

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING SECTIONS 131.01 THROUGH 131.03 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO THE DISPLACEMENT OF HOMELESS PERSONS FROM CAMPS. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBERS FOWLER AND HOLTON STEWART

WHEREAS, children deserve access to their school’s or child care center’s outdoor spaces, whenever their schedule and the weather allows; and

WHEREAS, there is a heightened need for sanitation in the outdoor spaces of our local schools and child care centers; and

WHEREAS, the current ordinance regarding notice to homeless persons requires 21-days’ notice before a person may be displaced from a camp on Metro property, regardless of the proximity to a school or child care center; and

WHEREAS, Metro Government has entered into a Memorandum of Understanding with the Kentucky Transportation Cabinet that applies many of the provisions of LMCO 131.02 to property owned, leased, or managed by that Cabinet; and

WHEREAS, Louisville Metro Council wishes to allow the expeditious clearing of homeless encampments that are adjacent to schools and childcare facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“THE COUNCIL”) AS FOLLOWS:

SECTION I: The following definitions in LMCO § 131.01 are being added as follows:

CHILD CARE CENTER PROPERTY. Means all indoor or outdoor structures, facilities, and land, whether owned, rented, or leased by a “child care center” as defined in KRS 199.894.

SCHOOL PROPERTY. Means all indoor or outdoor school structures, facilities, and land, whether owned, rented, or leased by a preschool, elementary school, or secondary school.

SECTION II: LMCO § 131.02 is hereby amended as follows:

(A) Except as provided in subsection (B) of this section, no department or employee of Louisville Metro Government may displace a homeless person from a camp as defined in § 131.01 until Louisville Metro, through the Department of Public Works and Assets, has given at least 21 days' notice to the homeless persons living in the camp and to the Coalition for the Homeless or a like organization; ~~provided, however, that if Louisville Metro, through the Department of Public Health and Wellness, makes a written determination that an emergency exists, it may give whatever notice is reasonable under the circumstances.~~ The displacement must take place by Louisville Metro within 21 days from the date of the Notice expiring, otherwise a new 21-day Notice must be given for the displacement. Notice to the homeless persons shall consist of signs posted in a conspicuous place at the camp giving the earliest date on which personal property may be removed. The signage shall include a visual symbol or symbols as well as text. Notice to the Coalition for the Homeless or a like organization should be given through a phone call or email requesting verification that it has been received.

(B) Louisville Metro may provide whatever notice of displacement is reasonable under the circumstances when:

(1) Through the Department of Public Health and Wellness, Louisville Metro makes a written determination that an emergency exists; or

(2) The camp is on property that is adjacent to school property or child care center property.

(C) Upon receiving the notice described in subsection (A), the Coalition for the Homeless or a like organization may notify participating service providers, faith-based organizations, street ministries and volunteers to offer the homeless persons to be displaced available assistance, including any available assistance with transitional or permanent housing, and other services. The Coalition for the Homeless or a like organization shall be provided at least three days' notice of the actual date and time when a homeless person is to be displaced so that participating service providers, faith-based organizations, street ministries and volunteers are on site at the time of the displacement to offer assistance.

(~~D~~) This section shall not apply to locations where permanent, conspicuous notices are posted that camps are not allowed, and that personal items are subject to be removed immediately and where removal of such items occurs on a regular basis.

(~~E~~) Any Louisville Metro employee found to be in violation of this subsection may be disciplined, up to and including termination.

SECTION II: LMCO § 131.03 is hereby amended as follows:

(A) If a homeless person is displaced from a camp with fewer than 21 days' notice under the emergency provisions in § 131.02(A), Louisville Metro must maintain any of the homeless person's personal items found at the camp, including but not limited to, identification documents, birth certificates, and other personal documents and effects, in a safe and secure place for a minimum of 30 days. Animals found with personal items will be transported to Louisville Metro Animal Services ("MAS") for impoundment in compliance with LMCO Chapter 91 and state law. The MAS Director will promulgate regulations regarding treatment and release of animals impounded under this section, which shall include a waiver of fees and penalties allowable under the law. The MAS Director is encouraged to consult with a local organization which assists homeless persons and their companion animals in promulgating said regulations.

(B) Notice shall be posted at the site of the camp, providing a telephone number to call to arrange an appointment to pick up personal property. The notice shall be posted in a conspicuous place in the general vicinity, but not more than 30 feet from the location where the property was removed, and shall be laminated or otherwise made to be weather resistant. After 30 days, Louisville Metro may dispose of any unclaimed personal items and remove the notice regarding personal property.

(C) Any Louisville Metro employee found to be in violation of this subsection may be disciplined, up to and including termination.

SECTION IV: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
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