



Text File

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Bill No: 2010-1053, **Version:** 1

Committee: Committee on Public Safety
Services

Status: Died due to expiration of legislative
council session

Ordinance amending and supplementing the City Code, Title VII Business Licensing, by adding Article X Rental of Residential Housing, Chapter 781 Residential Housing Rental Permit Program to provide for the registration and regulation of rental housing located within the City; to allow inspections in the case of noncompliance; and to provide penalties for violation.

The Council of the City of Pittsburgh hereby enacts *as follows*:

Section 1. The Pittsburgh Code, Title VII Business Licensing, is hereby amended and supplemented by adding Article X Rental of Residential Housing, Chapter 781 Residential Housing Rental Permit Program to provide for the registration and regulation of rental housing located within the City; to allow inspections in the case of noncompliance; to provide penalties for violation; and to repeal conflicting ordinances, as follows:

Article X Rental of Residential Housing

Chapter 781: Residential Housing Rental Permit Program

Section 781.00 Purpose and Intent.

The City of Pittsburgh recognizes the need for a registration program for residential rental units located within the City in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local Landlords to correct violations and maintain, in proper condition, rental property within the City. The City recognizes that the most efficient system is the creation of a program requiring the registration of residential rental units within the City as defined in this Ordinance, so that an inventory of rental properties and a verification of compliance can be made by City officials.

Section 781.01 Definitions.

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

(a) "Appeal Officer" shall be the Uniform Construction Code Board of Appeals.

(b) "Dwelling unit" means a structure or part of a structure held out for the exclusive possession of a tenant as

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a residence under a rental agreement.

- (c) **"Habitability"** shall mean the Property will provide facilities and services vital to the life, health and safety of the tenant.
- (d) **"Landlord"** means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (e) **"Law Enforcement Officer"** shall have the meaning as set forth in the Pennsylvania Rules of Criminal Procedure.
- (f) **"License Officer"** means the City of Pittsburgh Bureau of Building Inspection or any of its inspectors or agents.
- (g) **"Owner"** means one or more persons, jointly or severally, in whom is vested: (i) all or part of the legal title to the property; or (ii) all or part of the beneficial ownership and a right to present use and employment of the premises. The term includes a mortgagee in possession.
- (h) **"Owner-Occupied Rental Unit"** means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- (i) **"Person"** means any natural individual, firm, partnership, association, joint stock company, joint venture, limited liability entity, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (j) **"Premises"** means a lot, plot, or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (k) **"Rental Unit"** means any dwelling unit or residential structure containing sleeping units, including boarding houses, dormitories, or sleeping rooms, which is leased or rented from the Landlord, Owner or other person in control of such units, to any tenant, whether by day, week, month, year, or any other term. Hotels, motels and bed and breakfast establishments shall be exempt from this ordinance.
- (l) **"Responsible Local Agent"** means a natural person having his or her place of residence in the State of Pennsylvania and or a professional, licensed real estate management firm, or an entity which is excluded from licensure by the Pennsylvania Real Estate Licensure Act, with an office located in the State of Pennsylvania and has been granted legal authority by the property Owner in accordance with the laws of the Commonwealth, specifically 63 P.S. §§ 455.101 through 455.902 and 49 P.S. §§ 350.201 and 350.202, as the agent responsible for operating such property in compliance with the ordinances adopted by the City.

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(m) **"Tenant"** means any person who occupies, resides at, or has a legal right to a dwelling unit pursuant to a rental agreement, without an ownership interest.

(n) **"City"** means the City of Pittsburgh and the Bureau of Building Inspection, Department of Finance, City Planning or other entity that the City has legally designated to perform a function on its behalf.

Section 781.02 Permit Requirement.

No Owner shall lease, rent or otherwise allow a rental unit within the City to be occupied, within the City of Pittsburgh without first obtaining a rental permit from the License Officer.

(a) A permit can be acquired after the Owner of the rental unit shall have registered the rental unit with the City by fully completing and filing a current registration form either on-line or in paper form with the City, as provided in Section 780.03 of this Ordinance.

(b) A permit will be denied unless all of the following requirements are met:

1. All requirements of Section 781.03 have been met.
2. All fees charged by the City for the registration of the rental unit shall be paid in full.

(c) The rental permit shall be posted conspicuously on the premises. The permit may be posted in the same manner as an elevator permit with inspection of said permit on demand.

Section 781.03. Permit Registration.

No Owner shall lease, rent, occupy, or otherwise allow a rental unit within the City to be occupied without first registering the rental unit with the City, except for any Owner-Occupied Rental Unit.

(a) Registration Forms.

Registration shall be made upon forms furnished by the City and shall require all of the following information.

