Amending and Supplementing the Pittsburgh City Code, Title VII Business Licensing, by adding Article X Rental of Residential Housing, Chapter 781 Residential Housing Rental Permit Program to provide for the registration of rental housing located within the City of Pittsburgh and to provide penalties for violation.

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~~; to allow inspections in the case of noncompliance; to provide for a voluntary inspection and Certificate of Safety;~~ 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 Ordinance, so that an inventory of rental properties and a verification of compliance can be made by City officials.

Section 781.01 Definitions.

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

(a) ***"City"*** means the **City of Pittsburgh. To the extent that this Article requires filings or submissions, "City" shall refer to the** ~~Bureau~~**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.

(b) ***"Dwelling unit"*** means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.

~~(b)~~ **(c)** ***"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.

~~(c) *"Law Enforcement Officer"* shall have the meaning as set forth in the Pennsylvania Rules of Criminal Procedure.~~

(d) ***"License Officer"*** means the City of Pittsburgh ~~Bureau of Building Inspection~~**Department of Permits, Licenses, and Inspections**.

(e) ***"Owner"*** means the legal title holder of a rental unit or the premises within which the rental unit is situated.

(f) ***"Owner-Occupied Rental Unit"*** means a rental unit that is 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.

(g) ***"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.

(h) ***"Premises"*** means a lot, plot, or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

(i) ***"Rental unit"*** means any dwelling unit or residential structure containing sleeping units~~; including, but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms~~, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year, or any other term. Hotels, motels, bed and breakfast establishments, **public housing units, dormitories, certified rehabilitation facilities, and long-term medical care facilities shall be exempt from this ordinance.**

(j) ***"Responsible local agent"*** means a natural person having his or her place of residence in ~~the State of Pennsylvania~~ **Allegheny County** and or a professional, licensed real estate management firm with an office located in ~~the State of Pennsylvania~~ **Allegheny County** and 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.

(k) "***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, occupy, or otherwise allow a rental unit within the City to be occupied~~, within the City~~ without first obtaining a rental permit from the License Officer.

(1) A permit can be acquired after the owner of the rental unit shall have registered the rental unit with the City by fully completing and filing a current registration form either on-line or in paper form with the City, as provided in Section 780.03 of this Ordinance.

(2) A permit will be denied unless all of the following requirements are met:

~~a. All requirements of Section 781.04 pertaining to inspection are met~~

~~b~~a. All fees charged by the City for the registration of the rental unit shall be paid in full

~~c~~b. All real estate, business taxes and housing court judgments are paid in full.

~~d. The owner or responsible local agent of the rental unit shall provide the Bureau of Building Inspection and Bureau of Building Inspection a document which states the name(s), and telephone number(s) of the leaseholders who will occupy the unit. It shall also provide the length of their occupancy. This information shall be supplied annually in accordance with Section 780.03.~~

~~(3) The rental permit shall be posted conspicuously on the premises in accordance with Section 781.04.~~

Section 781.03. Permit Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the City to be occupied without first registering the rental unit with the City and designating a responsible local agent.

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

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 maximum number of tenants permitted for each rental unit;~~

(~~6~~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;

(~~7~~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;

(~~8~~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.

~~(9) The name, telephone number and of all lease-holders, number of occupants and the termination date of the lease~~

(~~10~~8) A copy of a current valid occupancy permit for the property~~ be provided at the initial application but shall not be necessary unless there is a transfer of property~~.

(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 ~~Bureau of Building Inspection~~**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.

(4) ~~A change in the lien-holder or tenants shall be made upon annual registration~~

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

Registration of a rental unit shall be effective for one year. All registrations shall expire on ~~September 30th~~ **December 31st** of each year. 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 ~~(August 31st of each year)~~.

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

The owner 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.

~~(e)~~ ~~*Responsible Local Agent.*~~

~~The designated responsible local agent shall be responsible for all of the following:~~

~~(1) Operating the registered rental unit in compliance with all applicable City ordinances;~~

~~(2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable City Ordinances;~~

~~(3) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and~~

~~(4) Accepting all legal notices or services of process with respect to the rental unit.~~

~~**Section 781.04 Inspections.**~~

~~(a) ***Basis for Inspections.***~~

~~Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.~~

~~(1) A complaint received by the City of Pittsburgh, or any law enforcement agency, indicating that there is a violation of the standards or the provisions of any Ordinance adopted by the City, County, or any state law;~~

~~(2) An observation by any law enforcement officer or of any member of the Pittsburgh Fire Bureau of a violation of the standards or the provisions of any Ordinance adopted by the City or any state law;~~

~~(3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;~~

~~(4) The failure to register or comply in any manner with the provisions as required by this Ordinance;~~

~~(5) The need to determine compliance with a notice or an order issued by the City;~~

~~(6) An emergency observed or reasonably believed to exist;~~

~~(7) A request for an inspection by the property owner; or~~

~~(8) Requirements of law where a dwelling is to be demolished by the City or where ownership is to be transferred to the City.~~

~~(c) ***Inspection Procedures.***~~

~~(1) Once the Bureau of Building Inspections has determined that a rental unit is in compliance with all of the ordinances adopted by the City and state law, the inspection required for issuance of a certificate of safety shall be satisfied. The inspection shall then be valid for a period of two three years from the date the certificate of safety is issued.~~

