AN ACT relating to civil rights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 344.010 is amended to read as follows:

As used in this chapter***, unless the context otherwise requires***:

(1) "***Commission" means the Kentucky Commission on Human Rights;***~~[Person" includes one (1) or more individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal or commercial entity; the state, any of its political or civil subdivisions or agencies.]~~

(2) "***Commissioner" means a member of the commission;***~~[Commission" means the Kentucky Commission on Human Rights.]~~

(3) "***Credit transaction" means any open-end or closed-end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when the credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations, or other financial lending institutions of whatever nature, by stockbrokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or services therefrom may be deferred;***~~[Commissioner" means a member of the commission.]~~

(4) "Disability" means, with respect to an individual:

(a) A physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

Persons with current or past controlled substances abuse or alcohol abuse problems and persons excluded from coverage by the Americans with Disabilities Act of 1990***, Pub. L. No.***~~[(P.L.]~~ 101-336***, as amended,***~~[)]~~ shall be excluded from this section***;***~~[.]~~

(5) "Discrimination" means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons, or the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under this chapter***;***~~[.]~~

(6) "***Discriminatory housing practice" means an act that is unlawful under Section 18, 19, 20, 21, or 23 of this Act;***~~[Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in the above.]~~

(7) ***(a) "Familial status" means one (1) or more individuals who have not attained the age of eighteen (18) years and are domiciled with:***

1. A parent or another person having legal custody of the individual or individuals; or

2. The designee of a parent or other person having custody, with the written permission of the parent or other person.

(b) The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years;~~["Housing accommodations" includes improved and unimproved property and means any building, structure, lot or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied as the home or residence of one (1) or more families, and any vacant~~

~~land which is offered for sale or lease for the construction or location thereon of any such building or structure.]~~

(8) "***Family" includes a single individual;***~~[Real estate operator" means any individual or combination of individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock 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.]~~

(9) "***Financial institution" means a 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;***~~[Real estate broker" or "real estate salesman" means any 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 these 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 this~~

~~purpose; or any person employed by or acting on behalf of any of these.]~~

(10) "***Gender identity" means having or being perceived as having a gender identity or expression, whether or not traditionally associated with the sex assigned to that person at birth;***~~[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.]~~

(11) ***"Housing accommodations" includes improved and unimproved property and means any building, structure, lot, or portion thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building or structure;***

(12) "Licensing agency" means any public or private organization which has as one (1) of its duties the issuing of licenses or the setting of standards which an individual must hold or must meet as a condition to practicing a particular trade or profession or to obtaining certain employment within ***this Commonwealth***~~[the state]~~ or as a condition to competing effectively with an individual who does hold a license or meet the standards**;**~~[.]~~

~~[(12) "Credit transaction" shall mean any open or closed end credit transaction whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations, or other financial lending institutions of whatever nature, stock~~

~~brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or services therefrom may be deferred.]~~

(13) ***"Local commission" means a local human rights commission created pursuant to Section 17 of this Act;***

(14) "Person" includes one (1) or more individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, limited liability companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal or commercial entity, or the Commonwealth and any of its political or civil subdivisions or agencies;~~["To rent" means to lease, to sublease, to let, or otherwise to grant for a consideration the right to occupy premises not owned by the occupant.]~~

(15)~~[(14)]~~ "***Real estate broker" or "real estate salesman" means any 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 or herself out as engaged in these 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 or she undertakes to promote the sale, purchase, exchange, rental, or lease of real estate through its listing in a publication issued primarily for this purpose; or any person employed by or acting on behalf of any of these;***~~[Family" includes a single individual.]~~

(16)~~[(15) (a)]~~ ***"Real estate operator" means any individual or combination of individuals, labor organizations, joint apprenticeship committees, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, limited liability 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;***~~["Familial status" means one (1) or more individuals who have not attained the age of eighteen (18) years and are domiciled with:~~

~~1. A parent or another person having legal custody of the individual or individuals; or~~

~~2. The designee of a parent or other person having custody, with the written permission of the parent or other person.~~

~~(b) The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.]~~

(17)~~[(16)]~~ "***Real estate-related transaction" means any of the following:***

(a) The making or purchasing of loans or providing other financial assistance:

1. For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

2. Secured by real estate; or

(b) The selling, brokering, or appraising of real property, except that a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than race, color, religion, national origin,

sex, sexual orientation, gender identity, disability, or familial status;~~[Discriminatory housing practice" means an act that is unlawful under KRS 344.360, 344.367, 344.370, 344.380, or 344.680.]~~

