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RENTAL PROPERTY

ARTICLE I

Landlord Registration And Occupancy [Adopted _____ by Ord. No. _____ + 2021 Title.]

This article shall be known and may be cited as the "Swoyersville Borough Landlord Registration and Occupancy Ordinance."

§ Purpose.

- A. **It is the purpose of this article, and the policy of the Borough of Swoyersville, in order to protect and promote the public health, safety and welfare of its residents, to establish registration and licensing requirements for landlords in the Borough of Swoyersville, to establish and maintain a current record of all rental properties and tenants occupying such properties, and to establish an enforcement mechanism to effect the aforementioned objectives.**
- B. **In order to accomplish the aforementioned purpose, Swoyersville Borough Council believes it to be necessary to establish, and does hereby establish, an inspection program requiring rental unit inspections in accordance with the provisions hereinafter set forth in this article.**

§ 101-3. Definitions.

As used in this article, the following terms shall have the meanings hereinafter set forth unless the context of this article shall clearly indicate otherwise:

COMMERCIAL RENTAL UNIT --- Any structure within Swoyersville Borough occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of said parcel of real estate receives any value, including but not limited to money or the exchange of services for the purpose of commercial use as defined by Swoyersville Borough zoning ordinances.

LANDLORD — One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises. This definition includes a mortgage holder in possession of a residential rental unit.

SWOYERSVILLE BOROUGH — The Borough of Swoyersville, County of Luzerne and Commonwealth of Pennsylvania.

OCCUPANCY PERMIT — The permit issued to the owner of residential unit(s) under this article, which is required for the lawful rental and occupancy of residential rental unit(s).

OCCUPANT — An individual who resides in a residential rental unit, with whom a legal relationship with the owner/landlord is established by a

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SWOYERSVILLE BOROUGH

OFFICE OF CODE ENFORCEMENT

675 MAIN ST

SWOYERSVILLE PA, 18704

570-288-6581

Swoyersville Borough Landlord Registration and Occupancy Form and Permit Application

\$50.00 fee for each/all occupied residential properties

\$100.00 fee for each/all occupied commercial properties

If not completed by deadline date established, you will be in violation of Borough Ordinance and subject to fines and penalties.

Landlord/Owner Name: _____

Owner's Home Address: _____

Owner's Phone Number: _____

Property Manager Name (if Applicable): _____

Property Manager Address (if Applicable): _____

Rental Property Address: _____

Maximum # of Occupants: _____

Actual # of Occupants: _____

Names of Occupants:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

OFFICIAL USE ONLY

PERMIT #: _____ Inspection Date: _____ Fees Paid: YES NO N/A

Violations: YES NO Reinspection Date: _____ Fees Paid: YES NO N/A

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Chapter 101

RENTAL PROPERTY

GENERAL REFERENCES

Property maintenance

International Property Maintenance Code 2009

Pa UCC

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lease, whether written or oral, or by the laws of the Commonwealth of Pennsylvania.

OWNER — Shall have the same definition as set forth herein for "landlord"; and such terms may be used in combination or interchangeably in this article.

PERSON — A natural person, partnership, corporation, unincorporated association, limited partnership, limited-liability company, estate, trust, or any other entity.

PROPERTY MANAGER — A natural person, partnership, corporation, unincorporated association, limited partnership, limited-liability company, estate, trust, or any other entity appointed by a landlord to take care of rental property within the Borough of Swoyersville and be the agent of said landlord.

RENTAL INSPECTION — An inspection of a residential rental unit or units by Swoyersville Borough's Code Enforcement officials or such other agency or company as Swoyersville Borough may from time to time designate to perform such inspections.

RESIDENTIAL RENTAL UNIT — Any structure within Swoyersville Borough occupied by someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate receives any value, including but not limited to money, or the exchange of services. Each apartment or other separately designated portion or area within a structure is a separate unit requiring a permit.

§ 101-4. Owner's duties.

A. Biannual registration. Every owner of a residential rental unit(s) must register the unit(s) with the Code Enforcement Officer or his designee by April 1 of the year in which such unit(s) will be first offered for rent, and on a biannual basis thereafter, and request a rental unit inspection to be performed by Swoyersville Borough, in accordance with

the following schedule:

(1) All owners of residential rental unit(s) must register the unit(s) with the Code Enforcement Officer, or his designee, by April 1 of the year in which such unit(s) will be first offered for rent. Such registration shall remain valid for a period of two years. Those registrations already validly in force on the effective date of this article shall remain valid for a period not to exceed two years from their date of current registration. It is the intent of this subsection that existing registrations shall be extended so as to construe the same as having been issued for a two-year period; thereafter, those registrations as well as any new registrations issued after the effective date of this article shall be for two-year periods.

