

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE SEVERAL SECTIONS OF THE METRO LAND DEVELOPMENT CODE (“LDC”) AND SECTION 115 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) RELATING TO SHORT TERM RENTALS (CASE NO. 23-LDC-0001). (AS AMENDED)

**SPONSORED BY: COUNCIL MEMBERS MADONNA FLOOD
AND JECOREY ARTHUR**

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) passed Resolution No. 143, Series 2022 (the “Resolution”) requesting the Metro Planning Commission (“Planning Commission”) to review both the LDC and the LMCO relating to short term rentals, and specifically identified certain topics for Planning Commission to review; and

WHEREAS, Planning and Design Services staff developed amendments to both the LDC and the LMCO that addressed the topics identified in the Resolution and forwarded those amendments to the Planning Committee of the Planning Commission; and

WHEREAS, the proposed amendments were reviewed by the Planning Committee of the Planning Commission on June 27, 2023 and were forwarded by that Committee to the Planning Commission for its review; and

WHEREAS, the Planning Commission held a public hearing on these amendments on July 17, 2023 and also received an enormous amount of written comments for and against the proposed amendments to the short term rental regulations; and

WHEREAS, the Planning Commission on July 17, 2023 recommended that the Council adopt the proposed text amendments to the LDC and the LMCO; and

WHEREAS, the Planning Commission on July 17, 2023 further recommended that Metro Council consider (i) consider a tiered system of fees for LMCO 115.517(B), where

fees could potentially be differentiated between owner-occupied registrations and non-owner occupied registrations or differentiated by the number of properties associated with a registration and (ii) funding additional staff resources to better enforce the LMCO and LDC provisions on short term rentals; and

WHEREAS, the Council concurs in and adopts the recommendations of the Planning Commission for the proposed text amendments to both the LDC and the LMCO as set out in the Planning Commission’s minutes and record in Case No. 23AMEND0001, and takes the additional recommendations under advisement at this time.

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

SECTION I: Chapter 1, Part 2, Section 2 of the LDC is amended as follows:

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Owner - Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development pursuant to Chapters 1 through 10.

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Host-Occupied Short Term Rental – See Short Term Rental, Host-Occupied.

...

Owner-Occupied Short Term Rental – See Short Term Rental, Owner-Occupied.

...

Primary Residence (or Principal Residence) – A primary residence is the main home of an individual. An individual has only one primary residence at a time. If an individual owns and lives in just one dwelling unit, then that property dwelling unit is ~~his or her~~ their primary residence. If an individual owns or lives in more than one dwelling unit, then ~~he or she~~ the individual must apply a “facts and circumstances” test to determine which property dwelling unit is ~~his or her~~ their primary residence. While the most important factor is where ~~he or she~~ the individual spends the most time, other factors are relevant as well. The more of these factors that are true of a home, the more likely that it is a primary residence. Factors include, but are not limited to, the address listed on an individual’s Kentucky-issued driver’s license or identification card, U.S. Postal Service address, Voter

Registration Card, federal and state tax returns, ~~driver's license, state identification card,~~ and/or vehicle registration.

...

Short Term Rental – A **Dwelling Unit** that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. A Short Term Rental is not a **Bed and Breakfast Inn, Extended Stay Lodging facility, Hotel, Motel**, or any other transient use more specifically defined in this Land Development Code.

Short Term Rental Host - Any person who is the owner of record of residential real property, or any person who is a lessee of residential real property pursuant to a written agreement for the lease of such real property, who offers a **Dwelling Unit**, or portion thereof, for **Short Term Rental** and is responsible for its management.

Short Term Rental, Host-Occupied – A Short Term Rental in which the Short Term Rental Host has established their Primary Residence within the Short Term Rental. The host may or may not be the Owner.

Short Term Rental, Owner-Occupied – A Short Term Rental in which the Owner is also the Short Term Rental Host and has established their Primary Residence within the Short Term Rental. For the purposes of the short term rental requirements, the Dwelling Unit must be owned as real property by the owner declaring residency and cannot be owned by a company, partnership, or corporation in order to qualify as an Owner-Occupied Short Term Rental.

