

# **Fair Housing Enforcement in Kentucky**

**Presence of Local Human Rights Commissions  
Prompts More Disability Housing Complaints;  
Complaint Investigation Resolutions Are Similar  
For HUD and Local Commissions**

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**August 2008**

This is the work of the Kentucky Advisory Committee to the United States Commission on Civil Rights. The views expressed in this report and the findings and recommendations contained herein are those of the members of the State Advisory Committee and do not necessarily represent the views of the Commission, its individual members, or the policies of the United States Government.

## **The United States Commission on Civil Rights**

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957, reconstituted in 1983, and reauthorized in 1994. It is directed to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices; study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice; serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin; submit reports, findings, and recommendations to the President and Congress; and issue public service announcements to discourage discrimination or denial of equal protection of the laws.

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By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who serve without compensation. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations to the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

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## Letter of Transmittal

Kentucky Advisory Committee to the  
U.S. Commission on Civil Rights

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The Kentucky Advisory Committee submits this report, *Fair Housing Enforcement in Kentucky: Presence of Local Human Rights Commissions Prompts More Disability Housing Complaints, Complaint Investigation Resolutions Are Similar For HUD and Local Commissions*, as part of its responsibility to study important civil rights issues in the state and report on its findings to the Commission and the public. The Kentucky Advisory Committee is a bipartisan federal advisory committee that operates under the Federal Advisory Committee Act, and this report was unanimously adopted by all members of the Committee by a vote of 11 yes, 0 no, and no abstentions.

Even though decades have elapsed since the passage of the 1968 Fair Housing Act, blacks and other minorities still encounter discriminatory housing practices when looking for a home to either rent or buy. It is estimated that nearly 4 million instances of housing discrimination occur annually against blacks and Latinos alone, but less than 1 percent of all violations are reported or even detected. Rental cases have been and continue to represent the largest source of housing complaints. Adding to the high numbers of reported incidents of fair housing discrimination is the troubling fact that most individuals may have no idea that they have been discriminated against because of no comparable evidence, as the victim is often not in a position to observe the treatment of non-minorities.

This study examines the effect of local human rights agencies both as to the number of fair housing complaints that are filed as well as to the resolution of the complaints. Specifically, the design of this study was to learn whether the presence of a local human rights commission increases the number of fair housing complaints that are filed as well whether the resolution of the complaint is dependent upon whether the investigation is conducted at the local or federal level.

The Fair Housing Act and the Fair Housing Amendments Act are the principal federal laws that proscribe discrimination in housing on the basis of race, color, religion, gender, national origin, disability, and family status. The U.S. Department of Housing and Urban Development (HUD) is the primary federal agency responsible for the enforcement of federal fair housing laws. The Office of Fair Housing and Equal Opportunity (FHEO) in HUD receives about 8,000 complaints of discrimination a year.

To assist HUD in enforcing fair housing, the Fair Housing Assistance Program (FHAP) provides funding to state and local agencies so that housing discrimination

investigations can be conducted at the local level. FHAP was designed to provide incentives to state and local agencies to assume greater responsibility for administering fair housing laws. In Kentucky, three agencies qualify to participate in FHAP: the state agency, Kentucky Commission on Human Rights, and two local commissions—the Lexington Human Rights Commission and the Louisville Human Rights Commission. These three “substantially equivalent” commissions are certified by HUD to conduct all phases of a housing discrimination complaint to include intake, processing, investigation, determination of findings, and adjudication.

Apart from the two local commissions in Lexington and Louisville, there are another 17 local human rights agencies operating in the state. These local commissions have partnerships with the state agency, the Kentucky Commission on Human Rights, and process locally filed complaints of housing discrimination. After processing, the complaints are forwarded to the state agency for investigation and resolution.

The Kentucky Advisory Committee examined all reported fair housing rental complaints filed in Kentucky between 2004 and 2006. The presence of a local commission was found to significantly increase the number of housing complaints filed on the basis of disability. However, a similar effect for complaints on the basis of race and ethnicity was not observed. Further, whether the complaint is investigated at the local or federal level, the results are similar. That is, the likelihood of a finding of a probable cause of discrimination is the same regardless of the agency conducting the investigation.

Stemming from these findings, the Kentucky Advisory Committee has two recommendations. As the presence of local human rights commissions have been shown to be efficient and effective in enforcing equal access to fair housing, the Kentucky Advisory Committee recommends that elected and public officials engage in a proactive effort to expand FHAP in Kentucky beyond the Lexington and Louisville communities. The establishment of a greater number of “substantially equivalent” agencies should be encouraged and supported.

In addition, as the Fair Housing Assistance Program in Kentucky has demonstrated efficiencies with respect to the enforcement of fair housing in Kentucky, the Kentucky Advisory Committee recommends to HUD that it replicate this study in other states to ascertain both whether the presence of local agencies in other parts of the country similarly affect the number of complaints filed and whether investigations by local human rights commissions in other areas also mirror those of HUD. In addition, HUD should also conduct studies to quantitatively assess efficiencies resulting from the decentralization of complaint investigations, e.g., investigation time, as well as cost efficiencies in order to support requests for additional financial support from Congress for the Fair Housing Assistance Program.

Respectfully,

J. Blaine Hudson, Ph.D., *Chairman*  
Kentucky Advisory Committee

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## Introduction

The U.S. Commission on Civil Rights is an independent, bipartisan federal agency charged with the responsibility to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin. Although voting rights and employment discrimination dominated the early civil rights agenda, housing discrimination became an increasingly important civil rights issue over time. This, in part, is because housing discrimination deprives individuals of much more than a place to stay, it has a negative effect on their quality of life and general well being.<sup>1</sup> Acts of housing discrimination reject a fundamental premise of the nation, i.e., every person, regardless of class or group background, should have the same right to the rewards of his or her work and enterprise.

The issue of housing segregation was raised in the 1968 Report of the National Advisory Commission on Civil Disorders. The report of the Kerner Commission, as it was known, made its famous observation that “the nation is rapidly moving toward two increasingly separate Americas... a white society principally located in suburbs, in smaller central cities and in the peripheral parts of large central cities; and a Negro society largely concentrated within large central cities.”<sup>2</sup>

Since its inception in 1957 the U.S. Commission on Civil Rights has been concerned about fair housing. In the mid-1980s the Commission held two consultations with various housing experts, which were summarized in the reports, *A Sheltered Crisis: The State of Fair Housing in the Eighties* (1983) and *Issues in Housing Discrimination* (1985). In 1994 the Commission issued a statutory report on the status of fair housing enforcement, *The Fair Housing Amendments Act of 1988: The Enforcement Report*, and in 2009 the Commission intends to engage in a nationwide study regarding fair housing enforcement.

As part of the structure of the U.S. Commission on Civil Rights, state advisory committees are established in each of the 50 states and the District of Columbia. These state advisory committees inform the public and the Commission about civil rights matters, and are charged to independently study pressing civil rights issues in their individual states. In keeping with that role and the upcoming national study by the Commission on fair housing practices, the Kentucky Advisory Committee to the U.S. Commission on Civil Rights decided to examine the effect of local human rights agencies on fair housing enforcement.

This study is an examination of fair housing enforcement in Kentucky as it relates to the effect of local human rights commissions. As studies show that many complainants believe it is not worth the time to file a complaint while others do not know where to file a complaint and/or lack the resources to do so, this study purported to examine whether the presence of a local human rights commission affected the number of fair housing complaints filed. As a corollary, this study also sought to discern whether the resolution of a fair housing complaint was dependent upon whether the investigation was conducted at the local level as opposed to at the federal level, i.e., by HUD.

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<sup>1</sup> U.S. Commission on Civil Rights, *The Fair Housing Amendments Act of 1988: The Enforcement Report*, September 1994, p. 4 (hereafter cited as *Fair Housing Report*).

<sup>2</sup> *Report of the National Advisory Commission on Civil Disorders* (Washington: U.S. Government Printing Office, 1968), Introduction.

## Background

Kentucky has a large minority population, both in terms of total numbers and proportion of total population. The total population in the state was estimated in 2006 to exceed 4 million persons, of whom about 12 percent or 500,000 persons were minorities. Blacks are the largest minority group in the state, comprising about 8 percent of the state's population, while Latinos are the second largest group at about 2 percent of the total population.<sup>3</sup>

Under the Fair Housing Amendments Act (FHAA)<sup>4</sup> the Department of Housing and Urban Development (HUD) is the principal federal agency responsible for the administration and enforcement of fair housing. Two major responsibilities of HUD are investigating allegations of housing discrimination in the purchase or renting of housing and the promotion of decent affordable housing.

Even though decades have elapsed since the passage of the 1968 Fair Housing Act, blacks and other minorities still encounter discriminatory housing practices when looking for a home to either rent or buy. A study conducted by the Lewis Mumford Center of 2000 Census data showed deep residential segregation patterns, despite the nation's growing racial and ethnic diversity. That study noted that "[t]he average white person continues to live in a neighborhood that looks very different from those neighborhoods where the average black, Hispanic, and Asian live. For example, the average white person in metropolitan America lives in a neighborhood that is almost 83 percent white and only 7 percent black. In contrast, a typical black individual lives in a neighborhood that is only 33 percent white and as much as 54 percent black."<sup>5</sup>

A recent study by the Civil Rights Project indicates that relatively little has changed in recent years with respect to racial integration. Housing experts measure segregation by a *dissimilarity index*, which is a 100-point scale where 100 represents complete segregation with all blacks and whites living in separate, racially homogeneous areas and 0 representing a perfect random housing distribution by race. In metropolitan areas, where most blacks, Hispanics, and Asians live, an analysis of 2000 Census data showed only modest changes in integration from two decades earlier. Conditions had improved slightly in San Francisco and Washington, DC, which had segregation indices in the low 60s, while the segregation index in Chicago, Cleveland, and Detroit were still at about 80.<sup>6</sup>

The same study cited an analyses by the Washington Post that concluded that Hispanics increasingly live in largely segregated areas, and that blacks remain more segregated than Hispanics in every region of the country. The same analysis further found that segregation levels are higher in mid-western cities and large urban areas, while integrated neighborhoods are more common in the faster-growing West and South and in smaller metropolitan areas.<sup>7</sup>

According to the National Fair Housing Alliance, rental cases have been and continue to represent the largest source of fair housing complaints. In 2006 private fair

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<sup>3</sup> U.S. Census Bureau at <http://quickfacts.census.gov/qfd/states/2001.html> (last accessed Apr. 30, 2008).

