

**THE LEXINGTON-FAYETTE  
URBAN COUNTY COUNCIL PASSED  
LOCAL ORDINANCE 201-99,  
MORE COMMONLY KNOWN AS  
THE FAIRNESS ORDINANCE,  
ON JULY 8, 1999.**

**THE FAIRNESS ORDINANCE ADDED SEXUAL  
ORIENTATION/GENDER IDENTITY AS A PROTECTED  
CLASS AGAINST DISCRIMINATION IN HOUSING,  
EMPLOYMENT AND PUBLIC ACCOMODATIONS.**



### **WHO IS PROTECTED UNDER THE ORDINANCE?**

◆ **SEXUAL ORIENTATION:** A PERSON IS PROTECTED BASED UPON HIS/HER ACTUAL OR IMPUTED HETEROSEXUALITY, HOMOSEXUALITY, OR BISEXUALITY.

◆ **GENDER IDENTITY:** A PERSON IS PROTECTED AS A RESULT OF HAVING A GENDER IDENTITY AS A RESULT OF A SEX CHANGE SURGERY, OR MANIFESTING, FOR REASONS OTHER THAN DRESS, AN IDENTITY NOT TRADITIONALLY ASSOCIATED WITH ONE'S BIOLOGICAL MALENESS OR FEMALENESS.

## **EMPLOYMENT**

**THE ORDINANCE APPLIES TO ALL EMPLOYMENT PRACTICES INCLUDING BUT NOT LIMITED TO:**

- |               |  |
|---------------|--|
| ◆ RECRUITMENT | ◆ HIRING                                       |
| ◆ PROMOTION   | ◆ DISCIPLINE                                   |
| ◆ TRANSFER    | ◆ REASSIGNMENT                                 |
| ◆ TRAINING    | ◆ BENEFITS                                     |
| ◆ SEPERATION  | ◆ ALL OTHER TERMS AND CONDITIONS OF EMPLOYMENT |

### **WHAT IS NOT COVERED:**

- ◆ EMPLOYERS WITH LESS THAN EIGHT (8) EMPLOYEES
- ◆ RELIGIOUS INSTITUTIONS OR ORGANIZATIONS WHICH DO NOT RECEIVE MORE THAN 50% OF ITS ANNUAL FUNDING FROM FEDERAL, STATE, OR LOCAL GOVERNMENT SOURCES
- ◆ DRESS CODES
- ◆ DESIGNATING GENDER SPECIFIC RESTROOM OR SHOWER FACILITIES



## **HOUSING**

**THE ORDINANCE APPLIES TO ALL HOUSING PRACTICES INVOLVING REAL PROPERTY INCLUDING BUT NOT LIMITED TO:**

- ◆ Refuse to sell, rent, or lease
- ◆ Falsely deny housing was available
- ◆ Engage in blockbusting
- ◆ Discriminate in broker's service
- ◆ Discriminate in the conditions or terms of a safe, rental occupancy or in services of fair housing
- ◆ Advertise in a discriminatory way
- ◆ Intimidating, interfering, or coercing you to keep you from full benefit of fair housing
- ◆ Refuse to enter into or discriminate in the terms and conditions or privileges of contract of insurance against hazards to a housing accomodation
- ◆ Real property appraisals

### **WHAT IS NOT COVERED:**

- ◆ Units containing housing for two (2) families or less living independently and the owner resides in one unit
- ◆ Unit of one (1) room or rooming unit and the owner resides in the unit
- ◆ Religious organizations or non-profit organizations that operate its units strictly for its members
- ◆ Non-bona fide renters or purchasers

## PUBLIC ACCOMODATIONS

**THE ORDINANCE APPLIES TO ALL PLACES OF PUBLIC ACCOMODATIONS INCLUDING BUT NOT LIMITED TO:**

- ◆ Motels, hotels
- ◆ Public Parks
- ◆ Social services
- ◆ Other establishments that supplies goods and services to the general public.



- ◆ Barbers and hairdressers
- ◆ Stores and restaurants
- ◆ Theaters
- ◆ Taxis and buses

### WHAT IS COVERED:

- ◆ DENY ANY INDIVIDUAL THE FULL AND EQUAL ENJOYMENT OF GOODS, SERVICES AND PRIVILEGES
- ◆ ADVERTISING IN A DISCRIMINATORY WAY

### WHAT IS NOT COVERED:

- ◆ PURELY PRIVATE CLUBS, RESORTS OR PLACES OF AMUSEMENT
- ◆ ROOMING OR BOARDING HOUSES OCCUPIED BY THE PROPRIETOR AS HIS/HER RESIDENCE



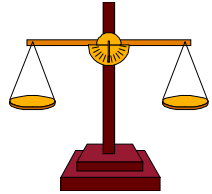
## WHAT HAPPENS WHEN I FILE A COMPLAINT OF DISCRIMINATION?

The Lexington-Fayette Urban County Human Rights Commission is a neutral, fact finding agency, which means that it does not advocate for the Charging Party or Respondent when investigating an allegation of discrimination. The following is a synopsis of the steps involved in the investigatory process:


- ◆ Speak confidentially with an investigator
- ◆ File a formal complaint of discrimination
- ◆ Allow 20 days for Respondent to answer the allegations of discrimination
- ◆ Discuss the Respondent's position with the Charging Party, and allow the Charging Party to present evidence to rebut what the Respondent has said.
- ◆ Discuss what the Charging Party wants to settle the charge.

**A VARIETY OF THINGS MAY OCCUR AT THIS POINT, DEPENDING ON THE FACTS OF EACH INDIVIDUAL CASE:**


- ◆ Schedule an On-Site visit to the Respondent's site.
- ◆ Interview witnesses, and obtain necessary documents.
- OR
- ◆ Schedule a Fact Finding Conference in which both parties are brought in to discuss the facts of the case as well as potential conciliation.
- ◆ Conduct any final interviews with the Charging Party/ Respondent
- ◆ Investigator makes a recommendation of No Probable cause or Probable Cause to the Executive Director.
- ◆ The Executive Director issues The Final Letter of Determination.
- ◆ No Probable Cause cases are dismissed.
- ◆ Probable Cause cases are settled, or sent to administrative hearing.

# THE FAIRNESS ORDINANCE

**LEXINGTON-FAYETTE URBAN COUNTY  
HUMAN RIGHTS COMMISSION**

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