(18) "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest in them;

(19) "Sexual orientation" means an individual's actual or imputed heterosexuality, homosexuality, or bisexuality; and

(20) "To rent" means to lease, to sublease, to let, or otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

➔Section 2. KRS 344.020 is amended to read as follows:

(1) The general purposes of this chapter are:

(a) To provide for execution within the ***Commonwealth***~~[state]~~ of the policies embodied in the~~[Federal]~~ Civil Rights Act of 1964***, Pub. L. No. 88-352,*** as amended~~[(78 Stat. 241), Title VIII of the Federal Civil Rights Act of 1968 (82 Stat. 81)]~~, the Fair Housing Act***, Pub. L. No. 90-284,*** as amended~~[(42 U.S.C. 360)]~~, the~~[Federal]~~ Age Discrimination in Employment Act of 1967***, Pub. L. No. 90-202, as amended***~~[(81 Stat. 602)]~~, the Americans with Disabilities Act of 1990***, Pub. L. No.***~~[(P.L.]~~ 101-336~~[)]~~, ***as amended,*** and the Civil Rights Act of 1991***, Pub. L. No. 102-166***~~[as amended (P.L. 102-166, amended by P.L. 102-392)]~~;

(b) To safeguard all individuals within the ***Commonwealth***~~[state]~~ from discrimination because of familial status, race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** age forty (40) and over, or because of the person's status as a qualified individual with a disability as defined in~~[KRS 344.010 and]~~ KRS 344.030; thereby to protect their interest in personal dignity and freedom from humiliation, to make available to the

Commonwealth~~[state]~~ their full productive capacities, to secure the ***Commonwealth***~~[state]~~ against domestic strife and unrest which would menace its democratic institutions, to preserve the public safety, health, and general welfare, and to further the interest, rights, and privileges of individuals within the ***Commonwealth***~~[state]~~; ***and***

(c) To establish as the policy of the Commonwealth the safeguarding of the rights of an individual selling or leasing his primary residence through private sale without the aid of any real estate operator, broker, or salesman and without advertising or public display.

(2) This chapter shall be construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

(3) Nothing in this chapter shall be construed as indicating an intent to exclude local laws on the same subject matter not inconsistent with this chapter.

(4) Nothing contained in this chapter shall be deemed to repeal any other law of this ***Commonwealth***~~[state]~~ relating to discrimination because of familial status, race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** age forty (40) and over, or because of the person's status as a qualified individual with a disability as defined in KRS 344.030.

➔Section 3. KRS 344.025 is amended to read as follows:

No provision in KRS Chapter 18A shall be construed to preclude any classified or unclassified state employee from appealing to the personnel board any action alleged to be in violation of laws prohibiting discrimination based on ***an individual's***~~[a person's status as a qualified individual with a disability,]~~ sex, ***sexual orientation, gender identity,*** age, religion,~~[or]~~ race**,** or national origin, ***or because the person is a qualified individual with a disability as defined in KRS 344.030,*** in accordance with this chapter.

➔Section 4. KRS 344.040 is amended to read as follows:

(1) It is an unlawful practice for an employer:

(a) To fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** age forty (40) and over, because the person is a qualified individual with a disability, or because the individual is a smoker or nonsmoker, as long as the ***individual***~~[person]~~ complies with any workplace policy concerning smoking;

(b) To limit, segregate, or classify employees in any way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect status as an employee, because of the individual's race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, because the person is a qualified individual with a disability, or because the individual is a smoker or nonsmoker, as long as the ***individual***~~[person]~~ complies with any workplace policy concerning smoking; or

(c) To require as a condition of employment that any employee or applicant for employment abstain from smoking or using tobacco products outside the course of employment, as long as the person complies with any workplace policy concerning smoking.

(2) (a) A difference in employee contribution rates for smokers and nonsmokers in relation to an employer-sponsored health plan shall not be deemed to be an unlawful practice in violation of this section.

(b) The offering of incentives or benefits offered by an employer to employees who participate in a smoking cessation program shall not be deemed to be an unlawful practice in violation of this section.

