

ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REQUIRING THE REGISTRATION OF RESIDENTIAL HOUSING UNITS WITHIN THE CITY OF ASHLAND AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, registration of the identity of ownership and management of residential rental units is necessary for the effective enforcement of public health, safety and welfare ordinances of the City of Ashland, Kentucky and the laws of the Commonwealth of Kentucky;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. DEFINITIONS.

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

APARTMENT COMPLEX. Rental housing unit that contains more than four housing units in the same building or buildings managed under the same owner.

HOUSING UNIT. Any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place, including but not limited to single-family residences, duplexes, multi-family dwellings, condominium units, boarding and lodging house units, single-room occupancy units, accessory dwelling units, and any other structure or part of a structure having similar living accommodations.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a housing unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MANAGING OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. An individual, corporation, partnership, trustee, lessee, agent or assignee or any equitable title in real property.

RENTAL HOUSING UNIT. Any housing unit that is or may be available for rent or is occupied or rented by a tenant or subtenant in exchange for any form of consideration.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

SECTION 2. APPLICABILITY.

The registration provisions of Section 2 of this Ordinance shall apply to all rental housing units with the exception of:

- (A) Hospitals, hospice facilities, assisted living facilities, nursing homes, and residential care facilities meeting the definition of KRS 100.982;
- (B) Convents, monasteries, or other facilities occupied exclusively by religious order or congregation;
- (C) Transitional housing, homeless shelters, rehabilitation homes, and other emergency or temporary shelters;
- (D) Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution;
- (E) Housing units that a governmental entity or housing authority owns, operates, or manages, or those exempted by federal, state, or local law;
- (F) Accessory apartments and dwelling units, when the principal dwelling unit located on the same property is occupied by the owner of record.

SECTION 3. REGISTRATION REQUIRED.

(A) The owner of any rental housing unit, other than those exempted under Section 2 herein shall register all housing units with the City of Ashland in accordance with the provisions of this section. An owner of an apartment complex, hotel, motel, bed and breakfast, or similar entity providing accommodations for transient guests is not required to register individual rental housing units and may register the facility as a whole.

(B) The registration shall be filed with the office of the Chief of Police and the registration form shall be available online through the official City of Ashland, Kentucky website or at the office of the Chief of Police, and shall include the following information:

- (1) A description of the rental housing unit by street address;
- (2) The name, mailing and physical address(es), telephone number, and email address of the owner of the property;
- (3) The name, mailing and physical address(es), telephone number, and email address of the responsible managing operator of the property, if other than the owner;
- (4) If the owner is a corporation, limited partnership, limited liability company, or similar entity, the organization shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer;
- (5) If the owner is a partnership or similar entity, the entity shall furnish the name, mailing and physical address(es), telephone number, and email address of a responsible individual partner or officer.

(C) Whenever ownership for a rental housing unit changes, the new owner shall register the rental housing unit within 30 days of the transfer of ownership. Whenever the contact information changes for an owner and/or managing operator, the registration statement shall be updated within 30 days to provide the new contact information.

SECTION 4. CONFIDENTIALITY.

Confidentiality of Information. All rental registration information collected by the City of Ashland hereunder shall be maintained as confidential and not disseminated or released to the public except as provided herein, required by law, or in the event the property is cited for violations of the City of Ashland Code of Ordinances. If a rental registry property is cited for a violation, rental registry information may become part of the property maintenance case file, which is maintained by the City of Ashland, Kentucky and available for public inspection.

SECTION 5. ENFORCEMENT.

Any person or entity that violates the provisions of this chapter shall be subject to citation issued by any law enforcement officer and/or code enforcement officer. Citations shall be enforced through the Ashland Code Enforcement Board as provided herein.

SECTION 6. VIOLATIONS AND PENALTIES.

(A) The failure to register a rental housing unit or apartment complex in accordance with Section 5 herein shall be classified as a civil offense with a penalty of up to \$100 per rental housing unit or apartment complex. The owner or managing operator will be sent a ten-day notice of violation with a warning of the failure to comply with the rental registry. Failure to comply at the end of ten days will result in a fine of up to \$100 per rental housing unit or apartment complex. Thereafter, each day of such violation(s) shall constitute a separate offense.

(B) The City of Ashland shall possess a lien on the property of the owner of the property on which the rental housing unit or apartment complex is located for all civil penalties assessed for the violation and for all costs and fees incurred by the City of Ashland in connection with the enforcement of this Ordinance.

SECTION 7. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

MAYOR

ATTEST:

CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: _____
READOPTED BY THE BOARD OF COMMISSIONERS: _____
PUBLISHED: _____

REQUESTED/SPONSORED BY:
\\ORDINANCE\Rental Housing Registration

JAMES H. MOORE, III, CORPORATION COUNSEL