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SECTION II: Chapter 4, Part 2, Section 63 of the LDC, is amended as follows:

4.2.63 Short Term Rental of a dwelling unit that is not the primary residence of the ~~host owner~~ or the ~~Short Term Rental~~ of a condominium unit that is the primary residence of the ~~host owner~~ in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; Short Term Rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and Short Term Rental of any dwelling unit in a TNZD district

A short term rental of dwelling unit that is not the primary residence of the ~~host owner~~ or the ~~short term rental~~ of a condominium unit that is the primary residence of the ~~host owner~~ in a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district; a short term rental of a dwelling unit that is not the primary residence of the owner or a condominium unit that is the primary residence of the owner that is in a OR, OR-1, or OR-2 district and a TN form district; and a short term rental of any dwelling unit in a TNZD district may be allowed upon the granting of a Conditional Use Permit. In addition to any conditions of approval, a short term rental and its host shall meet the following

requirements:

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the ~~licensed~~ registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, there shall be a maximum of 12 persons over the age of 16. The Board may further restrict the number of individuals.

D. The property on which the short term rental(s) is situated shall not be located closer than 600 feet (measured in a straight line from nearest property line to nearest property line) to any property (i) on which another approved short term rental that required a conditional use permit is situated or (ii) located in an OR, OR-1 or OR-2 district and a TN form district which has an active registration and has maintained an active registration prior to the effective date of this provision and it has not been conclusively proven to the Board that the holder of the registration is the owner of the property, and the property is the owner's primary residence. Relief to this provision may be provided by the Board; however the burden is on the applicant to demonstrate that the subject short term rental would not contribute to an overconcentration of short term rentals in the immediate area and/or adversely affect the affordable housing stock in the immediate area. In applications where the entire area encapsulated by the 600 foot buffer is residentially zoned (including TNZD areas mapped Neighborhood General), under no circumstance shall the Board provide relief to this provision in cases in which two or more short term rentals with conditional use permits are already in existence within 600 feet.

The following exceptions to this separation requirement apply:

(1) The separation requirement shall not apply to a property on which the conditional use permit is conditioned that the owner acts as host and maintains their primary residency within another dwelling unit in the same building or on the same parcel of land.

(2) The separation requirement shall not apply between two or more short term rentals on a single property being reviewed under the same conditional use permit application. However, if the property is subdivided after the conditional use permit is granted, a new conditional use permit shall be required in order for any new lot(s) to have a short term rental, with the separation requirements applying to that subsequent application.

(3) ~~This provision~~ The separation requirement shall not apply to a property in the TNZD district on which the conditional use permit is conditioned that the host shall maintain their primary residency within the dwelling unit ~~which required a conditional use permit even though it is the primary residence of the host.~~

E. The building in which dwelling unit is located shall be a single-family residence, duplex, or condominium. If the short term rental is a condominium unit in a multi-family building, the condominium unit must be the primary residence of the ~~host~~ owner. All conditional use permit applications for the short term rental of a condominium unit shall

include evidence showing the applicable condominium association has taken action to approve the short term rental of the subject condominium. This evidence shall be provided in the form of minutes from an officially called meeting of the applicable condominium association board wherein all condominium owners were notified that short term rental of the subject condominium would be discussed and a majority of the board members voted in favor of permitting /allowing the short term rental of the subject condominium. In addition to notification required by Chapter 11 Part 5A, an applicant for a short term rental within a condominium shall provide notice of the Conditional Use Permit public hearing to all condominium owners within the association. Proof of notification shall be by way of affidavit. This provision shall not be waived or adjusted.

F. Food and alcoholic beverages shall not be served by the host to any guest.

G. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

H. There shall be a sufficient amount of parking available for the host and guests, as determined by the Board of Zoning Adjustment. The amount and location of parking shall be based on the land uses and density of the immediate vicinity.

I. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

J. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period, the Planning Director may revoke the registration pursuant to section 4.3.23 approval. When the Planning Director revokes an approved registration, staff shall schedule a public hearing for the Board to consider revoking the associated conditional use permit approval under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31st) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft, and criminal mischief. The Board may also revoke the conditional use permit for other reasons pursuant to section 11.5A.6.

K. Prior to commencement of any short term rental on the subject property, the host shall register the short term rental pursuant to the Louisville Metro Code of Ordinances. If the short term rental is not registered within thirty (30) days of the issuance of the conditional use permit, the permit shall become null and void. In order to commence short term rentals, a new conditional use permit must be granted if required by this Land Development Code.

