

1 AN ACT relating to housing districts.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Developer" means one (1) or more persons or entities that petition a local*
7 *government for the establishment of a district under Section 2 of this Act, and*
8 *that are responsible for the development of residential property within a district;*

9 *(2) "Establishing ordinance" means an ordinance of a local government*
10 *establishing a district under Section 2 of this Act;*

11 *(3) "Infrastructure" means:*

12 *(a) The streets, roads, bridges, sidewalks, water, wastewater, natural gas,*
13 *electric, telecommunications, and storm water facilities required for the*
14 *development of residential property within a district, whether located within*
15 *or without the district, that benefit the properties within the district; and*

16 *(b) The land within the boundaries of the district required to be donated,*
17 *dedicated, or otherwise made available to a local government for public*
18 *purposes;*

19 *(4) "Infrastructure costs" means:*

20 *(a) All costs that may be capitalized under generally accepted accounting*
21 *principles for purchasing, constructing, installing, and equipping*
22 *infrastructure;*

23 *(b) The fees or costs imposed by a municipality or utility service provider:*

24 *1. Related to the construction or installation of infrastructure; or*

25 *2. As a condition to the delivery of utility services to properties within a*
26 *district; and*

27 *(c) The cost of any land required to be donated, dedicated, or otherwise made*

1 available to a governmental entity for public purposes, which land shall be
2 valued at either the developer's demonstrated cost or, if the value of the land
3 has subsequently been appraised, its appraised value, whichever is higher;

4 (5) "Initiating petition" means a petition submitted to a local government requesting
5 the establishment of a district under Section 2 of this Act;

6 (6) "Local government" means a city, county, consolidated local government, urban-
7 county government, charter county government, or unified local government that
8 establishes and operates a district under Sections 1 to 6 of this Act;

9 (7) "Owner" means the owner of record of a parcel of property within a district or
10 the owner's authorized representative;

11 (8) "Residential infrastructure development district" or "district" means an area
12 that:

13 (a) Is composed of five (5) or more acres of land;

14 (b) Requires a capital cost to complete development that is equal to or greater
15 than five million dollars (\$5,000,000);

16 (c) Upon its complete development will have more than one-half (1/2) of its
17 space dedicated to residential housing; and

18 (d) Is established under Sections 1 to 6 of this Act; and

19 (9) "Special assessment" means a special charge levied by a local government on
20 property to finance infrastructure costs under Sections 1 to 6 of this Act.

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) A residential infrastructure development district shall be established as follows:

24 (a) The developer and each owner of property proposed to be included in a
25 district shall sign an initiating petition requesting the establishment of a
26 district, which shall be submitted to a local government. The initiating
27 petition shall set forth:

- 1 1. The name and address of the developer;
- 2 2. The local government to be responsible for overseeing the district;
- 3 3. A map and description of the area to be included within the district;
- 4 4. A list of each parcel of property to be included within the district that
5 contains each parcel's mailing address;
- 6 5. A site development plan for the district showing the area in the district
7 that is anticipated to be used for residential housing;
- 8 6. A description of the infrastructure that the developer anticipates will
9 be necessary to complete the development and an estimated cost of that
10 infrastructure;
- 11 7. The cost that the developer anticipates is necessary to complete the
12 development;
- 13 8. The proposed rate of the special assessment to be imposed;
- 14 9. That the developer or owner of property to be included within the
15 district has received the approval set out in paragraph (b) of this
16 subsection, if applicable; and
- 17 10. A formal request that the local government establish the district;
- 18 **(b) If a mortgage or lien encumbers a parcel of property to be included within**
19 **the district, the developer or owner of the property shall obtain a signed**
20 **approval from the mortgage holder or lien holder before the property may**
21 **be included in the district. If the mortgage holder or lien holder does not**
22 **grant the approval, the property shall not be included within the district;**
- 23 **(c) Upon receipt of the initiating petition a local government shall, within**
24 **ninety (90) days, approve or deny the petition. The decision to approve or**
25 **deny a petition is solely at the discretion of the local government. To**
26 **approve a petition a local government shall:**
- 27 1. Determine whether the petition contains the information required in

