



# ON FAIR GROUND

A SEMI-ANNUAL FAIR HOUSING NEWSLETTER OF THE LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

Volume 11 Issue 2

Winter 2011

## The Magic of Home



*Pam Duncan  
Community Relations/  
Housing Committee  
Chair*

"Home is a name, a word, it is a strong one; stronger than magician ever spoke." Charles Dickens was right when he compared our homes to strong magic.

Whether we live in an apartment, a duplex, a single family home, a rural farmhouse, or a city condominium, our homes are our sanctuaries, the places where we refresh and revive after long, sometimes harried days. Although people have long understood the importance of our dwellings, the right to own or rent the place of our choice has not always

been protected. In fact, such protections are a relatively recent development in the history of United States law.

Beginning with the passage of Title VIII of the 1968 Civil Rights Act, states began enacting companion laws that ensured their citizens would not be subject to discrimination in the housing arena. Both federal law and Kentucky's Fair Housing Act first offered equal opportunities based only upon race, color, religion or national origin. Later, each Act expanded to include protections against discrimination based on disabilities and familial status. Although neither federal law nor Ken-

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## Get on the Bus

April is National Fair Housing Month and commemorates the 43<sup>rd</sup> anniversary of the Fair Housing Act of 1968. To mark the importance of fair housing in Lexington, the Lexington Fair Housing Council, the Lexington Human Rights Commission, Kentucky Housing Corporation and U.S. Department of Housing and Urban

Development will host "Get on the Bus: The Path Toward Housing Opportunities." This event is being planned for April 20, 2011.

Participants will be led on a guided bus tour as presenters highlight the history and impact of segregated housing in twentieth-century Lexing-

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tucky law offer these basic housing rights to citizens based on sexual orientation or gender identity, many cities such as Lexington have granted these legal protections to their residents.

To those who are not lawyers or do not work in the area of housing protection, federal and state laws may seem complicated. It is important to remember, however, as Lexingtonians, residents here do not stand alone. They have a variety of organizations that make it their business to understand, to apply, and to enforce the law of fair housing. The Lexington-Fayette Urban County Human Rights Commission (LFUCHRC) is one of those organizations. The Commission Staff—Emily, Aaron, and Tami—under the direction of

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ton. The theme, *Get on the Bus*, evokes the U.S. civil rights movement, which led to desegregation, while *The Path Toward Housing Opportunities* reflects the public marches during that critical point in our nation's history. Presenters will emphasize the historical and political climate in the Common-

Ray Sexton are committed to addressing the needs of Lexington residents who have been subjected to housing discrimination. They work in conjunction with federal, state, and local agencies that also play a role in protecting the right to choose our housing as we see fit, free of discriminatory practices and policies.

In short, the LFUCHRC is here to assist those who have been denied the "magic" of home. They are here to make sure that Dickens was right, that the word "home. . . is a strong one; stronger than magician ever spoke." If the sanctuary of home has been denied any Lexington resident on the basis of race, color, religion, sex, national origin, familial status, disability or sexual orientation/gender identity, the Commission stands ready to help.

wealth leading up to the passage of the Fair Housing Act.

For more information as it becomes available, please contact Arthur Crosby at the Lexington Fair Housing Council at (859) 971-8067 or [crosbylfhc@hotmail.com](mailto:crosbylfhc@hotmail.com)



**J. Scott Benton  
Interim Commission Attorney**

J. Scott Benton was hired as the Interim Commission Attorney on November 1, 2010. Mr. Benton received his Bachelor's Degree in Speech Communication from Oregon State University and his Juris Doctorate from the University of Kentucky College of Law in 2002. Mr. Benton was a former Commissioner of the Human Rights Commission, resigning that post to pursue the attorney position. Mr. Benton has served as a staff attorney for Miller, Griffin and Marks, PSC where he specialized in the areas of tort, real property, contracts, criminal defense, equine, family law and employment law. Mr. Benton recently resigned his position with Miller, Griffin and Marks to pursue a solo practice. Mr. Benton is a member of the Fayette County, Kentucky and American Bar Associations, Secretary and Board Member of the Fayette County Bar Foundation and former President and member of the National Bar Association, John Rowe Chapter.

