

**BOROUGH OF NORTHAMPTON
ORDINANCE NO. 1207**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE REGISTRATION, INSPECTIONS AND LICENSING OF RESIDENTIAL RENTAL PROPERTIES AND HOUSING OCCUPANCY WITHIN NORTHAMPTON BOROUGH, MINIMUM STANDARDS FOR RENTAL PROPERTIES, VIOLATIONS, PENALTIES FOR NONCOMPLIANCE AND APPEALS.

SECTION 1. PURPOSE

The purpose of this Ordinance shall be to protect and promote the public health, safety and welfare of the Borough's citizens and tenants, while at the same time encouraging Owners and Tenants to maintain and improve the quality of rental housing within the community. As a means to those ends, this Ordinance establishes a program requiring the registration, inspection and licensing of all residential rental housing units within the Borough as defined in this article. It is also the policy of the Borough of Northampton that Owners and Tenants share the responsibility of obeying the various codes adopted to protect and promote public health, safety and welfare within the Borough. This Ordinance shall be liberally construed and applied to promote its purposes and policies.

SECTION 2. DEFINITIONS

As used in this Ordinance, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context within which the term is used:

Borough: The Borough of Northampton and/or any duly authorized agent(s) or representative(s) of the Borough of Northampton.

Codes: Any federal, state or local law, code or ordinance adopted or in effect in and for the Borough of Northampton as amended from time to time.

Code Enforcement Officer: The officer, individual or firm appointed by the Borough who is charged with administration of this ordinance or any duly authorized agent(s) or representative(s) of the Borough of Northampton or any said officer, individual, representative or firm of such agent or representative.

Disruptive Conduct: Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a residential rental unit that is so loud, untimely (as to hour of the day), offensive, or riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises such that a report is made to police and/or to the Code Enforcement Officer complaining of such conduct, action, incident, or behavior.

Exempt Unit: The following types of properties shall be considered "exempt units":

- 1) Any hospital, nursing home, group home or other rental unit used for human habitation which offers or provides medical or nursing services, and wherein all operations of such facility are

subject to county, state or federal licensing or regulations concerning the health and safety of the users, patients or tenants.

- 2) hotel units, as defined herein
- 3) on-campus dormitories, fraternity houses and sorority houses, as defined in the Borough's Zoning Ordinance.

Hotel Unit: Any room or group of rooms located within a hotel, motel, bed and breakfast forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than fourteen (14) days. The hotel unit must be registered with Northampton County.

Property Manager or Agent: An adult individual designated and authorized by the Owner of a residential rental unit to act on his/her, or its behalf.

Owner: Any legal or beneficial holder of title to a residential unit. This shall include any person or legal entity having an equitable interest in a rental dwelling; or recorded in the official records of the County or Borough as holding title to the rental dwelling; or otherwise having control of the rental dwelling, including the guardian of the estate of any such person and the executor or administrator of the estate; or any such person if ordered to take possession of a rental dwelling by a court.

Residential Rental Unit: Any residential unit providing independent living spaces for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation which is occupied by a person other than the Owner and pays rent to stay in the unit. In addition to Exempt Units identified above, the following shall not be considered Regulated Rental Units for the purposes of this Ordinance:

- 1) Owner-Occupied Dwelling Units, provided that not more than two unrelated individuals, in addition to the Owner and his/her relatives, occupy the Dwelling Unit at any given time.
- 2) One dwelling unit that is on the same lot as a second dwelling unit, provided the two dwellings are only occupied by the owner and persons who are "related" to the owner.

Residential Rental Unit License: A document issued by the Borough of Northampton to the Owner(s) of residential unit(s) evidencing the existence of said residential rental unit upon application by the Owner to the Borough of Northampton and the passing of the requisite inspection(s).

Residential Rental Registration: A document prepared by the Borough of Northampton to be used by the Owner required for lawful rental and occupancy of residential rental units under this Ordinance.

Rooming House: Any dwelling, or that part of any dwelling containing three (3) or more rooming units

Tenant/Occupant: Any person or number of persons, corporation, partnership or other entity who rents, occupies or leases a residential rental unit they do not own for more than thirty (30) consecutive days.

SECTION 3. APPOINTMENT AND DUTIES OF CODE ENFORCEMENT OFFICER

The Borough Code Enforcement Officer and/or such other qualified individual(s) appointed by the Borough Council shall administer this Ordinance in accordance with its terms and shall be responsible for instituting enforcement proceedings on behalf of the Borough. All references to the Borough Code Enforcement shall include any individual appointed by Borough Council.