<sup>4</sup> Pub. L. No. 100-430, 102 Stat. 1619 (codified as amended at 42 U.S.C. §§ 3601-3619, 2631 (1988)).

<sup>5</sup> Ricci, Claudia, "Sorting Out the Census: We're Still Separate & Unequal," The Lewis Mumford Center at <http://www.albany.edu/mumford/census/magazine> (last accessed on December 1, 2007).

<sup>6</sup> The Civil Rights Project at [http://www.civilrights.org/research\\_center/civilrights101/housing.html](http://www.civilrights.org/research_center/civilrights101/housing.html) (last accessed December 2, 2007).

<sup>7</sup> Ibid.

housing groups reported 14,211 complaints of housing discrimination in the rental market, which accounted for 84 percent of the total number of rental complaints. Housing discrimination complaints included such practices as, (1) denying the availability of units, (2) higher rents, and (3) the steering of minority renters to certain buildings.<sup>8</sup>

Adding to the high numbers of reported incidents of housing discrimination is the troubling fact that many victims may have no idea that they have been victims of discrimination because there is no identifiable comparison group as a point of reference.<sup>9</sup> Housing discrimination, unlike employment discrimination or public accommodation, occurs in private, therefore victims are not always aware of different treatment received. The National Fair Housing Alliance estimates that there are at least 3.7 million instances of discrimination annually against blacks and Latinos alone, but less than 1 percent of violations are reported or even detected.<sup>10</sup>

The Office of Fair Housing and Equal Opportunity (FHEO) is the internal section of HUD that is responsible for processing and investigating complaints of housing discrimination. FHEO receives inquiries from complainants to determine whether their claim involves a violation of the Act. After a complaint is filed, an investigation is performed to collect evidence in order to determine whether reasonable cause exists to believe that discrimination was indeed practiced. During an investigation, federal law requires HUD to attempt to reach a conciliation agreement. If no such agreement is reached and if there is a determination of probable cause that a violation exists, the matter can be adjudicated by an administrative law judge, or by federal or state court to remedy the illegal action.<sup>11</sup>

HUD also has the responsibility to expand access to affordable rental housing and improve the management accountability of public and assisted housing. Public housing was established to provide decent, safe, and sanitary rental housing for eligible low-income families, the elderly, and persons with disabilities, and such housing comes in all sizes and types from scattered single family houses to high-rise apartments for elderly families. During FY 2008, HUD subsidized approximately 1.2 million public housing units. These units are under the direct management of approximately 3,100 local public housing authorities (PHAs). HUD provides operating subsidies to PHAs to cover the remaining costs after the required tenant contributions, and also subsidizes modernization costs to keep the existing public housing stock in good condition.<sup>12</sup>

In the past two decades HUD has filed hundreds of complaints against landlords for failing to provide safe and decent housing for the poor, and fined and debarred many landlords from doing business with the federal government as a result of its investigations of these complaints. Nevertheless, representatives from several local human rights agencies in Kentucky and fair housing groups have expressed concerns about HUD's performance in Kentucky with respect to enforcing the compliance of landlords with federal fair housing laws.<sup>13</sup>

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<sup>8</sup> National Fair Housing Alliance, *2007 Fair Housing Trends Report*, Apr. 30, 2007, p. 27.

<sup>9</sup> Reed, Veronica, *Civil Rights Legislation and the housing status of black Americans: Evidence from Fair Housing, Review of Black Political Economy*, Winter/Spring91, vol. 19, Issue 3, p. 29.

<sup>10</sup> National Urban League Policy Institute, *Fair Housing Fact Sheet*, Apr. 30, 2007.

<sup>11</sup> Pub. L. No. 100-430, 102 Stat. 1619 (codified as amended at 42 U.S.C. § 3601 (1988)).

<sup>12</sup> U.S. Department of Housing and Urban Development, *Annual Performance Plan, FY 2008*, p. 46.

<sup>13</sup> Notes of *Local Commission Needs Assessment*, from meeting of Kentucky local human rights commissions, Bowling Green, KY, Nov. 14, 2007, Southern Regional Office, USCCR, files.

## **Federal Legislation and U.S. Supreme Court Decision Form Basis for Fair Housing Enforcement**

Title VIII of Civil Rights Act of 1968 and the Fair Housing Amendments Act are the two major modern federal civil rights laws that prohibit discrimination in the sale or renting of housing. The U.S. Supreme Court has ruled that the 13<sup>th</sup> Amendment may be construed to prohibit racial discrimination by private and governmental housing providers and that Congress may enforce this right through appropriate legislation.

### Fair Housing Act Prohibits Housing Discrimination

The first modern federal fair housing legislation was Title VIII of Civil Rights Act of 1968, commonly known as the Fair Housing Act of 1968.<sup>14</sup> The act banned discrimination on the basis of race, color, religion, and national origin in most housing transactions. Although housing discrimination was made illegal by the Fair Housing Act, it did not provide an administrative mechanism for redressing acts of discrimination. Instead, the Act provided three means of enforcing its anti-discrimination rules. First, the U.S. Department of Justice could bring lawsuits where a “pattern or practice” of housing discrimination exists or where alleged discrimination raises an issue of general public importance, e.g., widespread discrimination by a defendant seller, developer or rental firm. Second, administrative complaints could be made to HUD, and such complaints could, theoretically, end up in the courts if pursued by the bias victim. Third, private plaintiffs could proceed directly to court with charges of housing discrimination.

Over the course of the ensuing two decades, the lack of an administrative mechanism to resolve housing complaints raised serious concerns about the realistic applicability of the legislation. In response to these concerns, Congress passed the FHAA in 1988,<sup>15</sup> under which HUD became the principal federal agency responsible for the administration and enforcement of fair housing. The new law allowed individuals to file complaints with HUD, and empowered the Secretary to seek appropriate preliminary or temporary relief pending the final disposition of the complaint. To support these changes, the new law also gave HUD the authority to develop policies, procedures, regulations, standards, guidelines, and resources to implement the act.<sup>16</sup>

In addition to expanded enforcement provisions, FHAA also expanded housing discrimination prohibitions in two respects. First, the legislation prohibited discrimination

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<sup>14</sup> Pub. L. No. 90-284, 82 Stat. 73. (1968) (codified as amended at 42 U.S.C. §§ 3601-3619 (2000))

<sup>15</sup> Pub. L. No. 100-430, 102 Stat. 1619 (codified as amended at 42 U.S.C. §§ 3601-3619, 2631 (1988)). Congress has continued to have an interest in fair housing enforcement. See for example, U.S. House of Representatives, Subcommittee on Oversight and Investigations and Subcommittee on Housing and Community Opportunity, Committee on Financial Services, *FIGHTING DISCRIMINATION AGAINST THE DISABLED AND MINORITIES THROUGH FAIR HOUSING ENFORCEMENT*. (Washington, DC.) June 2002, p. 10; Civil Rights.org, [http://www.civilrights.org/research\\_center/civilrights101/housing.html](http://www.civilrights.org/research_center/civilrights101/housing.html); Fair Housing Law; [http://www.fairhousinglaw.org/resources/Demystifying\\_Housing\\_Discrimination.pdf](http://www.fairhousinglaw.org/resources/Demystifying_Housing_Discrimination.pdf) Allen, Michael and Silverstein, Susan Ann, Preserving elders' housing rights: elderly people who have suffered discrimination are increasingly turning to federal law to secure greater housing opportunities and protect their rights, October, 2003. Cited by both parties of the House and Senate as a principal reason for strengthening the government's fair housing enforcement (Statement of Senator Kennedy, Congressional Record S 10465 (August 1, 1988)).

<sup>16</sup> 42 U.S.C. §§ 3601-3619 (1988); Exec. Order No 12,259 (1980); 3 C.F.R. § 307 (1981), *reprinted in* 42 U.S.C. § 3608 (1988).

on the basis of family status, so that landlords could not discriminate against a person with dependent children.<sup>17</sup> Second, FHAA proscribed housing discrimination on the basis of disability, and under the new law it also became unlawful to refuse to permit at the expense of handicapped persons any reasonable modifications that might allow full enjoyment of the premises.<sup>18</sup> In addition, multifamily housing units occupied after March 13, 1991, were required to be constructed so as to accommodate persons with disabilities.<sup>19</sup>

To assist HUD in enforcing fair housing, the Fair Housing Assistance Program (FHAP) was designed to provide incentives to state and local agencies to assume greater responsibility for administering fair housing laws.<sup>20</sup> Under the program, HUD provides funding to state and local agencies so that housing discrimination investigations can be conducted at the local level. To participate in the program and receive funding, state or local laws must be “substantially equivalent” to those of Title VIII.<sup>21</sup>

As a corollary to effective enforcement of fair housing laws, in 1987 Congress created the Fair Housing Initiatives Program (FHIP) to provide grants to private and public fair housing agencies. The Reagan administration and the National Association of Realtors (NAR) sought to constrain the FHIP by barring grants to agencies that engaged in systematic “testing”—a technique for identifying discrimination by using teams of equally qualified blacks and whites who might, for example, seek to buy the same house or rent the same apartment. Congress rejected the Reagan-NAR guidelines, but a 1992 report found the Department of Housing and Urban Development “has not made any progress in utilizing this important investigative technique in evaluating the complaints it receives.”<sup>22</sup>

### Supreme Court Holds Discrimination in Housing Is Proscribed by 13th Amendment

The U.S. Supreme Court held in the case of *Jones v. Alfred H. Mayer, Co.*<sup>23</sup> that the 13th Amendment can be construed to ban racial discrimination by private, as well as governmental, housing providers. The Court ruled that Congress had the right to pass legislation to prohibit housing discrimination and that the Congress acted under its authority to enforce the 13th Amendment with appropriate legislation, to include the power to eliminate all racial barriers to the acquisition of real and personal property, when it passed the Civil Rights Act of 1866.<sup>24</sup>

Petitioners in the *Jones* case had alleged that the respondents had refused to sell them a home for the sole reason that the petitioner, Joseph Lee Jones, was black. They filed a complaint in federal district court seeking injunctive and other relief. Petitioners relied in part on Section 1982, which provides that all citizens “shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase,

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<sup>17</sup> *Id.* at § 3604(a)-(e).

