

Legislation Details (With Text)

File #: 010695-A **Version:** 1 **Name:**
Type: Bill **Status:** ENACTED
File created: 11/29/2001 **In control:** Committee on Licenses and Inspections
On agenda: **Final action:** 6/13/2002

Title: Amending The Philadelphia Code to add various requirements and prohibitions relating to students living in "Educational Housing Districts," including amending Title 10 ("Regulation of Individual Conduct and Activity") to define "Educational Housing Districts" and to provide for parental, college and university, and landlord responsibility for students who engage in certain conduct prohibited under the Code; amending Title 9 ("Regulation of Businesses, Trades and Professions") to impose requirements on students and universities and colleges relating to student notification regarding the student's local address; to impose requirements on students and colleges and universities regarding the student's vehicles; to require colleges and universities to provide the City with a security plan and with their policy regarding student discipline; and to prohibit students from living in any dwelling in violation of the Zoning Code; and amending Subcode PM of Title 4 ("The Philadelphia Property Maintenance Code") to require that a landlord obtain a certificate of inspection in order to obtain a multiple-family dwelling license when renting to certain numbers of students; all under certain terms and conditions.

Sponsors: Councilmember Nutter

Indexes: EDUCATIONAL HOUSING DISTRICTS

Code sections: 10-1800 - VICARIOUS LIABILITY FOR STUDENT CONDUCT, 10-1801 - Definitions, 10-1802 - Vicarious Liability, 10-1803 - Penalties

Attachments: 1. CertifiedCopy010695-A01.pdf

Date	Ver.	Action By	Action	Result	Tally
6/13/2002	1	CITY COUNCIL	RECONSIDERED		
6/13/2002	1	CITY COUNCIL	VETO OVERRIDDEN	Pass	12:5
6/12/2002	1	MAYOR	VETOED		
5/30/2002	1	CITY COUNCIL	PASSED	Pass	15:1
5/30/2002	1	CITY COUNCIL	READ		
5/16/2002	0	CITY COUNCIL	READ		
5/16/2002	1	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
5/16/2002	1	CITY COUNCIL	AMENDED		
5/2/2002	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
4/25/2002	0	CITY COUNCIL	ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR		
4/24/2002	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
4/24/2002	0	Committee on Licenses and Inspections	REPORTED FAVORABLY		
4/24/2002	0	Committee on Licenses and Inspections	HEARING HELD		

11/29/2001	0	CITY COUNCIL	Referred	
11/29/2001	0	CITY COUNCIL	Introduced	Pass

Amending The Philadelphia Code to add various requirements and prohibitions relating to students living in “Educational Housing Districts,” including amending Title 10 (“Regulation of Individual Conduct and Activity”) to define “Educational Housing Districts” and to provide for parental, college and university, and landlord responsibility for students who engage in certain conduct prohibited under the Code; amending Title 9 (“Regulation of Businesses, Trades and Professions”) to impose requirements on students and universities and colleges relating to student notification regarding the student’s local address; to impose requirements on students and colleges and universities regarding the student’s vehicles; to require colleges and universities to provide the City with a security plan and with their policy regarding student discipline; and to prohibit students from living in any dwelling in violation of the Zoning Code; and amending Subcode PM of Title 4 (“The Philadelphia Property Maintenance Code”) to require that a landlord obtain a certificate of inspection in order to obtain a multiple-family dwelling license when renting to certain numbers of students; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY.

* * *

CHAPTER 10-1800. VICARIOUS LIABILITY FOR STUDENT CONDUCT.

§10-1801. Definitions.

(1) *“Educational Housing District.” Shall mean the following geographic areas:*

(a) *The Fourth Councilmanic District.*

(2) *“Responsible Party.” Shall mean any parent of, legal guardian of, or other adult legally responsible for any student and the college or university in which a student is enrolled.*

(3) *“Student.” Shall mean any person under the age of twenty-three (23) years enrolled full-time in a college or university undergraduate degree program.*

§10-1802. Vicarious Liability.

