

Chapter 11

Housing

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Part 1**Tenant Registration****§11-101. Purposes.**

This Part is enacted to provide for the uniform and equitable distribution of the tax levies in the Borough and upon the inhabitants thereof and to promote the health, safety, morals and general welfare of the inhabitants of the Borough.

(Ord. 2015-4, 9/8/2015)

§11-102. Definitions and Interpretation.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Business unit—a parcel of real estate, with or without improvements located thereon, utilized by any person or persons for any commercial activity or purpose.

Dwelling unit—one or more rooms used for living and sleeping purposes arranged for occupancy by one family or by one or more persons.

Landlord—a lessor, or person who acts as agent for the lessor, of any parcel of real estate located in the Borough, or a lessor, or person who acts as agent for the lessor, of any improvements on real estate or any building located in the Borough.

Person—any individual, partnership, association, firm or corporation.

Tenant—a person who has the use, either by himself or with others, of a dwelling unit or a business unit owned by a person other than himself, for a period exceeding 30 days.

(Ord. 2015-4, 9/8/2015)

§11-103. Rental Registration.

1. No rental property shall be occupied unless it is registered with the Borough on forms which will be provided and are available at the Borough office.

2. Rental registration shall be for a period of not more than 1 year and must be renewed annually.

3. No rental property shall be registered with the Borough if there are any violations of the Borough's Code of Ordinances at the subject property.

(Ord. 2015-4, 9/8/2015)

§11-104. Reports by Landlords.

Within 30 days from the effective date of this Part, each landlord shall submit to the Codes Enforcement Officer, a report form supplied by the Codes Enforcement Officer, which includes the following information:

A. List of the dwelling units and business units owned by the landlord, located within the Borough limits, whether occupied or not occupied.

B. Address of each dwelling unit and business unit.

- C. Brief description of each dwelling unit or business unit.
- D. Whether or not said dwelling unit or business unit is inhabited or utilized by tenants.
- E. Names of the tenant or tenants utilizing the aforementioned dwelling unit or business unit, if any.

(Ord. 2015-4, 9/8/2015)

§11-105. Reports by Persons upon Becoming Landlords.

After the effective date of this Part, any person who becomes a landlord of any parcel of real estate or any improvement on real estate or building located in the Borough by agreement of sale, by deed, or by any other means, shall, within 30 days thereafter, report to the Codes Enforcement Officer the information and data set forth in §11-103 above, and on forms to be provided by the Codes Enforcement Officer.

(Ord. 2015-4, 9/8/2015)

§11-106. Reports of Changes in Use or Occupancy.

After the effective date of this Part, each and every landlord of property within the Borough shall report to the Codes Enforcement Officer on a report form to be supplied by the Codes Enforcement Officer, any change in the use or occupancy of any dwelling unit or business unit owned by such landlord. The reported change shall include the name or names of new tenants of such dwelling unit or business unit, the date when such change was effected, and the forwarding address of the old tenant or tenants if known. A landlord of a hotel, inn or boarding house shall not be required to report a person as a “tenant” until that person has resided in such landlord’s establishment for a period exceeding 30 days. In the event that a dwelling unit or business unit was used or utilized by a tenant and then becomes vacant, this change shall also be reported to the Codes Enforcement Officer. All reports required by this Section shall be made within 10 days after a landlord has knowledge that such a unit has had a change in occupancy or has become vacant.

(Ord. 2015-4, 9/8/2015)

§11-107. Duties of the Codes Enforcement Officer.

The Codes Enforcement Officer, under the authority of this Part, shall:

- A. Maintain on file at the Borough office, the names of the landlords owning dwelling units and business units in the Borough, said list to include the names of the current tenants of said dwelling units and business units.
- B. Maintain a supply of forms for landlords to use in making reports to the Codes Enforcement Officer as required by §§11-103, 11-104 and 11-105 of this Part.
- C. Notify the Chief of Police and the Fire Chief of the Borough of the address and description of any dwelling unit or business unit that is vacant, unoccupied and not in use.

(Ord. 2015-4, 9/8/2015)

§11-108. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part,

upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. A rental property registration certificate shall be subject to revocation proceedings if the property is not in compliance with this Part or any other provision of the Borough's Code of Ordinances.