# Commissioners

## Meet the 2011 Executive Committee



Sandra Noble Canon  
Chair



Robert Murray  
Vice Chair



Kenneth Golphin  
Secretary

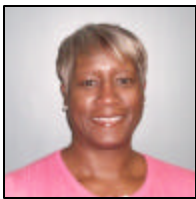


Michael Ades  
Treasurer



Tracy Dennis  
Immediate Past Chair

## Commissioners



Natalie Barrett



D. Anthony Everett



Eli Mertens



Pam Duncan

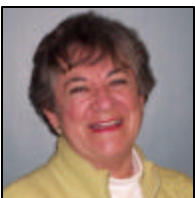


Vibert Forsythe



Lindsay Mattingly

## Thank You for Your Service!

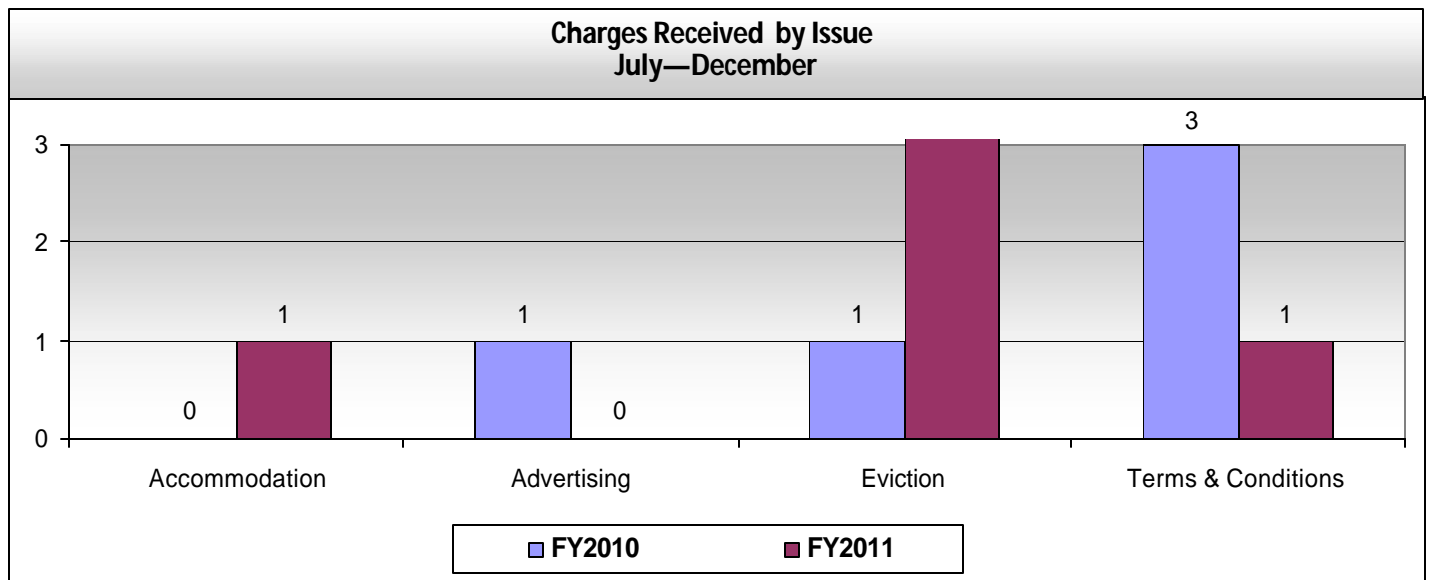
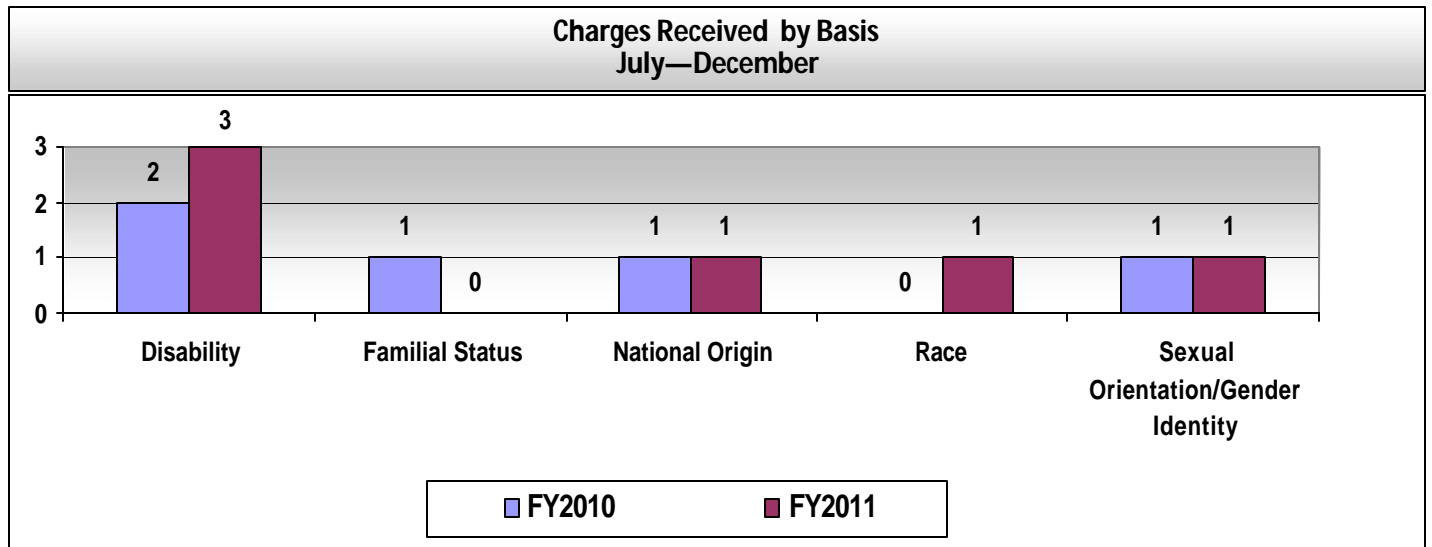


