

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2019-06

A SUMMARY OF CITY OF LONDON ORDINANCE NO. 2019-06
AMENDING ORDINANCE NO. 673
“AN ORDINANCE AMENDING ORDINANCE NO. 673 ENTITLED “AN ORDINANCE OF
THE CITY OF LONDON RELATING TO UNFAIR HOUSING PRACTICES, FINANCIAL
PRACTICES AND BLOCKBUSTING”

This Summary is prepared pursuant to KRS 83A.060(4).

The following is intended to be a summary of Ordinance No. 2019-06 as herein above stated. This summary is prepared by Larry G. Bryson, the attorney for the City of London, Kentucky, who is authorized to practice law in the Commonwealth of Kentucky and who further states that this document is a true and correct summary of Ordinance No. 2019-06.

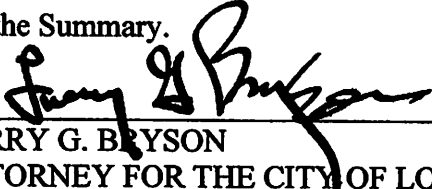
Any Ordinances or parts of Ordinances in conflict with this Ordinance are repealed and this Ordinance is effective on publication.

The full text of the Ordinance is on file in the Office of the City of London Clerk, 501 South Main Street, London, Kentucky where it may be inspected.

Section Three entitled Local Human Rights Commission and Section Four entitled Severability were removed this Ordinance.

The categories of disability and familial association were added throughout this Ordinance as sections of which discrimination cannot be made against certain persons.

This summary is intended to comply with KRS 83A.060(4) as a true and accurate summary of this Ordinance. The Summary of this Ordinance is certified pursuant to KRS 83A.060(9), by Attorney Larry G. Bryson, an attorney licensed to practice law in the Commonwealth of Kentucky and will be effective upon publication of the Summary.


LARRY G. BRYSON
ATTORNEY FOR THE CITY OF LONDON

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 673 2019-06

AN ORDINANCE AMENDING ORDINANCE NO. 673 ENTITLED "AN ORDINANCE OF THE CITY OF LONDON RELATING TO UNFAIR HOUSING PRACTICES, FINANCIAL PRACTICES AND BLOCKBUSTING AND CREATING A LOCAL HUMAN RIGHTS COMMISSION"

WHEREAS, discrimination against persons because of race, color, sex, religion, disability, familial association, or national origin in connection with real estate transactions is inconsistent with the democratic principles of the United States Constitution of the Commonwealth of Kentucky; and

WHEREAS, such discrimination results in harmful economic effects to this community; and

WHEREAS, Kentucky Revised Statutes 344.310 – 344.385 provides for the creation of Local Human Rights Commissions to safeguard London citizens from discrimination in real estate transactions.

NOW, THEREFORE, be it ordained by the Council of the City of London:

Section One. Definitions

- (1) "Person" means one or more individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.
- (2) "Discrimination" means any direct or indirect act or practice of exclusions, distinction, restrictions, segregation, limitation, refusal, denial or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, sex, disability, familial association, or age between forty and sixty-five, or the aiding, abetting, inciting, coercing or compelling thereof.
- (3) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.
- (4) "Housing accommodations" includes improved and unimproved property and means a building, structure, a lot or part thereof which is used or occupied, or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.
- (5) "Real estate operator" means any individual or combination of individuals, labor unions, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, jointstock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers or other legal or commercial entity, the county or any of its agencies, that is engaged in the business of selling, purchasing, exchanging, renting or leasing real estate, or the improvements thereon, including options, or that derives income, in whole or in part from the sale, purchase, exchange, rental or lease of real estate; or an individual employed by or acting on behalf of any of these.
- (6) "Real estate broker" or "real estate salesman" means an individual whether licensed or not, who, on behalf of others, for a fee, commissions, salary, or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, lists, sells, purchases, exchanges, rents or leases real estate, or the improvements thereon, including options, or who negotiates or attempts to negotiate on behalf of others such an activity; or who advertises or holds himself out as engaged in such activities; or who negotiates or attempts to negotiate on behalf of others a loan secured by mortgage or other encumbrance upon a transfer of real estate, 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 real estate through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of these.

- (7) "Financial institution" means bank, banking organization, mortgage company, insurance company, or other lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, maintenance, or improvement of real property, or an individual employed by or acting on behalf of any of these.

Section Two. PROHIBITED ACTS, EXEMPTIONS

- (1) It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesman, or an individual employed by or acting on behalf of any of those:
- (a) To refuse to sell, exchange, or rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, disability, familial association, or national origin;
 - (b) To discriminate against an individual because of his race, sex, color, religion, disability, familial association, or national origin in the terms, conditions, or privileges of the sale, exchange, rental or lease of real property or in the furnishing of facilities or services in connection therewith;
 - (c) To refuse to receive or transmit a bona fide offer to purchase, rent or lease real property from an individual because of his race, color, sex, religion, disability, familial association, or national origin;
 - (d) To refuse to negotiate the sale, rental or lease of real property to an individual because of his race, color, sex, religion, disability, familial association, or national origin;
 - (e) To represent to an individual that real property is not available for inspection, sale, rental, or lease when in fact it is available, or to refuse to permit an individual to inspect real property because of his race, color, religion, disability, familial association, or national origin;
 - (f) To print, circulate, post or mail or cause to be printed, circulated, posted or mailed an advertisement or sign, or to use a form of application for the purchase, rental or lease of real property, or to make a record of inquiry in connection with the prospective purchase, rental or lease of real property, which indicates, directly or indirectly, a limitation, specification, or discrimination as to race, color, religion, disability, familial association, or national origin or an intent to make such a limitation, specification, or discrimination;
 - (g) To offer, solicit, accept, use or retain a listing of real property for sale, rental or lease with the understanding that an individual may be discriminated against in the sale, rental or lease of that real property or in the furnishing of facilities or services in connection therewith because of his race, color, religion, disability, familial association, national origin; or
 - (h) To otherwise deny to or withhold real property from an individual because of his race, color, sex, religion, disability, familial association, or national origin.
- (2) Exemptions – Nothing in Section 2(1) above shall apply:
- (a) To the rental of a housing accommodation in a building which contains housing accommodations or not more than two families living independently of each other, if the owner or a member of his family resides in one of the housing accommodations;
 - (b) To the rental of a portion of a housing accommodation by the occupant of the housing accommodation, or by the owner of the housing accommodations if he or a member of his family resides therein;
 - (c) To a religious institution, or to an organization operated for charitable or educational purposes, which is operated, supervised or controlled by a religious corporation, association or society to the extent that the religious corporation, association or society, limits, or gives preference in, sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, sublessees, that is calculated by such religious corporation, association, or society to promote the religious principles for which it is established or maintained.

