

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
- ◆ PROMOTION
- ◆ TRANSFER
- ◆ TRAINING
- ◆ SEPERATION
- ◆ HIRING
- ◆ DISCIPLINE
- ◆ REASSIGNMENT
- ◆ BENEFITS
- ◆ 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 GOVERN
MENT 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
acomodation
- ◆ 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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