

**State College
Coalition of Neighborhood Associations**

*College Heights Neighborhood Association, Greentree Association,
Holmes-Foster Neighborhood Association, Highlands Civic Association, State College
South Association, Tusseyview Neighborhood Association and the
Vallamont Neighborhood Association*

October 9, 2012

Mr. Donald M. Hahn
President, State College Borough Council
243 S. Allen Street
State College, PA 16801

Subject: *Regulation and Oversight of Borough of State College Single Family Home and Duplex Rentals*

Dear Don:

Upon review of the attached appendices and other applicable material, the State College Coalition of Neighborhood Associations submits this report for consideration by Council and Borough staff.

As the enclosure indicates, the Borough of State College could do a lot more to strengthen oversight of rental housing stock. Other towns in Pennsylvania have found ways to do so and so can we.

We appreciate the efforts of our staff, elected officials and volunteer commissioners and want to present not only the problems we experience but also some possible solutions. We, as homeowners, have a vested interest in keeping our neighborhoods stable and livable. We believe that zoning and rental housing regulations and ordinances can be improved to make State College Borough home ownership even more attractive for current and future residents.

The intent of this submission is to highlight expansion to thinking "outside the Borough" regarding zoning and rental housing issues. Three Pennsylvania communities—Edinboro, Indiana and Lancaster—are referred to in this report. These communities, and undoubtedly many others, are grappling with the same issues that we are. These municipalities have recently enacted various ordinances and amendments which place regulations and restrictions on rental housing. We feel their actions would be worth investigating.

We look forward to working with you and Borough staff to develop a course of action for implementation, with the hope that we can begin discussion in a council work session in early to mid-November.

Thank you.

Donna Queeney and Donald Hopkins for the College Heights Neighborhood Association
Susan Rogacs and Mark Johnson for the Greentree Association
Ron Deck and Peg Hambrick for the Highlands Civic Association
Ron Madrid and Bill Hartman for the Holmes-Foster Neighborhood Association
Dave Baker and Elaine Prestia for the State College South Association
Sally Lenker for the Tusseyview Neighborhood Association
Ann Bolser for the Vallamont Neighborhood Association

cc: Members of Borough Council, Mayor Elizabeth Goreham, Tom Fontaine, Carl Hess

References: (a) Codes of Ordinances of the Borough of State College
(b) Centre Region Building Safety & Property Maintenance Code

Enclosure: (1) Regulation and Oversight of Borough of State College Single Family Home and Duplex Rentals: A 2012 Neighborhood Perspective

Appendices: (A) Copy of City Lancaster, PA Website Regarding Rental Property Information
(B) Pennsylvania Association of Realtors Paper on Student Rental Restrictions: *Analysis of the 2007 Amendment to the Indiana Borough Zoning Ordinance 1722* and News Article for The Hawk Eye dated May 28, 2010: *Off-Campus Housing Options Shrinking for IUP Students*
(C) Suburban Realtors Alliance Web Page Regarding Rental Inspection and Licensing Fees
(D) Excerpt from Borough of State College Building Safety & Property Maintenance Code
(E) Calculation Detailing the Time It Takes to Inspect Rental Housing Units in the Centre Region
(F) Mt. Pleasant Owner Occupied Residential Incentive Program
(G) Code Enforcement Manual Excerpt, Residential Regulated Rental Units, Edinboro, PA.
(H) Additional PA Communities' Activities

Regulation and Oversight of Rentals of Single Family Homes and Duplexes

In State College Borough:

A Neighborhood Perspective 2012

Overview

- Oversight of compliance with residential rental property ordinances relies on self-reporting and is inadequate.
- Stringent penalties for non-compliance need to be established and enforced.
- Rental property owners must be required to participate in inspections (whether routine or if violations are suspected) by Borough zoning officers as well as by COG. Failure to participate should be penalized.
- Landlords should bear the expense of administering and monitoring rental properties. "Under Pennsylvania law, the amount of a licensing fee must be commensurate with the issuance and supervision of the licensee and privilege."
- The Borough, not COG, should first review every rental permit application to assess whether the property conforms to ordinances before submitting the application to COG for inspection. Following a successful inspection, the original application should be approved and maintained by the Borough.
- Dormant permits should be terminated to avoid further erosion of the stability of our neighborhoods.
- If a residential property with a rental permit is sold, permit transfers must be verified to insure that the permit and use are in compliance.
- Support for programs that reclaim rental properties and return them to owner-occupied homes, such as the three Borough first-time homebuyer programs and Homestead Investment Program, should be increased.
- Compliance and enforcement can only be accomplished if the rules are understood and easily accessible to landlords and the community at-large.
- State College Borough should be informed about positive alternatives to our residential zoning policies by investigating other Pennsylvania communities' practices.

Regulation and Oversight of Rentals of Single Family Homes and Duplexes

In the Borough of State College:

A Neighborhood Perspective 2012

Zoning is not going to solve all neighborhood problems, but, if Borough Council and staff are serious about achieving the stated number one goal of the Strategic Plan (Maintain safe, stable and attractive neighborhoods), improvements in the regulation and oversight of rental housing in residential areas need to be implemented.

As in other Pennsylvania communities, we should re-examine our approach to rental housing regulation. The business of renting residential property is a privilege, not a right.

From a neighborhood perspective, there needs to be regulation of rental housing, particularly single-family and duplex dwelling units, in order to maintain safe, stable and attractive neighborhoods.

The objectives of this report are to continue the conversation among and between Borough staff, elected officials and community members about these issues and investigate solutions to these problems. This report has been authored not by zoning professionals, but by members of the community: people living on the "front lines" of the successes and failures of zoning and rental housing ordinance enforcement.

The following illustrates some, but not all, of the deficiencies in the oversight of rental housing in the Borough and offers recommendations for remediation.

Problem Areas and Recommendations

1. Coordination and Recordkeeping: The Borough has little handle on what is happening at any given address. Current maps don't reflect reality of existing rental permits. Too little communication exists between COG and Borough.

- The Borough—not COG—should take the application for and issue the rental permit, which would not be valid until the owner returns with his/her approval for safety by COG.
- An annual census should be conducted of all rental permits in the R-1, R-2 and R-3 zones.
- Provide accurate maps/information for owners, landlords, real estate agents, sellers on what is/not allowed, where rentals are, dwelling types, allowable uses, etc.

2. Permitting Procedures: Permits are issued based on initial occupancy and not checked again unless the holder of the permit reports a change of use.

- In addition to requiring annual permits, require all owners to initially register rental properties, whether currently rented or not. (See Appendix A: Lancaster, PA)
- Require owners to report if/when occupancy changes, including bedrooms added/removed, and building improvement permits.

- Require proof of use and adherence to regulations (e.g. leases, signed affidavits) each and every time the permit is renewed.
- Require rental property owners to declare the occupancy as 'family', 'unrelated', or 'students'. Define 'family,' and treat all others as 'unrelated.' Designate all student rentals as 'student' (related or not). (See Appendix B-Indiana, PA)

3. Permit Renewals: Renewals require a simple annual payment of \$45. There is no inspection for use/misuse/nonuse until a neighbor investigates or complains.

- Require proof of use and adherence to regulations and declared occupancy each and every time the permit is renewed.
- Increase the cost of a permit to cover the costs associated with administering oversight of zoning ordinances to include inspections, documentation, administration and reporting. (See Appendix C-Suburban Realtors Alliance).

4. Permit Suspensions/Zoning: When there is a discrepancy between zoning and permitting, it seems that the assumption of the Borough is that the violation has been committed out of ignorance, leading to the attempt to "work it out with the owner/landlord." This allows the owner/landlord to game the system by stringing-out the process.

- Require owners to submit to an inspection of the property in question. Establish penalties for owners who refuse entry or delay investigation efforts unnecessarily.
- Request District Magistrate to issue a search warrant if owner does not submit to inspection.
- Establish timely deadlines for owners to come into compliance. Miss the marks? Lose your permit.
- Levy significant fines for landlords who do not follow set regulations. Regularly publish fines levied.
- If a landlord is not using a property as it is zoned or rental permits as issued, the Borough should be able to demand proof of use (through leases and/or signed affidavits), and have the ability to suspend or revoke a permit and/or vacate the premises if necessary.

5. Permit and Use Transfers: Currently, a rental permit for a student home accompanies the sale of the property.

- Transfers should only occur if the seller proves the rental is current and in compliance and there is confirmation that the buyer wants to continue that use.
- Transferability should be confirmed by the Borough, in writing, and not automatic as it is now.
- Require sellers to provide proof of permit or land use transferability to buyers as part of sale process.
- Educate potential buyers that proof of transferability is required for them to obtain same rental privilege afforded previous owner. If not obtained, any new rental permits and uses would comply with current regulations.
- Educate realtors that land use and rental permit transfers are not automatic. Make written verification of transfer eligibility part of real estate transfer paperwork.
- Charge a fee for rental permit transfers.

6. Dormant Permits: No one knows whether or not permits are being used, if they are being used as issued, or who lives/rents any given property.

- Revamp permit renewal processes to include inspections for land use and rental housing permit use to ensure that the permits are being used as issued.
- Ensure occupancy requirements are met to prevent over-occupancy.
- Weed out dormant permits. Require proof of recent rental activity (leases). Set specific time limits for non-use of permits, and rescind rental permits for set periods of inactivity.

7. Permit Suspensions, Points: The process for suspending permits through points is too loose, too prone to discretion. Landlords, tenants, and attorneys know how to dodge the regulations to avoid suspensions. The current point system is not enough of a deterrent to ineffective landlord oversight of the rental property (See Appendix D: SC Borough Point System).

- Regarding the assignment of points, an easy, standard reporting system needs to be put in place so that each enforcement officer is able to report his/her findings with little effort.
- Record and publish the number of times complaints are made against an address to highlight problem properties. A record of points issued against a property needs to be made public and easily accessible by the community.
- Extend life of points for zoning infractions to three years to transverse leases/tenants.
- Levy fines for repeated similar ordinance infractions, and document whether they are related to upkeep or tenant behavior.
- Rework the point system and assign points and fines for each infraction.

