

ORDINANCE _____ - 2023

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTER 16 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES, PERTAINING TO SEWAGE, GARBAGE, REFUSE, AND WEEDS: SECTION 16-16.3 RELATED TO THE LANDFILL USER FEE ASSISTANCE PROGRAM TO REDEFINE INCOME AND QUALIFIED CUSTOMER, AND TO REASSIGN PROGRAM ADMINISTRATION FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT; SECTION 16-59.1 RELATED TO THE SEWER USER FEE ASSISTANCE PROGRAM TO REDEFINE INCOME AND QUALIFIED CUSTOMER, TO ADJUST THE TOTAL ASSISTANCE AMOUNT, AND TO REASSIGN CERTAIN DUTIES FROM THE COMMISSIONER OF SOCIAL SERVICES TO THE COMMISSIONER OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT; AND SECTION 16-405.1 RELATED TO THE WATER QUALITY MANAGEMENT USER FEE ASSISTANCE PROGRAM TO REDEFINE INCOME AND QUALIFIED CUSTOMER, TO ADJUST THE TOTAL ASSISTANCE AMOUNT, AND TO REASSIGN CERTAIN DUTIES FROM THE COMMISSIONER OF SOCIAL SERVICES TO THE COMMISSIONER OF HOUSING ADVOCACY & COMMUNITY DEVELOPMENT.

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

Section 1 – That Section 16-16.3 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. 16-16.3. Landfill user fee assistance program.

(a) As used in this section, the following terms shall have the meanings given:

(1) *Assets test* means that any person having assets in excess of either:

(i) Five thousand dollars (\$5,000.00) in liquid assets such as bank accounts, savings, certificates of deposit, stocks, bonds, etc.; or

(ii) Five thousand dollars (\$5,000.00) in equity in assessed value of non-homestead property;

shall be ineligible to participate in the program, notwithstanding that he meets the income qualifications set forth in this section. However, motor vehicles for personal use, household furnishings

and the benefitted property itself, as well as buildings located thereon which are occupied by the person seeking to qualify as a home for himself and his family, shall not be included in computing assets.

- (2) *Income* means gross income as defined in Section 61 of the Internal Revenue Code. ~~[total cash receipts to the residential landfill user fee customer household, after taxes, from all sources. These sources include money, wages and salaries after any deductions required by law, but not including food or rent in lieu of wages. They include receipts from self-employment or from one's own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, social security, employment and workers' compensation, strike benefits from union funds, veterans' benefits, training stipends, alimony and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or income from estates and trusts. For eligibility purposes, income does not refer to the following money and receipts: Any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.]~~
- (3) *Program* means the assistance program established in this section.
- (4) *Qualified customer* means a person responsible for a residential landfill user fee (schedule A) for their place of residence or a person responsible for fees paid to a landfill for dropping off garbage and refuse from their place of residence who meets the assets test and has an annual income equal to or less than ~~[one hundred twenty-five (125)]~~ one hundred fifty (150) percent of the poverty income levels set forth in the poverty guidelines chart established by the community services administration, annually published in the Federal Register, in effect at the time of application. Income shall be measured by the definition contained in subsection (a)(2) of this section.
- (b) Qualified customers may receive ~~[an]~~ assistance ~~[grant]~~ for fifty (50) percent of their landfill user fee bill (schedule A or drop-off fees paid at a landfill). All payments of landfill user fee bills under the program by the urban county government are subject to the annual appropriation by the urban county council of the funds to make such payments, and neither the establishment of this program nor participation in the

program shall constitute a contract between the urban county government and any qualified customer for other than the fiscal year for which funds are appropriated to make payments. In the event funds are not appropriated for any given fiscal year, customers will be required to pay the full cost for that year.

- (c) The administration of this program shall be under the ~~[division]~~ Division of ~~[adult services]~~ Community & Resident Services in the ~~[department]~~ Department of ~~[social services]~~ Housing Advocacy & Community Development. The commissioners of the ~~[departments of finance, public works and social services]~~ Departments of Finance, Environmental Quality & Public Works, and Housing Advocacy & Community Development may prescribe such regulations and procedures consistent with the provisions of this section as deemed necessary to carry out the intentions stated herein.

Section 2 – That Section 16-59.1 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. 16-59.1. ~~[Adjustment of increased fees]~~ Sanitary sewer user fee assistance program.

- (a) As used in this section only, the following terms shall have the meanings given:
- (1) *Assets test* means that any person having assets in excess of either:
- (i) Five thousand dollars (\$5,000.00) in liquid assets such as bank accounts, savings, certificates of deposits, stocks, bonds, etc.; or
 - (ii) Five thousand dollars (\$5,000.00) in equity in assessed value of nonhomestead property;
- shall be ineligible to participate in the program, notwithstanding that he meets the income level qualifications set forth in this section. However, motor vehicles for personal use, household furnishings and the benefited property itself, as well as buildings located thereon which are occupied by the person seeking to qualify as a home for himself and his family, shall not be included in computing assets.
- (2) *Income* means gross income as defined in Section 61 of the Internal Revenue Code. ~~[total cash receipts to the residential sewer user customer and any co-habitant after taxes from all~~

~~sources. These sources include money, wages and salaries after any deductions required by law, but not including food or rent in lieu of wages. They include receipts from self-employment or from one's own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, Social Security, unemployment and worker's compensation, strike benefits from union funds, veteran's benefits, training stipends, alimony and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: Any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.]~~

