



Social Services and Public Safety Committee

February 25, 2025

Summary and Motions

Vice-Chair Whitney Elliott Baxter called the meeting to order at 1:00 p.m.

Committee Members Vice Mayor Dan Wu, Chuck Ellinger II, Tyler Morton, Shayla Lynch, Denise Gray, Joseph Hale, Amy Beasley, and Hilary Boone were present. Committee Chair Jennifer Reynolds was absent. Council Members Emma Curtis, Liz Sheehan, and Dave Seigny were present as non-voting members.

I. APPROVAL OF JANUARY 28, 2025 COMMITTEE MEETING SUMMARY

Motion by Wu to approve the January 28, 2025 Committee Summary. Seconded by Ellinger. Motion passed without dissent.

II. CASA UPDATE [Wu/Jamison]

Melynda Jamison, Executive Director of CASA, provided an update on the CASA program. CASA provides screened, trained, and qualified community volunteers to advocate for the best interests of children and youth who appear before family court because of abuse or neglect. Unlike lawyers and social workers who must consider the parent's or family's best interests, the CASA volunteer focuses solely on what is best for the child or children. CASA program planning began in Lexington in 1986 and became a standalone nonprofit in 2003. CASA programs operate in Fayette, Bourbon, Woodford, Scott, Jessamine, Garrard, and Lincoln counties.

Jamison spoke about the CASA Volunteer Manager (a paid position), who oversees 30 CASA volunteers. The Volunteer Manager attends the first home visit and all court hearings. She reviewed the 2023 calendar year budget for all 7 counties, which includes fundraising and grants. In 2024, the total budget for Fayette County's program was \$911,470, which served 449 children. It was suggested that the equity issue be considered. Of the Kentucky counties listed, Fayette County had the lowest contribution provided by local government (11%). There will be a funding request during the FY26 budget discussions to increase this percentage. No action was taken on this committee item.

III. HOMELESS ENCAMPMENT RESPONSE AND STREET OUTREACH [Reynolds/Herron]

Jeff Herron, Office of Homelessness Prevention and Intervention (OHPI) Director, began the presentation with a history of street outreach, which started as a pilot program and focused on outreach as a first-touch service provider. This was initially funded with innovative and sustainable funding. An RFP was issued after the pilot and was funded at \$280,000 with two intensive case management teams. This came about from an increased need for outreach services. Over 500 people were contacted by the Hope Center and street outreach in year 1.

OHPI recommendations include a new position in FY26 for an encampment coordinator, identifying a sustainable funding source for OHPI, modifying Ordinance 103-2014 for more flexibility, moving outreach to 24-hour services, and expanding interim housing options. Addressing the modification of Ordinance 103-2014, Herron explained that only 15% of funds can be dedicated to services. If we remove the restriction in

the Ordinance, we can continue to fund the services. A feasibility study is in progress, and we are looking for an opening to present this to the Council at Work Session in late spring or early summer. No action was taken on this committee item.

IV. COMPREHENSIVE REVIEW OF CODE ENFORCEMENT [Gray/Gray]

Denise Gray, 6th District Council Member, provided an overview of the Code Enforcement and explained that she has worked on this item for over a year. Town Hall meetings were held throughout Lexington to engage residents on how their interactions with Code Enforcement could be improved and what Code Enforcement policies could be changed. She shared survey results from 711 Lexington residents who responded. Top issues reported: no follow-ups from Code Enforcement, reports missing, sidewalks, overgrowth/trash/cars parked in yards, and interactions with Code Enforcement. She spoke about the improvements to Code Enforcement and Ordinance changes. The Tenant-Landlord Act Ordinance, prohibiting landlord retaliation, comes from state law. Graffiti has been added to the code of ordinances related to nuisances.

When asked if we are acting on the red lines, Gray said she is seeking approval from the committee to move these changes forward to the full Council. When asked if Code Enforcement is ticket/complaint-based, Steele said each officer is assigned an area, which is currently complaint-driven. There is concern with graffiti being included as a nuisance in Section 12-2 and citing someone for potentially being a victim of a crime when graffiti is found on their property. If the homeowner is a victim, Code Enforcement would try to work with them to resolve the issue. The concern is that other things listed as nuisances, such as trash, cars, and weeds, don't involve someone coming onto their property and damaging it. Sanner confirmed the Tenant Landlord Act language is verbatim what state law says. Speaking about the enforceability of this, Sanner said this would be a private civil matter, and the tenant would need to get an attorney.

Motion by Gray to approve an ordinance amending the following sections of chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances pertaining to section 12-2 (c) related to nuisances to add graffiti as a public nuisance and section 12-5 related to penalties to reduce the time period in which to assess citations. Seconded by Lynch. Motion passed without dissent.