<sup>18</sup> *Id.* § 3604(f)(3)(A).

<sup>19</sup> *Id.* § 3604(f)(3)(C).

<sup>20</sup> 24 C.F.R. § 115.300 (2008).

<sup>21</sup> 42 U.S.C. § 3610(f)(3) (2008); 24 C.F.R. Part 115, Subpart B (2008); 24 C.F.R. § 115.301 (2008).

<sup>22</sup> Civil Rights.Org at [http://www.civilrights.org/research\\_center/civilrights101/housing.html](http://www.civilrights.org/research_center/civilrights101/housing.html) (last accessed on December 1, 2007).

<sup>23</sup> 392 U.S. 409 (1968).

<sup>24</sup> 42 U.S.C. § 1982.

lease, sell, hold, and convey real and personal property.” The respondents argued that Congress, in adopting the Civil Rights Act of 1866, only wished to eradicate the recently enacted Black Codes—laws that had saddled blacks with “onerous disabilities and burdens, and curtailed their rights . . . to such an extent that their freedom was of little value. . . .” and therefore suggested that the only evil Congress sought to eliminate at the time of enactment was that of racially discriminatory laws in the former Confederate States.<sup>25</sup>

The district court found in favor of the defendants and dismissed the complaint. The Court of Appeals affirmed, concluding that Section 1982 applied only to state action and does not reach private refusals to sell.<sup>26</sup> The U.S. Supreme Court reversed the Court of Appeals, and ruled that Congress has power under the 13th Amendment to proscribe to racial discrimination in the sale and rental of property.

In so ruling, the Court held that the 13th Amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States. Moreover, the Court stated in its opinion that it has never been doubted that power has been vested in Congress to enforce the Amendment by appropriate legislation, including the power to enact laws operating upon the acts of individuals regardless of whether such is sanctioned or prohibited by State legislation. Under the 13th Amendment, Congress is empowered to eliminate all vestiges of slavery to eliminate included restraints upon “those fundamental rights which are the essence of civil freedom, namely, the same right . . . to inherit, purchase, lease, sell and convey property, as is enjoyed by white citizens.” With specific reference to the rights to buy, sell, and rent free from discrimination, the Court ruled:

The crucial language for our purposes was that which guaranteed all citizens “the same right, in every State and Territory in the United States, . . . to inherit, purchase, lease, sell, hold, and convey real and personal property . . . as is enjoyed by white citizens . . . .” To the Congress that passed the Civil Rights Act of 1866, it was clear that the right to do these things might be infringed not only by “State or local law” but also by “custom, or prejudice.” Thus, when Congress provided in § 1 of the Civil Rights Act that the right to purchase and lease property was to be enjoyed equally throughout the United States by Negro and white citizens alike, it plainly meant to secure that right against interference from any source whatever, whether governmental or private. . . .

The constitutional question in this case, therefore, comes to this: Does the authority of Congress to enforce the Thirteenth Amendment “by appropriate legislation” include the power to eliminate all racial barriers to the acquisition of real and personal property? We think the answer to that question is plainly yes. Negro citizens, North and South, who saw in the Thirteenth Amendment a promise of freedom -- freedom to “go and come at pleasure” and to “buy and sell when they please” -- would be left with “a mere paper guarantee” if Congress were powerless to assure that a dollar in the hands of a Negro will purchase the same thing as a dollar in the hands of a white man. At the very least, the freedom that Congress is empowered to secure under the Thirteenth Amendment includes the freedom to buy whatever a white man can buy, the right to live wherever a white man can live. If Congress cannot say that being a free man means at least

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<sup>25</sup> *Jones v. Alfred H. Mayer, Co.*, 392 U.S. 409 (1968).

<sup>26</sup> *Id.* at 412.

this much, then the Thirteenth Amendment made a promise the Nation cannot keep.<sup>27</sup>

The Court did clarify, however, that the particular decision was limited to the constitutionality of Section 1982, and not necessarily to other enacted federal statutes regarding fair housing. Specifically, the Court said that Congress' enactment of the Civil Rights Act of 1968, containing in Title VIII detailed housing provisions applicable to a broad range of discriminatory practices and enforceable by a complete arsenal of federal authority, had no effect upon this litigation or upon Section 1982. Section 1982 is a general statute limited to racial discrimination in the sale and rental of property and enforceable only by private parties acting on their own initiative.<sup>28</sup>

Nevertheless, following from the Court decision, Section 1982 is considered applicable to all racial discrimination in the sale or rental of property. The legislative history of the Civil Rights Act of 1866 shows that both Houses of Congress believed that they were enacting a comprehensive statute forbidding every form of racial discrimination affecting the basic civil rights enumerated therein—including the right to purchase or lease property—and thereby securing all such rights against interference from any source whatever, whether governmental or private. Further, the scope of the 1866 Act was not altered when it was re-enacted in 1870, two years after ratification of the 14<sup>th</sup> Amendment. The fact that section 1982 was partially dormant for many years does not diminish its force today, and the freedom to pursue and have access to property and housing free from discrimination on the basis of race or other artificial criteria is a Constitutional right.<sup>29</sup>

### **Housing Discrimination Remains Significant Problem Many Instances Go Un-Reported**

Despite four decades of federal prohibitions against discrimination in the sale or rental of property, widespread instances of housing discrimination persist. Most instances where people believe themselves victims of housing discrimination go un-reported, and HUD reports that less than one percent of all housing discrimination incidents result in the actual filing of a complaint.

#### Despite Federal and Local Statutes, Housing Discrimination Persists

Legislation to prohibit discrimination in the sale and rental of homes has been enacted at the federal and state level and many localities nationwide. The mere presence of these pieces of legislation are not enough to prevent housing discrimination, as acts of discrimination in the sale or rental of housing persist. Although enforcement agencies at the federal, state, and local levels may initiate investigations of housing discrimination, effective fair housing compliance relies on individuals who believe themselves to have suffered discrimination to take personal action, such as filing a complaint.

In November 2007, representatives from ten local human rights agencies in Kentucky met in Bowling Green to assess pressing needs and issues in their local

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<sup>27</sup> *Id.* at 423.

<sup>28</sup> *Id.* at 416-17.

<sup>29</sup> *Id.* at 437.

communities. Six of the attendees listed housing discrimination as a pressing issue in their community.<sup>30</sup> In addition to rental housing discrimination, two attendees also specifically cited problems in their communities with ‘slum lords’ and landlords renting condemned housing units that are detrimental to the health of the occupants.<sup>31</sup>

The Kentucky Committee interviewed federal, state, and local officials about the persistence of housing discrimination and found that, in general, government officials believed housing discrimination continued to be a significant problem.<sup>32</sup> Most noted, however, that instances of housing discrimination prompt fewer complaints than other types of discrimination, most notably employment.

Arthur Crosby, executive director of the Lexington Fair Housing Council, said “all illegal discrimination is a big deal, but housing discrimination in particular effects a person’s ability to provide a safe home for their family. Illegal steering can result in segregation in schools and throughout our community. A woman who is facing sexual harassment from a landlord is forced to live in fear in her own home. The family who woke up to find a cross burnt in their front yard told us that the incident changes the way they look at everyone in their community.”<sup>33</sup>

Cynthia Thornburg Schnell, supervisor of housing and intake at the Kentucky Commission on Human Rights (KCHR), stated that housing discrimination remains a significant problem.<sup>34</sup> Art Kaufman, enforcement branch manager for the KCHR, concurred, saying “I believe that it is still a problem in this country, whether it is because of redlining, steering, different credit terms, poverty, or any other reason, a lot of citizens still are denied the opportunity to own their own home or live where they want to live. Some of it is discrimination and some of it is self-imposed limitations in that they choose to live with their same socio-economic group or ethnicity group because of cultural or language barriers.”<sup>35</sup>

Several local officials, however, did not think that housing discrimination was a significant problem in their local areas. Teresa Cantrell, equal opportunity officer for the City of Mayfield, said that she may receive “five calls a year regarding housing discrimination. Usually, they are unfounded, it is simply a matter of a mean landlord.”<sup>36</sup> Stan Beauchamp, director of the Paducah Human Rights Commission, told the Committee that employment complaints received at his agency far exceed housing

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<sup>30</sup> Notes of *Local Commission Needs Assessment*, from meeting of Kentucky local human rights commissions, Bowling Green, KY, Nov. 14, 2007, Southern Regional Office, USCCR, files.

<sup>31</sup> Ibid.

<sup>32</sup> Executive officers of each of the 38 associations of realtors in Kentucky were contacted for interviews, but only one official of the realtor associations commented either on the persistence of housing discrimination in the state or on whether there was an underreporting of housing discrimination.

<sup>33</sup> Arthur Crosby, executive director, Lexington Fair Housing Council, telephone interview, Nov. 13, 2007, Southern Regional Office, USCCR files (hereafter cited as Crosby interview).

<sup>34</sup> Cynthia Thornburg Schnell, supervisor of housing and intake, Kentucky Commission on Human Rights, telephone interview, Nov. 7, 2007, Southern Regional Office, USCCR files (hereafter cited as Schnell interview).

