

216B.306 Procedures, remedies, and penalties for operation of boarding home without registration.

- (1) When the cabinet has reasonable cause to believe that any person, association, business entity, or organization is operating a boarding home without a registration, the cabinet may:
 - (a) Issue and deliver a notice to cease and desist from the violations;
 - (b) Issue and deliver a notice to cease and desist to any person who aids and abets the operation of a boarding home that is not registered; and
 - (c) Impose a civil penalty of at least one thousand dollars (\$1,000) but not more than five thousand dollars (\$5,000) upon the person, association, business entity, or organization that operates a boarding home that is not registered by the cabinet.
- (2) Issuance of a notice under subsection (1) of this section shall not constitute agency action for which a hearing under KRS Chapter 13B may be sought.
- (3) For the purpose of enforcing a cease and desist order and penalties under subsection (1) of this section, the cabinet may file a proceeding in the name of the Commonwealth seeking issuance of an injunction and enforcement of penalties against any person who violates subsection (1) of this section.
- (4) In addition to the remedies under subsection (1) of this section, the cabinet may impose a civil penalty of at least one thousand dollars (\$1,000) but not more than five thousand dollars (\$5,000) upon the person, association, business, entity, or organization who aids and abets the operation of a boarding home that is not registered. If the cabinet is required to seek enforcement of the cease and desist order, it shall be entitled to collect attorney's fees, costs, and any expenses incurred by the cabinet or local government as a consequence of and incident to the relocation of boarders to appropriate housing.

Effective: July 13, 2004

History: Created 2004 Ky. Acts ch. 170, sec. 1, effective July 13, 2004.