(2) Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Code Enforcement Officer, or his designee, upon the earliest occurrence of the following events:

(a) Within 30 days of the completion of conversion.

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- (b) Within 30 days of the date when any rent, including the exchange of other services, for the rental unit(s) is payable and/or obtained.
 - (c) Within 30 days of the date on which a tenant or tenants occupies the unit or units. A rental unit inspection must be performed before new tenants move in and each time a rental unit(s) changes tenant(s) unless an inspection was performed within the previous four months.
 - (3) It shall be the responsibility of the grantee and the grantee's agent to notify the Code Enforcement Officer of Swoyersville Borough within 10 days of any purchase or transfer of a rental unit(s).
 - (4) Registration information shall be provided by all owners and shall include the following:
 - (a) Owner's name, address and telephone number;
 - (b) Property address and apartment or unit number;
 - (c) Maximum occupancy per unit;
 - (d) Emergency telephone number [in addition to the number required by Subsection A(4)(a)];
 - (e) Actual number of occupants;
 - (f) Name(s) of current tenant(s).
 - (5) The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within 10 days of any change of any of the required information set forth above and request a rental inspection before a new tenant moves in unless an inspection was performed within the previous four months.
 - (6) Any owner of a residential rental unit shall notify the Code Enforcement Officer and request a rental unit inspection no less than 10 days nor more than 30 days prior to a new tenant(s) occupying, renting or residing in a landlord's or owner's residential rental unit.

B. Inspection Compliance Requirements as follows

- (1) Request for Inspection – The owner of any dwelling subject to this division may request inspections of said dwelling at any time subject to the fee schedule in section 101-4(C).
- (2) The Code Enforcement Officer when preparing a Housing Report shall inspect the following items in conformance with the Borough Building Codes and shall determine whether a minor or major infraction exists for each and any item listed. If said infraction shall be considered a hazard

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of the safety, health and welfare of the Occupants or the public and declared unfit for human habitation then no occupancy permit shall be issued until such time as these infractions are corrected. Said information shall include but are not limited to the following:

Basic Equipment and Facilities

Kitchen sink not provided

Lavatory basin not provided

Toilet not provided

Tub or Shower not provide

Bathroom or toilet not properly enclosed

Hot and cold water not provided to kitchen sink, lavatory basin, tub or shower

Water heating facilities not provided

Light, Ventilation and Heating

Ventilation not adequate for bathroom

Two electrical outlets, or one outlet and one light fixture, not provided for each habitable room

Heating facilities inadequate or of unapproved type

Fire sensor/Smoke Alarms not provided

Carbon Monoxide Alarms

Structural

Porch defective

Outside steps defective

Exterior wall structurally weather tight

Exterior wall structurally unsafe

Roof not weather tight

Chimney in need of repair

Exterior openings not weather tight

Exterior openings not in working condition

Foundation not watertight or rodent proof

Inside stairs unsafe

Handrails not provided on exterior or interior stairs

Floors defective

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Joists defective

Patch plastering needed

Lack of adequate fire escapes

Plumbing

Plumbing fixture or pipes leaking or obstructed

Plumbing fixture or pipes not properly installed

Plumbing fixtures not maintained in sanitary condition

Bathroom or lavatory floor not impervious

Bathroom or lavatory floor not maintained in sanitary condition

Heating facilities not maintained in safe working condition

Drainage system defective

Kitchen

Kitchen range defective

Defective wiring

Lighting fixtures broken, defective or improperly installed

Flexible cords used for branch wiring

Sockets, switches or receptacles broken or not functioning properly

Cover plates broken or missing from switches, receptacles, outlet boxes

Range hood for open flame gas stove/tops

Any such requirements held established under the PaUCC or IMPC adopted by the Borough of Swoyersville

C. Occupancy Permit for Compliance.

As a prerequisite to entering into a rental agreement, whether written or oral, or permitting the occupancy of any rental unit [except as provided in Subsection C(3) below], the owner of every such rental unit shall be required to apply for and obtain a permit for each rental unit. The fee/cost of a license shall be \$50 per residential unit and \$100 for each commercial unit. The fee/cost of a permit may be amended, from time to time, by resolution of Swoyersville Borough Council. The fees for rental inspections shall be set by Swoyersville Borough Council, and such inspection fees may be amended at any time by resolution of Borough Council.