<sup>35</sup> Art Kaufman, enforcement branch manager, Kentucky Commission on Human Rights, telephone interview, Nov. 19, 2007, Southern Regional Office, USCCR files (hereafter cited as Kaufman interview).

<sup>36</sup> Teresa Cantrell, equal opportunity officer, City of Mayfield, KY, telephone interview, Nov. 14, 2007, Southern Regional Office, USCCR files (hereafter cited as Cantrell interview).

complaints.<sup>37</sup> And Angela Nance, Commissioner of the Lebanon Human Rights Commission, said that “during the past three years (the Commission) has not received any complaints regarding housing issues.”<sup>38</sup>

Beverly Cooper, a member of the executive board of the Lexington Bluegrass Association of Realtors, stated that she has seen no sign of housing discrimination in her local community. She said that she has been an agent for the past 30 years and that there are approximately 100 agents who belong to her local association of realtors, and “as far as (she can) tell everyone tries to abide by all the rules and regulations regarding fair housing. The Kentucky Real Estate Commission does a good job with all agents with the [fair housing] education.”<sup>39</sup>

### Studies Show Severe Under-Reporting of Housing Discrimination

Housing discrimination appears to be the one form of discrimination about which individuals are least likely to file a complaint with a government agency.<sup>40</sup> The persistence of housing discrimination and its under-reporting has been measured by a variety of studies in recent years that compare the treatment of prospective buyers and renters of different backgrounds. These studies consistently show substantial and ongoing discrimination, but relatively few formal complaints.<sup>41</sup>

To measure the degree housing discrimination is reported, HUD authorized a study in 2002, “How Much Do We Know?” The 2002 report found that 14 percent of the adult public, which is equivalent to nearly 28 million Americans, believed that they had experienced housing discrimination. Moreover, the study estimated that more than two million incidents of discrimination occur annually, yet less than 1 percent of all these incidents result in the actual filing of a complaint.<sup>42</sup>

In 2006 HUD did a follow-up study, “Do We Know More Now?” According to the second study, 80 percent of those surveyed who believed they had experienced housing discrimination did not take any action in response. Further, the study found that even among those who had the highest levels of fair housing knowledge, only a small percentage decided to take action when confronted with housing discrimination. Many respondents believed that it was not worth the time or was fruitless, while others stated that they did not know where to complain and lacked the resources to do so.<sup>43</sup>

In recent years the General Accountability Office (GAO) has conducted its own studies of housing discrimination. Similar to HUD, GAO reports that housing

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<sup>37</sup> Stan Beauchamp, director, Paducah Human Rights Commission, telephone interview, Nov. 30, 2007, Southern Regional Office files (hereafter cited as Beauchamp interview).

<sup>38</sup> Angela Nance, Commissioner, Lebanon Human Rights Commission, telephone interview, Dec. 14, 2007, Southern Regional Office, USCCR files (hereafter cited as Nance interview).

<sup>39</sup> Beverly Cooper, electronic interview, Jan. 8, 2007, Southern Regional Office, USCCR files.

<sup>40</sup> Kritzer, Herbert, Neil Vidmar, W.A. Bogart. *To Confront or not to Confront: Measuring Claims Rates in Discrimination Grievances*. Law & Society Review, Vol 25, No.4 (1991), pp. 875-88.

<sup>41</sup> Ibid.

<sup>42</sup> U.S. Department of Housing and Urban Development, *How much Do We Know?* (Washington, D.C.) April 2002, p ix.

<sup>43</sup> U.S. Department of Housing and Urban Development, *Do We Know More Now?* (Washington, D.C.) February 2006, p iii.

discrimination continues to be a problem.<sup>44</sup> According to the GAO, although there were a total of nearly 8, 200 fair housing complaints filed in 2003, but that number is far fewer than the estimated 2 million cases estimated to occur each year. In addition, GAO reported that individuals alleging discrimination in housing sometimes face a lengthy wait to have their complaints investigated and decided.<sup>45</sup>

When local, state, and federal human rights agency officials were asked about their perceptions of the percentage of people who experience housing discrimination and come forward to make a complaint, almost every official that responded thought the rate was very low. For example, Kellie Watson, executive director of the Metro Louisville Jefferson County Human Rights Commission, indicated that based upon the number of phone call inquiries to her agency, housing discrimination complaints are very low, and her agency “receives more complaints regarding employment discrimination. Persons considering the filing of a housing complaint are usually afraid of getting evicted or complaining about a bad reference.”<sup>46</sup>

The local official from Mayfield added that the percentage in her area was “less than 1 percent based on the fact that we are not getting calls, though some persons do complain to the Kentucky Commission on Human Rights and we find out about it at a later date.”<sup>47</sup> An official from the Lexington Fair Housing Council said, “we have no way of knowing what percentage of people do not contact us, although we expect that the numbers would closely mirror the national studies conducted by the United States Department of Housing and Urban Development and the National Fair Housing Alliance. We do know, through our telephone calls and interactions with clients, that most of the people in our community are still not fully aware of their fair housing rights and also find that many people who are aware of their rights still choose not to proceed with a complaint because they believe it would be futile.”<sup>48</sup> In Paducah, the local official stated that “here in our community there are a lot of people who have problems, but they do not come forward to file a complaint.”<sup>49</sup>

The two officials from the Kentucky Commission on Human Rights similarly held that a large number of incidents of housing discrimination went un-reported. One official stated that a “lack of knowledge that rights have been denied or violated, as well as a fear of rocking the boat will make their situation worse or a fear of getting into trouble with authorities from the undocumented community of immigrants” are prominent reasons for under-reporting.<sup>50</sup> Another official supported that assertion, by stating, “I believe that under-reporting is due to persons not knowing what is protected under the Fair Housing Act and then not wanting to ‘make waves’ due to fear. Though there is a protection against retaliation, a person’s home is an essential basic human need and fear of not having a home sometimes prevents a person from reporting housing

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<sup>44</sup> GAO-04-463, *Fair Housing: Opportunities to Improve HUD’s Oversight and Management of the Enforcement Process*, (Washington, D.C.) May 2004, p. 58.

<sup>45</sup> *Ibid.*, p. 2.

<sup>46</sup> Kellie Watson, executive director, Metro Louisville Jefferson County Human Rights Commission, telephone interview, Nov. 15, 2007, Southern Regional Office, USCCR office files (hereafter cited as Watson interview).

<sup>47</sup> Cantrell interview.

<sup>48</sup> Crosby interview.

<sup>49</sup> Beauchamp interview.

<sup>50</sup> Kaufman interview.

discrimination. Real estate agents experience issues in housing transactions, but do not report because it would affect their reputation with clients and possibly hurt their ability to make a living. I also believe that undocumented persons do not report because of the fear of being deported or facing other charges.”<sup>51</sup>

HUD officials concurred that there is an under-reporting of housing discrimination and said that, this belief is supported by HUD's 2002 study, “How Much Do We Know?” That study revealed that a majority of the adult public was knowledgeable about and approved of most aspects of the federal fair housing laws, although only a small fraction of those believing they had experienced housing discrimination had taken any action in response. A follow-up study found that knowledge of fair housing laws increased in two areas, discrimination against families with children, and steering of prospective homebuyers by race, but declined in one area, discrimination based upon religion. In addition, there was a significant increase in overall support for fair housing laws. The study also explored the extent to which people know what to do to address perceived discrimination and why so few people who perceive they have been discriminated against do nothing about it.<sup>52</sup>

Nevertheless, despite reports by HUD and the GAO that there is an under-reporting of housing discrimination and the federally-supported local fair housing initiatives, no formal research has been conducted by government or private researchers on the effect of local human rights agencies in the promotion of greater awareness of housing discrimination and the prompting of more victims to file complaints. For example, the Urban Institute had a forum that provided evidence regarding high levels of housing discrimination, but not how local agencies affected the number of complaints generated.<sup>53</sup>

There is, however, some evidence that the presence of a local human rights agency affects the number of complaints filed. For example, in Georgia the state's equal opportunity commission operated a field office in the City of Savannah for several years during which time the local agency received numerous housing complaints each year. The local Savannah office was forced to close as a result of budget cuts in the early 2000s. In the immediate years after the Savannah office closed, no housing discrimination complaints were filed with the remaining Atlanta office of the Georgia Equal Opportunity Commission from that area.<sup>54</sup>

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<sup>51</sup> Schnell interview.

<sup>52</sup> Survey of Region IV FHEO officials by Kentucky Advisory Committee, Southern Regional Office, USCCR files (hereinafter cited as FHEO survey).

<sup>53</sup> Urban Institute, *A Foot in the Door? New Evidence on Housing Discrimination*, Feb. 4, 2003, at <http://www.urban.org/url.cfm?ID=900587> (last accessed Nov. 15, 2007). In addition to the Urban Institute, the Kentucky Advisory Committee made specific requests of the American Enterprise Institute, the Brookings Institute, and the Heritage Foundation for any known research on the effect of local human rights agencies on the reporting or investigation of housing discrimination complaints and none was forthcoming.

<sup>54</sup> Georgia Equal Opportunity Commission, statement before the Georgia Advisory Committee, Aug. 28, 2007, Atlanta, GA.

## **Local and State Human Rights Agencies Assist HUD In Investigating Complaints of Housing Discrimination**

There are 19 local human rights agencies in Kentucky, but only the two local agencies in Lexington and Louisville are designated FHAP agencies. Among human rights officials in the state, most believe that the presence of a local agency in a community increases awareness about fair housing and would likely prompt a higher number of housing complaints.

