Enforcement of New Metro Louisville Rental Property Ordinance Set to Begin March 1

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Ordinance No. 174, Series 2016, which is codified as Chapter 119 (the "Rental Code") of the Louisville/Jefferson County Metro Government Code of Ordinances (the "Code"), was approved by Metro Council by a vote of 17 to 4 on September 22, 2016, and requires that all applicable rental housing be registered by March 1, 2017.

The Rental Code requires owners of rental property to register all owned rental housing units, unless specifically excepted under the ordinance. Housing units are defined as "any structure or part of a structure that is used or may be used by one or more persons as a home, residence, dwelling, or sleeping place, including but not limited to single-family residences, duplexes, multi-family dwellings, condominium units, boarding and lodging house units, single-room occupancy units, accessory dwelling units, and any other structure or part of a structure having similar living accommodations." Owners of apartment complexes, defined as "rental housing units containing more than four (4) housing units in the same building or buildings managed under the same owner," may register the apartment complex as a whole, rather than each individual unit.

Property owners must provide the following information:

- Street address of the rental unit.
- Property owner's name.
- Property owner's mailing address and physical address, if different from the mailing address.
- Property owner's telephone number and email address.
- The information in items 2 through 4 above for a responsible individual partner or officer of the property owner entity.
- The information in items 2 through 4 above for the responsible managing operator, if the property is managed by a person or entity other than the property owner.

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Property owners are obligated to update the registration within thirty (30) days when the contact information changes for either the owner or the property manager. And purchasers of rental property should be aware that when a change in ownership occurs, an updated registration must be provided within thirty (30) days of the transfer.

Specifically excepted from the registration requirements of the Rental Code, among other types of housing, are "housing units required to register with Louisville Metro Government under another provision of the Louisville Metro Code of Ordinances, including but not limited to short-term rentals and boarding and lodging houses." This definition covers owners participating in popular rental services such as Airbnb, FlipKey, HomeAway, VRBO and others, as these types of rentals are already subject to required registration elsewhere in the Code (Chapter 115, "Short Term Rentals"). Also, notably excepted from the Rental Code's requirements is the rental of an accessory apartment or dwelling unit, when the principal dwelling unit located on the same property is occupied by the owner of record. For a complete list of exceptions, property owners should refer to Chapter 119.02 of the Rental Code.

Under the Rental Code, both law enforcement and code enforcement officers are authorized to issue citations under the ordinance, which are to be enforced through the Louisville Metro Code Enforcement Board. The Code Enforcement Board may order payment of fines and authorize liens as provided in Chapter 32.275 *et seq.* of the Code. Functionally, the Rental Code calls for an initial "ten-day notice of violation" to be sent to a noncomplying property owner. Failure to comply at the end of ten (10) days will result in a maximum fine of one hundred dollars ($100.00) per day for each rental housing unit or apartment complex[1], if applicable, with each subsequent day of noncompliance thereafter constituting a separate offense. An "apartment complex" is defined under the Rental Code as "a rental housing unit that contains more than four housing units in the same building or buildings managed under the same owner."

A guide to the online registration process and a link to the portal can be found on the Metro Louisville Department of Codes and

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Regulations web page. Registration requires a Develop Louisville Account.

For more information, please contact Geoff White or Darnell McCoy in Frost Brown Todd's Real Estate Practice Group.

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[1] Some commenters to the Rental Code have pointed out the potential ambiguity present in this provision ("housing unit or apartment complex"), noting that it is unclear as to whether an unregistered rental property containing multiple apartment units may be fined for each such unit. However, upon inquiry, representatives from both the Jefferson County Attorney's Office and the Louisville-Metro Department of Codes and Regulations confirmed that if a rental property meets the definition of "apartment complex" under the Rental Code, only one fine would apply, rather than separate fines for each of its individual units.

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