

BILL NO. 52 -2011
AN ORDINANCE

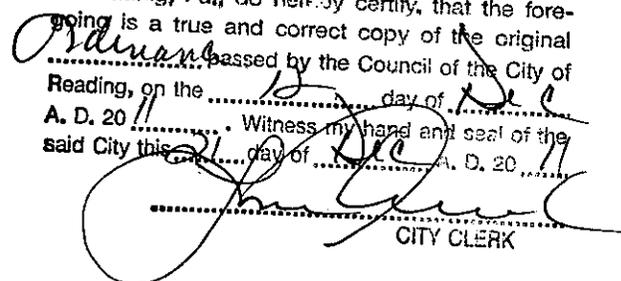
AN ORDINANCE AMENDING CHAPTER 11, HOUSING - RENTAL, PART 1, PROVIDING FOR THE ISSUANCE, DENIAL, OR REVOCATION OF RENTAL HOUSING PERMITS; AUTHORIZING THE ZONING ADMINISTRATOR TO APPROVE OR DENY THE ISSUANCE OF ZONING PERMITS FOR PREVIOUSLY REGISTERED RENTAL UNITS AND TO DENY NON-CONFORMING APPLICATIONS; 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; PROVIDING FOR THE REGISTRATION OF VACANT RESIDENTIAL PROPERTY, AND REPEALING AND RECREATING CHAPTER 11, AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Codified Ordinances Chapter 11 regarding Rental Housing Permits, 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.

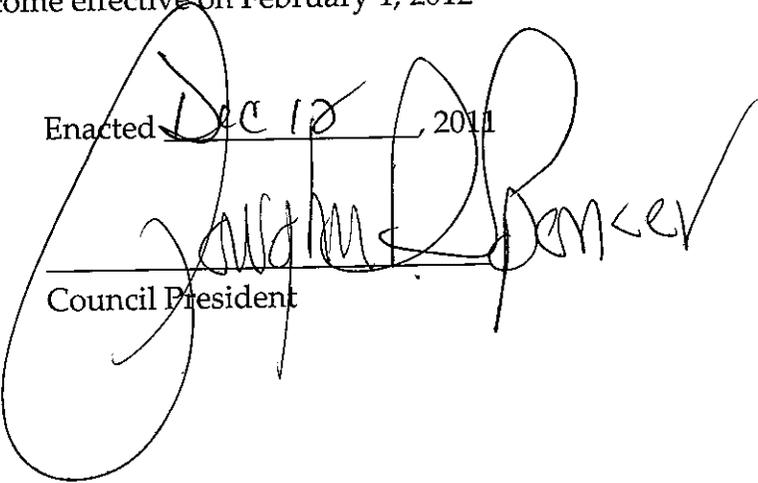
I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 12 day of Dec A. D. 2011. Witness my hand and seal of the said City this 12 day of Dec A. D. 2011.


CITY CLERK

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 shall become effective on February 1, 2012

Enacted Dec 12, 2011


Council President

Attest:

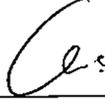

City Clerk

Submitted to Mayor: 

Date: 12/13/11

Received by the Mayor's Office: 

Date: 12-13-11

Approved by Mayor: 

Date: 12/13/11

Vetoed by Mayor: _____

Date: _____

EXHIBIT A
CHAPTER 11, SECTION 1

§11-102. Definitions.

This section is amended to change or 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.*

VACANT PROPERTY - *A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is continuously unoccupied by the same individual or basic family unit as a residence from more than ninety (90) days and/or it is unoccupied and has been voluntarily or involuntarily disconnected or suspended from one or more of the following public or private utilities or services: water, natural gas, electric or fuel oil.*

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

No person or entity 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~~ *Housing Permit* 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~~ *and a copy of the Deed*. 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 *an authorized 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 December 31, 2007 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 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 December 31, 2007 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 December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for 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 December 31, 2007 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 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. *Effective January 2, 2012, 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 Permit 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 for the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit 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 a Rental Registration Housing Permit.

