

Landlord Registration and Occupancy Ordinance

Bill No. 1

Introduced: September 21, 2009

By: David McIntire

Enacted: November 12, 2009

Ordinance No: 1471

Landlord Registration and Occupancy Ordinance

Whereas, the City of Connellsville enacted a Landlord Registration Ordinance, Ordinance No. 1469.

Whereas, the Council of the City of Connellsville has resolved to repeal Ordinance No. 1469 and replace it with the Ordinance set forth below,

Now Therefore, be it ordained as follows:

§ 141.1 Title.

This Part shall be known and may be cited as the "City of Connellsville Landlord Registration and Occupancy Ordinance."

§ 141.2 General. It is the purpose of this Ordinance and the policy of the Council of the City of Connellsville, in order to protect and promote the public health, safety and welfare of its citizens, 1) to establish licensing and registration requirements for landlords in the City of Connellsville and 2) to establish and maintain a current record of all rental properties and tenants occupying such properties. As a general finding, the Connellsville postal workers deliver mail to approximately 8,500 units per day in the city. The Connellsville Post Master receives 6,000 requests for change of mailing address each year. As a result of this finding, the City of Connellsville, by enacting this Ordinance, provides a mechanism for monitoring those inhabiting the city. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

§ 141.3 Definitions.

"City of Connellsville" or "City" - The City of Connellsville, Fayette County, Pennsylvania.

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, including a mortgage holder in possession of a residential rental unit (same as "owner").

Occupancy License- The license issued to the owner of residential rental units under this Ordinance, which is required for the lawful rental and occupancy of residential rental units.

Occupant- An individual who resides in a residential rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania.

Person- A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

Residential Rental Unit - Any structure within the City of Connellsville 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 received any value, including but not limited to money, or the exchange of services. Each apartment within a building is a separate structure requiring a license.

Tenant- An individual who resides in a rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania (same as "occupant").

§ 141.4 Owner's Duties.

1. **General.** It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable State laws and regulations and local ordinances 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 any and all repairs in and around the premises.
2. **Registration.** Every owner of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:
 - A. All owners of residential units must register the units with the Code Enforcement Officer by April 1st of each year.
 - B. 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 of the City upon the earliest occurrence of the following scenarios:
 1. within (30) days of the completion of the conversion;
 2. within (30) days of the time when any rent, including the exchange of other services for the unit or units is obtained;
 3. within (30) days of the date which a tenant or tenants occupies the unit or units.
 - C. It shall be the responsibility of the grantee and the grantee's agent, to notify the Connellsville City Hall within seventy-two (72) hours of any purchase or transfer of a rental unit.
 - D. The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within ten (10) days of any changes of the information set forth below.
 - E. Registration information shall be provided by all owners and shall include the following:
 1. Owners name, address, telephone number.
 2. Property address and number of units.
 3. Maximum occupancy per unit.
 4. Emergency telephone number.
 5. Actual number of occupants.
 6. Names and addresses of current tenants.
 - F. Any owner of a residential rental unit shall notify the City of Connellsville at City Hall within ten (10) days of a new tenant occupying, renting or residing in the landlord's or owner's residential rental unit.

3. Licenses.

- A. As a prerequisite to entering into a rental agreement or permitting the occupancy of any rental unit (except as provided in subsection (1)(C) below), the owner of every such rental unit shall be required to apply for and obtain a license for each rental unit. The cost of a license shall be TEN DOLLARS (\$10.00).
- B. A license shall be required for all residential rental units.

- C. The following categories of rental properties shall not require licenses, and thus, shall not, therefore, be subjected to section (1)(A) of this Ordinance:

(1) Rental units that are not owned by a "person" as defined by Section 141.4 (2) of this Ordinance.

(2) Owner-occupied dwelling units; provided, that not more than two (2) unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.

(3) Hotels and motels.

(4) Hospitals and nursing homes.

(5) Bed and breakfast units as defined in the City's Zoning Ordinance.

(6) Multi-Housing complexes regulated by HUD or any other Federal agency.

- D. The application for the license shall be in a form as determined by the City.

- E. The owner shall maintain a current and accurate list of the occupants in each rental unit.

§ 141.5 Enforcement; Violations and Penalties.

- A. This section shall be enforced by the Code Enforcement Officers of the City of Connellsville. Basis for Violation. An owner that rents a residential rental unit, requiring a license, without a valid, current license, issued by the City of Connellsville authorizing such use, is in violation of this Ordinance.

- B. Penalties.

1. Any landlord or owner of a residential rental unit, which violates any provision of Section 141.2 (2), together, with all of the subsections thereunder, shall, upon conviction thereof, be sentenced to pay a fine up to \$500.00 for each and every offense. Each day an owner operates a rental unit in violation of Section 141.4(2) shall be treated as a separate offense.
2. Any landlord or owner of a residential rental unit who violates Section 141.4 (3) of this Ordinance shall, upon conviction, be sentenced to pay a fine up to One Thousand Dollars (\$1,000.00)

- C. Fines imposed through this ordinance shall be collected by any means allowable by law.

- D. Each day an owner of a residential rental unit Violates any provision of this Ordinance shall constitute a separate offense.

- E. This chapter and the foregoing penalties shall not be construed to limit or deny the right of the City of Connellsville, its agents and representatives from seeking any other equitable or legal remedies that may otherwise exist under applicable law.

- F. In addition to the fines set forth herein, the City of Connellsville shall be entitled to reasonable attorney's fees and costs of collection incurred in enforcing this ordinance. Said fees shall be added to any penalties set forth above.

- G. If any section or provision of this Ordinance is adjudicated, by a court of competent jurisdiction, as unlawful, void, or unenforceable, all remaining sections and provisions of this Ordinance shall remain in full force and effect.

Effective Date: This Ordinance shall become effective in five (5) days after the adoption hereof.

ENACTED AND ORDAINED into law by the City of Connellsville, Fayette County, Pennsylvania, this 12th day of November, 2009.

CITY OF CONNELLSVILLE

Mayor

ATTEST:

City Clerk