

**Greater Louisville Association of REALTORS
Government Affairs Update**

February 4, 2019

Louisville Metro Government

1. The Louisville Metro agency Develop Louisville has sent out for review and comment a draft plan for the South Floyds Fork Area Plan. The recommendations are a culmination of a taskforce that has worked for over a year on trying to figure out the best way to move forward with development around the Floyds Fork area. GLAR is in constant discussions with Develop Louisville on this issue as well as other like business organizations. More to come on this issue as the meetings continue and the final plan is unveiled in early 2019.

2. Louisville Metro Councilman Bill Hollander has filed a resolution that would ask the Planning Commission to review the Land Development Code chart dealing with minimum tree canopy requirements for new developments. The Metro Council voted it out positively. Develop Louisville sent out an email for a GLAR representative to be on the Tree Workgroup to develop a plan for increasing the tree canopy requirements in certain situations. GLAR is an active member of this workgroup and the final meeting of the group was on January 29th. GLAR will be reviewing the proposals and providing comments.

3. Louisville Metro Planning Commission held a hearing on short term rentals on Thursday Dec 6th at the Planning Commission meeting. There were several folks that spoke for and against a ban on the non—owner occupied short term rentals in residentially zoned property. The LM Planning Commission did not make a decision on their recommendation to the Metro Council on this issue and brought it back up at their meeting on January 24, 2019 at 3 PM. The Planning Commission recommended at this meeting that the CUP process for the short term rentals in residential areas not be banned. The suggested changes include:
 - Increase the annual registration fee for short-term rentals to \$100 from \$25.
 - Require hosts to post a copy of their city-issued registration near the entrance of the property so that it is visible from the exterior.
 - Require the host to provide their name, telephone number and emergency contact information to adjacent property owners.
 - Have a licensed fire prevention inspector or a home inspector inspect non-owner-occupied short-term rentals to determine any safety issues.
 - Require non-owner-occupied short-term rental hosts to register their rental within 60 days of receiving a conditional use permit, or the permit will be null and void.

- Permit the city planning director to deny short-term rental registration to any host who has had his or her registration revoked within one year of application for the new registration.

This issue will now go in front of the Metro Council for their deliberations on the recommendations.

4. The Louisville Metropolitan Sewer District has unveiled the preliminary revised floodplain maps for review. According to MSD there are 1100 new buildings in the floodplain and 1500 buildings that have been removed from the floodplain. Currently, MSD is taking comment on these new maps. The new maps will not be final until late 2019 or early 2020. The link to the new maps is located at: <https://lojic.maps.arcgis.com/apps/webappviewer/index.html?id=290391796ca049899851c5ba8febe706>

5. The Kentucky General Assembly was in session for the first week of their “short” 30 day session two weeks ago. In addition to bills specifically affecting the real estate industry, included are some bills that would affect all employers such as expungement, civil rights, pregnancy accommodations, etc.

With the first four days now passed, the legislature has recessed until they return on Feb 5th. They are scheduled to adjourn on March 29th.

HB13 FIRE PROTECTION (ROTHENBURGER, ROB; AN ACT relating to fire protection and making an appropriation therefor.

Amend KRS 95A.520 and 95A.540, relating to volunteer fire department mergers, to make it applicable to volunteer fire departments merging prior to the effective date of the Act; create a new section of KRS Chapter 95A to provide that for volunteer fire departments merging after the effective date of the Act, the Fire Commission shall pay to the departments the number of qualified shares of volunteer fire department aid each is entitled to for a period of 20 years after the date of the merger, upon the expiration of which the merged department receives only one share; provide contingency protocols if the merged fire department becomes unqualified; create a new section of KRS Chapter 95A to provide a contingency protocol if a new volunteer fire department is created out of the merged one during the 20 year period; create new sections of KRS Chapter 75 to allow an alternative tax rate and board structure for fire districts electing to do so; set tax rate at a maximum of \$0.15 for a district, and maximum of \$0.25 for a district operating the sole emergency ambulance service and make the tax subject to the recall provisions; establish a seven member board of which one is appointed by the county executive head, four are elected by persons owning property within the district, and two are firefighters of the districts elected by the firefighters of the district; set election procedures and times; amend KRS 132.023, relating to tax recall provisions, to integrate applicable fire districts, as defined in the section, within the scope of the section.

