



## Legislation Details (With Text)

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**Sponsors:** Alan Hertzberg, Gene Ricciardi, Len Bodack

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6/11/2003	2	Committee on Public Safety Services	Held in Committee	Pass
3/26/2003	2	Committee on Public Safety Services	Referred for Report and Recommendation	Pass
3/19/2003	1	Committee on Public Safety Services	AMENDED BY SUBSTITUTE	Pass
3/19/2003	2	Committee on Public Safety Services	Held in Committee	Pass
3/12/2003	1	Committee on Public Safety Services	Held in Committee	Pass
3/4/2003	1	City Council	Read and referred	

Presented by Mr. Hertzberg

### AS AMENDED BY SUBSTITUTE

An Ordinance supplementing the Pittsburgh Code, Title Ten, Building; by adding Section 1001.10 (c) Licensing Residential Rental Property; by adding Chapter 1019 Rental Residential Property; and, Title Seven, Business Licensing, by adding Chapter 769, Rental Residential Property. (Report & Recommendation Received)

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** Supplementing the Pittsburgh Code, Title Ten, Building, by adding Section 1001.10 (c) Licensing Residential Rental Property, as follows:

#### 1001.10 VIOLATIONS AND PENALTIES: ABATEMENT ACTIONS; LICENSING RENTAL RESIDENTIAL PROPERTY

(c) Any persons, firm or corporation subject to Chapter 1019 Rental Residential Property violating any of

the provisions of this Title shall, upon conviction before any City Housing or Police Magistrate, in addition to the foregoing provisions, be subject to up to ten (10) Years of licensing requirements under Chapter 1019 for the subject property and any other property owned by that person, firm or corporation.

**SECTION 1 2.** Supplementing the Pittsburgh Code, Title Ten, Building; by adding Chapter 1019 Rental Residential Property.

## **RENTAL RESIDENTIAL PROPERTY**

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## **CHAPTER 1019 RENTAL RESIDENTIAL PROPERTY**

### **1019.1: PURPOSE:**

The purpose of this chapter is to provide for the licensing and inspection of rental residential property so as to protect the public health, safety and welfare of the people of the city including:

- A. To protect the public health and safety by ensuring rental units comply with minimum housing standards of city ordinances.
- B. To protect the character and stability of residential areas.
- C. To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings.
- D. To prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit.
- E. To facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight.
- F. To preserve the value of land and buildings throughout the city.

### **1019.2: PROVISION OF INSPECTION RIGHTS AND PENALTIES:**

This chapter shall not be construed as to restrict the right of this city to inspect any property nor to seek penalties for violations of other provisions of this code.

### **1019.3: DEFINITIONS:**

**BED AND BREAKFAST:** A bed and Breakfast (General) or a Bed and Breakfast (Limited) as defined in Section 911.02.

**CODE OFFICIAL:** Any employee of the City of Pittsburgh, Bureau of Building Inspection..

**CONVICTED:** Conviction for violating any of the provisions of the Pittsburgh Code, Title Ten, Building, before any City Housing or Police Magistrate.

**DEPARTMENT:** The Bureau of Building Inspection.

**DWELLING UNIT:** Dwelling unit as defined in Chapter 926.

**FAMILY:** Related as parent, child, brother or sister by blood, marriage or adoption.

**HOTEL/MOTEL:** Hotel/Motel, Hotel/Motel (Limited) or Hotel/Motel (General) as defined in Section 911.02.

**LODGING ROOM:** Lodging room as defined in Chapter 926.

**MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY:** Rental residential property with two (2) or more dwelling units.

**PROPERTY AGENT:** A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the code official to manage a rental residential property including the authority to receive notices or citations.

**RENTAL RESIDENTIAL PROPERTY:** Dwellings, dwelling units, rooming houses and rooming units let or intended to be let for rent or lease.

**SINGLE-FAMILY RENTAL RESIDENTIAL PROPERTY:** Rental residential property with one dwelling unit.

**TENANT:** An occupant of rental residential property.

Words or phrases as used in this chapter and not herein defined shall be defined as provided by Title 9 Zoning, Section 911.02 and Chapter 926.

#### **1019.4: LICENSE REQUIRED:**

- A. After being convicted and sentenced to the licensing requirements of this chapter, it is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer to rent within the city a rental residential property whether vacant or not without first obtaining a license as provided in this chapter.
- B. After the owner has been convicted and sentenced to the licensing requirements of this chapter, it is unlawful for a person to occupy any of that owner's rental residential property, or for any owner or property agent to allow anyone to occupy any of that owner's rental residential property which is not licensed as provided in this chapter.
- C. It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant dwelling unit or rooming unit or any dwelling unit or rooming unit that becomes vacant in a rental residential property for which a license is under suspension.
- D. This chapter shall not apply to the following structures:
  - 1. Single-family owner-occupied dwellings.
  - 2. Single-family dwellings occupied by a member of the owner's family.
  - 3. Single-family dwellings which are vacant but which are not intended to be let for rent.
  - 4. Townhouse and condominium owner-occupied dwellings.
  - 5. Hotels/motels and bed and breakfasts.
  - 6. Dwellings, buildings, structures and uses licensed and inspected by the state or the Federal Government, including, but not limited to, nursing homes, retirement centers, rest homes, etc.
  - 7. Multiple-family rental residential property in which each dwelling unit is occupied by a record owner of the property.
- E. A license for a rental residential property cannot be transferred to another rental residential property nor a succeeding owner.

