

344.625 Probable cause determination -- Issuance of charge.

- (1) The commission shall determine, based on the facts, whether probable cause exists to believe that a discriminatory housing practice made unlawful under this chapter has occurred or is about to occur.
- (2) The commission shall make the determination under subsection (1) of this section not later than the one hundredth day after the date a complaint is filed unless:
 - (a) It is impracticable to make the determination; or
 - (b) The commission has approved a conciliation agreement relating to the discriminatory housing complaint.
- (3) If it is impracticable to make the determination within the time period provided by subsection (2) of this section, the commission shall notify the complainant and respondent in writing of the reasons for the delay.
- (4) If the commission determines that probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall, except as provided in subsection (6) of this section, immediately issue a charge on behalf of the aggrieved person for further proceeding under KRS 344.635.
- (5) The charge:
 - (a) Shall consist of a concise statement of the facts upon which the commission has found probable cause to believe that a discriminatory housing practice has occurred or is about to occur;
 - (b) Shall be based on the final investigative report; and
 - (c) Need not be limited to the facts or grounds alleged in the complaint filed under KRS 344.600.
- (6) If the commission determines that the matter involves the legality of any state or local zoning or other land use law or ordinance, the commission shall follow the procedures described in KRS 344.665.
- (7) If the commission determines that no probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall promptly dismiss the complaint. The commission shall make public disclosure of each dismissal at the request of the respondent.
- (8) The commission may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under a federal or state law seeking relief with respect to that discriminatory housing practice.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 282, sec. 21, effective July 14, 1992.