1 paragraph (a) of this subsection;

2 2. Conduct a public hearing concerning the proposed establishment of
3 the district, notice of which shall be provided in the usual method of
4 providing notice of a public meeting and shall also include mailed,
5 written notices to each property owner whose property is proposed to
6 be included in the district; and

7 3. Adopt an establishing ordinance that contains:

8 a. The name and address of the developer;

9 b. The local government responsible for overseeing the district;

10 c. A map and description of the area to be included within the
11 district;

12 d. A list of each parcel of property to be included within the district
13 that contains each parcel's mailing addresses;

14 e. A statement that the properties in the district may be subject to a
15 special assessment;

16 f. A description of the infrastructure that the local government has
17 authorized to be financed via a special assessment;

18 g. A description of the method of assessing and collecting special
19 assessments under Section 4 of this Act;

20 h. The time and manner in which the special assessment shall be
21 paid; and

22 i. The portion of the special assessment to be retained by the local
23 government for the payment of administrative expenses under
24 Section 4 of this Act; and

25 (d) The establishing ordinance may differ from the initiating petition, but the
26 local government shall endeavor to negotiate with the developer and the
27 owners of any property to be included within the district regarding

differences between the initiating petition and the establishing ordinance prior to its passage.

(2) A property owner that signs a petition pursuant to subsection (1)(a) of this section shall not be permitted to remove the property owner's name from the petition.

(3) Each district established under Sections 1 to 6 of this Act shall be dissolved by the local government immediately upon the payment and discharge of all outstanding debt obligations incurred as a result of infrastructure costs for the district.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) A local government shall have the power to issue bonds, notes, or other debt obligations for the purpose of any of the following:

(a) Paying infrastructure costs identified in the establishing ordinance;

(b) Reimbursing the developer for the payment of prior infrastructure costs identified in the establishing ordinance; or

(c) Refinancing those bonds, notes, or obligations consistent with applicable law.

(2) A local government shall use revenue collected from special assessments levied under Section 4 of this Act for the payment of any bond, note, or other obligation issued pursuant to this section.

(3) The maximum term of any bonds, notes, or other debt obligations issued under this section shall not exceed thirty (30) years from the date of first issuance.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Upon the adoption of an establishing ordinance, a local government is authorized to levy special assessments against all properties located in a district. The revenue collected from special assessments shall be applied to infrastructure costs identified in the establishing ordinance and may be applied to administrative

1 costs under subsection (4) of this section.

2 (2) The local government shall determine the total costs and expenses to be paid from
3 special assessments, and apportion those costs and expenses upon the various
4 properties located in the district in accordance with the benefits conferred upon
5 the properties. In determining the benefits to each property, the local government
6 may consider factors regarding the property, including:

7 (a) Frontage to infrastructure;

8 (b) Total area; and

9 (c) Proportion that the assessed value of each property has to the total property
10 in the district.

11 (3) A local government that levies a special assessment under this section shall
12 impose and collect the special assessment annually.

13 (4) A local government may provide that up to five percent (5%) of the revenue
14 collected from a special assessment may be used for its administrative expenses,
15 including overhead costs associated with the collection of the special assessment.

16 (5) A local government shall prepare an assessment roll that lists the address and
17 owner of each property in the district and the assessed value of the property, and
18 shall update the roll whenever property listed on the roll is subdivided or its value
19 is reassessed.

20 (6) If a property owner fails to pay a special assessment on or before the date
21 determined by the local government, interest of one percent (1%) per month and a
22 penalty of one percent (1%) per month shall be added to the assessment.

