

MAYOR'S TASK FORCE
ON
RENTAL HOUSING



CITY OF LANCASTER
J. RICHARD GRAY, MAYOR



FINAL REPORT
DECEMBER 2007

Lancaster City's housing and neighborhood revitalization efforts must focus on strategies that increase property values and improve the quality of life for residents. According to the 2000 U.S. Census, there are 23,021 housing units in Lancaster City; 10 percent of these units are vacant. Of the remaining 90 percent of City housing units, 47 percent are owner-occupied and renters occupy 53 percent of housing units.

There can be little question that our residential neighborhoods are fundamental to the City of Lancaster's social and economic and well-being. Well maintained homes, apartments and other properties are critical to keeping City neighborhoods safe and livable. Unfortunately there are instances when neighborhood peace and harmony is disrupted and safe, decent housing is threatened by public nuisances and property code violations occurring on problem properties. Failure to address these problem properties leads to substandard living conditions, deteriorating neighborhoods, and reluctance among potential buyers and lenders to invest in these neighborhoods.

In April 2007, Mayor Rick Gray convened a Rental Property Task Force¹ charged with assessing policies and procedures related to rental housing and property maintenance in the City of Lancaster. The Task Force met every two weeks over the course of six months to:

- Review and evaluate the City's existing Property Maintenance Code to determine what, if any, modifications should be made to ordinances regulating rental housing and licensing;
- Evaluate the effectiveness of the City's current housing inspection and licensing program;
- Examine code enforcement practices and procedures;
- Evaluate procedures and practices related to the disposition of vacant, abandoned, and/or blighted properties;
- Examine rental housing ordinances of other Third Class cities in Pennsylvania;²
- Develop strategies to more effectively identify and respond to problem properties, property owners, and tenants.

This report on the findings of the Mayor's Rental Property Task Force provides recommendations for consideration by policy-makers, property owners, tenants, and Housing officials.

¹ Appendix #1: List of Members, Mayor's Task Force on Rental Housing.

² Appendix #2: Highlights of Pennsylvania Third Class City ordinances.

PROPERTY MAINTENANCE CODE

The City's Property Maintenance Code is found in Administration Ordinance No. 15-2002. Significant ordinance revisions made in 2002:

1. Requires owners of rental units to make lease and occupant information available to City Housing Inspectors.
2. Makes the owner of rental property responsible for exterminating the structure prior to renting, leasing, re-renting or re-leasing the structure.
3. Requires registration of one and two-unit rental properties and licensing of multi-family dwellings (3 or more units).
4. Requires annual renewal of rental registration or license.
5. Requires City housing inspection prior to initial occupancy and at least once every four years thereafter.
6. Imposes a 25% penalty for late payment of any inspection fee, re-inspection fee, and license or registration fee.
7. Allows for revocation of rental license.
8. Increases fines for repeat or unabated violations.
9. Authorizes the assessment of fees for re-inspection of properties found to be in violation of the property code.
10. Requires that a "responsible agent" who resides within Lancaster County be designated to act on behalf of the property owner.

The 2002 amendments to the City's Property Maintenance Code have not been consistently applied or uniformly enforced. The City's property maintenance and nuisance codes parallel those of other cities of comparable size and do not need to undergo major revision. Enforcement of the current ordinance must be a priority.

RECOMMENDATION: All rental properties must be inspected prior to initial occupancy; properties must be exterminated as required by ordinance; fees must be collected prior to issuing a permit or license; a local "responsible agent" must be identified to both the tenant and to the Bureau of Zoning and Code Enforcement.

RENTAL UNIT REGISTRATION AND LICENSING:

Generally, the stated purpose of the City's rental registration and licensing program has been to protect the health, safety and welfare of the residents of rental dwellings and to ensure that rental housing is operated and maintained so as not to become a nuisance to the neighborhood or to become an influence that creates a disincentive to reinvestment in the community. The program was established in 2002 in response to a growing perception that too many landlords were neglecting their properties, resulting in increasing blight in neighborhoods.

When the City's rental registration and licensing program was adopted, the City did not have an inventory of housing stock. A complete and current housing inventory would have identified the location of all owner-occupied and rental, single or multi-unit properties. Absent such an inventory, it is impossible to identify all rental units that require licensing or registration. Thus, for the most part, participation in the City's Rental Registration and Licensing Program has historically been voluntary at best.

Implementation of the single-hauler trash program in October 2006 was the first step in establishing an accurate inventory of the City's housing stock. Because the City bills property owners – not tenants – for sanitation services on a per housing unit basis, the solid waste program provides a partial list of rental units in this City. This list, combined with the customer lists provided to the City by independent haulers, provides an ever-changing, but much improved database of rental and owner-occupied housing.

Census Data does not provide timely or complete data to describe the City's housing inventory. A rental unit inventory is a necessary tool for guiding inspections, rental licensing, property maintenance, and code enforcement. Although permitted by the Property Maintenance Code, the City has never taken action to revoke a rental license and/or permit from a problem property owner.

RECOMMENDATION: The City must develop a comprehensive and current inventory of rental units within the City. As a matter of standard practice, the City should make quarterly comparisons between the rental unit registration list and the solid waste program customer list, the water utility customer list, and tax records. This should help identify unregistered or unlicensed rental properties.

RECOMMENDATION: The City should consider billing property owners – not tenants – for water and sewer service. This should reduce the number of delinquent payments and, at the same time, provide another source of data for updating an inventory the City's housing stock.

RECOMMENDATION: For code enforcement to produce optimum results, code violations must be identified and abated prior to the point where a structure becomes a threat to the health and safety of its inhabitants and the community. Thus, the City must enforce requirements that rental properties be inspected **prior** to initial licensing or permitting; at least once thereafter every four years; and at a change in ownership.

