

Exhibit 1:

Community Related Police Programs

- 1. Housing Credit Program:** Metro will establish a housing credit program to incentivize officers to live within a Qualified Census Tract¹ as their primary residence. Metro will review programs established in Atlanta, Chicago, San Diego, and DC as models for one in Louisville. The initiative will provide officers with a pathway to home ownership and improve community connections.
- 2. Retain Social Workers:** Metro commits to retaining social workers at LMPD for officer support and assistance on dispatched runs warranting a social worker's presence. Metro is researching best practices and social worker qualifications to create an effective program. Metro plans to initially fund this new program through forfeiture funds by contracting for the services of social workers.
- 3. Community Volunteering:** Metro will encourage LMPD officers to volunteer 2 hours a pay period, during their regular work shift, at an organization in the community they serve.

Search Warrant Reforms

- 4.** LMPD has amended its Standard Operating Procedure (SOP) 8.1 on search warrants to require a commanding officer to review and approve all search warrants, affidavits in support of search warrants, and risk matrixes before an officer seeks judicial approval for a search warrant. SOP 8.1 has been updated concerning the simultaneous execution of search warrants at multiple locations. The commanding officer of the unit initiating the warrants will act as the overall Incident Commander with a separate on-scene Commanding Officer at each warrant location that will serve as the Deputy Incident Commander for that location. SOP 8.1 has been updated to require the presence of EMS units and/or paramedics for forced entry search warrants.

Police Accountability Reforms

- 5. Currency Seizures:** LMPD has modified SOP 11.3 with additional protocols for money seized as evidence. The additional policy expressly states that officers must have their body cameras activated for the entire seizure process, which includes counting, placing and sealing the currency into the currency evidence bag before its transport to the property room.
- 6. IAPro:** Metro will implement the early warning system of IAPro that tracks all use of force incidents, citizen complaints, investigations, and other key factors. Metro is committed to identifying any police officer in need of additional assistance or training.

¹ As illustrated in Louisville Metro ORD 045-2020.

The reactivation of this system will require additional personnel to monitor and administer the program. As part of its top-to-bottom review, Hillard Heintze will evaluate criteria of the early warning system and recommend any needed improvements. Metro plans for the early warning system to be also monitored through the Office of Inspector General once this office is established.

7. **Drug testing:** Metro had temporarily suspended its random drug testing because of the pandemic. Random drug testing has now resumed. All officers are subject to random testing. Metro agrees to include in 2021 negotiations with the FOP an expansion of the random drug testing to ensure all officers are randomly tested at least once a year.
8. **Personnel files:** Metro will negotiate with the FOP in 2021 to expand on the records it may maintain in police officers' personnel files. Within recent history, the state record retention schedule was amended to require LMPD to retain PSU investigations for at least five years after the employee has separated from LMPD.
9. **PSU Investigations:** Metro has updated its PSU investigation process regarding cases when a police officer separates from LMPD before the completion of his or her investigation. The police officer's personnel file will include a PSU closing letter that states the Chief's findings based on the evidence that exists in the file at the time of the separation from LMPD, if sufficient evidence exists in the record to make such a determination or that insufficient evidence exists to make a finding. If the nature of the complaint is significant enough to have reasonably resulted in the suspension of a police officer, the PSU investigation will continue gathering evidence to evaluate if additional officers or problems exist that require the PSU investigation continue.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

8.1 SEARCH WARRANTS

8.1.1 POLICY

It is the policy of the Louisville Metro Police Department (LMPD) that search warrants are applied for and conducted in an impartial manner, free of bias, and in accordance with applicable laws and the Standard Operating Procedures (SOPs) of this department.

Officers are required to obtain the written approval of a commanding officer prior to applying for a search warrant. A commanding officer must be present when the warrant is executed on persons or premises. If search warrants are executed on multiple premises simultaneously, a separate commanding officer must be present at each premises to supervise the warrant execution. For the purposes of this policy, acting sergeants will not be considered commanding officers.

In unusual or legally complex situations, officers may review the case with the LMPD Legal Advisor, the Jefferson County Attorney's Office, or the Office of the Commonwealth's Attorney, prior to seeking a search warrant.

8.1.2 AFFIDAVIT PREPARATION (KACP 1.4a)

An affidavit supporting the application for a search warrant is required. The accuracy of the affidavit is vital to the validity of the search warrant; therefore, officers should verify that the information is as complete, accurate, and specific as possible. Officers should use the LMPD Affidavit for Search Warrant form (LMPD #19-0002) and the LMPD Search Warrant form (LMPD #19-0001) when preparing the affidavit and search warrant. The affidavit and search warrant will be reviewed and approved in writing by the officer's commanding officer prior to the application for the warrant. The commanding officer will review the investigative efforts to ensure sufficiency of the investigative preparation and probable cause to support issuance of a search warrant. For purposes of this policy, acting sergeants will not be considered commanding officers.

Where a reliable electronic means is being used in lieu of actual presence before an official authorized to administer oaths, the official administering the oath must be in oral communication with the person completing the affidavit, so that the official administering the oath may comply with the requirements for administering oaths. The official administering the oath shall certify on the affidavit or an accompanying document that the oath was taken while in oral communication, and shall state the name and title of the official administering the oath and the time the affidavit was sworn (refer to Kentucky Rules of Criminal Procedure [(RCr) 13.10(2)]).

8.1.3 DWELLING OR PREMISES SEARCH

In cases where premises are to be searched, references on the affidavit should include:

- The complete street address, including apartment number (if applicable), city, county, state, and zip code.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

- The geographical location of the property (e.g. the property is located on the north side of Broadway between 1st Street and 2nd Street). Photographs, maps, or diagrams can help to specify the location in question. Google Maps or other satellite photographs, as well as actual photographs, may be utilized.
- The physical description of the premises, which may include color, size, number of floors, landscaping, and any other specific identifying characteristics.

8.1.3 DWELLING OR PREMISES SEARCH (CONTINUED)

- All areas officers desire to search should be identified as clearly as possible. In cases where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a “premises” to search and identify any outbuildings, such as garages, tool sheds, or barns, where appropriate.
- Motor vehicles present on the property that are also the subject of the search should be specified by make, model, year, color, license plate/tag number, and registration information.

8.1.4 SEARCH OF PERSONS DURING SEARCH WARRANT EXECUTION

When possible, the affidavit should specify the names of the owner, and/or occupant, or a detailed description of individuals to be searched if no names, or full names, are known. Officers who request, on the affidavit, to search all persons found in the premises during the execution of the warrant are advised that this alone does not provide blanket authority to search everyone present. However, an individual’s presence at a dwelling to be searched is enough reasonable suspicion for an officer to detain, question, and obtain their identification.