1. *A Rental registration-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.*

2. *The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.*

~~*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 Rental Housing Permit therefore has not been filed with the Property Maintenance Division as required by this Part. [Ord. 22-2009]*~~

3. *The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Rental Housing Permit has not been*

obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Rental ~~Registration~~ Housing Permit.

1. 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.

2. *The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.*

3. *A notice of a revocation of a Rental Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.*

§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 ~~registration~~ *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 ~~registration~~ *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 registration ~~Registration~~ 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. *Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.*

4. *The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided hereinabove shall result in the imposition of non-compliance surcharge of \$1,000 per unit to the application fee. In addition, written notice of non-compliance shall be mailed to the new owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 day from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said 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.*

5. Upon payment of the fees and surcharges set forth in subsection 4 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be

issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

~~The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided herein shall assess an application surcharge of \$1,000 per unit and provide the owner 15 days to submit such application, with such notice being posted on the property; failure to submit a complete application within the proscribed time shall result in the assessment of a fee of \$100 per unit per day until such time a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said fees 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. Upon timely payment of said fees, a property owner may request in writing an administrative hearing to dispute a finding of operating unpermitted rental housing before the Director of the Department of Community Development or such person who may be designated by the same; the property owner will be notified in writing as to the hearing date, which shall be within 30 days of the request, and a written statement of findings of facts shall be issued by the hearing officer within 15 days of said proceeding. Failure by the owner to appear for said hearing shall result in an automatic finding of operating unpermitted rental housing.~~

§11-109. Inspection.

1. Initial Inspection.

~~A. Except as provided herein, all properties for which a rental registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last 5 years, been owner-occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including, but not limited to, renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property. [Ord. 22-2009]~~

A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental registration 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 Housing Permit* ~~registration~~. Occupancy of the dwelling unit or rooming unit is prohibited until a ~~registration~~ *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 \geq 2 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 Housing Permit registration.* [Ord. 22-2009]

D. Deleted

3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances. [Ord. 22-2009]

4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited

to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report. [Ord. 22-2009]

5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. [Ord. 22-2009]

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

7. **Failure to Appear for Inspection.** If the owner or ~~his/her local responsible~~ *authorized agent* cannot be available at the proposed time, said owner or *authorized agent* ~~representative~~ shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner ~~or representative of the owner~~ failing to supply written notice or appear. If the property owner or ~~his representative~~ *authorized agent* fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or ~~his representative~~ *authorized agent* fails to appear for the third scheduled inspection, the City ~~may~~ shall file a suit with the Magisterial District Justice seeking a minimum fee of \$400. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this Code or the City of Reading Property Maintenance Code *Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly apply for an seek an administrative search or inspection warrant from to a court of competent jurisdiction by and shall supplying all necessary affidavits and testimony to indicate that there is a in support thereof. reasonable or and probable cause to conduct an inspection.*

~~Failure of an owner or his/her local responsible agent to appear for an inspection as part of an initial application or renewal inspection as required to obtain or renew a Rental registration Housing Permit and the time necessary to reschedule an inspection shall extend the time provided the City of Reading to schedule an inspection per said requirements and make a determination on an application.~~

~~Additionally, failure to appear for an inspection for the purposes of an administrative search or inspection warrant includes the third cancellation of the inspection with or without prior notice to the Property Maintenance Division.~~

~~failure *Failure* of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises. [Ord. 105-2010]~~

~~(Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 71-2007, 9/24/2007, §1; by Ord. 55-2008, 9/8/2008, §1; and by Ord. 65-2008, 10/13/2008, §1; by Ord. 22-2009, 4/27/2009, §§1-3; and by Ord. 105-2010, 12/27/2010, §1)~~

§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 (*business and mobile*) of owner.
- B. Name, mailing address and telephone numbers (business and mobile) of local ~~responsible~~ *authorized* agent.
- C. ~~Number of occupants/tenants~~ *dwelling units* 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.~~ Date of last inspection.
- F. ~~Date of issuance of permit.~~
- G. ~~Date of required renewal of permit.~~
- H. ~~Printed name of person issuing permit.~~
- F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- G. Date of issuance of permit.