Biby Tinajero

Magdalena "Biby" Tinajero became a Commissioner in October of 2005. Throughout her tenure, Biby served on all of the Commission's standing committees. She was elected Secretary in 2007 and served in that position until she became Chair in January of 2010. 2010 was a challenging year for the Commission as well as for Biby personally. The Commission had undergone funding cuts and a change in staff leadership at the Commission office and was operating with a minimal staff and serious budget deficits. Biby assumed her role as Chair with a dedication to stabilize the Commission. She spent countless hours working with staff and Commissioners to achieve that goal. All the while, Biby was undergoing personal issues with her family in Mexico. Traveling back and forth between Lexington and Mexico throughout the year, Biby's commitment to the Commission never wavered and she remained in constant contact regardless of where she was. Biby resigned from the Commission in November of 2010 to pursue a new career opportunity. Staff would like to take this opportunity to thank Biby for her tireless work during the year. Her dedication to the Commission helped us through a difficult time and prepared us for what is sure to be a rewarding year under new leadership. Thank you, Biby!

# Compliance

The following are comparisons of charges received during the first two (2) quarters of FY2010 and FY2011.



During the first two (2) quarters of FY2011, the Commission closed five (5) complaints, two (3) of which were Satisfactory Resolutions with monetary benefits totaling \$6,875.00. During the same period of FY2010, the Commission closed six (6) complaints, two (2) of which were Satisfactory Resolutions with monetary benefits totaling \$5,650.

# Litigation

## **Matteline Hill v. Lavon Stewart**

HRC# 04-07-2388

On March 13, 2007, Ms. Hill filed a complaint against Ms. Stewart alleging that she was discriminated against based on her religion. The Commission found probable cause and a public hearing was held on November 17, 2008. Ms. Hill was awarded actual damages in the amount of \$3,849.00 plus \$25,000 for embarrassment and humiliation. In addition, a civil penalty in the amount of \$10,000 and attorney's fees was awarded. Commission is currently taking steps to enforce judgment.

## **Brigitte Thompson v. Lavon Stewart**

HRC# 05-07-2408

On May 10, 2007, Ms. Thompson filed a complaint against Ms. Stewart alleging that she was discriminated against based on her race, disability and familial status. The Commission found probable cause and a public hearing was held on November 17, 2008. Ms. Thompson was awarded actual damages in the amount of \$826.00 plus \$75,000 for embarrassment and humiliation. In addition, a civil penalty in the amount of \$25,000 and attorney's fees was awarded. Commission is currently taking steps to enforce judgment.