Persons present during the execution of a search warrant may be searched based on consent or under the following circumstances:

- They are named, or described, in the warrant.
- There is reasonable suspicion to believe that they may be armed and dangerous.
- Circumstances, developments, or information obtained at the scene provide the officer with probable cause.
- The individual commits an offense and is searched incidental to arrest.

Prior to searching a person, a person’s premises, or a person’s vehicle, the officer will inquire as to the presence of needles or other sharp objects, in the areas to be searched, that may cut or puncture the officer and will offer to not charge a person with possession of drug paraphernalia if the person declares to the officer the presence of the needle or other sharp object (Kentucky Revised Statute (KRS) 218A.500(6)(a)).

If the person admits to the presence of a needle or other sharp object prior to the search, the person will not be charged with, or prosecuted for, possession of drug paraphernalia for the needle or sharp object or for possession of a controlled substance for residual or trace drug amounts present on the needle or sharp object.

8.1.5 PERSONAL PROPERTY

Only items described in the search warrant may be seized, with the exception of contraband found in plain view or in a location properly searched pursuant to the warrant (KACP 1.4b). Checking the boxes on the affidavit does not give the officer blanket authority to seize property.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

The affidavit should specify, and officers should verify that the warrant includes, the following:

8.1.5 PERSONAL PROPERTY (CONTINUED)

- Items listed specifically and described in detail. This would include serial numbers, when known. If an item can be dismantled (e.g. firearms, computers), the warrant should authorize a search for parts, pieces, or components of that item.
- All anticipated instrumentalities or documentation of the crime.
- Any current evidence, such as mail, linking the suspect's residency to the location of criminal conduct.

Officers anticipating a search of a computer, or other related high-technology equipment, may consult with the Kentucky Regional Computer Forensics Laboratory (KRCFL) for appropriate language to use in the affidavit and for the procedures governing the seizure of hardware and software.

A search warrant is required to search the contents of a cell phone or other electronic device unless exigent circumstances and probable cause exist. In situations where officers can articulate truly exigent circumstances beyond the basic encryption or remote wipe argument, then the exigent circumstances exception may be applicable to justify a search without a warrant (refer to SOP 8.45).

8.1.6 PROBABLE CAUSE

The inclusion of all facts supporting probable cause allows the reviewing judge to accurately assess the likelihood that evidence or contraband will be found on the premises. The initial section of the search warrant affidavit should detail the information that prompted the investigation. The offense should be described in reference to the appropriate KRS, when possible. Officers should not rely upon personal opinion, unauthenticated third-party information, or hearsay.

Probable cause may be based on:

- Personal observation/knowledge of the officer.
- Information from another law enforcement employee or agency, which has been corroborated, to the extent reasonably possible, by the petitioning officer. The name of the law enforcement employee supplying the information will be included in the affidavit. If the agency is not the LMPD, the agency of the law enforcement employee will be included in the affidavit.
- The information contained in police reports. This should be detailed in the first section of the probable cause portion of the affidavit and include the report number, narrative, description, and name of the suspect, if known.
- Information from a reliable source (e.g. either named or unnamed informant, victim, witness, or suspect). An officer should state when the information was received and when the reliable source obtained the information. In order to protect confidential informants, an officer may state when the information was obtained in more general terms (e.g. "within the past 48 hours").
- Corroborated information from informants. When sources are used, particularly confidential informants, the reliability of the source, and of the information provided, should be specified.

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
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Chapter: Field Operations	
Subject: Search Warrants	

8.1.7 CREDIBILITY OF INFORMANTS

Establishing the credibility of an informant can be shown in the affidavit by indicating one (1), or more, of the following:

- The informant is a law enforcement officer.
- The name of the informant.
- The statement of the informant was against his/her penal interest.
- The informant has previously given reliable information.
- The informant's information has been duplicated by another independent source.
- The officer has been able to corroborate some of the information through independent investigation.

8.1.8 INDEPENDENT INVESTIGATION

Whenever possible, officers should corroborate and verify investigative information, regardless of the initial source. This section should include every investigative step that the officer took after receiving the initial information. Independent investigation may include:

- Surveillance information.
- Record checks (e.g. arrest, utilities, telephone book, Criss-Cross Directory, city and county directories, Probation and Parole, pawn, auto registration, serial number checks, etc.).
- Witness statements.
- Physical evidence, such as fingerprints or DNA.
- Information from other agencies or individual police officers. An officer may show probable cause by coordinating, and corroborating, the knowledge of several officers.
- Strong circumstantial evidence, when combined with one (1) of the above.

8.1.9 TIME AND METHOD OF SEARCH

A search warrant may be served at any time of the day or night.

Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future. The evidence must be in place before the search warrant is executed.

A search warrant may be applied for, and obtained, after the premise has been secured. For example, if an officer responds to a dispatched run and notices contraband or stolen goods, the officer may secure the premises until a search warrant can be obtained.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

In securing the premises, the officer may search only for persons and only in places capable of hiding a person. Any other search must wait for a search warrant. However, in the course of searching for persons when securing the premises, any evidence found may also be added to the probable cause listed in the affidavit.

8.1.10 SEALING SEARCH WARRANTS/AFFIDAVITS

KRS 17.150 exempts law enforcement reports and records of ongoing, or incomplete, investigations from public disclosure. KRS 17.150(3) provides that if a demand is made for inspection of the sealed records, the custodian bears the burden to justify the refusal with "specificity." Therefore, an officer must be able to articulate specific reasons for the decision to seal a search warrant and affidavit. Such reasons may include the following:

- Informant confidentiality
- Protecting a juvenile's identity
- Protecting the integrity of an ongoing investigation

Any request to seal a search warrant should be reviewed by the unit commander.

In order to have a search warrant and/or affidavit sealed prior to service, the officer must complete the appropriate order to seal form and then take the order to seal and the original warrant to the judge simultaneously for signing. The judge will submit the original order to seal along with the search warrant/affidavit to the District Court Administrator's Office.

In order to have a search warrant and/or affidavit sealed after service, the officer must complete the appropriate order to seal form and then have the order to seal signed by a judge. It is not necessary to have the same judge sign the order to seal who signed the original search warrant.

