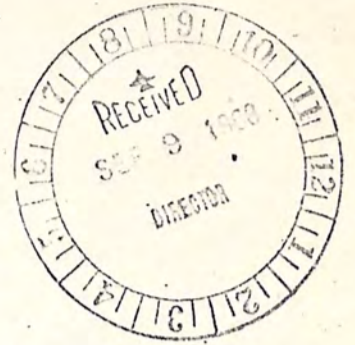


ORDINANCE NO. 252 SERIES 1967



AN ORDINANCE TO EFFECT EQUAL HOUSING OPPORTUNITIES FOR ALL CITIZENS; DEFINING DISCRIMINATION IN HOUSING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, it is the public policy of the United States, the Commonwealth of Kentucky, the City of Louisville and the County of Jefferson to encourage fair treatment and equal opportunity for all persons regardless of race, color, religion or national origin; and

WHEREAS, discrimination against individuals because of race, color, religion, or national origin represents an affront to the dignity of the individuals against whom it is directed, intensifies group conflicts and is detrimental to the public health, safety and welfare; and

WHEREAS, discrimination in housing results in other forms of discrimination and segregation, including racial segregation in the public schools and other public facilities, which are prohibited by the Constitution of the United States of America, and are against the laws and policy of the Commonwealth of Kentucky, the City of Louisville and the County of Jefferson; and

WHEREAS, discrimination in housing adversely affects the continued redevelopment, renewal, growth and progress of the City of Louisville and County of Jefferson, and of its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE, THAT:

SECTION ONE. DECLARATION OF POLICY. It is the policy of the City of Louisville to safeguard all individuals within the City from discrimination because of race, color, religion, ancestry, national origin or place of birth in connection with housing; thereby to protect their interest in



personal dignity and freedom from humiliation, to make available to the City their full productive capacities, to secure the City against strife and unrest which would menace its democratic institutions and to preserve the public safety, health and general welfare.

SECTION TWO. DEFINITIONS. When used herein:

(A) "Commission" means the Louisville and Jefferson County Human Relations Commission as authorized by Ordinance 193 of the 1966 Ordinances of the City of Louisville and the resolution of the Jefferson County Fiscal Court dated December 6, 1966.

(B) "Commissioner" means a member of the Louisville and Jefferson County Human Relations Commission.

(C) "Real Property" includes buildings, structures, real estate, lands, tenements, leaseholds, co-operatives, condominiums and hereditaments, corporeal and incorporeal.

(D) "Discrimination" means any difference in treatment based on race, color, religion, ancestry, national origin or place of birth, and includes segregation.

(E) "Person" includes an individual and any group of one or more natural persons such as, but not limited to, labor unions, joint apprenticeship committees, partnerships, associations, corporations, unincorporated organizations, mutual companies, joint-stock companies, trusts, legal representatives, trustees in bankruptcy, receivers, any individuals acting in a financial or representative capacity, either appointed by a Court or otherwise, the City and County or any of its agencies, and any other legal, governmental or commercial entity, as well as a natural person or persons. The term "persons", when applied to any of the foregoing, includes members, representatives, officers and directors.

(F) "Owner" includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession,



or the right to sell, rent or lease any housing accommodation.

(G) "Financial Institution" means any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

(H) "Real Estate Broker" or "Real Estate Salesman" means an individual, whether licensed or not, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, exchanges, rents or leases any housing accommodation, including options thereupon, or who negotiates or attempts to negotiate such activities; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, exchange, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(I) "Housing Accommodation" means (1) any parcel or parcels of real property or lands, or any interest therein, whether contiguous or non-contiguous, located in the City of Louisville, used for the building of one or more housing or rooming units owned by, or otherwise subject to the control of, one or more persons; and/or (2) any real property, or any interest therein, located in the City of Louisville; and/or (3) any single family dwelling or multiple family dwelling, or any portion thereof, including a housing unit or a rooming unit, or any interest therein, located in the City of Louisville, which is used or occupied, or intended, arranged, assigned or designated to be used or occupied, as the home, homesite, residence or sleeping place of one or more persons.



