

Legislation Text

File #: 000713, Version: 1

Amending Subcode "PM" of Title 4 of The Philadelphia Code, entitled "The Philadelphia Property Maintenance Code," by requiring owners of vacant lots and vacant buildings to post a bond or other security for the City's potential cost of correcting Code violations or abating unsafe or imminently dangerous conditions when authorized law; providing that failure to post such security will result in suspension of the vacant property license and all other licenses issued to such person under the Property Maintenance Code, including residential rental property licenses, multiple-family dwelling licenses and rooming house licenses, until such security is posted; and providing that during such a period of license suspension, there shall be no right to recover possession of premises or to collect rent; 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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CHAPTER 4-200.0 TEXT OF SUBCODES

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SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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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 and every vacant building which is used or intended to be used in whole or in part for residential occupancy, 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.

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PM-102.4.3 Exemptions: A person who takes ownership of a property pursuant to an Abatement Agreement under the Emergency Nuisance Abatement Program, set forth at Section PM-309.0, shall be exempt from the foregoing license and bond requirements for a period of two years after taking ownership of the property.

PM-102.7 Penalties: In addition to penalties set forth in the administrative code, the additional specific penalties set forth in Sections PM-102.7.1 and PM-102.7.2 shall apply.

PM-102.7.1 Non-compliance: Any owner who is required to file a license application under this code and who fails to comply with the provisions of Section PM-102.0 as required, *or whose license has been suspended or revoked*, shall be denied the right to recover possession of the premises or to collect rent during or for the period of noncompliance *or during or for the period of license suspension or revocation*. In any action to recover possession of real property or to make any claim against a tenant, the owner shall attach a copy of the license together with any amendments thereto.

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