

# Kentucky Commission On Human Rights

ALL DOORS ARE OPEN IN KENTUCKY

Newsletter

## Focus on Fair Housing

*Presented through the Kentucky Commission on Human Rights proud partnership  
with the U.S. Department of Housing and Urban Development (HUD)*

### Housing discrimination tears at national fabric

*by John J. Johnson  
Executive Director*

*Kentucky Commission on Human Rights*



This year commemorates the 47<sup>th</sup> anniversary of the U.S. Fair Housing Act as well as the Kentucky Fair Housing Act, both of which were passed in 1968. Because of these laws, housing discrimination is illegal.

Housing discrimination is uniquely damaging in that it takes away a person's sense of safety in his or her own home. It is important that all of us as responsible members of society remain vigilant in addressing both the blatant and subtle forms of housing discrimination that tear at the national fabric.

It is unlawful to discriminate against any person who seeks to rent or own housing, based on the person's color, disability, familial status (whether one lives with children under 18 years of age or whether a woman living in the household is pregnant), national origin, race, religion or sex. Federal and Kentucky fair housing laws provide equal opportunity to all people when buying, selling, renting, financing or insuring housing. People have the right to buy or rent where they choose a home, condominium, apartment, trailer or lot. Everyone must obey the law, including property owners, property managers, real estate brokers, sales

agents, operators, builders and developers, advertisers and advertising media, mortgage lenders, insurers, and banks or other financial institutions.



*Fair housing signs were prominent at the March 5, 2015, 50-year Anniversary March on Frankfort. The commission initiated re-formation of the Allied Organizations on Civil Rights and helped lead the event attended by thousands.*

The U.S. Dept. of Housing and Urban Development (HUD) is the primary federal agency responsible for the enforcement of federal fair housing law. HUD reports that its Office of Fair Housing and Equal Opportunity (FHEO) receives about 8,000 complaints of housing discrimination a year. The Kentucky Commission on Human Rights is an affiliate of HUD and as such is an agency that enforces the U.S. Civil Rights Act within Kentucky. Also, the commission is the state authority responsible for enforcing the Kentucky Civil Rights Act.

The Louisville Human Relations Commission and the

*Continued next page*

Lexington-Fayette County Human Rights Commission, due to local county ordinances that give them authority, investigate housing complaints occurring in Fayette and Jefferson counties. In the last 10 years, the Kentucky Commission on Human Rights alone has received from people across the state 466 housing discrimination complaints.

HUD reports that it is estimated that nearly 4 million instances of housing discrimination occur annually against blacks and Latinos, but less than 1 percent of all violations are reported or even detected. HUD says that rental cases have been and continue to represent the largest

source of housing complaints.

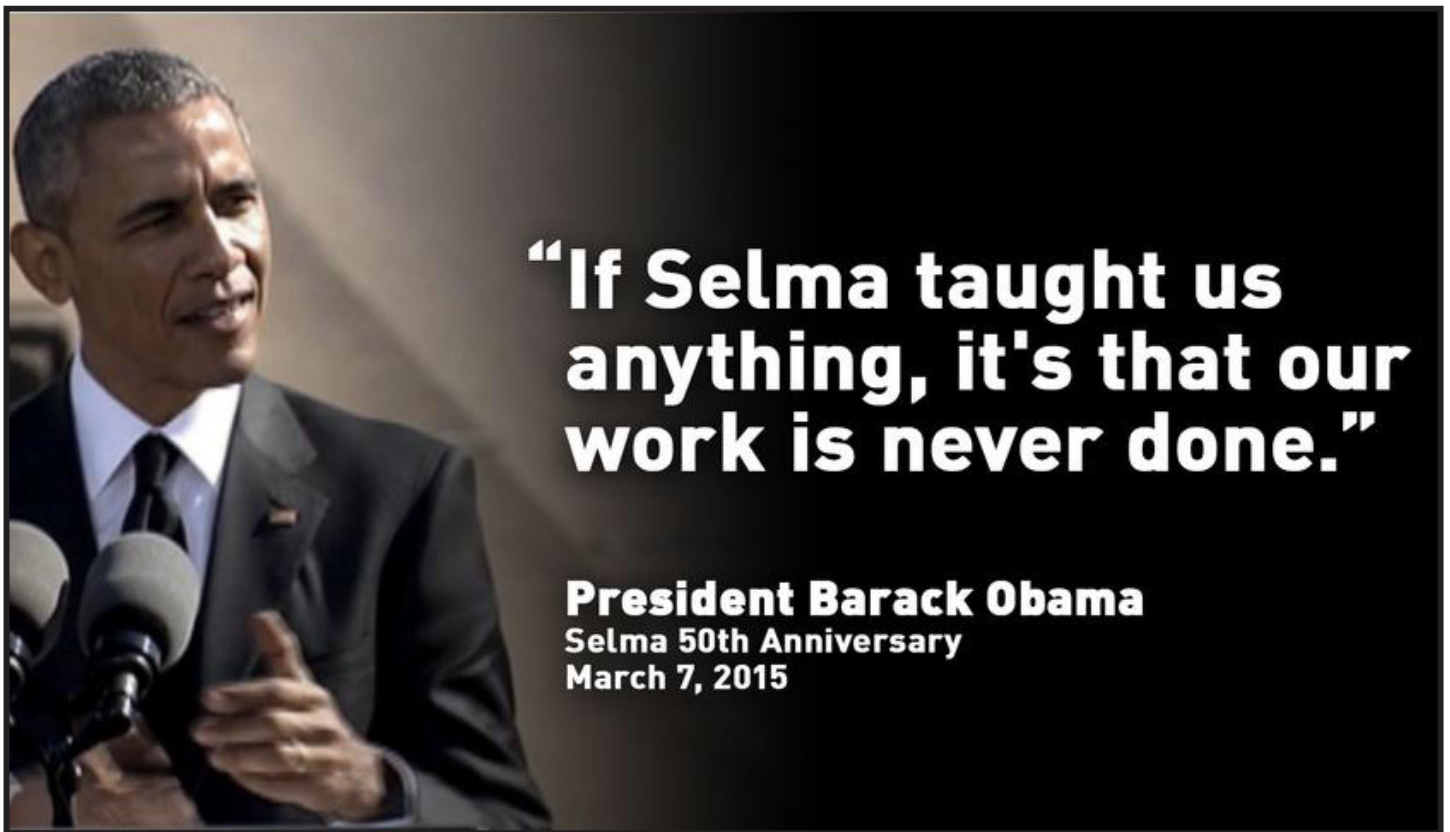
Adding to housing discrimination concerns is the troubling fact that most individuals may have no idea that they have been discriminated against because the victim is often not in a position to observe the treatment of non-minorities, according to HUD.

