Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 156							
Bill #: HB 55 GA							
Bill Subject/Title: AN ACT relating to planning and zoning in consolidated local governments							
Sponsor: Representative Jim S. Wayne							
Unit of Government:		County Consolidated Loca	Urban-County Unified Local Government				
Office(s) Impacted: Code enforcement							
Requirement: Mandatory _X Optional							
Effect on Powers & Cl Duties:	arifies Modifies Existing	Adds New	Eliminates Existing				

Part II: Purpose and Mechanics

Some small cities in Jefferson County that are part of the consolidated local government of Louisville Metro have experienced legal challenges to their authority to regulate land use within their boundaries; for example, challenges to their authority to require nuisance abatement and to enforce local building permit processes. Some challengers have claimed, relying on KRS 100.137(3), that only cities with population equal to or greater than 3,000 or, if fewer than 3,000, cities that regulated land use prior to January 1, 2014, have any authority to regulate any kind of land use within their boundaries. The purpose of HB 55 GA is to clarify that cities within a consolidated local government that do not satisfy the criteria in KRS 100.137(3) and so are not authorized to enact zoning regulations within their boundaries, still are authorized to enact and enforce ordinances, regulations, and procedures that affect certain land uses within their boundaries, so long as they do not conflict with the use of property allowed by the consolidated local government's comprehensive land use and zoning plan. The bill would amend KRS 100.137(3) to establish that the statute is not to be interpreted to limit authority of those cities to enact ordinances, regulations, and procedures enforceable within their boundaries that govern:

- 1. Nuisance abatement;
- 2. Business licensing;
- 3. Building permit processes;
- 4. Code enforcement measures; and
- 5. The exercise of all other local powers that further a public purpose and which do not conflict with a constitutional provision or law.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 55 GA on cities within Louisville Metro that do not meet the criteria for authorization to enact zoning laws is indeterminable but likely to be positive.

The bill's clarification of the authority of small cities in a consolidated local government to enact ordinances, regulations, and procedures governing certain aspects of land use within their boundaries should discourage legal challenges to that authority and make enforcement of ordinances easier. It would save the cities costly litigation fees and expenses, reduce enforcement costs, and help preserve city resources. And, while the bill acknowledges the authority of the affected cities to enact legislation, it does not require them to do so.

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Preparer:	Mary Stephens	Reviewer:	JWN	Date:	2/11/16