

**ORDINANCE NO. \_\_\_\_\_, SERIES 2023**

**AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") CHAPTER 119: REGISTRATION OF RENTAL HOUSING UNITS.**

**SPONSORED BY: COUNCIL MEMBERS BLACKWELL, ARTHUR, AND PURVIS**

**WHEREAS**, contemplated inspection protocols for Rental Housing Units under the enforcement provisions of LMCO Chapter 119 have demonstrated that those provisions require amending to better conform inspections with state law and the Fourth Amendment to the United States Constitution; and

**WHEREAS**, the following revisions achieve the Council's intent to bring Chapter 119's inspection requirements in better conformity with state laws and the Fourth Amendment to the United States Constitution.

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

**SECTION I:** LMCO Chapter 119, REGISTRATION OF RENTAL HOUSING UNITS, Section 119.03(9) is amended as follows:

(9) (a) Failure to register the rental housing unit shall cause the Department of Codes and Regulations to conduct inspections of all units within the registered rental housing unit. The inspections required by this subsection shall be in addition to any inspections the Department is authorized to make under Chapter 156 based upon a complaint about the property. Inspections shall only occur upon proper notice under KRS 383.615 and 383.665 of the Uniform Landlord Residential Tenant Act, by administrative warrant, or upon consent of the occupant.

(b) On an annual basis, the Department of Codes and Regulations shall be required to randomly select 10% of registrants within the Renter Tenure Areas that

contain a portion of rental housing units greater than 33% of total residential property and conduct an inspection of the rental housing unit. ~~Any rental unit or apartment complex that is found to have two or more existing violations of the Property Maintenance Code on its exterior or interior common areas, must be made available by the Owner for an interior inspection by the Department of Codes and Regulations to ensure the unit is in compliance with the Property Maintenance Code. These interior inspections shall total no more than the annual 10% of random inspections. The Owner must schedule the inspection within 15 days of the date the violations were found to exist.~~ Newly built rental housing units, as verified by cross-reference and inquiry into building permits, shall not be eligible for proactive inspection for ten years. Recently renovated rental housing units, as verified by cross-reference and inquiry into building permits, shall not be eligible for proactive inspection for five years. Inspections shall be used to verify the premises is sufficiently maintained pursuant to KRS 383.595(1)(a). The Department in its discretion may utilize the affidavit required by subsection (B)(8) as proof of compliance in lieu of or in conjunction with a physical inspection of a property. ~~Failure of an Owner to allow the Department of Codes and Regulations to physically inspect a unit within registered rental housing or in a property for which registration is sought shall be considered a violation of this section for the purposes of § 119.99(A).~~ Inspections shall only occur upon proper notice under KRS 383.615 and 383.665 of the Uniform Landlord Residential Tenant Act, by administrative warrant, or upon consent of the occupant.

(c) Pursuant to KRS 383.705, a tenant may maintain an action for retaliatory conduct by a landlord where a tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable

to the premises materially affecting health and safety. Whenever a tenant agrees to an inspection of a Rental Housing Unit, the tenant shall benefit from the same presumption under KRS 383.705(2).

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_

O-256-22 Ordinance Amending LMCO 119.03 jdf 101123