8. Borough Inspections: The Borough's inspections are initiated "when a violation is suspected to have occurred." However, property owners are not required by any regulation to allow such an inspection. Most inspections originate because a neighbor has raised an alarm, not because it is part of any regular inspection process. Two infractions in a 4-year period may initiate permit suspension proceedings, but "Over Occupancy and Student Home" violations found concurrently count as only one infraction.

- Impose rental housing registration fees and increase permit fees to cover the entire cost of additional rental housing oversight and inspection personnel.
- The administration and oversight of rental housing in the Borough needs to be a Borough process.
- Currently, the only inspection that is required is the COG inspection (see #9 below). Regulations must require owners to admit inspectors within a reasonable timeframe or face penalty for noncompliance.

9. Abandoned Uses: Abandoned uses are difficult to prove. When found, it appears that all consideration goes to the property owner to “bring the property into compliance.”

- If rental oversight policies and regulations were clearer/tightened, abandonment could be proven more readily. We need timelines, benchmarks, processes and verifications that prove rental housing is being used as permitted.
- Requiring owners to annually report their use of the property, and permit renewal inspections, would reveal the status of properties.
- Annual reporting for renewals would obligate landlords to prove they are using their property as permitted. If the property is not being rented or used as permitted after two years, then the permit should be revoked. A new permit would have to be issued and the new permit would have to conform to current ordinances and rules.

10. COG Inspections: COG inspections are for safety only. Currently, for intermittent inspections to occur, violations must be clearly obvious, due to a tenant complaint or accident. It seems unreasonable to expect three COG inspectors to inspect each Centre Region rental property every three years. (See Appendix E: COG Inspection Estimate)

- Return administration of Borough rental housing to the Borough. Continue to utilize COG for safety and building permit inspections. Coordinate Borough inspections for land use and permit use, with COG inspections for safety.
- Need more inspectors and inspections—every three years isn't enough to confirm compliance or safety.
- Continue to use results of COG inspections to shut down a rental property for safety violations, in concert with Borough staff and upgraded regulations.

11. Neighbors Are Enforcers: Because inspections are so rare (sometimes non-existent), and there are so many grey areas, neighbors are forced to become whistleblowers and are subjected to retaliation.

- Reduce the time between inspections.
- No complaint goes without protocol-driven, thorough and documented investigation.
- Return the administration of rental housing to the Borough.
- Craft/modify ordinances and regulations that provide timelines, benchmarks, and penalties for non-compliance.
- SC Borough increase contract with COG to support more inspectors.

12. Landlords Not Penalized For Non-compliance: Too many loopholes exist in the present system. All consideration is given to non-compliant property owners to take “corrective action,” to preserve their ability to rent.

- Levy a significant fine for lack of compliance at first discovery and for each day the property is in noncompliance.
- Ultimate penalty: loss of rental privilege.

13. Ordinances Are Not Clearly Understood: Too much onus of enforcement falls to neighbors, who can't really do anything but complain. Ordinances and regulations have little power to address problem/noncompliant rental properties. The Borough doesn't know where rental permits are being used, or not, whether the tenant is a student or not. Who is a Student? Who is an Owner? Too many grey areas in zoning ordinances and enforcement.

- The term 'owner occupied' should only apply to properties without a rental component. If a property is being rented at all, it should be considered a rental property and regulated accordingly.
- Require all rental units, including rooms, to be registered, permitted and regulated.
- Require proof of tenancy, via deeds and leases.
- Need "spot"/random inspections done in an expeditious manner (for instance, 72 hrs. notice to property owners) during normal renting season to weed out problems.
- Mandate inspections relating to rental issues: non-response or more than one cancellation of a scheduled inspection would constitute point(s), fines, or both.
- To ensure that information is readily available, the Borough website should have a section: Borough Ordinance Documents for Rental Housing and Student Housing. This section would include all pertinent information and links regarding permitting and ordinances.

14. Too Many Rentals: Rental permits attached to single family homes and duplexes are threatening the residential nature of Borough neighborhoods.

- Encourage/promote conversion of rentals to single-family homes by instituting the Homestead Investment Program or proposing Mt. Pleasant, MI's Owner Occupied Residential Incentive Program (See Appendix F: Owner Occupied Residential Incentive-Program).
- Pull or downgrade rental permits as is done in Indiana (See Appendix B).
- Require all owners to register rental properties in order to maintain an accurate inventory of housing stock (See Appendix A).

15. Rental Housing Deemed A Right: Rental housing is a business and should be treated as the privilege it is, not a *right*.

- Institute rental housing registration processes and increase the cost of rental permits to defray the cost of oversight. These costs are business expenses that should be absorbed by rental property owners, not by homeowners who are subsidizing the program.
- Borough must be the principal agency to regulate, permit and oversee rental housing in the Borough.
- COG should continue to conduct safety inspections, issue building permits, and provide information they observe during their inspections that is relevant to the Borough's regulation of rental housing.
- Levy a fee to cover the majority of costs for Zoning Hearing Board appeals, variance requests, and special exceptions (See Appendix G: Edinboro PA).

APPENDIX A

Copy of City of Lancaster, PA, Website Regarding Rental Property Information

City of Lancaster
120 N Duke St, P.O. Box 1599, Lancaster, PA 17608-1599
717.291.4711 www.cityoflanasterpa.com

Rental Property Information

On February 10, 2009 Lancaster City Council adopted Administrative Ordinance No 1-2009. This ordinance incorporates changes that will allow Lancaster City Housing Inspectors and City Police Officers to better enforce property maintenance and disruptive conduct in rental properties throughout the City.

[Administrative Ordinance No 1-2009 \(PDF\)](#)

a.) [Appendix A \(Rental Agreement Addendum\) \(PDF\)](#)

[Frequently Asked Questions about the Rental Housing Ordinance \(PDF\)](#)

[Fees and Fines for Registration/Licensing/Transferring and Violations of the Ordinance \(PDF\)](#)

[Residential Rental Registration Occupancy License Policies and Procedures 02-14-2011 \(PDF\)](#)

Highlights of the ordinance include:

Every rental property must be registered with the City. This one-time registration of both vacant and inhabited units will give City officials a better understanding of the housing stock. If a property was registered previous to the ordinance change, there will be no additional fee, only a simple form to fill out and return to the City. For properties not already registered, there will be a form and a one-time fee.

[Registration form for rental properties that are **not currently registered** \(PDF\)](#)

[Registration form for rental properties that **currently have license or registration** \(PDF\)](#)

[Designation of Responsible Agent \(PDF\)](#)

[Affidavit for Non Rental Property \(PDF\)](#)

Every rental unit that is or will be inhabited must receive an occupancy license. When applying for a new occupancy license a property will be inspected for code violations.

[Rental Property Inspection Checklist \(PDF\)](#)

After the property is brought into compliance the owner will receive a license to post in each rental unit. Those properties already registered with the City will continue to be inspected on a regular basis and will pay the annual licensing fee according to the existing schedule. Property owners who live outside Lancaster County will be asked to designate a local responsible agent.

New to the rental housing ordinance is a provision requiring an owner or responsible agent to begin legal eviction of tenants in a unit that have received three disruptive conduct reports. Disruptive conduct reports are issued by Lancaster City Police Officers who are called to a property for issues that are

disruptive to neighbors. Disruptive conduct is defined in the ordinance as any act by an occupant of a residential rental unit or by a person present at a residential rental unit that:

1. Is so loud, untimely as to the time of day, offensive and/or nuisance causing that it unreasonably interferes with the peaceful enjoyment by other persons of their premises or causes damage to property that is owned by others;
2. Involves music or noise that is disruptive to persons occupying a different dwelling unit;
3. Involves music that is audible from a street, sidewalk or dwelling from a minimum distance fifty feet away from where the sound is originating;
4. Is the subject of a criminal citation for "disorderly conduct" under the Pennsylvania Crimes Code;
5. Is the subject of a criminal citation under the Pennsylvania Crimes Code or the Pennsylvania Liquor Code;
6. Involves the illegal possession of a controlled substance or drug paraphernalia as defined by the Crimes Code or the Controlled Substance, Drug Device and Cosmetic Act.

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**APPENDIX #4:
Fees & Fines**

**CITY OF LANCASTER
Rental Property Registration and Licensing
SCHEDULE OF FEES & FINES**

Initial Registration Fees

Rooming/Boarding House, Dormitory, Hotel	\$200
Multi-Family (3 or more units)	\$200
Transient Dwelling	\$200
Single & Double Units	\$50 /unit

Annual Occupancy License Fees

Rooming/Boarding House, Dorm, Hotel	\$25 /unit
Multi-, Transient, Single & Double Units	\$50 /unit

Transfer of Registration or License

If paid at the time of sale or title transfer	\$25 /unit
If paid after sale or title transfer	\$75 /unit

**Occupancy License Reinstatement
After Revocation**

\$200 /unit

**Re-inspection after Failure to
Abate Violations**

\$75 /unit

**Allowing Occupancy After License has
Been Revoked**

\$500 /unit /month

<p>APPENDIX #3: FAQ'S</p>

**FREQUENTLY ASKED QUESTION ABOUT THE
CITY OF LANCASTER'S RENTAL PROPERTY ORDINANCE**

What's the difference between a Rental Registration and a Rental License?

Rental Registration is needed in order to maintain an accurate inventory of housing stock in the City. This inventory is needed for important planning, zoning, sanitation, and public safety purposes. Rental properties must be registered with the City regardless of the number of units or whether the units are vacant or occupied. The initial registration does not have to be renewed, and is valid unless/until ownership of the property changes hands.

A **Rental Occupancy License** is needed for each unit to certify that the unit meets basic safety and habitability standards before it is rented. The property owner must pay a license fee and the unit must pass an inspection conducted by the Bureau of Code Compliance and Inspections before a license is issued. Licenses must be posted in the rental unit. A rental occupancy license must be renewed each year.

Is there any penalty for not registering a rental unit?

Whoever violates any provision of the ordinance shall be subject to a fine of not more than \$1,000 or a term of imprisonment not exceeding 90 days or both. Each month that a violation exists constitutes a separate violation.

