



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 100540

Introduced September 16, 2010

Councilmember Greenlee

**Referred to the
Committee on Licenses and Inspections**

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "PM" (The Philadelphia Property Maintenance Code), by requiring that mortgagees (lenders) inspect properties acquired upon foreclosure, and, if such properties are found to be vacant, meet licensing and other requirements with respect to such properties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is hereby amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

CHAPTER 1 ADMINISTRATION

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SECTION PM-102.0 LICENSING

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PM-102.4 Vacant structures or lots: The owner of every vacant lot, vacant building or vacant wharf, pier or dock shall obtain a license from the Department. Every person applying for a license shall supply such information as the Department requires and shall pay an annual fee as set forth in the administrative code. The owner of any vacant commercial structure shall post a bond or other security in form approved by the Law Department and in an amount determined by the Department to be necessary to secure the City's potential cost of correcting Code violations or abating unsafe or imminently dangerous conditions as authorized by PM-306.6, PM-307.6, PM-308.4, or any other provision of this code. If the City does incur such costs, the City may recover such costs from the posted bond or other security, in addition to pursuing any other remedy authorized by law. The bond or other security shall provide that it will not expire and the City need not release it upon transfer of the property unless and until a subsequent owner posts a comparable bond or other security. Failure to post the required security or to maintain such security may result in the suspension or denial of any license issued to the owner under this code, which license suspension(s) or denial(s) shall continue until the owner has posted the required security. No license shall be suspended under this provision until the owner has been provided written notice and an opportunity for a hearing.

PM-102.4.1 Licensing of vacant residential properties acquired upon foreclosure: Any mortgagee (lender) that has acquired a residential property, upon foreclosure of a mortgage loan by a judicial officer or by deed in lieu of foreclosure, shall cause an initial inspection of such property to be performed within fifteen (15) days of the acquisition of the property. If, upon inspection, the property is vacant, the mortgagee (lender) shall, within thirty (30) days of the inspection, apply for a license in accordance with the procedures set forth in PM-102.4 (relating to licensing for vacant structures and lots). If the property was acquired prior to the effective date of this subsection PM-102.4.1, the mortgagee (lender) shall cause the initial inspection of the property to be performed within fifteen (15) days of the effective date of this subsection and proceed thereafter in accordance with the provisions of this subsection.

PM-102.4.1.1 License applications for properties acquired upon foreclosure: In addition to any other information required under PM-102.5, the mortgagee (lender) that has acquired the property shall provide the Department with the name, street address, telephone number and a direct contact name for the mortgagee (lender) or its managing agent. If the mortgagee (lender) is located outside of the City, it shall provide the name, address, telephone number and a direct contact name for the managing agent responsible for the security, maintenance and marketing of such property.

PM-102.4.1.2 Inspection and Maintenance requirements: The mortgagee (lender) that has acquired the property or its managing agent shall, after the initial

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inspection, conduct inspections of the property at least once every two weeks and shall comply with PM-306.0 (relating to vacant premises) and all other applicable laws. If the mortgagee (lender) is located outside of the City, it shall contract with a managing agent as defined in PM-102.6.5, and the managing agent shall conduct the required inspections of the property and ensure that it is in compliance with such laws. The mortgagee (lender) or the managing agent, as the case may be, shall maintain records of all such inspections and any maintenance or repairs performed on the property.

PM-102.4.1.3 Posting the property: The mortgagee (lender) shall post the property with its name, address and twenty-four (24) hour contact telephone number or, if applicable, the name, address and twenty-four (24) hour contact telephone number of its managing agent. The poster shall be no less than eighteen (18) inches by twenty-four (24) inches, shall be in plain view and at eye level so that people walking will be able to read the poster without coming onto the property. The poster shall not be hidden by bushes, fences, tree limbs, roll down gates or other obstructions. The poster shall contain the words, "THIS PROPERTY MANAGED BY" followed by the name and address of the manager of the property, and the words "TO REPORT PROBLEMS OR CONCERNS CALL," followed by the telephone number of the manager of the property."

- [PM-102.4.1] *PM-102.4.2* Timeliness: * * *
- [PM-102.4.2] *PM-102.4.3* Contiguous lots: * * *
- [PM-102.4.3] *PM-102.4.4* Exemptions: * * *

CHAPTER 2 DEFINITIONS

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SECTION PM-202.0 GENERAL DEFINITIONS

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Condominium Council: * * *

Deed in lieu of foreclosure: A deed document in which a mortgagor (borrower) conveys all interest in real property to the mortgagee (lender) to satisfy a loan that is in default and thus, avoids foreclosure proceedings.

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Department: The Department of Licenses and Inspections or a duly authorized representative.

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Infestation: The presence of insects, rodents, vermin or other pests, within or contiguous to, a structure or premises.

Mortgagee (lender): The holder of a mortgage loan.

Mortgage loan: A loan where real property is placed as security for the loan.

Occupancy: The purpose for which a building or portion thereof is used or occupied.

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Private Parking Lot: Any outdoor area or space where more than six (6) motor vehicles may be parked, housed or kept without any charge.

Residential Property: A property containing one or more dwelling units.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and similar materials.

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SECTION 2. This Ordinance shall become effective immediately.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.