Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 855						
Bill #: HB 429						
Document ID #: 1106						
Bill Subject/Title: AN ACT relating to notice of forcible entry or detainer.						
Sponsor: Representative Josie Raymond						
Unit of Government: X City X County Multiple Multiple Multiple Multiple Multiple Unified Local Multiple Multiple Multiple Multiple						
X Charter County X Consolidated Local X Government						
Office(s) Impacted: Local Government						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing						

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The proposed legislation amends KRS 383.210 and 383.215, relating to forcible entry and detainer, to allow a local government to establish a different timeframe from the date of the service of the warrant and the date of the hearing to more than the current minimum of three days. It also requires the local government to notify the sheriff, the court of jurisdiction, and the administrative office of the courts of that action.

The fiscal impact of this legislation is expected to be minimal. Costs will be related to mailing notices of the modified time limit the sheriff has to serve a warrant of forcible entry or detainer and the time of the court hearing. Additional costs will be related to enacting an ordinance providing for an alternative minimum time limit of the notice for the warrant to be served.

Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. Currently (FY 2020), the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s):LRC Staff, Kentucky League of Cities, Kentucky Municipal Statutory Law,
Informational Bulletin No. 145, Revised September 2021

Preparer:	MJO/MS	Reviewer:	KHC	Date:	2/3/22
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