

Legislation Text

File #: 100749, Version: 1

Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "A" (The Philadelphia Administrative Code) and Subcode "PM" (The Philadelphia Property Maintenance Code), to require that the owners of residential properties that are vacant following foreclosure register, inspect and maintain such properties, and to provide for enforcement and penalties for failure to do so, 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:

SUBCODE "A"
(THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 5
VIOLATIONS

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SECTION A-506 CODE VIOLATION NOTICES (CVN)

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A-506.2 Remittance amount. The amount required to be remitted in response to a notice of violation is the amount indicated in Section 1-112 of The Philadelphia Code unless otherwise specified.

Exceptions: The amount required to be remitted shall be as follows for violation of the following provisions:

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- 7. *Section PM-306.2.1
(Foreclosed Vacant
Residential Properties).Three hundred
dollars (\$300.00)*

CHAPTER 6
PENALTIES

SECTION A-601 FINES

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A-601.3 Fines for Class III offenses: Notwithstanding subsection A-601.1, any person who violates any of the following provisions shall have committed a Class III offense and shall be subject to the fines set forth in subsection 1-109(3) of The Philadelphia Code:

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13. PM-306.2.1 (*Foreclosed Vacant Residential Properties*);

[13.] 14. PM-307.0 (Unsafe and Unfit Structures and Equipment);

[14.] 15. PM-308.0 (Imminently Dangerous Structures); and

[15.] 16. PM-406.3 (Cooling facilities).

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SUBCODE "PM"
(THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

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CHAPTER 2
DEFINITIONS

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SECTION PM-202.0 GENERAL DEFINITIONS

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Foreclosed Vacant Residential Property ("FVRP"): A residential property that has been vacated in connection with a residential mortgage foreclosure, regardless of any subsequent conveyance of title or interest in the property. Such a residential property shall no longer be considered an FVRP when a natural person takes lawful possession of such property for use as his or her residence.

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Mortgagee: The holder of a mortgage loan or the holder's fiduciary or agent.

Mortgagor: A person who has given a mortgage interest in a residential property as security for a mortgage loan.

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Residential Mortgage Foreclosure: Any of the following actions when occurring with respect to a residential property:

1. *The property is sold at a judicial sale pursuant to court order in a mortgage foreclosure action as defined in Pa. R. Civ. P. 1141.*
2. *The property is sold at a judicial sale pursuant to court order in an action on the note or other obligation for which the mortgage was security.*
3. *The mortgagee takes possession of the property following a default by the mortgagor on the note or other obligation secured by the mortgage.*
4. *The mortgagor conveys the property to the mortgagee or an agent, trustee, or other fiduciary of the mortgagee.*
5. *The property is offered for sale pursuant to the terms of a deed of trust following a default by the borrower on the note or other obligation secured by the deed of trust.*

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

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CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-306.0 VACANT PREMISES

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PM-306.2 Responsibility: The owner of any vacant building shall keep the interior and exterior of the premises free of garbage and rubbish. The owner of any vacant building shall keep all doors, windows and openings from the roof or other areas in good repair. Where such doors or windows or entrance to openings are readily accessible to trespassers, they shall be kept securely locked, fastened or otherwise secured. The owner shall take any other measures prescribed by the Department to prevent unauthorized entry to the premises by closing all openings with materials approved by the Department. A vacant building, which is not secured against entry shall be deemed unsafe within the meaning of Section PM-307.0. The owner of a vacant building that is a blighting influence, as defined in this subcode, shall secure all spaces designed as windows with windows that have frames and glazing and all entryways with doors. Sealing such a property with boards or masonry or other materials that are not windows with frames and glazing or entry doors shall not constitute good repair or being locked, fastened or otherwise secured pursuant to this subsection.

PM-306.2.1 Foreclosed Vacant Residential Property (“FVRP”): The owner of an FVRP shall cause an inspection of such property to be performed within fifteen (15) days of acquiring the property, and at least once every two weeks thereafter. Such inspections shall determine whether the property is in compliance with the requirements of this Chapter. Where an FVRP does not comply with the requirements of this Chapter, its owner shall promptly cause appropriate remediation to be undertaken.

PM-306.2.1.1 Designation of Property Manager: Any owner of an FVRP who resides outside the City and does not customarily and regularly attend or maintain a business office in the City shall designate

a property manager to perform the inspections and any remediation required under PM-306.2.1. This requirement shall not prohibit an owner who resides in the City or customarily and regularly attends or maintains a business office in the City from designating a property manager, nor shall it prohibit any owner from serving as the property manager for an FVRP owned by that owner.

PM-306.2.1.2 The owner of an FVRP shall register such property with the Department on a form provided by the Department. The registration shall include the address of the FVRP, the name, address, and telephone number of the owner, the name, address, and twenty-four (24) hour contact telephone number of the property manager responsible for inspecting the property and performing any remediation under PM-306.2.1 and such other information the Department deems appropriate. The owner of an FVRP shall, in the manner and time set forth in PM-102.6.3, inform the Department of any change in the foregoing required information.

PM-306.2.1.3 Documentation of Inspections: The Department may require an owner or a property manager to provide documentation, satisfactory to the Department, of performance of the inspections and any remediation under PM-306.2.1.

PM-306.2.1.4 Posting: The owner of an FVRP shall post the property with the owner's name and address, the name and address of the property manager responsible for inspecting the property and performing remediation under PM-306.2.1, and the twenty-four (24) hour contact telephone number of the property manager. The poster shall be no smaller than eighteen (18) inches by twenty-four (24) inches, and shall be in plain view, with print that may be easily read from the sidewalk or street immediately abutting the property.

PM-306.2.1.5 Violations: With respect to an FVRP, any of the following shall constitute a violation of PM-306.2.1, and shall be in addition to any other violation of this Code:

- 1. Failure to correct any violation of this Chapter cited in a notice of violation under A-502.1 within the time limitation set forth in such notice for performing such correction.*
- 2. Failure to perform any inspection required by PM-306.2.1.*

SECTION 2. This Ordinance shall become effective ninety (90) days after it becomes law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.