- (3) *Program* means the ~~[grant]~~ assistance program established in this section.
 - (4) *Qualified customer* means a residential sewer user customer who meets the assets test and has an annual income equal to or less than ~~[one hundred twenty-five (125)]~~ one hundred fifty (150) percent of the poverty income levels set forth in the poverty guidelines chart established by the Community Services Administration, annually published in the Federal Register, in effect at the time of application. However, income itself shall be measured by the definition contained in subsection (a)(2) of this section.
- (b) Qualified customers may receive ~~[up to a fifty (50) percent grant for the]~~ assistance for fifty (50) percent of the cost of their sewer user charges, decreasing their obligation to fifty (50) percent of the total charges on the bill or the amount of the rate for the first unit of usage, whichever is greater. All payments of sewer user fee grants by the urban county government are subject to an annual appropriation by the urban county council of the funds to make such payments, and neither the establishment of this program nor participation in the program shall constitute a contract between the urban county government and any qualified ~~[property owner]~~ resident for other than the fiscal year for which funds are appropriated to make payments. In the event funds are not appropriated for any given fiscal year, customers will be required to pay the full cost for that year.
- (c) Qualified customers who participate in this program shall not be eligible to receive the discount allowed in subsection 16-59(c) above.

- (d) The administration of this program shall be under the direct supervision of the mayor of the urban county government. The mayor may prescribe such regulations and procedures, consistent with the provisions of this section, as he or she deems necessary or appropriate to carry out the intentions stated herein. The commissioners of the ~~[departments of finance, environmental quality and social services]~~ Departments of Finance, Environmental Quality & Public Works, and Housing Advocacy & Community Development shall be responsible for administration of aspects of the program at the direction of the mayor.

Section 3 – That Section 16-405.1 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. 16-405.1. ~~[Grant program]~~ Water quality user assistance fee program.

- (a) As used in this section only, the following terms shall have the meanings given:

- (1) *Assets test* means that any person having assets in excess of either:
- (i) Five thousand dollars (\$5,000.00) in liquid assets such as bank accounts, savings, certificates of deposits, stocks, bonds, etc.; or
 - (ii) Five thousand dollars (\$5,000.00) in equity in assessed value of nonhomestead property;

shall be ineligible to participate in the program, notwithstanding that he meets the income level qualifications set forth in this section. However, motor vehicles for personal use, household furnishings and the benefited property itself, as well as buildings located thereon which are occupied by the person seeking to qualify as a home for himself and his family, shall not be included in computing assets.

- (2) *Income* means gross income as defined in Section 61 of the Internal Revenue Code. ~~[total cash receipts to the residential water quality management fee customer and any co-habitant after taxes from all sources. These sources include money, wages and salaries after any deductions required by law, but not including food or rent in lieu of wages. They include receipts from self-employment or from one's own farm or business after deductions for business or farm expenses. They include regular payments from public assistance, Social Security, unemployment and worker's compensation, strike benefits from union funds, veteran's~~

~~benefits, training stipends, alimony and military family allotments or other regular support from an absent family member or someone not living in the household; government employee pensions, private pensions and regular insurance or annuity payments; and income from dividends, interest, rents, royalties or income from estates and trusts. For eligibility purposes, income does not refer to the following money receipts: any assets drawn down as withdrawals from a bank, sale of property, house or car, tax refunds, gifts, one-time insurance payments or compensation for injury; also to be disregarded is noncash income, such as the bonus value of food and fuel produced and consumed on farms and the imputed value of rent from owner-occupied farm or nonfarm housing.]~~

- (3) *Program* means the [~~grant~~] assistance program established in this section.
 - (4) *Qualified customer* means a residential water quality management fee customer who meets the assets test and has an annual income equal to or less than [~~one hundred twenty-five (125)~~] one hundred fifty (150) percent of the poverty income levels set forth in the poverty guidelines chart established by the Community Services Administration, annually published in the Federal Register, in effect at the time of application. However, income itself shall be measured by the definition contained in subsection (a)(2) of this section.
- (b) Qualified customers may receive [~~up to a fifty (50) percent grant for the~~] assistance for fifty (50) percent of the cost of their water quality management fees, decreasing their obligation to fifty (50) percent of the total charges on the bill. All payments of water quality management fee grants by the urban county government are subject to an annual appropriation by the urban county council of the funds to make such payments, and neither the establishment of this program nor participation in the program shall constitute a contract between the urban county government and any qualified property owner for other than the fiscal year for which funds are appropriated to make payments. In the event funds are not appropriated for any given fiscal year, customers will be required to pay the full cost for that year.
 - (c) Qualified customers who participate in this program shall not be eligible to receive the discount allowed in section 16-405.
 - (d) The administration of this program shall be under the direct supervision of the mayor of the urban county government. The mayor may prescribe such regulations and procedures, consistent with the provisions of this section, as he or she deems necessary or appropriate to carry out the intentions stated herein. The commissioners of the [~~departments of finance, environmental quality and social services~~]

DRAFT

Departments of Finance, Environmental Quality & Public Works, and Housing Advocacy & Community Development shall be responsible for administration of aspects of the program at the direction of the mayor.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Published:

XXXX-23: EAB:X:\Cases\HSGADVCOMDEV\23-CC0104\LEG\00781782.DOCX