➔Section 5. KRS 344.050 is amended to read as follows:

(1) It is an unlawful practice for an employment agency to fail or refuse to refer for

employment~~[,]~~ or ***to*** otherwise~~[to]~~ discriminate against~~[,]~~ an individual because of~~[his]~~ race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability, or to classify or refer for employment an individual ***because of***~~[on the basis of disability,]~~ race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age~~[between]~~ forty (40) and ***over, or because the person is a qualified individual with a disability***~~[seventy (70)]~~.

(2) It is an unlawful practice for a licensing agency to refuse to license, or to bar or terminate from licensing an individual because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability.

➔Section 6. KRS 344.060 is amended to read as follows:

It is an unlawful practice for a labor organization:

(1) To exclude or to expel from its membership~~[,]~~ or ***to*** otherwise~~[to]~~ discriminate against~~[,]~~ a member**,** or applicant for membership**,** because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability.

(2) To limit, segregate, or classify its membership, or to classify or fail to refuse to refer for employment an individual, in any way which would deprive or tend to deprive an individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect the status as an employee or as an applicant for employment, because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability.

(3) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

➔Section 7. KRS 344.070 is amended to read as follows:

It is an unlawful practice for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs**,** to discriminate against an individual because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability in admission to or employment in, any program established to provide apprenticeship or other training.

➔Section 8. KRS 344.080 is amended to read as follows:

It is an unlawful practice for an employer, labor organization, licensing agency, or employment agency to print or publish or cause to be printed or published a notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by the employment or licensing agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability, except that such a notice or advertisement may indicate a preference, limitation, or specification based on religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, when religion, national origin, sex, or age forty (40) and over, or because the person is a qualified individual with a disability, is a bona fide occupational qualification for employment.

➔Section 9. KRS 344.100 is amended to read as follows:

~~[Notwithstanding]~~Any~~[other]~~ provision of this chapter ***to the contrary notwithstanding***, it is not an unlawful practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if the differences are not the result of an intention to discriminate because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the

person is a qualified individual with a disability, nor is it an unlawful practice for an employer to give and to act upon the results of any professionally developed ability test provided that the test, its administration**,** or action upon the results ***thereof*** is not designed, intended, or used to discriminate because of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability.

➔Section 10. KRS 344.110 is amended to read as follows:

(1) Nothing~~[contained]~~ in this chapter requires an employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to an individual or to a group because of the race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability, of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of ***individuals***~~[persons]~~ of any race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability, employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship or other training program, in comparison with the total number or percentage of ***individuals***~~[persons]~~ of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** or age forty (40) and over, or because the person is a qualified individual with a disability, in the ***Commonwealth***~~[state]~~ or a community, section, or other area, or in the available workforce in the ***Commonwealth***~~[state]~~ or a community, section, or other area.

(2) Nothing~~[contained]~~ in this chapter shall prohibit:

(a) Minimum hiring ages otherwise provided by law.

(b) State compliance with federal regulations.

(c) Termination of the employment of any person who is unable to perform the essential functions of the job, with or without reasonable accommodation.

(d) Any post-job-offer physical or medical examinations of applicants or employees which an employer requires to determine their ability to perform the essential functions of the job, with or without reasonable accommodation.

(e) An employer, labor organization, or employment agency from observing the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan which is not a subterfuge to evade the purposes of this chapter, except that no such employee benefit plan shall excuse the failure to hire any individual.

➔Section 11. KRS 344.120 is amended to read as follows:

Except as otherwise provided in KRS 344.140 and 344.145, it is an unlawful practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement ***because***~~[, as defined in KRS 344.130, on the ground]~~ of ***the individual's*** disability, race, color, religion,~~[or]~~ national origin***, sexual orientation, or gender identity***.

➔Section 12. KRS 344.140 is amended to read as follows:

It is an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, or mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or advertisement, which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement will be refused, withheld from, or denied an individual ***because***~~[on account]~~ of disability, race, color, religion,~~[or]~~ national origin, ***sexual orientation, or gender identity,*** or that the patronage of, or presence at, a place of public accommodation, resort, or amusement, of an individual, on account of disability, race, color, religion,~~[or]~~ national origin***, sexual orientation, or gender identity*** is

objectionable, unwelcome, unacceptable, or undesirable.

➔Section 13. KRS 344.170 is amended to read as follows:

The function of the commission shall be to encourage fair treatment for, to foster mutual understanding and respect among**,** and to discourage discrimination against ***individuals on the basis of disability, race, color, religion, national origin, sex, sexual orientation, gender identity, or age forty (40) and over***~~[any racial or ethnic group or its members]~~.

