BILL NO. 61-2007

AN ORDINANCE

AN ORDINANCE CREATING THE PROCESS TO IMPLEMENT THE NEW HOUSING PERMIT ORDINANCE, UNDER THE CODIFIED ORDINANCES, CHAPTER 11 HOUSING.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Creating the process to implement the new Housing Permit Ordinance as attached in Exhibit A.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted Aug. 13, 2007

President of Council

Attest:

City Clerk

(Council Staff))

Submitted to Mayor:
Date: 8-14-07

Received by the Mayor's Office:
Date: 8-14-07

Approved by Mayor:
Date: 8/17/07

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 13th day of Aug. A. D. 2007. Witness my hand and seal of the said City this 15 day of Aug. A. D. 2007.

CITY CLERK

EXHIBIT A
Housing Permit Implementation Process

1. If a dwelling unit, rooming unit or property address, structure or building has the appropriate zoning permit to rent the unit the owner thereof shall proceed under the procedures and application process as adopted by the new Housing Permit Ordinance.

2. If a dwelling unit, rooming unit, or property address, structure or building has historically had housing permits therefor issued by the City of Reading for utilization of such property for rental purpose they may apply for an expedited process established hereby to obtain a zoning permit for utilization of the structure, unit, premise as a rental. The expedited process established hereby by the City of Reading is utilization of an Administrative Hearing Officer. The Administrative Hearing Officer shall be a person appointed by the Zoning Hearing Board for the City of Reading including their solicitor, excluding the City of Reading Zoning Administrator. To proceed under this expedited process an owner must submit an application of a form prescribed by the City of Reading. To qualify and obtain a Zoning Permit per this expedited process, an owner / the premises must meet the criteria established by this Ordinance. The application will be compared to the records of the City of Reading for compliance with the established criteria, should the criteria be complied with the Administrative Hearing Officer will approve the application and instruct the Zoning Administrator for the City of Reading to issue the necessary Zoning Permit. The City of Reading and Zoning Hearing for the City of Reading reserve the right to remove any matter from the Administrative Hearing Officer agenda and refer it through the normal appropriate zoning process. If it is determined that the property does not meet the established criteria, the application will be removed from the agenda of the Administrative Hearing Officer and referred to the appropriate authority for relief, e.g., the normal zoning process, per the City of Reading Zoning Ordinance. For example for **R3, RO, CR, CN, CH rental properties** the appropriate authority for relief or normal zoning process shall be an application to the Zoning Hearing Board for a variance or special exception and for **R1, R1A, R2, RPO rental properties the** appropriate authority for relief or normal zoning process shall be a conditional use hearing before the City of Reading City Council. Obtaining permits under this expedited process shall not remove a property from continued compliance and enforcement of the City of Reading Zoning Ordinance.

   The time period for submission of an application and consideration for a zoning permit under the aforesaid established expedited process shall be from August 15, 2007 through and including October 15, 2007. Any application for a zoning permit submitted after this time period, rather it meets the established criteria or not, shall be required to proceed through the appropriate normal course of zoning application. Upon receipt of an application, the City of Reading shall gather the requisite information to determine if the property meets the established criteria for submission of the application to the Administrative Hearing Officer. If it is determined that the established criteria are satisfied, the City of Reading will forward the application to the Administrative Hearing Officer with a recommendation for approval thereof. Should it be determined that the established criteria are not met, the City of Reading will so advise the applicant and in doing so advise that upon submission of the appropriate fee the application will be forwarded to the appropriate authority.

A fee of fifty dollars ($ 50.00) must be submitted and accompany an application for the expedite process for a zoning permit set forth herein. Said fee is nonrefundable. However,iIf

an applicant is denied the expedited process, the fifty dollars ($50.00) will be credited toward the requisite fee for application to the appropriate authority for consideration.

Note: Properties in the **R3, RO, CR, CN, CH** *zoning districts having an abandoned business use on the first floor and residential living above, convert to residential use under Section 27-607 of the Zoning Ordinance.*

3. If a dwelling unit, rooming unit, or property address, structure or building has not historically had housing permits therefor issued by the City of Reading for utilization of such property for rental purpose, was removed at the discretion of the City of Reading or Zoning Hearing Board for the City of Reading from the expedited process or fails to meet the established criteria for the applicable zoning district, shall be required to apply for and proceed through a hearing with the appropriate authority, normal course, dependent upon the zoning district, either the Zoning Hearing Board for a special exception or variance or the City Council for the City of Reading for a conditional use.

Criteria Summary

A. R3, RO, CR, CN, CH Zoning Districts

1. Housing Permit for 5 concurrent years, without record of City legal action compelling owner to obtain such permits

2. Property Maintenance Inspection within the last five (5) years with no outstanding issues.

3. No guilty verdicts regarding property maintenance code or other life, safety and health code violations within the last 12 months.

4. Rental Units meeting Zoning Square Footage Specifications.

5. Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.

6. Property Meets Zoning Utility Facility Requirements

B. R1, R1A, R2, RPO Zoning Districts

1. Housing Permit for 10 concurrent years, without record of City legal action compelling owner to obtain such permits

2. Property Maintenance Inspection within the last five (5) years with no outstanding issues.

3. No guilty verdicts regarding property maintenance code or other life, safety and health code violations within the last 12 months.

4. Rental Units meeting Zoning Square Footage Specifications.

6. Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.

7. Property Meets Zoning Utility Facility Requirements

8. Property has 1.5 off street parking spaces per unit or has received a Variance from the Zoning Hearing Board.

Criteria Detail

- Property has had **active housing permits** for all units for a **ten (10) year period for for properties in the R1, R1A, R2, RPO Zoning Districts and for a five (5) period in the R3, RO, CR, CN, CH Zoning Districts** without record of City legal action compelling owner to obtain such permits, and
- Property must have had an **Property Maintenance Inspection within the past five (5) years,** and
- **No guilty verdicts regarding property maintenance code** or other life, safety and health code violations within the last twelve (12) months, and
- **Property Taxes are current**, and
- **Tenant List** is provided, and
- **City Utility Bills and fees are current**, and
- Copy of valid **Trash Contract**
- Proof of participation in City **Recycling** Program
- Copy of sample **lease**
- Proof of **Property Insurance**
- Listing of all rental properties owned
- Copy of **Business Privilege License**
- **Address of property** and number of units therein
- **Contact information** and proof of ID for Property Owner and Manager, if owner does not reside within Berks County
- Rental units **meet the specifications Zoning Ordinance 27-1202 4 B**

  Apartment Square Feet
  Efficiency or Studio 400
  One Bedroom 550
  Two Bedroom 700
  Base Apartment Unit 800
  Three Bedroom Unit 850, and
- **Utili y facilities shall meet the requirements under Zoning Ordinance 27-1202 (4) (C),** Documents indicating to the Board's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use, and
- **Properties in R1, R1A, R2, or RPO Zoning Districts must have 1.5 off street parking spaces per unit or have a Variance** from the City of Reading Zoning Hearing Board, and
- Property must be in **compliance with Zoning Ordinance 27-1202 (16)**

  Roommate Housing Arrangements. (as defined in §27-2202, "roommate households"),when exceeding three non-related persons living in one dwelling unit, require review and approval by the Zoning Hearing Board as a special exception review. The applicant must present to the hearing board:

  A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

  B. The Roommate Housing Arrangement must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. No cooking facilities of any kind shall be located in any room except the central kitchen.
D. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.
F. No Roommate Housing Arrangement shall be located within 800 feet of another Roommate Housing Arrangement except by special approval and variance.