Once sealed, the original documents will remain in the possession of the clerk's office until directed otherwise by the court that issued the original order. Nothing in this policy or in KRS relieves an officer from the requirement to provide a copy of the search warrant and inventory, if any, to the owner/occupant of the premises searched, as described in SOP 8.1.12.

Upon receiving a request to unseal the warrant, the clerk's office is responsible for forwarding the sealed documents to the Chief Judge of the appropriate court, who will make the decision about whether or not to unseal the documents.

If information contained in the sealed documents is discovered by the media before the warrant is served, the lead investigating officer should contact the clerk's office. This will allow the clerk's office to investigate and determine if confidential information is being divulged.

8.1.11 APPLYING FOR SEARCH WARRANTS

During the hours when court is in session, officers may have search warrants and affidavits reviewed, and signed in blue ink, by an on-duty District or Circuit Court Judge. The officer will leave an original signed copy of the warrant and affidavit with the authorizing judge.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

The process for applying for a search warrant after court hours is as follows:

- The officer calls the District Court Clerk's Office at (502) 595-3000.
- Depending on the preference of the on-call judge, the clerk will either:

8.1.11 APPLYING FOR SEARCH WARRANTS (CONTINUED)

- Advise the officer to come to the District Court Clerk's Office, located on the 1st floor of the Hall of Justice, where the affidavit and search warrant will be faxed or electronically transmitted to the judge; or
- Give the officer the judge's name, obtain the officer's phone number, and contact the judge.
- If the warrant is to be faxed/transmitted to the judge by the clerk:
 - The officer must go to the District Court Clerk's Office, located on the 1st floor of the Hall of Justice, with an affidavit and search warrant.
 - The clerk will then swear in the officer.
 - The officer will sign the affidavit in blue ink.
 - The clerk will sign the affidavit, noting that the officer was sworn in on that date and time.
 - The clerk will call the on-call judge and fax/transmit the affidavit and search warrant.
 - The on-call judge will review the affidavit and warrant, approve (sign) or deny the request, and fax/transmit the documents back to the clerk's office.
 - The officer will retain copies of both documents.
 - The original affidavit, copy of the search warrant, and order to seal, if applicable, will be retained by the clerk and forwarded to the Court Administrator's Office.
 - The original search warrant will be turned in to the Court Administrator's Office by the on-call judge.
- If the judge prefers to meet the officer in-person, the judge will:
 - Contact the officer and arrange to meet him/her to review the affidavit and warrant.
 - Swear in the officer.
 - Have the officer sign the affidavit and search warrant documents in blue ink.
 - Review the affidavit and warrant, and approve (sign) or deny the request.
 - Retain the original affidavit, search warrant, and order to seal, if applicable, and forward them to the Court Administrator's Office.
- The officer should retain appropriate copies of all search warrant documents.

Under these procedures, the officer may go directly to the District Court Clerk's Office to initiate this process, however, he/she is not required to do so, unless instructed by the clerk.

8.1.12 DISTRIBUTION OF COPIES

Copies will be distributed in the following manner:

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

- One (1) copy of the search warrant and one (1) copy of the inventory sheet will be left with the owner/occupant of the premises. If the owner/occupant is not present, copies will be left in a conspicuous place on the premises.
- One (1) copy of the search warrant, affidavit, inventory sheet, and order to seal, if applicable, will be retained by the officer for the case file.

8.1.12 DISTRIBUTION OF COPIES (CONTINUED)

- One (1) copy of the search warrant, affidavit, inventory sheet, and order to seal, if applicable, will be forwarded to the Legal Advisor's Office. Officers should not send additional documents with the search warrant documents (e.g. risk assessment matrices, operations plans, currency seizure forms), as anything returned to the Jefferson Circuit Court Clerk's Office is subject to open records inspection.

If a search warrant is not executed, one (1) copy of the search warrant, affidavit, and order to seal, if applicable, must still be sent to the Legal Advisor's Office with the words "Not Executed" written on the first page of the search warrant. At least one (1) copy of each warrant document should be retained by the officer for his/her case file.

If the officer wants the search warrant documents to be exempt from open records inspection, he/she must follow the instructions in SOP 8.1.10 for sealing search warrants.

8.1.13 RISK ASSESSMENT MATRIX/SWAT TEAM RESPONSE (KACP 19.6d)

A Risk Assessment Matrix (LMPD #05-0016) will be completed and approved prior to applying for the search warrant. A commanding officer will complete an Arrest/Search Warrant Information Sheet (LMPD #05-0023). The Arrest/Search Warrant Information Sheet and Risk Assessment Matrix will be reviewed and approved, in writing, by a commanding officer of the rank of Lieutenant or higher. Once approved, the commanding officer completing the form will notify the Special Weapons and Tactics (SWAT) Team Commander to coordinate a response if:

- The Risk Assessment Matrix score necessitates the use of the SWAT Team; or
- The situation requires a mandatory SWAT Team call-out, as listed on the Risk Assessment Matrix, regardless of the score.

Prior to SWAT Team entry, the SWAT Team Commander will be provided a copy of the search warrant, affidavit, and completed matrix. The SWAT Team will only assist with the entry and security search.

All completed matrices will be forwarded, through the appropriate chain of command, to the Support Bureau Commander or Patrol Bureau Commander. A copy of the completed matrix will be forwarded to the SWAT Team Commander.

Nothing in this section prohibits a commanding officer from consulting the SWAT Team Commander, even if the matrix requirements for a call-out are not met.

8.1.14 CLANDESTINE LABORATORY GUIDELINES

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

Clandestine laboratories pose a serious danger to responders and surrounding neighborhoods. Police officers are prohibited from entering a known clandestine drug laboratory without proper equipment and certifications and prior to conducting air monitoring and an explosive sweep.

Clandestine laboratory-certified officers must be present prior to entry at locations with suspected clandestine laboratories.

8.1.14 CLANDESTINE LABORATORY GUIDELINES (CONTINUED)

Clandestine laboratories will be treated as hazardous material sites and officers will follow the procedures outlined in SOP 12.4 and SOP 12.12. Officers will have MetroSafe contact the on-call Hazardous Incident Response Team (HIRT) Command Group in the following situations:

- Prior to entering a suspected clandestine laboratory to serve a search warrant, or for any other reason
- If a clandestine laboratory is inadvertently located during other unrelated police activity

8.1.15 HANDLING OF ANIMALS AT SEARCH WARRANT LOCATIONS

In circumstances where officers have sufficient advanced notice that a potentially dangerous domesticated animal (e.g. dog, cat, etc.) may be encountered during the execution of a search warrant, they should develop reasonable contingency plans for dealing with the animal without the use of deadly force. Such plans may include the use of a fire extinguisher, Conducted Electrical Weapon (CEW), Oleoresin Capsicum (OC) spray, or the assistance of Louisville Metro Animal Services (LMAS).