RECOMMENDATION: Rental licenses and/or permits should be revoked from problem owners who fail to respond to multiple citations for property code violations. When a license or permit is revoked, rental payments for that unit should be held in escrow.

RECOMMENDATION: Work with Lancaster County to enforce Pennsylvania law that prohibits the purchase of additional properties through a Sheriff's Sale by a buyer whose rental license has been revoked. License revocation will prevent problem owners from purchasing multiple additional properties in the City and/or County.³

RECOMMENDATION: The City should require property owners to pay off existing liens placed by the City before licensing a landlord or permitting a rental unit.

RECOMMENDATION: Rental property owners should be required to produce an executed lease upon request of the City's Housing Code enforcement personnel.

RECOMMENDATION: The City should examine mechanisms to escrow rental payments made by tenants when a rental license is revoked or suspended.

RECOMMENDATION: The City should require Property Management Firms to be licensed. These firms should be required to provide the City with current lists of properties under their management, including contact information for the property owner.

³ Appendix #3: Act No. 82 -- Real Estate Tax Sale Law, P.L. 1368, No. 542

RENTAL PROPERTY INSPECTION:

The City's Property Maintenance Code that requires an interior and exterior property inspection prior to initial licensing or permitting has never been put into practice. The City has also lacked a consistent definition of what an "inspection" includes. In the past, inspectors would sometimes report to a given address to follow-up on a complaint and list each address on the street they drove or walked by as having been "inspected."

Also, until recently, the City's Code Enforcement program was almost exclusively complaint-based. That is to say, a resident had to complain about the behavior of another in order to obtain enforcement action. Call-in complaints are typically related to **exterior** building and property conditions, including trash, grass, weeds and vehicles on private lots. Housing Inspectors performed an **interior** property inspection only in response to a complaint of a housing code violation.

The current complaint-based approach to housing code enforcement simply does not allow for the greatest return on the City's sizable investment in personnel and equipment. While possibly satisfying the complainant, this method is not an efficient use of limited resources and is not an effective way of addressing conditions that are verifiable as symptomatic of, or a cause of, neighborhood deterioration.

Beginning in June 2007, Housing Inspectors began implementing the City's ordinance to conduct systematic interior and exterior inspections of rental properties. Since no formal inventory of rental units exists, inspectors are using a combination of data sources – including current rental license records, and utility billing records to identify units for inspection. These rental property inspections are scheduled four hours per week (two days per week for a period of two hours), with eight full-time Inspectors assigned in pairs to each of the four-inspection quadrants.

Based on the current work plan for conducting rental inspections (four hours per week, using four inspection pairs, assuming 30 minutes for each inspection), it will take a minimum of 40 months to complete one round of inspections, and no re-inspections. A recent consultant report by Management Partners Inc., recommends contracting with eight additional inspectors to expedite completion of the initial round of systematic interior and exterior rental housing inspections. With eight contract inspectors conducting these inspections full time, the job can be completed in about four months ("Financial Analysis & Operations Audit" – September 2007).

RECOMMENDATION: Expedite the completion of initial interior inspections of all rental properties in the City. Doing so will provide the City with an improved housing inventory and with updated contact information for property owners.

RECOMMENDATION: The City should require an interior and exterior property inspection whenever a residential sales agreement is executed, thus prohibiting a deed transfer without prior City inspection. This will assist buyers in understanding any code violations regarding the property, and allow the City to monitor violations to ensure that any needed repairs are completed prior to a sale.

RECOMMENDATION: Provide Housing Inspectors and property owners with a “check list” of items subject to inspection. This will allow property owners to prepare for inspections, reduce the number of re-inspections, and ensure consistent inspection procedures.⁴

⁴ Appendix #4: Sample Property Inspection Checklist -- Rock Island, Illinois

CODE ENFORCEMENT:

The City's enforcement of housing and nuisance codes can have a profound effect upon the safety and habitability of our housing, and can help create a stable and predictable future for neighborhoods. In order to effectively accomplish this task, code enforcement must be comprehensive, coordinated, and consistent.

One area of concern as it relates to due process and the fostering of respect for the code enforcement process involves the current procedures used to respond to nuisance complaints.

As previously noted, City Housing Inspectors follow up on every resident complaint to determine if a violation of the Property Maintenance Code has occurred. If the inspection reveals a Code violation, the property owner receives a written notice of violation and is given a specific deadline by which to correct the violation. After the expiration of the deadline for compliance, a re-inspection is made to determine if the violation has been corrected. If the violation still exists, a citation is filed with the District Judge. The District Judge can levy fines after a hearing is held on the citation.

Code enforcement staff report significant problems with this process. First, these hearings often take a "back seat" to more serious offenses that are considered priority cases. In fact, months and even years can pass between the time a Citation is issued and the District Judge schedules a hearing on the case. Even when a Citation hearing is scheduled, additional delays can occur if the defendant property owner requests a continuance (rescheduled hearing). District Judges may grant a continuance for any number of reasons: the defendant property owner has no legal representation; the defendant property owner fails to appear for his/her hearing; the defendant property owner claims some type of hardship.

Finally, a source of continued frustration for residents as well as for enforcement officers is the inability to obtain compliance from problem owners when a case is heard and the property owner is found guilty. Often the code violations may still remain unabated, necessitating action by the City to either remedy the violations or, in some cases, condemn the property. When the City is forced to abate the code violations, a lien is placed on the property. In some cases, numerous liens to recover the cost of abatement are placed on a single property over the course of several years.

Currently, 98 properties in the City are in condemnation; and liens totaling more than \$90 thousand have been placed on City properties to recover the cost of abating property code violations.

RECOMMENDATION: The City should work with the President Judge to establish a special “Housing Court” to expedite the disposition of cases involving violations of the Property Maintenance Code, Nuisance Code, and other violations affecting the quality of life in our neighborhoods. The same District Judge should hear these cases at least once each week in order to track non-responsive and repeat offenders.

