

- J. Reynolds, Chair**
- W. Baxter, Vice-Chair**
- D. Wu
- C. Ellinger
- T. Morton
- S. Lynch
- D. Gray
- J. Hale
- A. Beasley
- H. Boone



**Social Services and Public Safety (SSPS) Committee**  
Tuesday, April 15, 2025  
1:00 P.M.

**AGENDA**

- |             |                                                             |                     |                |
|-------------|-------------------------------------------------------------|---------------------|----------------|
| <b>I.</b>   | <b>Approval of February 25, 2025 Committee Summary</b>      | [Reynolds]          | <b>(1-2)</b>   |
| <b>II.</b>  | <b>Domestic and Sexual Violence Prevention Coalition</b>    | [Gray/Theakston]    | <b>(3-21)</b>  |
| <b>III.</b> | <b>Fayette County Sheriff: Review of Services/Resources</b> | [Gray/Witt]         | <b>(n/a)</b>   |
| <b>IV.</b>  | <b>Recovery Residences (Sober Living Homes)</b>             | [T. Morton/Cravens] | <b>(22-43)</b> |
| <b>V.</b>   | <b>Items Referred to Committee</b>                          | [Reynolds]          | <b>(44)</b>    |

**2025 Meeting Schedule**

January 14      June 3  
January 28      July 3\*  
February 25    August 26  
April 15        October 14

\*Note: The July 3 meeting will be held at 3:00 p.m. on Thursday

*"Social Services and Public Safety Committee, to which shall be referred matters relating to the Department of Social Services and its divisions, the Department of Public Safety and its divisions, any related partner agencies, and matters relating to capital improvement projects." - Council Rules & Procedures of the Lexington-Fayette Urban County Council, Section 4.102 (1)*



## Social Services and Public Safety Committee

February 25, 2025

### Summary and Motions

---

Vice-Chair Whitney Elliott Baxter called the meeting to order at 1:00 p.m.

Committee Members Vice Mayor Dan Wu, Chuck Ellinger II, Tyler Morton, Shayla Lynch, Denise Gray, Joseph Hale, Amy Beasley, and Hilary Boone were present. Committee Chair Jennifer Reynolds was absent. Council Members Emma Curtis, Liz Sheehan, and Dave Seigny were present as non-voting members.

#### **I. APPROVAL OF JANUARY 28, 2025 COMMITTEE MEETING SUMMARY**

Motion by Wu to approve the January 28, 2025 Committee Summary. Seconded by Ellinger. Motion passed without dissent.

#### **II. CASA UPDATE**

Melynda Jamison, Executive Director of CASA, provided an update on the CASA program. CASA provides screened, trained, and qualified community volunteers to advocate for the best interests of children and youth who appear before family court because of abuse or neglect. Unlike lawyers and social workers who must consider the parent's or family's best interests, the CASA volunteer focuses solely on what is best for the child or children. CASA program planning began in Lexington in 1986 and became a standalone nonprofit in 2003. CASA programs operate in Fayette, Bourbon, Woodford, Scott, Jessamine, Garrard, and Lincoln counties.

Jamison spoke about the CASA Volunteer Manager (a paid position), who oversees 30 CASA volunteers. The Volunteer Manager attends the first home visit and all court hearings. She reviewed the 2023 calendar year budget for all 7 counties, which includes fundraising and grants. In 2024, the total budget for Fayette County's program was \$911,470, which served 449 children. It was suggested that the equity issue be considered. Of the Kentucky counties listed, Fayette County had the lowest contribution provided by local government (11%). There will be a funding request during the FY26 budget discussions to increase this percentage. No action was taken on this committee item.

#### **III. HOMELESS ENCAMPMENT RESPONSE AND STREET OUTREACH**

Jeff Herron, Office of Homelessness Prevention and Intervention (OHPI) Director, began the presentation with a history of street outreach, which started as a pilot program and focused on outreach as a first-touch service provider. This was initially funded with innovative and sustainable funding. An RFP was issued after the pilot and was funded at \$280,000 with two intensive case management teams. This came about from an increased need for outreach services. Over 500 people were contacted by the Hope Center and street outreach in year 1.

OHPI recommendations include a new position in FY26 for an encampment coordinator, identifying a sustainable funding source for OHPI, modifying Ordinance 103-2014 for more flexibility, moving outreach to 24-hour services, and expanding interim housing options. Addressing the modification of Ordinance 103-2014, Herron explained that only 15% of funds can be dedicated to services. If we remove the restriction in

the Ordinance, we can continue to fund the services. A feasibility study is in progress, and we are looking for an opening to present this to the Council at Work Session in late spring or early summer. No action was taken on this committee item.

#### **IV. COMPREHENSIVE REVIEW OF CODE ENFORCEMENT**

Denise Gray, 6th District Council Member, provided an overview of the Code Enforcement and explained that she has worked on this item for over a year. Town Hall meetings were held throughout Lexington to engage residents on how their interactions with Code Enforcement could be improved and what Code Enforcement policies could be changed. She shared survey results from 711 Lexington residents who responded. Top issues reported: no follow-ups from Code Enforcement, reports missing, sidewalks, overgrowth/trash/cars parked in yards, and interactions with Code Enforcement. She spoke about the improvements to Code Enforcement and Ordinance changes. The Tenant-Landlord Act Ordinance, prohibiting landlord retaliation, comes from state law. Graffiti has been added to the code of ordinances related to nuisances.

When asked if we are acting on the red lines, Gray said she is seeking approval from the committee to move these changes forward to the full Council. When asked if Code Enforcement is ticket/complaint-based, Steele said each officer is assigned an area, which is currently complaint-driven. There is concern with graffiti being included as a nuisance in Section 12-2 and citing someone for potentially being a victim of a crime when graffiti is found on their property. If the homeowner is a victim, Code Enforcement would try to work with them to resolve the issue. The concern is that other things listed as nuisances, such as trash, cars, and weeds, don't involve someone coming onto their property and damaging it. Sanner confirmed the Tenant Landlord Act language is verbatim what state law says. Speaking about the enforceability of this, Sanner said this would be a private civil matter, and the tenant would need to get an attorney.

Motion by Gray to approve an ordinance amending the following sections of chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances pertaining to section 12-2 (c) related to nuisances to add graffiti as a public nuisance and section 12-5 related to penalties to reduce the time period in which to assess citations. Seconded by Lynch. Motion passed without dissent.