When the officer reasonably believes, based on the facts and circumstances, that the animal on which the force is used poses an immediate threat of injury or damage to the officer, another individual, or property (KACP 1.3b), he/she should use the minimum amount of force necessary to bring the animal under control (KACP 1.3a). Nothing in this policy prohibits any officer from resorting to deadly force to control a dangerous animal if the animal is a danger to the officer or others (refer to SOP 8.33).

If a domesticated animal is injured as a result of an officer using force in response to a humane act or a defensive situation, the officer will complete an Administrative Incident Report (AIR), via the BlueTeam link, located on the LMPD Intranet, including when a CEW is used (refer to SOP 3.1).

If an officer has to shoot and kill an aggressive domesticated animal during the execution of a search warrant, he/she will request that MetroSafe contact LMAS for removal, unless the owner elects to take care of the animal.

8.1.16 TIME LIMITATIONS ON SEARCH WARRANT EXECUTION

A warrant issued to search a place where alcoholic beverages are being sold, or possessed, must be executed the day that the officer receives the warrant.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

All other search warrants should be executed within a reasonable amount of time, usually within 24-48 hours. If circumstances necessitate a delay in executing a search warrant, the probable cause listed on the affidavit must still exist when the warrant is served. Additional information discovered in the interim, that substantiates probable cause, may be added to the warrant; however, it must be signed again by a judge.

An issued search warrant or affidavit may not be changed in any manner, even to correct spelling, unless it is signed again by a judge.

8.1.17 PREPARATION FOR SEARCH WARRANT EXECUTION

A commanding officer will be responsible for verifying that the search warrant is valid and that the premise to be searched is the location listed on the warrant. For the purposes of this policy, acting sergeants will not be considered commanding officers. The lead officer will complete a Search Warrant Operations Plan form (LMPD #05-0025).

Prior to warrant service, the on-scene commander will act as the Incident Commander (IC) for service of the search warrant and the Incident Command System (ICS) will be implemented and followed. If search warrants are to be executed on multiple premises simultaneously, the commanding officer of the unit initiating the warrant will act as overall IC. There will be a separate on-scene commanding officer at each warrant location that will act as the Deputy IC for that location. The lead officer and the Deputy IC in charge of each warrant location will supervise a briefing with the lead officer and search term personnel assigned to the respective warrant location. If there is only one search warrant being executed, the IC will conduct a briefing with all search team personnel. This briefing will include:

- A review of operations and procedures that the search personnel will follow.
- An analysis of conditions at the premises utilizing maps, charts, and diagrams, when appropriate.
- Tactics and equipment that are to be used in the event of forced entry.
- A pre-planned hospital route.

The IC should also determine if any circumstances have changed that would make executing the search warrant, at that time, undesirable.

MetroSafe will be notified that a search warrant is being executed. For safety reasons, this notification may be made by phone. If the search warrant is executed within another police jurisdiction, that agency will be notified.

When a search warrant is executed in another division, the on-duty supervisor in the affected division will be notified. If requested, a uniformed officer will be provided to assist.

8.1.18 ENTRY PROCEDURES

All members of the search team will wear body armor and will be equipped with a Wearable Video System (WVS). Pursuant to Louisville Metro Code of Ordinances (LMCO) 39.069, no later than five (5) minutes prior to all search warrant executions, members will activate their WVS in recording mode and will not deactivate their WVS any sooner than five (5) minutes following the completion of the execution of the warrant (i.e. once all occupants are secured and the scene has been declared safe).

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

All non-uniformed officers will be clearly identified as law enforcement officers by a distinctive vest, jacket, or other visible indicator of position and authority. The identification will include the word "POLICE" clearly marked on the vest, jacket, or other visible indicator of position. Members of other agencies assisting the LMPD will be identified by using the procedures of their own agency's policy.

All search warrants in which forced entry is anticipated will have a uniformed officer and a marked police vehicle respond to provide a visible presence outside of the premises and have a paramedic on site or an LEMS unit staged nearby prior to any attempts of forced entry. An exception to this rule would be when a tactical situation determines it to be unsafe. In these limited cases, the warrant will be served by the LMPD SWAT Team.

8.1.19 NOTIFICATION

Pursuant to LMCO 39.069, before entry to the premises is made, any officer executing the search warrant will:

- Physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants;
- Clearly and verbally announce themselves as law enforcement with the intent to execute a search warrant; and
- Absent exigent circumstances, wait a minimum of 15 seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

Each situation must be considered individually, based on the facts known prior to, and during, the execution of the search warrant. The officer may use whatever force is reasonable to execute the warrant, including forced entry into the building to be searched.

8.1.20 ON PREMISES ACTIVITIES

The lead officer should verify that members of the search team conduct a security sweep of the premises and secure all persons found.

Before undertaking any search or seizure pursuant to the warrant, the lead officer should give a copy of the warrant to the person to be searched, or the person in apparent control of the premises or vehicle to be searched.

Once the premises has been secured, each room or vehicle should be carefully searched. This search should be conducted by pairs of officers or, at a minimum, officers in visual contact with one another. If manpower and time permits, each area should be searched twice by different officers.

The lead officer should verify that the entire search warrant execution process is documented. A written record should be supported by photographs and video recording the entire search site from start to finish.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

Members are required to process property, or evidence, in accordance with established policies and procedures of the Louisville Metro Police Department (LMPD).

Members are prohibited from converting for their own use, manufacturing, concealing, falsifying, destroying, removing, tampering with, or withholding any property, or evidence, in connection with an investigation or other police action, except in accordance with established departmental procedures and statutory law.

8.1.21 SEIZED ITEMS

Items to be seized are as follows:

- Items listed specifically in the warrant.
- Instruments of the crime.
- Fruits of the crime.

8.1.21 SEIZED ITEMS (CONTINUED)

- Contraband, or items illegal to possess, such as illegal drugs or stolen property, that are either in plain view or found within the scope of the search (KACP 1.4b).

Suspected stolen articles may not be manipulated, or moved, for the sole purpose of checking for serial numbers or other identifying markings. If, for example, an officer lifts a television set to search for drugs, and notices a serial number that has been listed as belonging to a stolen television, the television can be seized, but the officer must be able to articulate the reason that the television was moved.

