

**99.720 Certification of blight deterioration -- Notice to owner demanding abatement.**

- (1) The legislative body shall not institute eminent domain proceedings pursuant to KRS 99.705 to 99.730 unless the commission has certified that the property is blighted or deteriorated. A property which has been referred to the commission by a city agency of any class of city, or by an agency in a county containing a city of the first class or consolidated local government, as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission has determined:
  - (a) That the owner of the property or designated agent has been sent an order by the appropriate city, consolidated local government, or county agency to eliminate the conditions which are in violation of local codes or law;
  - (b) That the property is vacant;
  - (c) That the property is blighted and deteriorated;
  - (d) That the commission has notified the property owner or designated agent that the property has been determined to be blighted or deteriorated and the time period for correction of such condition has expired and the property owner or agent has failed to comply with the notice; and
  - (e) That, in cities of any class, counties containing a city of the first class, or consolidated local governments that are within a planning unit established pursuant to KRS Chapter 100, the planning commission has determined that the reuse of the property for residential and related use is in keeping with the comprehensive plan.
- (2) The findings required by subsection (1) of this section shall be in writing and included in the report to the legislative body.
- (3) The commission shall notify the owner of the property or a designated agent that a determination of blight or deterioration has been made and that failure to eliminate the conditions causing the blight shall render the property subject to condemnation by the city, consolidated local government, or county under KRS 99.705 to 99.730. Notice shall be mailed to the owner or designated agent by certified mail, return receipt requested. However, if the address of the owner or a designated agent is unknown and cannot be ascertained by the commission in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected. The written notice sent to the owner or his agent shall describe the conditions that render the property blighted and deteriorated, and shall demand abatement of the conditions within ninety (90) days of the receipt of such notice.
- (4) An extension of the ninety (90) day time period may be granted by the commission if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 76, sec. 6, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 130, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 170, sec. 5, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 248, sec. 5,

effective July 13, 1984.