Current Status: 1/10/2019 - (H) Referred to Committee House Veterans, Military Affairs, and Public Protection

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)

9/4/2018 - Pre-Filed

HB27 **NONPROFIT SALES TAX EXEMPTION** (KEENE, DENNIS; AN ACT relating to exempting admissions to events held by nonprofit organizations from sales and use taxation.

Amend KRS 139.470 to exempt from sales and use tax the sale of admissions to events held by nonprofit organizations and to remove the specific exemption for county fairs to conform; amend KRS 139.200 to conform; apply to transactions occurring on or after July 1, 2019.

Current Status: 1/10/2019 - (H) Referred to Committee House
Appropriations & Revenue

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
9/7/2018 - Pre-Filed

HB28 **NONPROFIT TAXATION EXEMPTIONS** (OSBORNE, DAVID; AN ACT relating to nonprofit exemptions in taxation and declaring an emergency.

Amend KRS 139.495 to exempt from sales and use tax the sale of admissions by nonprofit educational, charitable, or religious institutions; amend KRS 139.200 to add the exemption; amend KRS 132.195 to exempt from property tax leasehold interests in property owned by a purely public charity when the property and income are used to further the purely public charity's mission; EMERGENCY.

Current Status: 1/10/2019 - (H) Referred to Committee House
Appropriations & Revenue

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
7/13/2018 - Pre-Filed

HB42 **CRIME VICTIMS LEAVE FROM EMPLOYMENT** (JENKINS, JONI; AN ACT relating to leave from employment for crime victims.

Amend KRS 337.415, relating to court-ordered appearances by employees, to prohibit employers from discharging or retaliating against an employee who is a crime victim when the employee takes leave to attend proceedings associated with a crime; require an employee to give an employer reasonable notice to take leave when practicable; provide guidelines for use of paid leave; require the employer to maintain confidentiality of records and communication with employee crime victim; create a penalty for failing to maintain confidentiality; define terms.

Current Status: 1/10/2019 - (H) Referred to Committee House Economic
Development & Workforce Investment

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
9/20/2018 - Pre-Filed

HB49 **PROPERTY TAXES** (LEE, STAN; AN ACT relating to the levy of property taxes.

Amend KRS 132.017, relating to property taxes levied by local government entities, to extend the deadline to file a petition to 75 days; allow petition papers to be substantially uniform in size and style; allow the names of voters from more than one voting precinct to be on the same sheet of the petition paper; allow electronic signatures to be counted when the signatures comply with the Uniform Electronic Transactions Act; lower the number of signatures needed for the petition to 5%;

require the local governmental entity or school to levy a tax rate that is equal to the compensating tax rate when an election on the tax rate levy is canceled or the vote fails to pass the election; amend KRS 132.018 to conform.

Current Status: 1/10/2019 - (H) Referred to Committee House Local Government

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/14/2018 - Pre-Filed

HB97 WATER FLUORIDATION PROGRAMS (HART, MARK; AN ACT relating to water fluoridation programs.

Amend KRS 211.190 to allow local government entities and special districts to void implementation of the water fluoridation programs administered by the Cabinet for Health and Family Services by legislative action.

Current Status: 1/11/2019 - (H) reassigned to committee House State Government

All Bill Status: 1/10/2019 - (H) Referred to Committee House Local Government
1/8/2019 - Introduced (Pre-Filed)
12/13/2018 - Pre-Filed

HB119 REAL ESTATE (TIPTON, JAMES; AN ACT relating to real estate.