Is there any penalty for renting a unit or allowing it to be occupied without a license?

Yes. If the occupancy license for a rental unit is revoked for a violation of the ordinance, the owner is fined \$500 for each month the violation exists and the unit remains occupied. If the City discovers an unlicensed occupied unit, the owner is given 30 days to get a license, vacate the unit, or face a fine of \$500 for every month that the unit is occupied without a license.

How much does it cost for Registration and Licensing?

Initial Registration Fees

Rooming/Boarding House, Dormitory, Hotel	\$200
Multi-Family (3 or more units)	\$200
Transient Dwelling	\$200
Single & Double Units	\$50 per unit

Annual Occupancy License Fees

Rooming/Boarding House, Dorm, Hotel	\$25 per unit
Multi-, Transient, Single & Double Units	\$50 per unit

Transfer of Registration or License

If paid at the time of sale or title transfer.	\$25 per unit
If paid after sale or title transfer	\$75 per unit

Can my license be revoked for any reason?

There are specific reasons why an occupancy license can be revoked. If the condition of the rental unit does not meet property maintenance standards, a Housing Inspector may issue a violation notice. If the violation is not corrected, the license may be revoked. A license may also be revoked for failure to name a Responsible Agent; failure to pay the annual license renewal fee; failure to pay property violation tickets, water, sewer, solid waste, recycling fees or City taxes with respect to the Residential Rental Unit; failure to evict a tenant after three Disruptive Conduct incidents in a twelve month period; or failure to comply with any other provision of this Ordinance.

What happens to my rental property if my license is revoked?

If a residential rental occupancy license is revoked and the unit is vacant, it shall remain vacant until the license is reinstated. A license can be reinstated if the reason for its revocation is cured and a reinstatement fee of \$200 is paid. An owner or responsible agent who allows a residential rental unit to be occupied after the occupancy license has been revoked, will be charged a fine of 500.00 per unit for each month the violation exists.

If I lose my license, how can I get it back?

A license will be reinstated if the reason for its revocation is cured, no other violations exist, and a reinstatement fee of \$200 is paid.

Why am I required to identify a "Responsible Agent"?

If any problems occur at the rental property, the City, the tenant, and sometimes neighbors must be able to easily communicate with a local person to make them aware of the problem and to discuss a solution. A property owner who is not a full time resident of Lancaster County must designate a Responsible Agent who is authorized and willing to act on behalf of the owner to make sure that problems are addressed.

The ordinance targets disruptive tenant conduct. How does this work?

Police are already responding to complaints about noise and other neighborhood disturbances. In some cases, the police issue a citation. In most cases, the incident is simply logged in a police Incident Report, no citation is issued, and no one is notified of the problem behavior.

Police will continue to respond to complaints about disturbances and nuisance offenses such as noise. If the police officer finds that the complaint is valid, he/she will note the incident in a report as a "Disruptive Conduct Incident." Within 10 working days after the incident occurs at a rental property, the offending tenant and his/her landlord will be notified that a "Disruptive Conduct Incident" has been logged. Tenants and landlords will also be advised that the tenant must be evicted if police log three such valid "Disruptive Conduct Incidents" in a twelve-month period.

APPENDIX B

Pennsylvania Association of Realtors Paper on Student Rental Restrictions: Analysis of the 2007 Amendment to the Indiana Borough Zoning Ordinance 1722 and News Article for the Hawk Eye dated May 28, 2010: *Off-Campus Housing Options Shrinking for IUP Students*



Student Rental Restrictions

Analysis of the 2007 Amendment to the Indiana Borough Zoning Ordinance 1722

Modifications to the Indiana Borough Zoning Ordinance took effect in late July, 2007 to promote residential preservation. The purpose of the changes is to prohibit any further expansion of student rentals within the Borough. Home of the Indiana University of Pennsylvania (IUP), Indiana Borough residents have lived among students for decades. Public accusations of poor student behavior and blight led to amending the zoning ordinance. New changes impose restrictions based on familial status and location of permanent residence.

According to borough officials, there are currently 5,100 students living in off-campus housing within the borough. The university has housing for about 3,900 students on campus while the student population is more than 14,200. The population of Indiana Borough is approximately 14,817. Many residents have complained of late and loud parties, unkempt properties and vandalism to their own homes. These complaints prompted the Borough to vote for a tighter zoning ordinance that would close all possible loopholes for future student rentals.

A substantial amount of properties in Indiana Borough are owned by landlords or citizens that take advantage of the fact that IUP's burgeoning population has led to a student migration into the borough. By offering flexible 9 month leases the property owner can guarantee continued occupancy. Until recently, renting to students was allowed in R-1 and R-2 zone districts.

The changes to the zoning ordinance prohibit any future conversions of single family homes to student rentals. At this time all domiciles currently used as student rentals may remain so unless they are rented to a functional family for 10 months. At that time the rental is mandated to permanently switch to functional family housing.

Other college towns across Pennsylvania and the United States have passed similar ordinances but merely limit the number of unrelated people living in the rental. In most cases the number of allowed unrelated residents is three (3). From our research it appears that no other municipality has attempted to completely ban students from living within its boundaries.

Although the Fair Housing Act protects citizens against discrimination based on familial status, the provisions of the Act pertain solely to discrimination of renters with children under the age of 18. Student renters are not a protected class of citizens.

REALTORS® will be mandated to follow the imposed amendment to the zoning ordinance immediately. REALTORS® will have to look deeper into potential renter's relationships and assure that proper supporting documentation concludes that the address will be considered the renters permanent residency. The decision to not abide by the ordinance will result in fines as determined by the board of supervisors.

Changes to the ordinance that affect REALTORS®

- The term "family" has been deleted from the zoning ordinance and replaced with "functional family."
 - "Functional Family" is defined as: either an individual, or a group of people plus their offspring, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with the demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or students where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.
- The zoning ordinance prohibits conversions of single family homes to student rentals. Domiciles currently used as student rentals may remain so unless they are rented to a functional family for at least 10 months. At that time the rental is mandated to permanently switch to functional family housing.
 - "No property located within an R-1 or R-2 zone shall be converted to or created for or used for the purpose other than that for a functional family."
- Insertion of the definition of "Permanent Residence"
 - "Permanent Residence" is defined as: Primary domicile occupied by the owner for at least ten (10) months out of a twelve (12) month period.
- Student housing shall be permitted, providing the property is the permanent residence of the owner of the property.
- Rooming and/or boarding house shall be added as a special exception to the R-1 Single Family Residence District Zoning
 - "Boarding/Rooming House" is defined as: A single family detached dwelling whose owner accepts not more than two (2) persons not related to the family occupying the dwelling as permanent residents in the dwelling in return for compensation to the family and in accordance with the Borough Housing Code. If means are not provided to such persons, the dwelling shall be considered a rooming house.

Project is in full swing.

The project, set in motion by the Borough Council in 2006, includes the Traditional Neighborhood Development (TND) and Overlay Zone as a "key initiative," according to [unclear]. The plan is to "create home-ownership opportunities and enhance the quality of life" in the Elm Street Neighborhood bordering the IUP campus.

The Elm Street Neighborhood, named for one of several streets it contains, encompasses an area of about 50 square blocks, as is shown by the Renaissance Project Master Plan. Carter Avenue, Wayne Avenue, Church Street and Fourth Street mark its boundaries.

[unclear] a Web site representing the commercial section of the borough, states that a goal in the Indiana Elm Street Project is to "promote the conversion of existing student rental houses to owner-occupied single family homes."

The project is slated to be completed in five years, Kirk said in a November 2009 telephone interview. It is part of a statewide program aiming to aesthetically enhance small towns, according to the Pennsylvania Department of Transportation.

The Overlay Zone borders the north, east and west edges of the IUP campus like a horseshoe, according to a [unclear] map on the borough's Web site. This area, stretching from 13th Street and Oakland Avenue in the southwest to Eighth and Church streets in the north, curves around the university to Penn and Carter avenues in the southeast. The Renaissance Project includes construction of the Kovaichick Convention and Athletic Complex and IUP's \$270 million on-campus housing construction project.

One hundred off-campus units will convert from rental to single-family-owned in the Elm Street Neighborhood area alone, the Renaissance Project Master Plan shows. An additional 75 new units for married or graduate students will line Wayne Avenue between Maple and Locust streets.

Most of the borough is already zoned R-1, or single-family residential, the district map indicates. However, 3,135 non-family households make up about two-thirds of 4,804 total households in the borough, according to the 2000 Census. A total of 3,038 rental housing units exist in the borough, meaning two-thirds of all borough homes are rental properties.

The Residential Preservation Ordinance, passed August 2007, states that R-1 and R-2 "family dwellings" no longer can be converted to student housing, Kirk said. While the ordinance does not apply to homes currently being rented to students, any student rentals that remain unoccupied for nine months will be rezoned residential. Additionally, a student rental that does not house its maximum number of occupants for nine consecutive months will have its maximum occupancy lowered.

"It kind of sounds anti-student, but the intent is to complement the Overlay Zone and provide incentive to developers," Kirk said.

With residence halls filled to the max and the number of students attending IUP at a record high, many students have turned to off-campus housing. When the Overlay Zone nears completion, that rising number of students will have to squeeze closer to the campus.

Not everyone is happy about the zoning switch. Indiana resident James G. Wakefield voiced his displeasure in an Oct. 14 letter to the editor of The Indiana Gazette. He said he attended the October Borough Council meeting and suggested that the current functional-family ordinances be repealed.

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JRNLS 481-001 BLOGS

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ABOUT THIS ENTRY

This page contains a single



Indiana resident James C. Wakefield.
Photo by Josh Masse

"I live a half-block from the IUP campus, and under these ordinances, I am not permitted to rent or sell my home to someone who wants to put students in the property; I also must rent or sell the property to a functional family," Wakefield's letter reads. "Some people do not want to raise a family in that kind of neighborhood. Is this the best possible use of the property to the seller and the purchaser?"