In the case of immigrants and refugees, we who conduct education and outreach to form relationships with these communities in Kentucky, conclude as do so many organizations across the nation, that very low numbers of immigrant and refugee housing discrimination victims report the discrimination because the groups

are afraid of authorities and are thus afraid to bring attention to themselves.

On the other hand, housing discrimination complaints based on the protected classes of disability and familial status are increasing.

Another vulnerable group that is not protected by laws prohibiting discrimination throughout the majority of the state are people who are lesbian, gay, bisexual or transgender, and the families members with whom they live. The lack of housing discrimination protection for these individuals leaves a hole in the state's ability to protect as many people as possible from housing discrimination.



## Kentucky Commission on Human Rights

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Kentucky Commission on Human Rights Newsletter  
Victoria Stephens, editor

Adding gender identity and sexual orientation as protected classes to the Kentucky Civil Rights Act would help close the gap.

In addition to enforcing anti-discrimination law, it is important to take proactive steps to overcome it. There are positive measures that, if utilized, could help reduce the resulting segregation that discrimination causes.

## Housing segregation and fighting it

There has been significant progress since fair housing law was established. After all, the national and several state fair housing laws finally brought to an end the legal racial and ethnic segregation of neighborhoods. Nevertheless, housing discrimination remains pervasive, devastating, and as a consequence, segregation remains high and detrimental. It is too convenient to simply attribute the extreme housing segregation that exists in Kentucky to poor economy, poverty and high unemployment. Rather the Kentucky Commission on Human rights asserts housing discrimination is a primary cause of segregation.

Kentucky remains one of the most segregated states in the nation, contributing to lower property values, increased crime, and obstacles to economic opportunities for minorities, women, children, families and communities.

Both urban and rural areas of

Kentucky are subjected to housing discrimination and its resulting segregation and loss of equal opportunity. Forty-five percent of Louisville, Ky., residents reside in extreme segregation based largely on race, color and national origin, according to news media. In rural areas, segregation by race is even more pronounced. The 2010 U.S. census shows that African Americans make up 7.8 percent of Kentucky, yet, in Eastern Kentucky, blacks, Hispanics and other minorities comprise just over 1 percent of the population.

One step toward affirmatively encouraging healthy housing integration is to ensure that minority businesses and contractors be actively included in opportunities to participate in projects designed to develop and improve neighborhoods and communities. Without the involvement of minority businesses and contractors, members of minorities seeking housing demonstrate less interest in the most historically segregated areas of urban and rural communities.

Secondly, the commission encourages the establishment of an enforceable statewide Uniformed Residential Landlord and Tenant Act (URLTA). Such law makes consistent the regulations governing landlord and tenant policies. In Kentucky, counties and cities may adopt such law, but also have the option to choose not to adopt it. The consistency of a statewide URLTA would help decrease discrimination and, therefore, segregation. A third step to discourage housing segregation is to address "source of income" discrimination. This is best described as discrimination

against a person with low income in the rental or acquisition of housing because that person is a recipient of public assistance income, such as housing vouchers. While not specifically covered by either federal or state fair housing law, low-income recipients of government assistance disproportionately fall within the classes of persons who are covered by fair housing laws, such as minorities, women and families. The Kentucky Commission on Human Rights supports any future enactment of laws to protect low-income persons. The addition to the Kentucky Civil Rights Act of a protected class called, "source of income," for example, could result in decreased housing discrimination and its resulting segregation. While the addition of this protected class could result in increased and unfunded enforcement responsibilities for the commission, we would support this move to aggressively further fair housing and equal opportunity among this vulnerable and disadvantaged group.

As the people of our state and nation recognize the Fair Housing Month of April, it is the hope of the Kentucky Commission on Human Rights and others that discussion, debate and contemplation will result in a raised level of consciousness about the detriment to the entire society of housing discrimination and segregation and with it a raised level of commitment to bring these antiquated systems to an end through true fair and equal opportunity. It will benefit all persons.

## Board of Commissioners

Chair George W. Stinson, Louisville . Robert Asseo, Florence . Duane Bonifer, Greensburg . Richard Brown, Owensboro  
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# What is the Uniform Residential Landlord Tenant Act (URLTA)?

*This information is taken, in part, from materials provided by the Kentucky Healthy Homes Coalition*

URLTA is an act that clarifies and codifies the legal duties of landlords and tenants entering into residential lease agreements. Kentucky allows cities and counties to adopt it as law if they choose.

So far, 19 Kentucky communities, including the cities of Somerset, Lexington and Barbourville, Louisville, and several communities in Northern Kentucky, as examples, have adopted URLTA as local law.

To protect renters across Kentucky, the Kentucky Commission on Human Rights and many others such as the Healthy Homes Coalition, have asked the legislature to adopt URLTA statewide.

Some benefits of URLTA:

- URLTA gives landlords and tenants the clarity they need to maintain and improve the quality of housing.
- URLTA standardizes the terms of a lease, so tenants and landlords know what to expect, regardless of where they live in Kentucky.
- URLTA makes our court systems more efficient.
- URLTA balances the property rights of landlords with the health, safety, and privacy rights of tenants.