SECTION 4. RESIDENTIAL RENTAL UNIT REGISTRATION, INSPECTION AND LICENSING PROCESS

The following process shall be utilized in administering this Ordinance:

- 1) All residential rental unit Owners are required to submit a separate Residential Rental Unit Registration Application for each rental unit.
- 2) After receipt of the Residential Rental Unit Registration Application, the Code Enforcement Officer will schedule an inspection of each residential rental unit.
- 3) If the residential unit inspection is satisfactory, the Borough shall issue a residential unit license for the rental unit. If there are any infractions identified during the inspection, the Code Enforcement Officer will provide a timeline to correct all infractions before issuing a license.

SECTION 5. RESIDENTIAL RENTAL UNIT REGISTRATION

The following rental unit registration submission process shall be used for the registration of all rental unit(s) and for any subsequent transfer of ownership and/or the establishment any new rental unit established after the adoption of this Ordinance.

1. Within sixty (60) days of Ordinance adoption, each Owner and/or, if applicable, the Manager of each Residential Rental Unit shall submit to the Borough a fully completed Residential Rental Registration Application for each rental unit along with the applicable registration fee. The registration shall be valid for one (1) year. The Borough shall not process any registration application without the required fee.
2. Thereafter, by December 31st of each calendar year, the owner and/or, if applicable, the manager of each residential rental unit shall submit the application form to the Borough which shall be valid from January 1st to December 31st of the following year. A rental registration form must be submitted for each residential rental unit annually along with the applicable registration fee.
3. After the effective date of this Ordinance, any person who becomes an Owner of any parcel of real estate or any improvement on real estate or a building located in the Borough defined as a Residential Rental Unit by Agreement of Sale, Deed, or by any other means, shall within sixty (60) days thereafter, report to the Borough the information consistent with the registration applications procedure as defined in Paragraphs 1 and 2 above.
4. Those Residential Rental Units defined as Exempt Unit under Section 2 are not required to submit a Residential Rental Unit Registration application.

REPORT OF CHANGE IN OCCUPANCY

1. After the effective date of this Ordinance, each and every Owner of a Residential Rental Unit within the Borough shall report to the Borough within ten (10) days any change in the use or

occupancy of any Residential Rental Unit owned by such Owner of any Residential Rental Unit located on property owned by any Owner within the Borough.

2. The reported change shall include:
 - A. The name or names of new Tenants of such Residential Rental Unit;
 - B. The date when the change was effective; and
 - C. The forwarding address of the old Tenant(s) if known.
3. In the event that a Residential Rental Unit was used or utilized by a Tenant(s) and then becomes vacant for a period of six (6) months, this change shall also be reported to the Borough.

SECTION 6. INSPECTION AND LICENSING OF RESIDENTIAL RENTAL UNITS

INSPECTION REQUIREMENT:

1. Following registration by the owner, the Borough shall schedule an inspection of the Residential Rental Unit in accordance with a systematic inspection program to be prepared by the Code Enforcement Officer and made available upon request. Such program shall ensure that the Owner is given reasonable notice in advance of the date for which the inspection is scheduled. The penalty for not allowing an inspection shall be denial of the Residential Rental License and any other penalty provided for in this Ordinance.
2. The Code Enforcement Officer will conduct an initial inspection on all residential rental units with subsequent inspections taking place every four (4) years, and/or upon a change in the occupant of a residential rental unit, whichever shall occur first. For newly constructed rental units, the initial inspection will not be required but will be substituted with the inspection(s) conducted under the new construction building codes. All subsequent inspections will occur every four (4) years following the first occupancy and/or a change in the occupancy, whichever shall occur first. The Code Enforcement Officer may also inspect Residential Rental Units upon receipt of complaints and for any other reasonable cause.
3. If the Code Enforcement Officer finds the Residential Rental Unit(s) is/are in compliance with all applicable codes and any other Ordinance requirements, the Code Enforcement Officer shall issue a license.
4. Once a license has been issued for a Residential Rental Unit, the license shall remain effective until such time as an inspection by the Code Enforcement Officer results in its revocation or nonrenewal, provided that the Owner submits, all required documentation and fees necessary to renew the license.
5. If the Code Enforcement Officer, upon completion of the inspection, finds that the Residential Rental Unit(s) is/are not in compliance with all applicable codes, the Code Enforcement Officer shall issue notices and, if appropriate, commence enforcement actions under the procedures set forth in the Ordinance.