23 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) A special assessment, any interest accruing on the assessment, and the costs of
26 collection of the assessment under Section 4 of this Act constitute a lien on the
27 property upon which the assessment is levied. The lien shall be superior to a lien

1 of any trust deed, mortgage, mechanic's lien, or other encumbrance, but shall not
2 be superior to any lien for the payment of taxes or a lien established pursuant to
3 KRS 65.8835.

4 (2) Amounts collected by a local government shall not be allocated to the payment of
5 a special assessment until all taxes, penalties, and interest relating to ad valorem
6 taxes imposed by any governmental entity have been paid in full.

7 (3) If any special assessment is or becomes delinquent and the property subject to the
8 assessment has been sold to the local government as a result of the delinquency,
9 redemption of that property is allowed upon payment, not later than one (1) year
10 after the date of sale, of the full amount of assessments due, plus interest and
11 penalties.

12 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) A residential infrastructure development district may be formed by two (2) or
15 more local governments acting jointly.

16 (2) Each local government acting jointly to establish a district shall enter into an
17 interlocal agreement in accordance with KRS 65.210 to 65.300 concerning the
18 district.

19 (3) Each local government acting jointly to establish a district shall follow the
20 procedures set out in Section 2 of this Act, but may satisfy the public hearing
21 requirement set out in subsection (1)(c)2. of Section 2 of this Act by conducting a
22 single joint public hearing.

23 (4) Prior to the completion of establishing ordinances, local governments acting
24 jointly shall determine which local government will be responsible for the
25 specified infrastructure costs and the collection of any special assessments
26 authorized under Section 4 of this Act. This information shall be provided in the
27 establishing ordinance and the interlocal agreement.

1 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) As used in this section:

4 (a) "Approved project" means a project for which the developer has:

5 1. Filed an application under subsection (6) of this section;

6 2. Negotiated the terms of housing incentive payments with a local
7 government; and

8 3. Commenced a housing development within a district;

9 (b) "Cabinet" means the Cabinet for Economic Development;

10 (c) "Department" means the Department for Local Government;

11 (d) "Housing development district" or "district" means a contiguous
12 geographic area of not more than one thousand (1,000) acres, no more than
13 twenty percent (20%) of which may be land zoned for agricultural use upon
14 the adoption of an establishing ordinance, which may be within one (1) or
15 more cities or counties, defined and created for development or
16 revitalization purposes by an ordinance of a local government in which one
17 (1) or more projects are proposed to be located;

18 (e) "Local government" means a city, county, charter county government,
19 consolidated local government, urban-county government, or unified local
20 government;

21 (f) "New construction" means the planning, design, building, or any
22 combination of these, to erect a completely new structure never before
23 occupied within a district;

24 (g) "Program" means the Housing Incentive Payment Program provided for in
25 this section;

26 (h) "Project" means a housing development within a district that:

27 1. Contains at least fifteen (15) housing units, including multifamily and

1 mixed-use housing; and

2 2. Meets the requirements set out in this section and any additional
3 requirements adopted by an ordinance of a local government;

4 (i) "Revitalization" means the planning or replanning, design or redesign,
5 acquisition, clearance, development, disposal, rehabilitation, historic
6 preservation, or any combination of these, of a structure within a district
7 and the preparation and use of the structure for residential purposes; and

8 (j) "Taxing authority" means a school district or a special purpose
9 governmental entity having ad valorem taxing authority and operating
10 within the jurisdiction of a local government that has established a district.

11 (2) (a) A local government may establish a housing development district by:

12 1. Adopting an ordinance containing:

13 a. A map and description of the area to be included within the
14 district;

15 b. A description of the process by which a developer may apply to
16 construct housing within the district;

17 c. A statement regarding whether development within the district
18 is:

19 i. Exempt from permitting or review by the planning unit; or

20 ii. Subject to an alternative process for permitting or review
21 except in no instance shall an alternative process be more
22 stringent than the procedure utilized outside of the district
23 for similar developments; and

24 d. Any additional requirements or qualifications that developers
25 must meet to be eligible for participation in the program;

26 2. Notifying the cabinet and the department that a district has been
27 created and transmitting information as required in subsection (10) of

1 this section; and

2 3. Providing notice by certified mail to each owner of record of property
3 proposed to be included within the district that:

4 a. The property is proposed to be included within the district; and

5 b. The owner may exclude the property from the district as set out
6 in paragraph (c)1. of this subsection.