3. The owner of a rental property or the licensee shall be given 20 days written notice of the existence of a violation of this Part or of the Borough Code of Ordinances. If the violations are not remedied within that 20-day period, the Borough's Code Enforcement Officer shall issue an order revoking the rental registration certificate and post the property as condemned as unusable for those purposes.

4. The owner of a rental property or a licensee may appeal a revocation order to the Borough Council.

(Ord. 2015-4, 9/8/2015)

Part 2**Certificate of Zoning Classification and Uncorrected Violations
Required Prior to Sale of Property****§11-201. Intent.**

1. The intent of this Part is to prevent the owners of properties in the Borough which are in violation of housing, building, safety, plumbing, electrical and fire ordinances and regulations, from offering such properties for sale without revealing such illegal use or the existence of housing, building, safety, plumbing, electrical and fire violations.

2. To prevent undue hardships and losses imposed on such purchasers by owners who have failed to reveal the illegal use or condition of the property being conveyed or who have made misrepresentations in that regard, the Borough Council finds that it is in the best interest of the Borough to declare that all sellers of property, as defined herein, shall be required to advise the purchaser of the legal use and condition of such property, and to deliver to the purchaser prior to the execution of the agreement of sale for such property a use registration certificate, obtained from the Codes Enforcement Officer, showing the legal use and district classification for such property, the existence of any housing, building, safety, plumbing, electrical or fire violations, and any municipal claims due the Borough.

(*Ord. 2015-4, 9/8/2015*)

§11-202. Definitions.

Agent—any person, co-partnership, association, corporation or fiduciary who for monetary consideration aids in the sale or exchange of property as defined herein. Whenever used in any clause, prescribing or imposing a penalty, the term agent, as applied to co-partnerships and associations shall mean the partners, or members thereof, and as applied to corporations, the officers thereof. Liability shall be limited to failure to notify the owner of the obligations imposed by this Part.

Agreement of sale—any written agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include, inter alia, written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

District—any jurisdictional area or zone as set forth in the Zoning Ordinance of the Borough [Chapter 27].

Municipal claim—all monetary obligations, recorded or unrecorded, due the Borough as school and city property taxes or for services rendered or delivered to the property.

Owner—any person, co-partnership, association, corporation or fiduciary having legal or equitable title, or any interest in any real property. Wherever used in any subsection prescribing or imposing a penalty, the term “owner,” as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

Property—any residential building or structure which totally or partially contains (A) single-family dwellings; (B) two-family dwellings; (C) multi-family dwellings; (D) boarding houses, lodging houses, tourist homes; (E) dormitories; and (F) hotels as further defined in the Zoning Ordinance [Chapter 27]. The separateness of a property shall be determined by the more restrictive title or parcel number.

Regulations—regulations shall include regulations promulgated by the Pennsylvania Department of Labor and Industry under the Pennsylvania Fire and Panic Act of April 27, 1927, P.L. 465, 35 P.S. §1221 *et seq.*, as amended.

(*Ord. 2015-4, 9/8/2015*)

§11-203. Requirements Prior to Entering into an Agreement of Sale, Etc.; Period of Validity.

1. Prior to entering into an agreement of sale or exchange of any property, or prior to the transfer of property when no agreement of sale is utilized, the owner shall obtain from the Codes Enforcement Officer the certificate set forth in §11-204 hereof. However, subject to the following provisions:

A. When such properties are used solely as a single-family dwelling or a two-family dwelling as defined in the Zoning Ordinance of the Borough [Chapter 27], the provisions of §11-204.2.B, .2.C, and .2.E shall not apply.

B. Where such properties are intended to be demolished and a valid demolition permit has been obtained, a certificate shall not be required.

C. Where such properties are sold at a foreclosure sale or pursuant to the Real Estate Tax Sale Act of 1947, P.L. 1368, 72 P.S. §5860.101 *et seq.*, as amended, or other judicial sale pursuant to Federal or State statutes the certificate set forth in §11-204 shall not be required.

2. The certificate shall be valid for a period not to exceed 2 years from date of issue.

3. However, upon request of owner, prior to the expiration of the 6-month period referred to in §11-203.2, the Codes Enforcement Officer may issue endorsements to the certificate, extending its validity for up to two additional 3-month periods, showing any changes to the information shown on the original certificate. There shall be no fee for the issuance of the endorsement(s). Each endorsement, however, shall extend the validity of the certificate for only 3 months.