- (1) The street address and Block and Lot number of the rental unit(s);
- (2) The number of rental units within the rental property;
- (3) Name, address, telephone number, and where applicable an E-mail address, mobile telephone number, and facsimile number of a property Owner of the rental unit(s) and, if applicable, the Landlord and Responsible Local Agent;

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- (4) The number of occupants permitted for each rental unit by the lease;
- (5) The name and telephone number of occupant(s) of unit(s), however, this information shall not be furnished on any registration form filed prior to October 1, 2011.

(b) Accurate and Complete Information.

All information provided on the registration form shall be accurate and complete to the best of the Owner's knowledge, information and belief. The registration form shall be signed by the property Owner. When the Owner is not a natural person, the Owner information shall be that of the president, general manager or other chief executive of the organization.

(c) Change in Registration Information or Transfer of Property.

- (1) Except for a change in any Responsible Local Agent and Tenant Information in 781.03(a)(5), the property Owner of a rental unit registered with the City shall re-register within sixty (60) calendar days after any change occurs in the registration information.
- (2) If the property is transferred to a new Owner, the new property Owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property, complying with all permit registration requirements of Section 781.02 and 781.03.
- (3) The name, address, telephone number and where applicable an E-mail address, mobile telephone number, and facsimile number of a property Owner of the rental unit(s) and, if applicable, the Landlord and Responsible Local Agent;
- (4) Property Owners shall notify the Bureau of Building Inspection of any change in the designation of the Responsible Local Agent, including a change in name, address, E-mail address, telephone number, mobile telephone number or facsimile number of the designated responsible local agent within ten (10) business days of the change.

(d) Registration Term and Renewals.

Registrations and payment of fees shall be valid for two (2) years for each rental unit, except as re-registration is required by Section 781.03(c).

(e) Owner's Responsibility.

The Owner shall be responsible for all of the following:

- (1) Operating the registered rental unit in compliance with all applicable City Ordinances;
- (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable City Ordinances; and
- (3) The Owner may designate a Responsible Local Agent for the acceptance of all legal notices or services of process with respect to the rental units. If not a resident of Pennsylvania, and if no Responsible Local Agent is designated, the Owner and Landlord by virtue of execution and acknowledgement on the Registration Form will accept service of original process for matters related only to the rental units by accepting process in accordance with Pennsylvania Rules of Civil Procedure 403 Service by Mail at the Owner's address as set forth in the registration form. This service of process by mail will constitute original service of process as directed in Pennsylvania Rule of Civil Procedure 403.

(f) Exemptions.

In the event that any of the information to be provided under this ordinance is likely to result in a substantial and demonstrable risk to the personal security of any tenant or landlord, the rental registration forms provided under this ordinance shall allow for the exemption of such information in such circumstances.

Section 781.04 Inspections.

Basis for Inspections.

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.

- (a) A verified complaint received by the City of Pittsburgh, or any law enforcement agency, indicating that the dwelling unit does not meet requirement of Habitability;
- (b) A report or observation of a dwelling unit that is both unoccupied and unsecured or a dwelling that is damaged by fire;
- (c) The failure to register as required by this Ordinance;
- (d) The need to determine compliance with a dwelling unit's written notice of deficiency;
- (e) An emergency observed or reasonably believed to exist by a Law Enforcement Officer or a License Officer;

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- (f) A request for an inspection by the property Owner; or
- (g) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.

Section 781.05 Voluntary Inspections and Certificate of Safety.

- (a) An Owner of a registered property may voluntarily, but is not required to, obtain a Certificate of Safety from the City, providing there are no violations, by voluntarily having their property inspected by the City for a fee or a private inspection firm that has been pre-approved by the Chief of the Bureau of Building Inspections.
- (b) The Certificate of Safety shall contain the specific items that the property has been inspected for and performed in a manner determined by the Chief of the Bureau of Building Inspections;
- (c) The Certificate of Safety shall be valid for a period of three (3) years.
- (d) The City shall maintain no liability in regards to the Certificate of Safety.

Section 781.06 Fees.

- (a) If an inspection occurs and no violation is found to exist, no inspection fee will be assessed against the Owner of the inspected rental unit in compliance.
- (b) Where a re-inspection must be made to ensure conformity with this Ordinance for those rental units that have been issued violation notices, the City will charge a separate inspection fee for every inspection only when it is found that the violation has not been abated or corrected.
- (c) Fee Schedule:
 - (1) Rental Registration Permit: (valid for two (2) years) Twelve dollars (\$12.00) per unit.
 - (2) Building Inspection Fee: Thirty dollars (\$30.00) per unit for first unit (or single family home), ten dollars (\$10.00) for second unit within same building, five dollars (\$5.00) per unit for all subsequent units within same building.
 - (3) Replacement of Certificate of Safety or a valid Rental Permit per unit: (\$5.00).
 - (4) Certificate of Safety with use of private inspection firm per unit: (\$5.00).
 - (5) In order to assure that funds are available to provide an adequate number of staff for appropriate

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enforcement and enactment of this Ordinance all fees shall be deposited in a rental permit program trust fund that shall be established by City Council, and such funds can be used only for the administration and enforcement of this Ordinance.

