

AN ORDINANCE CREATING ARTICLE VIII IN CHAPTER 5 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT TO CREATE THE EMERGENCY TEMPORARY RELOCATION ASSISTANCE PROGRAM FOR TENANTS TO ASSIST TENANTS DISPLACED FROM LOW-INCOME RENTAL HOUSING DUE TO CONDITIONS THAT RENDER THE HOUSING TEMPORARILY UNFIT FOR HUMAN OCCUPANCY.

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

Section 1 – That Article VIII of Chapter 5 of the Code of Ordinances be and hereby is created to read as follows:

Sec. 5-108.

The Emergency Temporary Relocation Assistance Program for Tenants is hereby created to assist tenants displaced from low-income rental housing due to conditions that render the dwelling or property upon which the dwelling is located temporarily unfit for human occupancy.

- (a) For purposes of this article, a dwelling and/or the property upon which it is located is “temporarily unfit for human occupancy” whenever the Division of Code Enforcement finds that the property is unsafe due to the degree to which the property is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, water service, illumination, sanitary or heating facilities or other essential equipment or services required for human occupancy, or because the property otherwise constitutes a hazard to the occupants or to the public. This determination shall be temporary in nature and apply until the Division of Code Enforcement certifies that the necessary repairs have been made to make the property fit for human occupancy.
- (b) The Emergency Temporary Relocation Assistance Program for Tenants shall be administered by the Department of Social Services. The Department shall develop the application and procedures necessary for the administration of the program in accordance with this article.

Sec. 5-109.

- (a) Any person or family whose income is no more than forty (40) percent of the median income in Lexington-Fayette County that is displaced from rental housing due to conditions that render the dwelling or property upon which the dwelling is located temporarily unfit for human occupancy is eligible for funds from the Emergency Temporary Relocation Assistance Program for Tenants to assist in locating temporary replacement housing.
- (b) A person or family eligible for assistance from the Emergency Temporary Relocation Assistance Program for Tenants may receive assistance for the payment of temporary housing costs. The assistance

provided shall not exceed the actual cost of these expenses, as determined by the Department of Social Services. All assistance payments from the Emergency Temporary Relocation Assistance Program for Tenants shall be made directly and only to vendors providing the foregoing services.

- (c) Any monetary assistance provided by the Emergency Temporary Relocation Assistance Program for Tenants is secondary to any other funds available to a household for relocation. The fair market value of any relocation assistance provided to a tenant by the owner and/or manager of the property on which the relocating tenant resides shall also be an adjustment to any payment provided by the Emergency Temporary Relocation Assistance Program for Tenants. In no event shall the amount of assistance from the Emergency Temporary Relocation Assistance Program for Tenants combined with any other relocation assistance exceed the actual cost of these expenses, as determined by the Department of Social Services.
- (d) In order to be eligible for assistance, a tenant shall make application prior to moving from the property from which the tenant is being displaced.

Sec. 5-110.

- (a) The Division of Code Enforcement shall determine whether dwellings or property upon which the dwellings are located are unfit for human occupancy and when the dwelling has been returned to a condition that is fit for human occupancy.
- (b) The Division of Code Enforcement and/or the Department of Social Services shall attempt to obtain from an owner of rental housing that is temporarily unfit for human occupancy the estimated time to complete repairs to return the property to being fit for human occupancy and any efforts being undertaken by the owner to assist tenants in obtaining alternative housing.
- (c) The provisions of this article shall not apply to certain emergency situations, such as fire or natural disasters, that result in the displacement of tenants.
- (d) Nothing in this article shall preclude an eligible applicant from participating in other relocation assistance programs at a later date.

Sec. 5-111.

In order to ensure that the Emergency Temporary Relocation Assistance Program for Tenants remains viable, any funds appropriated to the program shall remain available to the program in subsequent fiscal years. The fund for the program shall be maintained as an open fund. Funds from the program shall be available on a first-come-first-served basis. If the fund is exhausted in any fiscal year, no further assistance shall be available from or provided by the program and no person or household shall be eligible for assistance from the program unless additional appropriation of funds is made by the LFUCG.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 1, 2014

/s/ Jim Gray

MAYOR

ATTEST:

/s/ Meredith Nelson

CLERK OF URBAN COUNTY COUNCIL

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