(1) *A responsible party shall be liable for any violation of any provision of Section 9-2405 (relating to “Zoning Compliance”), Chapter 10-400 (relating to “Noise and Excessive Vibration”), Chapter 10-500 (relating to “Property - Damaging, Defacing and Interfering With”), Chapter 10-600 (relating to “Public Places - Prohibited Conduct”) or Chapter 10-700 (relating to “Refuse and Littering”) committed within an Educational Housing District by a student with whom it has a relationship as a responsible party as defined by this Chapter.*

§10-1803. Penalties.

(1) *The penalty for liability under this Chapter shall be a fine not to exceed three hundred dollars (\$300). Any person authorized to enforce ordinances who becomes aware of a violation of Chapter 10-400, Chapter 10-500, 10-600 or 10-700 by a student in an Educational Housing District shall serve upon one or more responsible party a notice of violation of this Chapter. The amount that may be paid by the responsible party to admit the violation and waive appearance in municipal court shall be such amount as is otherwise provided by this Code for payment to avoid further penalty in connection with the violation at issue.*

(2) *If any responsible party meets the definition of that term under more than one criterion, the responsible party shall not be fined more than once in connection with the same violation.*

(3) *If any student is determined to be in violation of any of those provisions three times during any one year period in connection with conduct at any single location, such location shall be considered a nuisance for which all remedies for nuisance properties under this Code or at common law shall apply, including the right of a private citizen to bring an equity action to prevent further conduct creating the nuisance at such property.*

(4) *The official who serves a notice of violation of any of the provisions of the Code referenced in section 10-1802 on a student shall provide the owner of the residence where the student resides notification of any such violation that occurs at such residence. A property owner who receives such notification shall forward a copy of the notification to the university or college attended by the student. Within 10 days of receipt of a third notice of violation under this subsection, the owner shall provide the Department with a plan of action for how the owner intends to bring about the end of the activity creating the nuisance at the property.*

(5) *Upon notification to a landlord by a student pursuant to section 9-2402 that the lessee of a residence is a student, the landlord shall provide the student with a copy of Bill No. 010695. The landlord shall include in his lease with any student a provision stating that, if the student is determined to be in violation of any of the provisions referenced in section 10-1802 three times during any one year period in connection with conduct at the residence leased to the student, the owner has cause to evict the student from the property. The lease shall also include a provision stating that the student has received a copy of the bill and has read it, which provision must be specifically signed by the student. Nothing in this subsection shall prevent the owner from invoking any lawful remedies under the lease or otherwise as may be permitted by law based on the behavior of the student.*

(6) *Failure of a landlord to comply with any provision of this section shall subject the property owner to the penalties set forth in this section.*

SECTION 2. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-2400. UNIVERSITIES AND STUDENTS.

§9-2401. *Definitions. The terms “Educational Housing District” and “Student” shall have the meanings as defined under Chapter 10-1800.*

§9-2402. *Address Notification Requirements.*

(1) *Each student living in an Educational Housing District while attending school must:*

(a) *notify his or her landlord that he or she is a student if he or she does not own the building where he or she is residing; and*

(b) *provide the college or university that he or she attends with his or her local address no later than the start of each semester, trimester or quarter of school in which the student is enrolled or in accordance with the adopted policy of the college or university for the provision of local addresses. The student shall notify the college or university within five (5) days of any change in that address.*

(2) *Each college or university that has a substantial portion of its facilities facilities located within an Educational Housing District shall:*

(a) *require that its students provide the college or university with a current address at which the student is living while attending the college or university and notify the college or university within five (5) days of any change in that address;*

(b) *certify in writing to the Department within forty-five (45) days of the first day of classes of the fall semester, trimester or quarter of each school year, that the college or university has obtained such addresses from at least 95% of its students;*

(c) *provide its students with a copy of Bill No. 010695 each year at the time of registration.*

§9-2403. Information To Be Provided To Police Department.