Motion by Gray to approve an ordinance creating section 12-55 (1) of the Code of Ordinances related to the Landlord-Tenant Act to prohibit landlord retaliation for tenant complaints to a governmental agency; an ordinance creating section 12-55 (2) of the Code of Ordinances related to the Landlord-Tenant Act to allow tenant remedies for retaliation; an ordinance creating section 12-55 (3) of the code of ordinances related to the Landlord-Tenant Act for exclusions for retaliation; an ordinance creating section 12-55 (4) of the code of ordinances related to the Landlord-Tenant Act to state landlord liability pursuant to KRS 383.625(2); and an ordinance creating section 12-55 (5) of the code of ordinances related to the Landlord-Tenant Act to specify tenant remedies for retaliation. Seconded by Morton. Motion passed without dissent.

#### **V. ANNUAL REVIEW OF COMMITTEE ITEMS**

No action was taken on this committee item.

The meeting adjourned at 2:36 p.m.



# DOMESTIC & SEXUAL VIOLENCE PREVENTION COALITION

*Stephanie Theakston, Domestic and Sexual Violence Prevention Coordinator  
Social Services and Public Safety Committee  
April 15, 2025*





## Programs

domestic & sexual violence  
**Prevention Coalition**



**It's Time.**  
*Lexington*





# Coordinated Community Response



- Ampersand SVRC, Director
- CHES Solutions Group, Service Director
- Children's Advocacy Center, Director
- Chrysalis House, Director
- Fayette Co. Attorney
- Fayette Co. Circuit Court Clerk
- Fayette Co. Commonwealth Attorney
- Fayette Co. District Court, Chief Judge
- Fayette Co. Family Court, Chief Judge
- Fayette Co. Public Schools, Superintendent
- Fayette Co. Sheriff
- Friend of the Court
- Global Lex, Multicultural Affairs Coordinator
- GreenHouse17
- KY CHFS, Service Region Administrator
- Legal Aide of the Bluegrass, VAWA Attorney
- Lexington City Council, Councilmember
- Lexington Community & Resident Services, Director
- Lexington Dept. of Public Safety, Commissioner
- Lexington Dept. of Social Services, Commissioner
- Lexington Family Care Center, Director
- Lexington Police Dept., Chief
- Nursing Home Ombudsman
- Sexual Assault Nurse Examiner, Director
- The Nest, Director
- UK Police Department, Chief
- UK VIP, Director
- 10 At-Large Community Members





## Mission

To create a culture of safety and empowered stakeholders through advocacy, education, collaboration, and service coordination for communities impacted by interpersonal violence.





## Goals

- To develop and facilitate an effective community-wide system of prevention and intervention that is responsive to the needs of victims of interpersonal violence and those they care about
- To facilitate coordination and communication of best practices among community and systems-based agencies
- To monitor, evaluate, and promote the quality and effectiveness of services and protections in the community
- To promote a clear understanding of interpersonal violence, current laws, and resources available in the community and the impact on the community
- To serve as a network for information and resource sharing for interpersonal violence issues





## Outreach & Awareness



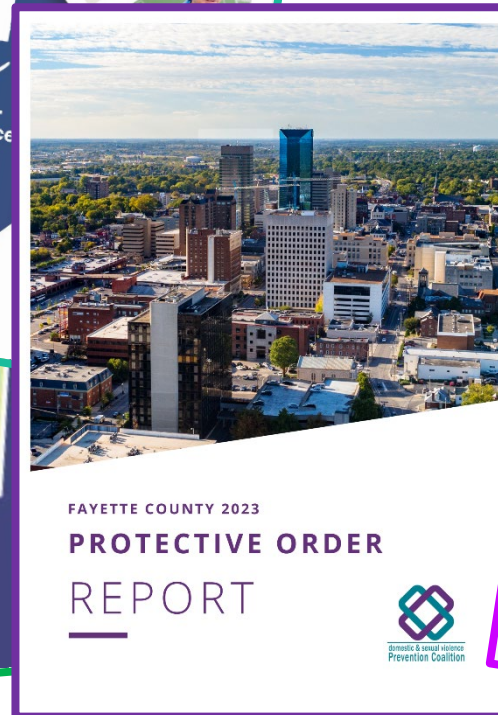


## Advocacy





## Best Practices





## April is National Sexual Assault Awareness Month



**TOGETHER WE ACT,  
UNITED WE CHANGE**



SEXUAL ASSAULT AWARENESS MONTH 2025





## Continuum of Sexual Violence





## Facts About Sexual Assault

- 1 in 5 women, 1 in 71 men, and 1 in 2 transgender people in the US have experienced rape or attempted rape in their lifetime.
- People with marginalized identities experience sexual assault at higher rates.
- The majority of sexual assaults are committed by someone the survivor knows. More than 50% of female survivors report being assaulted by an intimate partner, more than 40% by an acquaintance. Only a small percentage of sexual assaults are committed by strangers.
- Kentucky has a higher rate of sexual assault (23.3%) than the national average (19.1%).
- Sexual assault remains the most UNDERREPORTED crime. 63% of sexual assaults are not reported to police. (Only 12% of child sexual assault is reported). Survivors often do not seek help immediately.