➔Section 14. KRS 344.180 is amended to read as follows:

The powers and duties of the commission shall be:

(1) To employ an executive director and other necessary personnel within the limits of funds made available;

(2) To conduct research projects or make studies into and publish reports on discrimination in Kentucky;

(3) To receive and investigate complaints of discrimination and to recommend ways of eliminating any injustices occasioned thereby;

(4) To hold public hearings and request the attendance of witnesses;

(5) To cooperate with other organizations, public and private, to discourage discrimination;

(6) To encourage fair treatment for all persons regardless of ***disability,*** race***, color, religion, national origin, sex, sexual orientation, gender identity,*** or ***age forty (40) and over***~~[national ancestry]~~;

(7) To make an annual report to the Governor ***and the General Assembly*** of its activities under this chapter.

➔Section 15. KRS 344.190 is amended to read as follows:

In the enforcement of this chapter, the commission~~[on Human Rights]~~ shall have the following powers and duties:

(1) To maintain an office in the city of Louisville and other offices within the ***Commonwealth***~~[state]~~ as may be deemed necessary.

(2) To meet and exercise its powers at any place within the Commonwealth.

(3) Within the limitations provided by law, to appoint an executive director, attorneys, hearing examiners, clerks, and other employees and agents as it may deem necessary. At the direction of the commission, attorneys appointed under this section may appear for and represent the commission in any court. The commission may, by written order, delegate the authority given by this subsection to its executive director, except as that authority relates to the appointment of its executive director.

(4) To promote the creation of local commissions on human rights, to cooperate with state, local, and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(5) To cooperate with the~~[United States]~~ Equal Employment Opportunity Commission, created by~~[Section 705 of]~~ the Civil Rights Act of 1964***, Pub. L. No. 88-352***~~[(78 Stat. 241)]~~, in order to achieve the purposes of that act, and with other federal and local agencies in order to achieve the purposes of that act, and with other federal and local agencies in order to achieve the purposes of this chapter.

(6) To accept gifts or bequests, grants, or other payments, public or private, to help finance its activities.

(7) To accept reimbursement pursuant to Section 709(b) of the Civil Rights Act of 1964***, Pub. L. No. 88-352,***~~[(78 Stat. 241)]~~ for services rendered to assist the~~[Federal]~~ Equal Employment Opportunity Commission.

(8) To receive, initiate, investigate, seek to conciliate, hold hearings on, and pass upon complaints alleging violations of this chapter.

(9) At any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint.

The commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official duties.

(10) To furnish technical assistance requested by persons subject to this chapter to further their compliance with this chapter or an order issued thereunder.

(11) To make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public.

(12) To render annual written reports to the Governor and the ***General Assembly*** ~~[Legislature]~~. The reports may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this chapter.

(13) To create local or statewide advisory agencies that in its judgment will aid in effectuating the purpose of this chapter. The commission may empower these agencies***:***

(a) To study and report on problems of discrimination because of ***disability,*** race, color, religion, ~~[or]~~ national origin***, sex, sexual orientation, or gender identity;*** ~~[,]~~

(b) To foster, through community effort or otherwise, goodwill among the groups and elements of the population of the ***Commonwealth;*** ~~[state,]~~ and

(c) To make recommendations to the commission for the development of policies and practices that will aid in carrying out the purposes of this chapter. Members of such ***agencies*** ~~[committees]~~ shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the ***agencies*** ~~[committees]~~.

(14) To ~~[adopt,]~~ promulgate ***administrative*** ~~[, amend, and rescind]~~ regulations to effectuate the purposes and provisions of this chapter, including regulations requiring the posting of notices prepared or approved by the commission.

(15) To purchase liability insurance for the protection of all members of the commission

to protect them from liability arising in the course of pursuing their duties as members of the commission and for all full-time employees to protect them from liability arising in the course or scope of their employment. This insurance shall be purchased with money contained in the agency appropriated budget.

➔Section 16. KRS 344.300 is amended to read as follows:

(1) ***City, county, urban-county, consolidated local, charter county, and unified local governments***~~[Cities and counties]~~ are authorized to adopt and enforce ordinances, orders, and resolutions prohibiting all forms of discrimination, including discrimination on the basis of race, color, religion, disability, familial status,~~[or]~~ national origin, sex, ***sexual orientation, gender identity,*** or age, and to prescribe penalties for violations thereof, such penalties being in addition to the remedial orders and enforcement herein authorized.

