Gorton
Blues
Gray
Ellinger
James
Beard
Stevens
Stinnett
Crosbie
McChord

A G E N D A
PLANNING COMMITTEE
January 22, 2008
1:00 P.M

1. **Tax Incremental Financing** - Stinnett (1-14)

2. **DDA Land Bank** - James (15-35)

3. **Trailer Park Quality of Life** - James (36-74)

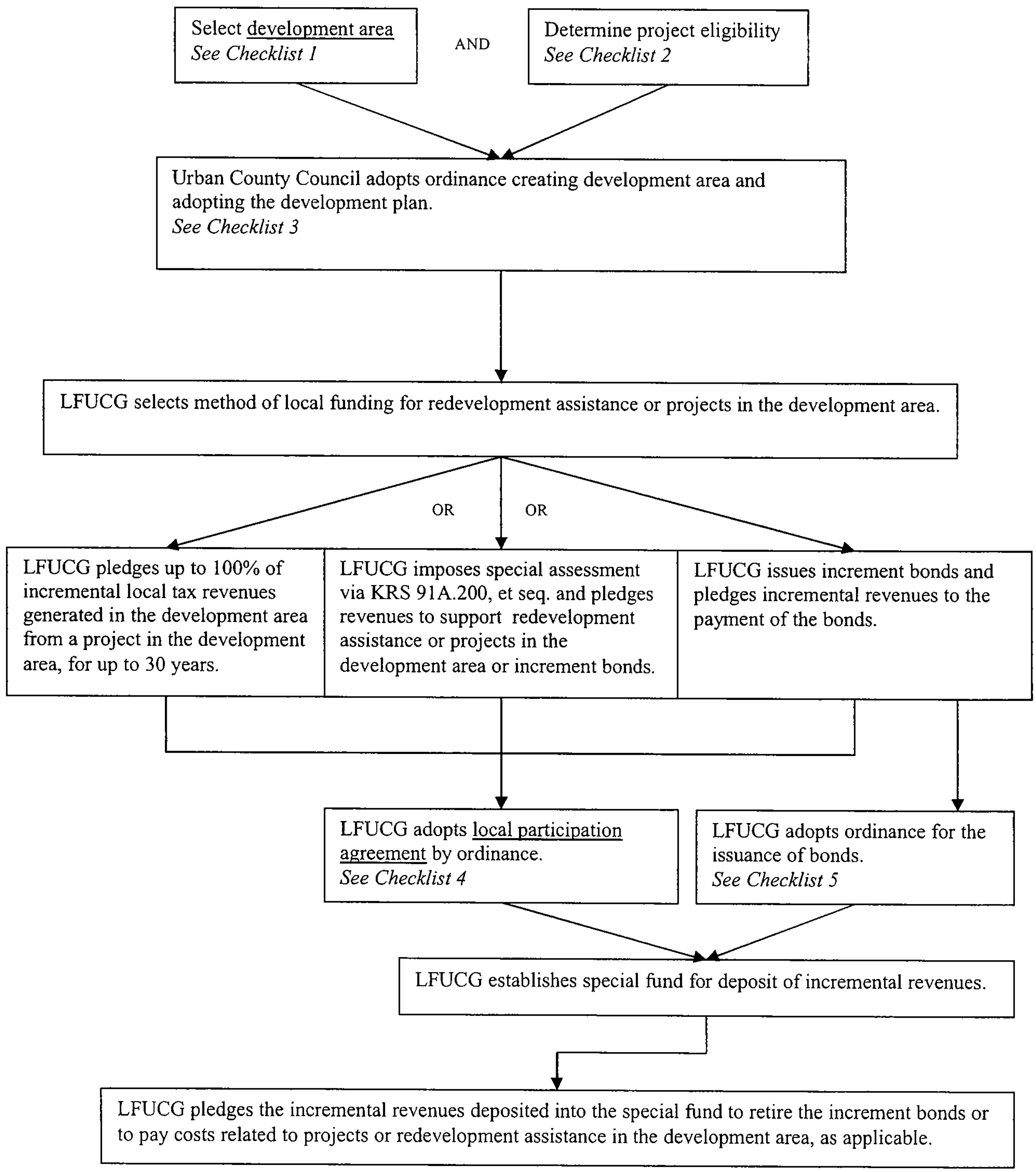
4. **Items Referred to Committee** (75)

"Planning Committee, to which should be referred matters relating to parks, planning and zoning, housing, transportation, grants, legislation and social services."

Council Rules & Procedures, Section 2.102(1)

COMMONWEALTH PARTICIPATION PROGRAM – SIGNATURE PROJECTS PROGRAM (PRE-2008 INITIATIVE)

SAMPLE FLOW CHART AND CHECKLISTS



LFUCG or managing agency submits application for state participation to the Division of Tax Increment Financing in the Dept. of Revenue ("Office").
See Checklist 6

↓

Office conducts preliminary review of application for compliance with statutory/regulatory requirements.

↓

Office notifies LFUCG of results of preliminary review.

↓

Office refers application to State Tax Increment Financing Commission ("Commission").

↓

Commission elects to pledge incremental state tax revenues.

↓

Commonwealth and LFUCG enter into project grant agreement.
See Checklist 7

↓

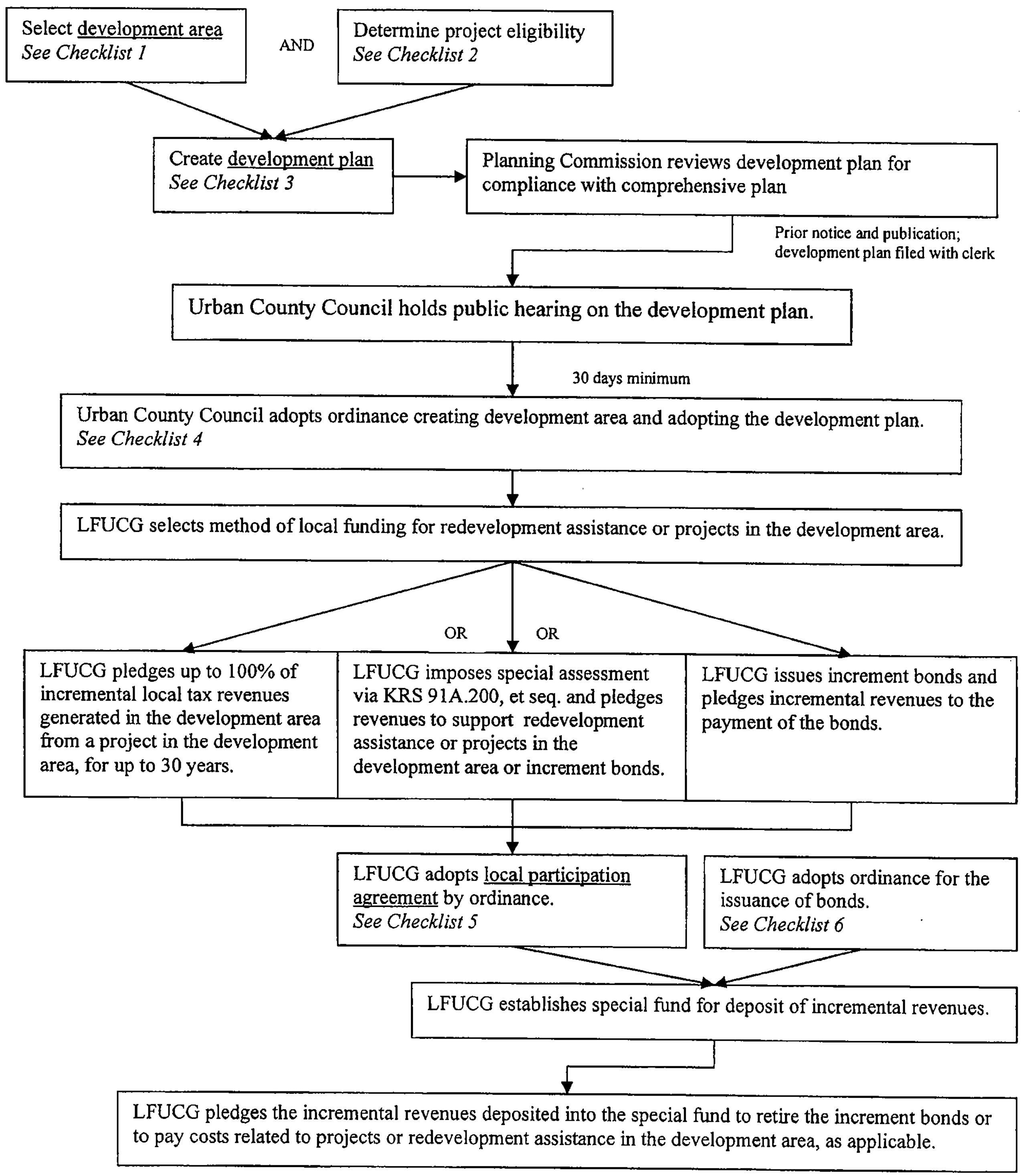
Office certifies that minimum capital investment has been made as required under the project grant agreement.

↓

Commonwealth releases the state incremental tax revenues pledged under the project grant agreement.

COMMONWEALTH PARTICIPATION PROGRAM FOR MIXED USE REDEVELOPMENT IN BLIGHTED URBAN AREAS

SAMPLE FLOW CHART AND CHECKLISTS



LFUCG or managing agency submits application for state participation to the Division of Tax Increment Financing in the Dept. of Revenue ("Office").
See Checklist 7

Office conducts preliminary review of application for compliance with statutory/regulatory requirements.

Office notifies LFUCG of results of preliminary review.

Office provides LFUCG with information regarding the contents and requirements of a report to be prepared by an independent consultant or financial adviser.

Report is submitted to the Office.
See Checklist 8

Office refers application to State Tax Increment Financing Commission ("Commission").

Office of State Budget Director and the Finance and Administration Cabinet certifies to the Commission whether there is a projected net positive economic impact to the state and the expected amount of the state tax incremental revenues form the project.

Commission elects to pledge incremental state tax revenues.

Commonwealth and LFUCG enter into project grant agreement.
See Checklist 9

Office certifies that minimum capital investment has been made as required under the project grant agreement.

Commonwealth releases the state incremental tax revenues pledged under the project grant agreement.

CHECKLIST 1

DEVELOPMENT AREA REQUIREMENTS

1. Must be contiguous.

2. Cannot exceed three square miles.

3. No more than 20% of the assessed value of all taxable real property within Lexington-Fayette Urban County can be located in development areas and local development areas.

4. The development area must meet at least three* of the following:

   a) Substantial loss of residential, commercial or industrial activity or use;

   b) 40% or more of the households are low-income;

   c) More than 50% of residential, commercial, or industrial structures are deteriorating or deteriorated;

   d) Substantial abandonment of residential, commercial or industrial structures;

   e) Substantial presence of environmentally contaminated land;

   f) Inadequate public improvements or substantial deterioration in public infrastructure; or

   g) Any combination of factors that substantially impairs growth and economic development within Lexington-Fayette Urban County, impedes the provision of adequate housing; impedes the development of commercial or industrial property; or adversely affects public health, safety or general welfare due to the development area's present condition and use.

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* This is a requirement of the Commonwealth Participation Program for Mixed Use Redevelopment in Blighted Urban Areas; development areas not seeking participation under that program must only satisfy two of these criteria.

CHECKLIST 2

ELIGIBLE PROJECT REQUIREMENTS AND RECOVERABLE COSTS

1. Project characteristics:

   a) Mixed-use project:

      i) Contains at least two qualified uses:

         A. Retail

         B. Residential

         C. Office

         D. Restaurant

         E. Hospitality

      ii) Each qualified use must equal at least 20% of the total finished square footage of the proposed project or represent 20% of the total capital investment;

   b) Project represents new economic activity in the Commonwealth;

   c) Capital investment between $20 million and $200 million;

   d) No retail establishment can exceed 20,000 square feet of finished square footage;

   e) Includes pedestrian amenities and public space; and

   f) Results in a net positive economic impact to the Commonwealth, taking into consideration any substantial adverse impact on existing businesses.

2. Recoverable costs:

   a) Up to 100% of approved public infrastructure costs; and

   b) Up to 100% of expenses for land preparation, demolition and clearance necessary for the development to occur.

CHECKLIST 3

DEVELOPMENT PLAN REQUIREMENTS

1. May be developed or proposed by the LFUCG, an agency and/or a private entity.

2. Required contents:

    a) Statement of compliance with the requirements for the creation of the development area;

    b) Identification of the conditions in the proposed development area that meet the "blighted" criteria (see Checklist 1, Item 4);

    c) Confirmation that the Urban County Council has made the following three findings:

        i) The development area is not reasonably expected to be developed without public assistance. Support for this finding must include:

            A. Specific reasons and supporting facts; and

            B. A clear demonstration of the financial need for public assistance.

        ii) The public benefits of the development area justify the proposed public costs. Support for this finding must include:

            A. Specific data and figures demonstrating that the projected benefits outweigh the anticipated costs; and

            B. Consideration of positive and negative effects of investment in the development on existing businesses and residents within the community as a whole.

        iii) The area immediately surrounding the development area has not grown or developed through private enterprise or, if it has, identified special circumstances exist in the development area that would prevent its growth or development without public assistance.

    d) Detailed description of the existing uses and conditions of real property in the development area;

    e) Map showing the boundaries of the proposed development area;

    f) Map showing the proposed improvements and uses in the development area, including the identification of any proposed projects, with a narrative description of the proposed improvements, projects and uses in the development area;

    g) Description of the redevelopment assistance proposed to be used for the development area and the manner and location of the assistance;

h) Detailed financial plan containing:

   i) projections of the cost of the proposed redevelopment assistance to be provided,

   ii) proposed projects to be funded,

   iii) proposed sources of funding for these costs,

   iv) projected incremental revenues, and

   v) projected timeframe during which financial obligations will be incurred;

i) Proposed changes of any zoning ordinance, comprehensive plan, master plan, map, building code or ordinance anticipated to be required to implement the development plan; and

j) Certification of review by the Lexington-Fayette Urban County Planning Commission for compliance with the comprehensive plan (after any necessary changes are made as set forth in the immediately preceding item above).