RECOMMENDATION: In order to have a meaningful impact on offenders, fines for code violations should be increased and specified by ordinance. Strict penalties must be consistently attached to violations regardless of the location of the Magisterial District in which the violation occurs. A weekly “Housing Court” would provide this consistency.

Currently, Housing Inspectors are assigned in pairs to cover each of the four quadrants of the City. This may not be the most effective means of upgrading housing. The most efficient and potentially effective approach to housing code enforcement is to concentrate inspection and compliance activities in areas where they can do the most good based upon neighborhood conditions.

Through a program of property-by-property inspection in neighborhoods selected on the basis of priority, blight can be checked and areas upgraded one after another. This method can also effectively address chronic problem properties and doing so may result in a greater overall degree of citizen satisfaction than simple one- on-one resolution of complaints. Regardless of what type of approach is considered appropriate for a neighborhood, it will always be necessary to continue to respond to complaints.

RECOMMENDATION: Coordinate Housing Code enforcement with law enforcement efforts. Each month, the Bureau of Police identifies the top “problem properties,” based upon the number of times police are called to a particular address. Sharing this information between Housing and Police will allow for a more focused use of resources to address problem properties, neighborhoods, and/or tenants.

Finally, it is essential that the quality of the service provided be as important as the quantity of inspections done. Just the visibility of the codes officer in the area on a frequent basis can evoke a positive response from residents. The movement to a neighborhood-based approach should afford inspectors more opportunity to have interaction with residents. This can build confidence in the enforcement program and may lead to greater compliance. A proactive code enforcement effort that is suitable for neighborhood conditions can also help residents experience positive change and improvement in the quality of life.

RECOMMENDATION: Reevaluate the effectiveness of assigning Housing Inspectors to sectors. Instead, implement a proactive approach to code enforcement and systematic inspections by targeting resources based on neighborhood conditions and needs. Initially focus on chronic problem areas or properties in coordination with police, fire, neighborhood block groups, and non-profit community development organizations.

PROPERTY MANAGEMENT FIRMS, PROPERTY OWNERS, LANDLORDS, TENANTS

Problems caused by negligent property owners or disruptive tenants can have the greatest negative impact on the quality of life in a neighborhood. On occasion, problems can be resolved with neighbor-to-neighbor communication. In some cases, the property owner/landlord is unaware of problems caused by a disruptive tenant. In other situations, a good tenant may be threatened with eviction if he/she complains of negligence on the part of the property owner.

An education and information program is needed to acquaint residents, tenants and owners with the responsibilities of the various parties under the nuisance and property maintenance codes. Property owners need to know how inspections will be conducted, what the objectives are, and what is expected of them. Neighbors need to know how to contact the property owner if a tenant is disruptive; and property owners must be held accountable if they fail to enforce lease provisions that establish a certain standard of behavior for tenants.

The City needs to aggressively pursue alternative enforcement measures against absentee owners who fail to recognize their responsibilities to maintain their properties in conformance with the codes. These measures may include a progressive increase in fines for multiple violations or for failure to bring property into compliance; public embarrassment (i.e. list chronic offenders in the newspaper), revocation of rental license, or withholding of rent.

RECOMMENDATION: The City should work with the private and non-profit sector to provide a simple handbook for rental property owners and managers that includes information about tenant screening, rental agreements, property maintenance codes, fire safety and evictions.

RECOMMENDATION: The City should explore opportunities to work with the private or non-profit sector to establish an association or membership organization that will encourage and foster good landlords and maintain a database of tenants with multiple evictions.

RECOMMENDATION: The City should establish and enforce strict licensing standards for Property Management firms managing rental properties in the City. The City should revoke the license of a Property Management Firm if a specific percentage of the firm's properties are cited for code violations or for failure to responsibly address chronic problem properties or disruptive tenants.

RECOMMENDATION: Property Management Firms and property owners should be notified when utility or tax accounts are in arrears.

RECOMMENDATION: The City should make contact information of rental property owners/managers available to City residents to ensure that persons with responsibility and authority to maintain properties can be readily located and contacted.

RECOMMENDATION: License revocation must be considered for property owners who fail to evict tenants whose behavior results in more than four police response incidents in one year.

RECOMMENDATION: The City Redevelopment Authority should establish policies that prohibit the sale of vacant properties referred to the Authority by the Vacant Property Reinvestment Board to problem or negligent landlords. Property owners with liens placed on their properties as a result of City action to abate code violations should not be eligible to purchase additional properties through the RAEL.

SUMMARY OF RECOMMENDATIONS:

Throughout its review, the Rental Property Task Force remained focused on its mission to provide recommendations for modifications that can be made to existing policies, procedures and ordinances related to rental housing in the City of Lancaster. Ultimately, the value of these recommendations lies in effective implementation and a commitment from residents, property owners, and enforcement officials to work in partnership to improve the quality of life in our City. The reward for this commitment will be increased investment in City properties, increased property values, and an enhanced quality of life in every neighborhood.

1. All rental properties must be inspected prior to initial occupancy; properties must be exterminated as required by ordinance; fees must be collected prior to issuing a permit or license; a local “responsible agent” must be identified to both the tenant and to the Bureau of Zoning and Code Enforcement.
2. The City must develop a comprehensive and current inventory of rental units within the City. As a matter of standard practice, the City should make quarterly comparisons between the rental unit registration list and the solid waste program customer list, the water utility customer list, and tax records. This should help identify unregistered or unlicensed rental properties.
3. The City should consider billing property owners – not tenants – for water and sewer service. This should reduce the number of delinquent payments and, at the same time, provide another source of data for updating an inventory the City’s housing stock.
4. For code enforcement to produce optimum results, code violations must be identified and abated prior to the point where a structure becomes a threat to the health and safety of its inhabitants and the community. Thus, the City must enforce requirements that rental properties be inspected prior to initial licensing or permitting; at least once thereafter every four years; and at a change in ownership.
5. Rental licenses and/or permits should be revoked from problem owners who fail to respond to multiple citations for property code violations. When a license or permit is revoked, rental payments for that unit should be held in escrow.

