



January 13, 2020

Week One of Session in the Books

On Tuesday, January 7, 2020, the Kentucky General Assembly was called to order to kick off the 2020 legislative session. The House and Senate will conduct their business during this “long session” till mid-April.

This session, much of the discussion will be centered around the budget. With it being an even numbered year, the legislature is tasked with constructing and passing a state budget. Where will new sources of revenue come from? Will taxes be raised? Will taxes on services be expanded? These are just a few of the questions the REALTORS® are keeping a close eye on.

On Friday, January 10, 2020, the Kentucky REALTORS® Legislative Quick Response Team (QRT) convened for the first time. The QRT is chaired by Nita Phillips-Allen and vice-chaired by Mike Inman. It is designed to be a fast-acting committee that analyzes legislation that could impact the real estate industry in Kentucky. Each Friday during session the QRT will convene via conference call to discuss any bills filed and guide the decision process for KYR to support, oppose, or monitor those bills based upon their impact on REALTORS®, homeowners, and the health of the real estate industry.

Each Monday, a new legislative update will be released that recaps the previous week’s action in Frankfort.

During the QRT’s first conference call, it was decided that KYR would support three bills and monitor two bills. The three bills that were voted for support are HB 16, HB98, and SB11.

HB16 (King):

This bill defines assistance dog and assistance-dog-in-training. Also, the legislation would prohibit the misrepresentation of assistance dogs and would allow peace officers the ability to investigate.

HB98 (Massey):

This legislation would add language to the Uniform Building Code that states: “If a certificate of occupancy was not issued, then an award may also include” reasonable attorney’s fees. The award also may include damages and the cost of litigation. A property owner can seek, through any court of competent jurisdiction against the person or party who committed the violation, compensation for the damages, cost of litigation and now, if passed, reasonable attorney’s fees if a certificate of occupancy

was not issued. Any claim of violation shall be brought within one (1) year of the date on which the damage is discovered.

SB11 (Shickel):

The legislation was also supported last session by the KYR QRT. Senate Bill 11 will provide rental property owners the ability to pursue legal action against tenants who purposefully deface, destroy, or damage residential rental property. Currently, property owners have no recourse to pursue criminal charges against tenants who damage rental property.

You can see these and other bills below in the bill tracker.

Upcoming Event:

2020 Legislative Conference (and Hill visit) – February 11th – 13th. Lexington, KY

Register today for the 2020 KYR Legislative Conference to be held February 11-13 at the Embassy Suites in Lexington. The Legislative Reception is Wednesday, February 12th from 5:30pm – 8:00pm ET at Buffalo Trace Distillery, 113 Great Buffalo Trace, Frankfort, KY. The Hill visits are scheduled for the morning of Wednesday, February 12th. For more information, a schedule, and to register for this event, [visit the KYR website at this link.](#)

Helpful Links

[2020 Regular Session Calendar](#)

[2020 Daily Legislative Calendar](#)

[Who's My Legislator?](#)

[House and Senate Bill Status Information](#)

Please be sure to look for KYR's Legislative Update sent weekly during this legislative session for the latest updates and information in Frankfort and how it affects your business.

KYR and the Quick Response Team will keep you up to date on issues during the 2020 Legislative Session. Please contact Richard Wilson, KYR Government Affairs Director, at rwilson@kyrealtors.com if you have questions or comments regarding KYR's legislative activity.

HB16 ASSISTANCE DOGS (KING, K) AN ACT relating to assistance dogs.

Amend KRS 258.500 to prohibit the misrepresentation of assistance dogs; allow peace officers to investigate; amend KRS 258.991 to conform and to remove outdated references.

Current Status: 1/7/2020 - (H) Referred to Committee House Judiciary (H)

State Bill Page: <https://apps.legislature.ky.gov/record/20rs/hb16.html>

KYR Position: SUPPORT

HB98 ATTORNEY'S FEES (MASSEY, C) AN ACT relating to causes of actions for building code violations.

Amend KRS 198B.130 to allow a court award under KRS Chapter 198B or the Uniform Building Code to include attorney's fees if a certificate of occupancy has not been issued.

Current Status: 1/7/2020 - (H) Referred to Committee House Judiciary (H)

State Bill Page: <https://apps.legislature.ky.gov/record/20rs/hb98.html>

KYR Position: SUPPORT

HB100 EMERGENCY MEDICAL SERVICE FEES (ROTHENBURGER, R) AN ACT relating to emergency medical service fees and declaring an emergency.