CHECKLIST 4

ORDINANCE CREATING DEVELOPMENT AREA AND ADOPTING DEVELOPMENT PLAN

1. Required contents:

    a) Description of the development area boundaries;

    b) Establishment date of the development area;

    c) Termination date of the development area and a provision allowing the termination date to be extended as provided by statute;

    d) A name for the development area for identification purposes;

    e) Finding that the conditions in the development area meet the required criteria;

    f) Finding supporting the need to use redevelopment assistance in the development area;

    g) Provision adopting the development plan;

    h) Approval of any agreements related to the development area (including any local participation agreements);

    i) Provision establishing a special fund for the development area or any project within the development area;

    j) Requirement that any entity receiving financial assistance under the development area ordinance (whether as a grant, loan or loan guarantee) shall make periodic accounting to the Urban County Council;

    k) Provision for periodic analysis and review by the Urban County Council of the development activity in the development area, a review of the progress in meeting the stated goals of the development area, and a requirement that the review and analysis be forwarded to the Office if the development activity includes projects subject to a project grant agreement; and

    l) Designation of the agency or agencies responsible for oversight, administration and implementation of the ordinance.

2. Optional contents:

    a) Any other provisions, findings, limitations, rules or procedures the Urban County Council deems necessary regarding the proposed development area or project within the development area; and

    b) Designation of an existing agency to oversee and administer implementation of a development area ordinance or any portion thereof; and/or

    c) Early termination date of the development area.

CHECKLIST 5

LOCAL PARTICIPATION AGREEMENT

1. Entered into by the agencies and taxing districts involved in administering or providing financing to support the implementation of the development plan in the development area.

2. Ordinance must contain the following:

   a) Identify the parties to the local participation agreement and their duties and responsibilities;

   b) Specifically identify the incremental revenues released or pledged by type of tax by each taxing district;

   c) State the anticipated benefit to be received by each taxing district for the release or pledge, including:

      vi) Detailed summary of old revenues collected and projected new revenues on an annual basis for the term of the local participation agreement; and

      vii) Maximum amount of incremental revenue to be paid by each taxing district and the maximum number of years the payment will be effective;

   d) Describe the development area;

   e) Describe each proposed project subject to the local participation agreement, including estimates of the cost of construction, acquisition and development;

   f) Require that pledged incremental revenues will be deposited in a special fund;

   g) Provide terms of default and remedies; and

   h) State the commencement date, activation date and termination date.

CHECKLIST 6

REQUIREMENTS OF ORDINANCE AUTHORIZING INCREMENT BONDS

1. Must be issued and administered by ordinance, which must:

   a) Declare the necessity of the bond issue;

   b) State the principal amount or maximum principal amount of the bonds to be issued;

   c) State the purpose of the bond issue;

   d) State the dates and amounts of the maturities or principal payments on the bonds;

   e) State any provisions for a special fund, sinking fund, etc.

   f) Provide for the rates of interest to be paid on the bonds;

   g) State any provision for a designated officer of the issuer to determine any of the specific terms required to be stated

   h) If the bonds are payable solely from incremental revenues, include a determination that the incremental revenues are adequate to make the debt charges so long as the bonds are outstanding; and

   i) Include any other provisions LFUCG deems appropriate.

CHECKLIST 7

APPLICATION FOR STATE PARTICIPATION

1. Required contents:

    a) Identification of the Commonwealth Participation Program for Mixed Use Redevelopment in Blighted Urban Areas as the program under which state participation is requested;

    b) Copy of the ordinance establishing the development area;

    c) Copy of the local participation agreement; and

    d) Data and information supporting the determinations and findings made in connection with establishing the development area.

2. Independent Report: The applicant will be required to submit a detailed financial report (the Office will notify the applicant of the required contents when it notifies the applicant of the results of its preliminary review). The report must contain:

    a) Estimated approved costs;

    b) Project feasibility;

    c) Estimated amount of local and state tax revenues to be generated by the project;

    d) Projections for displaced economic activity;

    e) Estimated amount of local and state old revenues that would have been generated in the footprint of the project in the absence of the project;

    f) Relationship of the estimated incremental revenues to the financing needs, including any increment bonds, of the project; and

    g) Determination that the project would not occur if not for the designation of the development area and granting of incremental revenues.

CHECKLIST 8

REPORT

1. Prepared by a qualified independent outside consultant or financial adviser, engaged by the Commission and paid for by LFUCG.

2. Required contents:

   a) Estimated approved public infrastructure costs for the project and financing costs and costs of land preparation, demolition and clearance;

   b) Feasibility of the project;

   c) Estimated amount of local tax revenues and state tax revenues that would be generated by the project over the period;

   d) Estimated amount of local tax revenues and state tax revenues that would be displaced within the Commonwealth during the period;

   e) Estimated amount of local and state old revenues that would have been generated in the footprint of the project, in the absence of the project, during the period;

   f) Relationship of the estimated incremental revenues to the financing needs, including any increment bonds, of the project; and

   g) A determination that the project will not occur if not for the designation of the development area, the granting of incremental revenues by the taxing district(s) other than the Commonwealth and the granting of the state tax incremental revenues.

CHECKLIST 9

PROJECT GRANT AGREEMENT

1. Automatic yearly renewals, with the option to discontinue on 60 days notice prior to the end of any annual period.

2. Required contents:

   a) Identification of the parties and their respective duties;

   b) Identification of the state tax revenues by type of tax to be released or pledged by the Commonwealth for the project;

   c) Detailed summary of old revenues collected and projected new revenues for the Commonwealth on an annual basis for the term of the project grant agreement;

   d) Maximum amount of incremental revenue to be released by the Commonwealth and maximum number of years the pledge of incremental revenues will be effective;

   e) Detailed description of each project subject to the project grant agreement, including estimated costs of construction or acquisition and development;

   f) Identification of the project footprint from which the state incremental revenues pledged by the Commonwealth will be derived;

   g) Approved public infrastructure and other costs that may be recovered costs that may be recovered;

   h) Minimum capital investment required and the date it is expected to occur;

   i) Terms regarding default and remedies;

   j) Termination date; and

   k) Requirement that LFUCG annually certify to the Office the use of incremental revenues for the payment of approved project costs within the development area;

   l) Requirement regarding how LFUCG will utilize the portion of incremental revenues pledged under the project grant agreement that exceeds amounts necessary for paying current financing costs;

   m) Requirement that LFUCG make periodic accountings to the Office;

   n) Requirement that the Office monitor and verify approved costs and minimum capital investment

PROPOSED LAND BANK PROGRAM FOR INFILL/REDEVELOPMENT

A healthy community is a strong community that provides opportunities for planned growth in a rational way in all areas of the community, not just in the suburbs. Lexington is experiencing a renaissance in the downtown and its surrounding area with new projects that offer opportunities including new residential units, retail, entertainment and office space. Infill and redevelopment of our downtown and areas inside New Circle Road will provide more options for developers for areas of development, and concentrated actions to facilitate such development will allow for community growth while reducing pressure on development at the urban edge.

To proactively support encourage infill and redevelopment, the Lexington-Fayette Urban County Government needs many tools for developers to use that will assist development. A tool that the Mayor is offering is a Land Acquisition Program (Land Bank Program) that would assist in the development of under utilized and/or vacant land within New Circle Road. Parcels of land would be acquired and assembled, if necessary, to create suitable building sites, encourage economic development or create new gateways to our community.

The land bank program would allow for land to be acquired at various locations throughout the community that then would be resold quickly back to a developer for new projects or maintained by the Lexington-Fayette Urban County Government for gateways to our community. This acquisition program would encourage redevelopment in older communities that generally have little available land and neighborhoods that have been blighted by an out-migration of residents and businesses. This program could also act as a tool for planning long-term community development, such as acquiring key corners for the development of projects that would enhance our downtown and neighborhoods, or parcels of land that would be developed into "Gateways" into our community. Successful land bank programs revitalize blighted neighborhoods and direct reinvestment back into these neighborhoods to support their long-term community vision. Conditions can be included but not limited to the sale to address specific community concerns such mixed-income and affordable housing, architectural design, and many other matters.

While abandoned and vacant properties depress property values, discourage property ownership, and attract criminal activities in the surrounding area, a land acquisition program would provide tools to quickly turn these under-utilized properties back into usable parcels that reinvest in the community's long-term vision for its neighborhoods. This program would also act as an economic and community development tool to revitalize blighted neighborhoods and business districts. Land bank programs can benefit urban schools, improve tax revenues, expand housing opportunities, remove public nuisances, assist in crime prevention and promote economic development.

The program will only acquire properties where a willing seller is involved. The program will not seek to utilize eminent domain to acquire parcels except where necessary due to title encumbrances or other similar impediments which could only be overcome by government action.

The 1988 Kentucky General Assembly enacted legislation permitting cities to establish "Land Bank Authorities". The purpose of the authority is to acquire, manage and sell blighted, nonproductive real properties and return such properties to a productive status restoring the tax base for each jurisdiction. Without the authority, when a local government acted by itself to acquire a property through tax foreclosure, the property remained encumbered with the tax liens of the other taxing authorities. Potential purchasers of such properties were unable or unwilling to bear these costs, so the properties often remained unmarketable. With the creation of the Authority, the Authority can acquire properties, and the tax liens are merged with title and extinguished. This allows the authority to sell the properties with a clear, marketable title.

The proposed Land Bank Authority, according to KRS 65.210, would be made up of three members, each serving a four-year term; one appointed by the LFUCG, one by the Fayette County Schools Superintendent and one by the governor. All members must be residents of Fayette County and the board members may be employees of the parties. The staff that will consist of representatives from the Lexington Fayette Urban County Government's Division of Planning, Community Development, Code Enforcement and the Lexington Downtown Development Authority. These staff members will work with the Land Bank Authority to develop by-laws and rules for the regulation and management of the affairs of the organization; develop criteria for acquisition and distribution of land; and organizing the public meetings for the Authority.

It is also recommended that a "Vacant Property Review Commission" (VPRC) be re-established by the LFUCG to assist in the redevelopment of our community. The VPCR was created by KRS 99.70 through 99.730, as a commission to review and certified properties as blighted or deteriorated to the local legislative body, which may then acquire them. The members of this commission are appointed by the Mayor and approved by the local legislative body. (See attached ordinance)

Attachments

Overview of Land Bank Program

OVERVIEW OF THE LAND BANK PROGRAM UNDER KRS 65.350 TO 65.375

I. **STRUCTURE:**

A. Land bank exists as a separate legal entity

B. Parties: LFUCG, Fayette County School District and the Commonwealth of Kentucky

C. Parties must enter into an interlocal cooperation agreement pursuant to KRS 65.210, et seq.

D. Governed by a board of directors:

1. Three (3) members, each serving a four-year term: one appointed by LFUCG, one by the Fayette County Schools Superintendent and one by the Governor

2. All board members must be residents of Fayette County

3. Board members may (but are not required to) be employees of the parties

II. **OPERATION:**

A. Methods of acquiring properties:

B. The land bank has the ability to automatically acquire properties at tax foreclosure sales if no one bids the required minimum

C. The land bank may also acquire property by purchase, gift, etc., and the members may convey properties to the land bank

D. Liens for delinquent state, local and school taxes are automatically extinguished for properties acquired at tax foreclosure sales

E. Acquisition and disposal of properties is not subject to the internal regulations of the land bank's members, unless the interlocal cooperation agreement provides otherwise

F. Property held by the land bank cannot be sold to an entity that does not intend to use the property and intends to hold the property for investment purposes only

III. Related Tools:

A. Vacant Property Review Commission (KRS 99.700 through 99.730):

1. Reviews and certifies properties as blighted or deteriorated to the local legislative body, which may then acquire them by eminent domain

2. Members are appointed by the mayor and approved by the local legislative body

B. Abandoned Urban Property Tax (KRS 132.012):

1. Allows communities to impose a higher tax rate on "abandoned urban property" (generally, properties which are vacant for at least one year, tax delinquent for at least three years and are unsafe, unsanitary or neglected)

2. The Vacant Property Review Commission may be used to identify abandoned urban properties

3. Has been successfully used by Louisville Metro to get the attention of absentee or neglectful property owners

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City of Louisville's Guidelines and Polices
For Development Proposals

CATEGORY I: NOT FOR PROFIT DEVELOPMENT

OWNER-OCCUPANTS*NON-PROFIT HOMEBUILDERS*COMMERCIAL*RELIGIOUS FACILITY

Purchaser to build on property and occupy the house

Price: $300.00 per lot

- Purchaser must have a contract with builder
- Purchaser must have letter of commitment from lender for a specific property.
- Builder must supply preliminary site plan and cost estimate of after-construction appraised value.

Expansion of homeownership/residential use (addition to existing home or side yard use on non-buildable lot)

Price: Negotiable

- Purchaser must have letter of commitment from lender for the specific improvement, if applicable.
- Purchaser must supply preliminary site plan and cost estimate of after-construction appraised value if required by staff.
- Purchaser must supply a consolidation deed, prepared by an attorney, with a single description, ready to be executed at closing.

Neighborhood-based non-profit to build and market a single family home for homeownership

Price: $100.00 per lot

- Neighborhood-based non-profit must have a commitment letter from funding source for a specific property.
- Neighborhood-based non-profit supplies preliminary site plan and cost estimate of after-construction appraised value.

Commercial, Retail and Institutional

Price: PVA/Tax Assessed Value (Some lots or structures may be subject to formal request for proposals or bids)

- Purchaser must have a commitment letter from funding source for a specific property.
- Purchaser supplies preliminary site plan and cost estimate of after-construction appraised value.
- Documentation indicating site control of all parcels included in development must be provided to staff.
- Specific use must be identified and provided to Staff for review.

Expansion or Construction of Religious Facility or Community Center

Price: PVA/Tax Assessed Value

- Purchaser must have letter of commitment from lender for development.
- Builder must supply preliminary site plan and cost estimate of after-construction appraised value.
- Purchaser must be able to show a history and presence within the neighborhood.
- Purchaser must show that the organization is economically capable of sustaining itself well into the future.
- Purchaser must show that the physical expansion benefits the neighborhood in some way without diminishing the residential elements in the area.
- Documentation indicating site control of all parcels included in development must be provided to Staff.

