

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2017 Regular Session**

Part I: Measure Information

Bill Request #: 322

Bill #: HB 28

Bill Subject/Title: AN ACT relating to planning and zoning in consolidated local governments

Sponsor: Representative Jim Wayne

Unit of Government: City County Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Sheriffs, jailers, county attorneys, city attorneys

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

Louisville and Jefferson County (Louisville Metro) are the only consolidated local governments in Kentucky. 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, 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. HB 28 would amend KRS 100.137 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 specifically nuisance abatement, business licensing, building permit processes, and code enforcement measures, 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 amendment would also clarify that those cities have authority generally to exercise "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 28 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 fiscal impact of the bill on Louisville Metro Government is likewise 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 small cities to enact legislation, it does not require them to do so. In addition, clarification of the enforcement authority of cities within Louisville Metro Government boundaries could reduce calls to, and responses by, Louisville Metro law enforcement and so reduce such costs to the consolidated local government.

Data Source(s): Kentucky League of Cities; Mayor of Audubon Park in Jefferson County; LRC staff

Preparer: Mary Stephens **Reviewer:** JWN **Date:** 1/10/17