Amend KRS 324.360 to require the section to apply to all real estate transactions if any person licensed under KRS Chapter 324 receives compensation; require the Kentucky Real Estate Commission to promulgate administrative regulations authorizing seller disclosure forms for residential single family, residential multi-family, vacant land, and commercial properties; eliminate the exception for the use of a seller's disclosure of conditions form for residential purchases of new homes if a warranty is offered.

Current Status: 1/11/2019 - (H) reassigned to committee House Licensing, Occupations, & Admin Regs

All Bill Status: 1/10/2019 - (H) Referred to Committee House Natural Resources & Energy
1/8/2019 - Introduced (Pre-Filed)
1/8/2019 - Introduced

HB122 TAX CREDITS (DONOHUE, JEFFERY; AN ACT RELATING TO tax credits for airport noise mitigation.

Create a new section of KRS Chapter 141 to establish a refundable income tax credit for the costs of mitigating noise from a commercial airport for taxable years beginning on or after January 1, 2019, but before January 1, 2023; amend KRS 131.190 to require certain information to be submitted to the Legislative Research Commission; amend KRS 141.0205 to order the credit.

Current Status: 1/10/2019 - (H) Referred to Committee House Appropriations & Revenue

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
1/8/2019 - Introduced

HB131 BOARDS AND COMMISSIONS (WESTROM, SUSAN; AN ACT relating to

administration of Boards and Commissions.

Amend KRS 324B.030 to require the Department of Professional Licensing in the Public Protection Cabinet to provide active state supervision to specified boards and commissions; require the department to provide administrative services for boards with less than 100 licensees; require the department to receive and investigate complaints against licensees of boards and commissions assigned to the department; require boards and commissions to submit an administrative regulation to the department for review prior to filing the administrative regulation.

Current Status: 1/11/2019 - (H) WITHDRAWN

All Bill Status: 1/10/2019 - (H) Referred to Committee House Licensing, Occupations, & Admin Regs
1/9/2019 - Introduced

HB147 JUSTICES AND JUDGES (BURCH, THOMAS; AN ACT relating to retired justices and judges.

Amend KRS 423.010 to provide that retired justices and judges shall have the powers of notaries public.

Current Status: 1/11/2019 - (H) Referred to Committee House Judiciary

All Bill Status: 1/10/2019 - Introduced

HB164 CIVIL RIGHTS (MARZIAN, MARY LOU; AN ACT relating to civil rights.

Amend KRS 344.010 to include definitions for "sexual orientation" and "gender identity"; amend KRS 344.020, relating to the purpose of the KRS civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform.

Current Status: 1/11/2019 - Introduced

SB18 PREGNANCY-RELATED DISCRIMINATION (KERR, ALICE; AN ACT relating to pregnancy-related discrimination.

Amend KRS 344.030 to include within the definition of "reasonable accommodation" accommodations made for pregnancy, childbirth, and related medical conditions; define "related medical condition"; amend KRS 344.040 to make it unlawful for an employer to fail to accommodate an employee affected by pregnancy, childbirth, or

a related medical condition; require employers to provide notice to all employees regarding the right to be free from discrimination for pregnancy, childbirth, and related medical conditions.

Current Status: 1/11/2019 - (S) Referred to Committee Senate Judiciary

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
8/17/2018 - Pre-Filed

SB21 **COMMON INTEREST COMMUNITIES** (ALVARADO, RALPH; AN ACT relating to common interest communities.