Community and advocacy organizations — including the

Homeless and Housing Coalition of Kentucky, Kentuckians For The Commonwealth, and the Kentucky Equal Justice Center — are raising awareness about the Uniform Residential Landlord Tenant Act (URLTA) as they work with allies like the Kentucky Human Rights Commission to urge the Kentucky General Assembly to pass a state URLTA.

Kentucky House Reps. Johnny Bell, Mary Lou Marzian and Jim Wayne introduced an URLTA bill during the 2015 legislative session. It was assigned to the House Judiciary Committee where it languished.



*Marcher carries a Fair Housing sign at the 2014, 50<sup>th</sup> Anniversary March on Frankfort*

## Focus on housing Disability Discrimination

The most current U.S. Census statistics show that 31.3 percent of Kentucky housing properties are renter-occupied.

According to the Kentucky Data Center, the latest population estimate in July 2013 revealed that Kentucky has just under 4.4 million people.

The U.S. Census Bureau American Community Survey 2013 estimated that at that time Kentucky had 734,781 people with disabilities.

This number reflects a startling 17 percent of Kentucky's civilian, non-institutionalized population.

The national state average for people with disabilities is 12 percent, in other words, 5 percent less than Kentucky.

Kentucky is ranked as the state having the second highest number of people with disabilities in the nation, including Washington, D.C. Kentucky is second only to West Virginia as states with the highest number of people with disabilities.

### *What does all of this mean?*

When coupled with the above statistic that shows 31.3 percent of Kentucky housing properties are renter-occupied, and Kentucky's significantly high disability rate, it is fair to observe that our state's many people with disabilities are a high-risk group for housing discrimination.

The nation, including Kentucky, are seeing a rise in housing discrimination complaints based on disability.

### *HUD and national statistics*

On the national level, disability discrimination is the category with the highest number of housing complaints HUD (U.S. Dept. of Housing and Urban Development) On an annual basis, disability is the protected class named in 53 percent of HUD complaints.

When a person with a disability is

denied a reasonable accommodation in the area of housing, it violates the U.S. and Kentucky Fair Housing acts.

**3 TOURS. 2 PURPLE HEARTS.  
1 EVICTION NOTICE.**

When my landlord found out I had Post-Traumatic Stress Disorder (PTSD), I received an eviction notice. That's when I called HUD for help. If you feel that you've been discriminated against because of a mental or emotional injury or disability, report it to HUD or your local fair housing center.

Visit [hud.gov/fairhousing](http://hud.gov/fairhousing) or call  
the HUD Hotline **1-800-669-9777** (English/Español)

**FAIR HOUSING IS YOUR RIGHT. USE IT!**  
In Kentucky, you may call  
**The Kentucky Commission on Human Rights**  
**1.800.292.5566**

**NFHA**  
National Fair Housing Alliance

A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. For more information, visit [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing).

*A HUD public service announcement. It illustrates that disability may not be visually apparent to landlords or others. Life-altering disabilities exist that cannot be physically "seen." Renters with these kinds of disabilities are vulnerable when it comes to housing and other forms of discrimination.*

"HUD is aggressively addressing this type of discrimination and has had success in issuing charges and reaching settlement agreements thereby holding housing providers accountable," said Gustavo Velasquez, assistant secretary of the HUD Office of Fair Housing and Equal Opportunity. "HUD has also provided appropriate compensation for victims," he said, "but there is still much work to do."

Through its partnership with HUD and as a HUD affiliate, the Kentucky Commission on Human Rights is one of the agencies investigating and resolving HUD housing discrimination complaints.

The commission aggressively investigates to find if probable cause exists to evidence that housing discrimination based on disability has occurred. When a complaint is made, the agency aggressively works to resolve the matters with conciliation agreements,

settlements, and litigation.

The commission conducts education and outreach initiatives throughout the year to inform people about the right to fair housing for people with disabilities.

The commission provides extensive training and materials to property holders, managers and their employees to make clear that this kind of discrimination is against the law and that there are legal consequences, which may include, monetary compensation to complainants, modifications to structures, disability parking structures, etc.

"No person with a disability should have to endure the humiliation of being denied the accommodations needed to perform life's daily functions," HUD Assistant Secretary of the Office of Fair Housing and Equal Opportunity Velasquez said.

**WHEN WE EMBRACE DIVERSITY, WE BUILD  
STRONGER COMMUNITIES.**

Studies show that diversity helps broaden children's social networks by creating opportunities for interaction across racial and ethnic lines. And that in turn contributes to greater tolerance, fair-mindedness and openness. Housing discrimination deters the creation of diverse communities. The federal Fair Housing Act prohibits discrimination because of race, color, religion, national origin, sex, familial status or disability. To file a discrimination complaint or to learn more about fair housing and diverse communities, contact HUD or your local fair housing center.

Visit [hud.gov/fairhousing](http://hud.gov/fairhousing) or call  
the HUD Hotline **1-800-669-9777** (English/Español)

**FAIR HOUSING IS YOUR RIGHT. USE IT!**  
In Kentucky, you may call  
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on Human Rights**  
**at 1.800.292.5566**

**NFHA**  
National Fair Housing Alliance

A public service message from the U.S. Department of Housing and Urban Development in partnership with the National Fair Housing Alliance.

*Poster provided by U.S. Dept. of Housing and Urban Development. The commission adds its contact info as an affiliated fair housing rights enforcement authority of the federal law.*





## Financial transaction civil rights include fair housing rights

It is illegal 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 is illegal when it is based on color, disability, national origin, race, religion or sex. Further, it is illegal 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.

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

It is illegal 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.

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 may take into consideration factors *other* than race, color, religion, national origin, sex, disability, or familial status.

### 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.

If you believe you may be a victim of discrimination regarding financial transactions, or to learn more, contact the Kentucky Commission on Human Rights at 1.800.292.5566.



## LGBT & marital status protected in HUD Housing

There are a handful of cities and counties in Kentucky that have passed local ordinances protecting from discrimination people and their families who are lesbian, gay, bisexual or transgender. The United States and Kentucky Fair Housing laws do not include LGBT people and their household members in classes protected from

discrimination.

In 2012, however, the U.S. Dept. of Housing and Urban Development (HUD) created a policy to ensure that its HUD-assisted and HUD-insured housing programs shall not discriminate against people based on sexual orientation, gender identity or marital status.

HUD also expanded its race and gender discrimination studies (performed every 10 years) with a study on LGBT discrimination in public housing. The Kentucky Commission on Human Rights in conjunction with its HUD fair housing partnership is assisting with a survey for people who believe they have been discriminated against in housing based on sexual orientation, gender identity or marital status.

In its final rule called, "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity," HUD implements policy to ensure that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status.

The prohibition against discrimination in HUD programs precludes owners and operators of HUD-assisted housing or housing whose financing is insured by HUD from inquiring about the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied.



# Get on the Bus Fair Housing tour in Shelbyville

On April 21, the Kentucky Commission on Human Rights and collaborating partners held a fair housing program including a guided historical bus tour through the Kentucky town of Shelbyville.

The “Get on the Bus Tour, the Path toward Equal Housing Opportunities,” was also sponsored by the Lexington Fair Housing Council, Kentucky Housing Corporation, Centro Latino, and Shelby County Historical Society.

The event began with a speaking program attend by 60 people at the Shelby County Public Library. The bus tour navigated 46 participants through Shelbyville’s segregation history via its neighborhoods.



Shelby County was the third county established after Kentucky became a state in 1792. It was formed from a part of Jefferson County. The city of Shelbyville, named for Governor Isaac Shelby, was the county seat in 1792. In 1807, African Americans made up about 44 percent of the nearly 2,200 people in the local community. After the Civil War, Ku Klux Klan violence in Shelbyville and Shelby County escalated with the result of the black populations gathering into segregated communities; small black neighborhoods took shape outside of the city. In 1865, freeman Andrew Marrs and Sandy Burley purchased a Northwest corner lot between South Back Street (Henry Clay) and Main Street. This became the earliest African American subdivision in Shelbyville.

Martinsville, the mostly notable of the African American neighborhoods in Shelbyville, was within a short walking distance of the white residents. Many African American men and women worked in the nearby large, two-story homes lived in by white residents.

Shelby County had many black communities on the outskirts of town that no longer exist. Some of these areas included: Johnsonville, Waddy, Heinsville, Drewsville, Harrisonville, and Lincoln Ridge, just to name a few. In the city, Batesville and Cabintown have disappeared.

Today, African Americans comprise about 13 percent of Shelby County residents.

Shelby County is estimated by the U.S. Census Bureau to have a total population of 42,911 people. That number includes 36,725 whites, 3,854 Hispanics, 3,299 African Americans, 447 Asians, and 80 Native Americans or Alaskans. In addition are people of other races or two or more races.



***The Fair Housing Program in the Shelby County Public Library. About 60 people attended.***

Speaking at the program were: U.S. Dept. of Housing and Urban Development Field Office Director Christopher Taylor, U.S. Dept. of Agriculture Rural Development Director John Johnson, Kentucky Commission on Human Rights Executive Director John J. Johnson, Kentucky Housing Corporation Executive Director Kathy Peters, and Shelbyville Mayor Tom Hardesty.



## A Glance at the Hispanic Population in Shelby County

Shelby County has the highest population of people of Hispanic origin in the Commonwealth of Kentucky.

Under the U.S. and Kentucky Civil Rights acts, people of other national origins are protected from housing, public accommodation, employment, and financial transaction discrimination.

*Below is a HUD Fair Housing poster in Spanish*



The U.S. Census estimates that 136,340 Hispanics live in Kentucky. About 3,854 of those people live in Shelby County. The latter number reflects approximately 11.13 percent of the Shelby County population.

According to the American Fact Finder, Kentucky has about

1,694,996 occupied housing units, and 1.1 percent of the units are Hispanic-owner occupied.

In Shelby County, there are 15,469 occupied housing units, and 340 housing units are Hispanic-owner occupied. This is 2.2 percent of all occupied housing units. About 17 percent of all occupied housing units in the county are rented by Hispanics.

The U.S. Census also reports there are about 40 of over 3,300 businesses in Shelby County that are owned by Hispanics. Several of them are restaurants, bakeries, and grocery stores. Most of the grocery stores are located in or near Hispanic neighborhoods.

## KY Human Rights cosponsored Louisville Fair Housing Coalition public forum

The Louisville Fair Housing Coalition presented a free Public Forum on Housing Policies and the Impacts on Families on April 14 at New Directions Housing Corporation in Downtown Louisville.

There was a panel discussion with Giselle Danger-Mercaderes, Homeless Education program coordinator for Jefferson County Public Schools, Andrew Hawes with Kentucky Housing Corporation, currently working on housing policies and how they contribute to juvenile delinquency, Aletia Robey, recent University of Louisville graduate in Women & Gender studies, and Donia Addison, MSW student at Spalding University & MHC intern, who shared her personal and professional experiences with housing.

The event was sponsored by the Louisville Fair Housing Coalition, Metropolitan Housing Coalition, Anne Braden Institute, Louisville Urban League, Center for Accessible Living, Kentucky Commission on Human Rights, Louisville Metro Human Relations Commission, Seven Counties Services Inc., New Directions Housing Corporation, Homeless and Housing Coalition of Kentucky, Kentucky Alliance Against Racist and Political Repression, Kentucky Housing Corporation, and Lexington Fair Housing Council.