H. Date of required renewal of permit.

I. Printed name of person issuing permit.

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

The ~~Rental registration~~ *Housing Permit or an identical, clear and legible photocopy thereof* shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit ~~in a manner available for inspection so that the same is visible and observable from outside the building at the front of the property~~ by City Code officials, Property Maintenance Division, or emergency personnel.

§11-112. Local Responsible Agent. — Reserved.

~~1. Designation. Any owner who rents, leases or lets a dwelling unit or rooming unit shall designate and appoint an adult individual to serve as the responsible local agent for such dwelling unit or rooming unit. The owner and responsible local agent shall be jointly and severally legally responsible for operation of the dwelling unit and rooming unit and its compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall also be responsible for providing the Code Official with access to the dwelling unit or rooming unit for the purpose of making inspections necessary to ensure such compliance. A responsible local agent is required to reside within Berks County, Pennsylvania. An owner may designate him/herself as a responsible agent if s/he resides within Berks County, Pennsylvania.~~

~~2. Posting of Responsible Local Agent. The name, address, and contact information including, but not limited to, telephone number, business and cell of the responsible local agent shall be conspicuously posted and maintained in the dwelling unit or rooming unit and shall be available for inspection by the City Code Officials upon request. Failure to maintain posting and maintenance of the information of the responsible local agent as required herein shall subject the owner to penalties of this Part.~~

§11-113 Occupation of Premises Without Rental Registration Housing Permit.

1. *Prohibition.* 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 ~~In the event a city official determines a dwelling or rooming unit is being occupied unlawfully, a placard shall be placed upon the premises advising that application for a Rental Housing Permit must be submitted within 15 days and the property owner shall be assessed \$1,000 for each unit; failure to submit an application for a Rental Housing~~

~~Permit within the allotted time shall result in a fee of \$300 per unit per month or portion thereof until such time the required application is received by the city. Said fees 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. In the event an owner disputes the assessment of said fees, upon timely payment thereof, the owner may request an administrative hearing as provided for in §11-103.~~ rental registration Rental Housing Permit is obtained for such dwelling unit or rooming unit.

2. **Surcharge.** In the event an authorized City official determines that a dwelling or rooming unit is being occupied unlawfully under this Chapter a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be mailed to the owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. Said 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.
3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. Owner's Duties.

- A. It shall be the duty of every owner *and* operator, ~~responsible~~ *authorized* 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 *or entity* 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, *authorized* 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 Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed. (Ord. 28-2007, 7/23/2007, §1)

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each persons shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part. (Ord. 28-2007, 7/23/2007, §1)

§11-116 - Fees for Rental Registration Housing Permit

1. Fee Schedule

Fees required for *an application for, and annual renewal of, a Rental registration Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.*

A. Permit.

(1) ~~Single rented dwelling unit \$100 per year [Ord. 48-2010]~~

(2) ~~Each single room (rooming unit) \$25 per year~~

~~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.~~

~~B. **Reinspection.** The initial and first subsequent inspection upon an application for either an initial or renewal shall be included in the permit fee. A fee in the amount of \$25 shall be charged for any third or subsequent inspection required for approval of an initial or 3 year renewal application. [Ord. 38-2009] [Ord. 55-2008]~~

2. Number of Units. For the purpose of determining the number of units or rooms to be included in a permit, the following definitions shall apply:

~~A. Efficiency apartments and rented rooms used for purposes other than sleeping shall be considered a dwelling unit.~~

~~B. Any dwelling unit or room occupied by the owner/operator of a multiple unit dwelling shall be included in the total number of units or rooms, as well as any unit or room occupied by the spouse, son, daughter, mother, father, sister or brother of the owner or operator.~~

~~3. Waiver of Fees. The permit fees established in subsection (1) above shall be waived under the following conditions:~~

~~A. If the owner, or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the unit.~~

~~B. If the owner or operator is the United States government, the Commonwealth of Pennsylvania, the City of Reading, Pennsylvania, or any agency thereof.~~