Create a new section of KRS Chapter 67 to allow a fiscal court to levy a fee on certain units for the provision of emergency medical services; define units subject to fee; require fee to be placed on tax bill; allow collection by sheriff in the same manner as for property taxes; allow sheriff to receive up to 4.25% fee for collection; define "residential," "commercial," "charitable," and "educational" units; allow levy on occupied or unoccupied units or both, occupation determined at time of initial levy and July 1 thereafter; require fee increases to be imposed by ordinance; require fees collected to be placed in separate fund, used only for provision of emergency medical services; specify that fees are not to be in lieu of any taxes or fees established for the provision of emergency medical services; EMERGENCY.

Current Status: 1/7/2020 - (H) Referred to Committee House Local Government (H)

State Bill Page: <https://apps.legislature.ky.gov/record/20rs/hb100.html>

KYR Position: MONITOR

HB155 PROPERTY AND TRUSTS (MASSEY, C) AN ACT relating to property and trusts.

Create new sections of KRS Chapter 386 to establish the Kentucky Community Property Trust Act; set requirements for creation of community property trusts by spouses; amend KRS 141.019, relating to individual income tax, to provide that adjusted gross income does not include a change in the cost basis of the surviving spouse's share of property owned by a Kentucky community property trust occurring for federal income tax purposes; amend KRS 386.175 to provide that a second trust may be created from an original trust whose

terms have been modified; create a new section of KRS Chapter 396 to provide that creditor claims are barred if not presented within 6 months after the appointment of a personal representative or if not presented within 60 days of a personal representative giving actual notice to the creditor; amend KRS 396.011 to require creditor claims to be brought within the earlier of 8 months after the decedent's death or the established time periods.

Current Status: 1/7/2020 - (H) Referred to Committee House Judiciary (H)

State Bill Page: <https://apps.legislature.ky.gov/record/20rs/hb155.html>

HB193 SALES AND USE TAX EXEMPTIONS (TIPTON, J) AN ACT relating to sales and use tax exemptions.

Amend KRS 139.480 to exempt from sales and use tax tangible personal property purchased by a person for incorporation into a structure or improvement to real property under a contract with the federal, state, or local government, or a resident, nonprofit educational, charitable, or religious institution; apply to sales made after October 1, 2020, but before October 1, 2024; require the Department of Revenue to report the claimed exemptions to the Interim Joint Committee on Appropriations and Revenue; amend KRS 131.190 to give the Department authority to provide the report to LRC.

Current Status: 1/9/2020 - (H) Referred to Committee House Appropriations & Revenue (H)

State Bill Page: <https://apps.legislature.ky.gov/record/20RS/HB193.html>

HB225 CIVIL RIGHTS (MARZIAN, M) AN ACT relating to civil rights.

Amend KRS 344.010 to include definitions for "sexual orientation" and "gender identity"; amend KRS 344.020, relating to the purpose of the Kentucky's civil rights chapter, to include a prohibition against discrimination because of sexual orientation and gender identity; amend KRS 344.025, 344.040, 344.050, 344.060, 344.070, and 344.080, relating to prohibited discrimination in various labor and employment practices, to include sexual orientation and gender identity; amend KRS 344.100 and 344.110 to conform; amend KRS 344.120 and 342.140, relating to prohibited discrimination in places of public accommodation and advertisements therefor, to include sexual orientation and gender identity; amend KRS 344.170, 344.180, 344.190, 344.300, and 344.310, relating to the state and local human rights commissions, to include prohibition of discrimination on the basis of sexual orientation and gender identity in the scope of their powers and duties; amend KRS 344.360, 344.370, 344.380, and 344.680, relating to prohibited discrimination in certain housing, real estate, and other financial transactions, to include sexual orientation and gender identity; amend KRS 344.367, relating to prohibited discrimination in certain insurance sales, to include sexual orientation and gender identity; amend KRS 344.400, relating to prohibited discrimination in certain credit transactions, to include sexual orientation and gender identity; make various technical amendments; amend KRS 18A.095 to conform.

Current Status: 1/9/2020 – Introduced

State Bill Page: <https://apps.legislature.ky.gov/record/20RS/HB225.html>

KYR Position: MONITOR

SB11 **RENTAL PROPERTY CRIMINAL DAMAGE** (SCHICKEL, J) AN ACT relating to criminal damage to rental property.

Create a new section of KRS Chapter 512 to specify that a tenant who, having no right to do so or any reasonable ground to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property is to be charged with violating KRS 512.020, 512.030, or 512.040 as appropriate.

Current Status: 1/8/2020 - (S) Referred to Committee Senate Licensing, Occupations, & Administrative Regulations (S)

State Bill Page: <https://apps.legislature.ky.gov/record/20rs/sb11.html>

KYR Position: SUPPORT