(J) "Housing Unit" means a single room, suite of rooms or apartment, containing cooking and kitchen facilities, occupied, or intended for occupancy as living quarters, by a person, by a family or by a group of persons living together.

(K) "Rooming Unit" means any room or group of rooms forming a single, habitable unit used for living or sleeping, but which does not contain cooking and kitchen facilities.

(L) "Canvassing" includes door to door solicitation, or solicitation by the use of circular advertisements or any other means where the canvasser or his employer has not been requested by the owner, as defined herein, to obtain a listing of any housing accommodation or to confer with the owner regarding a transaction involving a housing accommodation.

(M) "Purchaser" includes any occupant, prospective occupant, lessee, prospective lessee, sublessee, prospective sublessee, tenant, prospective tenant, assignee, prospective assignee, buyer, prospective buyer or any other person seeking the right of ownership or possession, or any agent of any of these.

(N) "A member of his family" means the owner and his spouse and any son, daughter, parent or grandparent of the owner or his spouse.

SECTION THREE. UNLAWFUL PRACTICES. In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, exchange, rental or lease of any housing accommodation, it shall be a prohibited, unlawful practice for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(A) Refuse to sell, purchase, exchange, rent or lease, or otherwise deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin or place of birth; or



(B) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, exchange, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(C) To refuse to receive or transmit a bona fide offer to sell, purchase, exchange, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin or place of birth; or

(D) To refuse to negotiate for the sale, purchase, exchange rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin or place of birth; or

(E) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, exchange, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, ancestry, national origin or place of birth; or

(F) To print, circulate, post or mail, or cause to be printed, circulated, posted or mailed, any notice, statement or advertisement, or to announce a policy, or to sign or to use a form of application for the sale, purchase, exchange, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, exchange, rental, lease or financing of any housing accommodation, which indicates, directly or indirectly, any discrimination or any intent to make a discrimination.

(G) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, exchange, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, exchange, rental or lease, or in the furnishing of facilities or services in connection therewith; or



(H) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, exchange, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin or place of birth in the area to be affected by such sale, purchase, exchange, rental or lease will or may result in:

- (1) The lowering of property values in the area; or
- (2) An increase in criminal or antisocial behavior in the area; or
- (3) A decline in the quality of the schools serving the area; or

(I) To make any misrepresentations concerning the listing for sale, purchase, exchange, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, exchange, rental or lease of any housing accommodation in any area in the City of Louisville for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

(J) To place a sign purporting to offer for sale, purchase, exchange, rental or lease any housing accommodation that is not, in fact, so offered; or

(K) To advertise for sale, purchase, exchange, rental or lease any housing accommodation which is non-existent, or which is not actually being offered for any of the above; or

(L) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, exchange, rental or lease, or the listing for any of the above, of any housing accommodation; or



(M) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Ordinance, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Ordinance.

(N) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Ordinance; or to obstruct or prevent any person from complying with the provisions of this Ordinance; or

(O) To obstruct or prevent a person from complying with the provisions of this Ordinance, or any order issued thereunder; or

(P) To resist, prevent, impede or interfere with the Commission, or any of its members or representatives, in the lawful performance of its or their duty under this Ordinance; or

(Q) To, by canvassing, do any of the unlawful practices prohibited by this Ordinance; or

(R) To otherwise deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin or place of birth.

SECTION FOUR. EXEMPTIONS. The provisions of this Ordinance shall not apply:

(A) To the rental or lease of any housing units in a housing accommodation which contains not more than four housing units, if the owner or a member of his family resides in the housing accommodation; or

(B) To the rental or lease of any rooming units in a housing unit, if the owner or a member of his family resides in the housing unit; or

(C) To the rental or lease of any rooming units in a house in which the owner of the entire house or a member of his family resides.