### Kentucky Has 19 Local Human Rights Agencies But Only Two Are Designated FHAP Agencies

HUD is the principal federal agency responsible for the enforcement of fair housing. The agency receives about 8,000 complaints of discrimination a year through its Office of Fair Housing and Equal Opportunity. However, HUD is not the only government agency to investigate housing discrimination. To assist HUD in enforcing fair housing, FHAP provides funding to state and local agencies to conduct housing discrimination investigations at the local level.<sup>55</sup>

FHAP is designed to provide incentives to state and local agencies to assume greater responsibility for administering fair housing laws, and is the vehicle through which HUD funds the processing of housing complaints by state and local government agencies. To participate in the FHAP program and receive funding, local agencies certified by HUD under the program must have laws and remedies that are “substantially equivalent” to those of the federal laws. Substantial equivalency certification is granted by HUD when it determines that a state or local agency enforces a law that is substantially equivalent to the Fair Housing Act with regard to substantive rights, procedures, remedies, and the availability of judicial review.

HUD has developed a two-phase process of substantial equivalency. In the first phase, HUD determines whether the fair housing law that the agency administers provides rights, procedures, remedies, and the availability of judicial review that are substantially equivalent to those provide in the federal Fair Housing Act. In the second phase, HUD determines whether in operation the fair housing law that the agency administers provides rights, procedures, remedies and the availability of judicial review that are substantially equivalent to those provide in the federal Fair Housing Act.<sup>56</sup>

The Kentucky Commission on Human Rights (KCHR) is the state agency charged with responsibility to enforce the Kentucky Civil Rights Act.<sup>57</sup> Kentucky was the first state south of the Mason Dixon Line to make discrimination illegal, and the state’s General Assembly created the KCHR in 1960. Initially, the state government agency was instructed to encourage fair treatment and foster mutual understanding and respect, and to discourage discrimination against any racial or ethnic group or its members. However, in 1966, the commission role expanded with the passage of The Kentucky Civil Rights Act. This law made discrimination illegal on a state level, and it made the KCHR the statutory authority to enforce the law for the Commonwealth. The KCHR consists of an 11-member board of commissioners, an executive director, and 36 staff members, and the

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<sup>55</sup> 24 C.F.R. 115.300 (2008).

<sup>56</sup> 24 C.F.R. 115.201 (2008).

<sup>57</sup> KY.REV.STAT. ANN. § 344 (2008).

agency receives, initiates, investigates, conciliates and rules upon jurisdictional complaints alleging violations of the Kentucky Civil Rights Act.<sup>58</sup>

In addition to the Kentucky Commission on Human Rights, another 19 local human rights agencies partner with the Kentucky Commission on Human Rights to accept housing discrimination complaints.<sup>59</sup> (See Figure 1.) Two local commissions qualify to participate in the FHAP program, the Lexington-Fayette County Urban County Human Rights Commission (Lexington Commission), and the Louisville Metro Human Rights Commission (Louisville Commission). The other 17 local human rights agencies are not staffed as full functioning enforcement agencies, but serve rather to promote racial, gender, and ethnic peace, mutual respect and understanding among diverse groups. These local agencies may receive complaints of discrimination, and in such instances will forward them to the state agency for investigation.<sup>60</sup>

The two local human rights agencies in Lexington and Louisville have contracts with HUD to investigate housing discrimination complaints. The Lexington Commission is an independently chartered agency of the Lexington-Fayette Urban County Government. Created in 1963, the Lexington Commission was reconstituted in 1974 when the city of Lexington and Fayette County united into one urban county government in 1974. Local Ordinances 199-94 and 201-99 give the Lexington Commission the right to investigate complaints of employment, housing, and public accommodation discrimination on the basis of race, color, age, sex, national origin, disability, religion, sexual orientation/gender identity, and/or retaliation, and under the local ordinance housing discrimination is also illegal on the basis of familial status. The Lexington Commission investigates about 300 complaints of discrimination a year, of which about 85 percent involve employment issues.<sup>61</sup>

The Louisville Commission has two entities: (1) Human Relations-Advocacy, and (2) Human Relations-Enforcement. The Advocacy section of the agency is charged to promote the mutual respect among the various economic, social, religious, ethnic, and social groups in the metropolitan area. The Enforcement bureau is to investigate and enforce the anti-discrimination laws encoded in the Louisville Metro Amended Ordinance No.193, Series 2004 laws prohibiting discrimination in housing, employment, and public accommodation on the basis of race, sex, religion, disability, age, color, sexual orientation, gender identity, and national origin.<sup>62</sup> Under the ordinance, housing discrimination is also illegal on the basis of familial status.<sup>63</sup>

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<sup>58</sup> Kentucky Commission on Human Rights at <http://kchr.ky.gov/about/aboutkchr.htm> (last accessed Dec. 23, 2007).

<sup>59</sup> In effect, there is a local human rights agency office in 19 Kentucky's 120 counties.

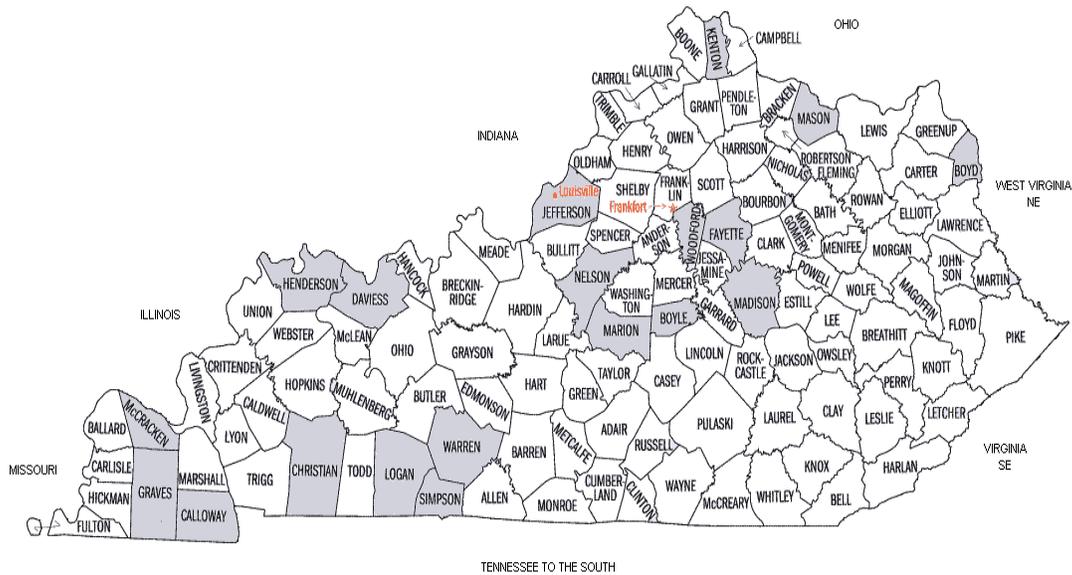
<sup>60</sup> Kentucky Commission on Human Rights. *2006 Annual Report*. (Louisville), 2006.

<sup>61</sup> Lexington-Fayette Urban County Human Rights Commission at <http://www.lfuchc.org/html> (last accessed Dec. 22, 2007).

<sup>62</sup> Louisville and Jefferson County Metro Human Relations Commission at <http://www.louisvilleky.gov/HumanRelations/Commissions+Boards.htm> (last accessed Dec. 22, 2007).

<sup>63</sup> Ibid.

**Figure 1. Kentucky Counties with Local Human Rights Commissions**



Note: Shaded areas indicate counties with a local human rights agency.

- 1 Ashland Human Rights Commission
- 2 Bardstown–Nelson County Human Rights Commission
- 3 Bowling Green Human Rights Commission
- 4 Covington Human Rights Commission
- 5 Danville–Boyle County Human Rights Commission
- 6 Franklin–Simpson County Human Rights Commission
- 7 Henderson–Henderson County Human Rights Commission
- 8 Hopkinsville Human Relations Commission
- 9 Lebanon Human Rights Commission
- 10 Lexington–Fayette Urban County Human Rights Commission
- 11 Mayfield Human Rights Commission
- 12 Maysville Human Rights Commission
- 13 Metro Louisville and Jefferson County Human Rights Commission
- 14 Midway–Versailles – Woodford County Human Rights Commission
- 15 Murray Human Rights Commission
- 16 Owensboro Human Rights Commission
- 17 Paducah Human Rights Commission
- 18 Russellville–Logan County Human Rights Commission
- 19 Richmond Human Rights Commission

Source: Kentucky Advisory Committee to the U.S. Commission on Civil Rights from information obtained from the Kentucky Commission on Human Rights.

### General Agreement Among Service Providers That Local Agencies Increase Fair Housing Awareness

The Fair Housing Act relies on homebuyers and renters being knowledgeable about fair housing laws and, if experienced, initiating an appropriate response such as the filing of a formal complaint. The low percentage of individuals not filing a complaint in response to perceived discrimination is often associated with persons not knowing where to go to get assistance or to complain, or presuming that filing a complaint would be expensive, or expecting that a complaint would take too long to resolve.

Moreover, only 13 percent of the public expects that filing a complaint would likely accomplish good results, and almost two-thirds of people who do not take action in response to what they believed to be discrimination thought that responding would not have helped their situation.<sup>64</sup> Others said they did not file a complaint because they believed they would be retaliated against, or were too busy, or believed the complaint process takes up too much time.<sup>65</sup>

Local human rights officials in Kentucky were interviewed by the Kentucky Advisory Committee and in general thought that the presence of an effective local commission increased an awareness of fair housing in the community. Some officials thought, though, that an increase in awareness does not necessarily translate into a higher number of complaints filed. This is because if local agencies make landlords more aware of the law and likely repercussions for non-compliance, it may well work to create an environment of overall greater compliance with fair housing statutes. Kellie Watson of the Louisville Human Rights Office expressed the opinion that if her agency were not active in the community, complaints would increase. She said, "Housing providers are aware that housing tests are conducted in the (Louisville) community by the local human rights agency and this assists in keeping them honest."<sup>66</sup>

Other local officials, though, believe their presence in the community does prompt a higher number of complaints than would otherwise occur. Mr. Crosby of the Fair Housing Council said, "We believe that our education and outreach efforts have a positive impact in that more people are aware of their fair housing rights and how to go about filing a complaint when they are faced with discrimination."<sup>67</sup> An official from Paducah had a similar sentiment, and also thought complaints would decrease if the local office did not exist. The Paducah official said, "People will not take that extra mile to seek assistance for problems. But because this office is convenient to them and not out of the way, they seek assistance. If there were no local commissions a lot of people filing complaints would fall into the not willing to file category."<sup>68</sup>

Officials with KCHR agreed that the presence of local agencies prompt more victims to complain. Ms. Thornburg Schnell said that "if the local human rights agency is visible and active in the community, it helps to educate the community. Even those local human rights agencies that do not have enforcement powers can still refer issue of discrimination to the state agency or HUD."<sup>69</sup> Mr. Kaufman stated that the KCHR is just

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<sup>64</sup> U.S. Department of Housing and Urban Development, *Do We Know More Now?* (Washington, D.C.) February 2006, p. iii.

