

- J. Reynolds, Chair
- W. Baxter, Vice-Chair
- J. Brown
- C. Ellinger
- T. Fogle
- B. Monarrez
- D. Gray
- F. Brown
- D. Sevigny
- K. Plomin



AGENDA

Special Social Services and Public Safety Committee

November 14, 2023

6:00 P.M.

- | | | |
|-------------|--|---------------|
| I. | Review of Fairness Ordinance | (1-2) |
| II. | Public Comment on Source of Income Discrimination | (n.a.) |
| III. | Committee Chair Comments – Next Steps | (n.a.) |

"Social Services and Public Safety Committee, to which shall be referred matters relating to the department of social services and its divisions, the department of public safety and its divisions, any related partner agencies, and matters relating to capital improvement projects."- Council Rules & Procedures, Section 2.102 (1) effective January 1, 2023. Adopted by Urban County Council September 22, 2022.

2023 Meeting Schedule

January 24	August 22
March 14	October 10
May 2	November 14
June 13	

ORDINANCE NO. _____-2023

AN ORDINANCE AMENDING SECTION 2-33 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES, RELATING TO THE LOCAL NON-DISCRIMINATION POLICY, TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF LAWFUL SOURCE OF INCOME.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 2-33 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Sec. 2-33. Discrimination due to sexual orientation, ~~[or]~~gender identity, or lawful source of income.

- (1) It is the policy of the Lexington Fayette Urban County Government to safeguard all persons within Fayette County from discrimination in employment, public accommodation, and housing on the basis of sexual orientation or gender identity, as well as from discrimination on the basis of race, color, religion, national origin, sex, disability, and age forty (40) and over. This policy shall also extend to discrimination in housing on the basis of lawful source of income as evidenced by the refusal to consider any lawful source of income in the same manner as ordinary wage income.
- (2) For purposes of this section, the provisions of KRS 344.010 (1), (5) through (13) and (16), 344.030 (2) through (5), 344.040, 344.045, 344.050, 344.060, 344.070, 344.080, 344.100, 344.110, 344.120, 344.130, 344.140, 344.145, 344.360(1) through (8), 344.365(1) through (4), 344.367, 344.370(1), (2) and (4), 344.375, 344.380, 344.400 and 344.680, as they existed on July 15, 1998, are adopted and shall apply to prohibit discrimination on the basis of sexual orientation or gender identity within Fayette County. To the extent applicable, these provisions shall also apply to prohibit discrimination in housing on the basis of lawful source of income within Fayette County.
- (3) The commission shall have jurisdiction to receive, investigate, conciliate, hold hearings and issue orders relating to complaints filed alleging discrimination in employment, public accommodation or housing based on the sexual orientation or gender identity, and discrimination in housing based on lawful source of income of the complaining party. The commission is authorized to use the powers and procedures listed in sections 2-31 and 2-32 to carry out the purposes of this section, except that KRS 344.385, 344.635 and 344.670 shall not apply to the enforcement of this section.
- (4) For purposes of this section, "sexual orientation" shall mean a person's actual or imputed heterosexuality, homosexuality, or bisexuality.
- (5) For purposes of this section, "gender identity" shall mean:
 - (a) Having a gender identity as a result of a sex change surgery; or
 - (b) Manifesting, for reasons other than dress, an identity not traditionally associated with one's biological maleness or femaleness.
- (6) For purposes of this section, "lawful source of income" shall mean:

- (a) any form of lawful income that can be verified, which a person can use to pay rental, mortgage, or other payments associated with the sale, rental, lease, or occupancy of any real estate used for residential purposes within Fayette County; and
 - (b) may include lawful income paid to or on behalf of a renter or buyer including, but not limited to, income derived from wages, salaries, or other compensation for employment, court-ordered payments, income derived from social security, grants, pensions, or any form of federal, state, or local public assistance and/or housing assistance, including section 8 vouchers, and any other forms of lawful income. "Lawful source of income" does not include income derived in an illegal manner.
- ([6]7) Nothing in this section shall be construed to prevent an employer from:
- (a) Enforcing an employee dress policy which policy may include restricting employees from dress associated with the other gender; or
 - (b) Designating appropriate gender specific restroom or shower facilities.
- ([7]8) The provisions of this section shall not apply to a religious institution or to an organization operated for charitable or educational purposes, which is operated, supervised, or controlled by a religious corporation, association or society except that when such an institution or organization receives a majority of its annual funding from any federal, state, local or other government body or agency or any combination thereof, it shall not be entitled to this exemption.
- (9) The prohibitions in this section against discrimination based on lawful source of income shall not be construed to prohibit a person from determining the ability of a potential buyer or renter to pay a purchase price or pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential buyer or renter. However, the use of a financial or income standard for the rental of housing that fails to account for any rental payments or portions of rental payments that will be made by other individuals, organizations, or governmental agencies on the same basis as rental payments to be made directly by the tenant or prospective tenant shall be a prohibited, unlawful practice.
- (10) If any provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance and the application to other persons or circumstances remain in effect.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Published:

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