(2) ***City, county, urban-county, consolidated local, charter county, and unified local governments***~~[Cities and counties]~~ may adopt and enforce ordinances, orders, and resolutions prohibiting discrimination; no ordinance, order**,** or resolution shall attempt to exempt more transactions from its coverage than are exempted by KRS 344.362 and 344.365.

➔Section 17. KRS 344.310 is amended to read as follows:

Any city**,**~~[or]~~ county, ***urban-county, consolidated local, charter county, or unified local government,*** or one (1) or more ***of those local governments***~~[cities and counties]~~ acting jointly, may create a ***local*** human rights commission~~[(hereinafter a "local commission")]~~:

(1) To provide for execution within its jurisdiction of the policies embodied in this chapter and the~~[Federal]~~ Civil Rights Act of 1964***, Pub. L. No. 88-352***~~[(78 Stat. 241)]~~; and

(2) To safeguard all individuals within its jurisdiction from discrimination because of race, color, religion,~~[or]~~ national origin, sex, ***sexual orientation, gender identity,*** or age.

➔Section 18. KRS 344.360 is amended to read as follows:

It is an unlawful housing practice for a real estate operator, or for a real estate broker, real estate salesman, or any person employed by or acting on behalf of any of these:

(1) To refuse to sell, exchange, rent, or lease, or otherwise deny to or withhold, real property from any person because of race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(2) To discriminate against any person because of race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, 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;

(3) To refuse to receive or transmit a bona fide offer to purchase, rent, or lease real property from any person because of race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(4) To refuse to negotiate for the sale, rental, or lease of real property to any person because of race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(5) To represent to any person that real property is not available for inspection, sale, rental, or lease when it is so available, or to refuse to permit any person to inspect real property because of~~[his]~~ race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(6) To make, 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, ***sexual orientation, gender identity,*** familial status, disability, or national origin or an intent to make such a limitation, specification, or discrimination;

(7) To offer, solicit, accept, use, or retain a listing of real property for sale, rental, or lease with the understanding that any person 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, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(8) To otherwise deny to or withhold real property from any person because of~~[his]~~ race, color, religion, sex, ***sexual orientation, gender identity,*** familial status, disability, or national origin;

(9) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a housing accommodation to any buyer or renter because of a disability of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that housing accommodation after it is so sold, rented, or made available; or

(c) Any person associated with that buyer or renter; or

(10) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such housing accommodation, because of a disability of:

(a) That person; or

(b) A person residing in or intending to reside in that housing accommodation after it is sold, rented, or made available; or

(c) Any person associated with that person.

(11) For purposes of this section, discrimination includes:

(a) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by a person, if the modifications may be necessary to afford the person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter

agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a housing accommodation; or

(c) In connection with the design and construction of covered multifamily housing accommodations for first occupancy after January 1, 1993, a failure to design and construct those housing accommodations in a manner ensuring that they have at least one (1) entrance on an accessible route unless impractical to do so because of the terrain or unusual characteristics of the site. Housing accommodations with a building entrance on an accessible route shall comply with the following requirements:

1. The public use and common use portions of the housing accommodations shall be readily accessible to and usable by disabled persons;

2. All the doors designed to allow passage into and within all premises within the housing accommodations shall be sufficiently wide to allow passage by disabled persons in wheelchairs; and

3. All premises within the housing accommodations shall contain the following features of adaptive design:

   a. An accessible route into and through the housing accommodation;

   b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

   c. Reinforcements in bathroom walls to allow later installation of grab bars; and

   d. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(12) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled persons, ~~[(]~~commonly cited as "ANSI A117.1 - 1986"**,**~~[)]~~ suffices to satisfy the requirements of subsection (11)(c)3. of this section.

(13) As used in subsection (11) of this section, the term "covered multifamily housing accommodation" means:

(a) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and

(b) Ground floor units in other buildings consisting of two (2) or more units.

(14) Nothing in this section requires that a housing accommodation be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

➔Section 19. KRS 344.367 is amended to read as follows:

It is an unlawful practice for a person in the business of insuring against hazards to refuse to enter into, or discriminate in the terms, conditions, or privileges of, a contract of insurance against hazards to a housing accommodation because of the race, color, religion, national origin, familial status, disability,~~[or]~~ sex***, sexual orientation, or gender identity*** of persons owning, or residing in or near the housing accommodation.

