**ORDINANCE NO. 174, SERIES 2016**

**AN ORDINANCE CREATING A NEW CHAPTER OF THE LOUISVILLE METRO CODE OF ORDINANCES REQUIRING THE REGISTRATION OF RENTAL HOUSING UNITS AND ESTABLISHING PENALTIES FOR VIOLATIONS. (AS AMENDED)**

**Sponsored By: Council Members Butler, Blackwell, Hollander, Welch, Hamilton, Woolridge, James and Shanklin**

**WHEREAS,** Louisville Metro seeks to create a registry for persons or entities who rent residential property in Jefferson County;

**WHEREAS,** the registry will require property owners with rental housing units to provide Louisville Metro with current contact information of the owner and/or a responsible managing operator; and

**WHEREAS,** the purpose of this law is to improve the ability of Louisville Metro Codes and Regulations and other Louisville Metro Government agencies to properly enforce property maintenance laws throughout Louisville Metro by providing contact information for non-owner occupied and vacant housing units whose owners are frequently difficult to locate.

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ ___ DEFINITIONS**

***APARTMENT COMPLEX.*** Rental housing unit that contains more than four (4) housing units in the same building or buildings managed under the same owner.

***HOUSING UNIT.*** 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.

***LET FOR OCCUPANCY or LET.*** 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.

***OWNER.*** An Individual, corporation, partnership, trustee, lessee, agent or assignee or any equitable title in real property.

***MANAGING OPERATOR.*** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

***RENTAL HOUSING UNIT.*** Any housing unit ~~that is unoccupied, or even if occupied is not occupied by an owner of record.~~ 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.

***TENANT.*** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**SECTION II:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ ___ APPLICABILITY**

The registration provisions of [Section ___ hereof § ___] shall apply to all rental housing units with the exception of:

(A) Housing units required to register with Louisville Metro Government under another provision of the Louisville Metro Code of Ordinances, including but not limited to short-term rentals and boarding and lodging houses;

(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 and dwelling units, when the principal dwelling unit located on the same property is occupied by the owner of record.

**SECTION III:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ ___ REGISTRATION REQUIRED**

(A) The owner of any rental housing unit, other than those exempted under [Section II hereof § ___], shall register all housing units with Louisville Metro 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) The registration shall be available online through the Louisville Metro Department of Codes and Regulations, 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 thirty (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 thirty (30) days to provide the new contact information.

**SECTION IV:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ ___ CONFIDENTIALITY**

**CONFIDENTIALITY OF INFORMATION**. All rental registration information collected by Louisville Metro 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 violations of the Louisville Metro Code of Ordinances. If a Rental Registry property is cited for a violation, Rental Registry information may become part of the property maintenance case file, which is maintained by Louisville Metro Government and available for public inspection.

**SECTION V:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ _____ 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 §§ 32.275 – 32.291, or as it may be amended.

**SECTION VI:** A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

**§ _____ VIOLATIONS AND PENALTIES.**

(A) The failure to register a rental housing unit or apartment complex in accordance with [Section III hereof §____] shall be classified as a civil offense with a penalty of up to $100.00 per rental housing unit or apartment complex. The owner or managing operator will be sent a ten (10) day notice of violation with a warning of the failure to comply with the rental registry. Failure to comply at the end of ten (10) days will result in a fine of up to one hundred dollars ($100.00) per rental housing unit or apartment complex. Thereafter, ~~E~~each day of such violation(s) shall constitute a separate offense.

(B) Metro Government 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 Metro Government in connection with the enforcement of [Section III hereof §____].

**SECTION VII:** This Ordinance shall take effect ~~on October 1, 2016~~ 60 days after its passage and approval with registration required for applicable rental housing units and apartment complexes by ~~January~~ March 1, 2017.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

10/5/16
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell
Jefferson County Attorney

BY: Sarah Martin

LOUISVILLE METRO COUNCIL
READ AND PASSED
September 22, 2016

~~*O-261-16 REGISTRATION OF RENTAL HOUSING UNITS revised 9-9-16*~~
*O-261-16 REGISTRATION OF RENTAL HOUSING UNITS FLOOR AMENDMENT 09-22-16 sjm/hso*