SECTION FIVE. POWERS OF THE COMMISSION. The administration and enforcement of this Ordinance shall be the responsibility of the Louisville and Jefferson County Human Relations Commission, and it shall have full operating responsibility for carrying out the provisions of this Ordinance. In addition to any powers or duties heretofore conferred on said Commission, it shall have the power and duty to:

(A) Meet and exercise its powers at any place within the City of Louisville;

(B) Employ attorneys, hearing examiners, clerks and other employees and agents, and to appoint and empower committees and divisions to assist in effecting the purposes and provisions of this Ordinance;

(C) Accept gifts or bequests, grants or other payments, public or private, to help finance its activities;

(D) Receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of this Ordinance;

(E) Administer oaths;

(F) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Jefferson County Circuit Court;

(G) Issue remedial orders requiring cessation of violations of this Ordinance;

(H) Issue such affirmative orders as in the judgment of the Commission will carry out the purposes of this Ordinance. Affirmative action ordered may include, but is not limited to:

(1) The sale, purchase, exchange, lease or rental of any housing accommodation to a person who has been determined to have been discriminated against under the terms of this Ordinance;

(2) The cancellation and surrender to the Commission of a contract, deed, lease or other instrument



selling, purchasing, exchanging, renting or leasing any housing accommodation, which is the subject of a complaint of discriminatory practice, to a person who had knowledge or notice of said complaint prior to the transfer or the execution of the instrument;

- (3) Ordering execution and delivery of a contract; deed, lease or other instrument selling, purchasing, exchanging, renting or leasing any housing accommodation, which is the subject of an unlawful practice prohibited by this Ordinance, to any person aggrieved by said unlawful act;
- (4) Applying to the Jefferson County Circuit Court for such temporary or permanent relief as it deems necessary; where such relief is granted notice of same shall be promptly filed in the Office of the County Court Clerk of Jefferson County, Kentucky;

(I) Subject to approval of the Board of Aldermen, adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this Ordinance, including regulations requiring the posting of notices prepared or approved by the Commission; and

(J) Exercise all other applicable powers as provided in the Kentucky Civil Rights Act (K.R.S. 344.320, 344.330, 344.340, 344.350).

#### SECTION SIX. PROCEDURE.

(A) Any person or persons claiming to be aggrieved by an unlawful practice prohibited by this Ordinance may file a written complaint in accordance with the rules and regulations of the Commission. The complaint must be filed within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. Any member of the Commission who has reason to believe an unlawful practice has occurred may file a complaint naming the Commission itself as the party complainant.

(B) Upon receipt of a complaint, the Commission shall serve the complaint and a written resume setting forth the rights of the parties and the procedures to be followed by the Commission in the investigation and



adjudication of the complaint upon the person or persons charged with a violation of this Ordinance, (hereinafter referred to as the 'respondent', whether one or more persons).

(C) Upon receipt of a complaint, the staff of the Commission shall conduct a preliminary investigation of the complaint and shall within 21 days after service of the complaint on the respondent render a written report to the Commission.

(D) The Commission shall within 10 days after receipt from the Staff of the Commission of the report of the preliminary investigation determine whether there is probable cause to believe that an unlawful practice has been committed:

- (1) If the Commission determines that there is no such probable cause, the complaint shall be dismissed.
- (2) If the Commission determines that there is such probable cause, the Commission shall make an effort to eliminate the unlawful practice by conference and conciliation, in accordance with the Rules and Regulations of the Commission.

(E) Within 30 days after the Commission has determined that probable cause exists, unless an order has been issued dismissing the complaint or stating the terms of a conciliation agreement, a hearing shall be called and held in accordance with the rules of the Commission.

(F) Any endeavors or negotiations for conciliation shall not be received in evidence, and shall be held confidential by the Commission and its staff.

(G) Upon the conclusion of the hearing, an adjudicative order shall be issued and served upon the complainant(s) and respondent.