DEVELOPERS AND INVESTORS

The following categories are for proposals (projects) submitted to the Neighborhood Development Staff by for-profit developers. Property will be sold only to developers who we believe present projects that are the "highest and best use" for the land.

If you are interested in developing lots in a manner described below, you must submit a written request to Development Staff noting tax block, lot, address and proposed use. Upon receipt of your written request, staff will examine your plan for development. Your proposal will be compared to other proposals, if any, for that property, and a decision to dispose the property will be made accordingly.

CATEGORY II: FOR-PROFIT DEVELOPERS

For-profit developer to build and market a single family home for homeownership

Price: $300.00 minimum

- Developer must have a commitment letter from lender for a specific property.
- Developer supplies preliminary site plan and cost estimate of after-construction appraised value.
- Developer must provide Staff with addresses of all property owned by same.
- Developer should refer to important reminders for other requirements.

Investor to build and market a single family home or multi-family structure for rent or lease with option to buy

Price: $300.00 minimum

- Investor must have commitment letter from funding source for a specific property.
- Investor supplies preliminary site plan and cost estimate of after-construction appraised value.
- Investor must provide Staff with addresses of all property owned by same.
- Detailed Property Management plan must be provided to Staff for review.

For additional information regarding general development issues contact the following:

- Land use and zoning: Louisville and Jefferson County Planning Commission @ 574-6230.
- Permits and licenses within City limits: Department of Inspections, Permits and Licenses @ 574-3111.
- Permits outside City limits but within Jefferson County: Jefferson County Public Works @ 574-6600.
- Drainage and Sewer: Metropolitan Sewer District: 580-6000.
- Tax Assessment Value: Property Valuation Administration @ 574-6380.
- Commercial development, Brownfields, Landmarks/historical review: Louisville Development Authority: 574-4140.
- Homeownership Counseling: Housing Partnership @ 585-5451 or Urban League @ 585-4622.
- Russell Urban Renewal Project: Department of Housing, City of Louisville, Neighborhood Development Staff @ 574-3107.
- Rehab programs: Department of Housing, City of Louisville @ 574-3107.

LFUCG Ordinance 78-2000

Vacant Property Review Commission

ORDINANCE NO. 78-2000

AN ORDINANCE CREATING AND ENACTING ARTICLE III, SECTIONS 12-71 THROUGH 12-83 OF THE CODE OF ORDINANCES, DECLARING BLIGHTED AND DETERIORATED PROPERTIES WITHIN LEXINGTON-FAYETTE COUNTY TO BE A NUISANCE AND INJURIOUS TO PUBLIC HEALTH, SAFETY AND WELFARE, ESTABLISHING A VACANT PROPERTY REVIEW COMMISSION PURSUANT TO KRS 99.700 et seq.; SETTING THE MEMBERSHIP, TERMS, QUORUM, POWERS AND DUTIES OF THE VACANT PROPERTY REVIEW COMMISSION; PROVIDING AN APPEAL PROCESS FOR PROPERTY OWNERS TO CONTEST A FINDING OF BLIGHT OR DETERIORATION OR TO CONTEST AN APPRAISAL AND OFFER TO PURCHASE; PROVIDING FOR EMINENT DOMAIN PROCEEDINGS PURSUANT TO KRS CHAPTER 416 FOR PROPERTIES CERTIFIED AS BLIGHTED OR DETERIORATED BY THE VACANT PROPERTY REVIEW COMMISSION; ESTABLISHING THE PROCESS BY WHICH PROPERTIES MAY BE CERTIFIED AS BLIGHTED OR DETERIORATED; AND PROHIBITING ACQUISITION OF PROPERTIES BY CERTAIN EMPLOYEES; ALL TO BE EFFECTIVE ON JULY 1, 2000.

WHEREAS, there exists in Lexington-Fayette County blighted and deteriorated properties within neighborhoods that cause the deterioration of those and contiguous neighborhoods and are injurious to the public health, safety and general welfare of the residents of Lexington-Fayette County; and

WHEREAS, the existence of these blighted and deteriorated properties within neighborhoods and the growth and spread of blight and deterioration or 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 services and facilities; (3) constitute an economic and social liability; (4) substantially impair or impede the sound growth of the community; (5) retard the provision of decent, safe, and sanitary housing accommodations; (6) depreciate assessable values; (7) make it difficult or impossible for residents or owners to obtain reasonable insurance protection; and (8) are detrimental to the health, safety and welfare of many residents of these neighborhoods;

WHEREAS, these conditions cannot be effectively dealt with by private enterprise without the aid provided herein and there is a need for the exercise of the powers, functions and duties conferred by KRS 99.705 to 99.730; and

WHEREAS, the benefits which would result from eliminating blight and deterioration within neighborhoods will accrue to the inhabitants of these neighborhoods and to all inhabitants of the urban county generally; and

WHEREAS, the urban county government is empowered through KRS Chapter 67A to protect and promote the health, safety and welfare of its residents; and

WHEREAS, KRS Chapter 99 declares that the elimination of 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 residents of the urban county; and

WHEREAS, the necessity in the public interest for the provisions enacted herein is hereby declared to be a legislative determination;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Article III, Sections 12-71 through 12-81 of the Code of Ordinances is hereby created and enacted as follows:

Sec. 12-71. Definitions.

(a) *Blighted* or *deteriorated property* shall mean any vacant structure or vacant or unimproved lot or parcel of land in a predominantly built-up residential neighborhood:

(1) Which because of its physical condition or use is regarded as a public nuisance at common law or has been declared a nuisance in accordance with the housing, building, plumbing, fire or related codes; or

(2) 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; or

(3) Which, because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in facilities or equipment required by the International Property Maintenance Code as adopted in chapter 12 of this code, has been designated by the Division of Code Enforcement as unfit for human habitation; or

(4) Which is a fire hazard or is otherwise dangerous to the safety of persons or property; or

(5) 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; or

(6) 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; or

(7) Which has been tax delinquent for a period of at least three (3) years; or

(8) Which has not been rehabilitated within the time constraints placed upon the owner by the appropriate governmental agency.

(b) *Redevelopment* shall mean the planning or replanning, design or redesign, acquisition, clearance, development and disposal or any combination of these, of a property and the preparation of such property for residential or related uses as may be appropriate or necessary.

(c) *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 services and neighborhood parking lots.

(d) *Vacant property review commission* or *review commission* shall mean the commission established by this code to review vacant properties to make a written determination of blight and deterioration.

Sec. 12-72. Vacant Property Review Commission.

There is hereby created a vacant property review commission, whose purpose shall be to certify, to the urban county council, properties within the urban county that are blighted or deteriorated in the manner and form set forth in this article.

Sec. 12-73. Membership.

The review commission shall consist of seven (7) members appointed by the mayor and approved by majority vote of the urban county council. The members shall consist of one real estate agent, one appraiser, one representative of a local lending institution knowledgeable in the financing of residential property, one person whom owns rental property within the urban county, two representatives from urban county neighborhoods and one at-large member. Nominations for the real estate agent and appraiser member shall be accepted and appointment made from a list of at least three (3) candidates submitted by the Lexington Board of Realtors and/or a professional association of appraisers. Nominations for the lending institution representative shall be accepted and appointment made from a list of at least three (3) candidates submitted by Lexington Mortgage Bankers Association or similar organization. Nominations for the landlord member shall be accepted and appointment made from a list of at least three (3) candidates submitted by the Lexington Landlord Association or similar organization. Nominations for the neighborhood representatives shall be accepted and appointment made from a list of at least three (3) candidates submitted by the Fayette County Neighborhood Council and/or any local neighborhood association. Neighborhood representatives and the at-large member shall be chosen from different geographical areas. Members shall be at least twenty-one (21) years of age and shall have lived within the urban county for at least one (1) year immediately prior to appointment. The members of the commission shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. No officer or employee of the urban county government shall be appointed to the review commission.

Sec. 12-74. Terms of members.

All review commission members shall serve four (4) years from the date of appointment, provided that the initial terms shall be staggered so that three (3) members are appointed for four (4) years and two (2) members are appointed for two (2) years. Vacancies shall be filled for the unexpired term in the manner prescribed for the original appointment.

Sec. 12-75. Officers.

The officers of the review commission shall consist of a chairman and a vice-chairman to be designated by vote of the commission.

Sec. 12-76. Quorum.

A majority of the members of the review commission shall constitute a quorum for the transaction of business at any meeting of the board. The acts of a majority of the quorum in any regular or special meeting of the review commission shall constitute acts of the review commission.

Sec. 12-77. Meetings.

Regular meetings shall be held at least once quarterly, and special meetings may be held as specified in the bylaws. All meetings shall be open to the public in a manner consistent with KRS 61.805--61.810.

Sec. 12-78. Rules of procedure.

The review commission shall determine its own bylaws, rules and order of business and shall provide for keeping a record of its proceedings.

Sec. 12-79. Power and duties.

(a) The review commission shall have the power to determine whether a property is blighted or deteriorated within the meaning of this article when the property has been referred to the review commission by the appropriate government agency as blighted or deteriorated.

(b) The review commission shall certify, in a written report to the Urban County Council, that property referred to it is blighted or deteriorated only after the following determinations have been made:

(1) That the owner of the property, as determined by reference to the current tax assessment roll in the Office of the Property Valuation Administrator, or the owner's designated agent, has been notified through a notice or order by the appropriate government agency to eliminate the conditions which are in violation of local codes or law;

(2) That the property is vacant;

(3) That the property is, in fact, blighted or deteriorated;

(4) That the review commission has notified the property owner or the owner's 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;

(5) That the property owner has been afforded the opportunity to a hearing before the review commission with regard to the finding of blight, or the valuation of the property if an offer to purchase has been made;

(6) That the planning commission has determined that the reuse of the property for residential and related uses is in keeping with the comprehensive plan.

(c) Upon making a determination of blight or deterioration, the review commission shall notify the owner of the property or the owner's 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 urban county government under this article and KRS Chapter 99. This notice shall include the statement that the owner may request a hearing before the review commission to dispute the determination of blight or deterioration and the process by which such a hearing must be requested. Notice shall be mailed to the owner by certified mail, return receipt requested, at the owner's last known address as recorded with the Fayette County Property Valuation Administrator or to the owner's designated agent. However, if the owner cannot be ascertained by the review commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected.

(d) The written notice to the property owner or the owner's designated agent shall describe the conditions that render the property blighted or deteriorated and shall demand abatement of the conditions within ninety (90) days of the date of the notice. This notice shall include the statement that the owner may request a hearing before the review commission to dispute the determination of blight or deterioration and that such a request must be made in writing within twenty (20) days of the date of the notice from the review commission. If the notice is returned as not deliverable, the ninety days shall commence upon the posting of the notice on the property. An extension of the ninety day period may be granted by the review commission at the end of such period if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

Sec. 12-80. Appeal of determination or valuation.

(a) The owner of a property declared by the review commission to be blighted or deteriorated shall have the right to a hearing before the review commission for purposes of contesting the finding of blight or deterioration. Such hearing, if one is requested, shall be held by the review commission prior to any recommendation to the Urban County Council regarding the property. This appeal right does not affect any other appeal right afforded to the property owner elsewhere in Chapter 12.

(b) The owner of a property declared by the review commission to be blighted or deteriorated shall have the right to a hearing before the review commission for purposes of contesting valuation of the property, if an appraisal has been performed and an offer to purchase has been made to the property owner, and may present any evidence relevant to the value of the property.

(c) If a hearing is requested by the property owner, he or she shall notify the review commission in writing, within twenty (20) days of the date of the notice from the review commission. The request must state the name, address and phone number of the property owner, the address of the property for which the hearing is requested, and a brief statement of the grounds for appeal. Forms for such appeals shall be made available in the Division of Community Development.

(d) If a hearing provided for herein is timely requested by a property owner, the review commission shall schedule and hold a hearing within thirty (30) days from the date of the property owner's written request.

Sec. 12-81. Conduct of hearing.

(a) Upon receipt of a request for hearing, the review commission shall set a time and place for hearing and shall give the appellant written notice thereof. The hearing shall be commenced within thirty (30) days after a request has been filed. At such hearing, the appellant shall be given an opportunity to be heard and to show cause why the notice appealed from should be modified, or withdrawn. The failure of the appellant or a legal representative to appear and participate in the hearing, shall have the same effect as if no request was filed.

(b) The review commission shall regulate the course of the proceedings in a manner which will promote the orderly and prompt conduct of the hearing.

(c) To the extent necessary for the full disclosure of all relevant facts and issues, the review commission shall afford all parties the opportunity to respond, present documentary or tangible evidence, conduct cross-examination, and submit rebuttal evidence.

(d) Any party to a hearing may participate in person or may be represented by counsel.

(e) If a party fails to attend or participate in a hearing, the review commission may adjourn the proceedings and issue a default order upholding the notice.

(f) All testimony shall be made under oath or affirmation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be accurately and completely recorded. Any person, upon request, may receive a copy of the recording, provided, however, that the party making the request shall be responsible for the cost of any transcript or copy.

(g) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party, or if such practice is authorized by statute. Any party shall have the right, upon reasonable request, to inspect the documentary or tangible evidence relating to a hearing, either in person or through counsel. Copies of documentary evidence may be obtained by parties upon the payment of a fee, except where disclosure is protected by state or federal law.

(h) Objections to evidentiary offers may be made by any party and shall be noted in the record.

(i) The review commission may take official notice of any matter of which a court of the Commonwealth of Kentucky may take such notice.

(j) After a hearing, the review commission may sustain, modify, or withdraw the notice appealed from by a majority vote, and the appellant shall be notified in writing by certified mail of such action.

Sec. 12-82. Eminent domain proceedings.

(a) The Urban County Council may institute eminent domain proceedings pursuant to KRS Chapter 416 against any property which has been certified as blighted and/or deteriorated by the review commission pursuant to this article, provided that, in addition, the Urban County Council 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.

(b) The Urban County Government may acquire by eminent domain pursuant to KRS Chapter 416, any property determined to be blighted or deteriorated pursuant to this article, and shall have the power to hold, clear, manage, develop or dispose of the property so acquired, for residential and related uses pursuant to the provisions of this article and KRS Chapter 99.

Sec. 12-83. Acquisition by employees prohibited; disclosure required.