- 1 A permit shall be required for all residential and commercial rental units.

(A) Fee Schedule for Inspections

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(1) Residential Inspection

1 -----\$50.00/unit

Commercial Inspection

2 -----\$100.00/unit

(B) Re-Inspection Fee Schedule necessitated by the existence of violations of this ordinance ascertained during inspection

Residential Inspection

1 -----\$25.00/unit

Commercial Inspection

2 -----\$50.00/unit

2 The following categories of rental properties shall not require permits, and thus shall not, therefore, be subjected to the requirements of Subsection A(1) of this section:

- Residential rental unit(s) occupied by immediate members of the owner's family, provided that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the residential rental unit at any given time. Although no permit or permit fee shall be required, rental inspections and payment of rental inspection fees shall be required for rental units occupied by immediate family members of owners.
- Hotels and motels.
- Hospitals and nursing homes.
- Residential units occupied by members of a group home owned by an entity recognized by Internal Revenue Code Section 501(c)(3).

3 The application for the permit shall be in a form as determined by the Borough of Swoyersville.

D. General.

1 It shall be the duty of every owner/landlord to keep and maintain all residential/commercial rental units in compliance with all applicable laws and regulations of the Commonwealth of Pennsylvania and ordinances of the Borough of Swoyersville, and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making of any and all repairs in and around

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the premises in conformity with the property maintenance and/or other codes in force in the Borough of Swoyersville. The delegation of the aforementioned duties to tenants (or any other person or entity) shall not excuse the owner/landlord from these responsibilities.

- 2 The owner/landlord shall be responsible for the management of their property in conformity with the laws of the Commonwealth of Pennsylvania and ordinances of the Borough of Swoyersville.
- 3 Owner(s)/landlord(s) must be proactive in managing their property and are expected to utilize all legal means available to them to evict tenant(s) who routinely engage in disorderly or like or similar conduct, disturb the public peace, create excessive noise, or violate those criminal laws of the Commonwealth of Pennsylvania relating to the illegal sale and/or distribution of controlled substances (drugs). The term "routinely engage" is defined as three or more violations of any of the foregoing in and sixty-day period or more than eight times in any 12 consecutive month period.

§ 101-5. Appointment of property manager.

- A. Every owner/landlord residing further than 20 miles from the corporate boundaries of the Borough of Swoyersville must designate a property manager or person responsible for the care of all rental property. The property manager or person responsible for the care of rental property must reside or have its corporate offices within 20 miles of the corporate boundaries of the Borough of Swoyersville. The property manager shall be the designated recipient of all correspondence and violation notices from the Borough of Swoyersville. The property manager shall be the direct point of contact for disruptive conduct, emergencies, and any other occurrence that may be of a time-sensitive nature. The property manager shall be the agent of the property owner and by his, her or its appointment, shall be authorized and empowered to accept service of all correspondence, violation notices, citations, court complaints and pleadings on behalf of the owner/landlord. The appointment of a property manager shall remain in effect and shall be considered as legally binding on both the principal (owner/landlord) and agent (property manager) until revoked and written notice of revocation is provided by the owner/landlord to the Borough of Swoyersville.
- B. Every owner/landlord residing further than 20 miles from the corporate boundaries of the Borough of Swoyersville must appoint a property manager within 45 days of enactment of this article. The owner/landlord must provide the Borough of Swoyersville with the property manager's name, address and all pertinent contact information. The owner/landlord must also provide the Borough with his/her name, address and all pertinent contact information. The owner/landlord of the property shall be responsible for all of the duties of the property manager in the event that the Borough is unable to communicate with the property manager. Contact information shall be updated on a biannual basis at the time of registration and within 10 days after any

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change in the appointed property manager.

§ 101-6. Enforcement; violations and penalties.

A. Enforcement. This section shall be enforced by the Code Enforcement Officer of the Borough of Swoyersville or his/her designee.

B. Violations.

- (1) Any owner/landlord that fails to comply with the registration and rental inspection requirements of this article, in accordance with § 101-4A, herein, is in violation of this article.