(*Ord. 2015-4, 9/8/2015*)

§11-204. Applications; Fees; Certifications; Re-inspections; Compliance Letters.

1. Upon application of the owner and the payment to the Borough of a base fee established by the Borough Council pursuant to resolution for properties containing only one dwelling unit, the Codes Enforcement Officer, or his designee, shall then review the pertinent Borough records and inspect the premises in question. For properties containing more than one dwelling unit, the fee shall be the base fee plus an amount determined, pursuant to resolution, for each dwelling exceeding three units.

2. Upon completion of the review and inspection, the Codes Enforcement Officer shall execute and deliver a certificate to the owner which shall contain the following

information. The certificate shall be valid for a period not to exceed 2 years from date of issue.

A. The street address or appropriate description of subject property.

B. A statement of the district classification applicable to the property in question, together with an extract of the applicable ordinance(s) showing the uses permitted within that district.

C. A statement of the variances and use permits, if any, granted to that property, together with the conditions and restrictions of such permits.

D. A statement as to whether any construction, electrical, plumbing or building permits have been issued for work not yet completed on those premises.

E. A statement as to whether there appears to be any nonconformity or illegality in the structures on the property or the uses being made thereof. This statement shall also indicate whether the property has been approved or designated as a nonconforming use.

F. A detailed list of all violations of the housing, building, plumbing, electrical, safety or fire ordinances and regulations.

G. A detailed list of all municipal claims currently due and payable.

(Ord. 2015-4, 9/8/2015)

§11-205. Insertion of Provisions in Agreement of Sale.

1. Every owner shall insert in every agreement for the sale of property a provision showing the district classification of such property, and stating whether the present use of the property is in compliance with or in violation of district laws and ordinances, and every owner shall insert in every agreement for the sale of property a provision disclosing whether there exists any notice of an uncorrected violation of the housing, building, plumbing, electrical, safety or fire ordinance and regulations.

2. If any owner fails to include any provision required by this Part in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing district laws and ordinances, and that there was no uncorrected violation of the housing, building, plumbing, electrical, safety or fire ordinances and regulations.

3. Every agent shall, by written document to the owner, assert the obligation of the owner to comply with the provisions of this Part.

(Ord. 2015-4, 9/8/2015)

§11-206. Disclaimer; Waiver.

Notwithstanding any other law or ordinance, the provisions of this Part may not be waived or disclaimed by any oral or written agreement executed by any owner or purchaser.

(Ord. 2015-4, 9/8/2015)

§11-207. Delivery of Certificate; Receipt of Evidence of Compliance with

Ordinance.

1. In the Borough, it shall be unlawful for any owner to sell his property, or any interest therein, unless the owner shall first deliver to the purchaser at or prior to the execution of any agreement of sale, or prior to the transfer of title should no agreement of sale be utilized, the certification described in §11-204.

2. The purchaser or transferee shall execute a receipt for the certificate, as furnished by the Borough, and such receipt shall be delivered by the owner to the Codes Enforcement Officer, as evidence of compliance with the provisions of this Part.

3. It shall be unlawful for any agent to aid any owner in the sale or transfer of property unless the agent shall first notify the owner of the owner's obligation imposed by §11-204.

(Ord. 2015-4, 9/8/2015)

§11-208. Liability of the Borough.

The use registration certificate shall be compiled from the records of the Borough and from an inspection of the property. Neither the enactment of this Part nor the preparation and delivery of any certificate required hereunder shall impose any liability upon the Borough for any errors or omissions contained in such certificate nor shall the Borough bear any liability not otherwise imposed by law.

(Ord. 2015-4, 9/8/2015)

§11-209. Filing of Appeal.

Appeals from the findings set forth in the certificate must be filed in writing with the Borough Council of the Borough within 3 days after the issuance of said certificate; the Borough Council of the Borough will refer the appeal to the appropriate board of appeals.

(Ord. 2015-4, 9/8/2015)

§11-210. Penalties; Invalidation of Sale or Exchange.

1. Any owner or agent who violates the provisions of §§11-205 or 11-206 of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. No sale or exchange of property (as defined in §11-202 of this Part) shall be invalidated solely because of the failure of any person to comply with any provisions of this Part unless such failure is an act or omission which would be valid ground for cancellation of such sale or exchange in the absence of this Part.

(Ord. 2015-4, 9/8/2015)