## More Commission fair housing activities

In addition to those mentioned elsewhere in this publication, the Kentucky Commission on Human Rights conducted several fair housing activities during April. The commission thanks the U.S. Dept. of Housing and Urban Development for its partnership.

On April 29, the commission conducted a free fair housing training in Berea, Ky., located in the central part of the state. The training was designed to help social service providers and government employees learn about common discriminatory actions in the area of housing. This kind of knowledge assists providers to better inform their clients and constituents about housing discrimination. Real estate agents learned about fair housing laws to help them avoid discriminatory practices. The event informed participants about reasonable accommodations and modifications required for people with disabilities in housing.



On April 30, Kentucky Human Rights 7<sup>th</sup> Supreme Court Commissioner Carol Jackson, along with the Ashland Human Rights

Commission, of

which she is chair, presented a Fair Housing Forum. Other Kentucky Human Rights officials also made presentations. Speakers discussed the rights and responsibilities of residents and landlords including the Kentucky Uniform Landlord Tenant Act, housing issues confronting immigrants, and affordable housing programs.



*Signs similar to this one will be placed in the Kentucky cities of Ashland, Louisville, Lexington, Owensboro, Madisonville, Bowling Green, Richmond, and Danville. Location owners agreed to display the signs on a permanent basis.*

On April 11, the Kentucky Commission on Human Rights and the Hispanic Ministries of the Catholic Dioceses of Owensboro conducted a free Fair Housing and Civil Rights Workshop in Spanish at a church, Christ the King Parish, in Madisonville, Ky.

Anyone interested in having a fair housing workshop conducted in Spanish for a group in the state may contact Kentucky Commission on Human Rights' Juan Peña at 502.566.9955.

# Commission Rulings

The Kentucky Commission on Human Rights Board of Commissioners at its February, March, and April 2015 meetings ruled to accept 8 conciliation agreements and accept 12 case withdrawals that were resolved with private settlements after respondents were made aware complaints had been filed with the commission. The board accepted 19 case withdrawals giving complainants the right to file private suits and ruled to dismiss 57 complaints with findings of no probable cause to evidence discrimination may have occurred.

Conciliation agreements are similar to settlements and are negotiated by commission officials. The following are conciliations ruled upon and accepted during the meetings:

**In two separate conciliation agreements, Stephanie Hadley v. the City of Bardstown, Ky. and the Joint City-County Planning Commission of Nelson County, Ky.:** Hadley complained in January 2014 to the Kentucky Commission on Human Rights that the City of Bardstown and also the Joint City-County Planning Commission of Nelson County discriminated against her based on the protected class of **disability in the area of housing**. This would be a violation of both the Kentucky and United States Civil Rights acts. Hadley alleged she requested from her landlord a reasonable modification for a wheelchair ramp to her residence to accommodate her daughter's disability, to which the landlord agreed. Hadley claimed the City of Bardstown and Nelson County refused to waive the entities' variance fee for building structures not within the scope of their

planning guidelines. Both entities denied the violation of any civil rights law. All parties agreed to resolve Hadley's complaint with conciliation agreements rather than pursue litigation. In the agreements the city and county agreed to waive the variance fee and to establish an ordinance that waives future variance fees for construction of structures made pursuant to lawful requests for reasonable modifications to accommodate a disability. The City of Bardstown agreed to compensate Hadley in the amount of \$2,500. Both entities agreed to report to the Kentucky Commission on Human Rights within one year to evidence that the ordinances are established.

**George Young v. Saratoga Apartments and Brighton Properties in Newport, Ky.:** George Young complained in June 2014 to the Kentucky Commission on Human Rights, alleging that his landlord discriminated against him based on the protected class of **disability in the area of housing**. This would be a violation of both the Kentucky Civil Rights Act (KRS Chapter 344) and the U.S. Fair Housing Act. Young alleged he was treated differently because of visual impairments and that his landlord reported to him violations concerning Young's domicile in writing, which Young was unable to read due to a disability. The respondents denied any violation of the law and asserted that Young was in violation of the housekeeping provisions of the lease. Prior to a commission determination, the parties chose to resolve the matter with a conciliation agreement. The respondents agreed to compensate Young in the amount of \$2,000 and waive filing a suit against Young for damages to the rental unit. The company agreed to attend fair housing training and submit to commission compliance monitoring. The agreement does not constitute an admission of liability or



wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.



*Commission Attorney Alysia Robben and complainant David Lynn with Lynn's conciliation agreement compensation from a respondent.*

**David Lynn v. Community Alternatives Kentucky Inc. and Res-Care Inc. in Frankfort, Ky.:** David Lynn complained in November 2012 to the Kentucky Commission on Human Rights, alleging his employer discriminated against him based on the protected class of **disability in the area of employment**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Americans with Disabilities Act. Lynn alleged that his employers terminated him from his position because of his disability. After investigating, the commission determined there was probable cause to believe discrimination may have occurred. Prior to holding a final hearing in the matter, the parties chose to resolve the complaint with a conciliation agreement. The respondents agreed to compensate Lynn in the amount of \$60,000. They agreed to immediately remove from their records any statements or determinations or actions against the complainant. They agreed to recognize his separation from them as a voluntary resignation and to provide a neutral job reference including a reference letter. They agreed to undergo civil rights compliance training and submit to commission compliance monitoring for two years. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq.

or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

**Karmee Puckett v. Paris Pike Limited Partnership doing business as Hopewell Apartments in Paris, Ky.:** Karmee Puckett complained in December 2013 to the Kentucky Commission on Human Rights, alleging her landlord discriminated against her on the protected class of **race in the area of housing**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She claimed the on-site apartment manager at Hopewell Apartments harassed her and her minor son by directing racial slurs against them and commenting on negative racial stereotypes in their presence. She claimed the landlord retaliated against her after she opposed these practices by taking actions to evict her. The case was transferred to the commission legal unit on a finding of probable cause. However, prior to the issuance of a formal charge of discrimination, the complainant and respondents chose to resolve the complaint with a conciliation agreement. The respondents denied that they discriminated against the complainant; they agreed they will not commit unlawful discrimination in future. They agreed to compensate Puckett in the amount of \$17,000, to undergo fair housing compliance training and submit to compliance monitoring by the commission for three years. The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