<sup>65</sup> *Ibid.*, p. 36.

<sup>66</sup> Watson interview.

<sup>67</sup> Crosby interview.

<sup>68</sup> Beauchamp interview.

<sup>69</sup> Schnell interview.

another avenue of contact; but since it operates at the state level, local offices may be perceived by some as less bureaucratic and more responsive.”<sup>70</sup>

Agency heads at HUD district offices also thought that it likely that complaints would increase if a local commission existed. This is because of the outreach and awareness programs conducted by a local office under its contract with HUD, which would likely translate into a more informed populace about their fair housing rights. HUD officials further remarked that education and outreach efforts of the local human rights agencies also assist HUD to promote the requirements of the Fair Housing Act, and HUD funds both FHAP agencies and non-profit organizations through FHIP to conduct education and outreach activities at the state and local levels.<sup>71</sup>

### **Disability Complaints Higher In Areas with a Local Human Rights Agency Findings of Locally Investigated Housing Complaints Similar to HUD**

In counties in Kentucky where there is a local human rights commission, there are a significantly higher number of complaints on the basis of disability, but the number of complaints on the basis of race, color, or ethnicity are lower. The proportion of investigations of housing discrimination complaints that result in a finding of probable cause by local human rights commissions is similar to the proportion of probable cause findings for investigations conducted by HUD.

### Number of Housing Complaints on Basis of Disability Is Substantially Higher In Counties Where There Is a Local Human Rights Commission

Nationwide, disability, race, and ethnicity account for about 90 percent of all housing discrimination complaints.<sup>72</sup> An examination of housing discrimination data obtained by the Kentucky Advisory Committee reflected this national trend and found that in Kentucky in the 3-year period 2004 through 2006 there were 112 complaints of rental housing discrimination on the basis of disability and 184 complaints on the basis of race or ethnicity.<sup>73</sup> The examination further found complaints filed from individuals in 47 of the state’s 120 counties, with the two most populous counties in the state—Fayette (Lexington) and Jefferson (Louisville), generating the highest number of complaints. (See Table 1.)

To test whether the presence of a local human rights commission was related to a higher number of housing discrimination complaints, statistical analysis was employed to determine if there were significant differences in the number of complaints between geographic areas with a local human rights commission and areas without a local commission.<sup>74</sup> From the collected data, complaints on the basis of color, ethnicity, or race were combined into one category of complaints, while complaints on the basis of disability were coded separately. Two separate analyses were conducted, one for housing

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<sup>70</sup> Kaufman interview.

<sup>71</sup> FHEO survey.

<sup>72</sup> National Fair Housing Alliance, *2007 Fair Housing Trends Report*, Apr. 30, 2007, p. 10.

<sup>73</sup> Complaints to the Louisville Commission were based on the program year that began July 1, 2004.

<sup>74</sup> Formally,  $H_0: \bar{N}_{P,i} = \bar{N}_{V,i}$  against  $H_A: \bar{N}_{P,i} \neq \bar{N}_{V,i}$  where,

$\bar{N}$  is the mean of the distribution,  $P_i$  is a county with a local human rights agency, and  $V_i$  is a county without a local human rights agency.

**Table 1: Housing Discrimination Complaints in Kentucky by County on the Basis of Disability and Race, Color, or Ethnicity, 2004, 2005, and 2006**

<b>County</b>	<b>Disability</b>	<b>Race/Color Ethnicity</b>
Allen County	2	1
Anderson County	0	1
Bath County	2	0
Bell County	1	0
Boone County	5	18
Bourbon County	1	0
Boyd County	0	3
Boyle County	3	1
Calloway County	1	0
Campbell County	1	2
Casey County	2	0
Christian County	1	1
Clark County	2	0
Daviess County	1	1
Fayette County	10	32
Franklin County	3	5
Fulton County	1	2
Grayson County	2	0
Green County	3	0
Hardin County	1	3
Harlan County	0	1
Henderson County	1	1
Hopkins County	1	2
Jefferson County	42	70
Jessamine County	1	6
Johnson County	1	0
Kenton County	4	1
Laurel County	2	0
Logan County	0	1
Lyon County	0	0
McCracken County	2	5
Madison County	1	3
Marshall County	1	0
Muhlenberg County	2	0
Nelson County	0	3
Nicholas County	1	0
Perry County	0	1
Pike County	0	10
Pulaski County	1	0
Rowan County	4	0
Russell County	0	1
Scott County	0	1
Shelby County	1	4
Warren County	4	3
Whitley County	1	0
Woodford County	0	1
<b>Total</b>	<b>112</b>	<b>184</b>

Source: Kentucky Advisory Committee from U.S. Department of Housing and Urban Development, Kentucky Human Rights Commission, and Kentucky local human rights commissions.

complaints on the basis of disability and one for complaints on the aggregated basis of race, color, or ethnicity. For internal consistency, the analysis was constrained to an examination of only those complaints that alleged discrimination in the provision of rental housing and did not consider complaints on the basis of family status.

The county was the geographic entity used as the basis for the analysis, and the study attempted to control for two variables that could affect the validity of the study. The first variable was population differences among the counties. The second variable was differences in local human rights commission operations.

To control for the first variable, population differences, the analysis ‘weighted’ the number of complaints based upon a county’s population. This was accomplished by transforming the number of complaints into a proportion, the proportion being the number of complaints of a particular class divided by the number of individuals in the county that were members of the group under study. For example, with respect to complaints from persons with a disability, the proportion became the number of adult persons with a disability in a particular county filing a complaint divided by the total number of persons with a disability residing in the county. A similar procedure was followed for complaints on the basis of race, color, and ethnicity, and complaints on the basis of these factors were aggregated into one group.

To control for the second variation, operational differences among local commissions, the analysis ‘aggregated’ the areas with a local human rights commissions into one proportion and those areas without a local commission as a second aggregate proportion. For example, for housing complaints from persons with disabilities, the aggregated proportion was the total number of persons with disabilities filing complaints in all 19 counties with a local human rights commission divided by the total number of persons with disabilities in those 19 counties; and a similar aggregate proportion was constructed for allegations of housing discrimination from persons with a disability in the other 101 counties. A similar procedure was followed for complaints on the basis of race, color, and ethnicity, and again all housing complaints on these three factors were aggregated into one group.

The specific statistical test employed was a test of difference between two proportions.<sup>75</sup> Equation 1 below is the formal construction of the z-score, where  $\bar{A}_1$  is the weighted proportion of complaints from areas with a local human rights commission and  $\bar{A}_2$  is the weighted proportion of complaints from areas without a local human rights commission.<sup>76</sup>

$$Z = \frac{(\bar{A}_1 - \bar{A}_2)}{[(p_1 * q_1 / n_1) + (p_2 * q_2 / n_2)]^{1/2}} \quad \text{Eq. 1}$$

<sup>75</sup> See for example, Ronald E. Walpole and Raymond H. Myers, Probability and Statistics for Engineers and Scientists, 2<sup>nd</sup> Ed., Macmillan Publishing Co, Inc., New York, NY, 1978, pp. 263-65.

<sup>76</sup> A “z” score was the test statistic as distinct from the more common “t” statistic. This is because the study examined a population, i.e., all the fair housing complaints over a period of a time as opposed to a sampling of complaints, and a “t” score is obtained when an analysis is based upon a sample.

**Table 2: Total Number of Disability Rental Housing Complaints and Total Adult Disabled Population for Kentucky in Counties with a Local Human Rights Commission and for Kentucky in Counties without a Human Rights Commission**

<b>AREA TYPE</b>	<b>Disability Housing Complaints</b>	<b>Total Adult Disability Population</b>
<b>Counties with Local Human Rights Commissions</b>	70	213,802
<b>Counties with No Local Human Rights Commissions</b>	42	346,564

Source: Kentucky Advisory Committee to the U.S. Commission on Civil Rights.

In the 19 Kentucky counties with a local human rights commission, there were 70 complaints from persons with disabilities alleging rental housing discrimination in the three years, 2004, 2005, and 2006. In the 101 counties without a local rights commission, there were 42 complaints during the same period of time. (See Table 2.)

Applying equation 1 to the data, the z-score is 6.84, which is positive and statistically significant.<sup>77</sup> This means that the presence of a local human rights commission is positively related to an increase in the number of housing discrimination complaints that are filed by persons with a disability. This result is consistent with commonly held opinion among local human rights officials.

In the 19 Kentucky counties with a local human rights commission there were 126 complaints from persons of color who alleged rental housing discrimination during the 3-year period, 2004 to 2006. In the 101 counties without a local rights commission, there were 58 complaints. The 19 counties with a local human rights commission have about three times the population of minorities as the other 101 counties. In the 19 counties with a local human rights commission there are about 312,414 adult non-whites, while in the other 101 counties there are about 119,243. (See Table 4.)

Applying equation 1 to the data, the z-score is -2.76, which is negative.<sup>78</sup> This means that the presence of a local human rights commission is related to fewer people of color filing a housing discrimination complaint.<sup>79</sup> That is, in contrast to the results for persons with a disability, statistically more minorities who reside in counties where there is no local commission file housing discrimination complaints as opposed to those residing in counties where there is a local commission.

