CITY COUNCIL

Public Safety Committee

Tuesday, July 5, 2011
Agenda
5:00 p.m.

Committee of the Whole: Certificate of Transfer – E. Weiss

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

Although Council committee meetings are open to the public, public comment is not permitted. However, citizens are encouraged to attend and observe the committee meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation from the Committee Chair.

I. Update Services Center Implementation Report

II. Quality of Life Ticketing Implementation Report

II. Update re Search for Deputy CD Director

IV. Housing and Zoning (CE01 & CD01)

a. Review Draft Ordinance from External Legal Counsel
b. Housing Registration & Inspection – draft ordinance allowing billing for inspection as per Maximus
c. Update on redraft of Property Maintenance Code

V. PS Goal 10: Support Public Safety at City Schools

d. Update – meeting held January 19

Committee of the Whole – Summer Programming at 11th & Pike - Olivet

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

Goal 1: Coordination of Police, Codes and Zoning Services

Goal 2: Support Problem Oriented Policing

Goal 3: Surveillance Camera Project - ***underway***

Goal 4: Support Consolidation of Fire Departments - ***underway***

Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - ***underway***

Goal 6: Support Health and Safety Review Ordinances

Goal 7: Support Cops and Codes Sweeps

Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - ***complete***

Goal 9: Support Implementation of Sidewalk Vendor Ordinance -***complete***

Goal 10: Support Public Safety at City Schools

CITY COUNCIL

Public Safety Committee

Monday, June 6, 2011
Council Office
5 p.m.

Committee Members Attending: D. Sterner, Chair, M. Goodman-Hinnershitz, J. Waltman

Others Attending: T. Butler, V. Spencer, L. Kelleher, W. Heim, C. Younger, K. Kulp, C. Geffken, R. Natale, D. Robinson

Mr. Sterner, Chair, called the Public Safety Committee to order at approximately 6pm.

Amend Special Events Permit Ordinance

Ms. Butler distributed copies of the amended Special Events Permits Ordinance and explained that the Administration recently discovered that the ordinance enacted in 2007 and then amended in 2010 was never implemented. She explained that an internal group has reviewed the ordinance and is suggesting some refinement. She stated that there are no substantive changes to the ordinance. The group is only proposing some refinement. She stated that they would like to introduce the ordinance at the June 13th Regular Meeting of Council.

Ms. Butler stated that an application to match the terms of the ordinance has been prepared. Completed applications will be reviewed by the Traffic Enforcement Division of the Police Department along with Public Works and Property Maintenance.

Certificate of Transfer Ordinance

Ms. Kelleher distributed copies of the Certificate of Transfer Ordinance. She explained that she along with Ms. Katzenmoyer and Mr. Natale have been meeting with Mr. Weiss weekly to find a way to address the stock of illegal housing currently in the City and believe that the process contained in this ordinance will solve the majority of that problem.

Ms. Kelleher explained that weekly the Council office prepares an illegal rental memorandum that is distributed to a majority of people internally. Illegal properties are identified through the real estate listing printed in the Sunday Reading Eagle and others are referred through

information from other sources.

Ms. Kelleher stated that under this ordinance, any property that is sold or transferred goes through a pre-settlement inspection by the Property Maintenance Division. The inspection will identify health and safety issues not normally captured during a private home inspection used to determine the appraisal amount for the property.

Once the property complies with the health and safety regulations contained in the ordinance and the certifications for trash and water are issued, an electronic Certificate of Transfer will be issued and sent electronically to the Recorder of Deeds, with a hard copy going to the seller or the seller's agent. The hard copy of the certificate will be attached to the deed issued to the Recorder of Deeds for recordation. If a deed is delivered to the Recorder of Deeds without the certificate attached, he will bring the property to the City's attention. She explained that this will cover all properties that transfer; commercial and residential, owner occupied and rental.

Ms. Kelleher noted that the terms of the pre-settlement review were based on ordinances from other municipalities, both in and outside Berks County. She stated that after many weeks of work Mr. Weiss is visiting with various organizations that will be affected by this ordinance, such as The Banker's Association, The Bar Association, and settlement companies to get their input. She stated that currently everyone has been supportive. She stated that the ordinance was reviewed by The Reading-Berks Association of Realtors and the Recorder of Deeds and his solicitor who all support the adoption of the Certificate of Transfer. She stated that the last group for Mr. Weiss to meet with is the Real Estate Investors Association. That meeting is planned for June.

The Public Safety Committee recommended that the ordinance be reviewed by the full body of Council at either June or July Work Session.

Citizen Service Center Implementation Report

Mr. Geffken stated that more SOP's have been created which will improve the service provided to customers. He stated that he is expanding the ability of employees outside the CSC to answer calls coming into the Customer Service Center. He stated that this will require an upgrade to the City's Cisco phone system. He expressed the belief that service in the CSC is improving. He stated that waiting time for phone calls is less than a minute and the dropped calls have been decreased.

Quality of Life Ticketing Implementation Report

A report prepared by Mr. Kersley was distributed showing tickets issued in May and year-to-date. 1,874 tickets were issued in May and 4,399 were issued year-to-date. Mr. Natale explained that more inspectors have been trained to use the ticketing program. He stated that inspectors are now trained to knock on applicable doors prior to issuing a ticket.

Mr. Geffken expressed the belief that the majority of citizens like the Quality of Life application because it can quickly change the conditions in neighborhoods. He also noted the ability of those

who receive Quality of Life tickets to appeal them to the Codes Manager.
Ms. Goodman-Hinnershitz expressed the belief that the Quality of Life ticketing program has made an improvement in District 2. She noted the need to clean up inconsistencies in Quality of Life ticketing ordinance, such as trash set out and snow removal.

Ms. Goodman-Hinnershitz, Mr. Waltman, and Ms. Reed noted the need for the inspectors to apply the program fairly for violations, such as improper trash setout as some residents may not be as educated on the required practice. Mr. Spencer noted the need for the City also to comply with Quality of Life applications such as snow removal and high grass.

Mr. Marmarou noted the problems with trash set out at student homes in District 4.

Mr. Geffken stated that grass trimming in City parks and playgrounds will be handled properly after the Summer Youth Employment Program begins. He stated that he has also asked the Public Works Director to find volunteers or community groups to assist the City.

Ms. Reed agreed with the use of volunteer groups for grass mowing and trimming and suggested that the Mayor also include that application when he speaks with non-profit organizations about SILOTs.

Mr. Acosta noted that three (3) organizations that currently use the City's ball fields offered to help with mowing and trimming, but were told they were not permitted to undertake that activity.

Ms. Goodman-Hinnershitz requested that the grass mowing and trimming at City-owned properties be placed on the Public Works agenda.

Search for CD Deputy Director
Mr. Geffken is currently reassessing the need to fill this position.

MOU: I-Lead
Mr. Denbowski introduced Angel Figueroa, Executive Director of I-Lead. Mr. Denbowski provided some background noting that the originally requested MOU for the 11th & Pike field house has been withdrawn. He stated that Mr. Figueroa would like to speak with Council about other partnership opportunities.

