

Commission on Human Rights

KY Human Rights Commission makes June 2013 rulings on discrimination complaints

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The Kentucky Commission on Human Rights Board of Commissioners met on Thursday, June 20, at Louisville headquarters to rule on discrimination complaints for the Commonwealth of Kentucky.

The commission ruled to accept five conciliation agreements, accept four case withdrawals that give the complainants the right to file private suits, accept four case withdrawals that were resolved with private settlements, dismiss 18 complaints with findings of no probable cause to evidence that discrimination occurred, and accept four successful mediations with private terms that resulted from meetings between the complainants and respondents under the guidance of a commission attorney.

Conciliation agreements are similar to settlements and are negotiated by commission investigative and legal staff. The agreements resolve the discrimination complaints. The following is the summary of the conciliation agreement accepted at the meeting:

Kristine Galligan v. Hillview Terrace Apartments, in Greensburg, Ky.: Kristine Galligan alleged Hillview Terrace Apartments discriminated against her on the basis of disability in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Galligan alleged the landlord denied her the legal disability-reasonable-accommodation-request to allow her service animal to reside in her rental unit. She further claimed the apartment management then terminated her lease stating as its reason that she had violated the "no pets" policy. Under civil rights laws, service animals are not pets. The commission prepared to make a probable cause determination that evidence existed to believe discrimination had occurred. Before the determination was formalized, the parties agreed to resolve the complaint with a conciliation agreement. Hillview Terrace denied all violations of the law. It affirmed that it does and shall comply with civil rights law including fair housing law. It agreed to compensate

Galligan in the amount of \$7,500, undergo fair housing compliance training, and submit to compliance monitoring by the commission for three years.

Lexington Fair Housing Council Inc. v. Long's Trailer Park in Morehead, Ky.: The Lexington Fair Housing Council alleged that Long's Trailer Park discriminated on the basis of family status in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Family status is a class within civil rights laws that protect from housing discrimination people with children in the household who are 18-years old and under. The Lexington Fair Housing Council is an organization that tests for fair housing violations and that promotes fair housing in Kentucky. The council claimed the trailer park denied families with children from residing on its property. The council said this was a frustration of its mission and caused a diversion of the council's resources. Long's Trailer Park owner Bea Long denied all violations of the law. The commission in its investigation prepared to make a determination of probable cause to believe that discrimination had occurred; the pre-probable cause determination letter was issued to inform both parties, and the parties agreed to resolve the matter with a conciliation agreement. On Jan. 17, 2013, Gary Rice was appointed to serve as the executor of the estate of Bea Long. He affirmed the trailer park will not discriminate against people and will comply with civil rights laws, and he agreed to report any complaints of housing discrimination to the commission and to undergo fair housing compliance training.

Lexington Fair Housing Council v. R. Simpson Properties and Sandy Boshears, Burlington Woods Properties LLC., (Burlington Woods Apartments) in Burlington, Ky.: The Lexington Fair Housing Council, a fair housing organization with its stated mission to promote equal housing opportunities in Kentucky, alleged the respondents discriminated against people on the basis of disability in the area of housing. The council claimed that during its own investigation of the respondents' practices, it discovered that they did not allow renters to have disability service animals, in this case, emotional support animals, at the Burlington Woods Apartments. The respondents denied all violations of the law. Before the commission completed its investigation of the discrimination complaint, the parties agreed to resolve the matter with a conciliation agreement. The respondents agreed to compensate the council in the amount of \$350. The respondents affirmed that they do and shall comply with fair housing law. They agreed to undergo compliance training and compliance monitoring by the commission for three years.

Erica Leiva v. the Mt. Sterling Housing Authority and Ron Clark, in Mt. Sterling, Ky.: Erica Leiva alleged the Mt. Sterling Housing Authority discriminated against her based on sex (female) and national origin (Hispanic) in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Leiva claimed the landlords terminated her lease because of alleged criminal activity. According to authorities, Leiva was an alleged victim of domestic abuse and that her alleged abuser was arrested for related charges. She claimed the landlord referred to her as "You, people," in addition, which she believed referred to her Hispanic national origin. The respondents denied all violations of the law and asserted they were unaware of her national origin and were referring to Leiva and another person when apartment representative Ron Clark said, "You, people." The respondents asserted that Leiva had allowed the person against whom she had a restraining order for domestic abuse to be present in her apartment as a guest all evening before police were called for a report of

violence. Before completion of the commission investigation of the discrimination complaint, the parties agreed to resolve the matter with a conciliation agreement, which the commission negotiated. Leiva agreed to abide by the lease terms in order to live on the property. The respondents agreed to provide a written apology to the complainant, to make the Violence against Women Act notice available to all tenants, to abide by fair housing law, to undergo compliance training and to submit to compliance monitoring by the commission.

Leisa Riley v. Sue Salyer and David and Kathy Bates, in Nicholasville, Ky.: Leisa Riley alleged that property landlords Sue Salyer and David and Kathy Bates discriminated against her on the basis of disability in the area of housing. This would be a violation of the Kentucky Civil Rights Act and the U.S. Fair Housing Act. Riley claimed that Sue Salyer attempted to charge Riley \$300 to keep a disability service animal on a rental property in Nicholasville. Riley claimed that when she stated there should be no fee for a service animal, Salyer destroyed the lease agreement and did not return a deposit that Riley had already paid. The respondents denied all violations of the law. Before the completion of the commission investigation, the parties agreed to resolve the matter with a conciliation agreement. The respondents affirmed and agreed to comply with civil rights laws including fair housing laws, agreed to compensate Riley in the amount of \$6,000, and agreed to undergo fair housing compliance training and compliance monitoring by the commission for three years.

The Kentucky Commission on Human Rights is the state authority that enforces the Kentucky and United States Civil Rights acts, which make discrimination illegal. The Kentucky Civil Rights Act protects people from discrimination in the areas of employment, public accommodations, housing, and financial transactions. It prohibits discrimination on the bases of race, color, religion, national origin, disability and gender in all the above areas. It additionally protects people on the basis of familial status in the area of housing, which covers families with children in the household under age 18-years old and covers women who are pregnant. The bases of age, 40-years old and over, and tobacco-smoking status, are additionally protected in the area of employment. It is against the law to retaliate against any person who complains of discrimination to the Kentucky Commission on Human Rights.

For help with discrimination, contact the commission at [1.800.292.5566](tel:18002925566). The TDD telephone number is [502.595.4084](tel:5025954084). Visit the website at kchr.ky.gov. From there, link to the commission Facebook or Twitter sites to read news about protected class issues and announcements of commission and their partners' activities.