Wakefield added that one particular house in Indiana Borough's R-1 zone sold for \$45,000 in 1989. It sold for \$36,500 20 years later - \$8,500 less than before, a decrease of 19 percent. Wakefield's letter ended by asking the borough why it would devalue property owned by him and others with R-1 and R-2 residential zones when it could collect more transfer taxes otherwise when the homes are sold.

However, Kirk said most residents are in favor of the changes. The only exceptions, he said, are people who planned on converting their property to student rentals.

"They feel that the law is devaluing their property," Kirk said. "Their property is worth what it's worth."

While the Elm Street Neighborhood plan is intended to push students out, the TND Overlay Zone seems to be trying to squeeze them in. Developer Dave Moore is building a new, "high-density" structure to house students near South Seventh and Washington streets, Kirk said. Another four-story complex is being built in the 1000 block of Philadelphia Street.

Students have already begun signing up to rent apartments in the complexes, according to an April 4 article in The Indiana Gazette.

Kirk described the new buildings as "much more student-friendly" environments compared to rental houses. He cited examples of permanent residents calling the police on noisy students in older developments.

"The idea is to create an environment more conducive to students," Kirk said. "The difference in lifestyles created a lot of conflict between them and their permanent-resident neighbors."

High-density housing may sound like a solution to the Borough Council, but Davenport, the IUP student, said if he's still in town for the 2010-2011 academic year, he'll be renting off-campus in the borough. He said he enjoys the quiet and privacy that come with living in a house and doesn't find high-density student housing appealing.

"It would be annoying to live really close to a bunch of students - louder, harder to study," Davenport said. "I'm 26 years old. I'm done with living in crappy apartments."

Sidebar: For more info

For more information on this story, contact the following sources:

David L. Kirk
Director
Department of Planning and Code Enforcement
Indiana Borough
80 N. 8th St.
Indiana, PA 15701
Phone: 724-465-6691

entry by Ms. Lee C. Vest
published on May 28, 2010
9:49 AM.

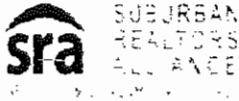
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APPENDIX C

Suburban Realtors Alliance Web Page Regarding Rental Inspection and Licensing Fees

<http://www.suburbanrealtorsalliance.com/news/rentalpropertyinspection.aspx>
[Contact Us](#) [Links & Resources](#)

"Serving Bucks, Chester, Delaware and Montgomery Counties"

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News & Issues: Rental Property Inspections

Policies & Issues

Rental Property Inspections and Licensing

REALTORS® believe that rental property owners offer a much needed service by providing housing to citizens who, either by choice or other circumstances, may not want or be able to purchase a home.

We oppose regulations that subject property owners to onerous governmental inspection, registration or licensure requirements which hinder affordable housing opportunities by discouraging investment in rental properties in a community.

We believe that the overwhelming majority of investment property owners provide safe, quality, and affordable housing options, and maintain their properties in a responsible manner.

We believe rental property owners who do not maintain their property in accordance with existing regulations should be held accountable and prosecuted to the fullest extent of the law, just as owner-occupied homeowners should be held accountable to existing regulations.

REALTORS® believe that if rental unit inspections are to be required, they should be conducted for all properties on a systematic basis utilizing criteria that are standardized, well-publicized and limited to true health and safety issues only. Rental inspection ordinances that are enforced solely at the point of transfer, or re-renting, do little to promote health, safety and welfare of all citizens.

Rental Inspection and Licencing Fees

Under Pennsylvania law, the amount of a licensing fee must be commensurate with the expense incurred by the municipality in connection with the issuance and supervision of the licensee and privilege. If a licensee fee collects more than the amount necessary to administer the license, it is no longer a valid licensing fee, but a tax revenue in violation of Article 6, Section 1 of the Pennsylvania Constitution. Property owners who feel that they are subjected to excessive fees for the right to rent property may successfully challenge such fees upon a showing that the amount of the fees exceeds the costs to enforce the regulation.

- [Realty Transfer Tax](#)
- [New Residential Property Disclosure](#)
- [Use and Occupancy Ordinances](#)
- [Growth Management](#)
- [Mandatory Fire Sprinkler Ordinances](#)
- [The Property Assessment Appeals Process](#)
- [Rental Property Inspection](#)
- [Eminent Domain](#)

Issue Summaries

- [Pennsylvania Uniform Construction Code](#)
- [Municipal Deed Registration](#)
- [Pennsylvania's Taxpayer Relief Act \(Act 1\)](#)

News Briefs

Stay up to date on current [News & Issues](#).

General News -
[Auditor General report says PA charters, cyber schools are overfunded](#)

Bucks County -
[Council Rock approves budget, teachers and support staff contracts](#)

Chester County -
[Tredyffrin focus group wants a storm-water ordinance with teeth](#)

Delaware County -
[Interboro approves \\$53M budget](#)

Montgomery County -
[Illegal signs a problem in Pennsburg](#)

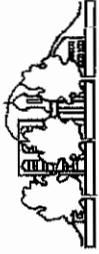
Philadelphia -
[Philadelphia Council opts to raise business and property taxes](#)

APPENDIX D

Excerpt from Borough of State College Building Safety & Property Maintenance Code

NEW IN 2010

- Effective June 1, 2010 violations of the zoning ordinance for exceeding Occupancy limits or Student Home restrictions are subject to stricter permit suspension requirements.
- Any unauthorized student rental or over occupied rental housing shall result in a suspension whenever 2 or more offenses occur in any 4 year period.
- Upon the first offense a notice will be sent to the property owner notifying of the offense, and that any subsequent offenses within a 4 year period will result in suspension of the rental housing permit.



Building Safety & Property Maintenance Code

Rental Housing Permit Suspension Process (See Back Page For New Zoning Requirements)

- Purpose to identify and resolve neighborhood nuisance problems arising from repeated violations of laws/ordinances

'Person-In-Charge' Requirements

- All owners of residential rental properties shall designate a person-in-charge for each of their residential properties
- 'Person-in-charge' must live within 25 air miles of State College and other than the property owner, must be at least 25 years old
- The Code Office (814-234-3812) shall be notified of any changes to the 'person-in-charge' and ownership within 3 days
- 'Person-in-charge' shall maintain property in compliance with applicable occupancy limits. 'Person-in-charge' shall also inform tenants of local ordinances and is responsible for notifying the property owner of violations. The 'person-in-charge' must inform tenants of the appropriate Borough agency to contact if there are unresolved problems

NOTE: This is a summary of the Rental Housing Permit suspension procedures and is not intended to be a complete representation of the rental housing permit suspension process. Persons interested in the entire ordinance that has the permit suspension information may find it on the Borough's website at www.statecollegepa.us and then click on Borough Codes and next click on Table of Contents and lastly onto Chapter IV – Building and Rental Codes, Part L – Property Maintenance Code. Questions regarding the ordinance may be directed to the State College Department of Ordinance Enforcement & Public Health by calling 814-234-7191 or by emailing

health@statecollegepa.us.

Outline of Permit Suspension Requirements and Process

- Violations at a property are recorded and then tracked for a floating 12 month period
- Each violation that occurs is assigned a point value from 1 to 3
- Maximum number of points that can accumulate against a property in a 24 hour period is 3
- When 5 or more points accumulate, a problem property notice is sent to the property owner
- A correction plan is requested in the notice
- The property owner also has the option to request an informal meeting with the appropriate Borough official
- When 10 or more points accumulate, a permit suspension notice is sent and the permit suspension process is initiated
- Appeal of Suspension Notice
 - Submit in writing within 15 days of notice
 - First level: Borough Manager
 - Second level: Rental Housing Revocation Board
 - Final level: Court of Common Pleas
- Defense – eviction of culpable tenants
- Violations resulting from property owner/manager/tenant requests for assistance will NOT count against the property
- First suspension – 6 months
- Second and subsequent suspensions – 1 year
- Permit suspension commences on 1st day following expiration of current lease(s) provided lease isn't longer than 1 year
- If lease is longer or there is no lease, then permit suspension begins on the 1st day following the annual permit renewal date

- If more points accumulate at a property during a suspension, the suspension may be extended for an additional 6 months
- Violations assigned One Point
 - Refuse
 - Grass/weeds
 - Failure to remove ice/snow from walks
 - Building Safety & Property Maintenance
 - Dog related property violations
- Violations assigned Two Points
 - Disorderly conduct including noise
 - Alcohol (other than furnishing to a minor)
 - Drugs
 - Simple assault
 - Harassment
 - Fire Prevention Code
 - Open lewdness
 - Indecent exposure
- Violations assigned Three Points
 - Furnishing alcohol to a minor
 - Aggravated assault
 - Statutory sexual assault
 - Involuntary deviate sexual intercourse
 - Sexual assault
 - Rape
 - Aggravated indecent assault
 - Possession with intent to deliver controlled substances or look-a-like substances

APPENDIX E

Calculation Detailing the Time It Takes to Inspect Rental Housing Units in the
Centre Region

INSPECTIONS BY COG

COG has three rental housing inspectors. These three people are responsible for inspecting 16,396 rental units in the Centre Region for housing code violations (fire prevention, ventilation, HVAC units, etc.) Half Moon is the only municipality in the Centre Region that does not participate in the program.

3 inspectors work 20.4 days per month x
8 hours per day for 3 years
(3 years is the time during which every unit is to be inspected at least once)
= 17,625 hours to inspect 16,396 rental units

subtract employee vacation days, sick days, holidays, and personal days = 30 days
Thirty is a very conservative estimate since these employees
have been with COG for a long time and get more vacation days
30 days x 3 employees x 3 years
= 2,160 hours subtracted from their work time (17,625 hours)
= 15,465 hours of working time for 3 employees

divide 16,936 units to be inspected into the number of hours (15,465)
available to do the inspections and you get
less than 1 hour for each inspection during that 3-year period

This calculation does not include travel time, down time for paperwork, filings with the District Justice, meetings with residents, appearances at court, training sessions, staff meetings, etc.

There is no way 3 inspectors can inspect 16,936 units once every 3 years and our research has given us some proof of this.

APPENDIX F

Mt. Pleasant Owner Occupied Residential Incentive Program

History

Since the 1960's, the percentage of owner-occupied housing units in the city has declined.