- (6) The City will have annual audit of these funds conducted by the City Controller, and provide copies of said audit upon request, to ensure transparency and proper use of the funds. The City may change the Fee Schedule only if the audit shows the need for more funds for the administration and enforcement of the Ordinance, and only prospectively.

Section 781.07. Maintenance of Records.

- (a) All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the City and all or portions of such documents shall be made available to other appropriate City Departments and the public in accordance with the applicable provisions of Pennsylvania law.
- (b) Portions of the records that are not subject to FOIA (Freedom of Information Act) and contain what is considered sensitive personal information shall be kept confidential by the city and periodically destroyed in accordance with any applicable laws.

Section 781.08 Initial Implementation.

- (a) Initial implementation shall begin no sooner than October 1, 2010 in a manner determined by the City, but in any case all Rental Permit Registration must be completed and paid in full no later than ninety (90) days after the effective date of this Ordinance.
- (b) It is Council's intent that the appropriate expenditures are made and the staff to implement the program is hired on or before the initial implementation date.

Section 781.09 Notice of Violations.

- (a) When a License Officer determines that there has been a violation of any provision of this ordinance, the License Officer shall give written notice of the violation to the Owner and Responsible Local Agent, if any, stating with specificity the violation, any corrective actions required, and the right of appeal in accordance with this ordinance. Said notice will be prior to any imposition of any Penalty.
- (b) The notice shall be served by the method of service of process set forth in Section 781.03(e)(3).

Section 781.10 Appeals.

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Any person ("Appellant") aggrieved by any action, order, notice, or determination of the License Officer may, but is not required to, file an administrative appeal in accordance with this Section 781.10.

- (a) The Notice of Appeal shall be filed no later than thirty (30) days after written notice of violation or issuance of the action by which the Appellant is aggrieved, and shall set forth the Appellant's name, address and telephone number.
- (b) The Notice of Appeal shall be filed in the Office of the Bureau of Building Inspection, 200 Ross Street, Third Floor, Pittsburgh, PA 15219, or may be filed online in accordance with any such online filing system as may be instituted by the City.

Section 781.11 Hearings.

(a) Procedure

- (1) A hearing will be held before an Appeal Officer within thirty (30) days of the filing of a Notice of Appeal.
- (2) The Appellant will receive written notice of the hearing date at least ten (10) days before the date of the hearing.
- (3) Appellant may, but is not required to, be represented by counsel, or by the Landlord or Local Responsible Agent. Appellant may present any witnesses or evidence relevant to the proceedings.
- (4) Prior to the evidentiary hearing, the Appeal Officer may conference with the License Officer and Appellant to attempt an amicable resolution.
- (5) Strict rules of evidence will not apply, but all relevant evidence of reasonably probative value will be received. Reasonable examination and cross-examination shall be permitted.
- (6) All testimony shall be stenographically recorded and a full and complete record shall be kept of the proceedings. In accordance with 2 Pa. C.S.A. §101, *et. seq.*, and Subchapter C and D of Chapter 5, qualified interpreters will be provided as reasonably necessary.

(b) Decision

- (1) The decision of the Appeal Officer will be issued as soon as reasonably appropriate and, unless

otherwise agreed upon by the Appellant and License Officer, within ten (10) days of the hearing.

- (2) The decision of the Appeal Officer will be in writing, contain findings and reasons for the adjudication, and be served upon the Appellant and the License Officer, and any counsel personally or by mail.
- (3) The decision of the Appeal Officer will be a final agency action of the City of Pittsburgh and City of Pittsburgh Bureau of Building Inspection, in accordance with the local agency law, subject to de novo appeal to the Court of Common Pleas as provided by law.

Section 781.12 Penalty.

After the conclusion of any administrative appeal and/or appeal to Court, a violation of this Ordinance shall be a summary offense. The fine for each separate violation shall be a fine not to exceed \$1,000 per each unit per each month that a rental unit is not registered or inspected as required by this Ordinance, plus any fees that have been charged for inspection if applicable. Inspection fees shall not be waived or reduced.

Section 781.13 Prior Registration.

Payment of a registration fee under the prior rental registration ordinance shall be credited for purposes of registration under this ordinance and any prior registration shall be supplemented to provide all information required under this ordinance.

Section 781.14 Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 781.15 Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 781.16. Sunset Provision.

This ordinance shall require Council to review the program and vote to reenact, amend or supplement on or before December 31, 2011.

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Section 781.17. Effective upon signature of the Mayor.

Finally, that any Ordinance or Resolution or part thereof conflicting with the provisions of this Ordinance, is hereby repealed so far as the same affects this Ordinance.

Mayor's Approval Date: