

Crescent Springs Ordinance No. 2021-2 prohibits discrimination related to public accommodation, employment, and housing based on race, color, religion, national origin, sex, age [over the age of forty (40)], disability, sexual orientation, gender identity, or familial status. Ordinance No. 2021-2 details the procedure for submitting a complaint for discrimination occurring in Crescent Springs, KY. The following is a summary of that procedure.*

Section XI(B) of Ordinance No. 2021-2 sets for the procedure for filing and processing complaints. It states that “a written complaint under oath” must be filed with the City Administrator within one hundred eighty (180) days of the alleged violation, or one (1) year if the alleged violation pertains to housing. An example of “a written complaint under oath” would be a signed and notarized affidavit. The written complaint under oath must contain the following information:

- a) The name and address (if known) of the alleged violator (“respondent”), or facts sufficient to identify such person;
- b) An outline of the material facts upon which the complaint is based;
- c) The alleged violation;
- d) That any conduct of the complainant was for the purpose of obtaining housing, employment, or public accommodation in question and not for the purpose of harassment or entrapment of the person against whom the complaint is made; and
- e) That a complaint concerning this same matter has not been filed with another agency or that any complaint concerning this matter filed with another agency has been dismissed by such agency without a final judgment on the merits.

Failure to include all of this information may result in delay in processing or denial of the complaint.

Once a properly filed written complaint under oath is filed with the City Administrator, the City Administrator will do one of the following:

- a) For complaints alleging discrimination based on race, color, national origin, religion, sex, age [over the age of forty (40)], familial status, or disability, the complaint shall immediately be referred to the Kentucky Commission on Human Rights for further processing, investigation and/or administrative proceedings in accordance with the Kentucky Civil Rights Act, KRS Chapter 344, et seq.; or
- b) For complaints alleging discrimination based on sexual orientation or gender identity, a copy of the complaint shall be served on the respondent by certified mail. The respondent shall file a written response to the complaint within twenty (20) days from the receipt thereof.

If, after investigation, the City Administrator finds that there is no probable cause that a violation occurred, the complaint will be dismissed and written notice of the dismissal served on the complainant and respondent by regular U.S. Mail. In accordance with KRS 344.200, the complainant may file a written request for reconsideration within 10 days.

If, after investigation, the City Administrator finds there is probably cause to support the complaint allegations, the City Administrator will attempt to resolve the alleged violation by a conciliation agreement with the complainant and respondent. Such a conciliation agreement should eliminate the alleged violation and make whole the complainant to the greatest extent possible, and is subject to the approval, modification, or rejection of City Council.

If a conciliation agreement is not made, the City Administrator will refer the complaint to the Crescent Springs Human Rights Commission, which will conduct a hearing in accordance with the Kentucky Civil Rights Act and KRS Chapter 13B.

The Commission will set a date, time, and location for the hearing and notify the complainant and respondent in writing at least 20 days in advance. The hearing will be administrative in nature and will regulate the hearing in a manner that will promote the orderly and prompt conduct of the hearing.

If the Commission finds that a violation occurred, it may recommend a penalty as authorized by Section XII of Ordinance No. 2021-2, which includes a monetary fine of \$250 per violation and injunctive relief to compel compliance with Ordinance No. 2021-2. The Commission's recommended penalty is subject to approval by the City Council.

The Commission will serve a copy of its order, as approved by City Council, to the respondent and complainant. The respondent must comply with the order within 30 days. Failure to comply with the order authorizes the City Council to direct the City Attorney to place a lien on the respondent's property in the office of the County Clerk with any such property is located.

An appeal of the final order may be made to the Kenton County District Court within 30 days of the date the order is issued through the filing of a civil action.

Please note that the City and its employees, elected officials, and representatives are not permitted to give legal advice regarding the complaint process under Ordinance No. 2021-2. If you have questions about the complaint process under Ordinance No. 2021-2, please consult Ordinance No. 2021-2 and legal counsel.

*This summary is of no legal effect and does not change, alter, supplement, or amend Ordinance No. 2021-2 in any manner. In the event this summary conflicts with Ordinance No. 2021-2, the Ordinance controls. Persons seeking to file a complaint under Ordinance No. 2021-2 should not rely on this summary and should instead consult the language of Ordinance No. 2021-2.