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Chief Executive Officer

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Date Approved

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Attest