Traditionally, this changing percentage was largely attributed to more rental units being constructed in one decade than single family homes.

In 2002, the City received a grant from the Michigan Economic Development Corporation to prepare a HyettPalma Plan for the revitalization of the downtown. An important feature of the Plan, released in 2003, is having a stable residential base in and around the downtown.

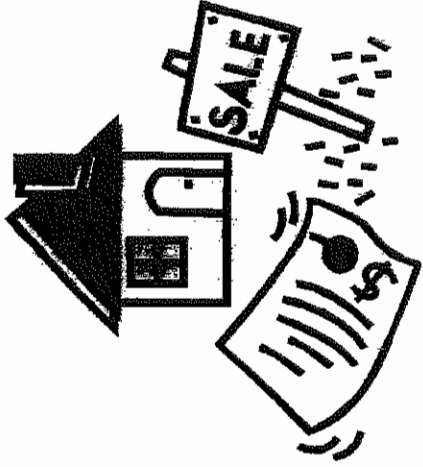
In 2005, the City Commission allocated \$100,000 for the purpose of increasing the amount of owner-occupied housing in the city, by providing an incentive to purchase and convert rentals back to single family owner-occupied homes.



City of Mt. Pleasant
Economic Development
320 W. Broadway
Mt. Pleasant, MI 48858

989-779-5347

www.mt-pleasant.org



Owner

Occupied

Residential

Incentive

Program

Program Implementation

The goal of the Owner Occupied Residential Incentive Program is to reduce the number of rental units in a target area of the city and encourage neighborhood stability by increasing the number of owner occupied properties.

Applicants will need to contact a mortgage lender of their choice for pre-qualification of a home loan prior to making application at the City.

Applicants will be accepted on a first come, first served basis. Funds will be reserved for up to 60 days following delivery of a Purchase Agreement to the City and will be distributed at closing as follows:

- 5% of the purchase price up to \$10,000 per applicant for the purchase of a licensed "family" rental.
- 8% of the purchase price up to \$16,000 per applicant for the purchase of a licensed "rooming and boarding" rental.

Following the City's receipt of the lender's pre-approval letter, the applicant will find an existing rental property for sale in the target area. The applicant and their realtor will handle all negotiations related to the purchase of the property.

Existing duplexes may qualify, provided at least 50% of the property is converted to an owner-occupied state. Funding will be based

on the percentage of floor area in the rental portion of the duplex to the overall building area. Mixed residential, commercial and office structures may not be included in this program.

The City will be notified of the acceptance of the Purchase Agreement by receipt of a copy of the document, along with notification of the closing date.

Prior to closing, the City will prepare a check for up to the program limit, along with a document in which the purchaser agrees to:

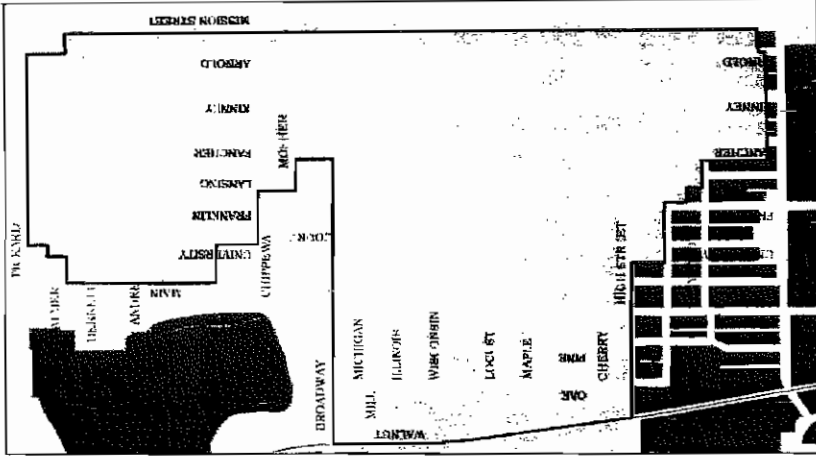
- Surrender the property's rental license.
- Eliminate any nonconforming uses, such as a rooming dwelling or multi-unit structure.
- Own and occupy the property for at least 5 years, or sell to another owner-occupant.

Please do not call City Hall for assistance in locating a property or assistance in listing a property.

Instead, please contact your local

Central Michigan Association Realtor Member.

Target Area



Owner Occupied Residential Incentive Program

The target area chosen for the Owner Occupied Residential Incentive Program (outlined above) was based on the goals stated in the HyattPalma Plan for downtown to increase the quality of the housing stock and the mixture of owner and rental housing in that area.

APPENDIX G

Code Enforcement Manual Excerpt, Residential Regulated Rental Units, Edinboro, PA

I. Regulated Rental**§5-247. Residential Regulated Rental Units.****1. Purpose / Scope / Declaration of Policy and Findings.**

A. *General.* It is the further purpose of this Subpart and the policy of the Council of the Home Rule Borough of Edinboro, in order to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to the rental of certain dwelling units in the Home Rule Borough of Edinboro and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. It is also the policy of the Borough that owners, managers and occupants share responsibilities to obey the various codes adopted to protect and promote public health, safety and welfare. As means to those ends, this Subpart provides for a system of inspections; issuance and renewal of rental license; and sets penalties for violations. This Subpart shall be liberally construed and applied to promote its purposes and policies.

B. In considering the adoption of this Subpart, the Council of the Home Rule Borough of Edinboro makes the following findings:

(1) There is a greater incidence of violations of various codes of the Borough at residential properties where owners do not reside in the Borough and rent such property to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.

(2) There is a greater incidence of problems with the maintenance and upkeep of residential properties where owners do not reside in the Borough and rent such property to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.

(3) There is a greater incidence of disturbances which adversely affect the peace and quiet of the neighborhood at residential properties where owners rent to three or more unrelated individuals than at owner-occupied residential properties or family-occupied residential rental properties.

(Ord. 585, 9/12/2011)

§5-248. Definitions.

1. *General.* The following words and terms shall, for the purposes of this Subpart, have the meanings shown herein.

Agent—see “responsible local agent.”

Application for regulated rental license—the form required to be executed by owner/landlord, requiring the information set forth thereon.

Borough—the Home Rule Borough of Edinboro.

Code—any code or ordinance adopted, enacted, and/or in effect in and for the Borough concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Subpart. Current version of referenced ICC codes of the Pa. Uniform Construction Code, 2009 International Property Maintenance

Code (as amended). Weed and Vegetation Control Ordinance [Chapter 10, Part 1]; Sidewalk Maintenance and Ice Removal Ordinance [Chapter 21] of the Borough Code; Garbage, Rubbish and Refuse Ordinance [Chapter 20, Part 1]; Zoning Ordinance [Chapter 27]; and any duly enacted amendment or supplement to any of the above and any new enactment falling within this definition.

Code Enforcement Officer—the duly appointed person having charge of the Office of Building, Planning and Zoning of the Borough and any assistants, deputies or other duly authorized representatives thereof.

Dwelling—a building having one or more dwelling units.

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.

Family—definition found in Borough Zoning Ordinance [Chapter 27].

Guest—a person on the premises with the actual or implied consent of an occupant.

Landlord—one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit (same as owner).

License—the license issued to the owner of regulated rental units under this Chapter, which is required for the lawful rental of a regulated rental unit.

Multiple unit dwelling—a building containing two or more independent dwelling units, including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

Occupant—an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof, with whom a legal relationship with the owner/landlord is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania (same as tenant).

Owner—one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit (same as landlord).

Owner occupied dwelling unit—a dwelling unit in which the owner resides on a regular, permanent basis.

Person—a natural person, partnership, corporation, unincorporated association, limited partnership trust, or any other entity.

Premises—any parcel of real property in the Borough, including the land and all buildings and appurtenant structures or appurtenant elements, on which one or more regulated rental units are located.

Property Maintenance Appeals Board—a Board consisting of three Home Rule Borough of Edinboro residents appointed by Borough Council. See §5-211 and §1-241 of Codified Ordinances (also known as the "Housing Review Board").

Regulated rental unit—a dwelling unit or rooming unit leased or rented to a person or persons.

Rental agreement—written or oral agreement also called a lease, between owner/landlord and occupant/tenant.

Responsible local agent—an adult individual designated by the owner of a regulated rental unit under §5-293.2. The responsible local agent shall be the agent of the owner for service of due process and receiving notices or demands and to perform the obligations of the owner under this Subpart and under rental agreements with occupants.

Rooming house—a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family or two-family dwelling.

Rooming unit—any room or group of rooms in a rooming house forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Tenant—an individual who resides in a regulated rental unit, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a written or oral lease or by the laws of the Commonwealth of Pennsylvania (same as occupant).

Tenant information form—the summary of Borough Ordinances required to be delivered to tenant(s)/occupant(s) of each regulated rental unit.

Unrelated—of or pertaining to persons not related to one another through blood to the level of second cousins, adoption or marriage.

(Ord. 585, 9/12/2011)

§5-249. Owner's Duties.

1. General.

A. It shall be the duty of every owner to keep and maintain all regulated rental units and premises in compliance with all applicable codes and provisions of all other applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition. As provided for in this Subpart and code, every owner shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he, she or it owns.

B. This Section shall not be construed as diminishing or relieving, in any way, the responsibility of occupants or their guests for their conduct or activity; nor shall it be construed as an assignment, transfer, or projection over or onto any owner of any responsibility or liability which occupants or their guests may have as a result of their conductor activity under any private cause of action, civil or criminal enforcement proceeding, or criminal law; nor shall this section be construed so as to require an owner to indemnify or defend occupants or their guests when any such action or proceeding is brought against the occupant based upon the occupant's conduct or activity.

C. This Subpart is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Borough against an owner, occupants, or guest thereof.