6. By conducting the inspections pursuant to this Ordinance, the Borough does not warrant or guarantee the complete safety or suitability of the Residential Rental Unit. The Borough, through any action or inaction pursuant to this Ordinance, does not make any representation, warranties or guarantees.

LICENSE REQUIREMENT AND ISSUANCE:

1. A Residential Rental License is required for all occupied Residential Rental Unit(s) and the license is required to be in possession of the Owner or Manager for each Regulated Rental Unit. For a Rooming House, a single license is allowed for all units within a Rooming House building.
2. The Borough shall issue a Residential Rental Registration number if the owner has submitted a completed annual residential rental unit registration form, pays the applicable registration fee, submits a completed and accurate occupant listing for the residential rental units by December 31st of each year, is current on real estate taxes, sewer fees, water fees and trash collection fees for the residential rental unit and has successfully passed an inspection defined in this Ordinance
3. The Code Enforcement Officer may deny and/or revoke a Residential Rental Registration if any of the following occur within the Residential Rental Unit or on the Premises:
 - A. Failure upon inspection to abate any violation of this Regulation or any Code violation noted in the Rental Housing Inspection Form within the time specified in the notice of violation unless an appeal is pending.
 - B. Occurrence of three (3) violations of this Regulation and/or of any other Borough Codes or ordinances that apply to the Residential Rental Unit or Premises during the term of the registration. Before an occurrence may be considered a violation, there must be either:
 - (i) a summary conviction or
 - (ii) the Code Enforcement Officer must send the Owner a written notice of the violation within thirty (30) days of the incident and the period for the Owner to file an appeal from the determination of the Code Enforcement Officer must have expired.

The owner(s) of the premise where a residential rental unit is located is/are responsible, jointly and severally, for filing a registration application to the Borough for each rental unit, which registration application must comply with all the requirements, established pursuant to this Ordinance, and any applicable regulation for such applications.

CERTIFICATE OF COMPLIANCE REQUIRED

1. No license shall be issued in accordance with this Ordinance, unless a certificate of compliance with this Ordinance has been issued by the Code Enforcement Officer. Issuance of a certificate of compliance shall represent compliance with the inspection requirements of this Ordinance but shall not denote compliance, approval, certification, or confirmation with

any other applicable part, chapter, other code, ordinance or statute. A certificate of compliance shall be valid until there is a change in the occupant of the residential rental unit. Every certificate of compliance shall be displayed in a conspicuous place in the interior of the residential rental unit.

2. No residential unit shall be occupied by any person or persons other than the owner thereof, unless a certificate of compliance is kept on file by the owner or designated agent as required by the provisions of this article

SECTION 7. ENFORCEMENT

1. If the Code Enforcement Officer finds violations warranting condemnation of the residential rental unit under the Property Maintenance Code, the Code Enforcement Officer may condemn the property. The Code Enforcement Office shall have all the right under the Borough Code, and applicable law as well as the remedies under the Property Maintenance Code.
2. In addition, the following Code Enforcement Office may proceed under this ordinance as follows:
 - A. Within twenty (20) days after receipt of a notice of violation, the owner shall take immediate steps to remedy the violation including filing with the Code Enforcement Officer a report on a form acceptable to the Borough, setting forth what action the owner has taken to remedy the violation and what steps he or she has taken to prevent a reoccurrence of the violation. The report shall also set forth a plan as to steps the owner will take in the future if the violation reoccurs. The failure to file a report shall be a violation of this Ordinance.
 - B. The Code Enforcement Officer shall review the report. If adequate steps have been taken and the plan is adequate to address future violations the officer shall approve the plan. The owner shall, on his or her initiative, enforce the plan and failure to do so shall be a violation of this Ordinance.
 - C. The inspection fee will include one (1) courtesy re-inspection and will be set by Borough Council.
3. The Borough may make repairs. In the event the owner of the premises shall neglect, fail or refuse to comply with any notice from the Borough or its Code Enforcement Officer to correct a violation of the premises under any code in affect in the Borough within the period of time stated in such notice, the Borough may cause the violation to be corrected after providing sufficient notifications to the Owner.
 - A. In the event the Borough must make repairs, there shall be imposed upon the owner a charge of the actual costs involved, plus ten percent (10%) of said costs for each time the Borough shall cause a violation to be corrected, plus attorney's fees and court costs as applicable, and the owner of the premises shall be billed after the correction has been completed.
 - B. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law.
 - i. Such lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate, court costs, and applicable attorney's fees.