(a) Pursuant to KRS 99.730, no member of the review commission or officer or employee of the urban county government who in the course of his or her duties is required in any way to participate in the determination of property blight or deterioration or the issuance of notices of code violations which might lead to a determination of blight or deterioration, shall acquire any interest in any property which has been declared to be blighted or deteriorated by the review commission.

(b) If any such member, officer or employee owns or has a financial interest, direct or indirect, in any property at the time it is certified to be blighted or deteriorated by the review commission, he or she shall immediately disclose, in writing, such interest to the review commission and to the Urban County Council and such disclosure shall be entered in the minutes of the review commission and Council. Failure to so disclose such interest shall constitute misconduct. No payment shall be made to any member, officer or employee for any property or interest therein acquired by the urban county from such member, 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 Council.

Section 2 - That the preamble to this Ordinance be and the same hereby is incorporated herein by reference, the same as if set out in full herein.

Section 3 - That it is the intent of the Urban County Council to review this Ordinance one (1) year from its effective date.

Section 4 - That this Ordinance shall become effective on July 1, 2000.

PASSED URBAN COUNTY COUNCIL: March 23, 2000

Pam Miller

MAYOR

ATTEST:

Susan Littrell, Deputy

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: March 29, 2000-1t

MBM/ord189

Subject: RE: Planning Commission/Trailer Park Issue

Needed information or people to respond/be there:
--All City and State requirements about trailer homes—with an interpretation.
-- Commissioner Koch response about sec. 13-55.1 of LFUCG ordinance. (She's now aware of the ordinance and is researching this.)
--Owner of trailer park—Imperial Parks, if possible. This is in the first district.
--manager of trailer park
--paperwork from trailer park—lease, rent to own agreement, paperwork to buy a trailer
--Code Enforcement Officer
--PVA official (sometimes they send a secretary)
--we have people to speak for the residents of the trailer park
--Tenant Services and/or Adult Services
--Fair Housing and/or Human Rights Commission response
--Attorney General or someone from that office

Some questions that Andrea will want answered:

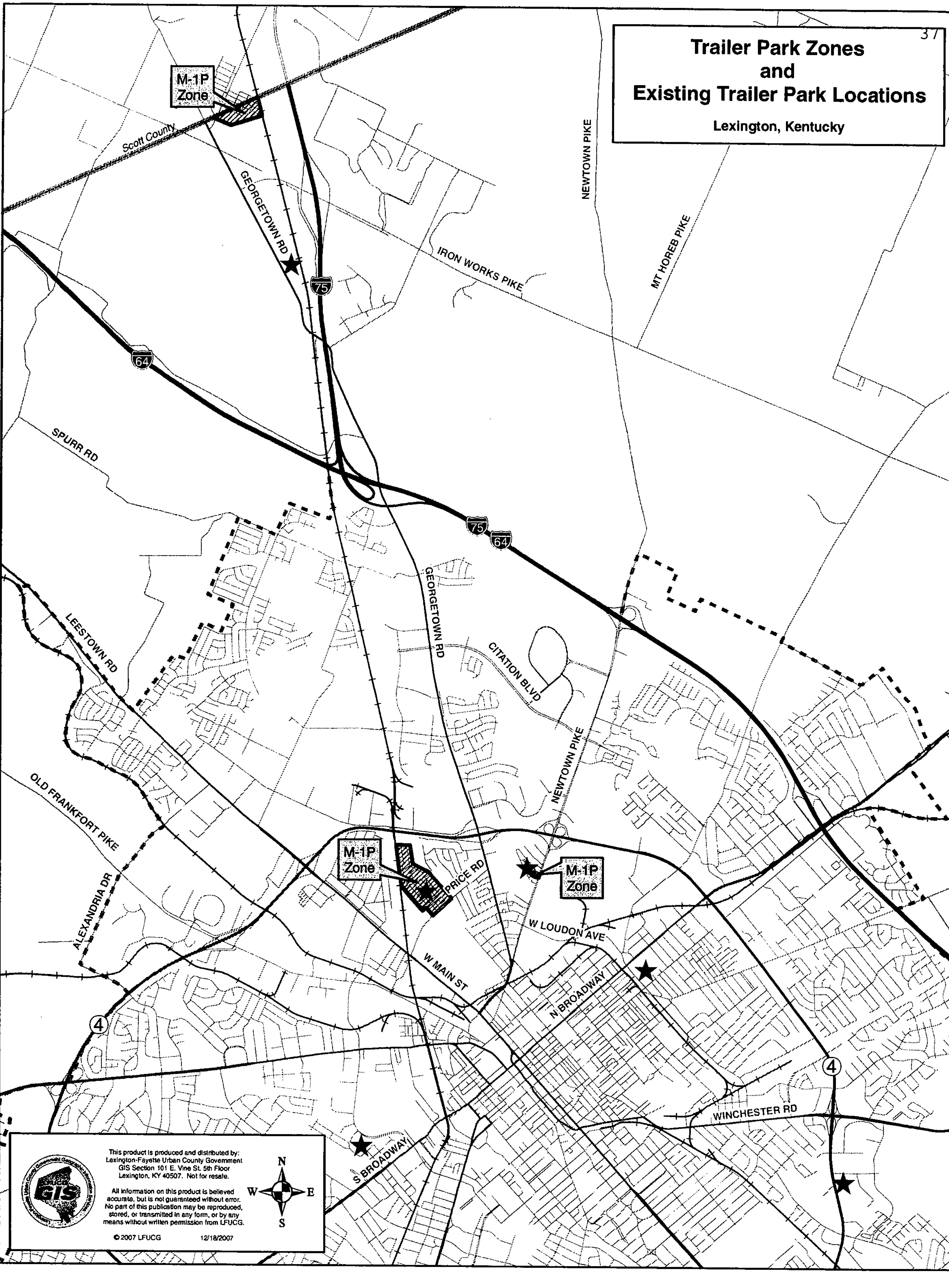
- What are the city/state regulations for trailer homes and lots? What are the implications of such?
- Who lives in the trailers? Who owns them?
- Who does a resident call when there is a problem with 1)owner, 2)manager,3)contract, 4)trailer home, 5)trees on grounds, 6)additional fees?
- Who is responsible for upkeep of grounds and trailer?
- Can illegal immigrants own property?
- If the trailer is rent to own, can the owner of the trailer pass the property taxes on to the resident? Can they evict if the resident doesn't pay?
- In the same way, if the PVA lists the trailer park as the owner, can the CE violations be passed down to the resident? Can eviction occur if the resident can't/won't make the repairs?
- What resources are available for repairs and/or relocations?
- Question for PVA: How is it determined who owns a trailer and is responsible for the taxes? What documentation is needed for your office records? From whom does that come?

Sarah Brown

First District Council Assistant
200 East Main St.
258-3205

Trailer Park Zones and Existing Trailer Park Locations

Lexington, Kentucky



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 12/18/2007

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Sec. 13-55.1. Trailer parks; operators to keep register, make reports of occupants for assessment information.

(a) Every person providing rental space for the parking of house trailers shall, by September 1, 1965, and September 1 of each year thereafter, report the name of the owner, type and size of all house trailers on his premises on July 1, 1965, and July 1 of each year thereafter, to the commissioner of finance. The report required herein shall be made in accordance with the form prescribed by the commissioner of finance and shall be signed and verified by the chief officer or person in charge of the business.

(b) Every person providing rental space for the parking of house trailers when there is no keeper or operator shall keep a register of all house trailers which make use of the trailer park, such register setting forth:

(1) The name of owner or occupier;

(2) The permanent and temporary post office address of the owner or occupier;

(3) The license of all units;

(4) The state issuing such a license;

(5) The date of arrival and departure of each house trailer.

(c) Any person failing to comply with subsections (a) and (b) of this section shall upon conviction be fined not less than one dollar ($1.00) nor more than one hundred dollars ($100.00) for each offense, and each day's failure to so comply shall be a separate offense.

(Ord. No. 5152, §§ 1--3, 4-15-65)

Kentucky Legislature

SB43

08RS

WWW Version

The hyperlink to a bill draft that precedes a summary contains the most recent version (Introduced/GA/Enacted) of th the session has ended, the hyperlink contains the latest version of the bill at the time of sine die adjournment. Note t summary pertains to the bill as introduced, which is often different from the most recent version.

Includes opposite chamber sponsors where requested by primary sponsors of substantially similar bills in both chai jointly approved by the Committee on Committees of both chambers. Opposite chamber sponsors are represented ir

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SB 43/LM (BR 1038) - G. Tapp

AN ACT relating to manufactured housing.
Amend sections of KRS 219.320 to 219.410, relating to manufactured home, mobile home, and recreational v communities, to switch jurisdiction over these communities from the Cabinet for Health and Family Services to th of Housing, Buildings and Construction; amend KRS 219.320 to replace definitions for "Secretary" and "Cabinet" definitions for "Executive Director" and "Office," respectively; amend KRS 219.330, 219.340, 219.360, 219.370, : and 219.991 to conform; amend KRS 219.350 to require direct submission of community construction or alteratic to the office, rather than allowing submission to the cabinet for forwarding to the office; amend KRS 219.380 to d office to administer the community statutes; revoke the cabinet's power to administer the community statutes, inc ability to delegate this administration to local health departments; amend KRS 219.390 to reduce the size of the : Advisory Committee on Manufactured, Mobile Home, and Recreational Vehicle Communities from twelve memb eleven members by removing the Secretary of the Cabinet for Health and Family Services from its membership; State Fire Marshal an automatic member of the committee rather than depending on appointment to the committ executive director.

Jan 9-introduced in Senate
Jan 10-to Licensing, Occupations and Administrative Regulations (S)

Legislature Home Page | Record Front Page

permanent required utilities, including plumbing, heating, air conditioning, and electrical systems;

(5) "Manufactured or mobile home lot" means a parcel of land in a manufactured or mobile home community for the placement of a single manufactured or mobile home;

(6) "Manufactured or mobile home community" means a parcel of land, under single or multiple ownership and developed specifically for the purpose of leasing two (2) or more residential spaces for the location of manufactured or mobile home dwellings and which contain common facilities and utilities located on the premises as licensed by the ***office***[~~cabinet~~];

(7) "Community" means a manufactured home, mobile home, and recreational vehicle community;

(8) "ANSI/NFPA" means the American National Standards Institute/National Fire Protection Association;

(9) "Underskirting" means a weather resistant material used to enclose the space from the bottom of a manufactured or mobile home to grade;

(10) "Person" means an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity owning or operating a community;

(11) "Recreational vehicle" means any of the following:

(a) "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, or vacation;

(b) "Pickup coach" means a structure designed to be mounted on a truck for use as a temporary dwelling for travel, recreation, or vacation;

(c) "Motorhome" means a portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle;

(d) "Camping trailer" means a canvas or other collapsible folding structure, mounted on wheels and designed for travel, recreation, or vacation use;

(e) "Dependent recreational vehicle" means a recreational vehicle which does not have toilet, lavatory, or bathing facilities; or

(f) "Self-contained recreational vehicle" means a recreational vehicle which can operate independent of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle;

(12) "Recreational vehicle community" means a parcel of land available to the public in which two (2) or more recreational vehicle spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes and includes any service building, structure, enclosure, or other facility used as a part of the community;

(13) "Recreational vehicle space" means a parcel of land in a recreational vehicle community for the placement of a single recreational vehicle;

(14) "Sanitary station" means a facility used for receiving and disposing of wastes from recreational vehicle holding tanks;

(15) "Service building" means a building containing water closets, urinals, lavatories, and bathing facilities for use by persons using the community; and

(16) "Watering station" means a facility for filling the water storage tanks of recreational vehicles with potable water from an approved water system.

➔Section 2. KRS 219.330 is amended to read as follows:

No person shall operate a community without having first obtained a permit as provided for in KRS 219.310 to 219.410. An application for a permit to operate a community shall be made to the ***office***[~~cabinet~~] upon forms provided by it and shall contain such information as the ***office***[~~cabinet~~] reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards and regulations as may be prescribed.

➔Section 3. KRS 219.340 is amended to read as follows:

(1) The fee for a permit to operate a manufactured or mobile home community shall be assessed according to the following fee schedule:

Number of Spaces	Initial Fee	Maximum Fee
10 spaces or less	$50.00	$50.00
11 - 50 spaces	$150.00	$185.00
51 - 100 spaces	$160.00	$195.00
101 - 200 spaces	$170.00	$225.00
201 or more spaces	$180.00	$250.00

The ***office***[~~cabinet~~] may, by administrative regulation, beginning July 1, 2003, increase the annual fee to operate a manufactured or mobile home community by not more than five percent (5%) per year, not to exceed the maximum fee on the fee schedule. Upon receipt of an application for a permit to operate, accompanied by a permit fee, the ***office***[~~cabinet~~] shall issue a permit, provided the community meets the standards and requirements of KRS 219.310 to 219.410 and the regulations adopted by the ***executive director***[~~secretary~~].

(2) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application and payment of a renewal fee established by the ***office***[~~cabinet~~], provided the community is maintained and operated in compliance with KRS 219.310 to 219.410 and the administrative regulations adopted by the ***executive director***[~~secretary~~].

(3) Each permit to operate shall be issued only for the person and premises, including number of spaces, named in the application and shall not be transferable.

(4) The person holding an operating permit shall post it conspicuously within the community or have it readily available for examination upon request by agents of the ***office***[~~cabinet~~] or prospective community occupants.

➔Section 4. KRS 219.350 is amended to read as follows:

No community shall be constructed or altered without a permit as provided in KRS 219.310 to 219.410. An application for a permit to construct or alter a community shall be made to the ***office***[~~cabinet~~] upon forms provided by it. The application shall include plans for construction or alteration of the community and shall contain such information in regard to the proposed community as the ***office***[~~cabinet~~] may reasonably require, which may include affirmative evidence of ability to comply with requirements of KRS 219.310 to 219.410 and regulations adopted by the ***executive director***[~~secretary~~]. All plans for the construction, installation, or alteration of buildings shall be ***submitted to the office***[~~forwarded by the cabinet to the Office of Housing, Buildings and Construction~~].[~~ Only~~] The ***office***[~~Office of Housing, Buildings and Construction~~] shall review such plans for conformance with the ***applicable building code standards. The office***[~~Uniform State Building Code. The Office of Housing, Buildings and Construction~~] shall expedite the review of such plans ***as part***[~~and return them to the Cabinet for Health and Family Services for completion~~] of the application process. Each application for a permit to construct or alter a community shall be accompanied by a permit fee of forty-seven dollars ($47). The ***office***[~~cabinet~~] may, by administrative regulation, increase this fee by no more than five percent (5%) per year, not to exceed a maximum fee of seventy dollars ($70). Each permit to construct shall be issued only for the person and premises, including the number of spaces named in the application and shall not be transferable. Each permit to construct shall expire one (1) year from date of issuance.

