

**AN ORDINANCE OF THE CITY OF VILLA HILLS, IN KENTON COUNTY, KENTUCKY CREATING CHAPTER 154 OF THE VILLA HILLS CODE OF ORDINANCES AND ESTABLISHING A NEW RENTAL LICENSE AND SAFETY INSPECTION PROGRAM.**

**WHEREAS**, the City Council of the City of Villa Hills, Kentucky (“City”) seeks to create a housing code enforcement program to provide for licensing and periodic inspection of Rental Housing; and

**WHEREAS**, the City supports the health and safety of people at all properties, and;

**WHEREAS**, the City supports the protection of all property values, and;

**WHEREAS**, the City is concerned about maximizing limited tax dollar resources on nuisance properties, and

**WHEREAS**, The City seeks to maintain quality Rental Housing; and

**WHEREAS**, substandard and deteriorated Rental Housing has a detrimental effect upon the stability of neighborhoods, is environmentally undesirable and therefore detrimental to City residents and to neighboring communities; and

**WHEREAS**, the City has determined that the vast majority of properties that have a pattern and practice of external building violations also have serious internal violations, and,

**WHEREAS**, improving Rental Housing requires licensing and periodic inspection of Rental Housing to ensure that such premises conform to applicable laws; and

**WHEREAS**, in order to provide for such needed licensing and periodic inspection of Rental Housing, this ordinance establishes a licensing and residential health and safety rental inspection program to protect occupants from substandard housing and to maintain neighborhood stability and to provide for an environmentally desirable community for all residents; and

**BE IT ORDAINED BY THE CITY OF VILLA HILLS, KENTUCKY:**

**SECTION I**

**A NEW CHAPTER OF THE VILLA HILLS CODE OF ORDINANCES IS HEREBY CREATED AS FOLLOWS:**

Chapter 154 "RENTAL LICENSE AND SAFETY INSPECTION PROGRAM"

**154.01 PURPOSE.**

The purpose of this Chapter is to establish a rental licensing program in order to promote health and safety standards for rental properties, to protect tenants from

substandard housing and to maintain neighborhood stability. These standards relate to the condition, maintenance and occupancy of Rental Units and are intended to insure that Rental Housing is safe, sanitary, and suitable in accordance with all Applicable Laws.

#### **154.02 DEFINITIONS.**

The following words and phrases, whenever used in this chapter shall be construed as defined in this section:

"Applicable Laws" includes, but is not limited to, the City's Housing Code (International Property Maintenance Code as revised and adopted), the City Zoning Ordinance, other City ordinances, and other statutes or regulations relating to the health or safety of housing, residents, occupants, or the general public.

"Building Official" means the City of Villa Hills Code Enforcement Officer or his designee.

"City" means the City of Villa Hills, Kentucky.

"Deficiency" means any failure by a Rental Unit subject to this chapter to comply with Applicable Laws.

"Occupant" means an individual, partnership, corporation or association, and/or agent of any of them, lawfully residing in a Rental Unit.

"Owner" means collectively the owner of record title of a Rental Unit as shown on the last equalized assessment roll, and/or such Owner's authorized agent.

"Rent" means, a payment of an amount fixed by contract, agreement, or lease, made by a tenant at specified intervals in return for the right to occupy or use the property of another.

"Rental Housing" means, collectively, all Rental Units within the City.

"Rental License" means a license issued by the City pursuant to this Ordinance.

"Rental Unit" means any rented residential or commercial structure or space within the City being rented or leased.

"Unit Unavailable for Rent" means a Rental Unit whose Owner has filed with the Building Official a statement signed under penalty of perjury in accordance with administrative regulations adopted pursuant to this chapter which statement provides that such Rental Unit is not offered or available for rent as a Rental Unit, and that prior to offering or making available such Rental Unit for rent as a Rental Unit, the Owner will apply for a Rental License for such Rental Unit pursuant to this chapter and any applicable administrative regulations adopted pursuant to this chapter.