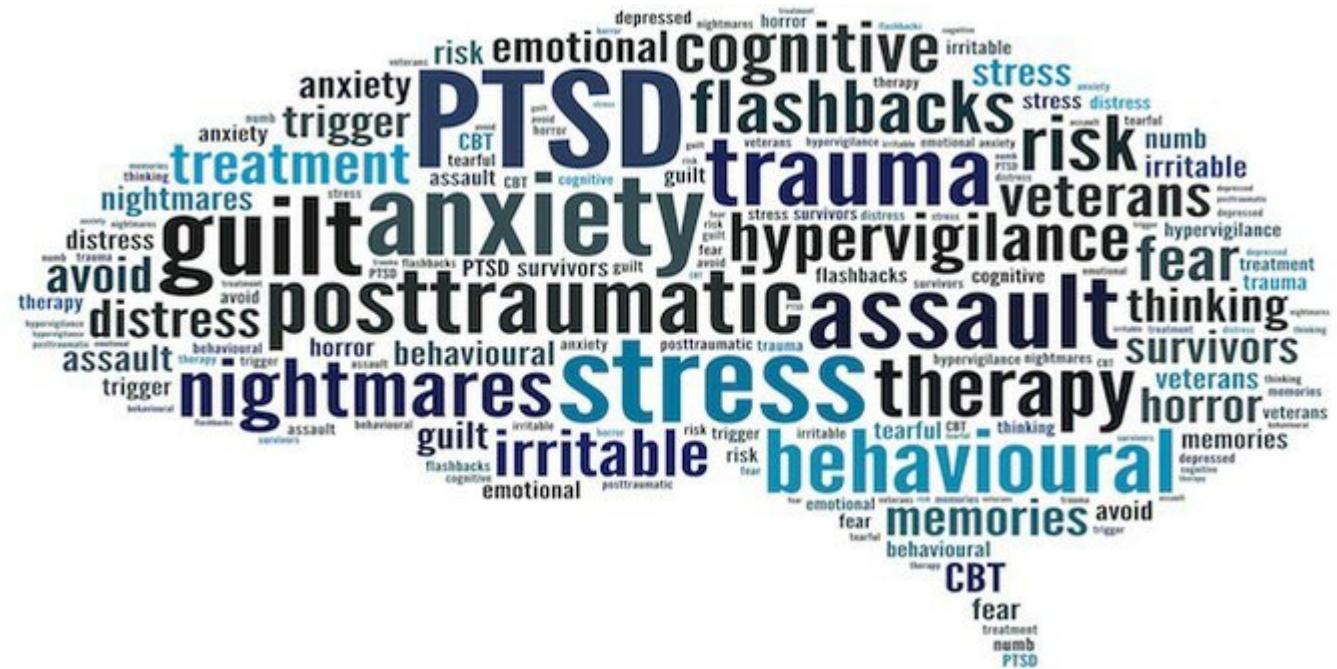


- Decades of research confirms the prevalence of false reporting is around 2-7%. (1.6% in Lexington, 2022)



## Profound Impact on Survivors

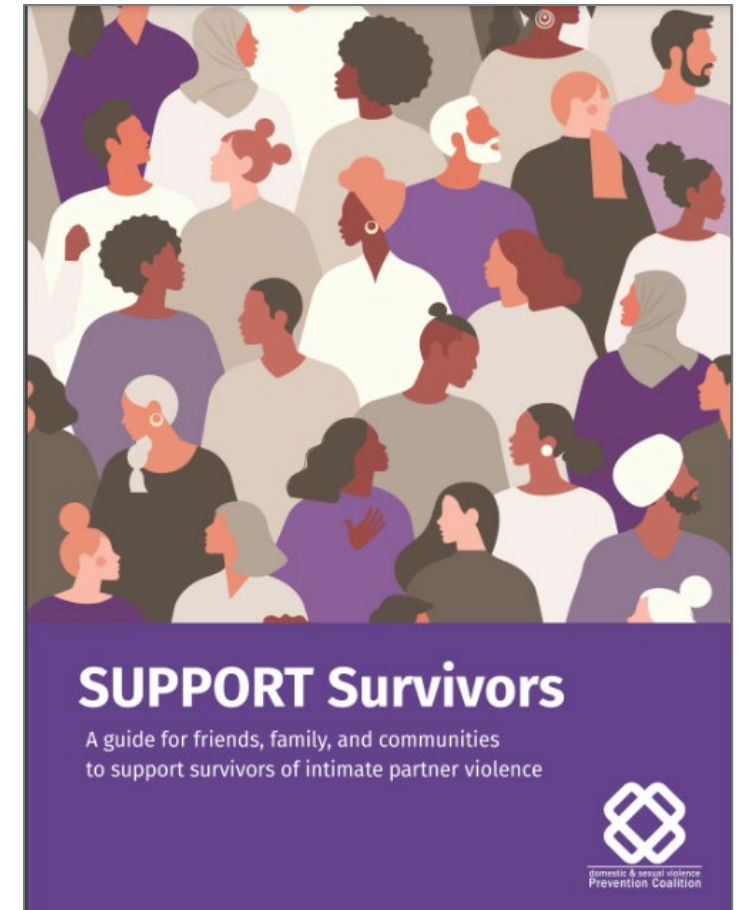
- Depression
- Anxiety
- Trauma
- Panic attacks
- Stress
- Suicidality
- Substance abuse
- PTSD
- Sleep disturbances
- Difficulty concentrating





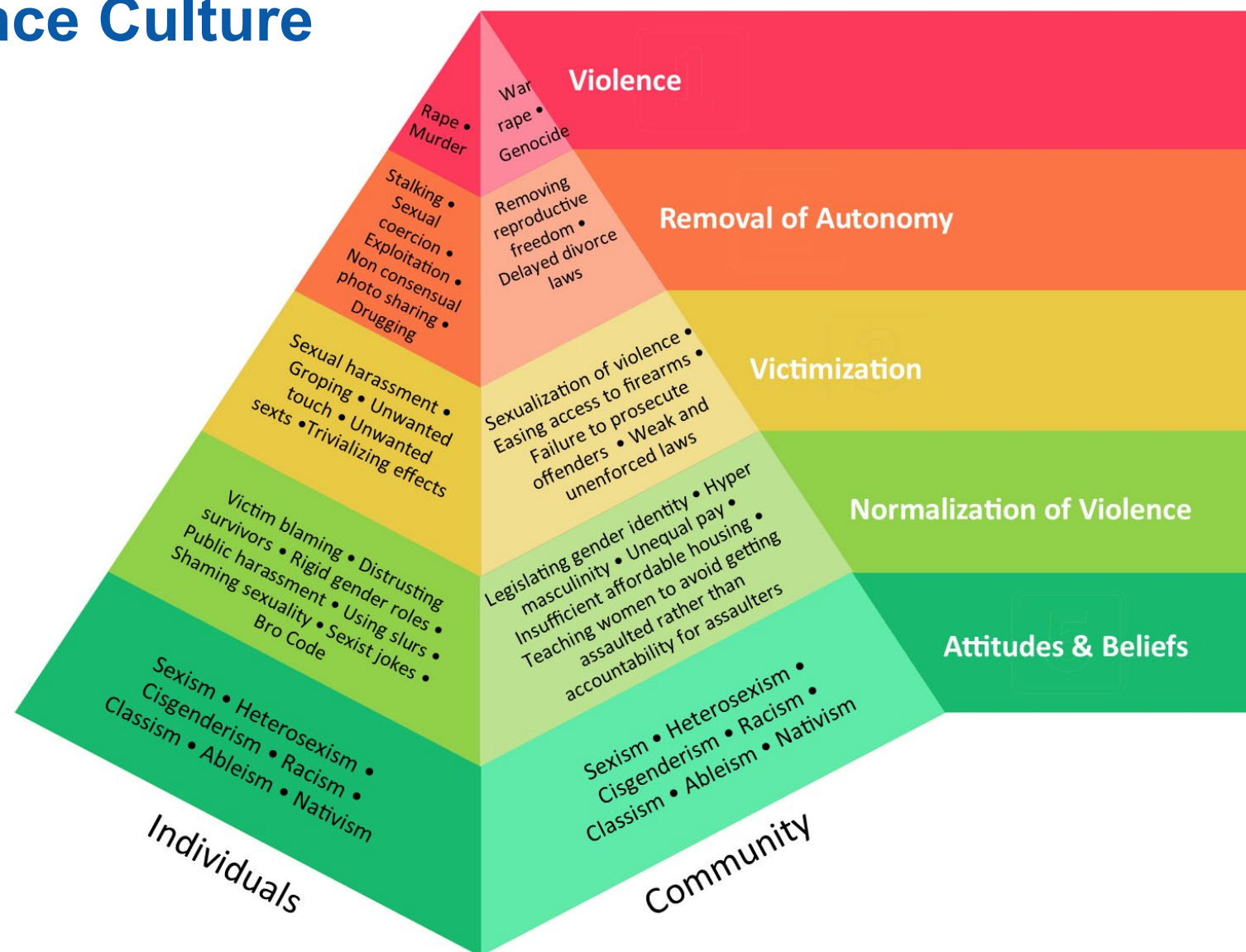
## Responding to Survivors of Sexual Assault

