

### **344.360 Unlawful housing practices -- Design and construction requirements.**

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, familial status, disability, or national origin;
- (2) To discriminate against any person because of race, color, religion, sex, 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, 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, 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, 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, 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, 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, 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.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 405, sec. 87, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 282, sec. 36, effective July 14, 1992. -- Amended 1972 Ky. Acts ch. 255, sec. 12. -- Created 1968 Ky. Acts ch. 167, sec. 3.