- ii. The remedies provided by this subsection are not exclusive and the Borough and its Code Enforcement Officer may invoke such other remedies available under this or applicable codes, ordinances or statutes, including, where appropriate, condemnation proceedings or declaration of premises as unfit for habitation.

DENIAL, REVOCATION, REINSTATEMENT OF LICENSE

1. If there is an inspection by the Code Enforcement Officer and, as a result of which, the Code Enforcement Officer has determined that the license should not be granted, should be revoked, or should not be renewed, due to any condition(s) that does/do not comply with applicable regulations, the Code Enforcement Officer shall issue, to the Owner, a written notice of denial, revocation, or non-renewal identifying the noncompliant condition(s) and ordering that compliance be achieved in a timely manner.
2. The notice shall:
 - A. identify the Residential Rental Unit;
 - B. state the grounds for the denial, non-renewal or revocation, including the factual circumstances and the Section of this Regulation supporting such determination; and
 - C. Inform the Owner of the right to appeal the denial, non-renewal or revocation of the Residential Rental License to Borough Council under this Regulation.
3. The Code Enforcement Officer may issue and/or reinstate a Residential Rental License at any time if the Owner or Manager corrects the reason for the denial, nonrenewal, or revocation of the Residential Rental License, has paid the proper fees and is otherwise in compliance with this Ordinance and all other applicable rules, regulations, ordinances and laws.

APPEALS:

An appeal from any decision of the Code Enforcement Officer shall be taken to Borough Manager or his agent. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit, stating the grounds therefore and be filed with the Borough Manager. The appellant and/or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The Borough Manager shall make a decision on such appeal within ten (10) days of receipt of appeal or of the Hearing if applicable. The Borough Manager shall render a written decision, copies of which shall be provided to the Code Enforcement Officer and the appellant. If the Owner is aggrieved by the decision of the Borough Manager, the Owner shall have the right to appeal the decision to Borough Council or the Court of Common Pleas in accordance with the Local Agency Law and Judicial Code, and the decision shall so advise the Owner.

VIOLATIONS AND PENALTIES

1. **Violations.** It shall be a violation of this Ordinance to commit or to permit any other person to commit any of the following acts:

- A. To lease, let, or allow the occupancy of a Residential Rental Unit without obtaining a Residential Rental License where required by this Ordinance.
- B. To refuse to permit inspections required for a Residential Rental Unit.
- C. To fail to perform the duties established if such person is an owner or a manager of a Residential Rental Unit.
- D. To fail to perform the duties established if such person is an occupant or tenant of a residential rental unit.
- E. To place false information on or omit relevant information from an application for a Residential Rental Unit Registration or License.
- F. To fail to comply with any other provision of this Part of this Ordinance.
- G. To fail to comply with the direction of the Code Enforcement Officer who has issued a Notice of Violation or initiated enforcement proceedings as specified in the ordinance.

2. **Penalties and Remedies.**

- A. Allowing occupancy of a residential rental unit after a Residential Rental License has been denied, revoked, or not renewed: A fine of not less than five hundred dollars (\$500.00) and up to one thousand dollars (\$1,000.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- B. Failure to submit a residential rental unit registration form: A fine of not less than five hundred dollars (\$500.00) and up to one thousand dollars (\$1,000.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- C. Failure to seek a Residential Rental License: The owner or manager shall be sent a Thirty (30) Day Notice of Violation, warning them of their failure to comply with the terms of this Ordinance. If they do not comply at the end of thirty (30) days, there shall be a fine of not less than five hundred dollars (\$500.00) and up to one thousand dollars (\$1,000.00) per residential rental unit for each month the violation exists. Each month the violation exists constitutes a separate violation.
- D. Any other violation of this Ordinance shall, upon a first offense, be fined not more than one thousand Dollars (\$1,000.00).
- E. In addition to prosecution of persons violating this Ordinance, the Code Enforcement Officer, or any duly authorized agent of the Borough, may take such any civil, equitable or other remedies in any court of record of the Commonwealth of Pennsylvania, against any person or property, real or personal, to affect the provisions of this Ordinance.
- F. The provisions of this Section and the provisions of this Ordinance governing revocation, suspension or non-renewal of Residential Rental Licenses shall be independent, non-mutually exclusive, separate remedies, all of which shall be available to the Borough as

may be deemed appropriate. The remedies and procedures in this Part are not intended to supplant or replace, to any degree, the remedies provided to the Borough in the Property Maintenance Code, Zoning Ordinance or any other Code, law, rule or regulation.