- I believe you.
- I'm sorry this happened to you.
- You are not to blame.
- Listen without judgement or interruptions.
- Safety plan.
- Trust the survivor's choices.
- Share resources.





# Sexual Violence Culture





## Sexual Assault is Preventable

To stop sexual assault and other forms of abuse before they start, our efforts need to go beyond changing individuals.

When we **change our communities to be more inclusive and equitable** for people of all gender identities and expressions, races and ethnic backgrounds, ages, faiths, and abilities, we are better able to protect everyone within those communities against the risk of sexual violence.

- National Sexual Violence Resource Center (NSVRC)





## Strengthening Community

- Develop supportive workplaces.
- Model respect.
- Be an active bystander.
- Speak up against violence and inequality.
- Speak directly to youth about healthy relationships.
- Prioritize safety needs, such as affordable housing and equal pay.
- Broaden gender norms and accountability.





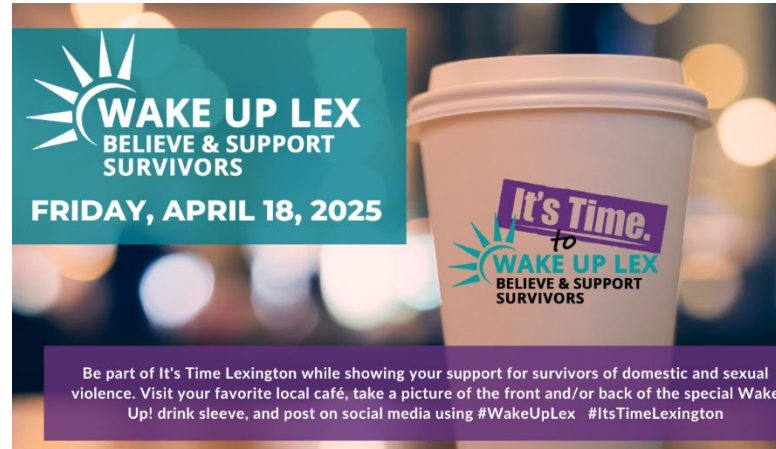
## Resources

- National Sexual Assault Hotline: 1-800-656-4673
  - Connect you with Sexual Assault Resource Center of the Bluegrass (Previously Ampersand)
  - Chat online: [online.rainn.org](https://online.rainn.org)
- University of Kentucky VIP Center: 859-257-3574
- UKPD Special Victims Unit: 859-218-2370
- Transylvania University Title IX Office: 859-233-8502
- GreenHouse17 (Sexual Assault by Intimate Partners): 1-800-544-2022
- Lexington Sexual Assault Nurse Examiner: 859-258-3742
- Children's Advocacy Center: 859-225-5437





# Wake Up Lex



## Participating Locations

### A Cup of Commonwealth

105 Eastern Ave  
401 S Limestone St.

### Backroads Bakery

109 W 6th St.

### Breve Coffee Company

1170 Manchester St.

### Chaotic Good: Coffee, Comics, & Games

545 S. Broadway, Ste. 160

### Chocolate Holler

400 Old Vine St.

### Common Grounds

4772 Hartland Pkwy.  
3100 Old Todds Rd.

### Crank & Boom Craft Ice Cream

3101 Clays Mill Rd.  
1210 Manchester St.

### Donut Days Bakery

185 Southland Dr.

### Doodles Breakfast & Lunch

262 N Limestone

### DV8 Kitchen

867 S Broadway  
594 E Third St. #100

### Genesis Coffee House

1403 N. Forbes Rd.

### Good Foods Co-Op Café

455 Southland Dr.

### Gratz Perk

Transylvania University

### Great Bagel & Bakery

396 Woodland Ave  
3650 Boston Rd

### Grounded All Day

106 Burke Rd.

### High on Art & Coffee

523 E High St.

### Kenwick Table

201 Owsley Ave

### La Petite Delicat

722 National Ave.

### Leestown Coffee House

1416 Leestown Rd.

### Lussi Brown Coffee Bar

114 Church St.

### Manchester Coffee

576 E Third St.

### Martines

400 E Third St.

### McLeod's Coffee House

376 Southland Dr.

### North Lime Coffee & Donuts

101 W Loudon Ave

### Old School Coffee

380 S Mill St. (Dudley Square)

### Parlor Donuts

630 Euclid Ave.

### The Greenery

206 W Main St.

### Third Street Stuff

257 N Limestone

### UK VIP Center

Student Center Starbucks

### Zim's Cafe

215 W Main St.



# Questions?



**LEXINGTON**





# RECOVERY RESIDENCES (SOBER LIVING HOMES)

*Michael Cravens, Managing Attorney, Department of Law  
Social Services and Public Safety Committee  
April 15, 2025*