➔Section 5. KRS 219.360 is amended to read as follows:

(1) The ***office***[~~cabinet~~] may issue a permit to construct upon receipt of an application for a permit to construct a new community or alter an existing community.

(2) If the application is refused, the ***office***[~~cabinet~~] shall give the reasons therefor in writing to the applicant; and if the objections can be corrected the applicant may resubmit his or her application for approval.

(3) Each person issued a permit to construct a new community or alter an existing community, upon completion and prior to occupancy, shall make application for a permit to operate.

(4) No change in sanitary facilities, including the water supply, sanitary sewer, waste disposal system, sanitary station, watering station, or service building, and no change in the plan of any existing community or in any proposed community for which a permit to construct has been issued, shall be made without having first obtained a construction permit therefor except that a change from a private water supply or private sewage disposal system to a public water supply or public sewage system shall not require a construction permit. The application shall be made in the manner prescribed for an original application. The change or changes shall comply with all applicable public health laws and regulations.

(5) A permit to construct, alter, or operate a community does not relieve the applicant from securing a local building permit if required, or from complying with any local zoning or other legal requirements.

➔Section 6. KRS 219.370 is amended to read as follows:

The ***executive director***[~~secretary~~] shall promulgate administrative regulations for the effective administration and enforcement of KRS 219.310 to 219.410, which may include but are not limited to, standards for community construction and layout, service buildings, watering stations, sanitary stations, sanitation, site planning, lot size, water supply, sewage disposal, lighting, refuse handling, insect and rodent control, inspections, hearings, issuance, suspension, and revocation of permits, and such other matters as may be necessary to insure a safe and sanitary community operation. All building construction regulations shall conform to the uniform state building code. The ***executive director***[~~secretary~~] is empowered to establish separate rules and regulations for manufactured home, mobile home, and recreational vehicle communities.

➔Section 7. KRS 219.380 is amended to read as follows:

(1) The ***office shall***~~[cabinet may]~~ administer the provisions of KRS 219.310 to 219.410~~[through the respective local health department concerned]~~. Officials and employees of the ***office***~~[cabinet and of local health departments]~~ are empowered to enter upon the premises of any community at any reasonable time for the purposes set forth in KRS 219.310 to 219.410.

(2) The ***office***~~[cabinet or local health department concerned]~~, after notice to the applicant or holder of a permit to operate, construct, or alter a community, and after an opportunity for a hearing, is authorized to deny, suspend, or revoke a permit in any case where it finds that there has been a failure to comply with the requirements established under KRS 219.310 to 219.410 or the administrative regulations promulgated by the ***executive director***~~[secretary]~~. Hearings shall be in accordance with KRS Chapter 13B.

(3) It shall be the duty of each Commonwealth's attorney, county attorney, city attorney, or Attorney General within their respective jurisdiction to whom the ***office***~~[cabinet or local health department]~~ or its agents report any violation of KRS 219.310 to 219.410, to enforce the provisions of KRS 219.310 to 219.410.

(4) Nothing in KRS 219.310 to 219.410 shall be construed as requiring the ***office***~~[cabinet or local health department]~~ to report for the institution of proceedings under KRS 219.310 to 219.410, violations of KRS 219.310 to 219.410, whenever the ***office***~~[cabinet or local health department concerned]~~ believes that the public interest will be adequately served in the circumstances by a suitable written order.

(5) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the ***office***~~[cabinet or local health department concerned]~~ may maintain, in its own name, an action to restrain or enjoin any violation of KRS 219.310 to 219.410, irrespective of whether or not there exists an adequate remedy at law.

➔Section 8. KRS 219.390 is amended to read as follows:

(1) For the purpose of assisting in the developing and review of standards and

regulations for the administration of KRS 219.310 to 219.410, there is hereby created a State Advisory Committee on Manufactured, Mobile Home, and Recreational Vehicle Communities. The committee shall be composed of ***eleven (11)***[~~twelve (12)~~] members. The ***State Fire Marshal***[~~secretary for health and family services~~] or his ***or her*** designee shall be ***a***[~~an ex officio~~] member. The other members shall be appointed by the ***executive director***[~~secretary for health and family services~~], three (3) of whom shall represent manufactured and mobile home community owners, two (2) of whom shall represent manufactured and mobile home ***retailers***[~~dealers~~], two (2) of whom shall represent recreational vehicle dealers or community owners, two (2) of whom shall represent local health departments,[~~ one (1) of whom shall represent the Office of the State Fire Marshal,~~] and one (1) member who shall be a citizen at large.

(2) All appointed members shall serve for a term of four (4) years except that, of the original appointees, two (2) shall serve for one (1) year, two (2) shall serve for two (2) years, two (2) shall serve for three (3) years, and two (2) shall serve for four (4) years. All vacancies shall be filled in the manner of original appointment for the unexpired portion of the term only.

(3) Members of the committee shall receive no compensation for their services, but may be reimbursed for necessary travel expenses.

➔Section 9. KRS 219.400 is amended to read as follows:

All fees collected under the provisions of KRS 219.310 to 219.410 shall be deposited in the State Treasury in a revolving fund for the use of the ***office***[~~cabinet~~] in carrying out the provisions of KRS 219.310 to 219.410 and regulations adopted by the ***executive director***[~~secretary~~]. The balance of said account shall lapse to the general fund at the end of each biennium.

➔Section 10. KRS 219.991 is amended to read as follows:

(1) Any person who operates a hotel without a permit as provided in KRS 219.011 to

219.081 or who fails to comply with any other provisions of KRS 219.011 to 219.081 or any administrative regulation promulgated pursuant thereto shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or by imprisonment for not more than thirty (30) days, or both; but if the violation is committed after a conviction of the person under this section has become final, the person shall be subject to a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by imprisonment for not more than ninety (90) days, or both.

(2) Any person who operates, constructs, or alters a community without a permit as provided for in KRS 219.310 to 219.410 or who violates any other provision of KRS 219.310 to 219.410 or any administrative regulation promulgated by the ***executive director***[~~secretary~~] or order issued pursuant thereto shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100). Each day of violation shall constitute a separate offense.

AN ACT relating to manufactured housing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 219.320 is amended to read as follows:

As used in KRS 219.330 to 219.410:

(1) ***"Executive Director" means the executive director of the Office of Housing, Buildings and Construction***[~~"Secretary" means the secretary of the Cabinet for Health and Family Services~~];

(2) ***"Office" means the Office of Housing, Buildings and Construction***[~~"Cabinet" means the Cabinet for Health and Family Services~~];

(3) "Manufactured home" means a single-family residential dwelling constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and including plumbing, heating, air conditioning, and electrical systems. A manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings, the construction of which are not preempted by the National Manufactured Housing Construction in Safety Standards Act, are subject to the building code requirements of KRS Chapter 198B;

(4) "Mobile home" means a structure manufactured prior to June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction in Safety Standards Act, that is transportable in one (1) or more sections, that, in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, four hundred (400) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling on a temporary or permanent foundation, when connected with the

132.260 Rental space for parking mobile homes and recreational vehicles -- Report -- Right to inspect.

Every person providing rental space for the parking of mobile homes and recreational vehicles shall by February 1 of each year report the name of the owner and type and size of all mobile homes and recreational vehicles not registered in this state under KRS 186.655 on his premises on the prior January 1 to the property valuation administrator of the county in which the property is located. The report shall be made in accordance with forms prescribed by the Department of Revenue and shall be signed and verified by the chief officer or person in charge of the business. The property valuation administrator may make a personal inspection and investigation of the premises on which mobile homes and recreational vehicles are located, for the purpose of identifying and assessing such property. No person in charge of such premises shall refuse to permit the inspection and investigation.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 185, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 317, sec. 1, effective July 15, 1996. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 327, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 395, sec. 2, effective July 15, 1982. -- Amended 1962 Ky. Acts ch. 262, sec. 3. -- Amended 1960 Ky. Acts ch. 186, Art. I, sec. 6. -- Amended 1949 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4777a-1, 4777a-2, 4777a-3, 4777a-5.

132.730 Mobile homes and recreational vehicles subject to ad valorem taxation -- Exception.

All mobile homes and recreational vehicles which are within this state on January 1 each year shall be subject to all ad valorem tax levies applicable to other property subject to full state and local rates, except that any mobile home and recreational vehicle not licensed in this state and not remaining within this state for a period of more than ninety (90) days in any twelve (12) month period shall not have a taxable situs in this state unless an occupant is employed in this state.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 338, sec. 13, effective July 14, 1992. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 333, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 395, sec. 5, effective July 15, 1982. -- Created 1962 Ky. Acts ch. 262, sec. 2.

134.148 Clerk to file lien for taxes on motor vehicles or trailers -- Accounting by clerk of payments received.

(1) The sheriff may, at the time he settles his accounts with the fiscal court, pursuant to KRS 134.310 provide the county clerk with a list of taxpayers whose tax bills on motor vehicles or trailers are delinquent.

(2) Except as provided for in KRS 186.020(6), the county clerk may file a lien on such vehicle or trailer on behalf of the state, county, city, special district and school district and record such lien on the face of the certificate of title and registration and in the manner in which lis pendens are recorded. Delinquent tax bills shall be subject to interest at the rate of one percent (1%) per month or fraction thereof from the date the lien is filed until paid.

(3) (a) No licensed automobile dealer shall be responsible for any tax lien not recorded on the certificate of title and registration presented to the dealer by the seller at the time of the dealer's purchase of the motor vehicle or trailer.

(b) In the event that a tax lien was recorded on the clerk's copy of the certificate of title and registration, but not on the copy of the certificate of title and registration presented to the dealer by the seller at the time of the dealer's purchase of the motor vehicle or trailer, prior to the purchase of the motor vehicle or trailer by the dealer, upon presentation of proof to the county clerk that such was the case, the county clerk shall file such proof with his copy of the certificate of title and registration and shall remove the lien.

(4) In the event that a bona fide purchaser for value without notice purchases a motor vehicle or a trailer on which no lien has been filed on the certificate of title of such motor vehicle or trailer as provided for in subsection (2) of this section, such person shall not be held responsible for paying delinquent ad valorem taxes or lien fees on the certificate of title of such motor vehicle or trailer if such lien was placed on the certificate of title after same person's purchase of the motor vehicle or trailer.

(5) Upon proof being presented to the county clerk that the motor vehicle or trailer was transferred to a bona fide purchaser for value without notice prior to the placing of a lien on a certificate of title and registration, the clerk shall file such proof with the certificate of title and registration and shall then remove the lien.

(6) Except as provided for in KRS 186.020(6), the lien filing fee, as provided for in KRS 64.012, shall be added to the tax bill and be payable with the lien releasing fee by the registrant at the time of payment of the delinquent tax to the county clerk.

(7) The county clerk shall give a receipt to the registrant and make a report to the Department of Revenue, the county treasurer and the other proper officials of all taxing districts that are due proceeds from the payment on the last working day of each month. He shall pay to the Department of Revenue for deposit with the State Treasurer all moneys collected by him due to the state, to the county treasurer, all moneys due to the county and to the proper officials of all other taxing districts, the amount due each district. He shall pay the amount of fees, costs, commissions, and penalties to the persons, agencies or parties entitled thereto.

Effective: April 25, 2006

186A.010 Automated motor vehicle and trailer registration and titling -- Transportation Cabinet to develop system.

(1) An automated motor vehicle and trailer registration and titling system shall be developed and implemented as expeditiously as practicable in all counties of the Commonwealth. The automated motor vehicle and trailer registration system shall be designed to enable Kentucky's county clerks to produce motor vehicle and trailer certificates of registration in their offices, and certificates of title in Frankfort, by automated means utilizing telecommunication terminals and associated devices supplied by the Commonwealth, to inhibit registration and transfer of stolen motor vehicles or trailers, to improve the capability of detecting and recovering such vehicles, to ensure development of a common vehicle information database to improve efficiency in auditing motor vehicle usage tax, license fee collections, and in collecting personal property tax to provide information to the traffic record system, and to provide improved security interest protection to potential creditors throughout Kentucky while simultaneously reducing the number of forms that must be processed and stored each year in Kentucky.

(2) The Transportation Cabinet is hereby directed to, as expeditiously as practicable, develop an automated motor vehicle and trailer registration and titling system, having, as a minimum, the capabilities or functions described in this chapter, and to acquire and assure the installation of such equipment or services as are necessary to enable the system as described in this chapter to be operated in all counties of the Commonwealth.

(3) All departments of state government affected by the system are hereby directed to cooperate with the Transportation Cabinet for purposes of assuring orderly implementation of this chapter.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 164, sec. 1, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 133, sec. 22.

186.650 Definitions for KRS 186.650 to 186.700.

As used in KRS 186.650 to 186.700:

(1) A "trailer" means any vehicle designed for carrying persons or property and being drawn by a motor vehicle being so constructed that no part of its weight rests upon the towing vehicle.

(2) "Semitrailer" means any vehicle designed for carrying persons or property and for being drawn by a motor vehicle and is so constructed that some part of its weight and some part of its load rests upon or is carried by another vehicle, except that:

  (a) "Semitrailer" shall not include any vehicle designed for carrying persons or property and being drawn by a motor vehicle registered according to the provisions of KRS 186.050(4)(a) and used by a farmer only for transporting persons, food, provender, feed, machinery, livestock, material and supplies necessary for his farming operation, and the products grown on his farm.