➔Section 20. KRS 344.370 is amended to read as follows:

It is an unlawful practice for a financial institution or for any person or other entity whose business includes engaging in real estate-related transactions:

(1) To discriminate against an individual because of the race, color, religion,~~[or]~~ national origin, familial status, disability, sex, ***sexual orientation, gender identity,*** or age 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;

(2) 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, ***national origin,*** familial status, disability, ***sex, sexual orientation,*** or ***gender identity,***~~[national origin]~~ or an intent to make such a limitation, specification, or discrimination; ***or***

(3) To discriminate by refusing to give full recognition, because of sex, to the income of each spouse or the total income and expenses of both spouses where both spouses become or are prepared to become joint or several obligors in real estate transactions~~[; or~~

~~(4) As used in this section, the term "real estate related transaction" means any of the following:~~

~~(a) The making or purchasing of loans or providing other financial assistance;~~

~~1. For purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or~~

~~2. Secured by real estate.~~

~~(b) The selling, brokering, or appraising of real property except that a person engaged in the business of furnishing appraisals of real property may take into consideration factors other than race, color, religion, national origin, sex, disability, or familial status]~~.

➔Section 21. KRS 344.380 is amended to read as follows:

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 the purpose of inducing a real estate transaction from which a person may benefit financially:

(1) To represent that a change has occurred or will or may occur in the composition

with respect to race, color, religion, sex, ***sexual orientation, gender identity,*** disability, familial status, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located;

(2) 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; or

(3) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, ***sexual orientation, gender identity,*** disability, familial status, or national origin.

➔Section 22. KRS 344.400 is amended to read as follows:

(1) It shall be an unlawful practice for any person, whether acting for himself or another, in connection with any credit transaction because of race, color, religion, national origin~~,~~ ~~[or]~~ sex***, sexual orientation, or gender identity*** to:

(a) Deny credit to any person;

(b) Increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) Restrict the amount or use of credit extended or impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto; ***or***

(d) Attempt to do any of the unlawful practices defined in this section.

(2) The provisions of this section shall not prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) The provisions of this section shall not prohibit any party to a credit transaction from considering the application of Kentucky law on dower ***and***~~[,]~~ curtesy ***or***~~[,]~~ descent and distribution to the particular case or from taking reasonable action thereon.

➔Section 23. KRS 344.680 is amended to read as follows:

It shall be unlawful to deny any person access to, or membership or participation in, any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against a person in the terms or conditions of access, membership, or participation, on account of race, color, religion, sex, ***sexual orientation, gender identity,*** disability, familial status, or national origin.

➔Section 24. KRS 18A.095 is amended to read as follows:

(1) A classified employee with status shall not be dismissed, demoted, suspended, or otherwise penalized except for cause.

(2) Prior to dismissal, a classified employee with status shall be notified in writing of the intent to dismiss him. The notice shall also state:

(a) The specific reasons for dismissal including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the intent to dismiss is based;

3. The date, time, and place of such action or activity; and

4. The name of the parties involved;

(b) That the employee has the right to appear personally, or with counsel if he has retained counsel, to reply to the head of the cabinet or agency or his designee; and

(c) Whether the employee is placed on administrative leave by the appointing authority with pay upon receiving the intent to dismiss letter prior to the agency's final action.

(3) The Personnel Cabinet shall prescribe and distribute a form to be completed and forwarded by an employee who wishes to appear before the head of the cabinet or agency or his designee, to each appointing authority. The form shall be attached to every notice of intent to dismiss and shall contain written instructions explaining:

(a) The right granted an employee under the provisions of this section relating to pretermination hearings; and

(b) The time limits and procedures to be followed by all parties in pretermination hearings.

(4) No later than five (5) working days after receipt of the notice of intent to dismiss, excluding the day he receives the notice, the employee may request to appear, personally or with counsel if he has retained counsel, to reply to the head of the cabinet or agency or his designee.

(5) Unless waived by the employee, the appearance shall be scheduled within six (6) working days after receipt of an employee's request to appear before the head of the cabinet or agency or his designee, excluding the day his request is received.

(6) No later than five (5) working days after the employee appears before the head of the cabinet or agency or his designee, excluding the day of the appearance, the cabinet head or agency or his designee shall:

(a) Determine whether to dismiss the employee or to alter, modify, or rescind the intent to dismiss; and

(b) Notify the employee in writing of the decision.

