

CITY COUNCIL OF ERIE

INTRODUCED BY:

Cappianna

COUNCIL FILE NO. 15,657 OFFICIAL ORDINANCE NO. 33 - 2009

AN ORDINANCE

Amending Article 330 (Landlord and Rental), by amending Section 330.02 (Definitions) to add a definition for "conditional approval" and renumbering the definitions section as necessary; by amending Section 330.02(l) (Definitions) to clarify the definition of immediate family as including parents, parents-in-law and adult children; by amending Section 330.04(a) (Residential Rental License Required) to add Section 330.04(a)(7) to provide that owner occupied flats and duplexes shall not be subject to the annual fee and will not be inspected provided that other units remain vacant; by amending Section 330.04(a) (Residential Rental License Required) to add Section 330.04(a)(8) to provide that the fee and inspection requirements will be temporarily suspended for buildings under construction or rehabilitation that have obtained a building permit to perform approved construction; by amending Section 330.05(a) (Exemptions) to clarify that registration and licensing shall not be required of properties by the Housing Authority of the City which are inspected by third parties according to HUD requirements; by amending Section 330.06 (Appeals from Revocation of Conditional Rental Registration or Residential Rental License) to provide that appeals shall be submitted to the Building Code Official for review by the Blighted Property Review Committee/Property Maintenance Appeals Board; and by amending Section 330.09 (Fees) to change the fee deadlines.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

Section 1. Article 330 (Landlord and Rental) is amended in the following respects:

Section 330.02 (Definitions) shall be amended to add the definition of "conditional approval" as follows:

(c) "Conditional approval" means that a rental unit may be occupied on a conditional basis, provided that certain requirements established by the Code Official are addressed within a specified time frame.

Subsections 330.02(c) through (q) shall be renumbered accordingly.

Section 330.02(l) shall be amended to read as follows:

~~(l)~~ (m) "Residential rental unit" means a rooming unit or a dwelling unit let for rent, or a residential unit occupied by persons other than the owner and his or her immediate family members, which includes the owner's parents, parents-in-law, or adult children. A residential rental unit shall not include a hotel unit.

Section 330.04(a) (Residential Rental License Required) shall be amended to add subsection (7) as follows:

(7) Flats and duplexes occupied by the owner shall not be subject to the annual fee and will not be inspected providing that the building is registered annually, the owner provides proof of occupancy, and the owner signs a certification form provided by the City affirming that the other unit is not occupied and will not be occupied. If at any time the owner chooses to allow occupancy of the other unit, all provisions of Section 330.04 shall apply, including payment of fees and inspection. The City reserves the right to verify that the other unit is vacant.

Section 330.04(a) (Residential Rental License Required) shall be amended to add subsection (8) as follows:

(8) For buildings under construction or rehabilitation that have obtained a building permit to perform approved construction, the fee and inspection requirements will be suspended until the building permit is closed by the Code Official or the building permit expires. The units must be registered to meet this exemption.

Section 330.05 (Exemptions) shall be amended to read as follows:

(a) All property owned by the Housing Authority of the City of Erie which is inspected by ~~an independent~~ a third party authorized to perform inspections which comply with the Real Estate Center Uniform Physical Condition Standards of certified inspector in conformance with the United States Department of Housing and Urban Development requirements shall be exempt. The Building Code Official shall be given a copy of the inspection results for each unit.

Section 330.06 (Appeals from Revocation of Conditional Rental Registration or Residential Rental License) shall be amended to read as follows:

Property Condition Appeals: Any person aggrieved by any decision of a Building Code Official or Public Officer may ~~appeal for an administrative review by the Building Code Official~~ submit an appeal to the Building Code Official for a review by the Blighted Property Review Committee/Property Maintenance Appeals Board, who shall issue a decision in writing setting forth specific facts and legal conclusions; and may appeal subsequently under Local Agency Law to the Court of Common Pleas of Erie County.

Section 330.09 (Fees) shall be amended to read, in part, as follows:

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| On or before March 31st <u>May 15th</u> | \$40.00 |
| April 1 st to May 15th <u>May 15th to June 30th</u> | \$65.00 |
| After May 15th <u>After June 30th</u> | \$80.00 |

Section 2. That all Ordinances and parts thereof conflicting herewith be and the same are hereby repealed.

Section 3. That this Ordinance shall become effective twenty (20) days after final passage and approval by the Mayor.

We do hereby certify that the above ordinance was finally passed by the City Council on

JUN 17 2009, 2009

Attest: JUN 17 2009

James Klumpp
City Clerk

SIGNED: JUN 17 2009

Paul J. Thompson
President of Council

THIS ORDINANCE APPROVED THIS

21st

DAY OF

June

, 2009