Mr. Figueroa stated that the I-Lead group originally wanted to run the I-Lead Empowerment Camp program from the 11th & Pike field house for approximately thirty (30) days. The camp program is a pre-cursor for youth, ages 16-18, entrance to the I-Lead Charter School. He encouraged City Council to visit the I-Lead website to learn more about the program. He explained that the Camp Program is currently is on hold until an acceptable facility is located.

There was next a discussion about recreation programs available this summer such as the tennis program, which is located at Baer Park and Hampden Park, and the Summer Camp program

hosted at 3rd and Spruce field house.

The Committee noted the need for more summer programs to operate from the City's various field houses, City-wide.

Other Topics

Chief Kulp requested permission to do a mass Oath of Office to firefighters receiving promotions at an upcoming Council meeting. City Council agreed. Ms. Kelleher asked that Chief Kulp have those being promoted come to the Council office one (1) hour prior to the start of the Council meeting to sign the Oath book.

Mr. Geffken stated that the Act 537 plan contract recommendation will be brought to City Council next Wednesday. He explained the background behind the need for the Act 537 plan.

Sewer Fund Investigation

Ms. Kelleher stated that two (2) parties have not responded to the letter issued by City Council. She stated that City Council must determine how this matter will conclude and how the information will be released to the public.

Ms. Kelleher stated that at the June 2nd Act 47 Implementation meeting the group learned that the position responsible for the transfer activity is the Accounting Manager and that party is one of those who have not responded to the letter issued by Council. She stated that the Act 47 meeting, those attending also learned that there have been approximately 3,000 additional transfers on the City books that will need to be written off. Those transfers occurred over the last five (5) years and are valued above $500K. This information was included in the meeting report distributed to Council members.

The Public Safety Committee adjourned at approximately 7:30 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

BILL NO._____2011 **5-12-11**

AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 HEALTH AND SAFETY BY REPEALING SECTION 18 HEALTH AND SAFETY INSPECTION AND RECREATING THE HEALTH AND SAFETY INSPECTION WITH OTHER PROVISIONS AS A NEW PART 3 NAMED "CERTIFICATE OF TRANSFER" IN CHAPTER 4 BUILDINGS.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Chapter 10 Health and Safety by repealing Section 18 Health and Safety Inspection and recreating Health and Safety Inspection with other provisions as a new Part 3 Named "Certificate of Transfer" in Chapter 4 Buildings as attached in Exhibit A.

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

Enacted_____, 2011

_____

President of Council

Attest:

_____

City Clerk

(Council Staff)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

EXHIBIT "A"

Part 4. Certificate of Transfer

Section 4-301 Declaration of Purpose. The City of Reading City Council desires to establish certain rules and regulations related to the transfer of property within the City and requiring the receipt of a Certificate of Transfer from the City of Reading and the attachment of such certificate prior to the recordation of a deed in the Berks County Recorder of Deeds Office. The City Council finds that the establishment of this program for all City residential, non-residential, and mixed use properties is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of all City properties, by identifying and requiring correction of substandard conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in Reading.

The fees assessed in this Part shall be revenue neutral and will only cover the cost of the program. The fees shall be reviewed against the cost of the program annually and recommendations for adjustments shall be referred by ordinance to the City of Reading City Council.

Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

§4-302. Definitions.

AGENT - any person who for monetary or other consideration aids a seller in the sale of property. Whenever used in any clause prescribing or imposing a penalty, the term "agent," as applied to partnerships and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof. Liability shall be limited to failure to notify the seller of the obligations imposed by this Part.

AGREEMENT - written agreement or written instrument executed by the buyer at time of transfer of the property which provides the City with the ability to perform a Health and Safety Inspection.

BUYER - an individual who acquires legal or equitable title pursuant to an agreement of sale.

CERTIFICATE OF TRANSFER - the certificate issued by the City of Reading to the owner of a property that documents that the property is permitted for the use indicated on the Certificate and is based on the property's compliance with the applicable City of Reading Ordinances and allows the property transfer to be ~~legally~~ recorded at the Berks County Recorder of Deeds Office.

CITY INSPECTOR - an employee or contractor engaged by the City of Reading to do, among other things, Health and Safety Inspections.

~~**CODES OFFICE** - City of Reading Property Maintenance Division.~~

DAYS - calculation of days in this Part shall be by calendar days unless otherwise noted in this Part. If the expiration of the day is on a Saturday, Sunday or Holiday, the deadline shall be extended until the next business day.

DEFICIENCIES - those items indicated on a Health and Safety Inspection report which require repair, remediation or corrective action and/or are hazardous conditions.

DWELLING UNIT or UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HEALTH AND SAFETY COMPLIANCE LETTER - a letter, correspondence or document issued by the City of Reading ~~Codes Enforcement~~ Property Maintenance Division stating that the requirements of this Part and the minimum habitability requirements set forth herein have been satisfied and any founded deficiencies have been corrected.

HEALTH AND SAFETY INSPECTION - an inspection to determine the condition of a property in accordance with such standards of minimum habitability and safety as shall be determined by the ~~Codes Enforcement~~ Property Maintenance Division.

HEALTH AND SAFETY INSPECTION REPORT - a report issued by a City Inspector setting forth the results of a health and safety inspection which shall include the designation of such conditions as shall require repair or remediation and any hazardous conditions for the current use of the property.

INDIVIDUAL - any person, partnership, association, corporation or other entity.

INSPECTION REQUEST- a request for performance of a Health and Safety Inspection other than an agreement submitted by a buyer at the time of transfer of the property.

MIXED COMMERCIAL/RESIDENTIAL PROPERTY - a property, building or structure in which part is used for residential purposes, living, and another part is utilized for commercial purposes. Also referred to as mixed residential/commercial property or mixed use - commercial/residential or mixed use - residential/commercial.

MULTI-UNIT DWELLING - a building arranged, designed, and intended to provide two or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include, but shall not be limited to, townhouses, apartments, and/or condominiums.

NOTICE OF VIOLATION - a written notice issued by the Property Maintenance Division directing any repair or remediation, corrective or other action relating to any deficiencies as set forth in a report which may include a time frame within which any such action must be taken.

OWNER - entity or individual(s) that have an enforceable claim or title to an asset or property, and is recognized as such by law. For example, a lender is the legal owner of a property.

PROPERTY - all residential and mixed residential/commercial buildings, structures or property within the City of Reading, any and all building or other improvement(s) and the land on which the buildings and improvements are situated.

PROPERTY MAINTENANCE CODE - for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the International Property Maintenance Code, 2003 Edition, as published by the International Code Council, as deleted, modified or amended as set forth herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the City of Reading, Pennsylvania, as per Codified Ordinances Chapter 5, Part 6.

REHAB PLAN - a plan submitted to the Property Maintenance Division outlining the strategy and work including time frames to cure, correct, abate or remediate deficiencies identified in the health and safety inspection report in the dwelling unit beyond the time period provided for in the report and requesting an extension of time to cure such deficiencies.

RENTAL COMPLIANCE LETTER - a letter or document issued by the City of Reading ~~Codes Enforcement~~ Property Maintenance Division upon finding and stating compliance with the applicable City of Reading Codified Ordinances following performance of an inspection.

REPORT ACKNOWLEDGEMENT - a written document acknowledging receipt of the health and safety inspection report, responsibility to correct any deficiencies set forth in the report and stipulates the property's allowable use.