(7) If the cabinet or agency head or his designee determines that the employee shall be dismissed or otherwise penalized, the employee shall be notified in writing of:

(a) The effective date of his dismissal or other penalization;

(b) The specific reason for this action, including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the dismissal or other penalization is based;

3. The date, time, and place of the action or activity; and

4. The name of the parties involved; and

(c) That he may appeal the dismissal or other penalization to the board within

sixty (60) days after receipt of this notification, excluding the day he receives notice.

(8) A classified employee with status who is demoted, suspended, or otherwise penalized shall be notified in writing of:

(a) The demotion, suspension, or other penalization;

(b) The effective date of the demotion, suspension, or other penalization;

(c) The specific reason for the action including:

1. The statutory or regulatory violation;

2. The specific action or activity on which the demotion, suspension, or other penalization is based;

3. The date, time, and place of the action or activity; and

4. The name of the parties involved; and

(d) That he or she has the right to appeal to the board within sixty (60) days, excluding the day that he or she received notification of the personnel action.

(9) Any unclassified employee who is dismissed, demoted, suspended, or otherwise penalized for cause may, within thirty (30) days after the dismissal, demotion, suspension, or other form of penalization, appeal to the board for review thereof.

(10) (a) An employee whose position is reallocated shall be notified in writing by the appointing authority of:

1. The reallocation; and

2. His right to request reconsideration by the secretary within ten (10) working days of receipt of the notice, excluding the day he receives notification.

(b) He shall be provided with a form prescribed by the secretary on which to request reconsideration.

(c) The employee shall file a written request for reconsideration of the reallocation of his position with the secretary in a manner and form prescribed

by the secretary and shall be given a reasonable opportunity to be heard thereon by the secretary. The secretary shall make a determination within sixty (60) days after the request has been filed by an employee. After reconsideration of the request by the secretary, the employee may appeal to the board.

(11) Any state employee, applicant for employment, or eligible on a register may appeal to the board on the grounds that his right to inspect or copy records, including preliminary and other supporting documentation, relating to him has been denied, abridged, or impeded by a public agency. The board shall conduct a hearing to determine whether the records related to the employee, applicant, or eligible, and whether his right to inspect or copy these records was denied, abridged, or impeded. If the board determines that the records related to the employee and that the right to inspect or copy these records has been denied, abridged, or impeded, the board shall order the public agency to make them available for inspection and copying and shall charge the cost of the hearing to the public agency. A state employee, an applicant for employment, and an eligible on a register shall not have the right to inspect or to copy any examination materials.

(12) Any classified employee may appeal to the board an action alleged to be based on discrimination due to race, color, religion, national origin, sex, ***sexual orientation,*** ***gender identity,*** disability, or age forty (40) and above. Nothing in this section shall be construed to preclude any classified or unclassified employee from filing with the Kentucky Commission on Human Rights a complaint alleging discrimination on the basis of race, color, religion, national origin, sex, ***sexual orientation, gender identity,*** disability, or age in accordance with KRS Chapter 344.

(13) When an eligible's name is removed from a register, the secretary shall notify the eligible of his action and the reasons therefor, together with his right of appeal. An eligible's name shall be restored to the register upon presentation of reasons

satisfactory to the secretary or in accordance with the decision of the board.

(14) (a) Any employee, applicant for employment, or eligible on a register, who believes that he has been discriminated against, may appeal to the board.

(b) Any applicant whose application for admission to an open-competitive examination has been rejected shall be notified of this rejection and the reasons therefor and may appeal to the board for reconsideration of his qualifications and for admission to the examination. Applicants may be conditionally admitted to an examination by the secretary pending reconsideration by the board.

(c) Any applicant who has taken an examination may appeal to the board for a review of his rating in any part of the examination to assure that uniform rating procedures have been applied equally and fairly.

(d) An appeal to the board by applicants or eligibles under subsections (11) and (13) of this section and under this subsection shall be filed in writing with the executive director not later than thirty (30) calendar days after the notification of the action in question was mailed.

(15) An evaluation may be appealed to the board if an employee has complied with the review procedure established in KRS 18A.110(7)(j).

(16) (a) Appeals to the board shall be in writing on an appeal form prescribed by the board. Appeal forms shall be available at the employee's place of work. The Personnel Cabinet shall be responsible for the distribution of these forms.

(b) The appeal form shall be attached to any notice, or copy of any notice, of dismissal, demotion, suspension, fine, involuntary transfer, or other penalization, reallocation, or notice of any other action an employee may appeal under the provisions of this section. The appeal form shall instruct the employee to state whether he is a classified or unclassified employee, his full name, his appointing authority, work station address and telephone number,

and, if he has retained counsel at the time he files an appeal, the name, address, and telephone number of his attorney.