Motion by Gray to approve an ordinance creating section 12-55 (1) of the Code of Ordinances related to the Landlord-Tenant Act to prohibit landlord retaliation for tenant complaints to a governmental agency; an ordinance creating section 12-55 (2) of the Code of Ordinances related to the Landlord-Tenant Act to allow tenant remedies for retaliation; an ordinance creating section 12-55 (3) of the code of ordinances related to the Landlord-Tenant Act for exclusions for retaliation; an ordinance creating section 12-55 (4) of the code of ordinances related to the Landlord-Tenant Act to state landlord liability pursuant to KRS 383.625(2); and an ordinance creating section 12-55 (5) of the code of ordinances related to the Landlord-Tenant Act to specify tenant remedies for retaliation. Seconded by Morton. Motion passed without dissent.

V. ANNUAL REVIEW OF COMMITTEE ITEMS

No action was taken on this committee item.

The meeting adjourned at 2:36 p.m.

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES PERTAINING TO SECTION 12-2 (C) REALTED TO NUISANCES TO ADD GRAFFITI AS A PUBLIC NUISANCE AND SECTION 12-5 RELATED TO PENALTIES TO REDUCE THE TIME PERIOD IN WHICH TO ASSESS CITATIONS AND CIVIL FINES, AND PROVIDING FOR AN ADMINISTRATIVE COST OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00), EFFECTIVE UPON PASSAGE OF COUNCIL.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN

COUNTY GOVERNMENT:

Section 1 – That Section 12-2(c) of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended, so that when amended, the same shall read as follows:

Sec. 12-2. - Nuisances.

- (c) Except as provided in subsection (h) of this section, it shall be unlawful for the owner, occupant, or person having control or management of any premises within the urban county to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation or presence of:
 - (1) Junked, wrecked, non-licensed, improperly licensed or inoperative automobiles, vehicles, or machines, or other similar scrap or salvage materials, excluding inoperative farm equipment;
 - (2) One (1) or more mobile or manufactured homes as defined in KRS 227.550 that are junked, wrecked, or inoperative and which are not inhabited;
 - (3) Rubbish, garbage, debris, ashes, trash, or waste of any kind, whether liquid or solid;
 - (4) The excessive growth of weeds, grass and other vegetation as follows:
 - a. Any weeds such as thistle, jimson, burdock, ragweed, cocklebur, poison ivy, poison oak, pokeweed, poison sumac, and poison hemlock and any other weed of a like kind classified by the United States Department of Agriculture as a noxious weed is prohibited and unlawful. Notwithstanding the above, any property known to be a remnant, non-buildable or undevelopable regardless of zoning that is greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as environmentally sensitive, conservation areas, tree protection areas, greenways and woodlots.
 - b. It shall be unlawful for the owner to permit any weeds, or grass, edible or not, to grow to a height exceeding ten (10) inches anywhere on such premises, including those portions thereof abutting any street, road, alley or other thoroughfare, and in the event such premises are crossed by a sidewalk, ditch, pathway, private roadway, fence or other natural or manmade boundary or divider, including those portions thereof between such boundary or divider and the edge of the thoroughfare; any such weeds or grass exceeding such height are hereby declared to be a nuisance. Notwithstanding the above, any property known to be a remnant, non-buildable or undevelopable regardless of zoning that is

greater than one (1) acre in size shall only be required to have a minimum eight (8) foot buffer maintained in accordance with this section in all areas adjacent to developed properties or within two hundred (200) feet of a structure. This section shall not apply to property for which a current riparian buffer area permit is in effect or lands designated as environmentally sensitive, conservation areas, tree protection areas, greenways and woodlots. This section shall also not apply to any crops, trees, bushes, shrubs, flowers or other ornamental plants or flowers which are maintained in a clearly definable fashion. This section shall also not apply to native plantings for the purpose of intentional naturalization, which includes plantings used for food or fiber, for aesthetic purposes, to attract or promote pollinators, to offset and control soil loss or erosion, to promote storm water control or water conservation, or to improve the soil. Naturalization does not include vegetation abandonment which is defined as the lack of premises management. Management activities include but are not limited to site preparation, planting, and maintenance. Naturalized gardens shall not contain plant species that are categorized as a level one threat by the Kentucky Exotic Plant Pest Council.

- c. It shall be unlawful for the owner or occupant of any premises to permit any tree, brush, hedge or other vegetation to grow in a manner which interferes with normal sidewalk traffic or vehicular traffic within the public right-of-way.
- d. All bushes, shrubs, plants, vines and other vegetation, whether classified as edible or not, must be maintained in a way to prevent the possible collection of trash, refuse, rubbish, garbage or debris and must not present a public safety risk and/or fire risk to the property or adjoining properties. Failure to maintain vegetation as indicated may result in its required removal.
- e. There is hereby exempted from the scope of the provisions of subsections a. and b. above property within the urban county zoned for agricultural uses, except that such exemption shall not apply when the property has been planned for development and a subdivision plat has been filed of record in the office of the county clerk reflecting the property as residential.
- f. Special provisions shall be applied to lots known to be remnants, non-buildable or undevelopable regardless of zoning that are greater than one (1) acre in size that provision a. and b. shall maintain an minimum eight (8) foot buffer along adjacent developed properties or within two hundred (200) feet of a structure in accordance with the provisions above.