A logging officer should document the collection of, and be responsible for, the preservation of evidence until the items are transferred to an evidence custodian. All seized items should be photographed, or their location documented, prior to being taken to the logging officer.

The logging officer should complete an inventory sheet that includes the following:

- Items seized.
- Location seized.
- Time seized. Preferably one (1) timepiece should be used to avoid discrepancies.
- Name and code number of the seizing officer.

If an inventory sheet is not utilized, the logging information should be written on the search warrant.

The lead officer will verify that a copy of the search warrant (but not the affidavit) and a list of seized items are left at the site of the search.

The officer in charge must verify that all reports and evidence control forms are completed before the end of his/her tour of duty. The seizing officer will verify that all evidence is properly packaged and turned in prior to the end of his/her tour of duty, unless otherwise directed by competent authority.

8.1.22 DOCUMENTATION OF DAMAGES

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

If damage occurs during entry that may leave the premises vulnerable, arrangements should be made to secure the premises in a reasonable fashion.

An AIR will be prepared on the actions that caused the damage, including a detailed description of the nature and extent of the damage. The damage will be photographed and the images will be uploaded to the Digital Image Management System (DIMS), via any LMPD DIMS upload station. The images will also be uploaded to BlueTeam when completing the AIR (refer to SOP 3.1).

8.1.23 MOTOR VEHICLE TRACKING (KACP 1.4a)

Motor vehicle global positioning system (GPS) tracking during the course of a law enforcement investigation constitutes a search under the Fourth Amendment. Therefore, installing GPS devices on any vehicle or using the data from factory-installed GPS devices to obtain information regarding a suspect's activities or location,

8.1.23 MOTOR VEHICLE TRACKING (CONTINUED)

without consent, requires a search warrant, unless there are exigent circumstances which would justify the immediate installation or retrieval of data (e.g. a kidnapping suspect's vehicle) (KACP 1.4c). Officers obtaining a search warrant to install a GPS tracking device on any motor vehicle or using the data from a factory-installed GPS device should have the search warrant and affidavit sealed by a Circuit Court Judge prior to installation/use (refer to SOP 8.1.10) and comply with the requirements of the warrant and/or affidavit. These requirements may include, but are not limited to, the following:

- The amount of time allowed to install the GPS tracking device on the motor vehicle (e.g. within ten (10) days)
- The allowance for trained personnel to covertly replace the batteries, as needed, within the time frame allowed in the narrative of the affidavit
- The geographic area, if known, in which the GPS tracking device may be placed or the data may be used (e.g. within the boundaries of Jefferson County, etc.)
- The total amount of time that the GPS tracking device may be installed/placed on the motor vehicle or the data from factory-installed GPS devices may be used

Any extension of time for the placement of GPS tracking devices on a vehicle or the use of factory-installed GPS data requires the renewal of the search warrant and/or affidavit (e.g. every 30 days).

Any questions regarding the availability of GPS tracking devices or equipment should be directed to the Technical Investigations Commander before a search warrant is sought.

8.1.24 CELL PHONE PINGS

Cell phone pings are an important investigative tool to track the location of cell phones. Cell phone pings result in financial costs to the department from cell phone providers. As a result, cell phone pings should only be used for felony investigations and when all other investigative means have been exhausted. Cell phone pings are primarily utilized by the Major Crimes Division and the Criminal Interdiction Division. All cell phone ping requests require an official search warrant application, search warrant, and order to seal. All non-exigent cell phone ping

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 8.1
	Effective Date: 07/20/03 Prv. Rev. Date: 05/31/20 Revised Date: 07/10/20
	Accreditation Standards: KACP: 1.3, 1.4, 19.6
Chapter: Field Operations	
Subject: Search Warrants	

requests will be coordinated through the Technical Investigations Commander. All exigent cell phone ping requests will be coordinated through the on-duty Real Time Crime Center (RTCC) Supervisor.

Cell phone ping orders will not extend beyond 30 days unless approval has been obtained from the Technical Investigations Commander. Any cell phone ping order exceeding 30 days, without prior approval, will be denied. Extensions to a cell phone ping order will be requested through Technical Investigations three (3) days prior to the expiration date of the order. If a cell phone ping order is no longer needed, the investigator will immediately notify Technical Investigations.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 11.3
	Effective Date: 05/03/04 Prv. Rev. Date: 10/09/17 Revised Date: 09/10/20
	Accreditation Standards: KACP: 27.4
Chapter: Evidence and Property	
Subject: Currency	

11.3 CURRENCY (KACP 27.4)

11.3.1 POLICY

The Louisville Metro Police Department (LMPD) recognizes that currency (money) may be seized for forfeiture, held as evidence, or held for safekeeping (if found or personal property). This policy outlines the procedures for handling currency.

11.3.2 DEFINITIONS

Currency Held as Physical Evidence: Currency that is suspected of being involved in criminal activity which is being physically held for an investigation or court proceedings.

Currency Seized for Forfeiture: Currency that is a fruit of a crime which has been seized in order to seek forfeiture through the court system.

Safekeeping Currency: Currency that is found or personal property that is non-evidentiary and is only temporarily stored until the rightful owner is able to retrieve it from the Evidence and Property Unit (EPU).

Contaminated Currency: Currency that is believed to have been in contact with an infectious person.

11.3.3 GENERAL HANDLING PROCEDURES

The following procedures apply to the handling of currency:

- Currency that is believed to have been in contact with an infectious person (or other biohazard situation) will be handled according to established personal protective equipment (PPE) protocols. All persons in the chain of evidence or custody will be notified of the potential for exposure, including EPU staff members at the time of submission.
- Only currency will be placed into a currency evidence bag. Any property submitted to the EPU in currency evidence bags along with currency will be disposed of.
- Currency that contains narcotic residue that is to be submitted to the lab for analysis will be processed as narcotics evidence.
- Currency that is wet when recovered, and has no other evidentiary value, should be pat-dried to remove excess moisture before being placed into a currency evidence bag.

11.3.4 CURRENCY SEIZED FOR FORFEITURE

The following procedures will be followed when an officer seizes currency for forfeiture:

- When an officer locates currency, he/she will immediately request another officer to act as a witness to the discovery. At a minimum, two (2) officers must be present when processing seized currency and will ensure their Wearable Video System (WVS) cameras are active and recording.