7 (b) A developer may petition a local government to establish a district.

8 (c) A local government shall:

9 1. Exclude a parcel of property from a proposed district if the local
10 government receives a written request from a property owner seeking
11 exclusion within thirty (30) days of the adoption of an ordinance
12 under paragraph (a) of this subsection; and

13 2. Amend the map and description of the district accordingly.

14 (3) (a) If a local government chooses to utilize the exemption to planning and
15 zoning or alternative process under subsection (2)(a)1.c. of this section, the
16 local government shall conduct a public hearing regarding the exemption
17 or alternative process, and a separate vote of the legislative body of the local
18 government shall be required to adopt the exemption or alternative process.

19 (b) The meeting shall be held solely for this purpose, and no other business
20 shall be conducted at the meeting.

21 (4) (a) Local governments may act jointly, via an interlocal agreement in
22 accordance with KRS 65.210 to 65.300, to establish a district.

23 (b) The interlocal agreement shall contain the information set out in subsection
24 (2) of this section, and each participating local government shall be
25 required to adopt an ordinance as set out in subsection (2) of this section.

26 (5) (a) In addition to a local government, any taxing authority may elect to
27 participate in the program by its board enacting a resolution declaring its

1 election to participate.

2 (b) If a taxing authority elects to participate under paragraph (a) of this
3 subsection, the taxing authority shall proceed to negotiate with the
4 developer as described in subsection (6)(c) of this section.

5 (6) (a) Following the creation of a district, a local government may accept
6 applications from developers for a project.

7 (b) A local government shall have the sole discretion to approve or deny an
8 application, but a local government shall not approve a project unless it
9 determines that the project will not commence unless the developer receives
10 the housing incentive payment set out in subsection (7) of this section.

11 (c) If a local government approves an application, it shall:

12 1. Negotiate with the developer to:

13 a. Determine a percentage of the property tax actually paid in any
14 year that will be used to calculate the housing incentive payment
15 described in subsection (7) of this section;

16 b. Set the duration of the housing incentive payments, not to exceed
17 the maximum terms set out in subsection (7) of this section;

18 c. Define when the project shall be considered to have commenced
19 for the purposes set out in subsection (7) of this section; and

20 d. Establish the timing for the housing incentive payments; and

21 2. After agreeing to the terms set out in subparagraph 1. of this
22 paragraph, transmit the application along with a document setting out
23 those terms to the cabinet and the department.

24 (d) An application under this subsection shall not be required for a developer
25 seeking to develop housing within a district if that developer is not seeking
26 to participate in the program. An application shall only be required if a
27 developer is seeking to participate in the program. This section shall not be

1 construed to permit a local government to prohibit a developer from
2 developing housing within the district that would otherwise be permissible
3 outside of the district or in the absence of the existence of a district.

4 (7) A Housing Incentive Payment Program shall be administered as follows:

5 (a) Participating local governments and participating taxing authorities shall
6 each award a housing incentive payment to a developer of an approved
7 project on an annual basis for a period of up to:

8 1. Seven (7) years for a project involving new construction; or

9 2. Fifteen (15) years for a project solely involving revitalization of
10 structures;

11 beginning six (6) months from the commencement of the project as
12 determined under subsection (6)(c)1.c. of this section;

13 (b) The annual housing incentive payment from each participating local
14 government and taxing authority shall be calculated by first determining the
15 total property tax that was actually paid in the preceding year to each
16 participating local government and taxing authority for each parcel of
17 property included in an approved project which has been issued a certificate
18 of occupancy, and applying the percentage agreed to by the participating
19 local governments, other taxing authorities if applicable, and the developer
20 as set out in subparagraph (6)(c)1. of this section; and

21 (c) Any private or nonprofit entity may contribute money to a local government
22 to award as additional housing incentive payment amounts for a project
23 within a district.