ROOM or ROOMING UNIT - any room, area or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes or independent living.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling, excluding hotels and motels.

SALE - the transfer of any legal or equitable interest in or title to property, including exchanges of properties.

SELLER - the owner ***or*** his authorized agent or appointee of the property that will be transferred or sold.

SETTLEMENT - the culmination of a particular transaction involving real property which results in the transfer or conveyance of a property from one party to another.

SINGLE-FAMILY DWELLING - a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit may be incorporated within a series of row homes sharing a common fire wall. Types of such buildings shall also include mobile and modular units.

STRUCTURE(S) - that which is built or constructed, or a portion thereof, other than one-family or two-family dwelling units and utility and miscellaneous use

Structures

§ 4-303. Certificate of Transfer Required.

1. A Certificate of Transfer ~~must~~ ***shall*** be affixed to ~~all each~~ deeds for ~~all~~ ***any*** property ***before a deed may be presented for recordation in the Berks County Recorder of Deeds Office.*** The process to obtain a Certificate of Transfer will combine the Health and Safety Inspection with the water and solid waste certifications. To obtain a Certificate of Transfer the property must meet the City's health and safety standards and be in compliance with the City's business license, zoning laws, and other City regulations.

2. The Health and Safety Inspection shall occur first and will be completed in accordance with the provisions of this Part when any property located in the City is offered for sale or is transferred to a new owner. If a commercial use is identified during the inspection, the inspector will inquire with other departments to make sure proper zoning and a business license is in place and is

current. The solid waste and water certification will occur after the City is notified that the property is going to settlement, either privately or through a settlement agency. When the property meets the City's regulations described herein, a Health and Safety Compliance Letter will be issued.

3. Any rental property that has undergone a property maintenance inspection and has received a Rental Compliance Letter, issued to the last owner of record, from the Property Maintenance Division and has remained code compliant within a 24 month period, from the date the Rental Compliance Letter was issued, will be charged half price for a Health and Safety Inspection. Any owner of a ***property*** who receives a Rental Compliance Letter but does not transfer the property to a new owner within a 24 month period will be required to have a new Health and Safety Inspection at a half price cost.

4. The Certificate of Transfer shall be issued to the requesting party and the County Recorder of Deeds after the water and solid waste certifications are issued and after the property is in compliance with zoning and other licensing if the property is not an owner-occupied residence. ***Zoning permits and other licenses do not transfer to the new owner. The new owner must make application to the proper city office(s)***

5. No deed shall be recorded by the County Recorder of Deeds unless a Certificate of Transfer is affixed to the deed. ***The County Recorder of Deeds shall inform the City if the deed is submitted without the Certificate of Transfer.***

6. Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

§4-304. Inspection Procedure.

An inspection shall be completed in accordance with the provisions of this Ordinance prior to the transfer of any Property except solely where the Sale occurs within 24 months of the date of issuance of a Rental Compliance Letter. If the property has not transferred to a new owner after 24 months of the date of the Health and Safety Compliance Letter, the seller or his agent shall request a refreshed inspection.

1. An inspection of the property shall be performed to determine compliance with minimum health and safety standards and requirements ***as per the current allowable use***; however, these minimum health and safety standards shall not prohibit citations for other significant health and safety hazards that may be identified by the inspector during the inspection:

A. Each dwelling unit must have an operational (working) smoke detector installed in all common areas, including the basement, every designated bedroom and every finished attic space as required by the Property Maintenance Code.

B. Each dwelling unit must meet fire separation standards and have sufficient egress as per the Property Maintenance Code and fire separation standards.

C. Each dwelling unit must have an existing acceptable 60 ampere service, or a minimum 100 ampere three-wire electric service, must be installed for the dwelling as required by the Property Maintenance Code.

D. Each dwelling unit must have kitchen countertop receptacles, laundry and bathroom receptacles must be ground fault circuit interrupter protected, as required by Property Maintenance Code.
E. No basement or attic may be used for habitable bedroom units except by authorization, approval or variance of the City Zoning Hearing Board and shall comply with the requirements of the Property Maintenance Code.
F. All properties must be supplied with clearly identifiable numbers (minimum of 3 inches tall) outside the property, in clear view of the street, designating the street number of the property as required by the Property Maintenance Code.
G. All utility connections, as defined under the applicable City policies and the Property Maintenance Code.
H. All properties must be structurally sound and free from deteriorated components. Surfaces of building components preserved or needing to be preserved by paint or other similar preservative shall be in good condition and not deteriorating.
I. All properties must be free from infestation of insects or vermin as required by the Property Maintenance Code.
J. All properties must have the proper permits, licenses and zoning permits if being used for anything other than single-family owner-occupied purposes.
K. All properties must comply with ***the*** Roommate Housing Ordinance or have previously obtained approval and registered as a non-conforming use from said requirement as per the Zoning Ordinance.
L. All properties must have operational plumbing (e.g., bathroom and kitchen facilities) as required by the Property Maintenance Code.
M. All properties must have working heating/mechanical equipment as required by the Property Maintenance Code.
N. All properties must have kitchen and bathroom facilities as required by the Property Maintenance Code.

The Property Maintenance Inspector performing the inspection has the right to request assistance from another inspector or department of the City of Reading including but not limited to a property maintenance inspector or a trades inspector. In evaluating the inspection, the inspector has the right to review records of other City Departments or Divisions.

2. At the time an Agent undertakes to represent a Seller in the sale of property, the Agent shall inform the Seller of the requirements established by this Ordinance to have a Health and Safety Inspection prior to settlement and a Certificate of Transfer prior to the recordation of the deed.

3. If entering into an accepted Agreement of Sale, the Buyer or new owner discovers that the Health and Safety Inspection did not occur, the Buyer or new owner shall contact the Property Maintenance Division within five (5) days of the discovery and request the inspection. The cost of the inspection shall be charged to the Buyer or new owner and reimbursed by the Seller at

settlement. If the inspection does not occur prior to settlement, the Buyer or new owner is required to execute and submit a Letter of Intent to Comply to the Property Maintenance Division within fourteen (14) calendar days.

4. Any Rental Compliance Letter shall remain valid for a period of 24 months, for the original applicant, from the date of such inspection and may be relied upon during such period for the purposes of this Ordinance. Any property that remains for sale for more than a 24 month period, while owned by the original applicant, shall undergo a new Health and Safety Inspection at half price.

5. Within five (5) business days from the receipt of a request for a Health and Safety Inspection, the Property Maintenance Division shall schedule the inspection. **(NOTE: consider adding language re if the City does not schedule or perform the inspection within 10 days the inspection fee shall be refunded to the party requesting the inspection)**

6. Upon the completion of the inspection, a copy of the Health and Safety Inspection Report shall be personally delivered to or be mailed by first class delivery to the Seller and the person or party requesting the inspection. Upon receipt of the Health and Safety Inspection Report, the Seller shall mail or deliver a copy to the Buyer, or Buyer's Agent, if Buyer is represented by an Agent or new owner. The Buyer or the Buyer's Agent may also request a copy of the Health and Safety Inspection Report from the Property Maintenance Division.

7. No later than settlement on the sale of the property, Buyer or new owner shall sign a Health and Safety Inspection Report Acknowledgment.