## Presentation Overview

- Background – State Law Changes
- Legal Guideposts
  - The Fair Housing Act
  - The Americans with Disabilities Act
- Proposed Ordinance
  - What it does
  - What it does not do
- Questions





## Background – State Law Changes

- As part of the 2023 and 2024 Regular Sessions, the Kentucky General Assembly enacted new state laws relating to recovery residences (sober living homes)
- KRS 222.502 prohibits the operation of recovery residences unless the operator has been certified by a certifying organization and provided proof of certification to the Kentucky Cabinet for Health and Family Services
- KRS 222.504 grants local governments authority and legal standing to impose civil fines and initiate legal actions against recovery residences that operate in violation of KRS 222.502





## Legal Guideposts

- However, LFUCG should be mindful to adhere to the applicable federal law, which protects certain categories of persons from discrimination, in enacting any ordinance
- There are two specific federal laws that would limit LFUCG's ability to regulate this type of housing use that should be noted:
  - The Fair Housing Act
  - The Americans with Disabilities Act





## Legal Guideposts

- The Fair Housing Act, as amended:
  - Prohibits discrimination in housing on the basis of disability
  - Makes it unlawful to use land use policies to treat groups of persons with disabilities less favorably than groups of non-disabled persons
  - Defines “disability” as a physical or mental impairment that substantially limits one or more major life activities, and defines “physical or mental impairment” to include alcoholism and drug addiction (other than addiction caused by current, illegal uses of controlled substances)





## Legal Guideposts

- The Americans with Disabilities Act, as amended:
  - Requires that public programs, services, and activities are accessible to persons with disabilities
  - Requires reasonable accommodations be made to programs, services, and policies to provide equal housing opportunities
  - Prohibits discrimination by a local government against qualified individuals with disabilities
  - Defines “qualified individual with a disability” in a manner not to exclude:
    - Individuals who have successfully completed supervised drug rehabilitation
    - Individuals who are participating in supervised drug rehabilitation
    - Individuals who otherwise have been or are being rehabilitated and are not engaging in illegal use of a controlled substance





## Legal Guideposts

- Bottom line: Individuals in recovery from substance abuse disorders generally qualify as disabled persons protected by the FHA and the ADA
- So, federal law prohibits LFUCG from prohibiting or significantly regulating recovery residences in a manner that would:
  - Discriminate in housing on the basis of disability
  - Deny equal housing opportunity on the basis of disability
  - Treat groups of persons with disabilities less favorably than groups of non-disabled persons





## Proposed Ordinance

Mindful of the legal guideposts, the proposed ordinance:

- Adopts state law requirements for recovery residences
- Requires operators to provide proof of certification to LFUCG
- Requires operators to obtain a Recovery Residence License, renewable annually, and provide information and documents in support of the license application for purposes of examining compliance
  - License can be refused or revoked based on failure to provide proof of certification, failure to provide supporting documentation, or a failure to otherwise comply with applicable laws





## Proposed Ordinance

Mindful of the legal guideposts, the proposed ordinance:

- Requires operators to obtain Zoning Compliance Permit
  - Requires operators to provide notice to abutting property owners upon application for a Zoning Compliance Permit
- Creates an enforcement scheme that authorizes civil citations and civil penalties against operators who violate the ordinance (including recording of liens)
  - Establishes an appeals process protective of due process
- Allows a six-month period following passage to allow operators adequate time to comply





## Proposed Ordinance

Mindful of the legal guideposts, the proposed ordinance:

- Does **NOT** regulate recovery residences differently from a land use perspective – this is a residential use and should be treated the same as other residential uses
  - The recovery residences that are the subject of the proposed ordinance are not healthcare facilities or rehabilitation centers –these are residential dwellings rented by groups of individuals otherwise protected by the FHA and the ADA
- Does **NOT** regulate density (i.e., spacing requirements)
  - FHA and ADA prohibit treating groups of protected individuals less favorably than groups of non-protected individuals



# Questions?



**LEXINGTON**



ORDINANCE NO. \_\_\_\_\_ - 2025

AN ORDINANCE AMENDING SECTION 13-13(B) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO CREATE A RECOVERY RESIDENCE LICENSE AND ESTABLISH FEES RELATING THERETO; CREATING A NEW ARTICLE OF CHAPTER 13 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (ARTICLE VII – RECOVERY RESIDENCES), ADOPTING STATE LAW REQUIREMENTS FOR CERTIFICATION OF RECOVERY RESIDENCES; EXERCISING CONCURRENT LOCAL AUTHORITY REGARDING RECOVERY RESIDENCES BY REQUIRING INDIVIDUALS OR ENTITIES OPERATING RECOVERY RESIDENCES TO OBTAIN A RECOVERY RESIDENCE LICENSE FOR EACH RECOVERY RESIDENCE AND TO PROVIDE THE INFORMATION REQUIRED FOR A RECOVERY RESIDENCE LICENSE, INCLUDING PROOF OF CERTIFICATION; ADOPTING ENFORCEMENT PROCEDURES BY AUTHORIZING CIVIL CITATIONS AND CIVIL PENALTIES FOR VIOLATIONS AND ESTABLISHING APPEAL PROCEDURES AND ABATEMENT REQUIREMENTS; DESIGNATING THE ADMINISTRATIVE HEARING BOARD AS THE CODE ENFORCEMENT BOARD WITH JURISDICTION TO HEAR APPEALS; AUTHORIZING LIENS AND SUCH OTHER RELIEF AS MAY BE APPROPRIATE TO ENFORCE COMPLIANCE WITH THE REQUIREMENTS FOR RECOVERY RESIDENCES; AND AUTHORIZING THE DIVISION OF REVENUE TO ADOPT ANY AMENDED POLICIES OR PROCEDURES TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE, ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

---

WHEREAS, the Lexington-Fayette Urban County Government acknowledges the need for effective recovery residences to help enable recovery from alcoholism and drug addiction as part of comprehensive addiction recovery services in Fayette County; and

WHEREAS, the lack of minimum operating standards or regulations relating to recovery residences, recovery homes, sober living residences, and alcohol-free, drug-free, and other intoxicating substance-free homes for unrelated individuals have created an environment which is unsafe, hazardous, and detrimental towards persons in need of such recovery services, prompting a need for appropriate regulation; and

WHEREAS, Section 156b of the Kentucky Constitution is the enabling constitutional permission for the Kentucky General Assembly to afford local governments the power to pass laws which are “in furtherance of a public purpose” and the General Assembly has duly enacted KRS 82.082 generally known as the “Home Rule” authority to cities to promote health, safety, morals, or general welfare of the people; and