(c) The form shall also instruct a classified employee to state the action he is appealing in a short, plain, concise statement of the facts. The form shall instruct an unclassified employee to make a short, plain, concise statement of the reason for the appeal and the cause given for his dismissal.

(d) Upon receipt of the appeal by the board, the appointing authority and the Personnel Cabinet shall be notified and the board shall schedule a hearing.

(17) All administrative hearings conducted by the board shall be conducted in accordance with KRS Chapter 13B.

(18) (a) The board may deny a hearing to an employee who has failed to file an appeal within the time prescribed by this section; and to an unclassified employee who has failed to state the reasons for the appeal and the cause for which he has been dismissed. The board may deny any appeal after a preliminary hearing if it lacks jurisdiction to grant relief. The board shall notify the employee of its denial in writing and shall inform the employee of his right to appeal the denial under the provisions of KRS 18A.100.

(b) Any investigation by the board of any matter related to an appeal filed by an employee shall be conducted only upon notice to the employee, the employee's counsel, and the appointing authority. All parties to the appeal shall have access to information produced by the investigations and the information shall be presented at the hearing.

(19) Each appeal shall be decided individually, unless otherwise agreed by the parties and the board. The board shall not:

(a) Employ class action procedures; or

(b) Conduct test representative cases.

(20) Board members shall abstain from public comment about a pending or impending

proceeding before the board. This shall not prohibit board members from making public statements in the course of their official duties or from explaining for public information the procedures of the board.

(21) An appeal to the board may be heard by the full board or one (1) or more of the following: Its executive director, its general counsel, any nonelected member of the board, or any hearing officer secured by the board pursuant to KRS 13B.030.

(22) (a) If the board finds that the action complained of was taken by the appointing authority in violation of laws prohibiting favor for, or discrimination against, or bias with respect to, his political or religious opinions or affiliations or ethnic origin, or in violation of laws prohibiting discrimination because of such individual's sex***, sexual orientation, gender identity,*** or age or disability, the appointing authority shall immediately reinstate the employee to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employee whole unless the order is stayed by the board or the court on appeal.

(b) If the board finds that the action complained of was taken without just cause, the board shall order the immediate reinstatement of the employee to his former position or a position of like status and pay, without loss of pay for the period of his penalization, or otherwise make the employee whole unless the order is stayed by the board or the court on appeal.

(c) If the board finds that the action taken by the appointing authority was excessive or erroneous in view of all the surrounding circumstances, the board shall direct the appointing authority to alter, modify, or rescind the disciplinary action.

(d) In all other cases, the board shall direct the appointing authority to rescind the action taken or otherwise grant specific relief or dismiss the appeal.

(23) If a final order of the board is appealed, a court shall award reasonable attorney fees

to an employee who prevails by a final adjudication on the merits as provided by KRS 453.260. This award shall not include attorney fees attributable to the hearing before the board.

(24) When any employee is dismissed and not ordered reinstated after the appeal, the board in its discretion may direct that his name be placed on an appropriate reemployment list for employment in any similar position other than the one from which he had been removed.

(25) After a final decision has been rendered by the board or court, an employee who prevails in his appeal shall be credited with the amount of leave time used for time spent at his hearing before the board or court. Employees who had an insufficient amount of leave time shall be credited with leave time equal to the amount of time spent at their hearings before the board or court.

(26) If the appointing authority appeals the final order of the board, unless the board rules otherwise, the reinstated employee shall remain in his former position, or a position of like status or pay, until the conclusion of the appeals process, at which time the appointing authority shall take action in accordance with the court order.

(27) After a final decision in a contested case has been rendered by the last administrative or judicial body to which the case has been appealed, the board shall make the decision available to the public in electronic format on its Web site and shall organize the decisions according to the statutory basis for which the appeal was based.

(28) For the purposes of subsections (2), (3), (4), (5), (6), and (7) of this section, the word "agency" means any agency not assigned to a cabinet for organizational purposes.

(29) Notwithstanding any other prescribed limitation of action, an employee that has been penalized, but has not received a written notice of his or her right to appeal as provided in this section, shall file his or her appeal with the Personnel Board within

one (1) year from the date of the penalization or from the date that the employee reasonably should have known of the penalization.