8. Should a Property be sold and the Buyer or new owner shall not have signed a Health and Safety Inspection Report Acknowledgment, both Buyer, or new owner and Seller shall be, jointly and severally, liable for the cost of correction of any such deficiencies. Nothing herein shall be deemed to preclude the Buyer, or new owner, and Seller from agreeing upon the apportionment of some or all of the cost of correcting any such deficiencies between themselves, however, any such agreement shall not be binding upon the City.

9. At any time after the receipt of the Health and Safety Inspection Report, the Property Maintenance Division may undertake such further actions or inspections as it deems appropriate consistent with the applicable ordinances of the City of Reading, including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a Notice of Violation based upon the Health and Safety Inspection Report to repair or remediate or otherwise correct any deficiencies indicated in the Health and Safety Inspection Report within such time as may be set forth in the Notice of Violation.

10. In the event a Notice of Violation is issued, the Buyer (or the Seller in the event a sale is not consummated) may request a Rehab Plan. The Rehab Plan must be submitted to the Property Maintenance Division within fourteen (14) calendar days after the Rehab Plan form is issued to the party making the request. The Property Maintenance Division shall, within fourteen (14) calendar days of receipt of a request for Rehab Plan, indicate in writing whether the Plan is acceptable and, if any provisions are not acceptable and indicate the required remedies with the required time lines are not to exceed six (6) months. The Buyer or new owner or Seller, as the case may be, shall be bound to make any corrections or undertake any such remediation as set forth in the Notice of Violation in the time frame set forth in Notice of Violation, subject to any modification in the Notice of Violation as may be accepted by the Property Maintenance Division. Monthly progress reports shall be submitted in writing to the Property Maintenance Division. The Property Maintenance Division will determine when the property complies with the regulations as set forth herein.

11. If at the time of or before settlement, the Health and Safety Compliance Report has not been completed, the required Certificate of Transfer shall not be issued unless the Buyer executes and submits a copy of the original Rehab Plan and an executed Letter of Intent to the Property

Maintenance Division. The new owner shall comply with the timelines specified by the Property Maintenance Division, not to exceed six (6) months.

§4-305. Fees.

1. **Residential Properties**. The fee for a health and safety inspection by a Property Maintenance Inspector at a residential structure shall be $150. An additional fee of $50 shall be charged per dwelling unit for each dwelling unit in excess of three dwelling units up to and including 21 dwelling units. A fee of $15 shall be charged per each room or rooming unit in excess of eight rooms or rooming units up to an amount determined by the Property Maintenance Division to qualify as a commercial use and governed by the applicable ordinances. Any additional fee for inspection of a dwelling or property that is combined dwelling units and rooms or rooming units shall be determined by the Property Maintenance Division in accord with the fees set forth herein. The buyer seller or person requesting the inspection shall be responsible for any other associated administrative fees and costs.

Rental properties that have had a Property Maintenance Inspection and received a letter of compliance from the Property Maintenance Division and have remained ***compliant with the Property Maintenance Code (does not include other City Codes such as Fire, Building etc.)*** within the past 24 months, while owned by the original applicant, will only be charged half price for the health and safety inspection.

2. **Commercial and Mixed Residential/Commercial Properties**. The fee for a Health and Safety Inspection by a Property Maintenance Inspector at a commercial structure shall be: $150 for up to 2,000 square feet of commercial space to be inspected and $50 for each additional 1,000 square feet of space, in addition to the $150 fee for a residential property, up to three units. Additional fees for inspection of residential units shall be billed as set forth in the paragraph above. ***Fire Inspection fees are set in Chapter 5, Section 308, Part 2 Permits, and Inspection Fees.***

3. **Recheck or Re-inspection**. An additional $75 fee will be charged for more than one (1) scheduled re-inspection at all properties and subsequent re-inspections.

4. **Cancellation and Rescheduling of Inspection**. If the buyer or owner or their representative cannot be available on the date and time of the inspection, including recheck or re-inspection, said person shall notify the Property Maintenance Division in writing of their inability to attend the scheduled inspection in a manner, including mail, facsimile or electronic mail (email), that such notice is received by the Property Maintenance Division no less than 24 hours prior to the scheduled date and time of the inspection. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of $150 will be assessed against the Buyer or owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of $250 shall be assessed in all cases. Any rescheduling of an inspection requires performance of the inspection within 6 months of the settlement or transfer of property.

5. **Non-Payment.** All associated fees shall be paid to the ***City of Reading Treasurer's Office*** prior to the scheduled time of the inspection. Non-payment shall not preclude performance of an inspection or recheck. In the event of non-payment, the City reserves the right to bill the buyer or person requesting the inspection and thereafter initiate collection activities and the appropriate legal action if the bill is not paid. Notwithstanding the foregoing, buyer and seller shall not be prohibited from privately agreeing that buyer will reimburse seller for such fees.
(*Ord. 16-2008*, 2/11/2008, §1)

6. Any property that receives a Rental Compliance Letter but does not transfer to a new owner within a 24 month period will be required to have a new Health and Safety Inspection at a half price cost.

7. Nothing in this ordinance shall preclude the buyer from seeking legal recourse against the Seller, or the Seller's Agent where applicable, within the Pennsylvania Court system.

8. **Revenue Neutral.** The Fees assessed in this Part shall be revenue neutral and will only cover the cost of the program. The Fees shall be reviewed against the cost of the program annually and recommendations for adjustments shall be referred by ordinance to the City of Reading City Council.

§4-306. Health and Safety Inspection Report.
1. **Report**. Upon the completion of a Health and Safety Inspection, a report setting forth the deficiencies found during the inspection shall be prepared. The report shall at a minimum state the following:
A. Address of the property inspected.
B. Owner's name and mailing address (P.O. Box addresses will not be accepted).
C. Date of inspection.
D. Name, position (buyer or owner and their authorized agents) and address of person(s) requesting the inspection.
E. Deficiencies found per requirements of this Part. If no deficiencies are found per this Part it shall be so indicated.
F. Time to cure deficiencies.
G. Directive to cure deficiencies.
H. Right to appeal as defined herein by §11-307-4.
I. Date of re-inspection.
J. Right to file a rehabilitation plan.
K. Name, signature and contact information for inspector performing the inspection.
L. If the property has been found to be a commercial use, the Health and Safety Inspection Report shall indicate the zoning district the property is located in, the permitted zoning use of the property and a business license.

2. **Service**. A copy of the report shall be delivered personally if the seller or person requesting the inspection is present at the time of inspection and the inspector shall note such delivery of the report. If the seller or person requesting the inspection is not present at the time of the inspection, the report shall be mailed by first class mail to the seller or in the event an inspection is requested after the transfer of the property to the buyer requesting the inspection. A copy of this report shall also be filed in the Property Maintenance Division.

3. **Validity**. A Health and Safety Inspection Report shall be valid for a period of 24 months. If deficiencies or violations are not corrected within 120 days of the original inspection, a subsequent inspection may be required to ensure no additional violations or deficiencies have occurred since the initial inspection.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-307. Report Findings.
1. **Findings of Deficiencies or Violations**. If deficiencies or violations ***for the current allowable use*** of the requirements of this Part are discovered, they shall be set forth on a Health and Safety Inspection Report. Upon findings of deficiencies or violations of this Part are found, a re-inspection of the property shall be scheduled to be performed upon expiration of the time period provided for on the report to cure, correct or abate the violations. Findings of correction of the deficiencies or violations at the time of the re-inspection shall result in the issuance of a Certificate of Transfer. If the deficiencies or violations are not corrected at the time of the re-inspection, the buyer or owner requesting the inspection may submit a Rehabilitation Plan as provided for herein to the City of Reading Property Maintenance Division. Failure to cure, correct or abate the deficiencies or violations per the submitted Rehab Plan, subject to penalties and potential condemnation of the property.