### **154.03 APPLICABILITY AND EXCEPTIONS.**

The provisions of this chapter shall apply to all Rental Units, including rooms or portions of houses that are offered to the public for occupancy including Bed and Breakfasts and rooms offered on social media platforms such as AirBNB except, however, that the provisions of this chapter shall not apply to:

(A) Owner occupied Rental Units, however other units in the same dwelling that are rented and occupied by non-family members of the owner are subject to the provisions of this chapter;

(B) Hotels, Motels, Inns, Retreat Centers, or other similar facilities which must obtain a permit from the Commonwealth of Kentucky and are subject to annual inspections by the local Board of Health;

(C) Hospitals, nursing homes, and other similar facilities which are permitted and inspected by the Commonwealth of Kentucky;

(D) Monasteries, Convents, and other group lodging for religious organizations in which rooms are not offered for occupancy to the public.

(E) Rental Units that are owned, operated or managed by a government agency other than the City or which are exempt from municipal regulation pursuant to state or federal law or regulations, but only so long as such government ownership, operation or management or exemption from municipal regulation continues in effect.

### **154.04 COMPLIANCE AND LICENSING REQUIREMENT ADDITIONAL TO OTHER OCCUPATIONAL/BUSINESS LICENSE REQUIREMENTS.**

Every Owner of a Rental Unit must separately comply with both the occupational/business license requirements of the City and the requirement to obtain a Rental License under this Chapter.

### **154.05 RENTAL LICENSE REQUIRED AND PROHIBITION.**

(A) No Owner or other person shall offer for Rent or otherwise allow to be occupied via leasehold any Rental Unit unless the Owner has first obtained a Rental License under the terms hereof. No tenant shall occupy any Rental Unit that has not been issued a Rental License.

(B) Owners of all Rental Units existing at the time of passage of this Ordinance shall apply for and obtain a Rental License within six months of the effective date of this Ordinance, and thereafter thirty (30) days prior to a property being converted to a Rental Unit or being converted to include a Rental Unit. Any Owner desiring to offer for Rent any Rental Unit shall make an application to the Building Official for a Rental License. All applications shall be made on the forms prescribed by and

provided by the Building Official. Information on the form shall include, but not be limited to:

- (1) The mailing address of each building owned by the landlord (property owner) offered for rent within the City of Villa Hills;
- (2) The landlord (property owner) names and their business name;
- (3) The landlord (property owner) personal residential and business addresses;
- (4) The landlord (property owner) business email address;
- (5) The landlord (property owner) telephone number for both mobile and landline if applicable;
- (6) A local emergency contact person's name, address, email address, 24/7 telephone number;
- (7) Proof of a Villa Hills or Kenton County Countywide Occupational License;
- (8) If the landlord (property owner) residential and business addresses are not located in the Commonwealth of Kentucky, then proof of the registration as a foreign entity with the Kentucky Secretary of State and the name, mailing address, email address, and telephone number of a registered agent in Kentucky.
- (9) The names and a contact phone number for the tenants over the age of 18 residing in the rental unit to which the license applies.

All information shall be updated by the landlord (property owner) on a new rental license form whenever a change shall occur or once per year upon renewal.

- (C) One Rental License shall be issued for each Rental Unit. In the event the property is sold, the seller is required to notify the city of the date and to whom the property is sold. A purchaser of any existing Rental Unit shall make an initial written application of the Building Official for a Rental License within Ninety (90) days of the purchase.
- (D) The City shall have authority to exercise its regulatory powers hereunder, including the power to issue, deny, renew, revoke and suspend any Rental License if the Applicable Laws are not met.

#### **154.06 RENTAL LICENSE FEE AND INSPECTION FEE.**

There shall be no fee for the Rental Unit License. Should an inspection occur, the property owner shall be responsible to pay a Rental Inspection Fee of Fifty Dollars (\$50.00) if applicable violations were found. If no violations were found, no fee is due. All fees received hereunder shall be used to support and pay for the RENTAL LICENSE AND SAFETY INSPECTION PROGRAM and shall not be used for the general fund or other purposes.