6. Work with Lancaster County to enforce Pennsylvania law that prohibits the purchase of additional properties through a Sheriff's Sale by a buyer whose rental license has been revoked. License revocation will prevent problem owners from purchasing multiple additional properties in the City and/or County.
7. The City should require property owners to pay off existing liens placed by the City before licensing a landlord or permitting a rental unit.
8. Rental property owners should be required to produce an executed lease upon request of the City's Housing Code enforcement personnel.
9. The City should examine mechanisms to escrow rental payments made by tenants when a rental license is revoked or suspended.
10. The City should require Property Management Firms to be licensed. These firms should be required to provide the City with current lists of properties under their management, including contact information for the property owner.
11. Expedite the completion of initial interior inspections of all rental properties in the City. Doing so will provide the City with an improved housing inventory and with updated contact information for property owners.
12. The City should require an interior and exterior property inspection whenever a residential sales agreement is executed, thus prohibiting a deed transfer without prior City inspection. This will assist buyers in understanding any code violations regarding the property, and allow the City to monitor violations to ensure that any needed repairs are completed prior to a sale.
13. Provide Housing Inspectors and property owners with a "check list" of items subject to inspection. This will allow property owners to prepare for inspections, reduce the number of re-inspections, and ensure consistent inspection procedures.
14. The City should work with the President Judge to establish a special "Housing Court" to expedite the disposition of cases involving violations of the Property Maintenance Code, Nuisance Code, and other violations affecting the quality of life in our neighborhoods. The same District Judge should hear these cases at least once each week in order to track non-responsive and repeat offenders.

15. In order to have a meaningful impact on offenders, fines for code violations should be increased and specified by ordinance. Strict penalties must be consistently attached to violations regardless of the location of the Magisterial District in which the violation occurs. A weekly "Housing Court" would provide this consistency.
16. Coordinate Housing Code enforcement with law enforcement efforts. Each month, the Bureau of Police identifies the top "problem properties," based upon the number of times police are called to a particular address. Sharing this information between Housing and Police will allow for a more focused use of resources to address problem properties, neighborhoods, and/or tenants.
17. Reevaluate the effectiveness of assigning Housing Inspectors to sectors. Instead, implement a proactive approach to code enforcement and systematic inspections by targeting resources based on neighborhood conditions and needs. Initially focus on chronic problem areas or properties in coordination with police, fire, neighborhood block groups, and non-profit community development organizations.
18. The City should work with the private and non-profit sector to provide a simple handbook for rental property owners and managers that includes information about tenant screening, rental agreements, property maintenance codes, fire safety and evictions.
19. The City should explore opportunities to work with the private or non-profit sector to establish an association or membership organization that will encourage and foster good landlords and maintain a database of tenants with multiple evictions.
20. The City should establish and enforce strict licensing standards for Property Management firms managing rental properties in the City. The City should revoke the license of a Property Management Firm if a specific percentage of the firm's properties are cited for code violations or for failure to responsibly address chronic problem properties or disruptive tenants.
21. Property Management Firms and property owners should be notified when utility or tax accounts are in arrears.
22. The City should make contact information of rental property owners or managers available to City residents to ensure that persons with responsibility and authority to maintain properties can be readily located and contacted.

23. License revocation must be considered for property owners who fail to evict tenants whose behavior results in more than four police response incidents in one year.
24. The City Redevelopment Authority should establish policies that prohibit the sale of vacant properties referred to the Authority by the Vacant Property Reinvestment Board to problem or negligent landlords. Property owners with liens placed on their properties as a result of City action to abate code violations should not be eligible to purchase additional properties through the RACL.

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APPENDIX #1: Rental Housing Task Force Members

TOM FUNK

A Sales Representative for North American Pipe, Tom Funk is known as a “conscientious landlord” with several rental properties in the City. He has expressed a desire to improve the quality of rental property owners and managers by making more information available to those who invest in rental property in the City.

JOHN GRAUPERA

This month, Mr. Graupera will complete two terms of service on Lancaster City Council, where he has focused his efforts on improving the quality of life in Lancaster’s neighborhoods. He is a teacher in the School District of Lancaster and a member of Wharton Elementary School PTO.

TIM GREGG

Now Chief of the Lancaster City Bureau of Fire, Tim Gregg began his firefighting career as a shipboard firefighter in the US Navy. He has been a member of the Lancaster Bureau of Fire for 22 years and, in 2006, was named Fire Chief by Mayor Rick Gray. A city resident and homeowner, Chief Gregg is Board member of the Lancaster Community Safety Coalition, the Building Code Board of Appeals, and is a past member of the Board of the Lancaster Council of Neighborhoods.

GORDON KAUTZ

Mr. Kautz is the founder and General Manager of Kautz Construction, a residential and commercial construction firm that has been in operation for 35 years. He owns and manages more than 25 residential and commercial rental units in the City and is known for his commitment to providing quality service in his construction work and as a rental property owner.

JAMES KEARNEY

As a legal aid lawyer in Lancaster for 32 years, Mr. Kearney handled many housing law cases including landlord-tenant issues before being named Development Director for MidPenn Legal Services in 2004. He served on the Board of Directors of the Lancaster Bar Association from 1999 until 2002 and as Bar Association President in 2001.

