

**D**iscrimination is defined in the Kentucky Civil Rights Act (Kentucky Revised Statutes Chapter 344) as any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this law.



## The right to fair treatment and equal opportunity in financial transactions

It is unlawful for any person, whether acting for himself or another, in connection with any credit transaction, to discriminate because of race, color, religion, national origin or sex.

The denial of credit or financing by a financial institution or person offering credit or lending regarding real estate is unlawful when it is based on color, disability, national origin, race, religion or sex. Further, it is unlawful to discriminate for these reasons in the interest rate or monthly payment of a loan, in its terms and payment schedule, points, fees, or penalties, or in the offer of credit insurance on a loan.

Protection from discrimination regarding credit transactions does not prohibit any party to a credit transaction from considering the credit history of any applicant.

The law does not prohibit any party to a credit transaction from considering the application of Kentucky law on dower, curtesy, descent and distribution to the particular case or from taking reasonable action thereon.

## It is unlawful to discriminate in real estate financial transactions

This type of discrimination is considered housing discrimination. It is against the law for a financial institution or any person or other entity whose business includes engaging in real estate-related financial transactions to do the following:

- Discriminate against a person because of the race, color, religion, or national origin, familial status, disability, sex, or age of the individual or the present or prospective owner, tenant, or occupant of the real property or of a member, stockholder, director, officer, employee, or representative of any of these, in the granting, withholding, extending, modifying, or renewing the rates, terms, conditions, privileges, or other provisions of financial assistance or in the extension of related services;
- Use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance that indicate, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, familial status, disability, or national origin or an intent to make such a limitation, specification, or discrimination;
- Discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses where both spouses become or are prepared to become joint or several obligors in real estate transactions.

The Kentucky Civil Rights Act, including the Kentucky Fair Housing Act, and the U.S. Fair Housing Act define a real estate-related financial transaction as any of the following:

- A. The making or purchasing of real estate loans or providing other real estate financial assistance;
  1. For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or,
  2. For securing a financial transaction with real property.
- B. The securing of a financial transaction with real property.
- C. The selling, broker, or appraising of real property except that a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.

## It is unlawful to discriminate in non-real estate financial transactions

It is unlawful for any person, whether acting for himself or another, in connection with any credit transaction because of race, color, religion, national origin or sex to, or attempt to:

- Deny credit to any person;
- Increase the charges or fees for or collateral required to secure any credit extended to any person;
- Restrict the amount or use of credit extended or impose different terms or conditions with respect to the credit extended to any person or any item or related service.

## Retaliation

It is against the law to retaliate against any person who seeks help for discrimination or any person who complains of discrimination to the Kentucky Commission on Human Rights.

## Who Must Comply

The law applies to financial institutions or to any person or other entity whose business includes engaging in credit or real estate transactions.

## How to File a Complaint

A person who believes he or she has been unlawfully discriminated against may contact the commission by phone, mail, email, or in person. This begins the complaint process.

### Make Complaints on a Timely Basis

Claims of discrimination in real estate-related financial transactions must be made to the commission no later than one year after the alleged incident or incidents occur.

Claims of discrimination in credit transactions, involving non-real estate related credit, must be made within 180 days after the alleged discrimination occurs.

After you contact us, our representative will interview you to get details about what occurred. Once it is determined that the Kentucky Commission on Human Rights has jurisdiction to handle the complaint and that your concern meets the requirements for a complaint, your case will be assigned to an enforcement officer. The enforcement officer will thoroughly and impartially investigate the circumstances of the complaint. The enforcement officer will also work with you and the respondent to reach a satisfactory resolution by conciliating the case, if possible. A conciliation agreement is similar to a settlement. Otherwise, after an investigation is complete, and if a probable cause finding is made,

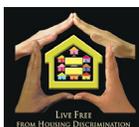
the case will move into the litigation phase and will be handled by a commission attorney. In most cases, the Kentucky Human Rights Board of Commissioners will determine a final outcome and issue a ruling. The commission acts with the authority of a court of law. In some cases involving housing financial discrimination a court of law will render a final judgment.

Another alternative is to participate in our mediation program. Mediation is an informal, voluntary process, which provides a forum for discussion about the complaint between you, the other parties involved and a neutral commission mediator, with the aim of quickly resolving the complaint. Mediations are private. They can result in agreements with terms such as monetary settlement, changes in policy and more.

If you believe you may be a victim of unlawful discrimination, please call us for help.

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# All Doors Are Open In Kentucky



## Financial and Credit Transactions

# Kentucky Commission on Human Rights

PROTECTOR OF CIVIL RIGHTS  
VOICE FOR EQUALITY  
CATALYST FOR POSITIVE CHANGE