BILL NO. 17 - 2013

AN ORDINANCE

AMENDING CHAPTER 11, HOUSING, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, BY DIVIDING THE HOUSING ORDINANCE INTO TWO PARTS: 1) RENTAL AND VACANT PROPERTY AND 2) DISRUPTIVE CONDUCT AND BY ADJUSTING LANGUAGE IN EACH PART AS NECESSARY AS ATTACHED IN EXHIBIT A.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11, Housing, of the Codified Ordinances is hereby amended by dividing the Housing Ordinance into two parts: 1) Rental and Vacant Property and 2) Disruptive Conduct and by adjusting language in each section as necessary as attached in Exhibit A.

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

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

SECTION 4: This Ordinance shall become effective ten (10) days after passage.

Enacted March 25, 2013

Council

President

Attest:

City Clerk

Submitted to Mayor:
Date: 3/26/13

Received by the Mayor's Office: _____
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 25 day of March A. D. 20 13. Witness my hand and seal of the said City this 3 day of April A. D. 20 13.

CITY CLERK

Approved by Mayor: _____
Date: 4/8/13

Vetoed by Mayor: _____
Date: _____

EXHIBIT A

CHAPTER 11

HOUSING ~~—RENTAL~~

PART 1

RENTAL *AND VACANT PROPERTY*

§11-102. Definitions.

This section is amended to change or add the following definitions:

ACTIVELY MARKETED FOR SALE – occurs only when a "for sale" sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
2) placed weekly or more frequent advertisements in print or electronic media; or
3) distributed printed advertisements.

BOARDING HOUSE – a building or structure used to shelter persons who are not "relatives" of the operator, and who live in the building by pre-arrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a "family." This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a Group Institution.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the 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], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

~~**DISRUPTIVE CONDUCT** - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.~~

~~**DISRUPTIVE CONDUCT REPORT** - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.~~

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

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

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. This permit includes both rental and vacant properties.*

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate ~~rental of a~~ premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trades.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application *to* ~~and/or~~ registe*r*~~ing~~ a property as a rental unit*. or vacant 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.~~

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A

rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

~~**RESTITUTION** - for the purposes of this Part restitution shall be the amount of the fee due for obtaining of the rental registration.~~

~~**ROOMING HOUSE** - a building arranged or occupied for ***human*** lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.~~

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

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see "student home."

~~**TWELVE-MONTH PERIOD** - for purposes of this Part 12 month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.~~

VACANT PROPERTY - A residential, ***commercial*** or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

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

No person or entity shall let, rent or cause to be ***vacant or*** occupied ~~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 for human habitation~~ ***any non-owner occupied properties*** unless that person first applies for, renews and obtains a ~~Rental~~ ***non-transferable*** 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 a ~~Rental~~ Housing Permit.

1. Applications for a ~~Rental~~ 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 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:

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.

c. The owner(s) 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.

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 ***the*** zoning permit authorizing the dwelling unit or rooming unit as a residential unit shall be attached. 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~~. ***The owner shall furnish with the Application for 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.***

~~*i.* Proof of current participation of the property address in the City of Reading recycling program.~~ ***A completed tenant listing, if applicable, 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.***

~~*J.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. *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.*~~

~~K.~~ 2. ~~The owner shall furnish with the Application for 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.~~ ***The registration of a rental or vacant property with the Property Maintenance Division shall be required within 15 days of the subject property becoming a "vacant property" or being marketed or used as a rental property as provided herein and shall be accompanied by the payment of the applicable registration fee.***

~~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.~~

M. ~~The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division.~~

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.~~

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.

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)~~ *(b)* the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and ~~(d)~~ *(c)* 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. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

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~~ *Housing Permit.*

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

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.

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~~ Housing Permit.

1. The City of Reading Property Maintenance Division 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~~ 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 ~~Rental~~ Housing Permit to the Property Maintenance Division no later than ~~30 days prior to date scheduled for final~~ ***15 days after*** ~~closing and~~ transfer of title. Said application for a new ~~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 ***render the property an illegal unit subject to the processes and penalties contained in §11-113, Failure to Obtain Housing Permit.*** ~~eenalresult 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. The City of~~

~~Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.~~

~~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.~~

§11-109. Inspection.

1. Initial Inspection.

A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a ~~Rental~~ Housing Permit and receipt of payment of the applicable fee 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 viola-

tion. 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. Occupancy of the dwelling unit or rooming unit is prohibited until a ~~Rental~~ Housing Permit is issued.

2. Renewal Inspections

A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual ~~Rental~~ Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program.

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.

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.

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.

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.