(H) Proceedings may be re-opened upon petition of any aggrieved party, except that an application to re-open must be filed within 10 days of service of the adjudicative order upon such aggrieved party.



(I) In any proceedings under this Section, the respondent may file a written answer to the complaint and may appear at the hearing in person or otherwise, with or without counsel, and submit evidence and be heard. The Commission in conducting any hearing may permit reasonable amendments to any complaint or answer, and any testimony taken at the hearing shall be under oath and shall be fully transcribed. All relevant testimony shall be privileged to the extent that said testimony would be privileged in the courts of the Commonwealth of Kentucky.

(J) In connection with an investigation of a complaint filed under this Ordinance, the Commission, or its designated representatives, may at any reasonable time request access to the premises, records and documents relevant to the complaint and shall have the right to examine, photograph and copy evidence. If a person fails to permit access, examination, photographing or copying of records or documents relative to the complaint, the Commission may apply to the Jefferson County Circuit Court for an order requiring compliance.

(K) All hearings held under and pursuant to this Ordinance shall be open to the public.

(L) In computing time or periods of time under this Ordinance, Sundays and National holidays shall be excluded.

(M) All papers or pleadings required by this Ordinance to be served shall be served in accordance with the Kentucky Rules of Civil Procedure.

(N) At any time after a complaint has been filed, the Commission may file an action in the Jefferson County Circuit Court seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this Section.



(O) At any time after a complaint has been filed, the Commission may file an action in the Jefferson County Circuit Court seeking such appropriate relief against any person as it may deem necessary to prevent any change of position between the complainant(s) and the respondent and/or to prevent the questions presented to the Commission from becoming moot.

(P) If the Commission determines that any respondent has committed an unlawful act prohibited by this Ordinance, and the said respondent refuses to comply with or obey the order issued by the Commission, the Commission may file an action in the Jefferson County Circuit Court seeking enforcement of said order.

(Q) The Commission may file suit in the Jefferson County Circuit Court seeking enforcement of any of its orders issued pursuant to this Ordinance.

SECTION SEVEN. APPEAL. Any respondent or complainant aggrieved by a final order of the Commission, or any complainant aggrieved by the dismissal of his complaint by the Commission, may obtain a review of such order in the Jefferson County Circuit Court by filing with the Clerk of said Court, within 30 days after service upon him of said order, a written petition in duplicate praying that such order be modified or set aside, and by serving a duplicate copy of the petition on the Commission. The Commission shall then cause to be filed in said Court a certified transcript of the record in the proceedings before it, including the pleadings, testimony and order.

SECTION EIGHT. PENALTIES.

(A) If the Commission finds that any person has committed an unlawful practice as defined in this Ordinance it may subject such person to a fine not exceeding \$100.00. The Commission may, if such person refuses to pay the fine, file an action in the Jefferson County Court for the collection thereof.



(B) If a real estate broker, a real estate salesman or an employee thereof has failed to comply with any order issued by the Commission, or has been found to have committed an unlawful practice in violation of this Ordinance, the Commission shall so notify in writing the Real Estate Commission of the Commonwealth of Kentucky.

(C) Should the Commission determine at any time that a complaint filed with it alleging a violation of this Ordinance was filed in bad faith, the Commission shall forthwith issue an order requiring the complainant(s) to pay to the respondent the amount of the reasonable expenses caused the respondent by the filing of said complaint, including reasonable attorney's fees; and such order may be enforced in the same manner as any other order issued by the Commission pursuant to the provisions of this Ordinance.

SECTION NINE. SEVERABILITY OF PROVISIONS. If any provision of this Ordinance or the application thereof to any eventuality or circumstance, should be held to be invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which shall be and continue in effect without the invalid provision or application; and to this end, the provisions of this Ordinance are severable.

SECTION TEN. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_ C.B.A.

\_\_\_\_\_ P.B.A.

EFFECTIVE Dec. 26 1967

\_\_\_\_\_ MAYOR