- (d) To the private sale by a private individual homeowner who disposes of his property without the aid of any real estate operator, broker or salesman and without advertising or public display.
 - (e) To a real estate operator to require him to negotiate with any individual who has not shown evidence of financial ability to consummate the purchase or rental of a housing accommodation.
- (3) It is unlawful practice for a financial institution, or an individual employed by or acting on behalf of a financial institution:
- (a) To discriminate against an individual because of the race, sex, color, religion, disability, familial association, or national origin of the individual or the present or prospective owner, tenant, or occupant of the real property or 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 services in connection therewith; or
 - (b) To use a form of application for financial assistance or to make or keep a record of inquiry in connection with applications for financial assistance which indicates directly or indirectly a limitation, specification, or discrimination as to race, color, religion, sex, disability, familial association, or national origin or an intent to make such a limitation, specification, or discrimination.
- (4) Blockbusting – It is unlawful practice for a real estate operator, a real estate broker, a real estate salesman, a financial institution, an employee of any of these, or any other person, for the purpose of inducing a real estate transaction from which he may benefit financially:
- (a) To represent that a change has occurred or will or may occur in the composition with respect to race, color, religion, disability, familial association, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located; or
 - (b) To represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.
- (5) Agency No Defense – It shall be no defense to a violation of this Ordinance by a real estate operator, real estate broker, real estate salesman, financial institution or other person subject to the provisions of this Ordinance that the violation was requested, sought or otherwise procured by a person not subject to the provisions of this Ordinance.

~~Section Three. — LOCAL HUMAN RIGHTS COMMISSION~~

- ~~(1) Membership — The City of London Human Rights Commission shall consist of five (5) members who shall be appointed on a nonpartisan basis and shall be broadly representative of the financial institutions, real estate4 businesses, religious groups, human rights groups, and the general public. The Mayor shall appoint the members, to be approved by the London City Council. Of the first five (5) members appointed, one (1) shall be appointed for one year; two (2) shall be appointed for two years; and two (2) shall be appointed for three (3) years. Subsequent appointments shall be for three (3) years. In the event of incapacity, death or resignation of any member, a successor shall be appointed for the member's unexpired term. Members shall be eligible for reappointments, the Mayor may request the recommendations of the City Council. No elected or appointed City Official shall be a member of the Council. The members shall serve without compensation.~~
- ~~(2) Powers — The London Human Rights Commission is authorized to:~~
 - ~~(a) Receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the City of London.~~
 - ~~(b) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Laurel County Circuit Clerk.~~
 - ~~(c) Issue remedial orders, after notice and hearing, requiring cessation of violations.~~
 - ~~(d) Issue such affirmative orders as in its judgment will carry out the purposes of this ordinance.~~

- ~~(e) Enter into cooperative working agreements with federal or state agencies to achieve the purposes of this ordinance.~~
- ~~(f) Refer a matter under this ordinance to the Kentucky Commission on Human Rights for initial action or review; or such matter may be referred upon request of a majority of the members of the City Council.~~
- (3) ~~Enforcement of Orders of the London Human Rights Commission—The proceeding for enforcement of an order of the London Human Rights Commission is initiated by filing a complaint in the Circuit Court. Copies of the complaint shall be served upon all parties of record. Within thirty (30) days after the filing of the complaint by the London Human Rights Commission, or within such further time as the court may allow, the London Human Rights Commission shall transmit to the court the original or certified copy of the entire record upon which the order is based, including a transcript of testimony, which need not be printed. By stipulation of all parties to the proceeding, the record may be shortened. The findings of fact of the London Human Rights Commission shall be conclusive unless clearly erroneous in view of the probative and substantial evidence on the whole record. The court shall have power to grant such temporary relief or restraining order as it deems just, and to enter an aside in whole or in part the order of the London Human Rights Commission, or remanding the case to the Kentucky Human Rights Commission for further proceedings. All such proceedings shall be heard and determined by the Circuit Court and the Court of Appeals as expeditiously as possible and with lawful precedence over other matters.~~

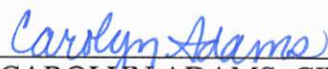
Section Four. SEVERABILITY

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

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or part of Ordinances in conflict herewith are hereby repealed.


TROY RUDDER, MAYOR

ATTEST: 
CAROLYN ADAMS, CITY CLERK

FIRST READING: August 5, 2019
SECOND READING: September 3, 2019
PUBLICATION: September 9, 2019