2. **No Deficiencies Found**. If no deficiencies or violations per this Part are discovered during the Health and Safety Inspection, a Health and Safety Compliance Letter shall be issued by the City of Reading Property Maintenance Division as stated herein.

3. **Condemnation**. Nothing in this Part shall preclude an inspector from placarding or condemning a property as unfit for human habitation pursuant to City of Reading Codified Ordinances, if it is determined that the property is unfit for human habitation.

4. **Appeals**. If a person disagrees with findings in a Notice of Violation, they may appeal said findings by requesting a hearing in writing within 5 days of receipt of the Notice of Violation addressed to the Director of Community Development or his designee, Room 3-06 City Hall, 815 Washington Street, Reading, PA 19601.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-308. Rehabilitation Plan.

1. **Plan**. The party requesting the inspection, may, in the event they deem they cannot meet the time frames to correct any violations as set forth in the Notice of Violation may request in writing from the Property Maintenance Division a one time extension of the time provided in the Notice of Violation to cure, correct, abate or remediate deficiencies or violations found during the Health and Safety Inspection. Such request shall specify the reasons for such request(s) and the suggested time frames for such correction(s) or remediation.

2. **Timing**. A Rehabilitation Plan shall be submitted in a timely manner to be received by the Property Maintenance Division within fourteen (14) calendar days after re-inspection of the property. The Property Maintenance Division shall issue notification of the acceptance or rejection as provided for in this Section, to the person requesting the inspection within fourteen (14) calendar days of receipt of the rehabilitation plan.

3. **Acceptance of Rehab Plan**. If the City of Reading Property Maintenance Division accepts the Rehab Plan ***it*** shall so notify the buyer or owner in writing and said person will be bound by the time periods set forth in the Rehab Plan. The Property Maintenance Division shall further reschedule the re-inspection date of the property to a time after the expiration of the extension period requested in the Rehab Plan. Nothing in this Section, shall preclude the City of Reading Property Maintenance Division from inspecting the property to ensure compliance with the Rehab Plan.

4. **Rejection of Rehab Plan**. If ~~not~~ the Rehab Plan is not accepted by the Property Maintenance Division, the person requesting the inspection, shall be so notified as required herein. The work, curing, abatement, remediation and correction of the deficiencies set forth in the Notice of Violation shall be completed within the time frame set forth in the correction directive.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-309. ***Health and Safety Compliance Letter &*** **Rental Compliance Letter**
1. **Issuance**. Upon determination by a Property Maintenance Inspector of no findings of violations or deficiencies of this Part, a Health and Safety Compliance Letter shall be prepared and issued to the person requesting the inspection. The letter shall be served upon the person requesting the inspection via first class mail and a copy shall be placed in the property file in the Property Maintenance Division. The Health and Safety Compliance Letter shall state that as of the date of issuance of the letter the property complied with this Part. The letter shall not be meant to be nor interpreted that the property is in compliance with all City of Reading Codified Ordinances.

2. **Validity of Compliance Letter**. A Health and Safety Compliance Letter issued per this Part shall be valid, ***for Property Maintenance Code only***, for the person who is the original applicant, for a

period of 24 months from date of issuance. The date of issuance shall be the date set forth on the top of the letter issued by the Property Maintenance Division.

3. **Request for Extension**. The person requesting an inspection may submit to the City of Reading Property Maintenance Division in writing a request for an extension of time of the validity of the Health and Safety Compliance Letter.

4. **Timing to Request Extension**. A request for an extension of the validity of a Health and Safety Compliance Letter must be submitted in a manner to be received by the Property Maintenance Division no later than fourteen (14) calendar days prior to the expiration, or twelve (12) months after issuance, of the Health and Safety Compliance Letter.

5. **Requirements**. A request for an extension of the Health and Safety Compliance Letter shall, at a minimum, set forth the reason for the request and the requested length of extension of validity of the compliance letter.

6. **Response**. The City of Reading Property Maintenance Division at its discretion may approve or reject a request for an extension of the time period for the validity of a Health and Safety Compliance Letter. The Property Maintenance Division shall notify the person requesting the extension of its decision to accept or reject their request within fourteen (14) calendar days of receipt of request as evident by the time stamp of the City of Reading Property Maintenance Division acknowledging receipt. Said notice shall be mailed via first class mail to the person requesting the extension. If the request is rejected, an inspection must be requested and performed as required by this Part upon expiration of the validity of the compliance letter if necessary to comply with this Part.

7. **Rental Compliance Letter**. If the property being sold is a rental unit which has undergone a full rental inspection per the City of Reading Codified Ordinances within six (6) months of transfer of the property and a letter has been issued by the City of Reading Property Maintenance Division stating that the property is code compliant, the property is not required to undergo a Health and Safety Inspection. The seller may request a Health and Safety Compliance Letter based on the Rental Compliance Letter.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-310. Permits.
If permits are required to perform work to cure, correct, abate or remediate any deficiencies or violations noted on the Health and Safety Inspection Report, the buyer or new owner, person requesting the inspection, shall be responsible to obtain or ensure obtaining of any and all permits required to perform such work.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-311. Non-exclusive Inspection.

1. At any time after the receipt of the report, the Property Maintenance Division may undertake such further actions or inspections as it deems appropriate and consistent with the applicable ordinances of the City of Reading including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a correction directive based upon the report to repair or remediate or otherwise correct any deficiencies indicated in the report within such time as may be set forth in the correction directive.

2. Further, the performance of a Health and Safety Inspection shall not remove a property from the schedule of routine inspections of rental properties in the City of Reading as conducted per the City of Reading Property Maintenance Code [Chapter 5, Part 6]. A Health and Safety Inspection shall also not preclude performance of an inspection by the Department of Fire and Rescue Services or Health Inspector of the City of Reading Property Maintenance Division, City of Reading Zoning Office or other City Office as provided for in the City of Reading Codified Ordinances.

3. Nothing in this Part, shall preclude the performance of an inspection upon receipt of a complaint of violation of the City of Reading Codified Ordinances regarding the subject property.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-312. Enforcement.

This Part shall be enforced under the jurisdiction of the City Property Maintenance Division. Enforcement is delegated to the Property Maintenance Division.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-313. Regulations and Forms.

The Property Maintenance Division is hereby authorized to establish regulations, consistent with the provisions of this Part, to prepare and distribute forms to implement this Part and to set criteria and provide for the qualifications and training as to applicable City ordinances and regulations of certified inspectors and to do any and all other acts as are necessary to implement the terms of this Part.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-314. Issuance of Certificate of Transfer.