24 (8) A local area development district shall, upon the request of a local government,
25 assist with the establishment of a district under this section and with the
26 administration of a program under subsection (7) of this section.

27 (9) (a) The cabinet shall develop and implement strategies and programs to

1 promote awareness of a program operating under this section among
2 businesses and employers it provides services to or conducts business with.

3 (b) When the cabinet engages with a company regarding participation in any
4 incentive or funding program administered by the cabinet, including when
5 it initially communicates with, receives an application from, and approves
6 funding to, any company, it shall provide to the company information
7 regarding:

8 1. The program set out in this section, including a list of local
9 governments that have established districts and implemented programs
10 under this section; and

11 2. The Certified Child Care Community Designation Program under
12 KRS 199.891, including a list of communities that have obtained that
13 designation.

14 (c) The cabinet shall prepare and post a report to the website required in KRS
15 154.12-2035, on November 1 of each year, that contains a list of the local
16 governments that have established districts and implemented programs
17 under this section and a list of communities that have obtained the certified
18 child care community designation under KRS 199.891, and information
19 regarding the cabinet's engagement with companies including the total
20 number of contacts made under paragraph (b) of this subsection.

21 (10) (a) When a local government establishes a district, and no later than each
22 September 1 thereafter, the local government shall transmit information to
23 the cabinet and the department including:

24 1. Whether the district has been established jointly with any other local
25 government, and if so which other local governments;

26 2. A map and description of the area included in the district;

27 3. The density of housing units per acre in the district;

- 1 4. The total number of developers that have applied for participation in
- 2 the program including the number approved and denied;
- 3 5. The total number of projects in the program;
- 4 6. For each approved project:
 - 5 a. The name of the developer of the approved project;
 - 6 b. The total assessed value of property that is a part of the approved
 - 7 project;
 - 8 c. The total number of housing units that have been constructed in
 - 9 connection with the approved project;
 - 10 d. The total amount of housing incentive payments that have been
 - 11 made in connection with the approved project;
 - 12 e. The duration of the housing incentive payments that the local
 - 13 government has agreed to make to the developer;
 - 14 f. The identity of any other taxing authority that has participated in
 - 15 the approved project and the total amount of housing incentive
 - 16 payments issued from each taxing authority; and
 - 17 g. The identity of any private or nonprofit entities that have
 - 18 participated in the approved project and the total amount of
 - 19 housing incentive payments from each entity;
 - 20 7. A running total of the amount of funds all participating local
 - 21 governments have expended on all approved projects within the
 - 22 district;
 - 23 8. A running total of the number of housing units constructed in the
 - 24 district by a developer that has received housing incentive payments;
 - 25 and
 - 26 9. Whether the local government has obtained a certified child care
 - 27 community designation.

1 **(b) Beginning November 1, 2027, the department shall submit an annual report**
2 **to the Legislative Research Commission for referral to the Interim Joint**
3 **Committee on Appropriations and Revenue summarizing the information it**
4 **has received from local governments under paragraph (a) of this**
5 **subsection.**

6 **(c) The department may promulgate administrative regulations in accordance**
7 **with KRS Chapter 13A to carry out this subsection, including the creation**
8 **of a standardized form to be used by local governments to submit**
9 **information.**

10 **(d) A local government shall not be required to submit any further information**
11 **on an approved project following the disbursement of the final housing**
12 **incentive payment associated with that project.**

13 **(11) This section shall not be construed to prohibit or preempt a local government**
14 **from adopting any other ordinance or regulation or establishing any other**
15 **program, including an incentive program, concerning housing development.**