

ARTICLE 330
Landlord and Rental

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330.01 PURPOSE: LICENSING RESIDENTIAL RENTAL UNITS.

(a) The purpose of this article and the resulting policy of the City of Erie (hereinafter "City") shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. As a means to these ends, this article provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.

- (b) In considering the adoption of this article, the City makes the following findings:
- (1) There is a growing concern in the community with the general decline in the physical condition of residential rental units;
 - (2) City records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties, which are not owner occupied as compared to those that are owner occupied;
 - (3) City records indicate there are a greater number of disturbances at residential rental units than all other properties combined; and
 - (4) City records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.
(Ord. 73-2006. Passed 12-20-06.)

330.02 DEFINITIONS.

For the purposes of this article, the following definitions shall apply:

- (a) "Building or Code Official" means the official designated by the City to enforce building and/or similar laws and this article, or his duly authorized representative.

- (b) “Codes” means any state or local code or ordinance adopted, enacted or in effect in and for the City of Erie relating to or concerning the fitness for habitation, construction, maintenance, operation, use or appearance of any premises or dwelling unit.
- (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.
- (d) “Dwelling unit/residence” means any building or portion thereof, which is designed for or used for residential purposes. The word "dwelling" shall not include hotels, motels, owner occupied housing, rooming houses or other structures used for transient residence, but shall include dwelling units under a written or unwritten lease, agreement.
- (e) “To let for occupancy or let” means to permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is a legal or equitable owner or not be the legal owner of record thereof, pursuant to a written or unwritten agreement.
- (f) “Operator” means any person who has charge, care or control of a structure or premises, which are let or offered for occupancy.
- (g) “Owner” means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or of premises, or their duly authorized agents.
- (h) “Person” means an individual, firm, corporation, association, partnership or public entity.
- (i) “Public Officer” means the Inspector of the Office of Code Enforcement or his authorized representatives.
- (j) “Residential Rental License” means a document issued by the City of Erie Code Enforcement Office to the owner, operator, responsible agent or manager of a residential rental unit upon correction of all applicable code violations granting permission to operate a residential rental unit in the City of Erie. Such license is required for lawful rental and occupancy of residential rental units under this article, unless a Public Officer has not inspected the unit or violations of the applicable codes are being corrected and the unit operates under a Residential Rental Registration, or the residential rental unit is exempt from the license provisions of this article.
- (k) “Residential property” means a property used or intended to be used for residential purposes.
- (l) “Residential rental registration” means the annual registration of all individual residential rental units within the City of Erie, certified by a document issued to the applicant therefor.
- (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.
- (n) “Responsible agent” means a person authorized by the owner to act in his behalf. All responsible agents must reside in Erie County, Pennsylvania.
- (o) “Structure unfit for human occupancy” is whenever the Code Official applying the relevant code finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the relevant code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (p) “Transient “ means any individual residing or stopping in the City of Erie for less than thirty (30) days at any one time.
- (q) “Unsafe structure” means one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
- (r) “Unsafe equipment “ means any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid container or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
(Ord. 73-2006. Passed 12-20-06; Ord. 33-2009. Passed 6-17-09.)

330.03 RESIDENTIAL RENTAL UNIT REGISTRATION REQUIRED.

(a) It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy any residential rental unit in the City of Erie, unless a Residential Rental Registration has been issued by the Code Official.

(b) Registration Required for Rental Units.

- (1) By March 31st of each calendar year the owner, operator, responsible agent or manager of each residential rental unit shall continue to apply for a Residential Rental Registration.
- (2) A Residential Rental Registration shall be issued if the owner or operator of the residential rental unit provides the name of a responsible agent (if applicable), and pays the registration fee.
- (3) This registration does not warrant the habitability, safety or condition of the residential rental unit in any way.

(c) Sale, Transfer or Construction of Residential Rental Units. A Residential Rental Registration shall not be transferred. In the case of registered residential rental units that are sold, transferred or constructed the new owner shall seek a Rental Registration for each residential rental unit purchased or acquired. Failure of the new owner to seek a new Rental Registration for each unit within sixty (60) days of the date of sale or transfer of ownership shall result in proceedings per Section 330.99.
(Ord. 73-2006. Passed 12-20-06.)

330.04 RESIDENTIAL RENTAL LICENSE REQUIRED.

It shall be unlawful for any person to operate, let or rent to another for occupancy any residential rental unit in the City of Erie, unless a Rental License has been issued by the Code official.

(a) Licensing Required for Rental Units.

- (1) The application for the License shall be in a form as shall be determined by the Code Official.
- (2) Each license shall have a two year term and each residential rental unit is required to have a minimum of one inspection every two years. Inspection schedules shall be divided by wards.
- (3) After the initial inspection, if the rental premises complies with the relevant code provisions and the proper fee has been paid, the Code Official shall issue to the applicant a Residential Rental License.