WHEREAS, this authority is exercised by the Lexington-Fayette Urban County Government pursuant to KRS 67A.060, which provides that urban county governments may exercise the constitutional and statutory rights, powers, privileges, immunities, and responsibilities of counties and cities of the highest class within the county and/or which may be authorized for or imposed upon urban county governments, and pursuant to KRS 67A.070, which further provides that urban county governments may enact and enforce

within their territorial limits such tax, licensing, police, sanitary, and other ordinances not in conflict with the Kentucky Constitution as they shall deem requisite for the health, education, safety, welfare, and convenience of the inhabitants of the county and for the effective administration of the Lexington-Fayette Urban County Government; and

WHEREAS, the Kentucky General Assembly duly enacted KRS 222.500 through 222.510, effective July 1st, 2024, to provide for a certification program for recovery residences; and

WHEREAS, in recognition of the need for regulations in the interest of protecting a vulnerable population in need of recovery services, the Lexington-Fayette Urban County Government now desires to exercise concurrent jurisdiction to regulate recovery residences to the fullest extent authorized under the laws of the United States and the Commonwealth of Kentucky.

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

Section 1 – That a new Section 13-13(b)(27) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows, with subsequent subsections sequentially renumbered consistent with the addition of the new Section 13-13(b)(27):

|      | Subject to fee     | Minimum Fee                                                                                              | Date due |
|------|--------------------|----------------------------------------------------------------------------------------------------------|----------|
| (27) | Recovery Residence | \$200.00 per year for the first recovery residence, then \$100.00 for each additional recovery residence | Yearly   |

Section 2 – That Article VII of Chapter 13 of the Code of Ordinances be and hereby is created, to be titled “Recovery Residences,” and to read as follows:

ARTICLE VII. – RECOVERY RESIDENCES

Section 13-93. – Definitions.

The terms used in this article shall have the following meaning:

- (a) *Cabinet* means the Kentucky Cabinet for Health and Family Services;
- (b) *Certifying Organization* means:
  - (1) The Kentucky Recovery Housing Network;
  - (2) The National Alliance for Recovery Residences;
  - (3) Oxford House, Inc.; and

- (4) Any other organization that develops and administers professional certification programs requiring minimum standards for the operation of recovery residences that has been recognized and approved by the Cabinet for Health and Family Services;
- (c) *Director* shall be mean the Director of the Lexington-Fayette Urban County Government, Division of Revenue.
- (d) *Recovery Residence* means any premises, place, or building that:
  - (1) Holds itself out as a recovery residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individual, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances;
  - (2) Provides a housing arrangement for a group of unrelated individuals who are recovery from substance use disorders or to a group of parents who are recovering from substance use disorder and their children, including peer-to-peer supervision models; and
  - (3) Does not include any premises, place, or building that is licensed or otherwise approved by the Cabinet or any other agency of state government to operate as a residential or inpatient substance use treatment facility.

**Section 13-94. – Certification.**

- (a) Pursuant to KRS 222.502, no individual or entity shall, except as provided in subsection (b) of this section, establish, operate, or maintain a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substance or represent, promote, advertise, or otherwise claim to operate a recovery residence, recovery home, sober living residence, alcohol, illicit drug, and other intoxicating substance-free home for unrelated individuals, or any other similarly named or identified residence that promotes substance use disorder recovery through abstinence from intoxicating substances in Fayette County, unless that individual or entity has:

- (1) Been certified by a certifying organization; and
  - (2) Provided proof of certification by a certifying organization to the Cabinet in the form and manner prescribed by the Cabinet; and
  - (3) Provided proof of certification by a certifying organization to the urban county government in the form and manner prescribed by the urban county government.
- (b) Pursuant to KRS 222.502, the provisions of this subsection shall not apply to the following:
- (1) A recovery residence that is recognized as a part of the Recovery Kentucky Program administered by the Kentucky Housing Corporation; or
  - (2) A recovery residence that is:
    - (i) Owned or operated by an entity that is exempt, in part or in whole, pursuant to 42 U.S.C. sec. 3607 or 12187 from compliance with the Americans with Disabilities Act, Pub. L. No. 101-336, or the Fair Housing Act, Pub. L. No. 100-430; and
    - (ii) Affiliated with a religious institution that is organized under 26 U.S.C. Sec 510(c) for charitable religious purposes, unless the recovery residence accepts Medicare or Medicaid funds.
- (c) Notwithstanding subsection (a) of this section, recovery residences operating without certification from a certifying organization on the effective date of this ordinance shall be permitted by the urban county government to continue to operate for a period of not more than six (6) months if the recovery residence provides the urban county government with proof that it has initiated a certification process with a certifying organization.

### **Section 13-95. – Applicability of State Law; Concurrent Local Authority**

Recovery residences in Lexington-Fayette County shall comply with all requirements set forth in KRS 222.500 through KRS 222.510, as they may be amended from time to time. Pursuant to the home rule authority reserved to the urban county government by Section 156b of the Kentucky Constitution, KRS 82.082, and KRS 67A.060 and 67A.070, respectively, the urban county government exercises concurrent local authority to regulate recovery residences.

**Section 13-96. – Recovery Residence Licenses; Requirements.**

(a) No person or entity shall operate a recovery residence at any locations in Lexington-Fayette County unless that person or entity has obtained a valid business license and the required Recovery Residence License for each recovery residence operating at those locations, as provided in Section 13-13 of the Code and as further specified in this article.