**Sandra Burton v. Roy Lewis in Frankfort, Ky.:** In February 2014, Sandra Burton complained to the commission, alleging she was a victim of discrimination based on **sex in the area of housing**. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. She alleged that Roy Lewis, her landlord, sexually harassed her. Upon investigation, the commission issued a finding of probable cause to believe discrimination may have occurred. Prior to the matter proceeding to a hearing or trial, the parties chose to resolve the matter with a conciliation agreement. The respondent denied any violation of the law. He affirmed

his real estate and housing policies and practices comply with the federal and state Fair Housing Acts. He agreed that he will not discriminate on the basis of sex, including committing any acts of sexual harassment towards tenants or prospective tenants. He agreed he will not interact directly with any tenant or prospective tenant without the presence of a third-party adult. He compensated Burton in the amount of \$10,000. He agreed to undergo fair housing training and submit to commission compliance monitoring for three years.

The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

**Janice Bradberry v. Central Christian Church Apts. Inc. and Steve Harp in Lexington, Ky.:** In July 31 2014, Janice Bradberry complained to the commission, alleging she was a victim of discrimination based on **disability in the area of housing**. This would be a violation of the U.S. and Kentucky Civil Rights acts. Prior to a determination, the parties chose to resolve the matter with a conciliation agreement. This was a voluntary conciliation agreement by the parties. The parties understand and agree that the agreement does not constitute an admission by respondents of any violation of the KCRA, the FHA, or any other statute or regulation. The respondents specifically deny any such violation. They affirmed their real estate and housing policies and practices comply with the Fair Housing Acts, and the conciliation agreement. The respondents compensated Bradberry in the amount of \$10,000. They will undergo fair housing training and submit to commission compliance monitoring for three years.

The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

**Mark Wilson v. Dosker Manor Apts. et. al in Louisville, Ky.:** In October 2014, Mark Wilson complained to the commission, alleging he was a victim of discrimination based on **disability in the area of housing**. This would be a violation of the U.S. and Kentucky Fair Housing acts. He alleged that his landlord Dosker Manor Apts. et. al by failing to provide him an accessible parking space

was in violation of the law. Prior to a determination, the parties chose to resolve the matter with a conciliation agreement. The respondents denied any violation of the law. They agreed to create two permitted parking spaces accessible to vehicles with side lifts or ramps; to only issue permits to vehicles owned, registered and insured by a lawful resident with a disability who uses a side lift or ramp in the vehicle; to strictly enforce a policy that only those with "side lift vehicle" parking permits may park in the spaces; and to immediately issue a permit to Wilson. They agreed to undergo fair housing training and submit to commission compliance monitoring for three years.

The agreement does not constitute an admission of liability or wrongdoing, including but not limited to, any violation of the Kentucky Civil Rights Act, KRS Chapter 344 et. seq. or Federal Fair Housing act as amended, 42 USC 3601 et seq., all of which are specifically denied. The parties acknowledge that these conciliations are a compromise of disputed claims.

## Commission 2015 Women's Advocacy Hearing focused on Fair Housing

The Kentucky Commission on Human Rights presented the 2015 Kentucky Women's Advocacy Hearing, "A Focus on Fair Housing," on March 31. The event was held at the Kentucky Center for African American Heritage in Louisville, Ky. The program was both a Fair Housing Month and a Women's Month program. National and Kentucky Women's History Month is in March.

The commission presented the event to examine fair housing problems that affect women in the state. The hearing allowed a panel of advocates to make presentations, make recommendations, and address concerns surrounding the subject. A panel of hearers, experts in related fields, listened and discussed the presentations.

This year's hearing moderator was Dolores Delahanty of Louisville. For more than 50 years she has led national, state and local efforts to improve the lives of women, children, the poor and the homeless.

The panel of advocates included Kentucky Alliance Against Racist and Political Repression's Kathleen Parks, Kentucky Commission on Human Rights Housing Investigator LiAndrea Goatley, League of Women Voters Housing Cochair Emma Smith, and Louisville Affordable Housing Trust Fund HOME Consultant Gina Chamberlain.

The panel of hearers consisted of Kentucky



Commission on Human Rights 7<sup>th</sup> Supreme Court District Commissioner Carol Jackson, State-At-Large Commissioner Doris Clark-Sarr, Kentucky Senate Executive Legislative Assistant Priscilla Johnson, and Louisville-Jefferson County Metro Human Relations Commission Executive Director Carolyn Miller-Cooper.

## St. Francis students come to commission headquarters



A group of 50 students on March 30 from St. Francis High School of Louisville, Ky., visited the Kentucky Commission on Human Rights Louisville headquarters. The students learned about the mission and work of the commission and its commitment to promote equality and enforce the laws against discrimination. The students were vivacious and shared their thoughts and asked several questions. The commission invites students to visit anytime. Contact the offices at 1.800.292.5566 and ask for Mary Ann Taylor.

## Adair County forms a local human rights commission

The Kentucky Commission on Human Rights is pleased to announce it has a new local human rights commission partner to help promote civil and human rights in the wide-reaching Commonwealth of Kentucky.

Appointments for commissioners were recently made to the Adair County Human Rights Commission. The organization inaugural meeting is being scheduled.

Kentucky Commission on Human Rights Commissioner Duane Bonifer represents the 3<sup>rd</sup> Supreme Court District, which includes Adair County.



"This state's newest human rights commission, four years in the making, grew out of a project started by a Kentucky Commission on Human Rights work-study intern from Lindsey Wilson College," Bonifer said. He is also communications director of Lindsey Wilson College, a four-year, liberal arts college located

in Columbia, Ky., the Adair County Seat. Adair lies in south central Kentucky.