CAROL PARRISH MCCOY

A Lancaster City resident for more than 17 years, Carol works in collaboration with community-based improvement groups to enhance the City’s neighborhoods. She is also manager of the City’s Housing and Neighborhood Revitalization Unit, which provides programs for eligible low-to-moderate income homeowners who need to make critical repairs to their homes, including lead paint remediation.

REV. SUSAN MINASIAN

Rev. Minasian is a homeowner in the Northwest part of the city. In addition to serving as co-pastor of St. Andrew United Methodist Church, she currently serves as a Visiting Chaplain at Franklin & Marshall College and is a doctoral student at Lancaster Theological Seminary. Susan Minasian and her family moved to the City from suburban Lancaster County because they enjoy the diverse neighborhoods found in the City.

JAMES ORGASS

Mr. Orgass has been practicing law for fifteen years with Legal Services and is currently the Managing Attorney of MidPenn Legal Services in Lancaster. He has handled hundreds of disputes involving landlords and tenants during his career. He has served on other Housing Task Forces responsible for modernizing local and state laws. Prior to law school, Mr. Orgass was the Executive Director of a Landlord and Tenant Hotline.

RANDY PATTERSON

Prior to joining the City as Director of Economic Development & Neighborhood Revitalization, Mr. Patterson served as the Executive Director of the Lancaster County Redevelopment Authority for more than 25 years. He is an expert project manager and is fluent in regulations and processes governing the rehabilitation of blighted or vacant properties.

WALT SIDERIO

Nearly 5 years ago, Mr. Siderio began his service with the City of Lancaster as a Housing Inspector. Since that time he has working in Bureau of Structural Inspections and has served as Zoning Officer for the City, and was named Bureau Chief of Code Enforcement and Inspections in January 2007. He has a background in real estate and construction and is State Certified in several disciplines in his field.

DARLENE M. TAYLOR

Ms. Taylor is employed as a Clerical Specialist for Lancaster County MH/MR. A renter in the City, Darlene Taylor is a graduate of Leadership Lancaster. She serves on the Northeast Neighborhood Revitalization Advisory Committee and is Vice Chair of the Parent Advisory Council for the School District of Lancaster.

ANNE MARIE THEURER

Since 1984, Ms. Theurer has worked for the Lancaster City Housing Authority. She spent nine years working in the Public Housing Sector and has spent the past fourteen years serving with the Section 8 Department.

CAPTAIN SUSAN WARCHOLA

In 1983, Captain Warchola became the first woman candidate to successfully pass the Fire Bureau's written and oral examination and physical agility test. Over the past 24 years, she has moved up the ranks from Firefighter to Captain. Captain Warchola served as the Fire Bureau's Suppression Officer prior to her appointment as Fire Marshall in the summer of 2007.

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APPENDIX #2: Highlights of Other Pennsylvania Third Class City Codes

HARRISBURG:

- owners apply for Certificate of Compliance
- City Codes officer conducts inspection
- application fee = \$75 /single unit; \$15 /each unit exceeding three
- Certificate is issued within 14 days; if “non-compliant,” problems must be corrected before occupancy
- unit is inspected every three years

LEBANON:

- landlords who live more than 20 miles away must designate a local manager
- City can make repairs if owner refuses; cost of repairs plus 25% is billed to owner
- City gives 7-day notice to owner, 3-day notice to tenant for inspection
- ordinance defines disruptive conduct and 3 strikes you're out provision that requires owners/managers to evict tenants

PHILLIPSBURG:

- Owners pay a deposit into the general fund for police response for disturbance at a single property in excess of three times per year
- Owners are notified when a disturbance occurs at their property
- Exception is made for disturbances caused by non-residents and for domestic violence

READING:

- if 3 police or code complaints in 1 year, the Owner has 10 days from the last report to begin eviction proceedings (unless complaint if from someone in the unit, i.e. domestic violence) license is revoked if eviction does not occur
- Rental Registration or License must be posted
- license is granted only if owner is current on taxes, water, sewer, trash, etc.
- owner must provide a list of occupants and a local agent if absentee owner
- registration costs \$16/unit/year; late fees start at \$50 for the first month and increase at a rate of 50/month
- registration is revoked if code violations are not corrected
- ten days notice given for inspection and are re-inspected every 5 years unless complaints are received

APPENDIX #2 (CONTINUED):

WILKES BARRE:

- Unit must be inspected prior to occupancy and tenant must be provided with a copy of the inspection report
- Codes issues Housing Statistical Report on each property inspection
- If owner fails to correct violations, refuses to allow inspections, fails to evict disruptive tenants, has three + violations in one year, or fails to obtain a license, penalty includes fines ranging from \$500 - \$1000 and 30-90 days imprisonment

YORK:

- Issues certificates of occupancy
- Has a points system to identify properties as “public nuisance”; a higher number of points are assigned for more severe violations (i.e. criminal behavior)
- Occupancy certificate and license can be suspended for up to 6 months or revoked for up to one year

EASTON:

- Codes enforcement or police file “Disruptive Conduct” reports. No fines are attached.
- If the same tenant receives 3 such reports in a year, the City could require eviction
- Owners who live more than 20 miles away must designate a local contact to receive notices of violations and reports of disruptive conduct