(b) The Director may promulgate such forms and procedures as reasonably necessary for the orderly and efficient processing of recovery residence license applications and renewals. Provided, however, that an applicant shall be required to provide the following as part of its application for a recovery residence license, for purposes of ensuring compliance with all applicable laws and regulations:

- (1) Address of each proposed recovery residence;
- (2) Name, address, telephone number, and email address of the applicant;
- (3) Name, address, telephone number, and email address of the operator of the recovery residence, if different from the applicant;
- (4) Name, address, telephone number, and email address of an emergency contact that resides or is otherwise located in Lexington-Fayette County, Kentucky, or within twenty-five (25) miles of the recovery residence;
- (5) The number of bedrooms in the recovery residence and maximum occupancy;
- (6) Proof of certification by a certifying organization as required by Section 13-94, substantially in the same form provided to the Cabinet;
- (7) A zoning compliance permit issued by the division of planning for each recovery residence;
- (8) A copy of the deed establishing ownership of the property used for a recovery residence; if the applicant does not own the property to be used for the recovery residence, the applicant shall provide a copy of their lease or rental agreement for the property;
- (9) If the applicant is leasing or renting the property upon which the recovery residence is being operated, an affidavit signed by the owner of

the property acknowledging permission for and use of the property as a recovery residence shall be provided in the form and manner prescribed by LFUCG;

(10) An affidavit of compliance with KRS 222.500 through KRS 222.510;

(11) Proof of valid business and occupational licenses;

(12) A copy of all applicable house rules and regulations applicable to the recovery residence;

(13) Copies of any notices of violation, citations, or other judicial or administrative actions filed or issued against the applicant within the 12-month period preceding the application;

(14) An affidavit confirming that the applicant complies and shall continue to comply with all aspects of applicable building codes, fire codes, and all other applicable state, federal, and local laws or regulations;

(15) Any other reports, data, documentation, or information requested by the urban county government to enable the urban county government to ensure compliance with all applicable laws and regulations.

(c) All applications for a recovery residence license or for renewal of a recovery residence license shall be accompanied by the fee set forth in Section 13-13 for recovery residence licenses.

(d) A recovery residence license shall cover all recovery residences owned by the licensee holding the license.

(e) All recovery residence licenses and renewals shall expire upon the earlier of (1) December 31st following the most recent application or renewal; (2) a change in licensee or ownership of a dwelling unit used as a recovery residence; or (3) any suspension or revocation of certification by a certifying organization or any failure to obtain certification from a certifying organization as required by KRS 222.502 or this article.

(f) The Director may refuse to issue a license to an applicant or to renew the license of a licensee in the following circumstances:

(1) When the applicant or licensee intentionally or knowingly makes a false statement as to a material matter in an application;

- (2) When the applicant or licensee fails to complete any part of the application;
  - (3) When the applicant or licensee has failed to pay any fee, tax, fine, or penalty related to a violation of this article;
  - (4) When the property submitted for registration or renewal as a recovery residence is subject to unsatisfied penalties, fines, or liens assessed or levied by the government for any reason;
  - (5) When the applicant or licensee is not in compliance with any applicable federal, state, or local law or regulation, including, without limitation, mandatory zoning, building, safety, maintenance, health, sanitation, fire, electrical, plumbing, and mechanical codes.
- (g) The director may revoke the license of any recovery residence licensee for any of the following reasons:
- (1) When any one of the circumstances provided in section (f), above, occurs; and/or
  - (2) When the licensee has been found to be in violation of this article two (2) or more times during the relevant license term.
- A licensee whose recovery residence license is revoked is not eligible to apply for another recovery residence license for the dwelling unit in which the license was revoked for a period of one (1) year.
- (h) The director may revoke, suspend, or refuse to renew or issue a license on a dwelling unit basis.
  - (i) Relevant divisions and departments with necessary information for the director to perform his or her responsibilities under this article should provide such information to the director at his or her request. Members of the public may also provide complaints and relevant evidence indicating violation of this article to the director.

#### **Section 13-97. – Duties of a Licensee.**

In addition to certification as required by Section 13-94 and the obligation to obtain and maintain the license as required by Section 13-96, it is the duty of a licensee under this article to comply with the following requirements:

- (a) Immediately notify the urban county government of any change in certification status including, but not limited to, any suspension or revocation of certification by a certifying organization.
- (b) Consent to the posting on the urban county government's website of the name, telephone number, location, and certified status of each recovery residence operated by the individual or entity in Fayette County.
- (c) Notify in writing, at the time the applicant for a license applies for a zoning compliance permit, all abutting property owners of each recovery residence operated by the applicant that the recovery residence has been certified and provide proof of notification to the urban county government.
- (d) Comply with all administrative regulations or policies promulgated by the urban county government to carry out the provisions of this article.
- (e) Ensure that every recovery residence under the license complies with all applicable planning and zoning rules, and all ordinances and regulations.

**Section 13-98. – Enforcement.**

It shall be unlawful for any person, firm, corporation or other legal entity in Fayette County to be in conflict with or in violation of any provision of this article or KRS 222.500 through 222.510, and LFUCG may exercise all legal authority and standing to take appropriate action to obtain compliance and/or to compel a recovery residence that is operating in violation of this article or KRS 222.500 to 222.510 to cease operation, as authorized by KRS 222.504.

- (a) *Civil Citation.* Pursuant to Section 14-10 of the Code of Ordinances of the Lexington-Fayette Urban County Government, enforcement proceedings under this article shall be initiated by the issuance of a citation by an authorized citation officer for violation(s) of this article; in lieu of immediately issuing a citation, a citation officer may give notice that the violation(s) shall be remedied within a specified period of time and, if the person to whom notice is given fails or refuses to remedy the violation within the time specified, the citation officer is authorized to issue a citation and order to abate. Enforcement proceedings for this article, including but not limited to notice of violations, the issuance of civil citations, the imposition of civil

penalties, and appeal procedures, shall be governed by Chapter 2B of the Code of Ordinances.

- (b) *Civil Penalty.* Any person or entity that owns, establishes, or maintains a recovery residence without a valid certification pursuant to KRS 222.500 through 222.510 or otherwise violates any other requirement of this article shall be subject to a maximum civil fine of \$1,000 for each violation. Each day that a violation continues after notice of the offense has been served shall constitute a separate violation. The penalty set forth herein is in addition to any other penalty authorized by federal law, state law, or local ordinance.
- (c) *Transfer of Ownership.* It shall be unlawful for the owner of any recovery residence or structure or premises upon whom has been served a notice of violation or a citation to sell, transfer, mortgage, lease, or otherwise dispose of such dwelling unit or structure or premises to another owner until the provisions of the notice of violation or citation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any notice of violation or citation and has furnished to the citation officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging receipt of such notice of violation or citation and fully accepting responsibility without condition for abating the violation as required by the terms of the violation or citation.
- (d) *Appeals.* Any person issued a civil citation, for which civil penalties have been imposed and/or subject to an order to restrain, correct or abate a violation of this article may appeal to the Administrative Hearing Board in accordance with Section 12-6 and Chapter 2B of the Code of Ordinances. All decisions of the Administrative Hearing Board shall become final unless appealed to Fayette County District Court within thirty (30) days of issuance of the order.
  - (1) Pursuant to KRS 65.8821, the Administrative Hearing Board established in Section 12-6 of the Code of Ordinances and assigned hearing officer(s) shall have the authority to subpoena information from any

person to determine whether there has been a violation of any ordinance that the board or hearing officer has jurisdiction to enforce. Any such subpoena shall:

- (1) Be served upon the person, or its registered agent, if applicable, via certified mail;
  - (2) Identify the provision(s) of any ordinance that the government has reason to believe may have been violated; and
  - (3) Describe with reasonable specificity the evidence supporting the government's reasonable belief that a violation of said ordinance has occurred.
- (e) *Abatement.* If a final order requires abatement of the violation(s) by the removal or termination of an unlawful occupancy or by cessation of operations as a recovery residence, the recovery residence shall be given not less than thirty (30) days during which it shall be permitted to continue operations for the sole purpose of relocating the current residents.
- (f) *Lien.* The urban county government shall possess a lien on each property used as a recovery residence that is in violation of this article in accordance with Section 2B-9 of the Code of Ordinances for all final citations issued under this section.
- (g) *Other Relief.* In addition to the penalties provided herein, the urban county government is authorized to bring and prosecute civil actions for violations of this article as appropriate, including, without limitation, actions for injunctive relief and declarations of right, in any court of competent jurisdiction.
- (h) *Immediate action by government.* Nothing contained in this article shall prohibit the urban county government from taking immediate action to restrain, correct, abate, and/or remedy a violation of its ordinances when there is reason to believe that the existence of the violation presents imminent danger, a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

- (i) Nothing provided herein shall restrain the power of the director under this article to deny, revoke, or fail to renew a recovery residence license.

Section 3 – That if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4 – That this Ordinance shall become effective on the date of its passage, but this Ordinance shall not be enforced for a period of six (6) months from its effective date to allow individuals and entities operating recovery residences adequate time in which to comply with this Ordinance.

PASSED URBAN COUNTY COUNCIL:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE URBAN COUNTY COUNCIL  
PUBLISHED:

xxx-xx:MSC:4926-6526-3922, v. 1

## COMMITTEE ITEMS REFERRED

## Social Services and Public Safety

| Referral Item                                                        | Current Sponsor        | Date Referred      | Last Presentation                  | Status         | Legistar File ID        |
|----------------------------------------------------------------------|------------------------|--------------------|------------------------------------|----------------|-------------------------|
| 1 Crime Reduction Technology                                         | W. Baxter              | September 21, 2021 | May 2, 2023                        |                | <a href="#">1065-22</a> |
| 2 Assessment and Enforcement of Noise Ordinance                      | D. Gray                | July 5, 2022       | August 22, 2023                    |                | <a href="#">0840-23</a> |
| 3 Eviction Diversion & Right to Counsel                              | D. Wu                  | January 24, 2023   | July 2, 2024                       |                | <a href="#">0702-24</a> |
| 4 Comprehensive Review of Code Enforcement                           | D. Gray                | June 29, 2023      | February 25, 2025                  |                | <a href="#">0204-25</a> |
| 5 Coordinated Victim Response Plan                                   | L. Sheehan             | May 2, 2023        |                                    |                |                         |
| 6 Villages Model Initiatives for Lexington                           | S. Lynch               | August 20, 2024    | October 8, 2024                    |                | <a href="#">1008-24</a> |
| 7 Youth Council                                                      | D. Gray                | August 20, 2024    |                                    |                |                         |
| 8 Homeless Encampment Response and Street Outreach Services for OHPI | J. Reynolds            | September 17, 2024 | February 25, 2025                  |                | <a href="#">0203-25</a> |
| 9 Review of Fayette County Sheriff's Office                          | D. Gray                | October 8, 2024    |                                    | April 15, 2025 |                         |
| 10 CASA Update                                                       | D. Wu                  | January 28, 2025   | February 25, 2025                  |                | <a href="#">0202-25</a> |
| 11 EmPATH Center Update                                              | L. Sheehan             | January 28, 2025   |                                    |                |                         |
| 12 Review of Sober Living Ordinance                                  | T. Morton              | February 11, 2025  |                                    | April 15, 2025 | <a href="#">0350-25</a> |
| Domestic and Sexual Violence Prevention Coalition                    | D. Gray                | March 4, 2025      |                                    | April 15, 2025 | <a href="#">0239-24</a> |
| Strategic Growth Plan for Lexington Fire Department                  | J. Hale                | March 18, 2025     |                                    |                |                         |
| Annual/Periodic Updates                                              |                        |                    |                                    |                |                         |
| 13 Substance Use Disorder Intervention (SUDI) Update                 | J. Reynolds            | January 12, 2022   | May 14, 2024                       |                | <a href="#">0532-24</a> |
| 14 Office of Homelessness Prevention and Intervention (OHPI) Update  | J. Reynolds            | June 7, 2022       | September 17, 2024                 |                | <a href="#">0901-22</a> |
| 15 National Alliance on Mental Illness (NAMI) Update                 | D. Gray                | February 20, 2018  | September 17, 2024                 |                | <a href="#">0360-22</a> |
| 16 Office of Affordable Housing Initiatives and Projects Update      | D. Gray                | August 10, 2021    | November 12, 2024                  |                | <a href="#">1026-21</a> |
| 17 Recruitment, Retirement, and Retention for Public Safety Update   | J. Reynolds/ W. Baxter | September 22, 2020 | July 2, 2024                       |                | <a href="#">0450-21</a> |
| 18 Community Paramedicine Program Update                             | J. Reynolds            | July 6, 2021       | January 28, 2025                   |                | <a href="#">0300-23</a> |
| 19 Review of Code Enforcement                                        | J. Reynolds            | October 8, 2019    | June 13, 2023                      |                | <a href="#">0814-22</a> |
| 20 ONE Lexington Programs Update                                     | J. Reynolds            | September 25, 2020 | January 21, 2025<br>(Work Session) |                | <a href="#">0080-23</a> |
| 21 Hope Center Expansion Project Update                              | S. Lynch               | September 12, 2024 | November 12, 2024                  |                | <a href="#">1139-24</a> |
| 22 Family Services Program Update                                    | J. Reynolds            | January 16, 2025   | January 28, 2025                   |                | <a href="#">0109-25</a> |
| 23 Partners for Youth Program Update                                 | J. Reynolds            | January 16, 2025   | January 28, 2025                   |                | <a href="#">0110-25</a> |

Updated 03.04.25, KJT