

99.700 Legislative findings and policy.

(1) It is hereby found:

- (a) That there exists in many cities and in counties containing a city of the first class or consolidated local government in this Commonwealth blighted and deteriorated properties in neighborhoods which cause the deterioration of those and contiguous neighborhoods and constitute a serious and growing menace which is injurious to the public health, safety, morals, and general welfare of the residents of the Commonwealth, and are beyond remedy and control solely by regulatory process in the exercise of the police power;
- (b) That the existence of blighted and deteriorated properties within neighborhoods, and the growth and spread of blight and deterioration or the threatened deterioration of other neighborhoods and properties:
 - 1. Contribute substantially and increasingly to the spread of disease and crime, and to losses by fire and accident;
 - 2. Necessitate expensive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, and punishment, for the treatment of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;
 - 3. Constitute an economic and social liability;
 - 4. Substantially impair or arrest the sound growth of the community;
 - 5. Retard the provision of decent, safe, and sanitary housing accommodations;
 - 6. Depreciate assessable values;
 - 7. Cause an abnormal exodus of families from these neighborhoods; and
 - 8. Are detrimental to the health, the well-being, and the dignity of many residents of these neighborhoods;
- (c) That this menace cannot be effectively dealt with by private enterprise without the aids provided herein; and
- (d) That the benefits which would result from eliminating the blighted properties that cause the blight and deterioration of neighborhoods will accrue to the inhabitants of the neighborhoods in which these conditions exist and to the inhabitants of this Commonwealth generally.

(2) It is hereby declared:

- (a) That it is the policy of this Commonwealth to protect and promote the health, safety, and welfare of the people of the Commonwealth by eliminating the blight and deterioration of neighborhoods through the elimination of blighted and deteriorated properties within these neighborhoods;
- (b) That the elimination of such blight and deterioration and the preparation of the properties for sale or lease, for development or redevelopment, constitute a public use and purpose for which public money may be

expended and private property acquired and are governmental functions in the interest of the health, safety, and welfare of the people of the Commonwealth; and

- (c) That the necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 127, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 1, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 1, effective July 13, 1984.

99.705 Definitions.

Unless the context otherwise requires:

- (1) "Blighted" or "deteriorated" property means any vacant structure or vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood:
 - (a) Which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with a city of any class, or in counties containing a city of the first class or consolidated local government, with the housing, building, plumbing, fire, or related codes;
 - (b) Which because of physical condition, use, or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures;
 - (c) Which because it is dilapidated, unsanitary, unsafe, vermin-infested, or lacking in the facilities and equipment required by the housing code of a city or county containing a city of the first class or consolidated local government, has been designated by the department responsible for enforcement of the code as unfit for human habitation;
 - (d) Which is a fire hazard, or is otherwise dangerous to the safety of persons or property;
 - (e) From which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use;
 - (f) Which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin;
 - (g) Which has been tax delinquent for a period of at least three (3) years; or
 - (h) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate code enforcement agency.
- (2) "Redevelopment" means the planning or replanning, design or redesign, acquisition, clearance, development, and disposal or any combination of these, of a property in the preparation of such property for residential and related uses, as may be appropriate or necessary.
- (3) "Residential and related use" shall mean residential property for sale or rental and related uses; including but not limited to park and recreation areas, neighborhood community service, and neighborhood parking lots.
- (4) "Vacant property review commission" means a commission established by ordinance to review vacant properties to make a written determination of blight and deterioration.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 3, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 128, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 2, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 2, effective July 13, 1984.

99.710 Ordinance adopting provisions of state statutes on blighted or deteriorated areas -- Vacant property review commission.

- (1) If the legislative body of a consolidated local government, a city of any class, or a county containing a city of the first class finds and declares that there exists in the consolidated local government, city of any class, or county containing a city of the first class blighted or deteriorated properties and that there is need in the city or county for the exercise of powers, functions, and duties conferred by KRS 99.705 to 99.730, the legislative body may adopt the provisions of KRS 99.705 to 99.730 by ordinance.
- (2) The ordinance adopting the provisions of KRS 99.705 to 99.730 shall also establish a vacant property review commission which shall certify properties as blighted or deteriorated to the legislative body. The ordinance shall specify the duties of, the number of members that will serve on, the requirements of membership, and the makeup of the commission. Members shall be appointed by the mayor and approved by the legislative body. No officer or employee of the consolidated local government, city of any class, or county containing a city of the first class whose duties include enforcement of housing, building, plumbing, fire, or related codes shall be appointed to the commission.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 4, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 129, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 3, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 3, effective July 13, 1984.

99.715 Acquisition and disposal of blighted property by city.

A city of any class, county containing a city of the first class, or consolidated local government may acquire by, eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to KRS 99.705 to 99.730, and shall have the power to hold, clear, manage, or dispose of property so acquired for residential and related use, pursuant to the provisions of KRS 99.705 to 99.730.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 5, effective July 13, 2004. -- Amended 1988 Ky. Acts ch. 170, sec. 4, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 4, effective July 13, 1984.

99.720 Certification of blight deterioration -- Notice to owner demanding abatement.

- (1) The legislative body shall not institute eminent domain proceedings pursuant to KRS 99.705 to 99.730 unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by a city agency of any class of city, or by an agency in a county containing a city of the first class or consolidated local government, as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission has determined:
 - (a) That the owner of the property or designated agent has been sent an order by the appropriate city, consolidated local government, or county agency to eliminate the conditions which are in violation of local codes or law;
 - (b) That the property is vacant;
 - (c) That the property is blighted and deteriorated;
 - (d) That the commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and
 - (e) That, in cities of any class, counties containing a city of the first class, or consolidated local governments that are within a planning unit established pursuant to KRS Chapter 100, the planning commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan.
- (2) The findings required by subsection (1) of this section shall be in writing and included in the report to the legislative body.
- (3) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city, consolidated local government, or county under KRS 99.705 to 99.730. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or his agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.
- (4) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 6, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 130, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 5, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 5, effective July 13, 1984.

99.725 Eminent domain proceedings by city.

The legislative body of the city of any class, county containing a city of the first class, or consolidated local government may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has been certified as blighted or deteriorated by the commission if it finds:

- (1) That such property has deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare;
- (2) That such property is likely to continue to deteriorate unless corrected;
- (3) That the continued deterioration of such property may contribute to the blighting or deterioration of the area immediately surrounding the property; and
- (4) That the owner of such property has failed to correct the deterioration of the property.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 7, effective July 13, 2004. -- Amended 1988 Ky. Acts ch. 170, sec. 6, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 6, effective July 13, 1984.

99.730 Acquisition by certain employees prohibited -- Disclosure of previous interest required -- Payment under eminent domain proceedings.

No officer or employee of a city of any class, county containing a city of the first class, or consolidated local government, or of the vacant property review commission, who in the course of his or her duties is required to participate in the determination of property blight or deterioration or the issuance of notices on code violations which may lead to a determination of blight or deterioration, shall acquire any interest in any property declared to be blighted or deteriorated. If any such officer or employee owns or has financial interest, direct or indirect, in any property certified to be blighted or deteriorated, he or she shall immediately disclose, in writing, such interest to the commission and to the legislative body and such disclosure shall be entered in the minutes of the commission and of the legislative body. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any officer or employee for any property or interest therein acquired by the city of any class, consolidated local government, or county containing a city of the first class from such officer or employee unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless payment is unanimously approved by the legislative body.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 76, sec. 8, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 131, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 7, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 7, effective July 13, 1984.