Create new sections of KRS Chapter 381 to establish definitions for common interest communities which exclude condominiums; prohibit waiver of rights conferred by the bill; impose good faith obligation; establish a requirement to record a declaration for a common interest community with county clerks and set minimum contents of the declaration; limit application to communities created after the effective date or, for existing communities, apply only to events occurring after the effective date; specify that agreements between communities do not create a separate common interest community; require establishment of a unit owners association and specify methods of transfer of developer control to an association; set minimum powers of unit owners associations and boards; set duties and powers of board members; establish minimum requirements for recorded bylaws regarding board and association procedures; establish procedures for calling and conducting association meetings; establish procedures for calling and conducting executive board meetings; define quorum for meetings; create and limit voting methods for unit owners; limit foreclosure action by unit owners association; require records to be kept by association and determine methods of publicizing records; establish procedure for adopting and amending policy rules within the community; specify methods of providing notice to community members; provide for removal of executive board members; require budget and special assessment adoption and publication; allow cause of action to enforce rights and obligations; apply supplemental principles of law and equity.

Current Status: 1/8/2019 - (S) Referred to Committee Senate Judiciary

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/14/2018 - Pre-Filed

SB25 **SPECIAL GOVERNMENTAL ENTITIES** (ALVARADO, RALPH; AN ACT relating to special purpose governmental entities.

Create a new section of KRS Chapter 65A to require proposed increases in ad valorem taxes and certain fees and the levy of new ad valorem taxes or fees by special purpose governmental entities to be submitted to the legislative body of the county or city in which the special purpose governmental entity is located for review; amend various sections of the Kentucky Revised Statutes to conform; repeal KRS 65A.100; EFFECTIVE January 1, 2020.

Current Status: 1/9/2019 - (S) Referred to Committee Senate State & Local Government

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/13/2018 - Pre-Filed

SB26 **LEVY OF TAXES** (ALVARADO, RALPH; AN ACT relating to the levy of taxes.

Amend KRS 132.017, 160.485, and 160.597 to extend the deadline to file a property

tax recall petition to 75 days; allow petition papers to be substantially uniform in size and style; allow the names of voters from more than one voting precinct to be on the same sheet of the petition paper; allow electronic signatures to be counted when the signatures comply with the Uniform Electronic Transactions Act; lower the number of signatures needed for the petition to five percent; amend KRS 132.017 to require the local governmental entity or school to levy a tax rate that is equal to the compensating tax rate when an election on the tax rate levy is canceled or when the election is held and the vote on the proposed increase fails to pass; amend KRS 160.470 to subject a tax increase by the district board of education in excess of the amount of revenue produced by the compensating tax rate to a recall vote; amend KRS 82.095 and 132.018 to conform.

Current Status: 1/8/2019 - (S) Referred to Committee Senate State & Local Government

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/13/2018 - Pre-Filed

SB28 HAZARDOUS WASTE VIOLATIONS (ALVARADO, RALPH; AN ACT relating to notice of hazardous waste violations.

Create a new section of KRS 224.46-505 to 224.46-590 to require the secretary of the Energy and Environment Cabinet to send a copy of a notice of violation for a hazardous waste site or facility to the county/judge executive of the county or the chief executive officer of the urban-county government within which the site or facility is located; amend KRS 224.10-212 to specify that notices of violation for hazardous waste sites or facilities are not prohibited from disclosure due to confidentiality.

Current Status: 1/8/2019 - (S) Referred to Committee Senate Natural Resources & Energy

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/13/2018 - Pre-Filed

SB33 REMOVAL OF SMOKER PROTECTIONS (SCHICKEL, JOHN; AN ACT relating to employment discrimination based on smoking.

Amend KRS 344.040 to remove protections against employment discrimination based on an individual's status as a smoker or nonsmoker.

Current Status: 1/8/2019 - (S) Referred to Committee Senate Judiciary

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
11/15/2018 - Pre-Filed

SB37 WATER FLUORIDATION PROGRAMS (WEST, STEVE; AN ACT relating to water fluoridation programs.

Amend KRS 211.190 to make water fluoridation programs administered by the Cabinet for Health and Family Services optional; allow local government entities and special districts to void implementation of the programs by legislative action.