SECTION 8. OWNER'S DUTIES

1. **General.** It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable Federal or State laws and regulations and local ordinances and to keep such property in good and safe condition. Every owner/landlord shall be responsible for regulating the proper and lawful use and maintenance of every dwelling which he/she or it owns. This Section shall not be construed, in any way, as diminishing or relieving 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 conduct or activity under any private cause of action or civil or criminal enforcement proceeding; 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. This Ordinance 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, occupant or guest thereof.

2. **Designation of Manager.** Every owner who is not a full-time resident of the Borough, and/or who does not live within thirty (30) miles of the boundaries of the Borough, shall designate a manager who shall reside in an area that is, no more than twenty (20) miles from the Borough boundary line.
 - A. If the owner is a corporation, a manager shall be required if an officer of the corporation does not reside within the above referenced area. The officer, in the event that he/she lives within the above-mentioned area requirement, shall perform the same function as a manager.

 - B. If the owner is a partnership, a manager shall be required if a partner does not reside within the above referenced area. The partner, in the event that he/she lives within the above mentioned area requirement, shall perform the same function as a manager.

 - C. The manager 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 Ordinance and under rental agreements with occupants.

 - D. The identity, address and telephone number(s) of a person who is designated as a manager hereunder shall be provided by the owner or manager to the Borough and such information shall be kept current and updated as it changes as designated in this Ordinance.

3. **Disclosure.**
 - A. The owner or manager shall disclose to the occupant in writing on or before the commencement of the tenancy:
 - i. The name, address and telephone number of the manager, if applicable and

- ii. The name, address and telephone number of the owner of the premises.
- B. Before an occupant initially enters into or renews a rental agreement for a rental unit, the owner or manager, if applicable, shall furnish the occupant with the most recent inspection report relating to the property.

4. Maintenance of Premises.

- A. The owner shall maintain the premises in compliance with the applicable codes of the Borough and shall regularly perform all routine maintenance, including ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.
- B. In no case shall the existence of any agreement between owner and occupant relieve an owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of the premises.

SECTION 9. TENANT'S DUTIES

Tenants shall comply with all applicable codes and ordinances of the Borough.

- 1. **Inspection of Premises.** Tenant shall permit inspections of any premises by the Code Enforcement Officer at reasonable times upon reasonable notice. The Code Enforcement may inspect premises with an Owner's approval at a reasonable time.
- 2. **Disruptive Conduct.** Tenant shall not engage in, shall tolerate, nor shall permit others on the premises to engage in disruptive conduct or other violations of this Ordinance.
- 3. **Health and Safety Regulations.**
 - A. The maximum number of persons permitted in any rental unit at any time shall not exceed one person for each forty (40) square feet of habitable bedroom floor space in said rental unit.
 - B. Tenant shall deposit all rubbish, garbage, and other waste from his or her rental unit into containers provided by the owner or landlord in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with all other applicable ordinances, laws and regulations.
- 4. **Residential Use.** Tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her rental unit for no other purpose than as a residence.

SECTION 10. FEES

The fees necessary to administer all provisions of this Ordinance shall be set by the Borough Council from time to time by Resolution.

SECTION 11. SEVERABILITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect any other section, clause provision or portion of this Ordinance so long as it remains workable minus the invalid portion.

SECTION 12. REPEAL OF CONFLICTING ORDINANCES

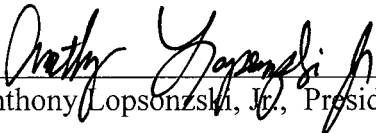
All existing Ordinance of the Borough of Northampton or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its enactment and as otherwise provided by law.

Enacted and ordained this 20th day of September, 2018, by the Council of the Borough of Northampton.

BOROUGH COUNCIL
BOROUGH OF NORTHAMPTON



Anthony Lopsonzski, Jr., President

ATTEST: 

LeRoy Brobst, Borough Manager

Thomas D. Reenock, Mayor