This finding is inconsistent with expectations. It was expected that a local office would prompt at least a similar proportion of complaints from persons of color as opposed to areas without a local human rights office. The reasons for this result are unclear particularly with respect to the comment below in footnote 79, and suggest the need for further study.

<sup>77</sup> This is based upon a level of significance of 0.05.

<sup>78</sup> Ibid.

<sup>79</sup> Though not a primary focus of the analysis, the above data also suggest a greater bias in rental housing against minorities than persons with disabilities. This follows from an assumption that the same proportion of persons with disabilities as persons of color will file a complaint when confronted with the suggestion of housing discrimination. With this assumption, the proportion of filed housing discrimination complaints from disabled persons in the state is about 2 per 10,000. In contrast, the proportion of complaints from minorities is about 4 per 10,000 persons, or an allegation rate twice that of persons with disabilities.

**Table 3: Total Number of Race, Color, & Ethnicity Rental Housing Complaints and Total Non-White Population for Kentucky in Counties with a Local Human Rights Commission and for Kentucky in Counties without a Human Rights Commission**

<b>AREA TYPE</b>	<b>Race/Ethnic Housing Complaints</b>	<b>Total Race &amp; Ethnic Population</b>
<b>Counties with Local Human Rights Commissions</b>	126	312,414
<b>Counties with No Local Human Rights Commissions</b>	58	119,243

Source: Kentucky Advisory Committee to the U.S. Commission on Civil Rights.

Percentage of Probable Cause Findings Similar Between Local Human Rights Agencies and HUD

Local, state, and federal fair housing officials were interviewed about whether they believed there was a difference in fair housing investigations between federal and state and local enforcement agencies. Local HUD officials were emphatic that there should be no difference. HUD officials said that the agency holds local FHAP commissions accountable for an investigative process that is equivalent to HUD's process.<sup>80</sup>

According to the HUD officials there should be no substantive difference between the federal investigations and state and local enforcement agency investigations. HUD provides funding to state and local governments that have fair housing laws that are in equivalent to the federal Fair Housing Act. As part of this program, HUD has established regulations for the FHAP agencies and these regulations and annual guidance to the FHAPS set the performance standards for them to follow in the processing of fair housing cases, investigations and payments. In addition, HUD monitors all FHAP on an annual basis to ensure that they are consistent with the regulations and guidelines.<sup>81</sup>

Two officials from KCHR were not so sure that local fair housing discrimination investigations were identical to HUD investigations. The lack of resources and training at the local level could work to impair an effective investigation, while being closer to the situation might facilitate a better investigation. Mr. Kaufman stated, “since most of the local agencies are understaffed or without staff, under-funded or have no funds, and if not substantial equivalency have no enforcement powers, they do not have an investigative capability to compare federal and state enforcement agencies.”<sup>82</sup> Ms. Schnell added that “all agencies with enforcement powers do the best that they can with the limited resources available. I do believe that local and state can be more effective because they are in the area and should have the knowledge of the problems in the area more so than a federal agency that may not be in the geographic area.”<sup>83</sup>

Local human rights agency officials held a variety of opinions as to possible differences in investigations at the local level as compared to HUD. The Louisville director said that “local investigations are much more efficient because investigators

<sup>80</sup> FHEO Survey.

<sup>81</sup> Ibid.

<sup>82</sup> Kaufman interview.

<sup>83</sup> Schnell interview.

know the community and parties feel comfortable working with local investigators. Most probable cause findings are substantiated because the respondents give us more information than they do to the federal agencies.”<sup>84</sup> However, the director in Mayfield disagreed. “We have a lot of people locally that just feel that they can get a ‘fairer shake’ if someone from the outside is doing the investigating, rather than someone local. It is kind of like the old adage that a community's newspaper and hospital are never as good as the neighboring community's.”<sup>85</sup>

The director of the state’s fair housing council stated that in general he does hold that local investigations are more efficient than investigations by an agency outside of the local area. He said, “I believe that it helps an investigation to have someone who can actually visit the property, inspect the actual documents, and canvass for witnesses. I believe that victims of housing discrimination are also more likely to be aware of the complaint process if they have a local venue to file complaints.”<sup>86</sup> But the Paducah director thought the effectiveness of an investigation ultimately rested with the individual investigator, and stated, “It depends on the training and expertise of the investigator. But that said, local commissions are more familiar with the people, the community, and have access to various networking capabilities.”<sup>87</sup>

The Kentucky Advisory Committee analyzed differences in the results of investigations between the two local FHAP agencies and HUD. In the two Kentucky counties with a local human rights commission, a finding of probable cause was found in 27 percent of the closed complaints from persons with disabilities alleging rental housing discrimination in the 3-year period, 2004 to 2006, and for complaints on the basis of race, color, or ethnicity the rate was 39 percent.<sup>88</sup> In the same two local areas, HUD found probable cause of discrimination in 59 percent of disability complaints received and investigated and 23 percent for cases involving an allegation of housing discrimination on the basis of race, color, or ethnicity.<sup>89</sup>

To test whether there was a differences in the investigation of housing discrimination complaints between HUD and local substantially equivalent agencies, the Kentucky Advisory Committee examined the probable cause findings of rental housing investigations conducted by HUD in the two geographic areas with an investigative local commission with the two local commissions, Lexington and Louisville.<sup>90</sup> In the 3-year period, 2004 to 2006, the two local commissions completed 98 rental housing complaints on the basis of race, color, or ethnicity and 40 on the basis of disability. Although far fewer, HUD still conducted 8 complaints in those two communities, 5 on the basis of color and 3 disability complaints. (See Table 4.)

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<sup>84</sup> Watson interview.

<sup>85</sup> Cantrell interview.

<sup>86</sup> Crosby interview.

<sup>87</sup> Beauchamp interview.

<sup>88</sup> For purposes of this analysis, only cases closed during the 3-year period were considered and resolution with conciliation was considered a finding of probable cause.

<sup>89</sup> The GAO in its 2004 report on fair housing enforcement reported that reasonable cause outcomes have remained about 5 percent since 1996 (GAO-06-79 report, p. 11). The findings of probable cause in this report are substantially higher than those reported in the GAO study; the numbers reported in this study were obtained directly from the federal, state, and local enforcement agencies under study.

<sup>90</sup> Although Lexington and Louisville are “substantially equivalent” local human rights commissions, there are housing complaints that accepted and investigated by HUD in those areas.

**Table 4: Number of Probable Cause Findings for Rental Housing Complaints in the Same Geographic Area by HUD and Two Substantially Equivalent Local Human Rights Commissions on the Basis of Race, Color, & Ethnicity and Disability**

INVESTIGATION AGENCY	Number of 'Probable' Cause Findings for Race/Ethnicity Complaints	Number 'No Probable' Cause Findings for Race/Ethnicity Complaints	Total
U.S. Department of Housing and Urban Development	0	5	5
Local Human Rights Commissions	39	59	98
<b>Total</b>	39	65	103

INVESTIGATION AGENCY	Number of 'Probable' Cause Findings for Disability Complaints	Number 'No Probable' Cause Findings for Disability Complaints	Total
U.S. Department of Housing and Urban Development	1	2	3
Local Human Rights Commissions	11	29	40
<b>Total</b>	12	31	43

Source: Kentucky Advisory Committee to the U.S. Commission on Civil Rights from U.S. Department of Housing and Urban Development, Lexington Human Rights Commission, and Louisville Human Rights Commission data.

With respect to complaint investigations on the basis of race, color, or ethnicity, the local commissions found probable cause in 39 of their investigations (40 percent). HUD, meanwhile, did not find probable cause in any of its 5 investigations in those two communities. Regarding complaint investigations on the basis of disability, the local commissions found probable cause in 11 of their 40 investigations (27 percent), while HUD found probable cause in 1 of the 3 cases it investigated (33 percent).

A goodness-of-fit test was employed to test whether the results of the investigations were independent of the investigation being conducted at the local or federal level. Essentially, the goodness-of-fit test examines for statistical independence in the observed differences of two groups from what would be expected if the two groups behaved identically. If the observed frequencies are close to the corresponding expected frequencies, the statistic  $\chi^2$  will be small, indicating a good fit.<sup>91</sup> If the observed frequencies differ considerably from the expected frequencies, the  $\chi^2$  value will be large and the fit is poor. In addition, the continuous chi-square distribution seems to approximate the discrete sampling distribution  $\chi^2$  very well provided the contingency table is greater than 2 x 2. In the above case, since the contingency table is 2 x 2, a correction called the *Yate's correction for continuity* is applied.<sup>92</sup>

In the matter under study, i.e., whether the likelihood of a probable cause finding is related to the investigation being conducted locally, a significantly high chi-square indicated that such a relationship does exist. Employing the goodness-of-fit test to the

<sup>91</sup> Formally,  $\chi^2 = \sum [(o_i - e_i)^2 / e_i]$  where "o" are observed frequencies and "e" expected frequencies.

<sup>92</sup> With the *Yate's correction*, the formula in footnote 97 becomes,  $\chi^2 = \sum [(|o_i - e_i| - 0.5)^2 / e_i]$ .

data in Table 4 for race, color & ethnicity complaints the corrected chi-square is 1.74, which is not significant—despite the fact that HUD found no probable cause in its five investigations. For disability complaints, the chi-square score is 1.04, which also is not significant. That means the data indicate that housing discrimination investigations conducted at the local level yield similar findings to those conducted at the federal level.