Current Status: 1/9/2019 - (S) Referred to Committee Senate State & Local Government

All Bill Status: 1/8/2019 - Introduced (Pre-Filed)
12/14/2018 - Pre-Filed

- SB40 BUILDING CODE VIOLATIONS** (MEREDITH, STEPHEN; AN ACT relating to causes of actions for building code violations.
- Amend KRS 198B.130 to allow a court award under KRS Chapter 198B or the Uniform Building Code to include attorney's fees if a certificate of occupancy has not been issued.
- Current Status:** 1/8/2019 - (S) Referred to Committee Senate Licensing, Occupations, and Administrative Regulations
- All Bill Status:** 1/8/2019 - Introduced (Pre-Filed)
12/12/2018 - Pre-Filed
- SB56 NOTARIES** (WESTERFIELD, WHITNEY; AN ACT relating to notaries public.
- Create a new section of KRS Chapter 423 to require the Secretary of State to issue a new certificate reflecting a notary's change of name upon receipt of an application and proper documentation.
- Current Status:** 1/10/2019 - (S) Referred to Committee Senate State & Local Government
- All Bill Status:** 1/8/2019 - Introduced
- SB59 SALES AND USE TAX** (SCHICKEL, JOHN; AN ACT relating to a sales and use tax exemption for certain nonprofit entities and declaring an emergency.
- Amend KRS 139.010 to define "fundraising"; amend KRS 139.200 to exempt from sales and use tax the sale of admissions by nonprofit educational, charitable, or religious institutions; amend KRS 139.495 to exempt from sales and use tax the fundraising activities done by nonprofit educational, charitable, or religious institutions; amend KRS 139.496 and 139.497 to conform; EMERGENCY.
- Current Status:** 1/10/2019 - (S) Referred to Committee Senate Appropriations & Revenue
- All Bill Status:** 1/8/2019 - Introduced
- SB74 RECKLESS HOMICIDE** (TURNER, JOHNNY ; AN ACT relating to vacating conviction for reckless homicide.
- Amend KRS 431.073 to allow convictions for reckless homicide to be vacated and expunged if the offender has first been granted a partial pardon by the Governor.
- Current Status:** 1/11/2019 - (S) Referred to Committee Senate Judiciary
- All Bill Status:** 1/9/2019 - Introduced
- SB89 METHAMPHETAMINE** (ALVARADO, RALPH; AN ACT relating to methamphetamine.
- Create a new section of KRS 65.8801 to 65.8839 to allow a local government to provide for the abatement and decontamination of any property where a methamphetamine contamination notice has been posted; amend KRS 65.8840 to provide that a local government may provide for the abatement and decontamination of any property where a methamphetamine contamination notice has been posted through ordinance; require notice and hearing prior to the decontamination of any property where a methamphetamine contamination notice has been posted; provide that a local government may place a lien on the property for costs related to the enforcement of the ordinance and decontamination of the

property; amend KRS 132.012 to include properties that have had a methamphetamine contamination notice posted for a period of at least one year in the definition of "abandoned urban property" for tax purposes; amend KRS 426.205 to specify that a lien for the costs to a local government for the abatement and decontamination of a property where a methamphetamine contamination notice has been posted qualifies as a lien for which a sale may be ordered when the property is determined to be abandoned.

Current Status: 1/11/2019 - Introduced

SJR23

OCCUPATIONAL LICENSE FEES (HIGDON, JIMMY; A JOINT RESOLUTION directing the Kentucky Department for Local Government to examine the feasibility of creating an on-line portal for the payment of local occupational license fees and taxes as a complementary system to the current system of their collection, and declaring an emergency.

Direct the Department for Local Government to conduct a study the feasibility of the creation of an on-line portal for the calculation and payment of local license and occupation taxes, and to suggest any legislative changes that are necessary to implement, operate and fund such an on-line portal; EMERGENCY.

Current Status: 1/10/2019 - (S) Referred to Committee Senate State & Local Government