## **Frank Hyde v. Lavon Stewart**

HRC# 05-07-2412

On May 21, 2007, Mr. Hyde filed a complaint against Ms. Stewart alleging that he was discriminated against based on his sex, race and disability. The Commission found probable cause and a public hearing was held on November 17, 2008. Mr. Hyde

was awarded actual damages in the amount of \$5,563.00 plus an additional \$5,000.00 for lost housing opportunity. In addition, a civil penalty in the amount of \$25,000 and attorney's fees was awarded. Commission is currently taking steps to enforce judgment.

## **Dianna Salyers v. Marie Bishop and Bishop HE Company**

HRC# 09-07-2457

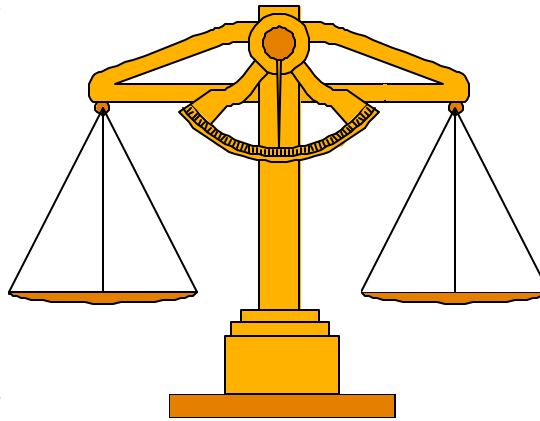
On September 10, 2007, Ms. Salyers filed a complaint against Marie Bishop alleging that after gaining custody of three children, Ms. Bishop filed an eviction notice against her. Ms. Salyers alleged that she was discriminated against based on her familial status. A Probable Cause Determination was issued by the Commission on May 16, 2008. The Respondent elected to have the

case heard in Fayette Circuit Court. Both parties continue to explore conciliation options while the case is proceeding through the court system.

## **Commissioner Chris Ford v. Milestone Farm**

HRC# 08-09-0854

On August 11, 2009, the Commission initiated a commissioner complaint after finding a rental housing advertisement on *Craigslist* specifying no children. A Probable Cause Determination was issued on December 9, 2009. The case was filed in Fayette Circuit Court on February 2, 2010. Both parties have been engaging in discovery requests and preparing the case for trial.



# Staff News



Prior to my being appointed the newest investigator on the HRC staff, I phoned-in to my now boss, Ray Sexton, in regard to the job post I'd turned over online. I asked a series of generically-pointed questions that ultimately led to a discussion of the person having previously held the position. He joked that former investigator Tiffany Tatum had moved onto bigger things (Congratulations, Tiffany!), to which I replied, 'Well then I'd be glad to take over her small things.' The conversation ended with a scheduled interview, and little

did I know that after a few more of these (interviews), the 'small things' would proudly be handed over to me.

Now with a month of 'soaking it up' under my belt, I doggedly attest that here at the Lexington-Fayette Urban County Human Rights Commission, there are no such 'small things,' other than our department itself (4). Being member to a department as small as ours with a responsibility as Great as ours to the community, I realize now that it is my job nature to, in a manner of speaking, wear a lot of hats; some big/some small, but one thing for sure: all of them certainly hats.

One such 'hat' is to have an active presence in our Lexington communities through public appearances in advocating the mission of our services, giving out the good name of our department; this particular hat is easily overlooked given it's out of office, extra curricular nature. I dust it off.

This past Sunday, I attended the One World Film Festival held at the Downtown Central Library , In doing so, I had the wonderful opportunity of speaking with and representing our agency to a group of globally minded and/or hungry moviegoers, and truly felt the necessity of this arm of our service: It's the one that draws people in.

Hospitality is nothing without awareness. In dusting off this hat, by having a more active presence in the community, I hope to, aim to, I am the will to proliferate our good name in the Lexington community, and in doing so reach those parties who are in greatest need of our humanitarian aid, that they might hear the words of our effort.

I believe that to serve a city you must know it's people, and I know I'm new to my position; but this is my cry to you Lexington, I want to get to know you. Sincerely. Consider this your formal (or informal given your preferred method of dress) invitation to come in and meet me at my office, anytime between 8 and 5, Monday through Friday. Let's talk. I want to hear what you have to say.

Come as you are. And in the words of Joe Cocker, 'You can leave your hat on.'