L. An active registration of the short term rental, as required by the Louisville Metro Code of Ordinances, shall be maintained. No short term rentals may take place unless the registration is active and in the name of the current host and property owner. If the registration is not renewed and lapses for thirty (30) days ~~six months~~, or in the event of a change of ownership and/or host, a new registration is not issued within thirty (30) days ~~six months~~ from the date of the change, the conditional use permit shall become null and void. In order to recommence short term rentals, a new conditional use permit must be granted if required by this Land Development Code, and such conditional permit must satisfy the applicable requirements for a conditional use permit in effect at the time the

new application for a conditional use permit is filed.

SECTION III: Chapter 4, Part 3 of the LDC, is amended as follows:

Chapter 4 Part 3 Permitted Uses with Special Standards

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4.3.23 Short Term Rentals

In a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district, a short term rental of dwelling unit that is the primary residence of the ~~host~~ owner is permitted by the Planning Director with special standards set forth in this section. In a OR, OR-1, or OR-2 district and not within a TN form district, any short term rental is permitted by the Planning Director with special standards set forth in this section. In a OR, OR-1, or OR-2 district and within a TN form district, a short term rental of dwelling unit that is the primary residence of the owner is permitted by the Planning Director with special standards set forth in this section. In a ~~OR, OR-1, OR-2~~, OR-3, OTF, C-N, C-R, C-1, C-2, C-3, C-M, EZ-1, W-1, W-2, PVD, PTD or PRD district, any short term rental is permitted by the Planning Director with special standards set forth in this section.

A. The maximum stay for a guest shall be 29 consecutive days. A dwelling unit rented to the same occupant for 30 consecutive days or more is not considered a short term rental.

B. The dwelling unit shall be limited to a single short term rental contract at a time.

C. At no time shall more persons reside in the short term rental than two times the number of bedrooms plus two individuals, except where the ~~licensed~~ registered property is in excess of two acres in which case the occupancy limit shall be two times the number of bedrooms plus six individuals. If the aforementioned occupancy allows for more than 12 individuals, there shall be a maximum of 12 persons over the age of 16 unless more persons over the age of 16 are permitted by the planning director (not to exceed to the maximum number of occupants).

D. The building in which the dwelling unit is located shall be a single-family residence or duplex unless the dwelling unit is located on property zoned C-R, C-N, C-1, C-2, C-3, OR-3, OTF, or EZ-1. This provision shall not be waived or adjusted.

E. Food and alcoholic beverages shall not be served by the host to any guest.

F. Outdoor signage which identifies the short term rental is prohibited in residential zoning districts.

G. There shall be a sufficient amount of parking available for the host and guests, as determined by the Planning Director. ~~The amount and location of parking shall be based on the land uses and density of the immediate vicinity.~~ In the event that a complaint is filed concerning the lack of adequate parking, the Planning Director may require that the host submit a parking study to Planning & Design Services. If the parking study concludes that there is inadequate parking available to the host and guests, the host shall either a) increase the amount of parking to be sufficient or b) discontinue the short term rental use.

H. The short term rental and host shall meet all additional requirements set forth in the Louisville Metro Code of Ordinances.

I. If the property is subject to two (2) or more substantiated civil and/or criminal complaints within a twelve (12) month period related to the short term rental or condition of the property or building on which it is located, the Planning Director ~~may~~ shall revoke the registration. When the Planning Director revokes a registration under this section, the owner and host shall be notified of the revocation and shall have thirty (30) days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first (31st) day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

J. In a cases in which a) the required primary residency of the a host is in question due to: a) conflicting documentation or information; or b) inadequate documentation supporting a claim to concerning the primary residency of the host is provided by the host; and/or c) questionable circumstances, the Planning Director may request that the Board of Zoning Adjustment review the a pending application or approved registration and make a determination related to the residency of the host. The Board shall act following a public hearing. Public comment by the host and any interested party shall be permitted. During a residency hearing, in addition to considering the documentation provided in the application, the Board may consider the circumstances surrounding the application as well as testimony in determining if the host spends most of their time at the property.

