

99.790 Petition for appointment of conservator for abandoned and blighted building.

- (1) A petition for the appointment of a conservator to take possession of and undertake the rehabilitation of an abandoned and blighted building shall be filed in the Circuit Court in the county in which the building is located by the city or county in which the building is located. The proceeding on the petition shall constitute an action in rem.
- (2) The petition shall include:
 - (a) The name and last known address of the owner of the vacant building;
 - (b) Copies of citations charging the owner with being in violation of local housing, building, plumbing, electrical, fire, health, or nuisance code requirements, including proof of service pursuant to KRS 65.8825(2);
 - (c) A schedule of recorded liens or other encumbrances on the property, including the names and addresses of all lienholders;
 - (d) Assessed value of the property for tax purposes;
 - (e) A recommendation as to which person or entity should be appointed conservator, including the qualifications of the person or entity;
 - (f) A preliminary plan, including the current condition of the building, photographs, initial estimates for costs of rehabilitation of the building to bring it into compliance with all applicable housing, building, electrical, fire, health, and nuisance code requirements charged in the citations, and an estimated timeline for completion;
 - (g) Anticipated funding sources for the preliminary plan; and
 - (h) A sworn statement by the petitioner that, to the best of his or her knowledge and belief:
 1. The building meets the conditions for conservatorship set forth in KRS 99.800;
 2. The building has not been legally occupied for at least the previous twelve (12) months;
 3. The property has not been actively marketed within the previous sixty (60) days;
 4. The property is not subject to a pending foreclosure action by an individual or nongovernmental entity;
 5. The property is not subject to an outstanding mortgage held by a bank or other creditor with a recorded security interest in the property, unless waived by the bank or other creditor; and
 6. The owner has been the holder of title to the property for six (6) months or more.
- (3) Upon filing the petition with the court, the petitioner shall file a notice of lis pendens in the office of the clerk of the county in which the property is located.

Effective: January 1, 2022

History: Created 2021 Ky. Acts ch. 166, sec. 3, effective January 1, 2022.