~~(2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable City and State codes and ordinances, the City shall provide the registered local agent and/or owner with written notice of such violations. The Bureau of Building Inspection shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the~~

~~inspection required for issuance of a certificate of safety and rental permit shall be satisfied. If such violations have not been corrected within that period, the Bureau of Building Inspection shall not issue the certificate of safety and rental permit and may take any action necessary to enforce compliance with applicable City and State codes and ordinances.~~

~~(3) If there is a complaint filed on a property with the City of Pittsburgh, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by any Bureau of the City of Pittsburgh, Department of Public Safety, it will require immediate compliance with adopted Building Code. If the complaint is not of an emergency nature, the owner will have a period of time as legally prescribed by the Bureau of Building Inspections to correct such violation, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.~~

~~(4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.~~

~~(5) Where a re-inspection must be made to ensure conformity with this Ordinance for those rental units that have been issued violation notices, the City will charge a separate inspection fee for every inspection when the violation has not been abated or corrected, this fee may not be waived.~~

~~(6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.~~

~~**(7) Access to property for inspection shall be made in accordance with State and Federal laws**~~

~~**Section 781.05 Posting of the Rental Permit or Notice of Non-Compliance.**~~

~~(a) The rental permit shall be displayed in a conspicuous place in each rental unit at all times, along with the name, address and telephone number of the responsible local agent.~~

~~(b) If the owner does not comply with this ordinance a notice of non-compliance may be placed on the building in a manner determined by the Chief of Building Inspection.~~

~~**Section 781.06 Voluntary Inspections and Certificate of Safety.**~~

~~(a) An owner of a registered rental property may obtain a Certificate of Safety from the City, providing there are no violations, by voluntarily~~

~~having their property inspected by the City for a fee or a private inspection firm that has been pre-approved by the Chief of the Bureau of Building Inspections.~~

~~(b) The Certificate of Safety shall contain the specific items that the property has been inspected for and performed in a manner determined by the Chief of the Bureau of Building Inspections.~~

~~(c) The Certificate of Safety shall be valid for a period of Three (3) years.~~

~~(d) The City shall maintain no liability in regards to the Certificate of Safety~~

Section 781.0~~7~~4 Fees.

(a) The City Council shall establish~~, by resolution,~~ an appropriate fee for rental permit registration ~~and inspections~~ and may review and increase such fees on an annual basis.

~~(b) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.~~

~~(c) Where a re-inspection must be made to ensure conformity with this Ordinance for those rental units that have been issued violation notices, the City will charge a separate inspection fee for every inspection only when it is found that the violation has not been abated or corrected.~~

(~~d~~**b**) Fee Schedule:

a. Annual Rental Registration Permit: $~~12~~ **$65 (sixty five dollars)** per unit (plus applicable charges). ~~if filed online)~~

~~b. Building Inspection Fee: $30 per unit for first unit (or single family home), $10 for second unit within same building, $5 per unit for all subsequent units within same building.~~

~~c. Replacement of Certificate of Safety or a valid Rental Permit: $5~~

~~d. Certificate of Safety with use of private inspection firm: $5~~

(~~e~~**c**) ~~In order to assure that funds are available to provide an adequate number of staff for appropriate enforcement and enactment of this ordinance all fees shall be deposited in a rental permit program trust fund that shall be established by City Council.~~

~~**Section 781.08. Maintenance of Records.**~~

~~(a) All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the City and all or portions of such documents shall be made available to other appropriate City Departments and the public in accordance with the applicable provisions of Pennsylvania law.~~

~~(b) Portions of the records that are not subject to FOIA (Freedom of Information Act) and contain what is considered sensitive personal information shall be kept confidential by the city and periodically destroyed in accordance with any applicable laws.~~

Section 781.05~~9~~ Initial Implementation.

(a.) Initial implementation shall begin no later than ~~July 1, 2008~~ **May 1, 2015** in a manner determined by the City, but in any case all Rental Permit Registrations must be completed and paid in full no later than ~~September 30, 2008~~ **July 31, 2015**.

(b.) It is Council's intent that the appropriate expenditures are made and the staff to implement the program is hired on or before the initial implementation date.

Section 781.06~~10~~ Notice.

(a) When the Department of Permits, Licenses, and Inspections determines that there has been a violation of any provision of this ordinance, the Director of the Department of Permits, Licenses, and Inspections 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 781.07 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~~10~~ Penalty.

Violation of this Ordinance shall be a summary offense. The fine for each separate violation shall ~~be a fine not to~~ not exceed $~~1,000~~**500 (five hundred dollars)** per each unit per each month that a rental unit is not registered ~~or inspected~~ as required by this Ordinance~~, plus any fees that have been charged for inspection if applicable. Inspection fees shall not be waived or reduced~~.

~~**Section 781.11 Severability and Captions.**~~

~~This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby 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 Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.~~

~~Section 781.12 Repeal.~~

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

~~Section 781.13. Sunset Provision~~

~~This ordinance shall require Council to review the program and vote to reenact, amend or supplement on or before December 31, 2011.~~

~~Section 781.14. Effective upon signature of the Mayor~~