APPENDIX #3: Act No. 82 -- Real Estate Tax Sale Law, P.L. 1368, No. 542

SENATE BILL No. 1223 Session of 1999

INTRODUCED BY DENT, PICCOLA, BRIGHTBILL, EARLL, BELL, WOZNIAK,
LEMMOND, ROBBINS AND SLOCUM, DECEMBER 1, 1999

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 2, 2000

AN ACT

Amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, "An act amending, revising and consolidating the laws relating to delinquent county, city, except of the first and second class and second class A, borough, town, township, school district, except of the first class and school districts within cities of the second class A, and institution district taxes, providing when, how and upon what property, and to what extent liens shall be allowed for such taxes, the return and entering of claims therefore; the collection and adjudication of such claims, sales of real property, including seated and unseated lands, subject to the lien of such tax claims; the disposition of the proceeds thereof, including State taxes and municipal claims recovered and the redemption of property; providing for the discharge and divestiture by certain tax sales of all estates in property and of mortgages and liens on such property, and the proceedings therefore; creating a Tax Claim Bureau in each county, except counties of the first and second class, to act as agent for taxing districts; defining its powers and duties, including sales of property, the management of property taken in sequestration, and the management, sale and disposition of property heretofore sold to the county commissioners, taxing districts and trustees at tax sales; providing a method for the service of process and notices; imposing duties on taxing districts and their officers and on tax collectors, and certain expenses on counties and for their reimbursement by taxing districts; and repealing existing laws," further providing for discharge of tax claims; prohibiting certain individuals from purchasing property at a tax sale; and providing for landlord licensing ordinances.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 501 of the act of July 7, 1947 (P.L.1368, 4 No.542), known as the Real Estate Tax Sale Law, amended January 5 29, 1998 (P.L.24, No.5) and December 21, 1998 (P.L.1008, 6 No.133), is amended to read:

Section 501. Discharge of Tax Claims. —

Any owner, his heirs or legal representatives, or any lien creditor, his heirs, assigns or legal representative, or other interested person or, with the approval of the lienholding political subdivision, disinterested person may cause the discharge of tax claims and liens entered against the property by payment to the bureau of the amount of the aforesaid claim and interest thereon, the amount of any other tax claim or tax judgment due on such property and interest thereon, and the amount of all accrued taxes which have been returned and remain unpaid, the record costs, including pro rata costs of the notice or notices given in connection with the returns or claims calculated under paragraph (1), (2) or (3). The county may give the right of first refusal for discharge of tax claims under this section to the local redevelopment authority, municipality, or its designated agent.

The subject property shall be removed from exposure to sale and shall not be listed in any advertisement relating to sale of property for delinquent taxes if, prior to July 1 of the year following the notice of claim, payment is made in any of the following amounts:

- (1) An amount equal to the sum of:
 - (i) the outstanding taxes entered on notice of claim and interest due on those taxes;
 - (ii) the amount of any other tax claim on or tax judgment against property and interest on that claim or judgment;
 - (iii) the amount of all accrued taxes which have been returned and remain unpaid; and
 - (iv) the record costs, including pro rata costs of notice given in connection with returns and claims.

- (2) An amount less than the total amount due under paragraph (1) if the political subdivision agrees to accept that amount.

If payment is made after July 1 of the year following the notice of claim, but before the actual sale of the property, the property shall not be sold, but the property and name of owner may appear in an advertisement relating to the sale of property for delinquent taxes.

- (3) With respect to two or more claims or judgments transferred by a political subdivision to a person, an amount less than the aggregate amount due for such claims or judgments under paragraph (1) if the political subdivision agrees to accept that amount.
 - (a.1) Upon receipt of payment or upon certification to the bureau that payment of all taxes and other charges otherwise payable to the bureau under this act has been made to a taxing district, the bureau shall issue written acknowledgement of receipt and a certificate of discharge and shall enter satisfaction on the record. All payments received shall be

distributed to the taxing district entitled thereto not less than once every three (3) months.

(b) When any property is discharged from tax claim by payment by a lien creditor, or his heirs, assigns or legal representatives, or by any person, whether interested or disinterested, the certificate shall be issued to the person making the payment and shall state the fact of the discharge, a brief description of the property discharged and the amount of the discharge payment. This certificate may be entered in the office of the prothonotary as a judgment against the owner of the property for the entire amount due to the political subdivision, regardless of whether the property was discharged from tax claim by payment under subsection (a)(1), (2) or (3).

The lien of any such judgment shall have priority over all other liens against such property in the same manner and to the same extent as the taxes involved in the discharge.

(b.1) In addition to any other remedy provided by law, a certificate under subsection (b) enables the person for whose benefit judgment was entered to proceed by action in assumpsit and recover the amount of tax due by an owner and to recover related attorney fees and court costs and reasonable collection costs related thereto. An action under this subsection must be commenced within six (6) years after the taxes first became due.

(c) There shall be no redemption of any property after the actual sale thereof.

(d) Nothing in this section shall preclude the bureau from retaining the five per centum (5%) commission on all money collected by the bureau and any interest earned on money held by the bureau as provided in section 205(c).

(e) If any interested or disinterested person holding a judgment certificate sells real or personal property subject to a judgment certificate at a judicial or a private sale and the proceeds of the sale are less than the amount of the judgment certificate and any municipal or other claim with liens on the property that are coequal or senior to the lien of the person holding the judgment certificate, the proceeds of the sale shall be distributed in the following order of priority:

(1) first to the costs of enforcement and sale, including attorney fees or commissions, incurred by the person holding the judgment certificate in enforcing its rights against the property;

(2) to any and all claims senior in priority to that of the holder of the judgment certificate in proportion to such claims; and

(3) the balance to all municipal claims coequal in lien priority with the judgment certificate, including the claim to which the judgment certificate relates, in proportion to such claims.

Section 2. Section 601 of the act is amended by adding subsections to read:

Section 601. Date of Sale. --* * *

(d) No individual whose landlord license has been revoked in a municipality pursuant to its ordinance may purchase property in the County in which the local municipality is located at tax sale under this act. Every person bidding for property to be sold at a tax sale under this act must certify that they are not bidding for or acting as an agent for a person who is barred from participating in a sale under this subsection. Pursuant to this subsection, a municipality shall furnish to the county in which such municipality is located, within forty-eight (48) hours in advance of a tax sale, documentation relating to landlord license revocations, pursuant to municipal ordinance.