(3) "Manufactured home" means a structure, transportable in one (1) or more sections, which:

  (a) Is eight (8) body feet or more in width and forty (40) body feet or more in length when in the traveling mode;

  (b) Has three hundred twenty (320) or more square feet when erected on site;

  (c) Is built on a permanent chassis;

  (d) Is designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities;

  (e) Includes plumbing, heating, air-conditioning, and electrical systems; and

  (f) May be used as a place of residence, business, profession, or trade by the owner, lessee or their assigns, and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure.

(4) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home;

  (a) A travel trailer is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use. It shall be a size and weight which shall not require special highway movement permits when drawn by a motorized vehicle. It shall have a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms. The exterior area of a travel trailer shall be less than three hundred twenty (320) square feet.

  (b) A camping trailer is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

186.655 Time of registration -- Application -- Affidavit -- Sales tax.

(1) Before any owner or operator of a trailer, semitrailer, or recreational vehicle may operate upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which the vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A manufacturer's certificate of origin, if the application is for the registration of a new trailer, semitrailer, or recreational vehicle;

(b) The owner's registration receipt, if the trailer, semitrailer, or recreational vehicle was last registered in this state;

(c) A bill of sale and the previous registration receipt, if last registered in another state that does not require the owner of a trailer, semitrailer, or recreational vehicle to obtain a certificate of title or ownership;

(d) A certificate of title, if last registered in another state that requires the owner of a trailer, semitrailer, or recreational vehicle to obtain a certificate of title or ownership;

(e) An affidavit from the owner of a trailer, semitrailer, or recreational vehicle assembled or constructed for his personal use on the highways; or

(f) An affidavit from the owner of a trailer, semitrailer, or recreational vehicle where the bill of sale for the vehicle has been lost, destroyed, or stolen.

(2) The affidavit required in paragraph (e) of subsection (1) of this section shall contain the owner's name, address, date, brief description, and a statement that the trailer was constructed by the owner for use on the highways and additional information the cabinet may require by administrative regulation promulgated pursuant to KRS Chapter 13A.

(3) The affidavit required in paragraph (f) of subsection (1) of this section shall contain the owner's name, address, date, make, year made, serial or identification number, name of the person from whom purchased, date of purchase, a statement that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed, or stolen, and additional information the cabinet may require by administrative regulation promulgated pursuant to KRS Chapter 13A.

(4) After initial registration of his vehicles in this state, the owner shall register his trailer, semitrailer, or recreational vehicle on or before April 1 of each year. Registration with the clerk shall be deemed to be registration with the cabinet.

Effective: January 1, 2007

History: Amended 2006 Ky. Acts ch. 252, Pt. XIV, sec. 3, effective January 1, 2007. -- Amended 2005 Ky. Acts ch. 85, sec. 607, effective June 20, 2005. -- Amended 1994 Ky. Acts ch. 42, sec. 2, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 395, sec. 11, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 133, sec. 15, effective June 19, 1976; and ch. 236, sec. 1, effective June 19, 1976. -- Amended 1966 Ky. Acts ch. 139, sec. 15. -- Amended 1962 Ky. Acts ch. 62, sec. 19, effective January 1, 1963. -- Amended 1958 Ky. Acts ch. 70, sec. 26. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 2.

186.660 Trailer, semitrailer, mobile home or recreational vehicle last registered in another state.

A trailer, semitrailer, mobile home or recreational vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 395, sec. 12, effective July 15, 1982. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 3, effective January 1, 1957.

186.665 Inability to register trailer, semitrailer, mobile home or recreational vehicle before April 1.

If an owner because of sickness or absence from the state is unable to renew the registration of his trailer, semitrailer, mobile home or recreational vehicle on or before April 1, he will be deemed to have complied with the law, if before operating the trailer, semitrailer, mobile home or recreational vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before April 1. The owner shall file with the application an affidavit showing sickness or absence.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 395, sec. 13, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 139, sec. 16, effective January 1, 1967. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 4.

186.670 Application blanks -- Registration receipt and plate.

(1) The application blank shall contain blank spaces for, and the applicant shall fill in the owner's name and post office address, make of the trailer, semitrailer, mobile home or recreational vehicle, and serial or identification number. Every application shall be accompanied by the appropriate fee.

(2) Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number and the information included in the application and one (1) plate for the registration year bearing said number.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 395, sec. 14, effective July 15, 1982. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, secs. 5 and 6, effective January 1, 1957.

186.675 Annual fees -- Permanent registration and fee.

(1) The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(1) shall be four dollars and fifty cents ($4.50). The annual registration fee for trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) shall be nineteen dollars and fifty cents ($19.50).

(2) The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of:

(a) Boats;

(b) Luggage;

(c) Personal effects;

(d) Farm products, farm supplies, or farm equipment;

(e) All-terrain vehicles as defined in KRS 189.010(24);

(f) Wildlife as defined in KRS 150.010(41) that the owner or operator of the trailer has obtained while hunting; and

(g) Firearms or other supplies used in conjunction with hunting wildlife.

(3) The registration fee for mobile homes and recreational vehicles shall be nine dollars and fifty cents ($9.50) except the registration fee for camping trailers, travel trailers, and truck campers shall be four dollars and fifty cents ($4.50). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of one dollar ($1).

(4) Beginning April 1, 1993, at the request of the owner, trailers and semitrailers which are drawn by motor vehicles required to be licensed under KRS 186.050(3) to (13) may be permanently registered, except the registration shall expire when the trailer or semitrailer is sold or when it is otherwise permanently removed from service by the owner. The registration fee for the period shall be ninety-eight dollars ($98). The clerk shall issue the registration plate furnished by the cabinet and shall be paid for this service the sum of three dollars ($3).

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 460, sec. 1, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 428, sec. 32, effective July 15, 1994. – Amended 1992 Ky. Acts ch. 14, sec. 1, effective April 1, 1993. -- Amended 1982 Ky. Acts ch. 25, sec. 1, effective July 15, 1982; and ch. 395, sec. 15, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 84, sec. 6, effective June 17, 17, 1978. -- Amended 1966 Ky. Acts ch. 139, sec. 17, effective January 1, 1967. -- Amended 1958 Ky. Acts ch. 70, sec. 27. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 7.

186.680 Registration fees for portion of year.
If a person becomes the owner of a trailer, semitrailer, or recreational vehicle after April 1 of any year, and for that reason registers for only part of a year, the registration fee shall be as many twelfths of the annual fee as there are unexpired months in the registration year.
Effective: July 15, 1994
History: Amended 1994 Ky. Acts ch. 42, sec. 3, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 395, sec. 16, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 139, sec. 18, effective January 1, 1967. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 8.
Page 1

186.685 Registration plates -- Design.
The cabinet shall prescribe a plate of practical form and size which shall contain only the registration number and the word "Trailer" and the abbreviation of the word "Kentucky".
Effective: January 1, 1957
History: Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 9, effective January 1, 1957.

186.690 Application of KRS 186.045 and 186.070 to 186.240.
KRS 186.045 and 186.070 to 186.240 shall apply to the registration of trailers, semitrailers, and recreational vehicles if practicable.
Effective: July 15, 1994
History: Amended 1994 Ky. Acts ch. 42, sec. 4, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 395, sec. 17, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 139, sec. 19, effective January 1, 1967. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 10.

186.695 Exemptions.
(1) Trailers, semitrailers, and manufactured homes as defined in KRS 186.650 to 186.700 are expressly exempted from KRS 138.450 to 138.470.
(2) Trailers and semitrailers in transit between a manufacturing plant and dealer's place of business; between a manufacturing plant and user's place of residence; or between a dealer's place of business and user's place of residence and farm equipment pulled or towed by a motor vehicle not required to be licensed under the provisions of KRS Chapter 186 shall be exempt from the provisions of KRS 186.650 to 186.700.
(3) Recreational vehicles and manufactured homes in transit between a manufacturing plant and dealer's place of business shall be exempt from the provisions of KRS 186.650 to 186.700.
(4) Manufactured homes shall be exempt from the provisions of KRS 186.650 to 186.700.
Effective: July 15, 1994
History: Amended 1994 Ky. Acts ch. 42, secs. 5 and 8, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 395, sec. 18, effective July 15, 1982. -- Amended 1966 Ky. Acts ch. 120, sec. 1. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, secs. 11 and 11a.
Legislative Research Commission Note (7/15/94). This section was amended by 1994 Ky. Acts ch. 42, secs. 5 and 8 which do not appear to be in conflict and have been codified together.

186.700 Department of Vehicle Regulation to administer KRS 186.650 to 186.700 -- Cooperation with Transportation Cabinet.

The Department of Vehicle Regulation shall administer the provisions of KRS 186.650 to 186.700, except that the Transportation Cabinet shall require an accounting by the clerk for the moneys received by the clerk under the provisions of KRS 186.675 and for all receipts, forms, plates and insignia consigned to him, and the clerk shall forward these moneys to the Transportation Cabinet in accordance with the other provisions of this chapter. The Department of Vehicle Regulation shall include on the registration receipts such information as shall be required by the Transportation Cabinet.

Effective: January 1, 1963

History: Amended 1962 Ky. Acts ch. 62, sec. 20, effective January 1, 1963. -- Created 1956 (2nd Extra. Sess.) Ky. Acts ch. 6, sec. 12.

227.550 Definitions for KRS 227.550 to 227.660, 227.990, and 227.992.

As used in this section to KRS 227.660, 227.990, and 227.992, unless the context requires a different definition:

(1) "Board" means the Manufactured Home Certification and Licensure Board.

(2) "Seal" means the United States Department of Housing and Urban Development seal for manufactured homes.

(3) "Class B1 Seal" and "Class B2 Seal" mean seals issued pursuant to subsection (1) of KRS 227.600.

(4) "Retailer" means any person, firm, or corporation, who sells or offers for sale two (2) or more manufactured homes, mobile homes, or recreational vehicles in any consecutive twelve (12) month period. The term "retailer" shall not include:

   (a) A manufacturer, as defined in this section;

   (b) Any bank, trust company, or lending institution that is subject to state or federal regulation, with regard to the disposition of its own repossessed manufactured housing; or

   (c) A licensed real estate agent who acts as a negotiator between an owner and a prospective purchaser and does not acquire ownership or possession of manufactured homes for resale purposes.

(5) "Established place of business" means a fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a retailer, which shall include the books, records, files, and equipment necessary to properly conduct such business, or a building having sufficient space therein in which the functional duties of a retailer may be performed. The place of business shall not consist of a residence, tent, temporary stand, or open lot. It shall display a suitable sign identifying the retailer and his business.

(6) "Federal act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., as amended, and rules and regulations issued thereunder.

(7) "Manufactured home" means a single-family residential dwelling constructed in accordance with the federal act, manufactured after June 15, 1976, and designed to be used as a single-family residential dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The manufactured home may also be used as a place of business, profession, or trade by the owner, the lessee, or the assigns of the owner or lessee and may comprise an integral unit or condominium structure. Buildings the construction of which is not preempted by the federal act are subject to building code requirements of KRS Chapter 198B.

(8) "Factory-built housing" means manufactured homes, mobile homes, or mobile office units.

(9) "Manufacturer" means any person who manufactures manufactured homes and sells to Kentucky retailers.

(10) "Mobile home" means a factory-built structure manufactured prior to June 15, 1976, which was not required to be constructed in accordance with the federal act.

(11) "Office" means the office of the state fire marshal.

(12) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle not requiring a special permit for movement on Kentucky highways. The basic entities are: travel trailer, camping trailer, truck camper, motor home, and park vehicle.

(a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms.

(b) Camping trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use.

(c) Truck campers: A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

(d) Park vehicle: A vehicle which:

1. Is built on a single chassis mounted on wheels;
2. Is primarily designed as temporary living quarters for seasonal or destination camping and which may be connected to utilities necessary for operation of installed fixtures and appliances;
3. Has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
4. Has a gross trailer area not less than two hundred forty (240) square feet and is certified by the manufacturer as complying with ANSI A119.5, Park Vehicles.

(e) Motor home: A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

(13) "Secretary" means the Secretary of the Federal Department of Housing and Urban Development.

(14) "ANSI" means the American National Standards Institute.

Effective: July 12, 2006

227.555 Smoke-detector and egress requirements for manufactured or mobile homes -- Notices of requirements and penalty -- Limitation on enforceability -- Relationship to local ordinances -- Specific penalty.

(1) Every manufactured or mobile home as defined in KRS 227.550 shall have:

(a) At least one (1) working smoke detector located inside the home near the bedroom areas on each floor level; and

(b) At least two (2) operable means of egress, if the home was originally equipped with at least two (2) means.

(2) The Office of Housing, Buildings and Construction, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, shall design and cause to be placed:

(a) At each vehicle entrance to a manufactured home park or community as defined in KRS 219.320, a notice stating the requirements set out in subsection (1) of this section, the penalty for noncompliance set out in subsection (5) of this section, and any other information it deems necessary to effect the purposes of this section; and

(b) In each county clerk's office, a notice stating the requirements set out in subsection (1) of this section, the penalty for noncompliance set out in subsection (5) of this section, and any other information it deems necessary to effect the purposes of this section.

(3) No public servant with the authority to issue a citation shall enter a manufactured or mobile home solely for the purpose of determining whether or not the manufactured or mobile home is in compliance with this section.

(4) No ordinance contrary to subsections (1) and (3) of this section may be enacted by any unit of local government, and the provisions of subsections (1) and (3) shall supersede any local ordinance to the contrary. The provisions of this subsection shall not apply to any city which has adopted or may in the future adopt the Uniform Residential Landlord and Tenant Act under KRS Chapter 383.

(5) The owners of manufactured homes and mobile homes located within a manufactured home park or community which do not comply with subsection (1) of this section shall be responsible for the correction of any violation.

(6) Any person who violates subsection (1) of this section shall be guilty of a violation.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 74, sec. 2, effective July 13, 2004. -- Created 1996 Ky. Acts ch. 66, sec. 1, effective July 15, 1996.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

227.560 Manufactured Home Certification and Licensure Board -- Membership -- Compensation -- Meetings.

(1) There is hereby created the Manufactured Home Certification and Licensure Board which shall issue certificates of acceptability to qualifying manufacturers and licenses to retailers and shall certify installers.

(2) The board shall consist of the state fire marshal, the secretary of the Transportation Cabinet, the commissioner of the Department for Public Health, or their designees, and seven (7) citizens of the Commonwealth appointed by the Governor, which shall include three (3) manufactured or mobile home retailers, one (1) certified manufactured or mobile home installer, and three (3) members who shall have no interest in the industry to be regulated.