Completed Water and Solid Waste Certifications shall be copied to the Property Maintenance Division. On receipt of the completed certifications the Property Maintenance Division shall prepare the Certificate of Transfer and issue the Certificate of Transfer to the Seller, or his authorized agent, and electronically to the Berks County Recorder of Deeds. The Certificate of Transfer issued to the Seller, or his authorized agent, shall be affixed to the deed when it is delivered to the Berks County Recorder of Deeds for recordation.

§4-315. Exemptions. The following real estate transactions shall be exempted from the Certificate of Transfer requirement:

1. The conveyance of an owner occupied primary residential property transferring from a decedent(s) to his devisee(s) or heir(s).
2. The conveyance of an owner occupied primary residential property transferring between spouses due to a divorce action.

3. The conveyance of a property to a municipality, township, school district or county or its agencies pursuant to acquisition by the municipality, township, school district or county of a tax delinquent property at sheriff sale or tax claim department sale.
4. The conveyance of a property to the Commonwealth or to any of its instrumentalities, agencies or political subdivisions by gift, dedication or deed in lieu of condemnation or deed of confirmation in connection with condemnation proceedings, or a reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation, which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation.

§4-316. Violations.
Any person who shall violate a provision of this Part, or who shall fail to comply with any of the requirements thereof or any amendments thereof shall be subject to a charge of summary offense and the fines set forth herein.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-317. Penalties.
The following penalties may be levied on either or both ~~of~~ the seller and buyer, or new owner should either fail to comply with the terms of this ordinance:
1. Failure to correct deficiencies per the report and/or within the terms of the rehab plan: $1,000 and ***any appropriate proceeding of law that could ultimately revoke the Occupancy Certificate issued by the Fire Marshal*** ~~eviction from dwelling~~. ***All related court costs will be charged to the either or both the seller and/or buyer, or new owner. QUESTION ABILITY TO SEEK EVICTION***
2. Failure to obtain a Certificate of Transfer prior to Settlement: $1,000 and eviction from dwelling.
(*Ord. 16-2008*, 2/11/2008, §1)

§4-318. Other Causes of Action.
Nothing in this Section shall preclude the City of Reading Property Maintenance ~~Official~~ ***Inspector*** instituting the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. CAN WE MAKE THIS A JUDGEMENT INSTEAD?

(*Ord. 16-2008*, 2/11/2008, §1)

§4-319. Liability of City/Buyer/Inspector.

1. The issuance of a review report is not in any way a representation or guarantee by the City or any City Inspector that the property is without violations or in compliance with the applicable ordinances and codes. Any such review shall not be deemed a "codes inspection" and is intended solely for the use of the City and is not intended to replace such or supplement any private inspection of the condition of the property as may be deemed desirable by the property owner or other entities.

2. Neither the enactment of this Part nor the preparation and delivery of any document pursuant hereto shall impose any liability upon any City Inspector for any errors or omissions contained in any report nor shall the City or City Inspector bear any liability not otherwise imposed by law. The owner and subsequent buyer of any property shall remain wholly liable for compliance with the City's Property Maintenance Code [Chapter 5, Part 6], Trades Codes, the Zoning Ordinances [Chapter 27] and any and all other applicable ordinances of the City.

3. Nothing herein shall be deemed to prevent a buyer and seller from entering into an agreement between them that the buyer will reimburse seller for undertaking the cost of any necessary renovations or repairs to make the property compliant with the City Property Maintenance Code [Chapter 5, Part 6] or other ordinances.

MEMORANDUM
To: Carl E. Geffken, Managing Director
Thomas M. McMahon, Mayor
Date: Tuesday, June 22, 2011
Re: Rental Housing Update

The work group assigned to resolve several issues related to rental housing has concluded its work, culminating in a draft ordinance enabling the implementation of processes which will clear the backlog of zoning permits and provide a basis for considering such applications going forward.
The work group included me, the City Clerk, the Zoning Administrator, our Law Department, and Steven G. Welz acting in the capacity of independent legal counsel and who was retained after an informal request from City Council and pursuant to the City's competitive procurement process.
While I invite a detailed review of the draft ordinance, I am providing the following high-level summary.
This ordinance would amend Chapter 11 of the Codified Ordinances of the City of Reading:
Eliminating confusing references to "rental registration" and "rental permits," creating a Rental Housing Permit that would be issued following an application process, including a zoning application, and be subject to renewal on an annual basis.

Establishing fines for failure to obtain a Rental Housing Permit or operate rental housing without renewing the permit on a timely basis.

Requiring property owners to certify compliance with applicable laws, codes and regulations annually.

Authorizing the Zoning Administrator to adjudicate zoning permit applications for multifamily rental housing which had obtained, and maintained in good standing, a rental registration since December 31, 2007, and allowing for zoning approval after a physical inspection verifies the number of units matches zoning record and the permit application.

Provides for denial and revocation of Rental Housing Permits under certain conditions.

Changes the inspection cycle from not more frequently than 3 to 5 years to 2 to 5 years.

References the City's Fee Schedule for permit and inspection fees rather than incorporating them in the body of Chapter 11.

Repeals section 120, 121 and 122 and renumbers subsequent sections accordingly.

Repeals Chapter 11, Part 1, Exhibit A enacted as part of Ordinance 61-2007 and 22-2009, which outlined the former permitting process.

AN ORDINANCE AMENDING CHAPTER 11, HOUSING – RENTAL, PART 1, PROVIDING FOR THE ISSUANCE, DENIAL, OR REVOCATION OF RENTAL HOUSING PERMITS; AUTHORIZING THE ZONING ADMINISTRATOR TO APPROVE OR DENY THE ISSUANCE OF ZONING PERMITS FOR PREVIOUSLY REGISTERED RENTAL UNITS AND TO DENY NON-CONFORMING_APPLICATIONS; PROVIDING FOR ANNUAL RENTAL HOUSING PERMITS; ESTABLISHING A SURCHARGE FOR FAILING TO APPLY FOR TIMELY RENEWAL OF A RENTAL HOUSING PERMIT; PROSCRIBING THE FAILURE TO TIMELY APPLY FOR A NEW RENTAL PERMIT FOLLOWING THE ACQUISITION OF RENTAL PROPERTY AND DECLARING THE SAME AN OFFENSE; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR OPERATING RENTAL HOUSING WITHOUT APPLYING FOR A REQUIRED PERMIT; PROVIDING FOR THE REVOCATION OF RENTAL HOUSING PERMITS GRANTED UPON APPLICATIONS CONTAINING MATERIAL MISREPRESENTATIONS, ERRORS OR OMISSIONS; AND REPEALING CHAPER 11, PART 1, EXHIBIT A.

§11-102. Definitions.

This section is hereby amended to include the following restated definition:

REGISTRATION - The official recordation of a property as a residential rental unit upon the filing of an appropriate application, the payment of associated filing fees, the successful completion of a property inspection by authorized officials of the City of Reading and the issuance of a Rental Housing Permit by the Property Maintenance Division.

This section is further amended to add the following definitions:

ROOMING UNIT - an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.

REGISTRATION - the completed filing of an appropriate Application for Registration and Issuance of a Rental Housing Permit for a specific property.

RENTAL HOUSING PERMIT – A permit issued by the City of Reading Property Maintenance Division per the procedure established by this Chapter and the policies created in accordance therewith.

§11-103. Rental Housing Registration and Permit Required.

No person shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging suitable for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for Registration and Issuance of a Rental Housing Permit.