(1) *Each college and university that has a substantial portion of its facilities located within an Educational Housing District must, by the start of classes of the fall semester, trimester or quarter of each school year, provide the Police Department with:*

(a) *a security plan for its students residing in and around the university or college campus. Such plan shall include:*

(1) *an explanation of the security measures to be provided at any dormitory or any off-campus housing leased by the college or university in an Educational Housing District on behalf of students; and*

(2) *an explanation of the security measures to be provided in any area in the vicinity of the college or university located in an Educational Housing District where a significant number of the college or university's students live.*

(b) *the university or college's policy regarding student discipline.*

§9-2404. Vehicle Identification Requirement.

(1) *Each college or university that has a substantial portion of its facilities located in whole or in part in an Educational Housing District shall require that its students provide the college or university with the model, make, and license number of any vehicles owned, operated or controlled by such student, and a copy of a current registration and valid insurance certificate for each such vehicle.*

(2) *The college or university shall issue to the student a sticker as evidence that such information has been provided to the university. Such sticker shall identify the issuing college or university.*

(3) *Any student issued such sticker shall place it on the driver's side rear bumper of any vehicle owned, operated or controlled by such student.*

(4) *The penalty for a college or university's failure to issue a sticker to a student under this Code or for a student failing to affix such sticker once issued shall be a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300). Each day of non-compliance shall constitute a separate violation.*

(5) *The college or university issuing such sticker shall be liable for all parking violations under Title 12, The Traffic Code, involving the student's vehicle when the vehicle is located in an Educational Housing District, including but not limited to violations such as parking in or blocking a driveway, parking on the sidewalk or parking within fifteen feet of a fire hydrant.*

(6) *Any person authorized to serve parking tickets pursuant to Chapter 12-2800 of this Code who serves a parking ticket in connection with a car located in an Educational Housing District that is identified as belonging to a student shall issue an additional ticket to the college or university identified on the sticker reflecting that the car belongs to a student. The penalties for such liability shall be the same as set forth in the ticket otherwise served in connection with the violation. The procedures and administrative system set forth in Chapter 12-2800 shall apply in connection with such ticket.*

(7) *The university or college shall provide for the towing and shall be liable for all costs, public or private, associated with the removal by towing, pursuant to the Code, of any car for which it has issued a sticker that is subject to towing pursuant to Section 12-2405.1 of the Code.*

§9-2405. Zoning Compliance.

(1) *No student may live in an Educational Housing District in any dwelling which is in violation of the Zoning Code, including any dwelling in which more than three unrelated persons are living as a single household unit without a valid use registration permit. Nothing in this section shall relieve a property owner from any liability or duty to comply with any applicable provision of the Zoning Code and whenever a student is served with a notice of violation pursuant to this subsection, the property owner shall also be served with a notice of violation.*

SECTION 3. Subcode PM of Title 4 of The Philadelphia Code ("The Property Maintenance Code) is amended to read as follows:

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

CHAPTER 1. ADMINISTRATION

* * *

PM-102.0 LICENSING

PM-102.1 Multiple-family dwellings: No person shall operate a multiple-family dwelling without first obtaining a multiple-family dwelling 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.

PM-102.1.1 Special Requirement In Educational Housing Districts: In addition to the other conditions for obtaining a license under this Section, no person shall be issued a multiple-family dwelling license for a property located in an Educational Housing District in which the total number of students living in the building exceeds 25, or in which the percentage of dwelling units in the building in which at least one student lives exceeds 25% of the dwelling units of such building, and no such license shall be renewed, unless such person obtains a certification from the Department stating that within the last ninety days the property has been inspected by the Department and is in substantial compliance with the requirements of the Building Construction and Occupancy Code. The fee for such an inspection shall be established by the Department by regulation. For purposes of this subsection, the terms “Educational Housing District” and “student” shall have the meanings as defined in Chapter 10-1800 of the Code.

Explanation:

Italics indicate new matter added.