

65.8836 System for notification of lienholder -- Requirements -- Correction of violation -- Precedence of lien.

- (1) A local government adopting the provisions of KRS 65.8801 to 65.8839 shall implement a system for notification to lienholders that meets the minimum requirements of subsection (2) of this section and shall comply with the procedures to permit remedial action by lienholders as provided in subsection (3) of this section in order to obtain and maintain the lien priority over previously filed liens granted in KRS 65.8835.
- (2) A local government shall create a notification system that provides lienholders and others that elect to do so with electronic notifications of all final orders entered pursuant to KRS 65.8801 to 65.8839. The system shall meet the following minimum requirements:
 - (a) An individual or entity may register with the local government to receive information on each final order by providing a name, mailing address, phone number, and an electronic mailing address to the local government. The local government shall accept this information in any form submitted by a registrant. It shall be the responsibility of the registrant to maintain and update its contact information with the local government, except that a local government shall inform a registrant of any evidence the local government receives that the electronic mailing address is invalid or not functional in order to provide the registrant an opportunity to submit an updated electronic mailing address;
 - (b) No less than once a month but no more frequently than once per week, the local government shall send electronic mail notification of all final orders issued pursuant to the provisions of KRS 65.8801 to 65.8839 since the last date of notification to each party registered pursuant to paragraph (a) of this subsection. The notification shall, at a minimum, include or provide an electronic link to a document or database meeting the requirements of this paragraph that includes:
 1. The name of the person charged with a violation;
 2. The physical address of the premises where the violation occurred;
 3. The last known mailing address for the owner of the premises where the violation occurred if, in the exercise of reasonable diligence, it is ascertainable.
 4. A specific description of the citation leading to the final order, including the citation detail set forth in KRS 65.8825(4)(a) to (h), which may be satisfied by including a copy of the full citation;
 5. The findings of the final order, including the penalty or penalties imposed by the final order, which may be satisfied by providing a copy of the full final order; and
 6. The status of the final order in regards to its ability to be appealed pursuant to KRS 65.8831, except that the local government shall provide an update to registrants if an appeal is filed on a final order pursuant to KRS 65.8831;
 - (c) At the same time the electronic notification required under paragraph (b) of this subsection is sent, a local government shall post this notification or

provide a summary of the information regarding each final order required by paragraph (b) of this subsection in a conspicuous place on its public Web site, which shall be affiliated with the local government and contain other information about the local government. If the local government posts using summary form:

1. The summary shall be calculated to reasonably allow identification of the specific properties which may be impacted by the lien; and
 2. Upon request, the local government shall provide the complete record of a final order created under paragraph (b) of this subsection without charge; and
- (d) A local government shall maintain the records created under this subsection for a period of ten (10) years following their issuance.
- (3) (a) A lien holder of record may, within forty-five (45) days from the date of issuance of notification under subsection (2) of this section, correct the violation if it has not already been abated, or elect to pay all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs. This subsection shall not prohibit the local government from taking immediate action if necessitated under KRS 65.8838.
- (b) The lien provided by KRS 65.8835 shall not take precedence over previously recorded liens if:
1. The local government failed to comply with the requirements of subsection (2) of this section for notification of the final order; or
 2. A prior lienholder corrected the violation or paid all civil fines assessed for the violation and all charges and fees incurred by the local government in connection with the enforcement of the ordinance, including abatement costs within forty-five (45) days as provided in paragraph (a) of this subsection.
- (c) A lien that does not take precedence over previously recorded liens under the circumstances outlined in paragraph (b) of this subsection, shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and city taxes.
- (d) Nothing contained in this subsection shall prohibit a local government from recording a lien before the forty-five (45) day period established in paragraph (a) of this subsection expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period established in paragraph (a) of this subsection, the local government shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.
- (4) The local government may delegate responsibility for compliance with this section to the code enforcement board or its administrative staff as specified in the ordinance establishing and governing the operation of the code enforcement board.
- (5) The failure of a local government to comply with this section or the failure of a

lien to take precedence over previously filed liens as provided in subsection (3)(b) of this section, shall not limit or restrict any other remedies that the local government has against the property or the violator.

- (6) The requirements of this section shall not apply to a local government when it enforces KRS 65.8840.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 86, sec. 3, effective June 29, 2017. -- Created 2016 Ky. Acts ch. 86, sec. 11, effective July 15, 2016.