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 11.3
	Effective Date: 05/03/04
	Prv. Rev. Date: 10/09/17
	Revised Date: 09/10/20
Chapter: Evidence and Property	Accreditation Standards: KACP: 27.4
Subject: Currency	

11.3.4 CURRENCY SEIZED FOR FORFEITURE (CONTINUED)

- If officers believe the amount of currency to be seized is in excess of \$25,000, officers will contact their supervisor and request that Asset Forfeiture responds. Asset Forfeiture will respond to the scene of the seizure and process the seizure.
- In most cases, currency will not be counted at the time of seizure. If an officer needs to count the currency before the seizure, he/she may do so; however, the amount will not be recorded on any official departmental forms. The officer may make a notation of his/her “unofficial” count in his/her notes. Officers seizing currency from a business are not restricted from providing the business with an “unofficial” count.
- If the currency is being seized during the execution of a search warrant, then the words “**An Undetermined Amount of U.S. Currency**” will be listed on the search warrant or Search Warrant Inventory form (LMPD #06-0037).
- If currency is found on, or in the area of, a subject who is in custody, the person(s) will be read his/her Miranda warning(s). The officer(s) will then inquire as to whether any person present claims the currency. If a person claims ownership of the currency, the person will be allowed to witness the packaging of the currency, unless his/her presence is a threat to the officer(s) or others. If the currency is not claimed by anyone, or if currency is seized in an unoccupied area, this information will be documented on the Currency Seizure form (LMPD #04-11-0070) and the Request for Forfeiture form (LMPD #03-11-0071) and, if applicable, the Disclaimer of Ownership form (LMPD #09-0001).
- When currency is seized from an individual, the Currency Seizure form will be signed by the individual, the seizing officer, and the witnessing officer. The Currency Seizure form will state “**An Undetermined Amount of U.S. Currency.**” A separate Currency Seizure form will be completed for each currency evidence bag used.
- The seizing officer will place the currency into a currency evidence bag, seal the bag, and give the Control Number tag to the subject. The seizing officer will explain to him/her that the Control Number tag on the currency evidence bag acts as a receipt for the seizure and that the bag will remain sealed until it is opened and counted by EPU personnel. Nothing other than currency (e.g. wallets, ID cards, Social Security cards, etc.) will be sealed inside of the currency evidence bag. All additional items should be logged in separately at the EPU. Special care should be taken when packaging coins so that the currency evidence bag can withstand the weight.
- If currency is seized from the possession of a known individual, that individual should remain on-site until the currency has been photographed and sealed in a currency evidence bag, unless the individual’s presence presents a threat to the seizing officer(s) or others.
- If the currency being seized is from an individual who is not at the scene, or if an individual refuses to sign the Currency Seizure form, a commanding officer will respond to the scene to sign the form and note the circumstances.
- All currency seized for forfeiture should be photographed in the same location and in the same position that it was discovered, unless photography is impractical or unsafe.
- The photographs will be uploaded into the Digital Image Management System (DIMS) (refer to SOP 4.26).
- The witnessing officer must ride with the seizing officer, both officers with WVS continuously recording, to transport currency to the EPU.
- Officers will complete the Request for Forfeiture form prior to placing the currency in the EPU. The Request for Forfeiture form must state “**An Undetermined Amount of U.S. Currency**” when submitted.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 11.3
	Effective Date: 05/03/04 Prv. Rev. Date: 10/09/17 Revised Date: 09/10/20
	Accreditation Standards: KACP: 27.4
Chapter: Evidence and Property	
Subject: Currency	

A copy of the Request for Forfeiture form will be presented to the EPU personnel when depositing the currency.

- The EPU personnel will inspect the currency evidence bag to see that it has not been tampered with or compromised when the officer arrives at the EPU. If the currency evidence bag has been compromised

11.3.4 CURRENCY SEIZED FOR FORFEITURE (CONTINUED)

in any way, the EPU will reject the acceptance of the currency evidence bag and the officer will then contact his/her commanding officer. The commanding officer will inspect the currency evidence bag and determine why the bag has been compromised. The commanding officer and the seizing officer will then place the compromised currency evidence bag into another currency evidence bag. The commanding officer will note on the Currency Seizure form the reason why the original currency evidence bag was compromised and placed into a new bag.

- Once EPU personnel have made the appropriate entry into the Records Management System (RMS) and attached the label, the officer will place the currency evidence bag into the temporary drop box.
- The Property Room Supervisor will remove the currency evidence bags from the drop box. Two (2) EPU personnel (including one (1) supervisor) will conduct a count to obtain an exact dollar amount to be entered for each RMS entry. Once the count is obtained, the currency will be sealed inside new bank bags and deposit slips will be completed. A copy of the deposit slip will be sent to the bank with the deposit, via a contracted cash services transportation company.
- The Office of Management and Budget (OMB) Cash Management Division will receive the deposit report from the bank and will notify EPU personnel of any miscount or counterfeit money. If this occurs, a Property Room Supervisor will update RMS to reflect the miscount and/or the presence of counterfeit money. The seizing officer and Asset Forfeiture are responsible for utilizing the RMS to determine the official count.
- The seizing officer will provide his/her commanding officer with a copy of the Request for Forfeiture form and email the Request for Forfeiture form to "LMPD Forfeitures," located within the department's email distribution list, by the end of his/her tour of duty.
- The commanding officer will review and initial the form and then forward it to the division/section/unit commander. If the forfeiture is approved by the division/section/unit commander, the form will be distributed as follows:
 - A copy of the form will be maintained in division/section/unit files.
 - The original form will be sent to the Legal Advisor's Office for final review.

If the forfeiture is approved by the Legal Advisor's Office, the officer will:

- Request that the prosecutor makes a motion for forfeiture after the disposition of the case.
- Return the completed court order to Asset Forfeiture, who will provide a copy of the court order to the EPU and the OMB Compliance Office.

If the forfeiture is not approved, the Request for Forfeiture form will be returned to the appropriate division/section/unit and the investigating officer will have seven (7) days to articulate any additional information for the forfeiture and resubmit the form to the Legal Advisor.

11.3.5 CURRENCY HELD AS PHYSICAL EVIDENCE

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 11.3
	Effective Date: 05/03/04 Prv. Rev. Date: 10/09/17 Revised Date: 09/10/20
	Accreditation Standards: KACP: 27.4
Chapter: Evidence and Property	
Subject: Currency	

All incoming money will be deposited in the bank, unless there is a justifiable evidentiary reason for not depositing the cash. Such situations are closely monitored and are the exception rather than the rule. An example would be any money that has forensic evidentiary value (e.g. blood on the bills, a fingerprint on a bill, dye on the bills from a bank robbery). Requests to hold narcotic/vice proceeds (e.g. dealer bank rolls, gambling

11.3.5 CURRENCY HELD AS PHYSICAL EVIDENCE (CONTINUED)

funds, etc.) will generally not be approved. This evidence is treated as currency seized for forfeiture (refer to SOP 11.3.3).

