

# The Kentucky Fair Housing Act

## *Discrimination is against the law*

See a listing below of commonly asked questions and the answers to them~

Q - Who is covered?

A - Anyone living in rental housing or seeking to rent or buy a home.

Q - Who must obey the law?

A -  
• Real estate operators, brokers and agents  
• Savings & loan associations, mortgage lenders, banks, or other financial institutions  
• Apartment house agents/managers  
• Rental agents  
• Builders, contractors and developers  
• Owners of building lots  
• Advertising media  
• Homeowners advertising and selling their own home  
• Multiple listing services/real estate related organizations  
• Insurers and agents

Q - What is housing discrimination?

A - Kentucky's Fair Housing Law forbids discrimination in housing because of a person's race, color, religion, national origin, sex, disability, or familial status. It also forbids retaliation.

Q - If a landlord has a "No Pets" policy, can he/she refuse to rent to a disabled person who requires a guide dog/service animal? If not, can a fee be charged for a service animal?

A - NO. A landlord may have a 'no pets' policy and enforce that policy; however, a guide dog/service animal is not a pet. Its purpose is to assist a person with a disability and acceptance of the service animal would be considered a reasonable accommodation. No pet fee or additional deposit may be charged to a person with a disability for having a service animal residing on the premises.

Q - If a landlord agrees to permit a renter to make necessary modifications, is it all right to charge a higher rent or security deposit to cover the cost of converting back to the original condition when the premises is vacated?

A - NO. Charging higher rents or deposit is potentially unlawful because it may appear to be a different term or condition based on a protected class (disability). A landlord and renter may, however, negotiate a dollar amount, which would be deposited into an escrow account, and which would be sufficient to cover the cost of conversion when the premises are vacated.

Q - If a landlord has knowledge about a mental illness that an applicant has and the landlord is afraid the applicant's behavior may upset the other residents, is it legal to refuse to rent to that person? Does a landlord have to rent to an applicant that has a record of violent behavior?

A - A person with a mental disability who applies for housing should be screened in the same manner and held to the same eligibility standards as other applicants. Acceptance or rejection of that person as a renter should be based on whether or not they meet eligibility standards, not on the fact that the person has a disability. An applicant's acceptance needs to be based on standards relating to rental history and behavior, not on the mental disability. There may, however, be instances in which a disability has affected the individual's ability to meet the eligibility standards and the landlord might permit an accommodation. For example, an individual's credit may be poor due to the disability, but everything else has checked out. The landlord might agree to a six-month lease as a trial period and extend to the usual full year if the rent is paid in full and on time. The law states that housing need not 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. Although some behaviors may be the result of a mental illness, the law does exclude certain behaviors from the protection of the law.

Q - Is an individual who is HIV Positive or who has AIDS protected by this law?

A - YES. Persons who have AIDS or are HIV Positive have protected class status under disability and are entitled to the full protection of the law. In addition, KRS 207.250 makes it unlawful to disclose the fact that a current or former occupant is infected with HIV or has AIDS and also protects an owner or his/her agent from legal action for the failure to disclose that information.

Q - Can a landlord put families with children in one section?

A - NO. Even though the landlord may believe that having the children in one section than another is a benefit, it is a violation of the law based on familial status. This is an act of keeping individuals from certain locations, known as steering.

Q - Can you advertise "No Children"?

A - NO. No one can advertise a preference based on any of the protected classes.

Q - Can you limit the number of school age children?

A - NO. The rule of thumb is two persons per bedroom, which makes no reference to "children". When making reference to children, you are stating a preference. Occupancy standards may be set to establish the number of persons in a unit.

Q - Does a landlord have to rent to persons who are in the United States illegally?

A - All applicants must be treated the same. As long as the applicant is not being denied housing because of his/her National Origin, but because they are unable to provide the necessary documents for a credit/record check, which must be required of all applicants, the landlord can refuse rental.

Q - Do I have to provide an interpreter for a person who does not speak English?

A - An interpreter must be provided when requested.

Q - Can a landlord refuse to rent to an applicant because of their religious belief?

A - NO. This is discriminatory in making a preference, which is unlawful.

Q - Can a landlord rent to single men and not single women?

A - NO. This is discriminatory on the basis of sex; however, if there is a shared bath or kitchen, there could possibly be an exemption.

If you feel that you have been discriminated against, please call: (800) 292-5566



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