#### **154.07 RENTAL LICENSE STANDARDS.**

These minimum standards and conditions shall be satisfied in order to obtain a valid Rental License. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of any Rental License:

- (A) Owner shall have submitted a complete application on the forms required by the City.

- (B) The Rental Unit must not then be in violation of any Applicable Laws such as but not limited to:
  - (1) The rental dwelling shall comply with all applicable provisions of the Kentucky Building Code, Kentucky Standards of Safety, Nuisance Code, Property Maintenance Code, and Zoning Ordinance.
  - (2) The rental dwelling shall not exceed the maximum number of units permitted by the zoning code.
  - (3) The rental dwelling shall not be overcrowded or illegally occupied in violation of any applicable code.
  - (4) The rental dwelling shall not have been used or converted to any other type of use in violation of the Zoning Ordinance.
- (C) The owner of the rental dwelling shall not be delinquent in the payment of any financial obligation owed to the city, included, but not limited to, occupational license taxes or other taxes, liens, and rental inspection fees.
- (D) The Rental Unit must pass any inspections by the Building Official as provided in Section 10 herein.

**154.08 VACATING RENTAL UNIT UPON EXPIRATION OR REVOCATION.**

If any Rental License has been denied, revoked, suspended or has failed to be applied for or is not renewed, then the Building Official shall issue an order that the Rental Unit be vacated, giving the Occupants thereof a reasonable time to arrange for new housing, not to exceed ninety (90) days. Any Rental Unit so vacated shall not be re-Rented until a new Rental License is properly obtained.

**154.09 LICENSE EXPIRATION.**

Every such license shall be valid for one (1) year and expire April 15 of each year. The Rental License is nontransferable and any change in ownership shall require a new license.

**154.10 INSPECTIONS.**

- (A) Inspections of Rental Units may be conducted for the following:
  - (1) An interior and/or exterior inspection of a rental dwelling and/or a rental dwelling unit may be made where any person has made a complaint to an employee of the city, or the designated Code Enforcement Officer, Building Inspector, or Rental Inspector.
  - (2) An exterior inspection of a rental dwelling and an interior inspection of common areas and each rental dwelling unit within the rental dwelling may be made by the Building Inspector upon the existence of any of the following rental dwelling conditions:
    - (a) An employee of the city, volunteer or employee of the local fire department, or the designated Code Enforcement Officer, Building Inspector, or Rental Inspector reasonably believes that a condition exists that relates to a life or safety issue;

(b) External inspections of a property have found three (3) or more violations of the adopted International Property Maintenance Code and/or Chapter 50 (Garbage), Chapter 90 (Animals) and/or Chapter 92 (Nuisances) of the Villa Hills Code of Ordinances, and/or the Villa Hills Zoning Ordinance;

(c) Where an inspection has been made of a rental dwelling pursuant to section (A)(2)(a), the city's Building Inspector shall be authorized to inspect the interior and/or exterior of other rental dwellings and rental dwelling units with the same owner as the inspected rental dwelling, provided the Building Inspector reasonably believes that violations of the licensing standards and conditions contained herein exist at those premises.

(B) Notice of Inspection and Consent

(1) No notice shall be required for an inspection of the exterior of any rental dwelling, or for any inspection made for a life or safety issue

(2) For all interior inspections, except those made for a life or safety issue, the Building Inspector shall make a minimum of one attempt to contact the owner of the rental dwelling to obtain consent for the inspection.

(3) The Building Official in his sole discretion may require inspections by other City or County agencies or departments, including, but not limited to the applicable code enforcement, zoning, housing, health, or fire departments.