~~C. If the owner or operator is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits of which inure to the benefit of any private shareholder, individual, corporation or partnership.~~

~~D. Licensed real estate brokers or agents or financial institutions that purchase or acquire dwellings for the sole purpose of resale of the property shall be exempt from obtaining a rental registration. [Ord. 22-2009]~~

~~E. Persons who have acquired property for the sole purpose of renovating and resale of the property may be exempt from obtaining a rental registration based upon approval of an application for exemption on the form prescribed. [Ord. 22-2009]~~

~~4. Effect of Waiver of Fees. The waiver of fees contained in subsection (3), above, shall not exempt the owners or local responsible agent from compliance with this Part and all other applicable Codes, Codified Ordinances, rules, regulations of the City of Reading and laws of the Commonwealth of Pennsylvania, unless otherwise specifically exempted herein.~~

~~5. Fee Nonrefundable. The fee paid as part of the application for a rental registration is §11-117— no changes~~

§11-117 - Vacant Property Registration

1. *A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property*

Maintenance Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.

2. *The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.*

3. *Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.*

4. *Vacant property registrations shall be valid for not more than 180 days and are required be renewed on or before 180 days on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee shall be required at the time of renewal.*

5. *Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.*

6. *Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.*

§11-118 Tenant Information.

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~~ *April* 1 and ~~August~~ *September* 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. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit. [Ord. 22-2009]

3. 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. [Ord. 22-2009]

4. Failure to provide the required information or failure to update such information as required by this Part are hereby made subject to the penalties set forth in this Part. (Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 71-2007, 9/24/2007, §1; by Ord. 43-2008, 8/25/2008, §1; and by Ord. 22-2009, 4/27/2009, §§2, 3)

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be *mailed to or personally* served on the owner with a copy to the *registered, authorized* agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to *the* address of record of the owner and ~~local responsible~~ *registered, authorized* agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided *to the Property Maintenance Division and in the absence of the same the address provided* by the County of Berks. Any owner change of address must be performed through the County of Berks Recorder of Deeds/Assessment Office. The address of record of the *authorized* agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the *authorized* agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part. (Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 22-2009, 4/27/2009, §1)

~~§11-120. Denial or Nonrenewal of a Rental Registration for Failure to Comply with Application, Chapter and/or Failure to Pass Inspection.~~ [Ord. 22-2009]

1. ~~Timing.~~ A decision to deny or not renew an application for a rental registration for the reasons set forth herein shall be made within 15 working days of receipt of the application with payment of appropriate fee as indicated on the time stamp by the Property Maintenance Division. This time period shall be extended to 15 working days after performance of an inspection where an inspection is required. [Ord. 22-2009]

2. ~~Basis for Denial or Nonrenewal under this Part.~~

- A. ~~A rental registration shall be denied and/or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Part. [Ord. 22-2009]~~
- B. ~~An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Part including, but not limited to, the posting requirements, submission of tenant listing, failure to appear for more than one schedule inspection, failure to appear for a scheduled court hearing and noncompliance with owner's duties.~~
- C. ~~A rental registration shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a renewal inspection as required by §11-109(1) and (2) of this Part. [Ord. 22-2009]~~
- D. ~~A rental registration 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, International/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 unfit for human habitation and/or condemned by appropriate authority with jurisdiction or an owner or his/her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading. [Ord. 22-2009]~~
3. ~~Notice. Notification of the decision to deny or not renew an application for an initial or renewal of a rental registration shall be issued by the Administrator of the Property Maintenance Division or his/her designee within 15 working days of receipt of the application. The notification shall specify the reason for denial or refusal to renew an application for a rental registration citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Part. [Ord. 22-2009]~~
4. ~~Right to Cure. At the discretion of the Administrator of the Property Maintenance Division or his/her designee notification of the denial or nonrenewal of a rental registration may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the denial or refusal to renew a rental registration. Upon failure of the owner or local responsible agent to cure the~~

~~basis for the denial within the time period given, the decision of the Property Maintenance Division Administrator or his/her designee to deny or not renew a rental registration shall stand and the sole recourse shall be an appeal. Nothing in this Section is to be interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and renewal inspection process. [Ord. 22-2009]~~

