



## Text File

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Services

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Ordinance amending the Pittsburgh City Code, Title VII Business Licensing, Article X Rental of Residential Housing, Chapter 781 Residential Housing Rental Permit Program by repealing the current Chapter and replacing with a new Chapter 781 Residential Housing Rental Permit Program.

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title VII Business Licensing, is hereby amended and supplemented by adding Article X Rental of Residential Housing, Chapter 781 Residential Housing Rental Permit Program to provide for the registration and regulation of rental housing located within the City and to provide penalties for violation as follows:

### **Article X Rental of Residential Housing Chapter 781: Residential Housing Rental Permit Program**

#### **Section 781.00 Purpose and Intent.**

The City of Pittsburgh recognizes the need for a registration program for residential rental units located within the City in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the City. The City recognizes that the most efficient system is the creation of a program requiring the registration of residential rental units within the City as defined in this Chapter, so that an inventory of rental properties and a verification of compliance can be made by City officials. The City intends to use a portion of the funds generated by the registration fee for property inspection purposes.

#### **Section 781.01 Definitions.**

As used in this Chapter, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) *“Affordable Housing Property”* means a rental unit located in a building that is:
  - i. Subject to a Regulatory Agreement or Use Agreement with the United States Department of Housing and Urban Development (HUD); and/ or
  - ii. Subject to a Regulatory Agreement, Indenture of Restrictive Covenants or other agreement with the Pennsylvania Housing Finance Agency (PHFA), which agreement is (1.) recorded in the records of the Allegheny County Department of

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Real Estate, (2.) limits new occupancies of at least 80% of rental units subject to such agreement to persons with incomes no higher than 60% of the Area Median Income (as defined by HUD), and (3.) subjects the rental unit(s) to annual property inspections by HUD, PHFA, or a designee of HUD or PHFA

iii. Notwithstanding Sections 781.01(a)(i) and 781.01(a)(ii) hereof, a rental unit shall not be considered “Affordable Housing Property” solely due to its voluntary enrollment by the landlord and tenant in a state-subsidized housing program, including, but not limited to, the Housing Choice Voucher Program (i.e. “Section 8”).

- (b) **“City”** means the City of Pittsburgh. To the extent that this Article requires filings or submissions, “City” shall refer to the Department of Permits, Licenses, and Inspections, Department of Finance, City Planning or other entity that the City has legally designated to perform a function on its behalf.
- (c) **“Dormitory”** means the use of a zoning lot for occupancy solely by groups of people who are not defined as a family and who are registered students at a college, university or other institution of higher learning, on a weekly bases or longer, and is managed by the institution at which the students are registered.
- (d) **“Dwelling Unit”** means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (e) **“Landlord”** means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (f) **“License Officer”** means the City of Pittsburgh Department of Permits, Licenses, and Inspections.
- (g) **“Owner”** means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- (h) **“Owner-Occupied Rental Unit”** means a rental unit that is a one or two family building occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- (i) **“Person”** means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (j) **“Premises”** means a lot, plot, or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

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(k) ***“Rental Unit”*** means any dwelling unit or residential structure containing sleeping units, which is leased or rented from the owner or other person in control of such units, to any tenant for a term exceeding fifteen consecutive days within a thirty day period. Hotels, motels, bed and breakfast establishments, public housing units, dormitories, certified rehabilitation facilities, long-term medical care facilities, and Owner-Occupied Rental Units shall be exempt from this Chapter.

(l) ***“Responsible Local Agent”*** means a natural person having his or her place of residence in Allegheny County and/ or a professional, licensed real estate management firm with an office located in Allegheny County, or an entity which is excluded from licensure by the Pennsylvania Real Estate Licensure Act, with an office in Allegheny County which has been granted legal authority by the property owner in accordance with the laws of the Commonwealth as the agent responsible for operating such property in compliance with the ordinances adopted by the City.

(m) ***“Tenant”*** means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person’s title and with that other person’s consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

### **Section 781.02 Permit Requirement.**

No person shall lease, rent, or otherwise allow a Rental Unit within the City to be occupied without first obtaining a rental permit from the License Officer and designating a Responsible Local Agent.

### **Section 781.03 Permit Registration.**

#### **(a) *Registration Forms.***

Rental Permit Registration shall be made upon forms furnished by the City and shall require all of the following information:

- (1) The street address and Block and Lot number of the rental unit(s);
- (2) The number and types of rental units within the rental property;
- (3) Name, residence address, telephone number, and where applicable an E-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
- (4) Name, residence address, telephone number, and where applicable an E-mail address, mobile telephone number, and facsimile number of the Responsible Local Agent designated by the owner, if applicable;
- (5) The name, address, telephone number and where applicable an E-mail address, mobile telephone

number, and facsimile number of the person authorized to collect rent from the tenants;

- (6) The name, address, telephone number and where applicable an E-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property, if in violation of City or State codes, if the person is other than the owner or the responsible local agent;
- (7) The name, address and telephone number of any lien-holder(s) on the rental unit or the real property on which the rental unit is located at time of annual registration.
- (8) A copy of a current valid occupancy permit for the property shall be provided at the initial application.

***(b) Accurate and Complete Information.***

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the property owner(s) or the designated Responsible Local Agent, where applicable. When the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. When more than one person has an ownership interest, the required information shall be provided for each owner.