(5) Graffiti in the form of any inscription, word, figure, or design marked, etched, scratched, drawn or painted on any surface that damages, mutilates or defaces such surface.

Section 2 – That Section 12-5 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended, so that when amended, the same shall read as follows:

Sec. 12-5. - Penalties.

- (a) Every person failing to perform the duties required of him by or to comply with the provisions of section 12-2 shall, for every offense, be fined not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), and each day's continuance of any such violation shall be a separate offense.
- (b) As an alternative to subsection (a), any owner who violates any provision of section 12-2 and has been previously issued at least one (1) nuisance citation for

a violation or violations on the same property within a Twelve (12) -month period, may also be assessed civil fines of not less than one hundred dollars (\$100.00) no more than one thousand-five hundred dollars (\$1,500.00), pursuant to the civil find guidelines as set forth herein. In addition, the urban county government may assess the administrative cost involved with any inspection(s), in an amount not to exceed two hundred fifty dollars (\$250.00).

- (c) Civil Fines assessed for violations of section 12-2 shall be based on the number of citations issued within a Twelve (12) -month period, as follows:

	1	2	3	4	5
Number Of Citations	\$100.00	\$250.00	\$500.00	\$1,000.00	\$1,500.00

Section 3 – That this Ordinance shall be effective following passage of Council.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

xxxx-25:GET: 4900-4410-8317, v. 1

ORDINANCE NO. ____-2024

AN ORDINANCE CREATING SECTION 12-55 (1) OF THE CODE OF ORDINANCES RELATED TO THE LANDLORD-TENANT ACT TO PROHIBIT LANDLORD RETALIATION FOR TENANT COMPLAINTS TO A GOVERNMENTAL AGENCY; AN ORDINANCE CREATING SECTION 12-55 (2) OF THE CODE OF ORDINANCES RELATED TO THE LANDLORD-TENANT ACT TO ALLOW TENANT REMEDIES FOR RETALITIAION; AN ORDINANCE CREATING SECTION 12-55 (3) OF THE CODE OF ORDINANCES RELATED TO THE LANDLORD-TENANT ACT FOR EXCLUSIONS FOR RETALITIAION; AN ORDINANCE CREATING SECTION 12-55 (4) OF THE CODE OF ORDINANCES RELATED TO THE LANDLORD-TENANT ACT TO STATE LANDLORD LIABILITY PURSUANT TO KRS 383.625(2); AND AN ORDINANCE CREATING SECTION 12-55 (5) OF THE CODE OF ORDINANCES RELATED TO THE LANDLORD-TENANT ACT TO SPECIFY TENANT REMEDIES FOR RETALIATION.

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

WHEREAS, the Council adopted the Landlord-Tenant Act in Revised Code of Ordinances section 12-54; and

WHEREAS, it is the Council's desire to specify a tenant's rights for reporting a code violation pursuant to state law.

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

Section 1 - That Section 12-55(1) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

- (1) Except as provided in this section, a landlord may not retaliate by increasing rent or decreasing services or by bringing or threatening to bring an action for possession after:
 - (a) The tenant has complained to a governmental agency charged with responsibility for enforcement of a building or housing code of a violation applicable to the premises materially affecting health and safety;
 - (b) The tenant has complained to the landlord of a violation under KRS 383.595;
 - (c) The tenant has organized or become a member of a tenant's union or similar organization.

Section 2 - That Section 12-55(2) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

- (2) If the landlord acts in violation of subsection (1) of this section, the tenant is entitled to the remedies provided in section (5) and has a defense in any retaliatory action against him for possession. In an action by or against the tenant, evidence of a complaint within one (1) year before the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. "Presumption" means that the trier of fact must find the existence of the fact presumed unless and until

evidence is introduced which would support a finding of its nonexistence.

Section 3 - That Section 12-55(3) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

- (3) Notwithstanding subsections (1) and (2) of this section, a landlord may bring an action for possession if:
 - (a) The violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant or other person in his household or upon the premises with his consent;
 - (b) The tenant is in default in rent; or
 - (c) Compliance with the applicable building or housing code requires alteration, remodeling, or demolition which would effectively deprive the tenant of use of the dwelling unit.

Section 4 - That Section 12-55(4) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

- (4) The maintenance of an action under subsection (3) of this section does not release the landlord from liability under KRS 383.625(2)

Section 5 - That Section 12-55(5) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

- (5) If a landlord unlawfully removes or excludes the tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of heat, running water, hot water electric, gas, or other essential service, the tenant may recover possession or terminate the rental agreement and, in either case, recover an amount not more than three (3) months periodic rent and a reasonable attorney's fee. If the rental agreement is terminated the landlord shall return all prepaid rent.

Section 6 - That this Ordinance shall not be construed in a manner so as to conflict with Kentucky's Landlord-Tenant Act, and the sole means of enforcement of this Ordinance shall be as provided in that Act.

Section 7 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

xxxx-24:MRS: 4894-7664-8936, v. 1