AN ORDINANCE OF THE CITY OF HODGENVILLE, KENTUCKY REQURING THE REGISTRATION OF RENTAL HOUSING UNITS

WHEREAS, it is the desire of the City Council of the City of Hodgenville, Kentucky to require the registration of rental housing units for the purpose of protecting, promoting, and improving the health, safety, and welfare of all persons dwelling in a rental housing unit located within the City;

NOW THEREFORE be it ordained by the City Council of the City of Hodgenville as follows:

SECTION 1. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) "**Apartment Complex**" means a rental housing unit that contains more than four housing units in the same building or buildings managed under the same owner.

(B) "**Housing Unit**" means any structure or part of a structure that is used, or may be used, by one or more persons as a home, residence, dwelling, or sleeping place, including but not limited to single-family residences, duplexes, multi-family dwellings, condominium units, boarding and lodging house units, single-room occupancy units, accessory dwelling units, and any other structure or part of a structure having similar living accommodations.

(C) "**Let for Occupancy or Let**" means to permit, provide or offer possession or occupancy of a housing unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

(D) "**Managing Operator**" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

(E) "**Owner**" means an individual, corporation, partnership, trustee, lessee, agent or assignee of any equitable title in real property.

(F) "**Rental Housing Unit**" means any housing unit that is or may be available for rent, or is occupied or rented by a tenant or subtenant in exchange for any form of consideration.

(G) "**Tenant**" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

SECTION 2. APPLICABILITY.

The registration provisions of Section 3 of this ordinance shall apply to all rental housing units with the exception of:

(A) Housing units required to register with the City under another City ordinance;

(B) Hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests;

(C) Hospitals, hospice facilities, assisted living facilities, nursing homes, and residential care facilities meeting the definition of KRS 100.982;

(D) Convents, monasteries, or other facilities occupied exclusively by religious order or congregation;

(E) Transitional housing, homeless shelters, rehabilitation homes, and other emergency or temporary shelters;

(F) Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution;

(G) Housing units that a governmental entity or housing authority owns, operates, or manages, or those exempted by federal, state, or local law;

(H) Accessory apartments located within the principal dwelling unit of the owner of record, such as a basement apartment or apartment located on a separate floor of a principal dwelling unit. Neither duplexes partially occupied by the owner of record nor separate dwelling units located on the property of the owner of record, but not located within the principal dwelling unit of the owner of record, are exempt from the registration provisions of Section 3 of this ordinance.

SECTION 3. REGISTRATION REQUIRED.

(A) The owner of any rental housing unit, other than those exempted under Section 2 of this ordinance, shall register all housing units with the City in accordance with the provisions of this section. An owner of an apartment complex is not required to register individual rental housing units and may register the apartment complex as a whole.

(B) Registration may be made in person at City Hall and shall also be available online through the website of the City of Hodgenville, and shall include the following information:

(1) A description of the rental housing unit by street address;

(2) The name, mailing and physical address(es), telephone number, and email address of the owner of the property;

(3) The name, mailing and physical address(es), telephone number, and email address of the responsible managing operator, if other than the owner;

(4) If the owner is a corporation, limited partnership, limited liability company, or similar entity, the organization shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer;

(5) If the owner is a partnership or similar entity, the entity shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer.

(C) Whenever ownership for a rental housing unit changes, the new owner shall register the rental housing unit within 30 days of the transfer of ownership. Whenever the contact information changes for an owner and/or managing operator, the registration statement shall be updated within 30 days to provide the new contact information.

SECTION 4. CONFIDENTIALITY.

All rental registration information collected by the City hereunder shall be maintained as confidential and not disseminated or released to the public except as provided herein, required by law, or in the event the property is cited for a violation of a City ordinance. If a rental registry property is cited for a violation, rental registry information may become publicly available by virtue of its inclusion in an enforcement proceeding before Code Enforcement Board (Ordinance No. 2017-05).

SECTION 5. ENFORCEMENT.

Any person or entity that violates the provisions of this chapter shall be subject to citation issued by any law enforcement officer and/or code enforcement officer. Citations shall be enforced through the Code Enforcement Board as provided in Ordinance No. 2017-05 or as it may be amended.

SECTION 6. VIOLATIONS AND PENALTIES.

(A) The failure to register a rental housing unit or apartment complex in accordance with Section 3 of this Ordinance shall be classified as a civil offense with a penalty of up to $100 per rental housing unit or apartment complex. The owner or managing operator will be sent a seven- day notice of violation with a warning of the failure to comply with the rental registry. Failure to comply at the end of seven days will result in a fine of up to $100 per rental housing unit or apartment complex. Thereafter, each day of such violation(s) shall constitute a separate offense.

(B) The City shall possess a lien on the property of the owner of the property on which the rental housing unit or apartment complex is located for all civil penalties assessed for the violation and for all costs and fees incurred by the City in connection with the enforcement of Section 3 of this Ordinance.

SECTION 7. SEVERABILITY.

Shall any clause, paragraph or section of this Ordinance be ruled void or unenforceable by any court of competent jurisdiction, the remainder thereof is intended to be enacted and shall be in full force and effect notwithstanding.

SECTION 8. ALL FORMER PROVISIONS IN CONFLICT REPEALED.

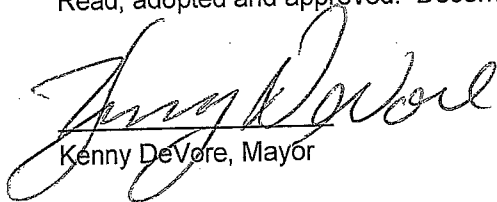All orders, ordinances, motions or parts thereof, as same may conflict herein, are repealed.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect from and after its passage, approval and publication as provided by law. Current rental housing units must be registered with the City within ninety (90) days of the effective date of this ordinance.

First Reading 27th day of November, 2017   Second Reading 11th day of December, 2017

Read, adopted and approved: December 11, 2017

Kenny DeVore, Mayor   Attested: Toni Burton, City Clerk