

Local Government Mandate Statement
Kentucky Legislative Research Commission
2022 Regular Session

Part I: Measure Information

Bill Request #: 1616

Bill #: SB 371

Document ID #: 3667

Bill Subject/Title: AN ACT relating to residential treatment facilities.

Sponsor: Senator Rick Girdler

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

Office(s) Impacted: Planning and Zoning

Requirement: Mandatory Optional

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

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

SB 371 creates a new section of KRS 100.982 to 100.984 (Planning and Zoning) prohibiting the operation of residential criminal halfway houses or drug rehabilitation facilities in residential areas, if the facility houses:

- Convicted felons or misdemeanants who are on probation or parole or who are receiving supervision or rehabilitation services as a result of their prior conviction;
- Mentally ill persons who have pled guilty to a crime or not guilty by reason of insanity;
- Persons receiving treatment for addiction to alcohol or any controlled substance regulated under KRS Chapter 218A.

The fiscal impact on local planning agencies is expected to be minimal. Costs are expected to be related to modifying local planning and zoning ordinances in the event they have permissive or conflicting language.

Local governments that choose to create or modify 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): Kentucky Municipal Statutory Law, Informational Bulletin No. 145,
Revised September 2021, LRC Staff

Preparer: MJO (wfb) **Reviewer:** KHC **Date:** 3/7/22