

ORDINANCE NO. 024 -2024

AN ORDINANCE CREATING SECTION 2-31.2 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES, TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF LAWFUL SOURCE OF INCOME OR PAYMENT, ALL EFFECTIVE MARCH 1, 2024.

WHEREAS, the Lexington-Fayette Urban County Government Council seeks to enhance the health, safety, and general welfare of the public through adopting this ordinance; and

WHEREAS, the Urban County Government is a proponent of taking measures to reduce or eliminate discrimination in housing, and of promoting fair and equal housing opportunities to its residents; and

WHEREAS, the adoption of this ordinance should result in making additional housing opportunities available to the residents of Lexington-Fayette County; and

WHEREAS this ordinance does not intend, and shall not be construed, to: (a) require a housing provider to give a preference to anyone or to rent to an otherwise unqualified tenant, (b) limit a housing provider's ability to choose the most qualified and appropriate candidate; (c) or unreasonably delay the housing provider's ability to rent property.

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

Section 1 – That Section 2-31.2 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is created to read as follows:

Sec. 2-31.2. Discrimination in housing due to lawful source of income or payment.

- (1) It is the policy of the Lexington Fayette Urban County Government to safeguard all persons within Fayette County from discrimination in housing on the basis of lawful source of income or payment as evidenced by the refusal to consider any lawful source of income or payment in the same manner as ordinary wage income.
- (2) For purposes of this section, "lawful source of income or payment" shall mean:
 - (a) any form of lawful income or payment that can be verified, which a person can use to pay rental or other payments associated with the 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 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 Housing Choice vouchers, and any other forms of lawful income. "Lawful source of income or payment" does not include income derived in an illegal manner.

- (3) The prohibitions in this section against discrimination based on lawful source of income or payment shall not be construed to prohibit a housing provider from determining the ability of a potential renter to pay rent by verifying in a commercially reasonable and nondiscriminatory manner the source and amount of income or creditworthiness of the potential 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.
- (4) This ordinance shall not be construed or interpreted to supersede any federal or state law or regulation that expressly conflicts with any provision of this ordinance, or that prohibits the application or enforcement of any part of this ordinance.
- (5) The Lexington-Fayette Urban County Human Rights Commission shall have jurisdiction to receive, investigate, conciliate, hold hearings, and issue orders relating to complaints filed alleging discrimination in housing specifically as it pertains to lawful source of income or payment, and otherwise exercise the enforcement powers consistent with this Article of the Code of Ordinances.

Section 2 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3 - That this Ordinance shall become effective on March 1, 2024.

PASSED URBAN COUNTY COUNCIL: February 15, 2024

MAYOR

Passed without Mayor's signature.

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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