Any collectible or foreign currency (except currency held for safekeeping) is handled as money being held as physical evidence.

The following procedures will be followed when an officer wishes to hold money as physical evidence:

- Currency that needs to be held as physical evidence must be photographed with sufficient detail that the serial numbers are legible. If the currency is photocopied, in accordance with federal law, it should be photocopied so that the size is different from the actual size (e.g. 75% or 125%).
- The officer will upload all images into the DIMS. In the event that photographs are needed for court, the officer will request that prints be made by the Photo Lab (refer to SOP 4.26).
- The seizing officer, in the presence of a witnessing officer, will count the currency and complete a Request to Hold Money form (LMPD #03-11-0601) to document the number and denomination of each bill. This currency will not be sealed inside of a currency evidence bag at the scene.
- Both the seizing officer and the witnessing officer must ensure their WVS are active and recording from time of discovery until entering the currency at the EPU. The witnessing officer must ride in the same vehicle when transporting the currency to the EPU.
- Upon entering the currency at the EPU, the depositing officer and the clerk must agree on the currency count.
- The clerk will package the money in an evidence envelope and both the depositing officer, and the clerk, will initial the evidence tape.
- The clerk will make a copy of the Request to Hold Money form for the depositing officer. The copy of the Request to Hold Money form will remain in the officer's case file with the EPU receipt.
- The original Request to Hold Money form will be attached to the outside of the currency evidence envelope and forwarded to a Property Room Supervisor for approval, who will make the decision as to whether to hold the money or deposit it.
- Only if the Property Room Supervisor authorizes the hold will the money be kept as physical evidence in the EPU. If the Property Room Supervisor does not authorize the money to be held as physical evidence, the seizing officer will be notified that the money is being deposited. The seizing officer will then complete the Request for Forfeiture form (LMPD #03-11-0071) or release the money as personal property to the owner by completing the Property Disposition form (LMPD #0070-97).
- The seizing officer will provide his/her commanding officer and the Property Room Supervisor with a copy of the Request for Forfeiture form and email the Request for Forfeiture form to "LMPD Forfeitures," located within the department's email distribution list, by the end of his/her tour of duty.

Money evidence that has been signed out for investigation, court, or viewing and is returned to the EPU with the seal broken, will be recounted and resealed by the clerk accepting the return of the currency evidence envelope. If there are any discrepancies, the clerk will immediately notify a Property Room Supervisor.

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 11.3
	Effective Date: 05/03/04 Prv. Rev. Date: 10/09/17 Revised Date: 09/10/20
	Accreditation Standards: KACP: 27.4
Chapter: Evidence and Property	
Subject: Currency	

11.3.6 CURRENCY HELD FOR SAFEKEEPING (FOUND OR PERSONAL PROPERTY)

It may be necessary to hold currency that is found or is personal property for safekeeping in the EPU. This money will be counted at the EPU. The depositing officer and the clerk must agree on the currency count.

11.3.6 CURRENCY HELD FOR SAFEKEEPING (FOUND OR PERSONAL PROPERTY) (CONTINUED)

Once the currency is placed in the EPU for safekeeping, a letter of notification will be issued to the rightful owner, informing him/her that his/her currency is available for pickup. If the rightful owner of the currency is deceased, the currency will only be released pursuant to a court order.

11.3.7 DISPOSAL AND RELEASE OF MONETARY SEIZURES

At the conclusion of a case where a monetary seizure is approved for forfeiture, the officer will request that the prosecutor obtain a written court order specifying that the forfeited property is to be delivered to the LMPD. If the forfeiture is approved by a judge, the officer will immediately send or deliver the signed court order to Asset Forfeiture, located at 701 West Ormsby Avenue, Suite 102. Asset Forfeiture will be responsible for forwarding a copy of the signed court order to the EPU and the OMB Compliance Office. Without a court order forfeiting the money to the LMPD, the department cannot receive the funds.

When an officer no longer needs to retain money, and a written forfeiture order was not obtained, the officer will provide the EPU with the name and address of the person who is to receive the money. This information will be provided by the completion of the Property Disposition form (LMPD #0070-97) or by completing the Active Evidence Report (disposal slip), which is supplied by the EPU. EPU personnel will then send a letter to the person indicated on the form, advising him/her of the money's existence and how to claim the money. If a response regarding the money is not received within 90 days, the money is considered abandoned property. The Property Room Supervisor then lists the abandoned money on a court order for a judge's approval. The funds will then be forfeited to the appropriate governmental entity.

ORDINANCE NO. 045, SERIES 2020

AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) SECTIONS 154.02, 154.03, AND 154.04(B), AND 154.05 RELATING TO PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUM PROGRAMS (AS AMENDED).

SPONSORED BY: COUNCIL PRESIDENT JAMES AND COUNCIL MEMBERS DORSEY, PURVIS, GREEN, MULVIHILL, SEXTON SMITH, AND YATES

WHEREAS, Louisville/Jefferson County Metro Government Code of Ordinances (hereinafter “LMCO”) Chapter 154, Property Assessment and Reassessment Moratorium Programs, was adopted on June 28, 1983 pursuant to Ord. No. 10-1983 and amended by Ord. No. 114-2007, effective July 2, 2007;

WHEREAS, pursuant to KRS 99.595 through KRS 99.605 and KRS 132.452, the Metro Council (hereinafter “Council”) established a property assessment and reassessment moratorium program (hereinafter the “Program”) to encourage property owners to make improvements to qualifying structures located in Louisville Metro by providing a five (5) year moratorium on a portion of the local tax assessment that would result from the improvements;

WHEREAS, the Council finds that LMCO Chapter 154 should be amended to permit partnership agreements with other local taxing authorities, subject to state law, regarding a five (5) year moratorium on a portion of the tax assessment that would result from the improvement of qualifying structures subject to their taxing authority;

WHEREAS, the Council finds that the geographic scope set forth in LMCO § 154.02(B) should be amended to include “Qualified Census Tracts” (QCT) designated by the United States Department of Housing and Urban Development;

WHEREAS, the Council finds that LMCO § 154.02(C), relating to the costs of the improvements that may be made to a structure for the purpose of repair, rehabilitation, restoration, or stabilization under the Program, should be amended to (1) permit a minimum value equal to at least 5% of the value of the improvements to the property based on the latest assessment made by the Jefferson County Property Valuation Administrator; (2) for improvements made to owner-occupied qualifying properties; (3) located within the following traditional urban neighborhoods: Algonquin, California, Chickasaw, Park Duvalle, Park Hill, Parkland, Portland, Russell, Shawnee, Shelby Park, and Smoketown Jackson.

