

Chapter 242

RENTAL PROPERTY

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 125.
Property maintenance — See Ch. 230.

ARTICLE I

Landlord Occupancy Reports [Adopted 7-7-1982 by Ord. No. 1-1982]

§ 242-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LANDLORD — Any person or persons, natural or corporate, who or which allows other persons, natural or corporate, to occupy real estate or portions of real estate owned by or in the control of the landlord.

§ 242-2. Filing requirement. ¹

A landlord shall file occupancy reports with the Borough Secretary of the Borough of East Vandergrift within 30 days after a new or additional person, natural or corporate, occupies all or a portion of real estate owned or in the control of the landlord.

§ 242-3. Annual certification. ²

If no new or additional person or persons, natural or corporate, have occupied all or a portion of the real estate owned by or in the control of the landlord since the filing of the most recent occupancy report, then, annually, on or before the 31st day of January each year, the landlord shall file a certification to that effect with the Borough Secretary of the Borough of East Vandergrift on forms available at the office of the Borough.

§ 242-4. Occupancy report.

An occupancy report shall contain the following information:

- A. The names of all persons, natural or corporate, having a right to occupy real estate owned by or in the control of the landlord.
- B. The complete mailing address of all persons, natural or corporate, so occupying.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. The name, address and telephone number of the landlord.
- D. Signature of the landlord.

§ 242-5. Violations and penalties. ³

Any landlord who shall fail to comply with any provision of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County. It shall be a separate violation:

- A. As to each person, natural or corporate, occupying all or a portion of real estate owned by or in the control of the landlord.
- B. As to each failure to provide an occupancy report or certification of no change in occupancy when due.
- C. As to each successive thirty-day period following the due date of an occupancy report or certification of no change in occupancy.

§ 242-6. Dissemination of information. ⁴

The Borough Secretary shall supply the names and addresses of all persons, natural or corporate, occupying real estate obtained by him hereunder to all other officials and departments of the Borough requesting same for the proper performance of their duties.

ARTICLE II

Rental Unit Regulations

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 242-7. Definitions.

The following words, when used in this article, shall have the meanings as set forth in this section:

BOARD — The Code Appeals Board of the Borough of East Vandergrift

BOROUGH — The East Vandergrift Borough, County of Westmoreland, and Commonwealth of Pennsylvania.

CODE — The International Property Maintenance Code as adopted by the Borough of East Vandergrift.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

DISRUPTIVE CONDUCT — Any form of conduct, action, incident or behavior perpetrated, caused, or permitted by any occupant or visitor of a regulated dwelling unit that is so loud, untimely (time of day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility of their peaceful enjoyment of their premises such that a report is made to the police complaining of such action, conduct, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person, in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein; provided, however, that no disruptive conduct shall be deemed to have occurred unless the police investigate and make a determination that such did occur, and make a record of such occurrence.

DISRUPTIVE CONDUCT REPORT — A written report of disruptive conduct on a form to be prescribed hereof, to be completed by the police who actually investigate an alleged incident of disruptive conduct which shall be maintained by the Code Enforcement Officer.

DWELLING — A building having one or more dwelling units.

DWELLING UNIT — A room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purpose, having its own cooking facilities and a bathroom with a toilet and a bathtub or shower.

GUEST — A person on the premises with the actual or implied consent of an occupant/tenant.

ILLEGAL ACTIVITIES — The occupant/tenant shall not engage in or tolerate nor permit others on the premises to engage in any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.) or Liquor Code (47 P.S. § 1-101 et seq.), or the Controlled Substances, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).

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.

MANAGER — An adult individual designated by the owner of a regulated rental unit. The manager shall be the agent of the owner for service of process and receiving notices and demand and to perform the obligations of the owner under this article and under rental agreements with occupants/tenants.

MULTIPLE-UNIT DWELLING — A building containing three or more independent dwelling units, including, but not limited to, double houses, row houses, townhouses, condominiums, apartment houses, and conversion apartments.