K. In a R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7 or R-8A district and a OR, OR-1, and OR-2 district within a TN form district, the short term rental shall be the owner's primary residence unless a conditional use permit allows otherwise. The owner shall have resided in the dwelling unit for at least six months prior to application. Each annual registration application shall include a) a Kentucky-issued driver's license or identification card showing the host resides at the address and b) at least one of the following other documents showing that the host resides at the address: Voter Registration Card, federal tax return, Kentucky tax return, and/or vehicle registration. If the aforementioned documentation cannot be provided, then a residency hearing shall be required pursuant to section. J.

L. Unless a conditional use permit has been granted allowing otherwise, the owner shall act as the primary host and be responsible for performing all responsibilities of the host. While co-hosts, property managers, and emergency contacts may assist with management, the owner shall be the primary contact for all concerns, including those by Metro Government, neighbors, and guests.

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4.3.27 Accessory Dwelling Unit (ADU)

Accessory dwelling units may be permitted in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts that permit residential use in accordance with the following standards:

A. One ADU, either attached or detached is permitted per single family dwelling per lot.

B. Maximum ADU Size: 800 square feet or 30 percent of the gross floor area of the principal structure, whichever is greater.

- C. Location Requirements:
1. For an attached ADU, the yard or setback requirements of the principal structure shall be met. The attached ADU shall be located either to the side or behind the principal structure.
 2. For a detached ADU, the yard or setback requirements of an accessory structure shall be met. The detached ADU shall be located either to the side or behind the principal structure.
- D. ADU Access:
1. For an attached ADU, an exterior staircase used to access a second story or higher ADU shall not be located on the front façade of the structure.
 2. For a detached ADU, the exterior pedestrian entrance to the ADU shall be located facing the principal structure or side yard.
- E. Maximum Height:
1. For an attached ADU, the maximum height shall not exceed the height of the principal structure.
 2. For a detached ADU, the maximum height shall not exceed the maximum height permitted for an accessory structure in accordance with Chapter 5 of the LDC. The maximum height shall not exceed the height of the principal structure.
- F. ADUs approved under this provision shall not be used as a short term rental.
- G. Any property that has been subject to a zoning, property maintenance, or building code violation(s) in the 12 months prior to application shall be reviewed and approved by the directors of Planning & Design Services and Codes & Regulations, or their designees. Any violations shall be resolved prior to approval.
- H. Off-street parking shall meet the requirements of Chapter 9 of ~~the~~this LDC.
- I. ADUs that include new construction that results in habitable floor area (for example, additions to principal structures or new accessory structures) shall not be allowed on any areas of lots that contain environmental constraints (LDC Section 4.6.2.A)
- J. The owner of the property shall reside within either the principal or the accessory dwelling unit.
- K. To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners' association declarations restricting accessory dwelling units.

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SECTION IV: Sections 115.515-.599 of the LMCO are amended as follows:

SHORT TERM RENTALS

§ 115.515 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECTOR. The Director of the Louisville Metro Department of Planning and Design Services.

HOST. Any person who is the owner of record of real property, or any person who is a lessee of real property pursuant to a written agreement for the lease of such real property, who offers a dwelling unit, or portion thereof, for short term rental and is responsible for its management.

HOSTING PLATFORM. A person or entity that provides a means through which a Host may offer a dwelling unit, or portion thereof, for short term rental use. Most platforms are internet based and allow a Host to advertise a dwelling unit as a short term rental through a website or mobile app.

SHORT TERM RENTAL. A dwelling unit that is rented, leased or otherwise assigned for a tenancy of less than 30 consecutive days duration, where no meals are served. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns or boarding and lodging house rooms.

SHORT TERM RENTAL ADVERTISEMENT. Any method of soliciting use of a dwelling unit or portion thereof as a short term rental.

TRANSIENT USER. A person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of less than 30 consecutive days duration.

§ 115.516 ANNUAL REGISTRATION REQUIRED.

No person, firm, or corporation shall own or operate a short term rental on any premises within Jefferson County unless the short term rental has been registered annually with the Louisville Metro Department of Develop Louisville.

(A) The Director may refuse to issue or renew the registration of a short term rental until all outstanding penalties associated with violations of §§ 115.515 through 115.521

that have been assessed against the property owner and/or Host are paid in full.

(B) The Director may refuse to issue or renew the registration of a short term rental until all outstanding fines and liens that have been assessed by Louisville Metro Government against the subject property are paid in full.