- (4) If the rental premises fails to comply with the provisions of any applicable code, the Code Official shall notify the applicant in writing of the deficiencies within ten (10) days of the inspection. The owner/operator shall be given 30 days from the date of the notice to schedule a second inspection. If an inspection has not been scheduled within the given time frame, the license shall not be issued.
 - (5) If a Code Official is required to make additional inspections beyond those in subsection (a)(4) hereof, then those inspections shall be performed for sixty-five dollars (\$65.00) per inspection. However, in no event shall the inspection process exceed 120 days from the date of initial inspection.
 - (6) When a person obtains a license for a premises, which thereafter become noncompliant with the relevant codes, and fails to remedy the violation or violations within the time frames specified within the code or codes, then the license shall be revoked and occupancy in the unit shall not exceed 120 days from the date of revocation.
(Ord. 73-2006. Passed 12-20-06.)
 - (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 payments of fees and inspection. The City reserves the right to verify that the other unit is vacant.
 - (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.
(Ord. 33-2009. Passed 6-17-09.)
- (b) Signature to License.
- (1) The Code Official or his designee shall affix his signature to every license.
- (c) Display and Use. Proof of the Residential Rental Registration and License shall be presented to a Code Official or a tenant on demand for inspection.
(Ord. 73-2006. Passed 12-20-06.)

330.05 EXEMPTIONS.

The registration and licensing provisions of this article shall not apply to:

- (a) All property owned by the Housing Authority of the City of Erie which is inspected by a third party certified inspector in conformance with 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. (Ord. 33-2009. Passed 6-17-09.)
- (b) Hospitals, nursing homes, group homes or other rental units used for habitation, where such facilities are subject to County, State, or Federal licensing and inspection. Inspections of these facilities must be at a level which meets or exceeds the code.
- (c) Any unit or structure which is issued a Rooming House Permit by the City of Erie.

- (d) Single family dwellings where a parent, parent-in-law or adult child of the owner remains in occupancy and no net income is earned by the owner. However, this exemption shall not apply where the dwelling is not occupied by the owner and the dwelling becomes subject to code violations, which remain uncorrected beyond the time frames specified in the code.
(Ord. 73-2006. Passed 12-20-06.)

330.06 APPEALS FROM REVOCATION OF CONDITIONAL RENTAL REGISTRATION OR RESIDENTIAL RENTAL LICENSE.

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, 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.
(Ord. 73-2006. Passed 12-20-06.)

330.07 RULES AND REGULATIONS,

(a) The Office of Code Enforcement is authorized to promulgate rules and regulations for the enforcement and interpretation of this article.

(b) The rules and regulations shall be on file at the Department of Code Enforcement and at the City Clerk's office, and shall be provided to each applicant for registration and license upon a request for an application. (Ord. 73-2006. Passed 12-20-06.)

330.08 SEVERABILITY.

The provisions of this article are declared to be severable; and if any section, sentence, clause or phrase of this article shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this article but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.
(Ord. 73-2006. Passed 12-20-06.)

330.09 FEES.

On or before May 15 th	\$40.00
May 16 th to June 30 th	\$65.00
After June 30 th	\$80.00
Additional Inspection fee	\$65.00 per inspection

During the initial year of the program the above fee schedule shall be deferred 30 days without penalty. (Ord. 73-2006. Passed 12-20-06; Ord. 33-2009. Passed 6-17-09.)

330.10 OWNER'S RIGHTS.

The terms and provisions of this article are not intended to bar, preclude or affect the right of the owner to pursue judicial or extrajudicial relief against a tenant.
(Ord. 73-2006. Passed 12-20-06.)

330.11 INSURANCE.

(a) Minimum Coverage: Use of Insurance Proceeds. All owners shall be required to obtain a minimum of fifty thousand (\$50,000) dollars in general liability insurance, and hazard and casualty insurance. The proceeds of any policy of insurance shall be utilized consistent with the Uniform Construction Code, Article 1503.21 (11) B. (Fire Escrow Fund).

(b) Property Owners to Provide City with Insurance Information. Owners shall be required to place their insurance company name, policy number and policy expiration date on their rental registration form, or in the alternative, to provide the code enforcement officer with a copy of a certificate of insurance. A registration certificate shall not be issued unless insurance information is provided to the code enforcement office.
(Ord. 73-2006. Passed 12-20-06.)

330.12 SUNSET PROVISION.

This article shall expire on March 31, 2013. Not later than ninety (90) days prior to the expiration date of this article, City Council will consider the expiration or continuation of this article, with any required modification. (Ord. 13-2009. Passed 3-18-09.)

330.99 PENALTY.

Violation of this article is a summary offense, with particular penalties upon conviction as follows:

- (a) Revocation of or Failure to Renew a Residential Rental License. A fine of not less than five hundred dollars (\$500.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner, operator, responsible agent or manager is taking appropriate action to correct the violations.
- (b) Failure to Register. or Failure to Seek a Residential Rental License (for Newly Constructed, Newly Created or Substantially Rehabilitated Residential Rental Units). The owner, responsible agent or manager shall be sent a Thirty (30) Day Notice of Violation, warning of the failure to comply with the terms of this article. Failure to comply at the end of thirty (30) days will result in a fine of not less than five hundred dollars (\$500.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- (c) Whoever violates any other provision of this article shall, upon a first offense conviction, be fined not more than one thousand dollars (\$1,000) nor less than one hundred dollars (\$100.00) or imprisoned not more than ninety (90) days, or both.
- (d) After conviction for violation of this article, if such person continues violating the same provision then such person shall be liable for further prosecution, conviction, and punishment without the issuance of a new notice of violation or order.
- (e) In addition to prosecution of persons violating this Code, the Public Officer, or the Erie City Solicitor's Office or any duly authorized agent of the City may seek such civil or equitable remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to effect the provisions of this article.
(Ord. 73-2006. Passed 12-20-06.)