OCCUPANCY LICENSE — The license issued to the owner of regulated rental units under this article which is required for the lawful rental and occupancy of regulated rental units.

OCCUPANT/TENANT — An individual who resides in a regulated rental unit, whether or not he or she is to be the owner thereof, with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania.

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 present use and enjoyment of the premises, including a mortgage holder in possession of a regulated rental unit.

OWNER-OCCUPIED DWELLING UNIT — A dwelling unit in which the owner resides on a

regular, permanent basis.

PEACEFUL ENJOYMENT — The occupant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the person occupying the same.

PERSON — A natural person, partnership, corporation, unincorporated association, limited partnership, trust or other entity.

POLICE — The Police Department of the Borough of East Vandergrift or any properly authorized member or officer of any other law enforcement agency having jurisdiction within the Borough of East Vandergrift.

PREMISES — Any parcel of real property in the Borough of East Vandergrift, including the land and buildings and appurtenant structures and appurtenant elements on which one or more regulated rental units is located.

RENTAL AGREEMENT — A written agreement between owner/landlord and occupant/tenant supplemented by the addendum embodying the terms and conditions concerning the use and occupancy of a specified regulated rental unit or premises.

RESIDENTIAL USE — The occupant/tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit for no other purpose than as a residence.

TENANT/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 lease or by the laws of the Commonwealth of Pennsylvania (same as "occupant/tenant").

UNRELATED — Of or pertaining to two or more persons not related to one another through blood to the level of second cousins, adoptions or marriage.

§ 242-8. Owner duties.

A. General.

- (1) It shall be the duty of every owner to keep and maintain all regulated rental units in compliance with the 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.
- (2) As provided for in this article, every owner shall be responsible for regulating the property and lawful use and maintenance of every dwelling which he, she or it (as applied to corporate entities throughout this article) owns. As provided for in this article, every owner shall be responsible for regulating the conduct and activities of the occupant/tenant both contractually and through enforcement of every regulated rental unit, which he, she or it owns in the Borough, which conduct or activity takes place at such regulated rental unit or its premises.
- (3) This section shall be not 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 conduct or 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 guest when any such action or proceeding is brought against the occupant based upon the occupant's/tenant's conduct or activity. Nothing herein is intended to impose any additional civil/criminal liability upon owners other than that which is imposed by existing law.

- (4) This article 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/tenant or guest thereof.

B. Designation of manager. Every owner who is not a full-time resident of the Borough of East Vandergrift, and/or who does not live within 15 miles of the boundaries of the Borough of East Vandergrift, shall designate a manager who shall reside or maintain a full-time office in an area that is within 15 miles from the Borough of East Vandergrift. 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 shall perform the same function as a manager. If the owner is a partnership, a manager shall be required if a partner does not reside within the above-referenced area. Said partner shall perform the same function as a manager. 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 article and under rental agreements with occupants. The identity, address and telephone number(s) of a person who is designated as 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 within 30 days of any change.

C. Disclosure.

- (1) The owner or manager shall disclose to the occupant, in writing, on or before the commencement of tenancy:
 - (a) The name, address and telephone number of the manager, if applicable (if other than the owner or manager supplying the disclosure); and
 - (b) The name, address and telephone number of the owner of the premises.
- (2) Before an occupant initially enters into or renews a rental agreement for a regulated rental unit, the owner or manager shall furnish the occupant with a copy of the most recent inspection report relating to the property.

D. Maintenance of premises. The owner shall maintain the premises in compliance with any and all codes of the Borough and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make any and all repairs necessary to fulfill this obligation.

E. Written rental agreement.

- (1) All rental agreements for regulated dwelling units shall be in writing and shall be supplemented with the addendum. (No verbal leases and no verbal modifications thereof are permitted.) All disclosure and information required to be given to

occupant/tenant by the owner shall be furnished before the signing of the rental agreement. The owner shall provide occupant/tenant with copies of the rental agreement and addendum upon execution.