(e) Any municipality that issues landlords' licenses must provide to a landlord prior to revoking such license, notice of the potential revocation. The landlord licensing ordinance must provide the landlord a reasonable opportunity to respond to the notice and an opportunity to appeal any decision made against him. If the landlord is in violation of a local ordinance that deals with building standards, safety or property maintenance, the municipality must also provide the landlord with a reasonable opportunity to comply with the ordinance prior to revocation. A revocation of a landlord's license shall not be permanent. The revocation shall only be until the landlord has corrected the code violations that led to the revocation. However, the landlord's license shall only be reinstated after the building has been inspected and approved by the appropriate official or employee of the licensing municipality. Inspections for reinstatement shall be performed within a reasonable amount of time after the landlord notifies the municipality of any corrected violation. The municipality shall, by ordinance, establish procedures to implement this subsection. Any municipality whose landlord licensing ordinance is contrary to this subsection must revise the ordinance within sixty (60) days of the effective date of this subsection. The notice, response, and appeal provisions under this subsection, as well as the prohibition on bidding under subsection (d), shall only apply to actions on or after the effective date of this subsection.

Section 3. This act shall take effect in 30 days.

Senate Bill 1223 History

SB 1223 By Senators DENT, PICCOLA, BRIGHTBILL, EARLL, BELL, WOZNIAK,

LEMMOND, ROBBINS and SLOCUM.
Prior Printer's Nos. [1547](#), [1653](#), [2045](#). Printer's No. [2176](#).

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for discharge of tax claims; prohibiting certain individuals from purchasing property at a tax sale; and providing for landlord licensing ordinances.

Referred to URBAN AFFAIRS AND HOUSING, Dec. 1, 1999
Reported as amended, Feb. 7, 2000
First consideration, Feb. 7, 2000
Second consideration, March 8, 2000
Laid on the table, April 10, 2000
Removed from table, April 11, 2000
Laid on the table, June 5, 2000
Removed from table, June 5, 2000
(Remarks see Senate Journal Page 1681), June 5, 2000

Amended on third consideration, June 12, 2000
Third consideration and final passage, June 13, 2000 (49-0)
(Remarks see Senate Journal Page 1777), June 13, 2000

In the House

Referred to URBAN AFFAIRS, June 14, 2000
Reported as committed, Sept. 27, 2000

First consideration, Sept. 27, 2000
Laid on the table, Sept. 27, 2000
Removed from table, Sept. 27, 2000
Re-referred to APPROPRIATIONS, Sept. 27, 2000
Re-reported as amended, Oct. 2, 2000

Second consideration, Oct. 2, 2000
Third consideration and final passage, Oct. 4, 2000 (190-0)

In the Senate

Referred to RULES AND EXECUTIVE NOMINATIONS, Oct. 10, 2000
Re-reported on concurrence, as committed, Oct. 10, 2000
Senate concurred in House amendments, Oct. 11, 2000 (46-0)

Signed in Senate, Oct. 11, 2000
Signed in House, Oct. 11, 2000

In hands of the Governor, Oct. 12, 2000
Last day for action, Oct. 22, 2000

Approved by the Governor, Oct. 18, 2000
Act No. 82

APPENDIX #4: SAMPLE PROPERTY INSPECTION CHECKLIST



Inspection Guide for 1 & 2 Family Rental Property Inspection Division Community and Economic Development

Purpose

The purpose of this publication is to provide a useful general guide to the most important features that will be inspected in 1 and 2 family type rental residential properties. This guide may also be used by homeowners who want to review the condition of their homes for safety and compliance with applicable codes and ordinances.

Organization

This guide is organized into 4 major sections: A. Exterior; B. Accessory Structures; C. Interior; and D. Other.

Intent

The intent of this publication is to focus owner attention on key features of 1 & 2 family type rental residential property, generally state what to look for, and point to the governing code section(s).

Formal inspections by City Inspectors will include these specific items, but any hazard to life, limb, or property that is not specifically listed will also be noted for correction. Using this publication as a guide, the owner should also apply common sense when evaluating property.

There are many potential violations that are not included here either because the danger to persons/property is relatively low or because the specific circumstance is rare and/or is so obviously wrong as to not need listing. An example of a relatively low danger violation is an electrical cable that is fastened to the underside of exposed joists in a basement instead of being encased in conduit or run above the bottom of the joists. An example of a violation thought to be rare *and* obvious is a case where live bare electrical wires are hanging out of a junction box.

In particular, potential plumbing and electrical hazards are nearly infinite and range from obvious (broken pipes) to arcane (“S” traps are illegal) to highly technical (proper and legal instances of wet venting fixtures). The best way to stay safe is to stay legal. Owners of rental property must hire the services of licensed plumbers, electricians, and Mechanical Contractors to perform almost all electrical, plumbing, and HVAC work. By law, most of this work requires permits and inspections.

A. EXTERIOR (Building exterior, pavements, steps, grounds, vehicles, Etc.)

House/Building Number: Are house/building numbers plainly visible and legible from the street?.

Sanitation: Is the property clean, safe, and sanitary?

Vegetation: Are weeds or grass over 10” in height?

Accumulation of rubbish or garbage: Is there any accumulation on the property?

Rubbish and Garbage Containers: Are containers properly located & being emptied?

Sidewalks, stairs, and driveways: Are sidewalks, stairs, driveways, parking spaces, and similar areas free of hazardous conditions and in a proper state of repair?

Vehicles: Are there obviously inoperative or unlicensed vehicles parked or stored in prohibited locations?

Structural Integrity: Is the exterior of the building structurally sound, free from deterioration, and in good repair?

Chimney: Are chimneys and similar structures structurally safe and in good repair?

Roofs, gutters, drainage: Are roofs & gutters sound and weather tight? Are drains, gutters, and downspouts free-running? Is water discharged properly?

