

ORDINANCE NO. 331-1979

AN ORDINANCE OF THE CITY OF DRY RIDGE PROHIBITING CERTAIN HOUSING PRACTICES, FINANCIAL PRACTICES AND BLOCKBUSTING AND CREATING THE DRY RIDGE/GRANT COUNTY HUMAN RIGHTS COMMISSION

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

WHEREAS, such discrimination results in harmful economic effects to the City of Dry Ridge, and

WHEREAS, such discrimination results in domestic unrest which is a menace to Dry Ridge democratic institutions, and

WHEREAS, KENTUCKY REVISED STATUTES 344.310 - 344.385 provides for the creation of Local Human Rights Commissions to safeguard Dry Ridge citizens from discrimination in real estate transactions.

NOW, THEREFORE, the City Council of the City of Dry Ridge, Kentucky does ordain as follows, and enacts the following: Housing Practices, Financial Practices and Blockbusting are prohibited and a Dry Ridge/Grant County Human Rights Commission is created with the following duties and powers.

ARTICLE I DEFINITIONS

Section (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.

Section (2) -- "Discrimination" means any direct or indirect act or practice of exclusion, 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, or age between forty and sixty-five, or the aiding, abetting, inciting, coercing or compelling thereof.

Section (3) -- "Real Property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.

Section (4) -- "Housing Accommodations" includes improved and unimproved property and means a building, structure, lot or part thereof which is used or occupied as the home or residence of one or more individuals.

Section (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.

SECTION (6) -- "Real Estate Broker" or "Real Estate Salesman" means an individual, whether licensed or not, who, on behalf of others, for a fee, commission, 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 any of these.

SECTION (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.

## ARTICLE II PROHIBITED ACTS, EXEMPTIONS, NO DEFENSE

SECTION (1) -- Unlawful Housing Practices. It is an unlawful practice for a real estate operator, or for a real estate broker, real estate salesman, or any individual employed by or acting on behalf of any of those:

- (A) To refuse to sell, exchange, rent or lease or otherwise deny to or withhold real property from an individual because of his race, color, religion, or national origin;
- (B) To discriminate against an individual because of his race, sex, color, religion, 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, religion, sex, or national origin;
- (D) To refuse to negotiate for the sale, rental, or lease of real property to an individual because of his race, color, sex, religion, 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, 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, sex, 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, sex, religion, or national origin;
- (H) To otherwise deny to, or withhold, real property from an individual because of his race, color, sex, religion or national origin.

SECTION (2) -- Exemptions. Nothing in Article II, Section (1) above shall apply:

- (A) To the rental of a housing accommodation in a building which contains housing accommodations for 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 preferences in the sale, lease, rental, assignment, or sublease of real property to individuals of the same religion, or makes a selection of buyers, tenants, lessees, assignees, or 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.

SECTION (3) -- Unlawful Financial Practices. It is an 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, color, sex, religion, or national origin 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 services in connection therewith; or
- (B) To use a form of application for financial assistance or to make or keep a record or inquiry in connection with applications for financial assistance which indicate directly or indirectly a limitation, specification, or discrimination as to race, color, religion, sex or national origin or an intent to make such a limitation, specification, or discrimination.

SECTION (4) -- Blockbusting. It is an 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 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 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.

SECTION (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.

ARTICLE III DRY RIDGE/GRANT COUNTY HUMAN RIGHTS COMMISSION

SECTION (1) -- Membership. The Dry Ridge/Grant County Human Rights Commission shall consist of five (5) members who shall be appointed on a non-partisan basis and shall be broadly representative of the financial institutions, real estate businesses, religious groups, human rights groups, and the general public. The Mayor shall appoint two members, to be approved by the Dry Ridge City Council, and three members to be approved by the Grant County Fiscal Court. 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 years. The City of Dry Ridge shall appoint one (1) for a term of two years, and one (1) for a term of three years. The Grant County Fiscal Court shall appoint one (1) for a term of one year, one (1) for a term of two years, and one (1) for a term of three 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 reappointment. Before making new appointments or any re-appointments, the Mayor may request the recommendations of the City Council; and the Grant County Judge-Executive may request the recommendations of the Grant County Fiscal Court. No elected or appointed city or county official shall be a member of the Council or the Fiscal Court. The members shall serve without compensation.

SECTION (2) -- Powers. The Dry Ridge/Grant County Human Rights Commission is authorized to :

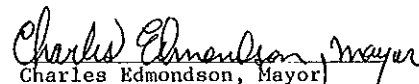
- (A) Receive, initiate, investigate, hear, and determine charges of violations of ordinances, orders, or resolutions forbidding discrimination adopted by the City of Dry Ridge.
- (B) Compel the attendance of witnesses and the production of evidence before it by subpoena issued by the Grant County Circuit Court.
- (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) Employ an executive director, attorneys, hearing examiners, clerks and other employees and agents.
- (F) Enter into cooperative working agreements with federal or state agencies to achieve the purposes of this ordinance.
- (G) In its own discretion or upon request of the Dry Ridge City Council or the Grant County Fiscal Court or the Kentucky Commission on Human Rights refer a matter under its jurisdiction to the Kentucky Commission on Human Rights for initial action or review.

SECTION (3) -- Enforcement of Orders of the Dry Ridge/Grant County Human Rights Commission. The proceeding for enforcement of an order of the Dry Ridge/Grant County 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 Dry Ridge/Grant County Human Rights Commission, or within such further time as the court may allow, the Dry Ridge/Grant County 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 Dry Ridge/Grant County 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 order enforcing, modifying and enforcing as modified or setting aside in whole or in part the order of the Dry Ridge/Grant County Human Rights, 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.

ARTICLE IV 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.

Passed, Approved and Ordered Published this 10th day of July, 1979.

  
Charles Edmondson, Mayor

ATTEST:

  
Anna Breeden, City Clerk-Treasurer