This is the 24<sup>th</sup> active local human rights commission within the Commonwealth. The state commission relies on these partners to reach Kentuckians with a community presence.

## April also Minority Health Month

April is National and Kentucky Minority Health Month. Gov. Steve Beshear said in his proclamation of Minority Health Month:

"...there are still significant differences in the incidence, prevalence and mortality rates of diseases among our minority and under-served populations; and cancer and heart disease are the leading causes of death here for all races and ethnicity, and we also report higher smoking rates than the national average.

"Nearly 41 percent of African American Kentuckians are obese versus roughly 33 percent of white or non-Hispanic Kentuckians; and the diabetes death rates are striking when comparing racial groups within the state and across the nation — more than twice as many African American men and women die here from diabetes, with a host of contributing factors such as obesity, poor eating habits, lack of income and access to care; and report higher percentages of smoking tobacco than the national average.

"These disparities impose a steep cost on Kentucky's economy and a heavy toll on the health and productivity of our people.

"Everyone should have a chance for a healthy, prosperous and productive life, and our 'kyhealthnow' initiative aims to improve the health and wellness of Kentucky's children, families and workforce regardless of who they are or where they live," Governor Beshear said.

# Women's History Month of March

The Kentucky Commission on Human Rights was proud to recognize the month of March as Women's History Month. Nations around the world highlighted the contributions of women to events in history and contemporary society. International Women's Day was on March 8. Kentucky celebrates the national recognition and also celebrates its own Kentucky Women's History Month.

"Meanwhile, the Kentucky Commission on Human Rights, which enforces laws that protect people against discrimination, including discrimination based upon gender or sex, continues to be concerned about disparities in equal treatment and equal opportunity for women in Kentucky," said Kentucky Commission on Human Rights Executive Director John J. Johnson.

"In the last 10 years, from 2004 to 2014, the Kentucky Commission on Human Rights has filed 868 discrimination complaints for people in Kentucky, alleging discrimination based on gender," Executive Director Johnson said. "The overwhelming majority of those claimed unlawful gender discrimination against women," he said.

U.S. Census Bureau and other statistics cited by the Kentucky Commission on Women also highlight concerns about the welfare of women in the state:

The median earnings for Kentucky women is \$31,752, while the median earnings for Kentucky men is \$41,517 for full-time, year round workers.

Equal Pay Day was recognized on April 14.

A woman in Kentucky working full-time, year-round, is paid only 77 cents for every dollar paid to a man working full-time, year-round. This is equal to the nationwide wage gap.

The unemployment rate for African American Kentucky women is 12 percent, more than twice the unemployment rate for white women in Kentucky.

18.5 percent of Kentucky women over the age of 18 live below the poverty line, compared to 14.8 percent of men.

Kentucky ranks 45<sup>th</sup> in the nation on the National Women's Law Center report card on women's health and well-being.

## Recognizing Women's Achievements

Visit the Kentucky Commission on Human Rights website and click on the Kentucky Civil Rights Hall of Fame to learn more about women who have contributed to the area of human and civil rights on behalf of their state.

Visit You Tube online to watch interviews of women inductees of the human rights commission's Kentucky Civil Rights Hall of Fame. This is part of an oral history collaboration to showcase and archive history about the inductees, who tell, first-hand, of their experiences in civil and human rights. The Kentucky Civil Rights Hall of Fame Oral History Project is being produced through a partnership with the Louie B. Nunn Center for Oral History, University of Kentucky Libraries, the University Office of Community Engagement and the Kentucky Commission on Human Rights. Go online to youtube.com, and type in the search browser, "Kentucky Commission on Human Rights," or "Nunn Center."

# Executive Director speaks to FBI



Kentucky Human Rights Commission Executive Director John J. Johnson was guest speaker of the Federal Bureau of Investigation in Louisville Black History Month program in February. Here, he stands with FBI Louisville Division Director Harry Hibbs. Executive Director Johnson spoke to several groups throughout Black History Month, Women's History Month in March, and Fair Housing Month in April.

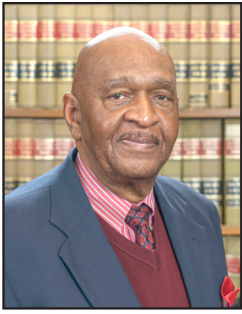
# Commissioner attends Senator Ford funeral



Retired U.S. Senator Wendell H. Ford of Kentucky who served as governor and then for four terms as a U.S. senator, rising to become the

Democratic whip, or assistant leader, in the early 1990s, died on January 22, 2015, at his home in Owensboro, Ky. He was 90.





Kentucky Commission on Human Rights Commissioner representing the 2<sup>nd</sup> Supreme Court District Richard Brown, also of Owensboro,

represented the commission by attending the memorial service.

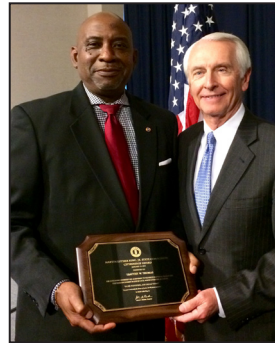
"It was a good feeling to hear former President Bill Clinton and Vice-President Joe Biden speak with such passion and sincerity of a person that I have looked up to and known for so many years," said Commissioner Brown.

"I first became acquainted with the senator when I was a young person and he was inspiring young men to join the Jaycees of which I became a member," the commissioner said.

"I had a deep respect for this honorable man and appreciate his great contributions and inspiration to me," he said.