Exterior Walls: Are exterior walls free from holes, breaks, and loose or rotting materials?

Protective Treatment: Are all exterior surfaces in good condition? Are wooden surfaces painted, covered, or treated? Is paint peeling or flaking? Are masonry joints and siding joints water tight and weather resistant? Are metal items rusting or corroding?

Windows: Are any windows cracked, broken, or missing proper glazing?

Insect Screens: Are self-closing screen doors present and in good repair? Are there screens on operable windows?.

Foundation Walls: Are foundation walls plumb & free from open cracks or breaks?

Basement Hatchways: Are basement doors maintained to prevent the entrance of surface water, rain, and rodents?

Basement Windows: Are there rodent shields, storm windows, or other approved protection against rodent entry on operable basement windows?

Stairways, Porches and Decks: Are all exterior stairs, decks, porches, balconies, structurally sound, in good repair, and capable of supporting the imposed loads?

Handrails and Guards: Are required handrails and guardrails present, in good condition, firmly fastened, and capable of supporting normally imposed loads?

Doors: Are all exterior doors, door assemblies, and hardware in good condition? Do locks tightly secure the doors? Do locks on means of egress doors open readily from inside without keys, special knowledge, or effort?

B. INTERIOR (Life safety, sanitation, electrical, plumbing, mechanical, etc.)

1. **Doors:** Are all door assemblies, and hardware in good condition? Do locks tightly secure the doors? Do locks on means of egress doors open readily from inside without keys, special knowledge, or effort?
2. **Basement:**
 - a. **Dry and sanitary.** Is the basement dry and sanitary?
 - b. **Stairs and walking surfaces.** Are the stairs and walking surfaces safe and in good repair? Are required handrails present, in good condition, firmly fastened, and capable of supporting normally imposed loads?
 - c. **Occupied area means of egress/emergency escape openings.** Is there a safe, continuous, and unobstructed path out of the basement?
 - d. **Smoke detector(s).** Is there a properly installed, operating, smoke detector in the basement?
 - e. **Electrical Wiring/Equipment.** Is all wiring and electrical equipment properly in-stalled and maintained in a safe condition?
 - f. **Windows.** Are any windows cracked, broken, or missing proper glazing?
 - g. **Electrical Service ground.** Is the electrical service properly grounded?
 - h. **Electrical Distribution panel/over-current protection.** Is the distribution panel safe, properly labeled, and accessible to the occupant?
 - j. **Laundry outlet.** Is the laundry receptacle properly grounded or protected by a GFCI?

k. Clothes Dryer Exhaust. Is the clothes dryer properly vented?

l. Bathroom GFCI receptacle. Are bathroom receptacles GFCI protected?

m. Bathroom ventilation. Is the bathroom properly ventilated?

n. Bathroom fixtures (tub, shower, lavatory). Are all fixtures serviceable, sanitary, and safe?

o. Water heater. Is the water heater properly installed and vented? Does it have a properly installed temperature-pressure relief valve? Is it sized correctly for the occupant load?

p. Furnace/boiler. Is the furnace or boiler properly installed and vented?

q. Interior surfaces. Are interior surfaces in good, clean, and sanitary condition? Is there peeling or flaking paint, loose plaster, decayed wood, or other defective surface conditions?

u. Plumbing. Is all plumbing properly installed, in good working order, free from obstructions, leaks, and defects, and capable of performing its intended function? Is the water supply protected from contamination?

3. Occupied Levels

a. Dry and sanitary. Is the area dry and sanitary?

b. Stairs and Walking surfaces. Are the stairs and walking surfaces safe and in good repair? Are required guards and handrails present and in good condition?

c. Occupied area means of egress/emergency escape openings. Is there a safe, continuous, and unobstructed path out of the basement to the public way? Is there a proper emergency escape opening in bedrooms?

d. Smoke detector(s). Are there properly installed, operating, and located smoke detectors?

e. Electrical Wiring/Equipment. Is all wiring and electrical equipment properly in-stalled and maintained in a safe condition? Are there sufficient and proper receptacles in habitable spaces?

f. Windows. Are any windows cracked, broken, or missing proper glazing? Are the windows within 6 feet of outside standing/walking surfaces provided with locking hardware or other approved means to prevent unauthorized entry? Do operable windows stay in position when opened?

- g. Insect Screens.** Are there screens on operable windows?
- h. Bathroom GFCI receptacle.** Is there at least one receptacle in the bathroom and are bathroom receptacles GFCI protected?
- i. Bathroom ventilation.** Is the bathroom properly ventilated by operable window or exhaust fan?
- j. Bathroom fixtures (tub, shower, lavatory).** Are all required fixtures present, serviceable, sanitary, and safe?
- k. Kitchen/Food preparation area.** Is there suitable space and equipment to store, pre-prepare, and serve food in a sanitary manner?
- l. Kitchen GFCI receptacle(s).** Are receptacles within 6 feet of sinks or exposed pipes GFCI protected?
- m. Kitchen Sink/plumbing.** Is there a required kitchen sink present that is serviceable, sanitary, and safe?
- n. Lighting.** Are all spaces provided with natural or artificial light sufficient to permit the safe use and occupancy of the space?
- o. Interior surfaces.** Are interior surfaces in good, clean, and sanitary condition? Is there peeling or flaking paint, loose plaster, decayed wood, or other defective surface conditions?

C. OTHER

- 1. Infestation.** Is the structure free from insect and rodent infestation?
- 2. Attics.** Is the attic clean and sanitary? *Walk-up attics will be inspected. Attics that are not accessible by means of permanent or folding stairs will not be inspected unless there is evidence of a problem.*
- 3. Overcrowding.** Is there sufficient living space for the number of occupants?
- 4. Unrelated Groups.** Are there more than 3 unrelated individuals living in a single dwelling unit?

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