## Community Relations : July 1, 2010—December 31, 2010

Workshops Conducted	2	Articles Written	2
Trainings Attended	1	Conference Calls	1
Community Events	4	Community Meetings	1

# Housing News

## 2010 HUD National Policy Conference, New Orleans, Louisiana

July 19—23, 2010 — LFUCHRC compliance staff attended HUD's National Fair Housing Policy Conference in New Orleans, Louisiana. The conference theme was entitled "Time to Act." The goal of the conference was to take "Time to Act" as more than just a conference theme, but a guiding principle as we take the Fair Housing Act into a new era. Government, private and non-profit agencies from around the United States converged on New Orleans to attend training sessions and gain valuable information from some of the leading experts on fair housing issues.

Staff attended sessions regarding agency funding and how to survive in challenging economic times, the state of fair housing in the United States, strategies for combating housing discrimination based on sexual orientation and gender identity, reasonable accommodation and affirmatively furthering fair housing on the local level.

## PNC Foundations Awards \$80,000 to Support Financial Education and Affordable Housing

October 29, 2010—PNC Foundation awarded a \$40,000 grant each to the LFUCG and Urban League of Lexington. According to Regional president Harry Richart, the first grant will help the city implement recommendations made by the Mayor's Commission on Mortgage Lending Practices. The grant will pay for a financial education program. The Mayor's Commission on Mortgage Lending Practices was created after the Commission issued a report "Regardless of Income, African-Americans in Lexington Remain at Risk of Receiving High-Cost Home Mortgage Loans" in September 2008. The second grant, to the Urban League of Lexington, will support affordable housing initiatives.

## HUD Launches Mortgage Lending Practices Investigation

December 8, 2010 — The U.S. Department of Housing and Urban Development announced that it is launching

multiple investigations into the practices of certain mortgage lenders to determine if their home loan policies illegally deny qualified African American and Latino borrowers access to credit. The investigations are in response to 22 complaints the National Community Reinvestment Coalition (NCRC) filed with HUD alleging that the loan activities of the mortgage originators showed that their home lending practices deny FHA-insured loans to African Americans and Latinos with credit scores as high as 640. Federal Housing Administration (FHA) guidelines allow mortgages to borrowers with credit scores above 580, provided the borrowers have down payments equaling 3.5 percent of the loan amount, or above 500, provided the borrowers have down payments equaling 10 percent of the loan amount.



## LFUCHRC Receives Continuing Certification as a Substantially Equivalent

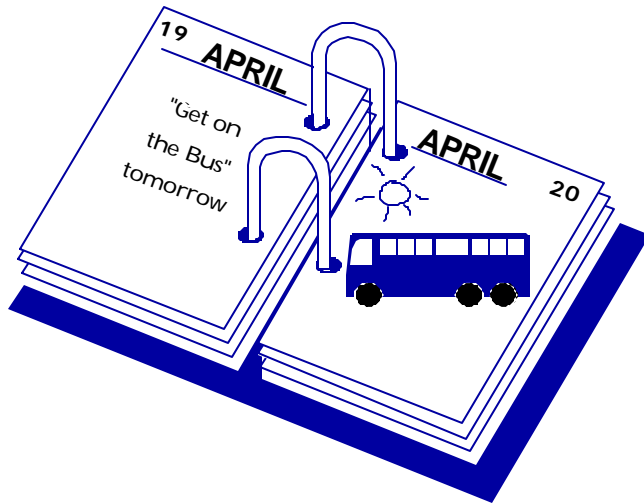
### Agency from HUD

February 4, 2011 — The LFUCHRC received notification from the U. S. Department of Housing and Urban Development that it will receive continuing certification as a substantially equivalent agency under Section 810 (f) (3) of the Fair Housing Act. Substantial equivalence certification means that the U.S. Department of Housing and Urban Development (HUD) has determined that the agency enforces a law that provides substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act. As a substantially equivalent agency, the Commission is able to continue its participation in HUD's Fair Housing Assistance Program (FHAP) and conduct investigations in Lexington, Fayette County, Kentucky.

## Lexington Fair Housing Council Receives Grant

March 1, 2011—The U. S. Department of Housing and Urban Development (HUD) award \$40.8 to 108 fair housing organizations and non-profit agencies to educate the public and combat housing and lending discrimination. The Lexington Fair Housing Council received \$260,477 through HUD's Fair Housing Initiatives Program (FHIP).

# SAVE THE DATE!



***"Get on the Bus: The Path Toward Housing Opportunities."***

**April 20, 2010  
1:00—4:00 p.m.**



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