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Jillian Beach
Communications Manager
jbeach@lablaw.org
859-957-0188

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New Development in Kentucky Landlord Tenant Laws

Covington, KY- In an opinion released yesterday, the Supreme Court of Kentucky held that landlords must give tenants proper notice to vacate and landlords may not file their forcible detainer (or eviction) complaint until the vacate date has passed. Until the notice period has passed, the tenant is in lawful possession of the property and a prematurely filed forcible detainer complaint must be dismissed.

In Supreme Court of Kentucky case, [Shinkle v. Turner](#), the landlord filed a forcible detainer complaint only 8 days after a written notice to vacate was provided. In this particular case, the landlord was required to provide the tenant with one month notice to vacate. The premature filing of the forcible detainer complaint led to the appeal by Legal Aid of the Bluegrass attorney, Pete Nienaber. Ultimately, Nienaber and Advocacy Director, Glenda Harrison filed a motion for discretionary review with The Supreme Court of Kentucky leading to this decision.

“It is common for landlords to file their forcible detainer complaint prematurely or fail to provide the tenant proper notice to vacate in both URLTA and non-URLTA jurisdictions. This decision requires all prematurely filed forcible detainer actions to be dismissed and should provide a greater level of due process and fairness for tenants throughout the state” says Pete Nienaber. He continues, “While this may not be the type of case that ends up on the front page of newspapers, it’s a decision that will likely affect thousands of Kentuckians who face eviction from their homes in the future.”

There are 120 counties in Kentucky. Only 4 counties and 15 cities have enacted the Uniform Residential Landlord and Tenant Act (URLTA). URLTA gives additional protection to both the landlord and tenant such as holding landlords accountable for failing to maintain the property or provide essential services such as running water, heat, etc. For the other cities and counties that have not enacted URLTA, poorly written leases or oral agreements lead to confusion often resulting in dangerous living conditions and unfair eviction procedures.

Legal Aid of the Bluegrass works in 33 Kentucky counties to resolve the most important problems of low income and other vulnerable people by providing high quality legal assistance through direct representation, education, advice, advocacy and coordination with other community resources. Visit www.lablaw.org/ for more information.

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