(3) The state fire marshal, the secretary of the Transportation Cabinet, and the commissioner of the Department for Public Health shall be permanent members of the board, by virtue of their respective offices. The appointed members of the board shall hold office for terms of four (4) years with their terms expiring on September 1 of even-numbered years. Each member shall hold office until his or her successor is appointed and has qualified.

(4) In the initial appointments to the board, the Governor shall designate three (3) members to serve for two (2) years and three (3) to serve for four (4) years. In the initial appointment of the certified manufactured or mobile home installer to the board, the Governor shall designate the member to serve for a term expiring September 1, 2004.

(5) All members appointed from the manufactured housing industry shall be required to remain licensees of the office during their term and are subject to removal for chronic absenteeism.

(6) If a vacancy occurs in the office of one (1) of the members of the board, the position shall be filled by a person appointed by the Governor, and the person so appointed shall serve only to the end of the unexpired term.

(7) The chairman of the board shall be elected by the board. In the event of the chairman's absence or disability, the members of the board shall elect a temporary chairman by a majority vote of those present at a meeting.

(8) Each appointed member shall be entitled to fifty dollars ($50) for each day he is in attendance at meetings or hearings or on authorized business of the board, including time spent in traveling to and from the place of the meeting, hearing, or other authorized business. Each member of the board shall also be entitled to reimbursement for travel and other necessary expenses incurred in performing official duties.

(9) The chairman, or in his absence a temporary chairman selected by the members of the board present at the meeting, shall preside at all meetings of the board. The board shall have regular meetings at times specified by a majority vote of the board. The chairman may call special meetings at any time. He shall call a special meeting on written request by two (2) or more members of the board. A majority of the board shall constitute a quorum to transact business.

227.570 Construction and installation standards and requirements.

(1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes and for recreational vehicles as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. These standards and requirements shall be those adopted by the Manufactured Home Certification and Licensure Board or the Recreational Vehicle Certification and Licensure Board.

(2) The office shall enforce such standards and requirements for the body and frame design, construction, and installation of mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public. These standards and requirements shall be those adopted by the Manufactured Home Certification and Licensure Board. If any part of 1976 Ky. Acts ch. 136 conflicts with Title 6 of the Federal Housing and Community Development Act of 1974, the federal act shall take precedence.

(3) All installations of manufactured homes and mobile homes shall be performed by an installer certified under the provisions of KRS 227.560 in accordance with the manufacturer's instructions, if available, or ANSI 225.1, Manufactured Home Installations.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 74, sec. 5, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 340, sec. 4, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 188, sec. 1, effective July 13, 1990. -- Amended 1980 Ky. Acts ch. 200, sec. 3, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 136, sec. 4. -- Created 1974

227.580 Certificates of acceptability -- Requirements for issuance.

(1) It is unlawful for any manufacturer to manufacture, import, or sell manufactured homes within this state unless such manufacturer has been issued a certificate of acceptability for such manufactured homes from the office. This provision shall not, however, apply to manufactured homes manufactured in this state and designated for delivery to and sale in another state.

(2) The office shall require that the manufacturer establish and submit to the office for approval systems for quality control for recreational vehicles prior to the issuance of a certificate of acceptability. Certificates of acceptability shall be numbered and a record shall be kept by the office, by number, of the certificates issued to manufacturers.

(3) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 3, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 340, sec. 5, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 200, sec. 4, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 136, sec. 5. -- Created 1974 Ky. Acts ch. 76, sec. 4.

227.590 Rules and regulations.

(1) The board shall make and the office shall enforce rules and regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660 and to carry out their responsibilities as a state administrative agency for the enforcement and administration of the federal act.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations authorized in subsection (5) of this section the office shall mail to all manufacturers possessing valid certificates of acceptability and retailers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation or modification, amendment, or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.

(4) Notwithstanding the provisions of KRS 227.550 to 227.660, the board shall have the authority to promulgate rules and regulations exempting manufacturers and retailers from the provisions of KRS 227.550 to 227.660 when manufactured homes or mobile homes are brought into this state for exhibition only.

(5) All rules, regulations, codes, fees, and charges adopted by the board pursuant to KRS 227.550 to 227.660 shall be prepared and filed in accordance with KRS Chapter 13A.

(6) The board shall have the authority to promulgate rules and regulations to issue temporary licenses, not to exceed thirty (30) days, to out-of-state retailers for the purpose of participating in manufactured home shows in the Commonwealth of Kentucky.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 4, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 74, sec. 6, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 340, sec. 6, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 200, sec. 5, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 203, sec. 1. -- Created 1974 Ky. Acts ch. 76, sec. 5.

227.600 Seal of approval required on manufactured homes offered for sale -- Seal for manufactured homes purchased in another state.

(1) Any retailer who has acquired a previously owned manufactured home, mobile home, or recreational vehicle without a seal shall apply to the office for the appropriate seal by submitting an affidavit that the unit has been brought up to or meets reasonable standards established by the board for previously owned manufactured homes, mobile homes, or recreational vehicles. Those manufactured homes or mobile homes taken in trade must be reinspected and certified. A numbered Class B1 Seal shall be affixed by the retailer to the unit prior to sale. A seal will not be required if such retailer submits an affidavit that the unit will not be resold for use as such by the public. A retailer shall not transport or install a manufactured or mobile home which is to be used for residential purposes which does not have a Class B1 Seal.

(2) The owner of any manufactured home or mobile home which is not covered by the federal act and which was purchased in another state and not bearing a seal of approval shall purchase a seal from the office. Application to purchase a seal of approval shall be made to the office or other person or agency authorized by the state fire marshal.

(3) The office shall make available suitable forms for application for seals of approval for previously owned manufactured homes or mobile homes which are not covered by the federal act and for previously owned recreational vehicles.

(4) The clerk of the county in which a manufactured home, mobile home, or previously owned recreational vehicle is sought to be registered after June 1, 1976, which was purchased out of Kentucky, shall require production of proof of purchase of a seal of approval as provided in subsection (2) of this section before registering or issuing a license for any manufactured home, mobile home, or previously owned recreational vehicle.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 5, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 74, sec. 7, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 340, sec. 7, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 200, sec. 6, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 136, sec. 6; and ch. 237, sec. 1. -- Created 1974 Ky. Acts ch. 76, sec. 6.

227.605 Class B1 seal required prior to sale or use as a dwelling of previously owned manufactured or mobile home transported into Commonwealth -- Homes installed before July 13, 2004, excepted.

(1) No person shall transport into the Commonwealth of Kentucky any previously owned manufactured or mobile home for the purpose of resale or use as a dwelling in the Commonwealth of Kentucky unless the previously owned manufactured or mobile home has a B1 Seal attached to it prior to resale or use as a dwelling. The application and certification procedures for the attachment of the B1 Seal prior to the resale or occupancy of the manufactured or mobile home shall be set out by the office through the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A. Nothing in this section shall require a person who owns a manufactured or mobile home in another state and who transports that manufactured or mobile home into the Commonwealth of Kentucky to use as that person's dwelling to obtain a Class B seal.

(2) Except for manufactured or mobile homes installed within the Commonwealth of Kentucky before July 13, 2004, no person shall sell, lease, rent, or furnish for use as a dwelling in the Commonwealth of Kentucky any previously owned manufactured or mobile home that does not bear a B1 Seal and which is not installed in compliance with the manufacturer's instructions, if available, or ANSI 225.1, Manufactured Home Installations.

Effective: July 13, 2004

History: Created 2004 Ky. Acts ch. 74, sec. 13, effective July 13, 2004.

227.610 Licensing of retailers -- Liability insurance required.

The office shall, after approval by the board, license retailers under the provisions of KRS 227.550 to 227.660. The office may make the issuance of a license contingent upon the applicant's chief managing officer passing a test administered by the office. Before issuing a license, the office shall require proof of liability insurance which shall name the office in the certificate of insurance, and the license shall be null and void if there is a lapse of coverage in insurance.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 74, sec. 8, effective July 13, 2004. -- Created 1974 Ky. Acts ch. 76, sec. 7.

227.620 Application for license -- Fees -- Business location specified -- Reports and records.

(1) No retailer shall engage in business as such in this state without a license therefor as provided in KRS 227.550 to 227.660.

(2) Application for license shall be made to the board at such time, in such form and contain such information as the board shall require and shall be accompanied by the required fee. The board may require in such application, or otherwise, such information as it deems commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by the board in determining the fitness of said applicant to engage in business as set forth in KRS 227.550 to 227.660.

(3) All licenses shall be granted or refused within thirty (30) days after application. The initial license for a retailer shall expire on the last day of the licensee's birth month in the following year. The board may reduce the license fee on a pro rata basis for initial licenses issued for less than twelve (12) months. Renewed licenses shall expire on the last day of the licensee's birth month of each year after the date of issuance of the renewed license.

(4) The license fee for such calendar year or part thereof shall be established by the board, subject to the following maximums:

(a) For manufacturers a "certificate of acceptability" shall be subject to a maximum of five hundred dollars ($500).

(b) For retailers the maximum license fee shall be two hundred fifty dollars ($250) for each established place of business.

(c) The fee for a "Class B Seal" for recreational vehicles shall be twenty-five dollars ($25) per seal and the application form and seal shall be made available from the office.

(d) The fee for a "Class B1 Seal" and "Class B2 Seal" for manufactured and mobile homes shall be established by the board subject to a maximum of twenty-five dollars ($25) per seal.

(e) The office may establish a monitoring inspection fee in an amount established by the secretary. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in this state for each manufactured home produced by the manufacturer in this state. The monitoring inspection fee shall be paid by the manufacturer to the secretary or the secretary's agent, who shall distribute the fees collected from all manufactured home manufacturers among the states approved and conditionally approved by the secretary based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, retailer, or purchaser in that state, and the extent of participation of the state in the joint team monitoring program established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

(5) All revenues raised through the provisions of subsections (4)(a), (b), and (c), and funds paid to the state by the secretary under the provisions of subsection (4)(d) of this section shall be deposited in a trust and agency fund and shall be used solely for the purpose of carrying out the provisions of KRS 227.550 to 227.660 and other departmental responsibilities. No amount of such trust and agency fund shall lapse at the end of any fiscal year.

(6) The licenses of retailers shall specify the location of the established place of business and must be conspicuously displayed there. In case such location be changed, the retailer shall notify the office of any change of location, and the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality or to a county which is not adjacent to the county where the business is located shall require a new license.

(7) Every retailer licensed in accordance with the provisions of this section shall make reports to the office at such intervals and showing such information as the office may require.

(8) Each manufacturer, distributor of manufactured homes or mobile homes, and retailer of manufactured or mobile homes shall establish and maintain such records, make such reports, and provide such information as the office or the secretary may reasonably require to be able to determine whether such manufacturer, distributor, or retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the federal act and shall, upon request of a person duly designated by the office or secretary, permit such person to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, distributor, or retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the federal act.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 6, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 182, sec. 2, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 74, sec. 9, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 340, sec. 8, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 200, sec. 7, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 19, sec. 12, effective May 12, 1979. -- Amended 1976 Ky. Acts ch. 136, sec. 7. -- Created 1974 Ky. Acts ch. 76, sec. 8.

227.625 Liability insurance -- Prerequisite for license.

(1) Before any license will be issued or renewed, the applicant shall file or have on file with the office a liability insurance policy issued by an insurance carrier authorized to transact insurance business within the Commonwealth of Kentucky. The policy of insurance must be issued in the name of the applicant licensee.

(2) The board shall by regulation establish the minimum amount of liability insurance required herein.

(3) No insurance carrier issuing any policy filed with the office shall be relieved from liability under the policy until after the expiration of fifteen (15) days' notice to the office of an intention to cancel the policy, provided, however, that a prior cancellation may be allowed in cases where one (1) policy is substituted for another policy when the substituted policy is in force and effect prior to the expiration of fifteen (15) days' notice to the office of an intention to cancel the policy which is being substituted.

(4) Upon cancellation of any policy of insurance required by this section, all operating rights granted by the license for which the said policy was filed, shall immediately cease and the office shall have the authority to immediately require the cessation of all operations conducted under the authority of the said license and to require the surrender of all licenses, certificates, and seals previously issued hereunder.

History: Created 1976 Ky. Acts ch. 136, sec. 8.

227.630 Grounds for denial, suspension, or revocation of license or certificate of acceptability -- Payments in lieu of suspension.

(1) A license, certification, or certificate of acceptability may be denied, suspended, or revoked on the following grounds:

(a) A showing of insolvency in a court of competent jurisdiction;

(b) Material misstatement in application for license, certification, or certificate of acceptability;

(c) Willful failure to comply with any provisions of KRS 227.550 to 227.660 or any rule or regulation promulgated by the board under KRS 227.550 to 227.660;

(d) Willfully defrauding any buyer;

(e) Willful failure to perform any written agreement with any buyer or retailer;

(f) Failure to have or to maintain an established place of business;

(g) Failure to furnish or maintain the required insurance;

(h) Making a fraudulent sale, transaction, or repossession;

(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(j) Failure by a retailer to put the title to a manufactured home, mobile home, or recreational vehicle in his name after said retailer has acquired ownership of the manufactured home, mobile home, or recreational vehicle by trade or otherwise;

(k) Violation of any law relating to the sale or financing of manufactured homes, mobile homes, or recreational vehicles.

(2) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension, or revocation of a license that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his or her salespersons while acting as his agent while the said agent is acting within the scope of his authority.

(3) Upon proceedings for the suspension of a license, certification, or certificate of acceptability for any of the violations enumerated in KRS 227.550 to 227.660, the licensee or holder of a certificate of acceptability may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars ($50) per day. Payments in lieu of suspension collected by the board shall be deposited in the State Treasury and credited to the general expenditure fund.

Effective: July 13, 2004

227.650 Inspection powers -- Training programs for local government personnel.

(1) The office is empowered to inspect all mobile homes which are not covered by the federal act and previously owned recreational vehicles for which it has issued a seal of approval.

(2) The office may establish and require such training programs in the concept, techniques, and inspection of manufactured homes, mobile homes, and previously owned recreational vehicles for the personnel of local governments, as the office considers necessary.