#### **1019.5: LICENSE APPLICATION:**

- A. Each applicant for a license or renewal license to maintain a rental residential property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a lodging room shall file a written application with the code official stating:
  - 1. The full legal name, address, and home and work telephone numbers of each and every owner of the rental residential property.
  - 2. The address of the rental residential property.

3. The number of dwelling units or rooming units within the rental residential property.
  4. The full legal name and address of each and every tenant or occupant residing in each dwelling unit or rooming unit.
  5. In the case of a rental residential property owner who is not a resident of the city, the name, address and phone number of his/her agent with authority for receipt of service or notice of a violation of the provisions of this chapter.
  6. Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall, within thirty (30) days of such changes, file an updated written notice with the code official indicating such changes.
  7. Whenever there is a change in a tenant or occupant residing in any dwelling unit or rooming unit, the owners shall, within (30) days of such changes, file an updated written notice with the code official indicating such changes.
  8. The total square footage designated for living and sleeping purposes within the rental residential property as determined by the city's building code.
  9. Approval must be obtained from the code official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall be made on a form provided by the code official. The code official will review the proposed change and respond to the property owner within thirty (30) days of the filing of the application. Any and all changes must meet all zoning code and building code requirements of this code.
- B. Each application for a new license or a renewal of an existing license shall be accompanied by a fee of twenty five dollars (\$25.00) for single-family dwelling rental residential properties, \$25.00 for a lodging room and fifty dollars (\$50.00) for multiple-family dwelling residential properties. In addition thereto, a dwelling unit and lodging room fee of twenty five dollars (\$25.00) will be added for each lodging room unit to be inspected in excess of one. All such fees shall be payable at the office of the department. Each application for a new license or a renewal license shall be accompanied by a copy or copies of the written notice or notices required under subsection 1019.10C of this chapter advising each tenant or occupant of the maximum number of persons allowable by the occupancy standards of the City's Building Code. Applications for a new license shall be assigned an annual license renewal date determined by the date on which their application for a new license was filed with the city. All licenses shall expire on the day following that annual license renewal date.
- C. The Bureau of Building Inspection shall permit license applications and renewals to be filed electronically.

**1019.6: INSPECTION REQUIREMENTS:**

- A. All rental residential property shall be subject to an inspection as a condition to the issuance of the license. An inspection shall be scheduled with the code official at the time of the application for a license for a rental residential property.
- B. Upon receipt of a completed application for a license or renewal license for a rental residential property, including the payment of all required fees and the scheduling of a required licensing inspection, the code official shall issue a license.
- C. Licensing inspections of rental residential property shall be conducted not less than ninety (90) days from the issuance of an initial license or renewal license. The licensing inspection shall determine whether the rental residential property is in conformance with the city's zoning ordinance and all other applicable provisions of this code. The licensing inspection shall also include a physical inspection of the rental residential property including the building exterior, common areas, basement, and the individual dwelling units and lodging rooms.
- D. When a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the code official. In establishing a compliance time frame, the code official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The code official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Said

notice shall include the following:

1. Description of the property sufficient for identification;
2. A statement listing the violations of applicable codes;
3. A statement of the date upon which the licensing re-inspection will occur; and
4. An explanation that if upon completion of the licensing re-inspection that the requirements of applicable city codes have not been met, a written denial of the license application revoking the temporary certificate will be issued.

- E. A licensing re-inspection will be conducted at the end of the compliance time frame. The license shall remain in effect upon the successful completion of a licensing re-inspection that determines the rental residential property meets the requirements of applicable city codes. If the code official finds that the requirements of applicable city codes have not been met, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with section 1019.9 of this chapter.
- F. A rental residential property which is in total compliance at the time of the licensing inspection shall receive a one year extension of the license at no additional charge and with no additional inspections being required.

Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

#### **1019.7: ENFORCEMENT:**

It shall be the duty of the department to enforce the provisions of this chapter.

#### **1019.8: VIOLATIONS:**

After an owner or owners have been convicted and sentenced to the licensing requirements of this chapter, the following shall constitute violations of this chapter:

- A. Failure of the owner or owners of the rental residential property to license such property with the code official.
- B. Having more occupants in a rental residential property than the maximum number permitted by the occupancy standards of the City of Pittsburgh Building Code.
- C. Failure of the occupants of the rental residential property to vacate such property within sixty (60) days after receiving notice from the code official that such property is not properly licensed or that the license or temporary certificate has been revoked.
- D. Failure of the owner of the rental residential property to vacate all tenants from said property within sixty (60) days after the license or temporary certificate has been revoked.
- E. Failure of the owners of the rental residential property to maintain the structure and premises in compliance with applicable building code and zoning ordinances.
- F. Any person other than an inspector from the department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the code official shall be liable for the penalties provided for by this chapter.
- G. Failure of the owner of the rental residential property to comply with any other applicable provision of this chapter or this code.

