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.

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 accommodations.

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EMPLOYMENT

The Ordinance applies to all employment practices including but not limited to:

♦ Recruitment
♦ Hiring
♦ Promotion
♦ Discipline
♦ Transfer
♦ Reassignment
♦ Training
♦ Benefits
♦ Separation
♦ 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 accommodation
♦ 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
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.
♦ 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.

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

THE FAIRNESS ORDINANCE

LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

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