5. ~~Appeal.~~ The denial of an initial or renewal application for a rental registration for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Administrator of the Property Maintenance Division within 10 days of receipt of notification of such denial. [Ord. 22-2009]

~~§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. ~~The notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit that the owner may request an informal meeting with the Code Official to discuss the violations within 5 days of the receipt of the notice of violations. Owners requesting a meeting may request that the owner's responsible local agent represent the owner and act on the owner's behalf.~~

D. ~~This subsection shall be issued in conjunction with and not in lieu of the requisite notices of violations regarding under City of Reading Codes including, but not limited to, the Property Maintenance Code [Chapter 5, Part 6].~~

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]~~

~~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.~~

~~3. Effect of Suspension. Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/ lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing violations relating to such rental property or~~

~~void any existing suspension or revocation relating to such rental property. [Ord. 55-2008]~~

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. ~~Offenses. For purposes of this Part, offenses are those as set forth, but not limited to, the following ordinances or statutes:~~

~~A. *Occupancy.* Refers to regulations relating to occupancy of rooming units, dwelling units and dwellings as contained in Chapter 5 (Code Enforcement) and Chapter 27 (Zoning) of the Codified Ordinances of the City of Reading.~~

~~B. *Refuse.* Refers to regulations relating to garbage, rubbish and refuse, under the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, Health Code, Chapter 10 and Solid Waste and Recycling Ordinance, Chapter 20.~~

~~C. *Property Maintenance (Interior and Exterior).* Refers to regulations as governed by the City of Reading Property Maintenance Code in Chapter 5 of the City of Reading.~~

~~D. *Sidewalks.* Refers to regulations relating to snow and ice removal contained in the Streets and Sidewalks, Chapter 21 of the City of Reading Codified Ordinances.~~

- ~~I. *Noise.* Refers to regulations relating to Noise Disturbance, and Conduct, Chapter 6 of the City of Reading Codified Ordinances.~~
- ~~J. *Vegetation.* Refers to regulations relating to Brush, Grass and Weeds, per the City of Reading Codified Ordinances including, but not limited to, the Property Maintenance Code, Chapter 5, and Health Code, Chapter 10.~~
- ~~K. *Disorderly Conduct.* Refers to enforcement by the City of Reading Police Department of §5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, 18 Pa.C.S.A. §5503, and Chapter 6, Conduct, of the City of Reading Codified Ordinances.~~
- ~~L. *Dogs.* Refers to regulations relating to Animals and Health under Chapters 2 and 10 of the City of Reading Codified Ordinances.~~
- ~~I. *Fire Prevention Code.* Refers to regulations to the City of Reading Fire Prevention Code as provided for in Chapter 5, Code Enforcement, and Chapter 7, Fire Prevention and Protection, of the City of Reading Codified Ordinances.~~
- ~~J. Zoning violations and related offenses per Chapter 27 of the City of Reading Codified Ordinances.~~
- ~~K. Violation of Chapter 5 of the City of Reading Codified Ordinances regarding Code Enforcement including, but not limited to, the 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].~~
- ~~L. Failure to appear in court and related offenses.~~
- ~~M. Any other offense that renders the dwelling, unit, or room inhabitable.~~

~~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 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~~ **§11-120. Violation and Penalties Placarding and Condemnation**

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. ~~**Prosecution of Violation.** If the above violations are not corrected, the Administrator of the Property Maintenance Division or his/her designee or code official shall institute 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. Notwithstanding the above, nothing will prevent the Administrator of the Property Maintenance Division or his/her designee or code official from commencing a summary offense criminal action via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction and the violation shall be deemed a strict liability offense. [Ord. 22-2009]~~
3. ~~**Collections.** All bills or accounts governed by this Part which are not paid by May 1 of each year or within 60 days of application from date of application/original date of billing shall be turned over to a collection agency for receipt.~~
4. ~~**Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$75 and not more than \$500 plus costs and restitution. In default of payment of said fine and costs to a term of imprisonment of not more than 90 days. Each day that violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Such penalties shall be exclusive of the doubling of the permit fee for untimely payment and submission thereof to collections as well as suspension or revocation of permit for failure to pay.~~