#### **1019.9: LICENSE; SUSPENSION AND REVOCATION:**

- A. A license may be suspended when violations of applicable city codes have been identified by the department and the property owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the code official to be false.
- B. When an inspection of a licensed rental residential property reveals any violations of applicable codes, a

compliance time frame will be set by the code official using the standard as set forth in subsection 1019.6D of this chapter. The code official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Said notice shall include the following:

1. Description of the rental residential property sufficient for identification;
  2. A statement listing the violations of applicable codes;
  3. A statement on the date upon which a re-inspection will occur; and
  4. An explanation that if upon completion of the re-inspection that the requirements of applicable city codes have not been met, that the license for the rental residential property will be suspended.
- C. A re-inspection will be conducted at the end of the compliance time frame. If the code official finds that the requirements of applicable city codes have not been met upon the completion of such re-inspection, the license for the rental residential property shall be suspended.
- D. When a license is suspended, the code official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested, or personally served upon the property owner or the property agent listed on the most recent license application. The notice shall include the following:
1. Description of the property sufficient for identification;
  2. A statement of the reasons for the suspension;
  3. If the property owner changes his address or changes property agents and fails to notify the department, such notice shall be sufficient if sent by certified mail to the owner or his property agent's last address provided on the last license application.
- E. A property owner whose license has been suspended may request a re-inspection prior to revocation. If, upon re-inspection, the department finds that the licensed rental residential property in connection with which the notice was issued is now in compliance with this chapter, the code official may reinstate the license. The request for a re-inspection shall not stay the revocation of the license unless the code official grants such request pursuant to a showing of good cause by the property owner.
- F. A license may be revoked within thirty (30) days following the date of issuance of an order of suspension..  
**A license may also be revoked when in the opinion of the code official emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the city's building code.**
- G. A license which has been properly revoked as herein provided shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this chapter, including the payment of all applicable fees.
- H. Whenever a license is revoked, the code official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. Said notice shall be sent by certified mail, return receipt requested. The code official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the tenants and occupants shall include the following:
1. You are hereby notified that the license for this structure has been revoked pursuant to Chapter 1019 of the Pittsburgh Code.
  2. You must vacate this structure within sixty (60) days of the date of this notice.
  3. If you fail to vacate this structure, you will be in violation of Chapter 1019 of the Pittsburgh Code and subject to penalties of fines with a minimum of \$50.00 and a maximum of \$500.00 for each day you are in violation.
- I. Whenever an owner or property agent of a rental residential property fails to license said property with the department, the code official shall notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential property indicating the following:
1. You are hereby notified that the owner or agent of this structure has failed to license this rental residential

property with the department in violation of Chapter 1019 of the Pittsburgh Code.

2. You must vacate this structure within sixty (60) days of this notice. .

3. If you fail to vacate this structure, you will be in violation of Chapter 1019 of the Pittsburgh Code and subject to penalties of fines with a minimum of \$50.00 and a maximum of \$500.00 for each day you are in violation.

#### **1019.10: OWNER RESPONSIBILITY:**

A. The owner of a rental residential property shall maintain a record for each property with the full legal names of every tenant or occupant residing in each dwelling unit or rooming unit.

B. The owner or property agent of a rental residential property shall provide each tenant or occupant with the name and telephone number of a responsible person who, in emergency situations, will be available on a twenty four (24) hour basis and who has the authority to make repairs as needed. The owner shall also cause said information to be posted and maintained within the main entryway of every rental residential structure.

C. The owner of a rental residential property shall inform each tenant or occupant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the City's Building Code. This number shall be determined by the Code Official.

D. The owner of a rental residential property shall make available to the code official, upon request, the tenant and occupant records required to be maintained under this section.

#### **1019.11: INSPECTION ACCESS:**

If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit or a rooming unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his control for any inspection pursuant to this chapter, the code official or his designee may apply to the Housing Court for a search warrant or other appropriate court order authorizing such inspections.

#### **1019.12: NO EFFECT ON LEASES:**

This chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, of a rental residential property.

#### **1019.13: PENALTY FOR VIOLATION:**

Any person, firm or corporation violating any of the provisions of this chapter, in addition to other legal and equitable remedies available to the city, shall be fined a minimum of \$50.00 and a maximum of \$500.00. Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

#### **1019.14: SEVERABILITY:**

If any provision, clause, sentence, paragraph, section, or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of the city council that this chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included.

**SECTION 3.** Supplementing the Pittsburgh Code, Title Seven, Business Licensing, by adding Chapter 769 Rental Residential Property, as follows:

### CHAPTER 769 RENTAL RESIDENTIAL PROPERTY

#### 769.01 LICENSE REQUIREMENT

Any person, firm or corporation sentenced under Section 1001.10 (c) to licensing rental residential property shall obtain the license or licenses from the Bureau of Building Inspection required by the sentence and Chapter 1019.