2. *Designation of Responsible Local Agent.* Every owner shall designate a responsible local agent who shall reside either on the premises or within 5 miles of the Borough boundary. The responsible local agent shall be the agent of the owner for

service of process and receiving of notices and demands, as well as for performing the obligations of the owner under this Subpart and under rental agreements with tenants. The identity, address and telephone number(s) of the designated responsible local agent hereunder shall be provided by owner or responsible local agent to the Borough, and such information shall be kept current and updated as it changes. Naming a responsible agent is also required if an owner plans to be absent for periods of time longer than 15 days. The owner or responsible local agent shall disclose the name, address and telephone number of the responsible local agent to the tenant in writing on or before the commencement or renewal of the tenancy.

3. *Application for Residential Rental Property Housing License / Regulated Rental License.* At the time of the annual renewal for residential rental property licenses (formerly known as occupancy permits), which is set on or before August 15 of each year, the owner shall complete and sign the application form; prepared by or at the direction of the Code Enforcement Officer, and shall require the owner to provide:

- A. The names and addresses of the owner and the responsible local agent, if applicable.
- B. The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).
- C. A list of the names of all adult tenants or heads of family in each unit.
- D. The actual number of Tenants and the maximum number of tenants permitted per regulated rental unit.
- E. The number of smoke detectors per unit.
- F. Fire extinguisher availability.
- G. His/her signature attesting to the owner's compliance with the specified Borough Ordinances, including subsection .4 of this Section, that tenants have received the tenant information form.

4. *Tenant Information Form.* This brief summary of ordinances that apply (or may apply) to the tenants of regulated rental units, shall be provided by the Borough Code Enforcement Office to the owners, who shall check any additional sections which apply to that unit, and give them to the Tenants of each unit, with appropriate explanations.

5. *Maintenance of Premises.* The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance of mechanical equipment, and shall promptly make any and all repairs necessary to fulfill this obligation. The owner shall maintain the premises with regard to lawn mowing and ice and snow removal, if applicable. The owner shall reply promptly to reasonable complaints and inquiries from tenants.

6. *Prohibited Provisions.* Except as otherwise provided by this Subpart, no rental agreement may provide that the tenant or owner agrees to waive or to forego rights or remedies under this Subpart. A provision prohibited by this subsection which is included in a rental agreement is unenforceable.

7. *Inspections by Code Enforcement Officer.* The owner shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement Officer may inspect premises with a tenant's approval at any reasonable time. Upon receiving notice of any code violations from the Code Enforcement Officer, the owner shall take action within 24 hours, or cause the

necessary action to be taken, to abate the offending condition and eliminate the violation.

8. *Utility Services.*

A. In circumstances where due to State or local law, the owner is the financially responsible party for payment of utility services, it shall be the duty of the owner to assure that service is not interrupted due to nonpayment. Failure to comply with this provision is a violation of the Subpart.

B. *Example.*

(1) Utility service.

(2) Apartments—utilities in landlord name.

(Ord. 585, 9/12/2011)

§5-250. Tenant's Duties.

1. *General.* The tenant shall comply with all obligations imposed upon tenants by this Chapter, all applicable codes and ordinances of the Borough and all applicable provisions of state law, including, but not limited to, Grass and Weed Control Ordinance [Part 3] (see form for general provisions thereof) and the Snow and Ice Removal Ordinance [Chapter 21, Part 4].

2. *Health and Safety Regulations.* The tenant shall dispose of from his or her regulated rental unit all rubbish, garbage, and other waste, in a clean and safe manner, and separate and place for collection all recyclable materials in compliance with the Borough's Garbage, Refuse and Rubbish Ordinance [Chapter 20, Part 1].

3. *Residential Use.* The tenant shall occupy or use his or her regulated rental unit for no other purpose than as a residence in compliance with Zoning Ordinance [Chapter 27], including, but not limited to, the maximum permitted number of occupants.

4. *Inspection of Premises.* The tenant shall permit inspections by the Code Enforcement Officer of the premises at reasonable times, upon reasonable notice. The Code Enforcement Officer may inspect premises with the owner's approval at any reasonable time.

(Ord. 585, 9/12/2011)

§5-251. Rental Licenses and Inspection.

1. *License Requirement.*

A. All residential occupancies which are rented, leased or occupied by persons other than legal owner are required to obtain regulated rental license prior to tenant occupancy. The following occupancies require a regulated rental license.

(1) Dwelling units or sleeping units of single-family, two-family or multi-family structures.

(2) Bed and breakfast occupancies as defined by the Borough Zoning Ordinance [Chapter 27].

(3) Hotels and motels.

(4) Privately owned dormitory occupancies on the campus of Edinboro University.

(5) Off campus fraternity and sorority houses.

(6) *Exception.* Owner occupied single-family dwellings which rent sleeping rooms to no more than two non-related individuals.

B. The application for a license shall be made in writing in such form and manner, and in accordance with such instructions as may be determined by the Code Enforcement Officer, shall be signed by the owner and shall include at least the following information:

(1) The names and addresses of the owner and responsible local agent, if applicable.

(2) The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).

(3) A list of the names of all adult tenants or heads of family in each unit.

(4) The actual number of tenants and the maximum number of tenants permitted per regulated rental unit.

(5) The number of smoke detectors per unit.

(6) Fire extinguisher availability.

(7) His/her signature attesting to the owner's compliance with the specified Borough ordinances including §5-293.4 of this Subpart and that tenants have received the tenant information form.

C. Upon request by the Borough, the owner shall inform the Borough of any changes in names of tenants so revisions can be made to the license.

2. *Issuance of License, Annual License Term, and Fee.*

A. Upon the receipt of a fully completed application, including the list of tenants' names and the payment of the appropriate license fee, and provided that the owner is not in violation of this Subpart or any other ordinance or code of the Borough, the Code Enforcement Officer shall issue a license for the property.

B. Each license shall have an annual term running from August 15 through August 14 of the next year. There shall be no proration of yearly fees for any reason whatsoever. Applications received after a due date shall be subject to a late fee.

C. Upon application for a license and prior to issuance or renewal thereof, each applicant shall pay to the Borough an annual license fee in an amount to be established from time to time by resolution of the Borough Council.

D. *Type of Regulated Rental License.* There are two types of regulated rental license as defined and further regulated in Borough of Edinboro Zoning Ordinance, §27-415, [Chapter 27]. They are:

(1) Student house.

(2) Non-student house (family) (see definition).

3. *Inspection.*

A. All premises shall be subject to periodic inspection by the Code Enforcement Officer or another duly authorized agent of the Borough. Such inspection may take place when an application is submitted for a license or at any time during any given 2-year period, but such inspection shall take place at least once during any given 2-year period.

B. This Section shall not be construed so as to limit or restrict the Code Enforcement Officer's authority to conduct inspections of premises, whether or not subject to the licensing and inspection requirements of this Subpart, or pursuant to any other ordinance or code.

C. Council shall set fees from time to time by resolution for re-inspections following notices of violations.

(Ord. 585, 9/12/2011)

§5-252. Grounds for Non-renewal/Revocation of a License.

1. *General.* For violating any provision of this code and/or for failing to regulate the breach of duties by tenants as provided for herein, the Code Enforcement Officer may institute an action and impose penalties against an owner by means of a formal violation notice and/or by the non-renewal of an owner's license.

2. *Definitions of Non-renewal and Revocation.*

Non-renewal—the determination by the Code Enforcement Officer that an owner's application for a license should not be granted or renewed because the owner is in violation of a provision or provisions of this code. The Borough may permit the owner to maintain occupants in the premises until the end of the licensed term based on the recommendation of the Code Enforcement Officer. The Code Enforcement Officer will accept applications for renewal of a license, but will not approve or disapprove the same until all prior violations of this code have been corrected.

Revocation—action by the Borough of Edinboro to promptly and permanently revoke, seize, or remove regulated rental license due to frequent recurring evidence and known facts the owner has continuously failed to comply with provisions of the Subpart.

3. *Failure to File an Application for Regulated Rental License With Borough.* In the event that a landlord fails to file a completed application for a regulated rental license as required by §5-249.3 hereof, the Code Enforcement Officer shall provide written notice to the owner that unless owner files the application for regulated rental license with the Borough within 10 business days of the date of the letter, the Code Enforcement Officer may deny license renewal after the expiration of the current license term and/or file charges against the owner as provided for herein.

4. *Further Grounds for Non-renewal / Revocation of a License.* Any of the following may subject an owner to non-renewal or revocation of a license:

A. Failure to abate a violation of the various codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.

B. Refusal to permit the inspection of the premises by the Code Enforcement Officer.

C. Failure to take steps to remedy violations of this Subpart by owners and/or occupants of regulated rental units.

D. Numerous, repeat and/or continuous violations, which in a cumulative effect are evident the owner is irresponsible with their duties and obligations causing undue inconvenience to the reasonable habitation and jeopardizing the health, safety and welfare of the tenant(s) and further causing additional

enforcement activities by code department staff.
(Ord. 585, 9/12/2011)

§5-253. Grounds for Violations and Penalties.

1. *Basis for Violation.* It shall be unlawful for any person, as either owner or responsible local agent of a regulated rental unit for which a license is required, to operate without a valid, current license issued by the Borough authorizing such operation. It shall also be unlawful for any person, either owner or responsible local agent, to allow the number of occupants of a regulated rental unit to exceed the maximum limit licensed by this code or the Borough Zoning Ordinance [Chapter 27], or to violate any other provision of this code. It shall be unlawful for any occupant/tenant to violate this Part. Any of the following may subject an owner to penalties and/or action as provided for in this code:

- A. Failure to abate a violation of the codes and ordinances that apply to the premises within the time directed by the Code Enforcement Officer.
- B. Refusal to permit the inspection of the premises by the Code Enforcement Officer.
- C. Failure to take steps to remedy violations of this Part by owners and/or occupants of regulated rental units.
- D. Failure to file a completed application for a regulated rental license.

2. *Non Exclusive Remedies:* Any person who is found guilty of violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000, and all costs of prosecution, for each and every offense provided and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. The penalty provisions of this Part and the license non-renewal procedures provided in this Part shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as may be deemed appropriate, for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Borough in the case of a violation of any other code or ordinance of the Borough, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

(Ord. 585, 9/12/2011)

§5-254. Procedure for Non-renewal/revocation and/or Imposition of Penalties.