***(c) Change in Registration Information or Transfer of Property.***

- (1) Except for a change in the Registered Local Agent, the property owner of a rental unit registered with the City shall re-register within sixty (60) calendar days after any change occurs in the registration information.
- (2) If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property.
- (3) Property owners shall notify the Department of Permits, Licenses, and Inspections of any change in the designation of the registered local agent, including a change in name, address, E-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within five (5) business days of the change.

***(d) Registration Term and Renewals.***

Registration of a rental unit shall be effective for one year from the date of issuance. The property owner shall re-register each rental unit with the City, thirty (30) calendar days prior to the expiration of the registration of the rental unit.

***(e) Responsibilities of Owner and/or Responsible Local Agent.***

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The Owner and/ or Responsible Local Agent shall be responsible for all the following:

- (1) Operating the registered rental unit in compliance with all applicable City ordinances; and
- (2) Providing access to the rental unit in compliance with all applicable City ordinances; and
- (3) The owner may designate a Responsible Local Agent for the acceptance of all legal notices or services of process with respect to the rental units. If not a resident of Allegheny County, and if no Responsible Local Agent is designated, the Owner and Landlord, by virtue of execution and acknowledgement of the Registration Form will accept service of original process for matters related only to the rental units by accepting service of process in accordance with the Pennsylvania Rules of Civil Procedure 403 Service by Certified Mail at the Owner's address as set forth in the registration form. This service of process by mail will constitute original service of process as directed in the Pennsylvania Rules of Civil Procedure 403.

#### **Section 781.04 Inspections.**

The Department of Permits, Licenses, and Inspections is hereby authorized and directed to inspect each registered Rental Unit at least once every three years.

#### **Section 781.05 Fees.**

- (a) The City Council shall establish an appropriate fee for rental permit registration and may review and increase such fees on an annual basis.
- (b) Fee Schedule:
  - (i) Annual Rental Registration Permit Fee: \$65 (sixty five dollars) per unit **for parcels that house 10 (ten) or fewer units; \$55 (fifty five dollars) per unit for parcels that house between 11 (eleven) and 100 (one hundred) units; and \$45 (forty five dollars) per unit for parcels that house more than 100 (one hundred) units** (plus applicable charges).
  - (ii) **Three years after this law is initially implemented:**
    1. **Any unit that has passed its inspection shall be eligible to renew their Rental Registration Permit at half of the normally applicable fee. In addition, said units shall only be required to be inspected once every five years, other sections of this law notwithstanding.**
    2. **Any unit that has not passed its inspection shall be inspected at the discretion of the Department of Permits, Licenses, and Inspections until such time that it does pass an inspection.**
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  - (iii) Affordable Housing Properties shall be exempt from the Annual Rental Registration Permit Fee.

#### **Section 781.06 Implementation and Enforcement.**

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(a) The Department of Permits, Licenses, and Inspections shall coordinate the implementation and enforcement of this Ordinance and shall promulgate appropriate regulations for such purposes.

**(b) The regulations promulgated by the Department of Permits, Licenses and Inspections shall be communicated to City Council thirty (30) days prior to their posting. They shall include proposals for creating a manual of good landlord practice; creating a performance-based regulatory system; creating landlord academy; creating incentives to encourage “good landlords;” and other best practices in the field of rental licensing.**

**(c) The Department of Permits, Licenses and Inspections shall create an online database where information related to rental properties and their inspections shall be made available to the public and they shall work with Allegheny County Court of Common Pleas and Magisterial District Judges to establish a streamlined process for hearing housing court cases.**

**(d)** ~~(b)~~ This Ordinance shall take effect on the 180th calendar day following the posting of the regulations by the Department of Permits, Licenses, and Inspections.

**(e)** ~~(c)~~ It is the intent of Council that the appropriate expenditures are made and the staff to implement the program is hired on or before the initial implementation date.

#### **Section 781.07 Notice.**

(a) When the Department of Permits, Licenses, and Inspections determines that there has been a violation of any provision of this Chapter, the License Officer or their designee shall send the Owner or Responsible Local Agent a Thirty (30) Day Notice of Violation, warning of the failure to comply with the Chapter. Such written notice shall provide with specificity any violation, any corrective actions required, and the right to appeal in accordance with this Chapter.

(b) Notice shall be served by the method of service of process set forth in 781.03(e)(3).

#### **Section 781.08 Appeals.**

Any person aggrieved by any action of the License Officer shall have the right to appeal such action in accordance with Section 701.15 of this Title.

#### **Section 781.09 Penalty.**

Violation of this Chapter shall be a summary offense. The fine for each separate violation shall not exceed \$500 (Five Hundred Dollars) per each unit per each month that a rental unit is not registered as required by this Chapter.

#### **Section 781.10 Severability.**

This Chapter and the various parts, sections, subsection, sentences, phrases and clauses thereof are hereby

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declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby.

**Section 781.11 Repeal.**

All resolutions, ordinances, or parts thereof in conflict in whole or in part with any of the provisions of this Chapter are, to the extent of such conflict, hereby repealed.

**Section 781.12 Review Provision.**

Within nine months of the first implementation of this Chapter the Department of Permits, Licenses, and Inspections shall submit to City Council a comprehensive fee analysis which shall consider a proposed fee structure to allow for discounts for multiple units per parcel. City Council shall vote to consider such a structure so long as it adequately provides funding for the program.