(3) The staff of the office, upon showing proper credentials and in the discharge of their duties pursuant to KRS 227.550 to 227.660 or the federal act, is authorized with the consent of the manufacturer or by proper warrant to enter and inspect all factories, warehouses, or establishments in this state in which manufactured homes are manufactured or stored.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 8, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 74, sec. 12, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 340, sec. 11, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 200, sec. 9, effective July 15, 1980. -- Amended 1979 (1st Extra. Sess.) Ky. Acts ch. 19, sec. 3, effective May 12, 1979. -- Created 1974 Ky. Acts ch. 76, sec. 10.

227.660 State inspectors.

The office, subject to the provisions of Chapter 18A and Chapter 64 of the Kentucky Revised Statutes, may set qualifications, employ, and fix the compensation of such state inspectors as the office deems necessary to carry out the functions of KRS 227.550 to 227.650. To carry out the provisions of KRS 227.550 to 227.650, the office may authorize the state inspectors to travel within or without the state for the purposes of inspecting the manufacturing facilities for manufactured homes or for any other purpose in connection with KRS 227.550 to 227.650.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 217, sec. 9, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 340, sec. 12, effective July 15, 1996. -- Amended 1982 Ky. Acts ch. 448, sec. 14. -- Created 1974 Ky. Acts ch. 76, sec. 11.

227.665 Recreational and park vehicles to be constructed in accordance with ANSI standards.

(1) All recreational vehicles sold, leased, or offered for sale or lease by a retailer to a consumer in this state shall be constructed in accordance with the most recent ANSI standards on recreational vehicles.

(2) All park vehicles sold, leased, or offered for sale or lease by a retailer to a consumer in this state shall be constructed in accordance with the most recent ANSI standards on park vehicles.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 217, sec. 1, effective July 12, 2006.

367.710 Definitions.

(1) "Owner" means the original purchaser of a mobile home for use as a residence.

(2) "Dealer" means any person or business enterprise which sells new mobile homes to consumers.

(3) "Manufacturer" means any person or business enterprise engaged in the business of manufacturing, assembling or distributing on behalf of a manufacturer new mobile homes.

(4) "Wholesaler" means any person other than a manufacturer who sells new mobile homes for the purpose of resale.

(5) "Mobile home" means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

(6) "Purchase price" means the actual amount paid by the owner, including the value of any traded merchandise involved in the transaction, and any sales or usage tax.

(7) "Defect" is a defective part or material installed, or improper workmanship performed, by a manufacturer, wholesaler, or dealer which poses an imminent danger to the owner's or occupant's health or safety or to the right of occupancy and which would cost the owner more than four percent (4%) of the purchase price to repair or replace.

History: Created 1976 Ky. Acts ch. 136, sec. 10.

376.480 Lien for rent due on space for parking abandoned house trailer or mobile home -- Sale of abandoned property.

(1) Any owner of real property who rents space on which a house trailer or mobile home is parked shall have a lien for rent due on any house trailer or mobile home, its contents, and other personalty abandoned by the occupant on the landowner's property for rent due, reasonable storage, cleanup costs, and utilities furnished to the unit and paid for by the landowner.

(2) If, after a period of sixty (60) days, the rent, reasonable storage, cleanup costs, and utilities have not been paid, the house trailer or mobile home, its contents, and other personalty abandoned by the occupant may be sold to pay the rent, reasonable storage, cleanup costs, and utilities after the unit owner has been notified of the time and place of the sale, at the unit owner's last known address. Notice shall be made by registered mail at least ten (10) days prior to the time of the sale. If there is a valid recorded lien against the property to be sold, the landowner shall notify the lienholder of the time and place of sale by registered mail at least ten (10) days prior to the time of the sale. If the proceeds of the sale are insufficient to pay the debt and costs of sale, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of the debt owed by the unit owner. This lien shall be subject to prior recorded liens and property taxes.

(3) Any money obtained in excess of the sale costs, taxes, and liens shall be paid by the seller to the unit owner; and if the unit owner cannot be located, the excess money shall escheat to the state pursuant to the provisions of KRS Chapter 393.

(4) Before the sale, the landowner shall advertise a description of the property to be sold and the time and place of sale for three (3) consecutive publishing periods in a local newspaper distributed in the county where the property is located.

(5) The sale may be by written bids or by auction, or both, and the seller may bid on the property. The sale shall be to the highest bidder.

(6) The house trailer or mobile home shall be transferred to the purchaser in the county where the sale is conducted upon an affidavit being filed by the seller stating that the provisions of this section have been met, listing the sale price, and containing any other information that may be required by the state or county.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 275, sec. 1, effective July 14, 1992.

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
Office of Housing, Buildings and Construction
Department of Public Protection
Division of Fire Prevention
(As Amended at ARRS, November 7, 2007)

815 KAR 25:090. Site preparation and installation minimum requirements.

RELATES TO: KRS 227.550, 227.570, 227.590(2), 227.660, 227.990
STATUTORY AUTHORITY: KRS **227.570(2),** 227.590(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570(2) requires the office to enforce standards of installation, adopted by the Manufactured Home Certification and Licensure Board, as it determines are reasonably necessary to protect public health and safety. KRS 227.590(1) charges the board with establishing the standards and the office with enforcing state and federal law. This administrative regulation establishes minimum requirements for the installation of manufactured homes on permanent foundations.

Section 1. Definitions. (1) "ANSI" means the American National Standards Institute as referenced in ANSI-A225.1, Manufactured Home Installations, 1994 Edition, incorporated by reference.
(2) "Board" is defined in KRS 227.550(1).
(3) "Certified installer" means the individual certified, in accordance with 815 KAR 25:080, to install manufactured homes.
(4) "Installation" means the work performed by a certified installer on-site and the operations involved in the delivery, permanent securing, and placement of a manufactured home for the purpose of human occupancy, to:
(a) Include the following:
1. **Preparation of a permanent** [~~Permanent~~] foundation;
2. Placement of polyvinyl covering on the ground, if applicable;
3. Placement and connection of utilities performed by appropriately-licensed contractors;
4. Anchoring **and**[~~/~~] tying down; and
5. **Installation of other** [~~Other~~] accessory or appurtenance specified in the sales contract; and
(b) Exclude the following:
1. Site preparation; and [~~or~~]
2. For a single-section home, ground set after site preparation.
(5) "Office" is defined in KRS 227.550(11).
(6) "Permanent foundation" means a system of supports:
(a) Capable of transferring without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;
(b) Constructed of concrete; and
(c) Placed at a depth below grade adequate to prevent frost damage.
(7) "Placement" means blocking, leveling, and anchoring a manufactured home upon a foundation system prior to occupancy.
(8) "Retailer" is defined in KRS 227.550(4). [~~means a person who:~~
~~(a) Meets the definition of "dealer" in KRS 227.550(4);~~
~~(b) Is licensed in accordance with 815 KAR 25:060.~~]
(9) "Site preparation" means work performed on the land in preparation for installation of the home:
(a) Including:
1. Clearing and initial grading;
2. Water drainage; and
3. Vegetation control; and
(b) Excluding final grading after the home has been set.

Section 2. Minimum Site Preparation and Installation Standards. (1) Site preparation, installation, and ground anchoring of a new home or a used home with a B1 seal shall be performed in accordance with KRS 227.570(3).
(2) The permanent foundation system shall include:
(a) Piers set partially or completely below grade;
(b) Footers and perimeter blocking, if required;
(c) Ground anchors;
(d) Concrete slab;
(e) Continuous and pot footings;
(f) Pile or post systems;
(g) Pile and post systems;
(h) Concrete, concrete block, or other load bearing perimeter walls; or
(i) Another foundation system approved by a licensed engineer.
(3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:
(a) Towing hitch;
(b) Running gear;
(c) Axles;
(d) Brakes;
(e) Wheels; and
(f) Other parts that operate only during transport.
(4) A foundation footing shall be considered frost-free if its depth is twelve (12) inches from grade level under the I-beam.
(5) A perimeter footing shall be considered frost-free if its depth is twenty-four (24) inches from the final grade.

Section 3. Installation Inspections and Responsibility. (1) A retailer shall:
(a) With respect to responsibility for site preparation and installation services;
1. Perform site preparation and installation services;
2. Contract with an independent certified installer to perform site preparation or installation services; or
3. Assist a requesting purchaser to document the purchaser's voluntary responsibility to perform site preparation and installation functions specified in Form KMH 101 and the contract by:
a. Providing Form KMH 101;
b. Explaining the provisions of Form KMH 101;
c. Assisting in the completion of Form KMH 101;
d. Determining the readiness of the site before the home is delivered, if the contract and form relieve the retailer of the foundation construction function;

e. Providing the manufacturer's footing design, [~~according to~~] which the office will inspect;
f. Collecting an on-site inspection fee of $100 from the purchaser at the time the contract is signed; and
g. Remitting the inspection fee to the office at the time of the inspection;
(b) Supply the purchaser with Form KMH 102 at the time the contract for sale of a new or B1 seal home is executed;
(c) Before constructing a foundation, inspect the site for soil stability, height requirements, and vegetation removal;
(d) Ascertain that a problem revealed by site inspection is properly resolved;
(e) When satisfied that the foundation is ready for the home to be set, notify the office, by telephone, facsimile machine, or mail, at least three (3) working days before delivering the home to the consumer's site; and
(f) Not deliver or set up a home for which the retailer has requested a preinstallation inspection pursuant to paragraph (e) of this subsection, unless:
1. An office inspector issues Form KMH 104; or
2. The office fails to inspect within three (3) days of receipt of the notice required by paragraph (e) of this subsection; and
3. Foundation work has been performed properly; and
(g) If a foundation inspection is required, forward to the Office of the State Fire Marshal a completed Form KMH 105 [~~1205~~], Request for Inspection. The retailer shall hold the inspection fee and Form KMH 101 until both items can be retrieved by the inspector from the State Fire Marshal's Office prior to the inspection.
(2) The inspector shall:
(a) Provide a written report, on Form KMH 104, to the office, the retailer, and the purchaser:
1. Approving the foundation construction; or
2. Specifying corrective action required in order to meet minimum standards for delivery of the home; and
(b) Not issue Form KMH 104 if the preinstallation inspection reveals nonconformity with an applicable standard.
(3) A retailer shall not set a home on a permanent foundation that does not comply with manufacturer's instructions.
(4) This administrative regulation shall not be construed to relieve any other person involved in the installation of the home from legal liability based upon that person's conduct.
(5) Postinstallation actions.
(a) The office shall order the retailer to take corrective action to bring a home into compliance if an inspection reveals that the home has been installed in violation of:
1. Minimum installation requirements; or
2. A contract of sale and Form KMH 101 that place responsibility on the retailer.
(b) A retailer failing to correct deficiencies ordered corrected by the office shall be subject to the sanctions authorized by KRS 227.630 and 227.640.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:
(a) **"ANSI A225.1, Manufactured Home Installations",** [~~American National Standard, NCSBCS/ANSI A225.1~~], 1994 Edition;
(b) "Form KMH 101, Consumer Protection Notice", September, 2007 [~~October, 2001~~];
(c) "Form KMH 102, Site Preparation", Foundation and Installation [~~and Postinstallation~~] Guidelines, September, 2007 [~~October, 2001~~];
(d) "Form KMH 104, Release for Delivery", September, 2007 [~~October, 2001~~]; and
(e) "Form KMH 105, Request for Inspection", September, 2007 [~~October, 2001~~].
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office [~~Department~~] of Housing, Buildings and Construction, Division of Fire Prevention, Manufactured Housing Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GLENN SEXTON, Chairman
TIMOTHY J. LEDONNE, Commissioner
LLOYD R. CRESS, Deputy Secretary
For TERESA J. HILL, Secretary
APPROVED BY AGENCY: September 12, 2007
FILED WITH LRC: September 14, 2007 at 10 a.m.
CONTACT PERSON: Michael D. Bennett, Staff Attorney, Office of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, phone (502) 573-0394 ext 126, fax (502) 573-1057.

Planning Committee- Issues Outstanding

Issue	Member Referred	Date Referred	Status
• Greenway Maintenance Plan	Stinnett	Sept 02	Mar 07/April 07
• Underground Utility Lines	Gray	Feb 03	May 06
• Light Pollution	Gorton	Mar 05*	
• Vine Street Linear Park (Downtown Water Feature)	Gray	May 05	
• Urban Development Incentives	Stevens	Dec 05	May 06
• Liberty Road Project Status	Stinnett	Jan 06	Bi-Monthly Updates
• Neighborhood Improvement Districts	DeCamp	Feb 06	Apr 06
• Newtown Pike Status	Blues	Feb 06	Bi-Monthly Updates
• **Tax Increment Financing (TIF)**	**Stinnett**	**Mar 06**	**Oct 07**
• Old Courthouse Space Utilization	McChord	Apr 06	Ad Hoc Has Not Been Formed
• 2-Way Streets in Downtown	McChord	July 06	
• Property Tax Moratorium	Stinnett	Sep 06	Part of U.D. Incentives
• Noise Ordinance-Fireworks	Stinnett	Sept 06	
• Loudon Avenue Phase 1	James	Oct 06	Quarterly Updates
• Buffering ED Zone	DeCamp	Jan 07	Jan 07
• Board Composition & Accountability– Planning Commission, Board of Architecture Review & Board of Adjustment	Myers	Jan 07	
• Development Plan Adherence	Myers	Jan 07	
• Right of Way Signage	McChord	Mar 07	Moved from Services Committee
• Local Sales Tax Option	Stevens	Mar 07	Moved from Budget & Finance Committee
• Bluegrass Regional Economic Analysis	Stevens	Apr 07	Moved from Budget & Finance Committee
• **DDA Land Bank Budget Amendment**	**James**	**June 07**	**October 07**
• On Street Parking	Beard	June 07	
• I-64 Water Pipeline	Beard	July 07	August/Sept 07
• Student Housing Issues	Stevens	Sept 07	Scheduled Nov 07
• Social Services Report	Stinnett	Oct 07	Scheduled Nov 07
• Fence Regulations	Blues	Dec 07	
• **Trailier Park Quality of Life**	**James**	**Dec 07**	

Fencing Regulations