(C) The Director may deny or refuse to renew the registration of any Host for violating or failing to comply with any applicable provision of §§ 115.515 through 115.521.

(D) (1) A new registration for a property shall not be issued if a citation for a violation(s) of §§ 115.515 through 115.521 had been issued in the prior 12 months. When the Planning Director denies a registration under this section, the owner and Host may request a waiver. The Board of Zoning Adjustment shall approve or deny the waiver following a public hearing.

(2) An active registration shall be revoked by the Planning Director if~~if~~the property is subject to two or more substantiated civil and/or criminal complaints or the Host is found to have twice violated or failed to comply with any applicable provision of §§ 115.515 through 115.521 with respect to a given property within a 12 month period;~~the Planning Director may revoke the registration.~~ When the Planning Director revokes a registration under this section, the owner and Host shall be notified of the revocation and shall have 30 days in which to request an appeal before the Board of Zoning Adjustment. If no appeal is requested, the revocation shall become final on the thirty-first day after the initial action by the Director. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.

(E) When any owner or Host has a short term rental registration revoked, they shall be ineligible to receive any new short term rental registrations for a period of one calendar year.

§ 115.517 ANNUAL REGISTRATION; FEE.

(A) Each annual registration for a short term rental shall be per the procedure prescribed by the Director. The registration form, at a minimum, shall include the following:

(1) The name, address, phone number, and email address of the Host and an emergency contact residing or located in Jefferson County, Kentucky and/or within 25 miles of the short term rental that shall be responsible for addressing any maintenance, safety concerns, or nuisance complaints. The Host shall provide the emergency contact's information to Transient Users prior to commencing their stays; and

(2) The location of the short term rental.

(B) A nonrefundable fee of ~~\$100~~ \$250 shall accompany the annual registration form of a short term rental.

(C) A registration shall expire one year from the date it is issued and shall be renewed annually. A renewal application shall be not accepted until 30 days prior to the expiration date of the current registration. A renewed registration shall be effective for one year and commence the day after the previous registration expired. Renewal applications submitted after the expiration date shall not be accepted and shall be reviewed and acted upon as new applications. Short term rentals are prohibited under an expired registration.

(D) A change in Host, and/or ownership, ~~or tenancy~~ of a dwelling unit used as short term rental invalidates any existing registration. The new Host, and/or property owner,

~~and/or tenant~~ must apply for a new registration in their name.

(E) Any change in required primary residency of a dwelling unit used as a short term rental invalidates any existing registration.

(F) An application, whether it be for a new or renewal registration, shall be reviewed under the current provisions of §§ 115.515 through 115.522.

§ 115.518 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate short term rental shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, health and sanitation, fire, electrical, plumbing, mechanical, and other applicable laws.

§ 115.519 REGISTRATION WITH THE LOUISVILLE METRO REVENUE COMMISSION.

(A) Pursuant to LMCO Chapter 121, transient room taxes are to be collected and paid by the Host to the Louisville Metro Revenue Commission. Transient occupancy taxes are ultimately the responsibility of the host, but the collection and remission of all required taxes pursuant to LMCO Chapter 121 may be paid by a hosting platform on behalf of Host if the short term rental is created through a hosting platform that has an agreement with the Metro Government for collection and payment of such taxes to the Metro Revenue Commission; ~~and.~~

(B) Pursuant to LMCO Chapter 110, the Host is subject to occupational license taxes to the Louisville Metro Government.

(C) The Host shall register with the Louisville Metro Revenue Commission to ensure

compliance with all applicable local taxes including the transient room tax and occupational license tax.

§ 115.520 DUTIES OF A HOST.

It shall be the duty of a Host under this subchapter to ensure that:

(A) The short term rental meets the smoke detector requirements set forth in LMCO § 94.02; has at least one functional carbon monoxide detector installed in an appropriate location as set forth in Kentucky Residential Code; has at least one properly maintained and charged fire extinguisher on each habitable floor; every sleeping room shall have at least one operable emergency and rescue opening as set forth in the Kentucky Residential Code; and that a clearly marked evacuation plan is posted on the premises;

(B) There shall be no more than one contract per short term rental at a time;

(C) There is no signage on the premises of the short term rental advertising or identifying the short term rental in residential zoning districts.