(4) If any Owner or Occupant refuses access for an interior inspection, then the Building Official shall not then conduct the inspection but may pursue any and all available legal remedies, including but not limited to requesting or obtaining an administrative warrant or other relief necessary to obtain legal access to the interior of the rental dwelling unit.

(5) Nothing in 154.10(B)(3) shall prohibit the Building Inspector from conducting an inspection of the common areas and the dwelling unit of a tenant at the tenant's invitation without the consent of the owner.

(C) Pertaining to Inspections:

(1) Only the designated Building Inspector(s) may conduct inspections required by this chapter.

(2) The powers, duties and responsibilities of the inspectors shall be provided to the property owner at the time of an initial inspection.

(3) The City or its designated Building Inspector does not warrant or guarantee the status of inspected properties.

- (4) The inspector shall have available a list of code issues, specifically / detailing compliance.

**154.11 PROMULGATION OF RULES AND REGULATIONS.**

The City Administrator/Clerk shall have authority to issue and promulgate such rules and regulations deemed needed for the administration of this Ordinance, provided such rules and regulations are not inconsistent with the provisions herein.

**154.12 REMEDIES NOT EXCLUSIVE.**

The remedies provided herein are not to be deemed exclusive and do not supersede or affect the legal rights and remedies provided under other law.

**154.13 DETERMINATION OF NONCOMPLIANCE AND NOTICE.**

- (A) If the Building Official determines that any Rental Unit fails to meet the licensing standards and conditions set forth herein, he/she shall mail a notice to the Owner (“Noncompliance Notice”). The Noncompliance Notice shall be deemed sufficient if sent by regular first class mail to the Owner at the address specified in the last license application filed with the City. A copy of the Noncompliance Notice shall also be conspicuously posted on the Rental Unit. The Noncompliance Notice shall specify the reasons for the Rental Unit’s failure to meet the required Applicable Laws and shall include a copy of any inspection report, if applicable.
- (B) The Noncompliance Notice shall indicate that the Owner has thirty (30) days in which to correct the deficiency specified therein, after which time action may be taken to deny, refuse to renew, revoke or suspend the Rental License. However, upon written request, the Building Official may grant an extension of the period for compliance where the work or other correction has been delayed despite good-faith compliance efforts and where such extension presents no immediate threat to the health and safety of the Occupants of the Rental Unit.
- (C) The Owner shall, within the time period specified in the Noncompliance Notice, correct all Deficiencies specified therein. If the Owner fails to correct all Deficiencies in the time period specified in the Noncompliance Notice, then the Rental License may be revoked and the Occupants therein ordered to vacate the premises pursuant to the Suspension and Revocation provision of this Ordinance specified in Section 154.14 below.
- (D) Non-compliant Rental Units shall be subject to re-inspections and fees for such re-inspection as set forth herein.

**154.14 SUSPENSION/REVOCAION PROCEDURES.**

If after a Noncompliance Notice has been sent and the required remediation period provided in Section 13 has expired, the Building Official determines or has probable cause to believe that the Rental Unit still fails to comply with any of the Applicable Laws or any other provision set forth herein, the Building Official may request the revocation or suspension of any Rental License issued hereunder, after Notice to the holder and upon a hearing before the Code Enforcement Board as hereinafter provided.

(A) Notice: The Building Official shall mail, both certified and regular, a notice of any request for revocation or suspension of the Rental License (“Suspension Notice”). In the event that the certified mail is returned unclaimed, the Suspension Notice shall then be conspicuously posted on the building. The Suspension Notice shall contain the following information:

(1) That the Building Official has determined that the Rental Unit fails to comply with the Applicable Laws or any other provision set forth herein, indicating the specific reasons for such failure, including copies of applicable inspection reports or Noncompliance Notices sent to the Owner which have not been remedied. The Suspension Notice shall be delivered to the tenant of each Rental Unit and shall also be conspicuously posted on the Rental Unit.

(2) That the Owner has failed to take appropriate remedial action.

(3) That the Building Official has referred the matter to the Code Enforcement Board with the recommendation to revoke or suspend the Rental License who shall have the final determination.

