



Legislation Text

File #: 060010-A, Version: 2

Amending Subcode "PM" (The Philadelphia Property Maintenance Code) of Title 4 of The Philadelphia Code (The Philadelphia Building Construction and Occupancy Code) by providing for a Certificate of Rental Suitability to be provided by the owner of any rental property prior to the inception of any tenancy, and providing for a private right of action by tenants to compel compliance with the Code, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

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

SUBCODE "PM" (THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

CHAPTER 1 ADMINISTRATION

\* \* \*

SECTION PM-102.0 LICENSING

\* \* \*

PM-102.6 Condition of license: All licenses required by this code shall be subject to the conditions set forth in Sections PM-102.6.1 through PM-102.6.5.

\* \* \*

PM-102.6.4 Rent collection: No person shall collect rent with respect to any property that is required to be licensed pursuant to this code unless a valid license has been issued for said property. At the inception of each tenancy, an owner shall [issue] *provide* to the tenant a [written statement certifying that the rental unit is licensed and listing the license number] *Certificate of Rental Suitability issued by the Department no more than sixty (60) days prior to the inception of the tenancy along with a copy of the owner's attestation to the suitability of the dwelling unit as received by the department and a copy of the "City of Philadelphia Partners for Good Housing Handbook" issued by the Department and any succeeding documents.*

*PM-102.6.4.1. Certificate of Rental Suitability.*

*(a) The department shall issue a Certificate of Rental Suitability only upon a determination that:*

*(.1) The owner of the property has obtained all required licenses with respect to the property, including a Housing Inspection License.*

*(.2) There are no outstanding violation notices under this Title with respect to the property.*

*(.3) The owner of the premises to be leased has attested to all the following: all fire protection and smoke detection equipment for the premises is present and in proper operating order in accordance with all applicable requirements of The Philadelphia Code and regulations and standards adopted thereunder; the operating systems and the property are free from defects which affect the health and safety of the occupants or the habitability of the property, and including but not limited to those set forth in department regulation and forms; and the owner will continue to maintain the operating systems and the property free from defects which affect the health and safety of the occupants and the habitability of the property throughout the tenancy.*

*(.1) Failure by the owner to correct code violations covered by subsection 102.6.4 (a )(3 ) within thirty (30) days of receiving a notice of violation, or sooner as indicated by the department, shall be considered to be noncompliant with this section of the code.*

*(.4) The owner of the property has paid such fee as the department shall provide for, by regulation, for the Certificate and any required inspections.*

*(b) The Certificate shall set forth the applicable Housing Inspection License number for the property, the date of the last inspection conducted by the department (where applicable) and the applicable zoning designation, and shall set out the process by which a tenant may request a further inspection of the property by the Department.*

\* \* \*

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 through PM-102.7.3 shall apply.

PM-102.7.1 Non-compliance: Any owner who is required to file a license application under this code [and] or who fails to comply with the provisions of Section PM-102.0 as required, or whose license has been suspended or revoked under subsection PM-102.7.2, 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.

\* \* \*

*PM-102.7.4 Private right of action. Any tenant of any property subject to the provisions of this Code shall have the right to bring an action against the owner of such property to compel compliance with this Code.*

SECTION 2. This bill shall take effect 180 days after it becomes law.

SECTION 3. The provisions added to Section PM-102.0 by this ordinance are in addition to any rights and remedies existing under any other law or legal theory.