

ORDINANCE NO. \_\_\_\_\_ - 2023

AN ORDINANCE AMENDING AND REENACTING THE FOLLOWING SECTIONS OF CHAPTER 5, ARTICLE VIII OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES, PERTAINING TO THE EMERGENCY TEMPORARY RELOCATION ASSISTANCE PROGRAM FOR TENANTS: SECTION 5-108 RELATED TO PROGRAM CREATION TO REASSIGN PROGRAM ADMINISTRATION FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT; SECTION 5-109 RELATED TO PROGRAM ELIGIBILITY TO ADJUST THE ELIGIBLE INCOME CRITERIA AND TOTAL ASSISTANCE AMOUNT, AND TO REASSIGN CERTAIN DUTIES FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT; AND SECTION 5-110 RELATED TO DETERMINING FITNESS FOR OCCUPANCY TO REASSIGN CERTAIN DUTIES FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT.

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

Section 1 – That Section 5-108 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

**Sec. 5-108. Created.**

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 Housing Advocacy & Community Development. The Department shall develop the application and procedures necessary for the administration of the program in accordance with this article.

Section 2 – That Section 5-109 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

**Sec. 5-109. Eligibility.**

- (a) Any person or family whose income is no more than eighty (80) percent of the area 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 or lodging.

- (b) A person or family eligible for assistance from the Emergency Temporary Relocation Assistance Program for Tenants may receive up to one thousand dollars (\$1,000.00) in 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 Housing Advocacy & Community Development. 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 Housing Advocacy & Community Development.
- (d) In order to be eligible for assistance, a tenant shall make application within seven (7) business days, unless otherwise approved by the Commissioner of Housing Advocacy & Community Development in writing, prior to moving from the property from which the tenant is being displaced.

Section 3 – That Section 5-110 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

**Sec. 5-110. Determination of dwellings fit for human occupancy.**

- (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 Housing Advocacy & Community Development 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 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.

Section 4 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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