

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

- (1) The legislative body shall not institute eminent domain proceedings pursuant to KRS 99.700 to 99.730 unless the commission or alternative government entity has certified that the property is blighted or deteriorated. A property which has been referred to the commission or alternative government entity by a local government as blighted or deteriorated may only be certified to the legislative body as blighted or deteriorated after the commission or alternative government entity has determined:
  - (a) That the owner of the property or designated agent has been sent an order by the appropriate local government 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; and
  - (d) That the commission or alternative government entity 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.
- (2) The findings required by subsection (1) of this section shall be in writing and included in the report to the legislative body.
- (3)
  - (a) The commission or alternative government entity 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 local government under KRS 99.700 to 99.730.
  - (b) 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 or alternative government entity in the exercise of reasonable diligence, copies of the notice shall be posted in a conspicuous place on the property affected.
  - (c) The written notice sent to the owner or his or her agent or posted on the property 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 or alternative government entity if the owner or designated agent demonstrates that such period is insufficient to correct the conditions cited in the notice.

**Effective:** July 15, 2016

**History:** Amended 2016 Ky. Acts ch. 127, sec. 5, effective July 15, 2016. -- 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.