

Sections 6 and 7 address forcible detainer and forcible entry actions. Current law at KRS 383.219, regarding landlords and tenants, requires that a tenant have at least three days' notice of a forcible entry or forcible detainer hearing. HB 34 **Section 6** would amend KRS 383.210 to authorize a local government to establish an alternative minimum time limit for required notice to a tenant of a forcible detainer or forcible entry hearing. The clerk of the local government establishing the alternative minimum time limit would be required to send a copy of the ordinance to the county sheriff, the local district court, and to the Administrative Office of the Courts.

The provisions of HB 34 are not mandatory but are permissive and, therefore they impose no mandate on local governments. A local government that opts to take the actions authorized by HB 34 would incur costs to publish, hear, and enact enabling ordinances. These costs would include attorney fees and publishing fees. Time spent drafting an ordinance by an attorney is influenced by its complexity and the amount of research necessary. According to the Kentucky League of Cities, the median hourly rate paid city attorneys in FY 2022 was estimated at approximately \$107-\$117/hour. In 2020 the cost for publishing newspaper notices required by law, such as a proposed ordinance, ranged from \$318/column inch in the Louisville Courier-Journal and \$151/column inch in the Lexington Herald-Leader, to \$5/column inch for the Scottsville Citizen-Times.

The removal of the misdemeanor offenses, would have little impact to the county jails. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$40.11 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$40.11 per day.

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

Part II applies to HB 34 as introduced. There is no earlier version for comparison.

Data Source(s): Kentucky League of Cities; Kentucky Department of Corrections; LRC staff

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