

ORDINANCE NO. 14753

FILE OF CITY COUNCIL

BILL NO.101 - 2009

November 18, 2009

AN ORDINANCE

Amending Article 1741, Property Rehabilitation and Maintenance Code, by eliminating the exempt status of certain properties that are currently exempted, increasing the fee to \$75 a unit in order to have the program pay for itself, and restoring two paragraphs in the Licensure Section which were mistakenly removed during the updates in September.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 1759.04, Exempt Units, be amended to read as follows:

1759.04 EXEMPT UNITS

~~All property owned by the Housing Authority of the City of Allentown or the Housing Authority of the County of Lehigh which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall be exempt from the registration and licensing provisions of this Article.~~

All property owned by the Housing Authority of the City of Allentown or the Housing Authority of the County of Lehigh which is inspected annually by those agencies to assess conformance with federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall no longer be exempt but payment will be deferred until October 31st in the year 2010 only, without penalty . Commencing in January 1, 2011 all exemptions and deferments under this paragraph shall be void. ~~shall be exempt from the registration and licensing provisions of this Article.~~

The registration and licensing provisions of this Article shall not apply to hospitals, nursing homes, group homes or other rental units used for human habitation which offer or provide medical or nursing services, and wherein all operations of such facilities are subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or tenants. The registration and licensing provisions of this Article also shall not apply to hotel units, as defined previously, or dormitories, fraternity houses and sorority houses, as defined in the City's Zoning Ordinance.

If, in response to a complaint, an exempt unit is found to be in violation of a City code, the owner, operator, responsible agent or manager shall correct the violation(s) within the time frame cited by the Public Officer. If the violation(s) is/are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three (3)

verified complaints are received in any twelve (12) month period, the unit shall lose its exemption for a period of five (5) years.

This exemption does not apply to the disruptive conduct provision of this Article, as described above.

SECTION TWO: That Article 1759.99 be amended to include the following and read as follows:

1759.99 FEES/PENALTIES SECTION

A. FEES

1. Registration:

The fee for a Residential Rental Registration shall be Seventy-five (\$75.00) ~~Thirty (\$30.00)~~ Dollars per residential rental unit per year due and payable by on or before April 30th of each year until a Residential Rental License is obtained. (14047 §1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06)

For all payments received after April 30th of any year, a late fee shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06)

2. Licensure:

The fee for a Residential Rental License or License shall be Seventy-five (\$75.00) Dollars per residential rental unit per year due and payable on or before April 30th 15th of each year. (14047 §1 12/10/02 14219 §1 10/21/04; 14436 §1 11/7/06)

For all payments received after April 30th of any year, a late feel shall be assessed, such that the total fee shall be One Hundred (\$100) Dollars per residential rental unit. (14219 §1 10/21/04; 14436 §1 11/7/06)

3. Re-inspections:

The fee for the second re-inspection shall be Seventy-five (\$75) Dollars per residential unit. The fee for the third and all subsequent re-inspections shall be One Hundred Fifty (\$150) Dollars per residential rental unit per re-inspection. (14436 §1 11/7/06)

4. Reinstatement:

The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be One Hundred (\$100) Dollars per residential rental unit. (14047 §1 12/10/02; 14436 §1 11/7/06)

B. PENALTIES

1. Revocation of Residential Rental Registration or Residential Rental License:

A fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations. (14436 §1 11/7/06)

2. Failure to Register, or Failure to Seek a Residential Rental License (for newly constructed, newly created or substantially rehabilitated residential rental units):

The owner, responsible agent or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Article. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than Five Hundred (\$500) Dollars per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.

C. Whoever violates any provision of this Code or any Section of this Code shall upon a first offense be fined not more than One Thousand (\$1,000) Dollars or imprisoned not more than ninety (90) days, or both.

D. If, after any conviction for violation of this Code or any lawful order issued pursuant thereto, such person continues violation, then such person shall be liable for further prosecution, conviction, and punishment without any necessity of the Public Officer to issue a new notice of violation or order, and until such violation has been corrected.

E. In addition to prosecution of persons violating this Code, the Public Officer, or the Bureau of Law or any duly authorized agent of the City may take such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or person, to effect the provisions of this Code.

SECTION THREE: That this Ordinance takes effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

Amendment I:

Motion to keep in the crossed-out section of the original bill and add an amendment to defer the payment previously exempted properties would owe until October 31st (rather than on April 30th) of 2010 only. The language is as follows, crossing out shall be exempt from the registration and licensing provisions of this Article at the end of the paragraph:

shall no longer be exempt but payment will be deferred until October 31st in the year 2010 only, without penalty. Commencing in January 1, 2011 all exemptions and deferrals under this paragraph shall be void. ~~shall be exempt from the registration and licensing provisions of this Article.~~

The Amendment passed 5 – 1 (Phillips) Mr. Guridy did not vote citing his membership on the Housing Authority Board which would be impacted by this legislation.

Amendment II:

1759.99, Licensure, number two delete the 15th – and leave the 30th.
The amendment was passed 6-0 (Mr. Guridy not voting).

| | Yea | Nay |
|-------------------------------|-----|-----|
| Michael Donovan | X | |
| Jeanette Eichenwald | X | |
| Julio A. Guridy | | |
| David M. Howells, Sr. | X | |
| Tony Phillips | | X |
| Peter G. Schweyer | X | |
| Michael D'Amore, President | X | |
| TOTAL | 5 | 1 |

Mr. Guridy did not vote noting he is a member of the Board of the Housing Authority which would be impacted by the legislation.

I hereby certify that the foregoing Ordinance was passed by City Council on December 2 and signed by His Honor the Mayor on the 11th day of December, 2009.

Michael F. Hailer

CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Originated from the Bureau of Building Standards and Safety. A joint effort from the Mayor's Office and this Bureau.

- **Summary and Facts of the Bill**

- A. To eliminate the exempt status of certain properties that are currently exempted (1759.04).
- B. To increase the fee to \$75 a unit in order to have the program pay for itself. 1759.99
- C. To put back two paragraphs in the Licensure Section which were mistakenly removed during the updates in September (1759.99).

- **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

1. Eliminate exemptions on buildings we inspect and have program pay for itself.
2. Benefits are less burden on taxpayers. More units to be brought into compliance.
3. Helps create a better housing stock and keep expenses low for taxpayers

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

Cost = none

Benefits = Revenue and better housing stock

- **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

Must be done to coincide with the passage of the 2010 Budget.