As part of this analysis, it should be noted that although federal law sets a benchmark of 100 days to complete investigations of housing discrimination complaints, FHEO and FHAP agencies often do not meet the required timeframe. Complainants sometimes face a lengthy wait to have their complaints investigated and resolved. The median time to complete an investigation between 1996 and 2003 was 259 days.<sup>93</sup> The length of time to complete an investigation is affected by the number of staff and their skills and the availability of funds that allows investigators to travel, collect evidence, and conduct interviews. A study by the Kentucky Commission on Human Rights also found that the use of investigative teams could reduce the time for an investigation. Offices that formerly relied on a single investigator to handle the investigation from start to finish and transitioned to a team of experienced investigators reported that their average complaint processing time fell from 476 days to 335 days.<sup>94</sup>

According to GAO's survey of a national random sample of 575 complainants whose complaint investigations were recently completed, about half were either somewhat or very dissatisfied with the outcome of the fair housing complaint process and almost 40 percent would be unlikely to file a complaint in the future, and important lapses remained in the complaint process that may affect not only how complainants feel about the process but also how thoroughly and promptly their cases were handled.<sup>95</sup>

The results from this study indicate that there may be efficiencies with the FHAP program, in that housing complainant investigations by the two local commissions in Kentucky are found to result in similar number of probable cause findings compared to those conducted by the federal government. Further, as noted by several local officials interviewed as part of this study, locally conducted investigations may also offer additional efficiencies stemming from decentralization. Complainants conducted at the local level—by virtue of proximity—likely provide increased access by the involved parties, both complainants and respondents, to the process. In addition, being onsite and having specific knowledge of the area, it is likely that local onsite investigators can conduct investigations more efficiently and may also be able to do so at lower costs.

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<sup>93</sup> GAO-04-463, *Fair Housing: Opportunities to Improve HUD's Oversight and Management of the Enforcement Process* (Washington, D.C.) May 2004, p.10.

<sup>94</sup> Kentucky Commission on Human Rights at <http://kchr.ky.gov/about/aboutkchr.htm>, p19 (last accessed Dec. 23, 2007).

<sup>95</sup> GAO-06-79, *Fair Housing: HUD Needs Better Assurance That Intake and Investigation Processes Are Consistently Thorough*, (Washington, D.C), October 2005, p. 56 (hereafter cited as GAO-06-79 report).

## **Findings**

As the U.S. Commission on Civil Rights has previously reported, acts of housing discrimination undermine a fundamental premise of the nation. Nevertheless, despite four decades of legal prohibitions against discrimination in the sale or rental of property, widespread instances of housing discrimination persist and many instances of housing discrimination go un-reported.

After examining the effect of the presence of a local human rights commission on the number of complaints filed and the equivalency of local housing discrimination complaint investigations, the Kentucky Advisory Committee issues two findings.

Finding 1. The Kentucky Advisory Committee finds that the presence of a local human rights agency is related to an increased number of fair housing discrimination complaints filed on the basis of disability. However, the presence of a local human rights agency was not found to increase the number of fair housing discrimination complaints on the basis of race, color, or ethnicity.

Finding 2. The Kentucky Advisory Committee finds the likelihood of a finding of probable cause resulting from an investigation of an allegation of housing discrimination is independent from whether the investigation is conducted locally or at the federal level. That is, a local human rights commission conducting an investigation of housing discrimination is neither more nor less likely to find probable cause than an investigation conducted by the federal government.

## **Recommendations**

Following from its finding that HUD's Fair Housing Assistance Program seems to operate efficiently in Kentucky whereby the HUD provides funds for complaint investigations to local human rights agencies in communities that have laws and remedies that are "substantially equivalent" to those of Title VIII, the Kentucky Advisory Committee offers two recommendations.

Recommendation 1. The Kentucky Advisory Committee recommends to the U.S. Department of Housing and Urban Development as well as the Governor, the State Legislature, Mayors, County Commissioners, and members of local legislatures in the state that they begin to engage in necessary deliberations for the purpose of expanding the FHAP program in Kentucky beyond the Lexington and Louisville communities. Fair housing is an established right for all citizens in the Commonwealth of Kentucky. The presence of local human rights commissions have been shown to efficiently and effectively enforce these rights. The establishment of a greater number of "substantially equivalent" agencies should be encouraged and supported.

Recommendation 2. As the FHAP program in Kentucky has shown itself to offer program efficiencies with respect to the enforcement of fair housing in Kentucky, HUD should replicate this study in other states to ascertain both whether the presence of local agencies in other parts of the country affect the number of complaints filed and whether investigations by local human rights commissions in other areas also mirror those of HUD. Further, HUD should also conduct studies to quantitatively assess efficiencies from the decentralization of complaint investigations, e.g., investigation time, as well as cost efficiencies in order to support requests for additional financial support from Congress for FHAP.

**Appendix I – Minority Population and Number of Adult Persons with Disabilities  
in Kentucky by County**

<b>COUNTY</b>	<b>Minority Population</b>	<b>Persons Disabled 21+</b>
Adair County	738	2,674
Allen County	424	2,855
Anderson County	777	2,317
Ballard County	532	905
Barren County	2,290	5,286
Bath County	359	1,835
Bell County	1,255	6,839
Boone County	5,177	8,442
Bourbon County	2,017	2,609
Boyd County	2,480	7,271
Boyle County	3,604	3,265
Bracken County	120	1,301
Breathitt County	299	3,790
Breckinridge County	827	2,391
Bullitt County	1,454	8,080
Butler County	354	1,743
Caldwell County	845	1,690
Calloway County	2,471	3,951
Campbell County	3,672	9,633
Carlisle County	121	707
Carroll County	691	1,371
Carter County	360	3,773
Casey County	484	2,683
Christian County	22,825	8,322
Clark County	2,380	4,655
Clay County	1,765	5,097
Clinton County	265	1,958
Crittenden County	161	1,294
Cumberland County	350	1,285
Daviess County	5,990	10,971
Edmonson County	225	2,029
Elliott County	40	1,484
Estill County	146	3,027
Fayette County	54,274	27,110
Fleming County	409	2,275
Floyd County	1,230	9,179
Franklin County	5,947	6,503
Fulton County	1,965	981
Gallatin County	199	1,356
Garrard County	889	2,203
Grant County	438	3,136
Graves County	2,943	4,750
Grayson County	529	4,047
Green County	380	1,637
Greenup County	1,019	5,969
Hancock County	265	667
Hardin County	18,077	10,609

<b>Harlan County</b>	1,567	7,562
<b>Harrison County</b>	894	2,233
<b>Hart County</b>	1,316	2,741
<b>Henderson County</b>	4,330	5,774
<b>Henry County</b>	1,039	2,177
<b>Hickman County</b>	631	714
<b>Hopkins County</b>	3,996	6,728
<b>Jackson County</b>	174	2,863
<b>Jefferson County</b>	162,956	80,448
<b>Jessamine County</b>	2,501	4,366
<b>Johnson County</b>	350	4,989
<b>Kenton County</b>	10,037	17,120
<b>Knott County</b>	475	3,885
<b>Knox County</b>	784	6,871
<b>Larue County</b>	859	2,023
<b>Laurel County</b>	1,456	8,995
<b>Lawrence County</b>	111	2,999
<b>Lee County</b>	341	1,416
<b>Leslie County</b>	168	3,092
<b>Letcher County</b>	424	5,635
<b>Lewis County</b>	193	2,697
<b>Lincoln County</b>	982	3,917
<b>Livingston County</b>	169	1,142
<b>Logan County</b>	2,694	3,307
<b>Lyon County</b>	672	1,462
<b>McCracken County</b>	8,937	7,997
<b>McCreary County</b>	452	3,941
<b>McLean County</b>	277	1,427
<b>Madison County</b>	5,378	8,944
<b>Magoffin County</b>	78	2,691
<b>Marion County</b>	2,058	2,667
<b>Marshall County</b>	709	3,948
<b>Martin County</b>	135	3,136
<b>Mason County</b>	1,667	2,395
<b>Meade County</b>	2,211	3,288
<b>Menifee County</b>	175	1,313
<b>Mercer County</b>	1,470	2,850
<b>Metcalfe County</b>	364	1,538
<b>Monroe County</b>	605	1,983
<b>Montgomery County</b>	1,298	3,381
<b>Morgan County</b>	839	2,241
<b>Muhlenberg County</b>	1,935	4,345
<b>Nelson County</b>	2,776	4,688
<b>Nicholas County</b>	172	984
<b>Ohio County</b>	568	3,636
<b>Oldham County</b>	3,251	3,359
<b>Owen County</b>	364	1,598
<b>Owsley County</b>	56	1,138
<b>Pendleton County</b>	238	2,034
<b>Perry County</b>	890	6,150
<b>Pike County</b>	1,337	14,447
<b>Powell County</b>	236	2,861
<b>Pulaski County</b>	1,812	9,812
<b>Robertson County</b>	40	286

<b>Rockcastle County</b>	244	2,954
<b>Rowan County</b>	1,082	3,022
<b>Russell County</b>	348	2,859
<b>Scott County</b>	2,838	3,589
<b>Shelby County</b>	4,994	3,125
<b>Simpson County</b>	2,013	2,002
<b>Spencer County</b>	371	1,512
<b>Taylor County</b>	1,665	3,450
<b>Todd County</b>	1,338	1,584
<b>Trigg County</b>	1,555	1,962
<b>Trimble County</b>	216	1,184
<b>Union County</b>	2,459	1,978
<b>Warren County</b>	12,866	10,220
<b>Washington County</b>	1,107	1,324
<b>Wayne County</b>	874	4,364
<b>Webster County</b>	1,148	2,005
<b>Whitley County</b>	863	6,552
<b>Wolfe County</b>	52	1,496
<b>Woodford County</b>	2,115	2,600

Source: Kentucky Advisory Committee from 2000 Census.

## **Appendix II – Public Agency Comments**

The affected agencies cited in this report were afforded an opportunity to review a draft of the report prior to its public release and make comments. The Kentucky Commission on Human Rights responded and offered factual corrections that were made to the report without exception.

The U.S. Department of Housing and Urban Development, the Lexington-Fayette Urban County Human Rights Commission, and the Louisville Metro Human Relations Commission did not reply.