- (2) Terms and conditions. Owner and occupant/tenant may include in a rental agreement terms and conditions not otherwise prohibited by this article or other applicable ordinances, regulations, and laws, including rent, terms of agreement, and other provisions governing the rights and obligations of the parties.
- (3) Prohibited provisions. Except as otherwise provided by this article, no rental agreement may provide that the occupant/tenant or owner agree to waive or to forego rights or remedies under this article. A provision prohibited by this subsection included in a rental agreement is unenforceable.
- (4) Attachment of ordinance to rental agreement. Following the effective date of this article, a summary hereof in a form provided to owner by the Borough at the time of licensing, shall be attached to each rental agreement delivered by or on behalf of an owner when any such agreement is presented for signing to any occupant. If a summary has been provided when the rental agreement was first executed, a summary does not have to be provided upon renewal. Where a rental agreement has been entered into prior to the effective date of this article, the owner shall provide the occupants with a copy of the summary within 60 days after the enactment of this article.
- (5) If a copy of the rental agreement is requested by the Borough, the owner shall be permitted to submit a redacted copy of the same excluding from the copy all financial information regarding the rental agreement by and between the tenant and the owner.

- F. Complaints. The owner shall reply promptly to reasonable complaints and inquiries from occupant/tenant.
- G. Landlord and Tenant Act. The owner shall comply with all provisions of the Landlord and Tenant Act of the Commonwealth of Pennsylvania⁵ currently in effect and as amended from time to time hereafter by the Legislature of the Commonwealth of Pennsylvania.
- H. Common areas. Where an owner does not regulate the use of common areas and the behavior of occupants and guests in the common areas, the owner shall be directly responsible for the behavior of occupant/tenant and guests in the common area as if the owner were an occupant/tenant.

§ 242-9. Occupant/tenant duties.

- A. General. The occupant/tenant shall comply with all obligations imposed upon occupants by this article, all applicable codes and ordinances of the Borough and all applicable provisions of state law.
- B. Health and safety regulations.
 - (1) The maximum number of persons permitted in any regulated rental unit at any time shall not exceed the standards outlined in the Borough's International Property

5. Editor's Note: See 68 P.S. § 250.101 et seq.

Maintenance Code⁶ (as may be amended from time to time).

- (2) The occupant/tenant shall dispose from his or her regulated rental unit all rubbish, garbage, and other waste in a clean and safe manner prescribed by the Borough and separate and place for collection all recyclable materials in compliance with the recycling plan for the Borough of East Vandergrift.
- C. Peaceful enjoyment. The occupant/tenant shall conduct himself or herself and require other persons, including, but not limited to, guests on the premises and within his or her regulated rental unit with his or her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others, and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by the persons occupying the same.
- D. Residential use. The occupant/tenant shall, unless otherwise permitted by applicable law or ordinance, occupy or use his or her regulated rental unit for a residence only.
- E. Illegal activities. The occupant/tenant shall not engage in, nor tolerate or permit others on the premises to engage in, any conduct declared illegal under the Pennsylvania Crimes Code (18 Pa.C.S.A. § 101 et seq.), Liquor Code (47 P.S. § 1-101 et seq.), or the Controlled Substances, Drug, Device and Cosmetic Act (35 P.S. § 780-101 et seq.).
- F. Disruptive conduct.
- (1) The occupant/tenant shall not engage in, nor tolerate, nor permit others on the premises to engage in disruptive conduct or other violations of this article.
 - (2) When police investigate an alleged incident of disruptive conduct, the responding officer shall complete a disruptive conduct report upon finding that the reported incident did, in his or her judgment, constitute disruptive conduct as defined herein. The information filed on said report shall include, if possible: the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct, required on the prescribed form. Where the police make such investigation, said police officer shall then submit the completed disruptive conduct report to the Code Enforcement Officer. In all cases, the Code Enforcement Officer shall mail a copy of the disruptive conduct report to the owner or manager within seven working days of the occurrence of the alleged disruptive conduct.
 - (3) The third occurrence of disruptive conduct within a one-year period shall result in an automatic eviction of the tenant by the owner. Should the owner fail to cooperate with the provisions of this article and fail to move forward with eviction upon notice by the Borough, the Borough shall take any and all necessary legal action to move forward with the eviction action on behalf of the owner in the best interest of the health, safety and welfare of the residents of the Borough, and any and all costs and fees, including reasonable attorneys' fees incurred by the Borough shall be assessed against the owner.
- G. Compliance with rental agreement. The occupant/tenant shall comply with all lawful provisions of the rental agreement entered into between owner and occupant/tenant. Failure