1. Applications for and registration of a rental property for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable registration fee. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit: [*Ord. 22-2009*]

A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.

B. The name, business address, date of birth and telephone numbers, (business and mobile), of the responsible local agent and/or property manager as required by this Part.

C. The owner(s), property manager and responsible local agent shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual. [*Ord. 22-2009*]

D. The address of the premises at which the dwelling unit or rooming unit is located.

E. Identification of the rental unit as a dwelling unit or rooming unit.

F. The number of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.

G. A copy of zoning permit authorizing or registering the dwelling unit or rooming unit as a residential unit shall be attached. If the dwelling unit or rooming unit contains more than one unit, then the zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. (See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to _____ but lacking valid zoning permits.)

H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler. Alternatively, proof of current participation of the dwelling unit or rooming unit on the City of Reading trash collection program.

I. Proof of current participation of the property address in the City of Reading recycling program.

J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.

K. The owner shall furnish with the Application for Registration and Issuance of a Rental Housing Permit photographs of the front and rear exterior of the building for which a permit is requested.

The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon. If there are changes subsequently made to the floor plan, the owner shall submit a revised floor plan, drawn to scale, with the next application (for re-issue or renewal) submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions. [*Ord. 22-2009*]

L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part. [*Ord. 22-2009*]

M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division. [*Ord. 22-2009*]

N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application. [*Ord. 43-2008*]

2. Special provisions for properties with a valid "Housing Permit" issued prior to _____ but lacking valid zoning permits for Multiple Dwelling or Rooming House use.

A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to _____ shall be required to apply to the Zoning Administrator for a zoning permit prior to Application for Registration and Issuance of a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.

(i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.

(ii) If the subject property had a valid Housing Permit as of _____ but is determined to be located within a zoning district where multi-family rental use is *not* legally permitted in accordance with the foregoing provisions in Subsection A it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

B. The Zoning Administrator shall make a secondary determination as to whether the subject property meets the minimum habitable area requirements of subsection D of §27-1203 of the Zoning Ordinance, as amended.

(i) If the Zoning Administrator determines that the subject property does not meet the minimum habitable area requirements of Subsection D of §27-1203 of the Zoning Ordinance, as amended but the number of units present is consistent with the number of units recorded on City records it will be designated a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance.

(ii) If the number of dwelling units present *exceeds* the number of units previously recorded for the premises in City records a Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.

C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104 1.G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104 1.

§11-105. Annual Renewal of Rental Housing Permit.

1. Each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permits shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee as adopted by formal resolution of City Council.

2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage the premises, (b) disclose and/or confirm the number of dwelling units in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3. Submission of annual renewal forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars ($300) per rental unit for each month or fraction thereof following the said deadline. Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.

4. Failure to submit an annual renewal form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.

5. In the event of revocation of the Rental Housing Permit the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.

6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.

7. In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for Rental Housing Registration Permit.

A Rental Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

§11-107. Revocation of Rental Housing Permit.

The City of Reading Property Maintenance Division, the municipality shall have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be

revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.

2. A Rental Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new Application for Registration and Issuance of a Rental Housing Permit to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new Application for Registration and Issuance of a Rental Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.

3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address.

4. The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit and/or provide written notice of relocation or change in address as provided herein shall be considered an "Offense" under §11-121 of this Chapter that is subject to the penalty provisions of §11-122 in addition to revocation of the Rental Housing Permit.

§11-109. Inspection.

1. Initial Inspection.

   A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed Application for Registration and Issuance of a Rental Housing Permit and receipt of payment of the applicable fee for rental registration, the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.
   B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in

the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the rental registration. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Housing Permit is issued.

2. Renewal Inspections

A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 3 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program. [*Ord. 22-2009*]

B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.

C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Rental Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the rental registration. [Ord. 22-2009]

D. Deleted

Sections 3 through 7 inclusive are unchanged.

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Rental Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

A. Name, mailing address and telephone number of owner.

B. Name, mailing address and telephone numbers, business and cell of local responsible agent.

C. Number of occupants/tenants permitted to occupy said rental unit or rooming unit as authorized by the City of Reading Codified Ordinances including, but not limited to, the Zoning Ordinance [Chapter 27] and Property Maintenance Code [Chapter 5, Part 6].

D. Date of last application inspection, e.g., initial or renewal.

E. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.

F. Date of issuance of permit.

G. Date of required renewal of permit.

H. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The Rental Housing Permit <u>or an identical, clear and legible photocopy thereof</u> shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside <u>the building</u> at the front <u>of the property</u> by City Code, Property Maintenance Division, or emergency personnel.

§11-112 - No change

§11-113 Occupation of Premises Without Rental <u>Housing Permit.</u>

It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current ~~rental registration~~ <u>Rental Housing Permit</u> is obtained for such dwelling unit or rooming unit.

§11-114 Owner and Occupant Duties.

1. **Owner's Duties**.

A. It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

B. It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without ~~having a rental registration or a rental license~~ a valid and current Rental Housing Permit.

C. ~~The owner, operator, responsible agent or manager shall include the amendment attached hereto as the addendum to rental agreement in each lease of a rental unit taking effect on or after May 1, 2007. Said amendment is hereby considered to be a part of every lease of a rental unit in the City of Reading executed on or after May 1, 2007~~.

C. It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codifed Ordinances and applicable State laws.

2. **Occupant Duties**. – no changes

§11-115 - no changes

§11-116 - Fees for Rental ~~Registration~~ Housing Permit

1. Fee Schedule

(Obviously this section has to be adjusted to account for the cost of periodic inspections so that the annual permit fees reflect the anticipated costs of period inspections over a 3-5 year cycle as well as the cost of inspections that may be required by reported changes. However, the cost of those inspections can be separately stated since they will be episodic and not part of the revolving inspection cycle.)

2. No changes
3. No changes
4. No changes

5. Fee Nonrefundable. The fee paid as part of the Application for Registration and Issuance of a for a Rental Housing Permit ~~rental registration~~ or any renewal thereof is nonrefundable regardless of whether the application is approved.

§11-117 - no changes

§11-118 Tenant Information.

(This may not be necessary or it may just require some coordination of dates in view of the proposed §11-104 subsection L)

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Housing Permit ~~rental registration~~, the owner or the local responsible agent, on or before March 1 and August 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a ~~rental registration~~ Rental Housing Permit, the full name, unit, floor or apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students. [*Ord. 22-2009*]

2. No changes
3. No changes
4. No changes

§11-119 No changes

§11-120. Delete. (Covered in 11-104 through 11-109)

§11-121. Suspension or Revocation of Rental Registration. [*Ord. 22-2009*]

1. **Warning Notice Required Prior to Suspension of Rental Registration**. [*Ord. 22-2009*]

   A. Prior to suspension or revocation of a ~~rental license~~ Rental Housing Permit, the Code Official shall provide written notice of violation to the owner of any dwelling unit or rooming unit.

   B. The written notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit and the owner's responsible local agent that a written correction plan shall be submitted to the Code Official within 5 days after receipt of the notice of violation. Failure to submit an acceptable correction plan will result in suspension or revocation of all applicable ~~rental registrations~~ Rental Housing Permits.

