

99.785 Definitions for KRS 99.780 to 99.855.

As used in KRS 99.780 to 99.855, unless the context otherwise requires:

- (1) "Abandoned and blighted property" means a residential, commercial, or industrial building that has been continuously vacant for at least one (1) year with repeated housing, building, or nuisance code citations and at least three (3) of the following conditions:
 - (a) The building has not been brought into compliance with the housing, building, or nuisance code requirements of the local government in which it is located within time constraints placed upon the owner by the appropriate code enforcement agency or agencies;
 - (b) The building is unfit for human habitation, occupancy, or use;
 - (c) The condition and vacancy of the building materially increases the risk of fire to the building and to adjacent properties;
 - (d) The building, by reason of neglect or lack of maintenance, has become a place for the accumulation of substantial trash and debris or a haven for rodents or other vermin that create potential health and safety hazards;
 - (e) The building is subject to unauthorized entry leading to potential health and safety hazards, and either the owner has failed to take reasonable and necessary measures to secure the building or the local government has secured the building in order to prevent such hazards after the owner has failed to do so;
 - (f) The building is an attractive nuisance to children or for illicit purposes, including drug use and vagrancy; or
 - (g) The building, because of its dilapidated appearance or other conditions, substantially negatively affects the economic well-being of residents or businesses in close proximity to the building;
- (2) "Actively marketed" means:
 - (a) A "for sale" sign has been placed on the property with accurate contact information;
 - (b) The owner has engaged the services of a licensed real estate agent, placed weekly or more frequent advertisements in print, or listed the property for sale in electronic media via a Web site specifically designed for such activity; and
 - (c) The owner has made a good-faith effort to sell the property at a price that reflects the circumstances and market conditions;
- (3) "Building" means a residential, commercial, or industrial building or structure and the land appurtenant thereto;
- (4) "Competent entity" means a person or entity, including a nonprofit corporation, with experience in the rehabilitation of residential, commercial, or industrial buildings and the ability to provide or obtain the necessary financing for such rehabilitation;
- (5) "Conservator" means a competent entity appointed by a court to take possession of and undertake the rehabilitation of an abandoned and blighted building;

- (6) "Conservator's fee" for rehabilitation or demolition of an abandoned and blighted building means a fee equal to the greater of:
 - (a) A reasonable amount not to exceed twenty percent (20%) of the actual costs incurred by a conservator for rehabilitation or demolition of the building as described in the plan for rehabilitation or demolition approved by the court; or
 - (b) Fifteen percent (15%) of the sale price of the property;
- (7) "Costs of rehabilitation" means costs and expenses for construction, stabilization, rehabilitation, maintenance, or demolition, including reasonable nonconstruction costs associated with the project, including but not limited to architectural, engineering, legal fees and costs, permits, financing fees, and a conservator's fee;
- (8) "Historic structure" means a property which is listed on the National Register of Historic Places, is a contributing property in a national register historic district, or is designated an historic property by the Kentucky Heritage Council;
- (9) "Immediate family" means a parent, spouse, child, brother, or sister;
- (10) "Local government" has the same meaning as in KRS 99.705;
- (11) "Nonprofit corporation" means a corporation recognized by the United States Internal Revenue Service as being tax exempt under 26 U.S.C. sec. 501(c) that has, as one (1) of its purposes, remediation of blight, economic development, historic preservation, or the promotion or enhancement of affordable housing opportunities;
- (12) "Owner":
 - (a) Means the holder or holders of title to, or of a legal or equitable interest in, a residential, commercial, or industrial building for six (6) months or more; and
 - (b) Includes an heir, assignee, trustee, beneficiary, and lessee, provided the ownership interest is a matter of public record;
- (13) "Party in interest" means a person or entity that has a direct and immediate interest in a residential, commercial, or industrial building, including:
 - (a) The owner;
 - (b) Any lienholder with a recorded interest in the property; and
 - (c) The city and county in which the building is located;
- (14) "Rehabilitation" means improvements to a building in order to bring it into compliance with all applicable housing, building, and nuisance code requirements; and
- (15) "Vacant" means abandoned, unoccupied, or empty continuously for at least one (1) year, excluding unauthorized or illegal occupancies.

Effective: January 1, 2022

History: Created 2021 Ky. Acts ch. 166, sec. 2, effective January 1, 2022.