(D) The name, email, and telephone number of the Host and any emergency contact shall be conspicuously posted within the short term rental, as well as the maximum number of guests (and maximum number of persons over the age of 16, if applicable). This contact information will be made available to any interested party, including neighbors.

(E) Any Host using a Hosting Platform shall include the valid, Louisville Metro-issued registration number for the short term rental in the Short Term Rental Advertisement.

(F) The Host is responsible for the activity of Transient Users (guests). The Host shall immediately address any problems associated with the short term rental when it is occupied by a Transient User (guest) regardless of the time of day. If the Host is not

available, he or she may delegate this responsibility to an Emergency Contact.

§ 115.521 ADVERTISING ON A HOSTING PLATFORM.

(A) Short term rentals registered in accordance with § 115.517 may be advertised for short term stays of less than 30 days on a Hosting Platform. A Host and/or property owner that advertises an un-registered short term rental on a Hosting Platform is subject to enforcement as stated in §§ 115.522 and 115.999(N)(2).

(B) The Director may request that a Hosting Platform remove any listing or Short Term Rental Advertisement from the platform where the registration number associated with a short term rental listing is invalid, expired, or has been revoked. The Director must identify the listing(s) to be removed by the listing URL and displayed registration number (whether valid or invalid) and state the reason for removal. The Hosting Platform shall remove the listing within ten business days of notification by the Director.

(C) The Director may request that a Hosting Platform provide the following information to the Louisville Metro Department of Develop Louisville on a monthly basis:

(1) The total number of short term rentals in Louisville Metro that were listed on the platform during the applicable reporting period; and

(2) The total number of nights all short term rental units were rented through the platform during the applicable reporting period.

These reports shall be due at the end of each month to include information from the preceding month.

(D) Pursuant to KRS 65.8821, the Code Enforcement Board shall have the authority to subpoena information from any Hosting Platform. Any such subpoena shall:

(1) Be submitted in writing by the Code Enforcement Board attesting that

Louisville Metro Government has a reasonable belief based on evidence that a short term rental may be in violation of §§ 115.515 through 115.521;

- (2) Be served on the platform via its registered agent;
- (3) Be related to a specific investigation by Louisville Metro Government relating to a short term rental that is identified in the subpoena; and
- (4) Identify the alleged violations of §§ 115.515 through 115.521.

The platform shall notify their user/Host of the information requested in the subpoena within ten business days of receiving the subpoena and produce records within 21 days of providing notice to the user/Host, except to the extent that the user/Host has sought relief in a court of competent jurisdiction.

§ 115.522 ENFORCEMENT.

In addition to the penalties provided in § 115.999(N), the Director is authorized to enforce the provisions of this subchapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

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§ 115.999 PENALTY.

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(N) (1) Any person who violates any provision of §§ 115.515 through 115.520 will be subject to a civil penalty of \$125 as imposed by an Enforcement Officer. A second offense will be subject to a civil penalty of \$250 as imposed by an Enforcement Officer. A third offense will be subject to a civil penalty of \$500 as imposed by an Enforcement Officer. Any additional offense beyond the third offense will be subject to a civil penalty of \$1,000 as imposed by an Enforcement Officer. Each day that a violation continues after separate notice has been served shall be deemed a separate offense. Any person who receives a

citation for violating §§ 115.515 through 115.520 may appeal the violation to the Code Enforcement Board.

(2) Any person who violates any provision of § 115.521 related to advertising on a Hosting Platform shall receive a notice of violation as a warning for a first offense. Any additional offense will be subject to a civil penalty of \$125 as imposed by an Enforcement Officer. Each day that a violation continues after separate notice has been served shall be deemed a separate offense. Any person who receives a citation for violating § 115.521 may appeal the violation to the Code Enforcement Board.

(3) In addition to the penalties provided herein, the Director is authorized to pursue remedial civil actions for violations of §§ 115.515 through 115.521 by civil complaint or petition for injunctive relief, declaration of rights or other appropriate proceedings filed in the Jefferson County, Kentucky Circuit Court.

. . .

SECTION V: This Ordinance shall take effect upon its passage and approval or otherwise becoming law, and shall apply to (i) any conditional use permit application that has not yet been scheduled for a public hearing before BOZA as of the effective date, and (ii) to any new registration application that has not been approved as of the effective date.

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-172-23 Amending LDC and LMCO 115 Re STRs (As Amended).docx (TF 8-16-23)