~~**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 *Division, vacation within a specific and* a reasonable amount of time *for vacation,* of a property that is being rented *and* for which a registration *Rental Housing Permit* therefor has not been obtained *with* or for which an inspection has not been performed or completed by the Property Maintenance Division as required by this Part. [Ord. 22-2009] *Section 109 of this Chapter.*~~

~~5. **Nonexclusive Remedies.** The penalty and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.~~

~~§11-123. **Disruptive Conduct.**~~

~~§11-121. *Disruptive Conduct.*~~

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the *Disruptive Conduct Report* shall be given or mailed to the occupant and mailed to the owner and local responsible agent within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Appeals.** The occupant *and/or* owner ~~or local responsible agent~~ shall have 10 working days from the date of receipt of a *Disruptive Conduct Report* to appeal the contents of said Disruptive Conduct Report. The appeal shall be made in writing and submitted to the Administrator of the Property Maintenance Division. An appeal of the second disruptive conduct report 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*]

3. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by *Disruptive Conduct Reports*, the owner ~~or local responsible agent~~ shall have 10 working days from the date of his/her receiving the *written* notice to begin eviction proceedings against the occupant(s) *and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division.* ~~The owner or local responsible agent shall diligently pursue the eviction of the occupants as required herein. Diligent pursuit of the eviction of said occupants shall include, but not be limited to, prosecution of the eviction proceeding, participation with follow through any appeal and obtain possession of the property.~~ This subsection is not intended to limit or inhibit the owner's right to initiate eviction *action*.

4. **Suspension or Revocation of Rental Registration Housing Permit.** Failure of an owner or local responsible ~~authorized~~ *authorized* 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 *applicable* 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 Housing Permit registration* shall not be reinstated until compliance with the requirements therefor have occurred. [Ord. 22-2009]
- 6.7. **Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one *Disruptive Conduct Report* filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection. [Ord. 43-2008]
- 7.8. **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a *Disruptive Conduct Report* is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years. [Ord. 22-2009]
8. 9. **Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a *Disruptive Conduct Report* or the revocation of a *Rental Housing Permit* resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Administrator of the Property Maintenance Division in writing, within 10 working days from the date of receipt of the disruptive conduct report or notice of revocation.
- [Ord. 22-2009](Ord. 28-2007, 7/23/2007, §1; as amended by Ord. 43-2008, 8/25/2008, §§1 and 2; by Ord. 55- 2008, 9/22/2008, §1; by Ord. 65-2008, 10/13/2008, §1; and by Ord. 22-2009, 4/27/2009, §§2-4)

~~§11-124. Housing Board of Appeals.~~

§11-122. *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. **Organization.**
 - A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner ~~or local responsible agent~~ of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. [Ord. 22-2009]
 - B. **Alternates.** There shall be three alternate members: an owner ~~or local responsible agent~~, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
 - C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
 - D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.
 - E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.
 - F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties. [Ord. 43-2008]

- G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [*Ord. 43-2008*]
- H. **Removal of Members.** Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received 15 days advance notice of the intent to take such vote. Failure of a member to attend three consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position. [*Ord. 64-2010*]
3. **Powers.** The Board shall have the following powers:
- A. **Promulgate Rules and Regulations.** To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
- B. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
- C. **Grant Modification or Variance.** To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.
- D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
- E. **Timeliness.** In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

- F. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties. [Ord. 43-2008]
- G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [Ord. 43-2008]
4. **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]
5. **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.

The number of the following sections of this Chapter are hereby changed as follows:

~~§11-125. Appeal to Court of Common Pleas.~~

§11-123. *Appeal to Court of Common Pleas.*

~~§11-126. Share Information.~~

§11-124. *Share Information.*

~~§11-127. Compliance with Other City of Reading Ordinances~~

§11-125. *Compliance with Other City of Reading Ordinances*

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.