The Kentucky Human Rights Commission passed a resolution in his honor. *It said: "Senator Ford supported legislation setting aside 10 percent of federal highway funds to women and minority contractors. He opposed ending special funding for minority and women owned businesses, and he opposed banning affirmative action requirements in hiring persons by employers receiving federal funding. In addition, Senator Ford was instrumental in the passage of the 1993 motor voter law that requires state governments to allow voter registration opportunities to any eligible person who applies for or renews a driver's license, thus making it easier for everyone to vote."*

## Commissioner receives KY Martin Luther King Citizenship Award



Kentucky Human Rights Commissioner Timothy W. Thomas on January 15 was named the recipient of the annual Martin Luther King Citizenship

Award by the Martin Luther King Jr. Commission of Kentucky.

Gov. Steve Beshear and Lt. Gov. Crit Luallen honored the Madisonville, Ky., resident during the Kentucky Martin Luther King Jr. celebration.

Lt. Gov. Luallen presented the annual Martin Luther King Jr. Citizenship Award to Commissioner Thomas, who represents the 1<sup>st</sup> Supreme Court District as a commissioner on the Kentucky Commission on Human Rights.

The award is given to an individual who demonstrates leadership and achievement in the principles of racial equality, interracial harmony and economic justice.

"Commissioner Thomas's leadership and civic roles reflect characteristics of Dr. King and embody the spirit of this award," said Lt. Gov. Luallen. "We present Commissioner Thomas with this award as a lifelong Kentuckian and leader in the African-American community who has proudly served in many different capacities over the years."

He is involved with several initiatives. Among those, he serves on the KY African American Heritage Commission and is Hopkins County Joint Planning Commission president. He is a Madisonville Police

Department Advisory Committee member and Kentucky State Crime Stoppers Association president. He is a Hopkins County-Madisonville NAACP member, and is founder and host of a public service television program, "Focus on Hopkins County."

## Commissioner helps host college recruitment diversity event



Left is award recipient Carolyn Sunday. KY Human Rights Commissioner Samuel Coleman Jr. stands second from right and is flanked by two students who attended one of the statewide "Super Sunday" events.

Kentucky Commission Human Rights Commissioner Samuel Coleman Jr. represents the state-at-large. He is a resident of Middlesboro, located in Eastern Kentucky's Appalachian region. He is the Southeast Kentucky Community and Technical College Small Business Development Center director.

On March 8, he led Mount Moriah Baptist Church in Middlesboro in giving out student awards, a community award named for his father Samuel Coleman Sr., and in hosting a "Super Sunday" higher education promotional event. About 100 people attended.

Super Sunday events are held by community colleges on a date in March at minority churches throughout the state to encourage minority students to enroll in institutions of higher education.

## Commissioner receives police Citizen of the Year Award



Kentucky Human Rights Commissioner Robert Asseo representing the 4<sup>th</sup> Supreme Court District is a resident of Florence, Ky. He became the first

Hispanic commissioner in 2007 when he was appointed by then Gov. Ernie Fletcher. On Jan. 17 of this year, he received the Citizen of the Year Award from the Northern Kentucky Police Chief's Association.

He was presented with the 14<sup>th</sup> memorial award for "his passion, dedication and courage in serving the community," association officials said.

*"He serves as a role model to young adults and to the community...He continues to strengthen his commitment to build a greater awareness of leadership and humanitarian spirit within the community...He shows how one person can make a positive difference in the lives of other individuals and communities around the world, and he is a champion in his own right," said Cincinnati Northern Kentucky Airport Police Chief Scott Schwartz.*

The airport police nominated Asseo for the award. Commissioner Asseo is a long time field supervisor at the Cincinnati Airport Delta Airlines.

## KKK group marches in three Kentucky towns

by John C.K. Fisher, Kentucky Commission on Human Rights Northern Kentucky Field Supervisor

Members of the Trinity White Knights,

a group associated with the Ku Klux Klan in Dry Ridge, Ky., marched on Saturday, April 4 in Maysville, Flemingsburg and Morehead, Ky., according to an article April 5<sup>th</sup> in the Maysville, Ky., Ledger Independent.

The Kentucky Commission on Human Rights spoke to city officials and police about the Klan demonstrations.



### A KKK group demonstrated in Maysville on April 4

Witnesses said there were about 10 members in the group.

Officials said they did not know why the Trinity White Knights were in town, and no one joined the group in their protests.

Maysville Mayor David Cartmell told the commission that he wasn't aware of any Klan activity in his area in recent years.

"Nobody likes them around here," he, said. "They were ignored," he said.

Morehead Police Chief David Sexton told the commission he has worked in his city for 25 years and this was the first time anyone from the group protested in his town.

Flemingsburg Police Officer Eric Plank told the commission the Klan was in his town for about 25 minutes the same day. He said police didn't allow traffic to be disrupted during the group's protest.

Capt. Brian Bowling of the Kentucky State Police at Morehead told the commission he became aware of the local Klan membership about six weeks previously.

Capt. Bowling said one person in

the group was arrested previously in April on drug-related charges and outstanding warrants.

Bowling said four officers of the Kentucky State Police accompanied the group from town to town and during the protests to ensure law compliance and order.

He said the Klan spoke about white supremacy at each stop and engaged in some rhetoric with local residents, but no violence or arrests were reported.

"The public lost interest in what they said," Bowling said of the protests.

Maysville Police Chief Ronald Rice said several local residents told the group that they weren't welcome in Maysville.

Officials agreed to call on the commission if needed to help diffuse tensions should any arise from the hate group's activity.

## March was Sexual Assault Awareness Month

Gov. Steve Beshear proclaimed March as Sexual Assault Awareness Month in the Capitol Rotunda. The event was cosponsored by the Kentucky Cabinet for Health and Family Services and the Kentucky Association of Sexual Assault Programs (KASAP).

"It's important that we recognize those who are working toward ending the violence and encourage more discussion, since education is the key to prevention," Gov. Beshear said.

KASAP Executive Director Eileen Recktenwald said, "When anyone... needs help, the state's network of rape crisis centers offer comprehensive assistance to all survivors in their path to recovery," she said.