

## **PART II - DEFINITION**

### **City of Allentown Disruptive Conduct**

(Extract from 1759 Residential Rental Registration and Licensing)

**Disruptive Conduct** means any form of conduct or behavior caused or permitted by an occupant or visitor of a residential rental unit that is so loud, untimely (as to the hour of the day), offensive, or otherwise disturbs others in the peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to or by a Police Officer and/or a Public Officer.

It is not necessary that such conduct, action, or behavior constitute a criminal offense, nor that criminal charges be filed in order for said person to have caused or permitted the commission of disruptive conduct.

No disruptive conduct shall be deemed to have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report, of such occurrences. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager with thirty (30) working days of the occurrence.

The content of the Disruptive Conduct Report shall count against all occupants of the residential rental unit. More than one (1) Disruptive Conduct Report filed against the occupants of a residential rental unit in a twenty-four (24) hour period shall count as a single Disruptive Conduct Report.

After three (3) disruptive conduct incidents in any twelve (12) month period by an occupant documented by Disruptive Conduct Reports, the owner or manager shall have ten (10) working days from the date of receiving the notice to begin eviction proceedings against the occupants.

Failure to take such action will result in the immediate revocation of the Residential Rental Registration or Residential Rental License.

The disruptive occupants, upon conviction, shall not re-occupy any residential rental unit on the same premises involved for a period of at least one (1) year from date of eviction. This paragraph is not intended to inhibit the owner or manager's right to initiate eviction actions prior to the third disruptive conduct incident.

The Department of Community & Economic Development shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The names shall remain on the list for a period of five (5) years.

**Disruptive Conduct Appeals:** Any person aggrieved by any decision of a Police Officer or a Public Officer in regard to a Disruptive Conduct Report may appeal to the Disruptive Conduct Board of Appeals. Such appeal must be filed, in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

An Appeal of the third Disruptive Conduct Report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third Disruptive Conduct Report.

**Disruptive Conduct Report** means a written report of disruptive conduct completed by a Police Officer or a Public Officer who investigates an alleged incident of disruptive conduct.

The information filed in said report shall include, if possible, the identity of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner, operator, responsible agent or manager within thirty (30) working days of the occurrence of the alleged disruptive conduct.