   C. No change

   D. No change

   E. The notice of violation/warning and notice of suspension or revocation shall be served in accord with the official notice requirements set forth in this Part. Additionally such notices shall ~~be~~ also be served via certified mail return receipt requested with date of receipt determined by date of execution of return receipt. Provided, that should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail, notice was received within five mail (Monday - Saturday) days of date of mailing.

   F. No change

2. **Suspension or Revocation Procedures**.

A. The Code Official shall notify the owner of the suspension or revocation of a ~~rental license~~ Rental Housing Permit for a dwelling unit or rooming unit by written notice sent by first class mail and certified mail or delivered in person should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned there will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five mail (Monday - Saturday) days of date of mailing. The notice shall advise the owner of the property address of the dwelling unit or rooming unit, the effective dates of the suspension or revocation, the reason for the suspension or revocation, the effect of the suspension or revocation, penalties that can be imposed for violation of the suspension and appeal rights and procedures.

B. The Code Official shall set forth the effective date of the suspension or revocation in such manner so that suspension or revocation commences on the first day following expiration of the 10 days to file an appeal of the Code Official's determination.

C. No ~~rental registration~~ Rental Housing Permit shall be renewed for 6 months for the first suspension or revocation and 12 months for each subsequent suspension or revocation within a 5-year period beginning on the effective date of the suspension or revocation. [*Ord.22-2009*]

(I'm not sure of the point of this provision or the economic wisdom of it.)

D. During the time a ~~rental license~~ Rental Housing Permit is suspended or revoked, if any additional violations occur against the dwelling unit or rooming unit, the ~~rental license~~ Rental Housing Permit suspension or revocation may be extended up to an additional 12 months.

(I'm not sure of the point of this provision or the economic wisdom of it.)

3. No changes

4. **Defense**. When tenants and/or occupants are culpable for violations resulting in a suspension notice, the owner may request reinstatement of the ~~rental registration~~ Rental Housing Permit upon eviction of the tenants, provided the owner is current with submission of tenant listings as required by this Part. [*Ord. 22-2009*]

5. **Appeal Procedure for Suspension or Revocation Initiated by the Code Official**. An appeal of a suspension or revocation of a ~~rental registration~~ Rental Housing Permit shall be made by submitting the appropriate fee and a request for an appeal to the Housing Board of Appeal in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of the notice of suspension or revocation. [*Ord. 22-2009*]

6. **Basis for Suspension or Revocation**. A ~~rental registration~~ Rental Housing Permit shall be suspended or revoked at the discretion of the Administrator of the Property Maintenance Division or his/her designee if egregious, severe, life-threatening, health and welfare or repetitive, continued violations of the offenses set forth in subsection (7) exist at the dwelling unit or rooming unit without any attempt to cure or remedy the problem or submission of a timely rehab plan and lack of response to notices of violations issued by the appropriate authority. [*Ord. 22-2009*]

7. **A. through M. -** No changes

At the discretion of the issuing authority, the City of Reading Property Maintenance Division, the municipality shall have the authority to revoke or suspend the ~~rental rental registration~~ Rental Housing Permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5,Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 1], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction. [*Ord. 22-2009*]

8. **Immediate Suspension or Revocation**. Placarding and condemning of a property per the City of Reading Property Maintenance Code [Chapter 5, Part 6] shall result in immediate suspension or revocation of a ~~rental registration~~ Rental Housing Permit. Notwithstanding any other provision of this Part, the permit shall be reinstated upon performance of an inspection, payment of the appropriate fee for removal of the placard per the Property Maintenance Code [Chapter 5, Part 6] and submission with the appropriate fee and approval of an application for a rental registration. [*Ord. 22-2009*]

9. **Suspension and Disruptive Conduct**. Nothing in this Section shall be interpreted to preclude enforcement under the disruptive conduct Section [§11-123] set forth herein.

10. **Reinstatement of Rental ~~Registration~~ Housing Permit Subsequent to Suspension or Revocation**. To obtain reinstatement of a ~~rental registration~~ Rental Housing Permit subsequent to a suspension or revocation and period therefor, an owner must resubmit an application and undergoing the process for an initial application including, but not limited to, undergoing an inspection and payment of the appropriate fee. [*Ord. 22-2009*]

11. **Notice**.

A. **Form**. A notice of a suspension or revocation of a ~~rental registration~~ Rental Housing Permit shall set forth the information required herein and be in a form accordance with all of the following: [*Ord. 22-2009*]

(1) Be in writing.

(2) Include a description of the real estate sufficient for identification.

(3) Include a statement of the violation or violations and why the permit is being suspended or revoked.

(4) The time period for the suspension or revocation of the permit.

(5) Inform the property owner of the right to appeal.

§11-122. Violation and Penalties.

1. **Violations**. It shall be unlawful for any person, as either owner or local responsible agent of a rental dwelling unit or rooming unit for [which] a ~~rental registration~~ Rental Housing Permit is required, to operate without a valid, current permit issued by the City of Reading authorizing such

action. It shall also be unlawful for any person, either owner or local responsible agent, to allow the number of occupants of dwelling unit or rooming unit to exceed the maximum limit as set forth on the license or to violate any other provision of this Part, including, but not limited to, failure to timely submit a tenant listing and renew a ~~rental registration~~ Rental Housing Permit. Further, it shall be unlawful for any occupant to violate this Part. [*Ord. 22-2009*]

2. No changes
3. No changes
4. No changes

5. **Placarding and Condemning**. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a ~~registration~~ Rental Housing Permit therefor has not been filed with the Property Maintenance Division as required by this Part. [*Ord. 22-2009*]

6. No changes

§11-123. Disruptive Conduct.

1. No changes.

2. No changes.

3. No changes

4. Suspension or Revocation of Rental Registration. Failure of an owner or local responsible agent to take action required in subsection (3) above will result in the commencement of the process to suspend a ~~rental registration~~ Rental Housing Permit in accordance with ~~per~~ the process established herein, notwithstanding any other requirements therefor. [Ord. 22-2009]

5. Reinstatement of Rental ~~Registration~~ Housing Permit. The rental unit involved shall not have its ~~rental registration~~ Rental Housing Permit reinstated until the reinstatement fee is paid, ~~and~~ the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a rental registration shall not be reinstated until compliance with the requirements therefor have occurred. [Ord. 22-2009]

7. No changes.
8. No changes.
9. No changes.

§11-124. Housing Board of Appeals.

1. **Appeals**. Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a ~~rental registration~~ Rental Housing Permit may appeal to the housing Board of Appeals. Such appeal must

be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation. [*Ord. 22-2009*]

2. No changes.
3. No changes.
4. No changes.

5. **~~A~~Effect of Appeals**. Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a ~~rental registration~~ Rental Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 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 second disruptive conduct report. [*Ord.22-2009*]

6. **Enforcement upon Resolution of Appeal of Housing Board**. If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the ~~rental registration~~ Rental Housing Permit ~~per~~ pursuant to the provisions set forth in this Part.

7. No changes

§11-125 No changes.
§11-126 No changes.
§11-127 No changes.

Repeal of Chapter 11, Part 1, Exhibit A.
Chapter 11, Part 1, Exhibit A of the codified ordinances of the City of Reading, enacted as part of Ordinance 61-2007 and as part of Ordinance 22-2009, is hereby repealed.