1. *Procedure for Imposition of Penalties and / or Non-renewal of a Rental License; Appeal Therefrom.*

A. *Notification.* Following a determination that grounds for non-renewal of a license or imposition of penalties exist, the Code Enforcement Officer shall notify the owner of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the owner in question, and shall contain the following information:

(1) The address of the premises in question and identification of the particular regulated rental unit(s) affected.

(2) The specific violation which has been determined to exist with a description of the requirements which have not been met, citing in each instance the applicable provision of the ordinance or code.

(3) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(4) The recipient of the notice has the right to appeal to the Property Maintenance Appeals Board, within a prescribed period of time in accordance with the procedure set forth in this Part.

(5) Failure to comply with the notice within the time specified, unless extended by appeal to the Property Maintenance Appeals Board constitutes a violation with possible sanctions clearly described.

(6) A statement that the license for said regulated rental unit(s) may not be renewed for the next license year beginning August 15.

(7) A revocation and/or penalty statement informing the owner that he, she, or it has a right to appeal the decision penalizing or declining to renew the license to the Property Maintenance Appeals Board, by submitting in writing to the Code Enforcement Officer, within 14 days from the date printed on the notice, a detailed statement of the appeal including the grounds therefor and the reason(s) alleged as to why the determination of the Code Enforcement Officer is incorrect or should be overturned and a statement of the relief requested by the appellant. Such notice of appeal may be required to be submitted on a regulated rental unit violation appeal form prescribed therefor to be signed by the appellant. There is hereby imposed a fee for filing of such appeals, the amount of which shall be determined and established from time to time by resolution of Borough Council.

(8) Upon receipt of such an appeal, accompanied with the requisite filing fee, and during its pendency before the Property Maintenance Appeals Board, the action of the Code Enforcement Officer shall be stayed unless the Code Enforcement Officer or any other appropriate agency or official certifies to the Property Maintenance Appeals Board facts indicating that such stay would cause immediate peril to life or property, in which case the action of the Code Enforcement Officer shall not be stayed other than by a restraining order issued by a court of competent jurisdiction. In addition, the action of the Code Enforcement Officer shall not be stayed if the appeal is filed within 45 days of the end of the current license period.

(9) Upon receipt of such an appeal in proper form, accompanied with the requisite filing fee, the Chairperson of the Property Maintenance Appeals Board shall schedule a hearing to be held within 15 days after the appeal is filed.

(10) The appellant and the owners of properties within 300 feet from the premises for which the license is at issue shall receive written notice of the hearing on the appeal.

(11) The Property Maintenance Appeals Board shall hold a hearing on the

appeal. The appellant and all other parties having an interest may be heard. Based on the facts and arguments of the appellant and of the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Property Maintenance Appeals Board shall make a decision within 14 days.

B. Delivery of Notification.

(1) All notices shall be sent to the owner and/or responsible local agent, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused," then the Code Enforcement Officer shall attempt delivery by personal service on the owner or responsible local agent, and/or tenant, if applicable. The Code Enforcement Officer shall also post the notice at a conspicuous place on the premises.

(2) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the owner and/or responsible local agent, and/or the tenant, if applicable, at the address stated on the most current license application for the premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within 5 days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U S mail, and all time periods set forth under paragraph A above, shall thereupon be calculated from said fifth day.

2. *Right to Appeal.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the Board; provided that such person shall file, in the office of the Board, a written petition requesting such hearing and containing a statement of the grounds therefore, within 14 days after the day the notice was served. Said written notice of appeal shall provide the Property Maintenance Appeals Board with:

A. Documentation as to the enforcement notice, recipient's ownership, or interest in the subject property.

B. A detailed analysis of the enforcement notice recipient's position relative to the alleged violations. Such analysis may include all facts that the enforcement notice recipient deems appropriate, but shall at least include:

(1) A response or answer to the specific violations as alleged by the Borough and/or the officer with a detailed analysis of the defense as to all specific violations, citing in each instance applicable provisions of the Part.

(2) Any and all facts or documentation which the recipient of the notice intends to introduce at the hearing before the Property Maintenance Appeals Board.

(3) The names, addresses and telephone numbers of the person or persons who the recipient will call at the hearing and a synopsis in narrative form of the evidence and testimony each person will offer and testify to at the hearing. Failure to provide such names, addresses and information may result in that person being unable to testify at the hearing.

(Ord. 585, 9/12/2011)

§5-255. Miscellaneous Provisions.

1. *Notices.*

A. For purposes of this Part, any notice required hereunder to be given to a responsible local agent shall be deemed as notice given to the owner.

B. There shall be a rebuttable presumption that any notice required to be given to the owner under this Part shall have been received by such owner if the notice was given to the owner in the manner provided by this Part.

C. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to a license non-renewal proceeding, so long as all notices prerequisite to institution of such proceedings have been given and deemed received in accordance with the applicable provisions of this Part.

2. *Changes in Ownership, Units, Tenant Number.* It shall be the duty of each owner of a regulated rental unit to notify the Code Enforcement Officer in writing of any change in ownership of the premises or of the number of regulated rental units on the premises. It shall also be the duty of the owner to notify the Code Enforcement Officer in writing of any increase in the number of occupants in any regulated rental unit or of the changing of a dwelling unit from owner-occupied to non-owner-occupied, which thereby transforms the dwelling into a regulated rental unit for purposes of this Part.

3. *Owners Severally Responsible.* If any regulated rental unit is owned by more than one person in any form of joint tenancy, as a partnership, 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.

(Ord. 585, 9/12/2011)

APPENDIX H

Additional PA Communities' Activities

Radnor Township, Pennsylvania

Go to <http://www.radnor.com/department/division.php?fDD=9-110>

Rental Properties

Rental Unit Regulations

In 2001, the township adopted rental unit regulations (Ordinance 2005-01):

- to protect and promote the public health, safety and welfare of residents within the township,
- to establish the obligations of both owners and tenants of rental units within the township to improve the maintenance and quality of rental units by compliance with applicable codes and ordinances of the township,
- to preserve the residential quality of neighborhoods by reducing the geographic concentration of college and other students residing within the township, and
- to require the licensing of rental units and to establish procedures for the issuance of formal warnings, the loss of privilege to rent to student tenants and the nonrenewal and suspension of such license.

The entire Rental Unit Regulation (Ordinance 2011-12) may be viewed here.

Rental Housing Application

Property owners are required to register rental units with the Township and pay an annual fee based upon the number of dwelling units in a building. All new student rentals shall be reviewed for compliance to this section *prior* to a rental license being issued. Fees can be found in the Consolidated Fee Schedule.

A printable version of the rental housing application can be found below under Forms & Applications.

Definition of Family

Under Section 280-4B (Definition of "Family") of the Zoning Code, no more than one (1) unrelated individual may reside in any one housekeeping unit. For more information on the Definition of a Family, please view the Zoning Code.

Forms and Applications

- [2012 Consolidated Fee Schedule \(Effective 1/1/12 - Amended 6/18/12\)](#)
- [Rental Housing License Application \(Rev. 5/20/11\)](#)



Elizabethville landlord sues over rental-property inspection law

MATT MILLER, The Patriot-News

Posted: 07/27/2012 12:10 AM



Elizabethville might appear to be a quaint and quiet place, but a battle has been sizzling in the little northern Dauphin County town for years.

This week, it erupted in federal court.

At issue is a rental property inspection ordinance that the borough council passed in early 2010. Such ordinances aren't unusual, but this one has been dogged by controversy.

Some landlords have complained, at times quite vocally, that the mandatory property inspections required under the ordinance to get borough rental licenses trample their private property rights.

The ordinance was even a major issue in an unusually packed council race last year. The pro-inspection faction won.

Now one landlord, Brett White of Millersburg, is upping the ante by suing the borough in U.S. Middle District Court. He claims the inspection mandate provision, which he refuses to obey, violates his civil rights, particularly his constitutional protections from unlawful search and seizure.

White was cited by the borough repeatedly in 2011 for refusing to allow inspections of nine apartment units in two buildings he owns, on East Pine and West Main streets in Elizabethville. He still rents them, although borough officials insist he is violating the law because he doesn't have a rental license.

In his lawsuit, White argues that he can't be forced to consent to the inspections. He insists that he'll allow inspectors into his properties only if they come armed with legal warrants from a court.

"Their ordinance is sloppy," White's lawyer, Paul A. Rossi, said Thursday. "They are stubbornly adhering to the idea that a landlord has to consent to a search. ... Commercial property owners are entitled to a warrant before any search for codes violations."

Rossi said White is especially adamant about protecting his rights because he's an Air Force special-operations veteran who served in several hot spots around the world, including Afghanistan.

James Facinelli, borough council vice president, said the inspection ordinance is hardly popular among landlords. Still, he said it is needed to ensure the safety and habitability of rental units in a town where roughly half the residential properties are owned by about 100 landlords.

"My position is when you offer a building for rent in the paper or put a [for-rent] sign out in front of it, it's no longer a private issue. They're now public buildings and they should be inspected," Facinelli said. "As far as I'm concerned, [the ordinance] has worked fantastically."

Facinelli said White is the sole landlord in town who refuses to allow inspections and remains in violation of the ordinance.

"He's the only one in Elizabethville who doesn't have a [rental] license," Facinelli said. "The bulk of the property owners are really good landlords. Brett is not one of them. ... He won't work it out. He wants what he wants."

Facinelli said borough officials have tried to secure warrants to inspect White's holdings but have encountered difficulties and are trying to address the issue in Dauphin County Court.

In his federal lawsuit, White accuses borough officials of creating an "intentional unconstitutional condition" by trying to criminalize his efforts to preserve his rights by blocking warrantless inspections of his buildings.

Records show White was cited and fined repeatedly in the local district courts in 2011 for violating the rental ordinance. He hasn't been cited since last year. The borough does rental inspections on a two-year cycle.

White is arguing that any inspections conducted without warrants would breach his "reasonable expectation of privacy." For example, he said he keeps private items in two locked boiler rooms in his Elizabethville buildings that might be examined by inspectors.