Any owner/landlord that rents a residential/commercial rental unit requiring a permit and/or inspection without a valid, current permit and/or inspection, issued by the Borough of Swoyersville authorizing such use, in accordance with § 101-4B, herein, is in violation of this article.

- (2) Any owner/landlord that resides or has its corporate offices further than 20 miles of the corporate boundaries of the Borough of Swoyersville who fails to appoint a property manager in accordance with § 101-5, herein, is in violation of this article.
- (3) Any owner/landlord that fails to maintain their property in conformity with the laws of the Commonwealth of Pennsylvania and/or Borough ordinances in accordance with § 101-4C(1), herein, is in violation of this article. A record of any unpaid citations for property maintenance violations shall be conclusive evidence of a violation of this article and shall prevent the issuance of any permit pursuant to this article.
- (4) Any owner/landlord that fails to utilize all legal means available to them to evict tenants who routinely engage in disorderly conduct, disturb the public peace, create excessive noise, or violate those criminal laws of the Commonwealth of Pennsylvania relating to the illegal sale and/or distribution of controlled substances (drugs) in accordance with § 101-4, herein, is in violation of this article.

C. Penalties.

- (1) Any landlord or owner of a residential/commercial rental unit who violates any provision of § 101-4 of this article, including any and all of the subsections thereof, shall be guilty of a summary offense and, upon conviction thereof, be sentenced to pay a fine of not less than \$100 and up to \$500 for each and every offense. Each day a landlord or owner operates a residential/commercial rental unit in violation of § 101-4, including any and all of its subsections, shall constitute a separate offense.
- (2) Any landlord or owner of a residential/commercial rental unit who violates § 101-5 of this article shall be guilty of a summary offense and, upon conviction thereof, be sentenced to pay a fine of not less than \$100 and up to \$500. Each day a landlord or owner operates a residential/commercial rental unit in violation of § 101-5 shall constitute a separate offense.

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- (3) No landlord or owner with outstanding fines resulting from violations(s) of Swoyersville Borough ordinances shall be eligible to obtain a permit to rent residential/commercial real estate in the Borough of Swoyersville until and unless such fines are paid in full.
- (4) Fines imposed through this article shall be collected by any means allowable by law.
- (5) Each day a landlord or owner of a residential rental unit violates any provision of this article shall constitute a separate offense.
- (6) This article and the foregoing penalties shall not be construed to limit or deny the right of the Borough of Swoyersville, its agents, employees and/or representatives, to seek any other equitable or legal remedies that may otherwise exist under applicable law.
- (7) In addition to the fines set forth herein, the Borough of Swoyersville shall be entitled to recover reasonable attorney's fees and costs of collection incurred enforcing this article, and such fees and costs shall be added to any penalties set forth above.

§ 101-7. Miscellaneous provisions.

- A. For purposes of this article, any notice, complaint, enforcement, or other information given to a manager shall be deemed as having also been given to the landlord/owner.
- B. Changes in ownership and/or occupancy or residential/commercial rental units. It shall be the duty of each owner of a residential rental unit to notify the Code Enforcement Officer, in writing, of any change in ownership of the premises or in the number of residential/commercial rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer, in writing, of any increase in the number of occupants in any residential/commercial rental unit or of the changing of a residential dwelling, or part thereof, from owner-occupied to non-owner-occupied, which thereby transforms the residential dwelling, or part thereof, into a residential rental unit for purposes of this article.
- C. Owners jointly and severally responsible. If any residential/commercial rental unit is owned by more than one person, in any form of joint tenancy, tenancy in common, as a partnership, or otherwise, each owner shall be jointly and severally responsible for the duties imposed under the terms of this article and shall be severally subject to prosecution for violation(s) of this article.
- D. Confidentiality. All registration and contact information shall be maintained in a confidential manner by the Code Enforcement Officer and shall only be utilized for the purpose of enforcement of this article by the Code Enforcement Officer and/or his/her designee.

§ 101-8. Severability.

In the event that any one or more of the provisions of this article shall, for

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any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this article shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

§ 101-9 Repealer

All Ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed

§ 101-10 Effective Date

This Ordinance shall take effect immediately upon adoption.

ENACTED AND ORDAINED THIS _____ DAY OF _____, _____

PRESIDENT OF COUNCIL

ATTEST:

BOROUGH SECRETARY

Passed and adopted this _____ day of _____, _____

MAYOR