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 authorized agent cannot be available at the proposed time, said owner or authorized agent, 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 failing to supply written notice or appear. If the property owner or 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 authorized agent fails to appear for a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry, the Property Maintenance Division shall assess an administrative fee of $400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§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 authorized agent.

C. Number of dwelling units permitted

D. Date of last application inspection.

E. Date of last inspection.

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~~ 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 so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§11-112. ~~Reserved.~~ ***Structural Changes***

Any change in the structural condition or integrity of a property shall be reported in writing to the Property Maintenance Division within 7 days of such change. Prior to any change in the structural condition or integrity of a property, the owner shall obtain any necessary permits from the Building and Trades Office.

§11-113 ~~Occupation of Premises Without Rental Housing Permit~~. ***Failure to Obtain 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 Rental Housing Permit is obtained for such dwelling unit or rooming unit.~~ ***It shall be unlawful for the owner of any property to fail to obtain a Housing Permit as required in §11-103, Housing Permit Required.***

2. **Surcharge.** In the event an authorized City official determines that ~~a dwelling or rooming unit is being occupied unlawfully under this Chapter~~ ***an owner failed to obtain a necessary Housing Permit***, a non-compliance surcharge of $1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be ***delivered personally,*** mailed to the owner by first class/certified mail ***or email at the last known address***, ~~return receipt requested~~, as well as by posting written notice in the form of a placard on the front entrance of the subject property ~~con-~~

~~spicuously in or about the structure affected by such~~ notice. ***If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.***

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. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

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, 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 a valid and current ~~Rental~~ Housing Permit.

C. It shall be the responsibility of every owner, operator, authorized agent or manager to employ policies and 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.

§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 person 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.

§11-116 - Fees for ~~Rental~~ Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a ~~Rental~~ 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.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner ~~or operator~~, or the spouse, son, daughter, mother, father, sister or brother of the owner ~~or operator~~, occupy ~~the units~~ ***a single family property***.

3. Prosecution of Violation.

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

~~**§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 a period of one year and are required to be renewed on or before the end of the year on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee as per the City of Reading Fee Schedule 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.~~

~~7. Failure to register a property as vacant as defined herein will render said property as an illegal unit and subject to the same penalties as outlined in §11-113 Occupation of Premises Without Rental Housing Permit.~~

~~§11-118~~ ***§11-117.*** **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 the owner, on or before April 1 and 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~~ 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.

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.

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.

4. Failure to provide the required information or failure to update such information as required by this Part is hereby made subject to the penalties set forth in this Part.

~~§11-119.~~ ***§11-118.*** **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 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 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.

~~§11-120.~~ ***§11-119.*** **Placarding and Condemnation**

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 Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a ~~Rental~~ Housing Permit has not been obtained or for which an inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§ 11-120. Appeal

1. Administrative Appeal

a. Except as provided in §11-113, Failure to Obtain Housing Permit, any person who is aggrieved by this Ordinance may appeal to the Director of Community Development or his/her designee by submitting a request for appeal in writing within fifteen (15) calendar days of the date of determination by the Property Maintenance Office.

b. The appeal hearing will be held before the Director of Community Development or his or her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal or may modify the determination by the Property Maintenance Office as he/she sees appropriate.

2. Subsequent Appeals

Any subsequent appeal filed under this Ordinance, including a subsequent appeal to §11-113, Failure to Obtain Housing Permit, shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.

PART II.

DISRUPTIVE CONDUCT

§11-121. Definitions

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant

and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

~~§11-121~~*§11-122.* 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 within 10 working days of the occurrence of the alleged disruptive conduct.

2. ***Eviction.*** After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of 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. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.

3. ***Suspension or Revocation of ~~Rental~~ Housing Permit.*** Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a ~~Rental~~ Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.

4. ***Reinstatement of ~~Rental~~ Housing Permit.*** The rental unit involved shall not have its ~~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 shall not be reinstated until compliance with the requirements therefore have occurred.

5. ***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 occu-

pants. 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.

6. ***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.

~~§11-122~~*§11-123.* **Housing Board of Appeals.**

1. **Appeals**. The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a ~~Rental~~ Housing Permit may appeal. All appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, as per the City of Reading Fee Schedule, within 10 working days from the date of receipt of the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a ~~Rental~~ Housing Permit.

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 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.

B. **Alternates**. There shall be three alternate members: an owner, 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.

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.

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.

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~~ *15* 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.

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.

2. **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 non-renewal of a ~~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.

3. **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~~ Housing Permit pursuant to the provisions set forth in this Part.

~~§11-123~~ *§11-124.* Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

~~§11-124~~ *§11-125.* Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

~~§11-125~~ *§11-126.* Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the 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 Ordinances [Chapter 27].