He claims he has complied with the borough's ordinance in every respect, except for the provision that requires him to waive his Fourth Amendment rights. Waiving those rights and allowing warrantless inspections would also breach the privacy rights of his tenants, he contends.

He is asking Chief Judge Yvette Kane to declare Elizabethville's warrantless inspection provision unconstitutional and require borough inspectors to secure warrants to examine rental properties. Also, he seeks unspecified money damages for the borough's enforcement efforts against him, noting he has spent nearly \$3,000 on attorney's fees.

Randy Lee a professor at Widener Law School, said at least three ordinances similar to

N.B.
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Elizabethtown's — in Landsdowne, Allentown and Glenolden in Delaware County — have survived challenges in Pennsylvania courts. The U.S. Supreme Court also addressed the issue in a 1967 case involving San Francisco, he said.

WB

In the San Francisco case, the nation's highest court found rental property inspections must be "reasonable" in terms of their justification and execution. There must be a genuine public safety concern to justify the ordinance, Lee said, and those that include criminal penalties, such as fines, for refusals to allow warrantless inspections are more likely to be struck down.

The Supreme Court has stated that the U.S. Constitution is "more tolerant" of rental inspections than of searches in criminal cases, Lee said. Still, he said that court also said it favored inspection laws that require warrants specifying the scope of the inspection and legitimacy of the inspector be secured if landlords don't grant access to their properties.

Rossi said that is what White seeks in his suit.



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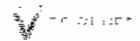
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Has a live stream now on TV.

The Patriot-News

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BOROUGH OF WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 8-2012

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF WEST CHESTER ZONING ORDINANCE OF 1988, WHICH IS CODIFIED IN CHAPTER 112 OF THE CODE OF THE BOROUGH OF WEST CHESTER, TO AMEND SECTION 112-30.A(1)(m) TO REMOVE STUDENT HOMES AS A USE ALLOWED OUTSIDE THE RETAIL OVERLAY DISTRICT IN THE TOWN CENTER DISTRICT.

WHEREAS, Borough Council desires to preserve the mixed use character of the Town Center District and to protect the health, safety, welfare and quality of life of the existing residents and businesses in the Town Center District by avoiding an institutional atmosphere caused by the oversaturation of student homes in the Town Center District; and

WHEREAS, Borough Council finds that groups of students, as compared to other unrelated cohabitating individuals, have different hours, work and social habits and frequently cause noise, nuisances and disturbances that have a greater impact on the surrounding uses in all zoning districts, including the Town Center District; and

WHEREAS, Borough Council recognizes that there approximately 25% of the dwelling units in the Town Center are student homes; and

WHEREAS, Borough Council finds that the proliferation of additional student homes in the Town Center District will be detrimental to the health, safety and welfare of the Borough because of the public nuisances that the Borough has experienced in areas of student homes such as excessive noise; accumulation of trash and litter; undue concentration of population; public lewdness; and a decline in the aesthetics of multi-family residential dwellings due to lack of proper maintenance and upkeep in the dwellings wherein students reside; and

WHEREAS, the Comprehensive Plan for the Borough of West Chester, which was approved in November of 2000, establishes the following goals: (i) increase the supply of housing in the Borough without diminishing the quality of life; (ii) define student homes as a separate use and limit the number of student homes per block; (iii) retain the Town Center as the Borough's central business district and encourage a mix of retail, office, professional, residential and

institutional uses in such district; and (iv) attract and retain existing businesses in the Town Center; and

WHEREAS, the West Chester Business Improvement District ("BID") and the Delaware Valley Regional Planning Commission requested the Urban Land Institute of Philadelphia ("ULI- Philadelphia") as part of its Technical Assistance Program to organize a panel of professionals (the "TAP Panel") with expertise in city planning, economic development, real estate development, retail strategies, parking, wayfinding and architecture, to study and evaluate ways to strengthen the retail mix and attract high quality development in the Borough's Town Center; and

WHEREAS, the ULI-Philadelphia issued a report for the Borough of West Chester titled, "Enhancing Retail in Downtown West Chester (PA)", dated March 15, 2012 (the "Report") wherein the TAP Panel formulated various recommendations to the Borough and the BID on ways to strengthen the retail mix and attract qualified proprietors to the Borough's Town Center; and

WHEREAS, the TAP Panel made various conclusions, including but not limited to the following: (i) the existing residential population in the Borough's Town Center cannot support additional high-end retail development; (ii) walkable small towns in the United States similar to the Borough of West Chester attract baby boomers and young professionals; (iii) the Borough's Town Center has a lack of middle and up-market housing which limits the growth of higher quality retail development; (iv) demand for high quality residential housing in the Town Center should be strong based on economic data from surrounding areas; and (v) the development of high quality housing in the Borough's Town Center will provide an opportunity for the Borough to increase its tax base and attract additional retailers by expanding the local customer base; and

WHEREAS, Borough Council supports the goals of the TAP Panel and seeks to strengthen the retail mix and attract high quality development in the Town Center, including high quality residential development which may be attractive to baby boomers and young professionals; and

WHEREAS, in order to achieve the goals set forth in the Report to encourage more high quality residential development in the Town Center, Borough Council seeks to limit further growth of student homes in the Town Center by enacting this Ordinance; and

WHEREAS, Borough Council is aware of and respects the constitutional guarantee of equal protection under the law and believes that this Ordinance promotes the public health, safety and welfare and is substantially related to the purposes and objectives identified in the Comprehensive Plan, ULI Report and the Recital clauses set forth above;

WHEREAS, Borough Council finds that the Zoning Ordinance and the use regulations for the Town Center District allow a variety of housing opportunities in the Borough and that the Borough has allowed and provided for a fair share of student housing in the NC-1, NC-2, NC-3 and Institutional Districts;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that the Code of the Borough of West Chester, specifically, Chapter 112, titled, "Zoning", is hereby amended as follows:

SECTION 1. Section 112-30, titled, "Use regulations outside the Retail Overlay District" shall be amended to delete Section 112-30.A(1)(m) which states as follows:

"(m) Student home, provided that such use does not occupy the ground floor of any building."

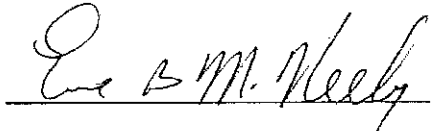
SECTION 2. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

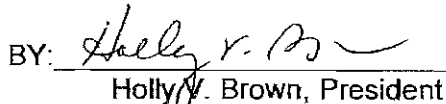
SECTION 4. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED THIS 27th DAY OF June, 2012.

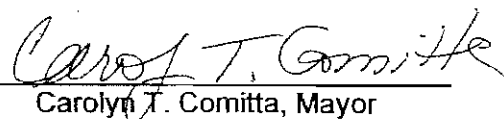
ATTEST:



COUNCIL FOR THE BOROUGH
OF WEST CHESTER

BY: 
Holly V. Brown, President

APPROVED THIS 27th DAY OF June, 2012.


Carolyn T. Comitta, Mayor

Proof of Publication of Notice in the Daily Local News

Under Newspaper Advertising Act No. 587, Approved May 16, 1929

State of Pennsylvania
County of Chester

{ ss:

{ No:

Term, 2012

Patricia Sigda, Legal Representative of the Daily Local News Company, a corporation, of the County and State aforesaid, being duly affirmed, deposes and says that the Daily Local News, a newspaper of general circulation, published at 250 N. Bradford, Ave., West Chester, PA, County and State aforesaid, was established November 19, 1872, and incorporated December 11, 1911, since which date the Daily Local News has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Daily Local News on the following dates viz:

May 30, June 6 A.D. 2012

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are true.

NOTICE

At its regular meeting on June 27 2012 at 7:00 p.m. prevailing time, Council for the Borough of West Chester, Chester County, Pennsylvania will hold a public hearing at Borough Hall, 401 East Gay Street, West Chester, Pennsylvania to consider the adoption of, and if approved, Borough Council will adopt an amendment to Chapter 112 of the Borough Code with the following title:

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH OF WEST CHESTER ZONING ORDINANCE OF 1988, WHICH IS CODIFIED IN CHAPTER 112 OF THE CODE OF THE BOROUGH OF WEST CHESTER, TO AMEND SECTION 112-30.A(1)(m) TO REMOVE STUDENT HOMES AS A USE ALLOWED OUTSIDE THE RETAIL OVERLAY DISTRICT IN THE TOWN CENTER DISTRICT.

The full text of the Ordinance is available for inspection without charge at the Borough of West Chester administrative offices, 401 East Gay Street, West Chester, Pennsylvania 19380, Monday through Friday from 8:30 a.m. to 5:00 p.m. A copy of the full text of the Ordinance may be obtained for a charge not greater than the cost thereof. In addition, a certified copy of the proposed Ordinance is also on file and available for inspection by members of the public at the offices of the Daily Local News, Bradford Avenue and Strasburg Road, West Chester, Pennsylvania, and the Chester County Law Library, Third Floor, 15 West Gay Street, West Chester, Pennsylvania.

is the proper person duly authorized by the Daily Local News Company, a Corporation, to verify the foregoing statements as to time, place and character of publication

CO

PUBLICATION

Patricia Sigda

affirmed to and subscribed before me this 6

day of June 2012

Beverly A. Wolfe
Notary Public

STATE OF PENNSYLVANIA
Notary Seal
Beverly A. Wolfe, Notary Public
East Bradford Twp., Chester County
My Commission Expires June 4th, 2013
Member, Pennsylvania Association of Notaries

Borough of West Chester

Municipal Building; 401 East Gay Street

West Chester, PA 19380

To DAILY LOCAL NEWS COMPANY, Dr.
For publishing the notice or publication attached hereto on the above stated dates\$
Probating same\$
Total\$

The Borough Manager
Borough of West Chester

Publisher's Receipt for Advertising Costs

a corporation, publishers of the Daily Local News, a newspaper of general circulation, hereby receipt of the aforesaid notice and publication costs and certifies that the same has been duly paid.

DAILY LOCAL NEWS, a Corporation, Publishers of the DAILY LOCAL NEWS, a newspaper of General Circulation.