WHEREAS, the Council also finds that the list of administering agencies set forth in set forth in LMCO § 154.03 should be amended to clarify the responsibilities of the Property Valuation Administrator and the Codes and Regulations Department in administering the Program;

WHEREAS, the Council finds that the \$40 Program application fee set forth in LMCO § 154.04 may be waived at the discretion of the Director of Code Enforcement and the Property Valuation Administrator for low-income homeowners, with income verification services provided by the Office of Housing; and

WHEREAS, the Council finds that the amendments set forth above will lower the threshold for owner-occupied properties located in historically disinvested neighborhoods to qualify for relief under the Program, and will also further encourage the repair, rehabilitation, restoration, or stabilization of qualifying structures in these traditional urban neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO § 154.01 is hereby amended as follows:

§ 154.01 PROGRAM ESTABLISHED.

The Metro Council hereby establishes a property assessment and reassessment moratorium program for qualifying properties pursuant to KRS 99.595 through 99.605 and KRS 132.452. Nothing included in this Chapter shall prohibit partnership agreements with other local taxing authorities, subject to state law, regarding a five (5) year moratorium on a portion of the tax assessment that would result from the improvement of qualifying structures subject to their taxing authority.

SECTION II: LMCO § 154.02 is hereby amended as follows:

§ 154.02 QUALIFYING CONDITIONS OF STRUCTURES.

All existing residential and commercial structures at least 25 years old may qualify for a reassessment moratorium if:

(A) The costs of the enhancements made to the structure to repair, rehabilitate, restore or stabilize it is equal to at least 25% of the value of the improvements to on the property based on the latest assessment made by the Jefferson County Property Valuation Administrator; or

~~(B) The qualifying property is within a "target area", a census tract where at least 70% of the residents living in that tract have income below 80% of the median income for Jefferson County or 20% of the residents living in that tract have incomes below the poverty level, the cost of the improvements must be equal to at least 10% of the value of the improvements to the property based on the latest assessment. The cost of the enhancements made to the structure to repair, rehabilitate, restore or stabilize it is equal~~

to at least 10% of the value of the Improvement on the property based on the latest assessment made by the Jefferson County Property Valuation Administrator and the property is located within a “Qualified Census Tract” (QCT), designated by the United States Department of Housing and Urban Development, where at least 50% of households have an income less than 60% of the Area Median Gross Income in Jefferson County; or

(C) The cost of the enhancements made to the structure to repair, rehabilitate, restore or stabilize it is equal to at least 5% of the value of the Improvement on the property based on the latest assessment made by the Jefferson County Property Valuation Administrator and the property is located within one of the following traditional urban neighborhoods, as defined by the Louisville/Jefferson County Information Consortium on January 1, 2020 and illustrated in the maps attached as Exhibit A: Algonquin, California, Chickasaw, Park Duvalle, Park Hill, Parkland, Portland, Russell, Shawnee, Shelby Park, and Smoketown Jackson ; and the property is owner-occupied; or

~~(C)~~(D) The qualifying property will, at the conclusion of the plan of improvement, be an LEED Certified property based on the Leadership in Energy and Environmental Design standards in effect at the time of application.

SECTION III: LMCO § 154.03 is hereby amended as follows:

§ 154.03 ADMINISTERING AGENCIES.

The administering agencies for the moratorium program in Jefferson County shall be the Codes and Regulations Department, and the Office of the Property Valuation Administrator. Applications shall be received and reviewed by the Codes and Regulations

Department and forwarded to the Office of the Property Valuation Administrator to complete the inspection phase of the assessment process.

SECTION IV: LMCO § 154.04(B) is hereby amended as follows:

§ 154.04 APPLICATION FOR MORATORIUM CERTIFICATE; FEE.


(B) That in order to cover the administrative costs for the program, a fee of \$40 shall be charged an applicant applying for a moratorium certificate. The \$40 administrative fee may be waived at the discretion of the Director of Code Enforcement and the Property Valuation Administrator for low-income homeowners. The Office of Housing shall verify the income of applicants that have received home repair funds through any Louisville Metro Government program. Twenty dollars will be transferred to the PVA to carry out his or her duties under this chapter and \$20 will be retained by the Codes and Regulations Department to cover administrative costs incurred under this chapter.

SECTION V: LMCO § 154.05 is hereby amended as follows:

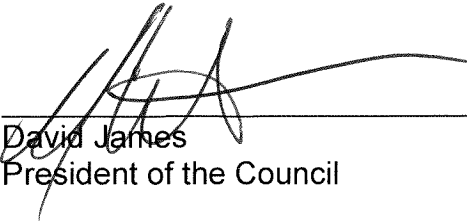
§ 154.05 ASSESSMENT OF PROPERTY VALUE.

The Property Valuation Administrator and the Codes and Regulations Department shall maintain a record of all applications for a property assessment or reassessment moratorium. The PVA shall assess or reassess the property within 30 days of receipt of the application. This assessment shall be the value on which the Metro Government and Urban Service District taxes, and other taxing authorities that enter into a duly executed partnership agreement with Louisville Metro Government, are based and is not to be raised for five years after the certificate has been issued, however, this provision shall not preclude normal reassessment of the property.

SECTION VI: This Ordinance shall take effect upon its passage and approval.

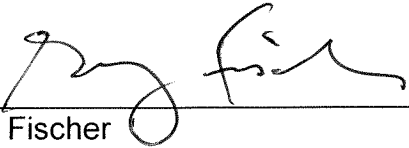


Sonya Harward
Metro Council Clerk

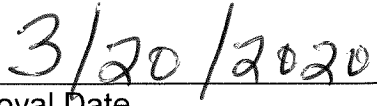


David James
President of the Council

PRO - TEM



Greg Fischer
Mayor



Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney


**LOUISVILLE METRO COUNCIL
READ AND PASSED
March 19, 2020**


By: 


O-003-20 - Amending LCO 154 RE Property Assessment and Reassessment Moratorium Programs ks - jd 3-09-20.docx

2020 Qualified Census Tracts (HUD)

Legend

 Qualified Census Tracts

 # Council district contains qualified tract

 # Council district does not contain qualified tract