(4) The date, time and place for the hearing before the Code Enforcement Board.

(5) That after any revocation or suspension, the Rental Unit shall not be reoccupied or Rented until sufficient proof has been provided to the Building Official that all violations are corrected and the Rental License reinstated or reissued. Such proof shall be in the form of an inspection by the Building Official at the owner’s expense.

(B) Hearing: The Code Enforcement Board created under Chapter 32 of the Villa Hills Code of Ordinance shall be designated as the body authorized to conduct hearings on recommended suspension or revocation of any Rental License and shall have the power to render a final decision and order with regard thereto and to do any and all other acts as necessary to fulfill the purposes of this ordinance.

(C) Decision and Appeal: The decision of the Code Enforcement Board shall be reduced to writing and shall be considered final. The written decision shall be mailed to the Owner by both regular and certified mail. Any aggrieved party to a decision thereof may



appeal the same, within thirty (30) days of the date of the issuance thereof, to the Kenton District Court.

**154.15 VOLUNTARY INSPECTION REQUESTS.**

Nothing in this chapter shall be construed to prohibit an Owner from voluntarily requesting an inspection pursuant to this chapter to determine whether a Rental Unit complies with Applicable Laws, even though such inspection may not be required pursuant to this chapter. The fee for voluntary inspections may be waived at the Building Inspector's discretion. Any Rental Unit inspected under this section shall not be subject to a voluntary inspection again for five (5) years.

**154.16 ANNUAL REVIEW AND REPORT.**

The Building Official or designated agency shall conduct an annual review of the program established by this ordinance and shall submit an annual report to the Villa Hills City Council.

**154.17 IMMEDIATE HEALTH AND SAFETY THREATS.**

Nothing in this ordinance shall limit the City's ability to inspect Rental Units and issue citations for property-related conditions that may constitute an immediate health or safety threat.

**154.99 PENALTIES.**

(1) Any person who shall violate a provision of this chapter shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five-Hundred Dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(2) Fines may be waived for prompt repairs made within an ordered time frame, weather not withstanding.

(3) The City shall also have the right to seek civil injunctive relief against any person(s) who rent(s) any Rental Unit in the absence of a valid Rental License and to recover the litigation costs and attorney fees incurred by the City therein.

**SECTION II**

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

**SECTION III**

The provisions of this ordinance are severable and the invalidity of any provision of this ordinance shall not affect the validity of any other provisions hereof, and such other provisions

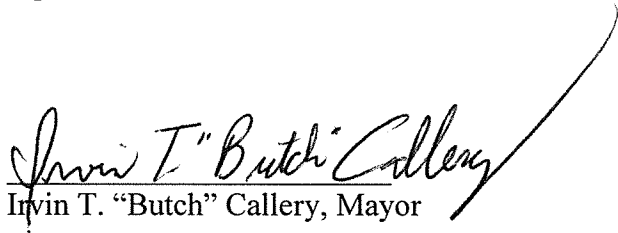
shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

**SECTION IV**

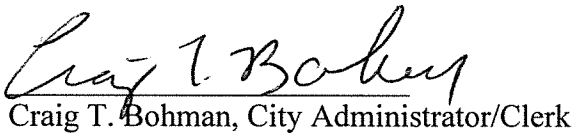
This Ordinance shall take effect and be in full force from and after its passage, and may be published in summary form, and recording, according to law.

Passed by the City Council this 18th day of October 2017.

City of Villa Hills, Kentucky  
A Municipal Corporation of the Home Rule Class

  
Irvin T. "Butch" Callery, Mayor

ATTEST:

  
Craig T. Bohman, City Administrator/Clerk

Sponsor: Vaden  
First Reading: September 20, 2017  
Second Reading: October 18, 2017

Ayes: 6  
Nays: 0  
Abstention: 0  
Absent: 0

Published: \_\_\_\_\_