⁶. Editor's Note: See Ch. 230, Property Maintenance.

to comply may result in the eviction of the occupant by the owner.

- H. Damage to premises. The occupant/tenant shall not intentionally cause, nor permit nor tolerate others to cause, damage to the premises. Conduct which results in damage in excess of \$500 (as the same shall be estimated by the owner or manager) shall be considered a violation of this article.
- I. Inspection of premises. The occupant shall permit inspections by the Code Enforcement Officer or his designated representative of the premises at reasonable times, upon reasonable notice and as required by the Borough.
- J. Fees. Every person applying for license initially shall supply all information requested by the Borough and pay any initial license fee, as adopted by the Borough and as may be amended from time to time by resolution of the Borough Council.

§ 242-10. Registration requirements.

- A. Compliance with registration regulations of Borough. Each owner shall comply with the requirements and minimum regulations for all residential rental properties within the Borough.
- B. Licensing of rooming houses, dormitories and hotels.
 - (1) No person shall operate a rooming house, dormitory or hotel unless he has first obtained from the Code Enforcement Officer a license to operate such rooming house, dormitory or hotel.
 - (2) Compliance with code. The Code Enforcement Officer shall not issue a license unless the rooming house, dormitory or hotel for which the license is requested is in compliance with the code.
 - (3) Number of occupants specified. Every license shall specify the maximum number of occupants allowed to occupy the rooming house, dormitory or hotel. Every license shall be displayed in a conspicuous place within the rooming house, dormitory or hotel.

§ 242-11. Violations and penalties.

- A. Basis for violation. It shall be unlawful for any person, as either owner or manager 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 manager, to allow the number of occupants of a regulated rental unit to exceed the minimum limit as set forth on the license, or to violate any other provision of this article. It shall be unlawful for any occupant to violate this article.
- B. Penalties. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period

not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

- C. License revocation; notice. Whenever the Code Enforcement Officer determines that there exists a violation of the International Building Code or the Property Maintenance Code, it shall serve notice as provided in the code and shall notify the owner or operator, in writing, that unless the notice of violation is complied with, the rental dwelling license may be revoked. After the expiration of the time for compliance as stated on the notice of violation, a reinspection shall be made to determine compliance. If the violation has not been corrected and no appeal is pending, the Code Enforcement Officer may revoke the multifamily dwelling license and, in such event, shall serve written notice by United States certified mail upon the owner or operator of such action.
- D. Appeal. Any person whose dwelling license has been revoked, or whose application for license to operate a multifamily dwelling has been denied, may appeal to the Board as provided in the code. Fees for this appeal process shall be set by resolution and amended from time to time by the Borough of East Vandergrift Council.
- E. Nonexclusive remedies. The penalty provisions of this article and the license nonrenewal, suspension or revocation procedures provided in this article shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purposes of this article. The remedies and procedures provided in this article 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 article and whether or not all ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of violation of this article.

§ 242-12. Notices.

- A. For purposes of this article, any notice required hereunder to be given to a manager shall be deemed as notice given to the owner.
- B. There shall be a rebuttal presumption that any notice required to be given to the owner under this article shall have been received by such owner if the notice was given to the owner in the manner provided by this article.
- C. A claimed lack of knowledge by the owner of any violation hereunder cited shall be no defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to instillation of such proceedings have been given and deemed received in accordance with the applicable provisions of this article.

§ 242-13. Changes in ownership occupancy.

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 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 the purposes of this article.

§ 242-14. 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 article and shall be severally subject to prosecution for the violation of this article.