City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
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Legislation Details (With Text)

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Title: Amending Chapter 9-3900 of The Philadelphia Code, entitled "Property Licenses and Owner Accountability," by reorganizing the provisions of that Chapter into separate provisions for Rental Licenses (and accompanying Certificates of Suitability); Vacant Lot Licenses; Vacant Structure Licenses; and Vacant Waterfront Structure Licenses; and by revising certain requirements for those licenses, including detailing the requirement to designate a Managing Agent for the property; all under certain terms and conditions.

Sponsors: Councilmember Henon

Indexes: PROPERTY LICENSES AND OWNER ACCOUNTABILITY

Code sections: 9-3900 - Property Licenses and Owner Accountability

Attachments: 1. CertifiedCopy140892-A02.pdf

Date	Ver.	Action By	Action	Result	Tally
2/11/2015	2	MAYOR	SIGNED		
1/29/2015	2	CITY COUNCIL	READ AND PASSED	Pass	17:0
1/22/2015	1	CITY COUNCIL	RECONSIDERED	Pass	17:0
1/22/2015	2	CITY COUNCIL	AMENDED		
1/22/2015	2	CITY COUNCIL	ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING.		
12/11/2014	1	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/4/2014	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
12/4/2014	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/4/2014	1	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/3/2014	0	Committee on Licenses and Inspections	HEARING NOTICES SENT		
12/3/2014	0	Committee on Licenses and Inspections	HEARING HELD		
12/3/2014	0	Committee on Licenses and Inspections	AMENDED		
12/3/2014	1	Committee on Licenses and Inspections	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/13/2014	0	CITY COUNCIL	Introduced and Referred	Pass	

Amending Capter 9-3900 of The Philadelphia Code, entitled “Property Licenses and Owner Accountability,” by reorganizing the provisions of that Chapter into separate provisions for Rental Licenses (and accompanying Certificates of Suitability); Vacant Lot Licenses; Vacant Structure Licenses; and Vacant Waterfront Structure

Licenses; and by revising certain requirements for those licenses, including detailing the requirement to designate a Managing Agent for the property; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-3900 of The Philadelphia Code, entitled "Property Licenses and Owner Accountability," as added by Bill No. 120647 (approved January 20, 2014), is hereby repealed, and a new Chapter 9-3900 is added, to read as follows:

CHAPTER 9-3900. PROPERTY LICENSES AND OWNER ACCOUNTABILITY.

§9-3901. General Provisions.

(1) Administration. Subcode A of Title 4 (the Philadelphia Administrative Code) shall apply to the provisions of this Chapter, and govern their administration. Chapter 9-100 shall not apply to this Chapter. The definitions set forth in §PM-202 shall apply to this Chapter, except with respect to terms specifically defined herein.

(2) Application and Issuance. In addition to the provisions set forth in Subcode A of Title 4, the following provisions shall also apply to licenses required by this Chapter:

(a) An applicant for a new license or the renewal of a license shall complete an application provided by the Department. The application shall contain the following information, and such other information as the Department may require:

(i) The name and address of the owner of the property.

(ii) The address of the property for which application is made and the type of dwelling, if any.

(iii) The name, address and telephone number of the Managing Agent for the property, in compliance with §9-3907. The address provided for the Managing Agent shall not be a Post Office Box.

(iv) The owner's commercial activity license number, if the owner is required to have such license.

(b) The Department shall issue or renew a license if it finds:

(i) The applicant has completed the application and paid the license fee;

(ii) The owner has a valid commercial activity license, if required;

(iii) There are no outstanding violation notices associated with the property for which the application is made that were issued under Title 4 which have been of record for more than 30 days, unless the owner has filed an appeal of the violation which is pending, and the owner has notified the Department of such appeal in a manner prescribed by the Department; and

(iv) Any other license issuance requirements set forth in Subcode A of Title 4 have been satisfied.

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(3) Fee, Term and Transfer. In addition to the provisions set forth in Subcode A of Title 4, the following provisions shall also apply to licenses required by this Chapter:

(a) Except as otherwise provided in this Chapter, the license term shall be determined by the Department by regulation. License fees shall be as provided in §A-906 of Subcode A of Title 4.

(b) Licenses are not transferable. If the ownership of a property changes during a license term, the new owner must obtain a new license within ten business days after such transfer of ownership.

(c) If any of the information set forth in a license application or license renewal application changes during the term of a license, the owner shall provide updated information in writing to the Department within ten business days of such change.

(4) Non-compliance, Private Right of Action and Suspension. In addition to the provisions for license suspension set forth in Subcode A of Title 4, the following provisions shall also apply to licenses required by this Chapter:

(a) The Department is authorized to immediately suspend a license if a property is deemed unfit or unsafe or imminently dangerous.

(b) The Department is authorized to suspend a license at the request of the District Attorney with respect to any property subject to forfeiture to the Commonwealth under the provisions of 42 Pa. C. S. §6801 or other applicable law.

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(c) A license issued may be suspended by the Department for failure to comply with the requirements of this Code after a re-inspection has been made to determine compliance pursuant to Section A-503.1 of Subcode A, or for failure to pay any fine and/or cost imposed under this Chapter or Subcode A, and such suspension shall continue until there has been compliance and until any unpaid fines and costs have been paid.

(d) The Department shall provide written notice and an opportunity for a hearing prior to any suspension of a license under this Section.

(e) Non-compliance. Any owner who fails to obtain a rental license as required by §9-3902, or to comply with §9-3903 regarding a Certificate of Rental Suitability, or whose rental license has been suspended, 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. In any action for eviction or collection of rent, the owner shall attach a copy of the license.

(f) Private right of action. Any tenant of any property subject to the provisions of this Chapter shall have the right to bring an action against the owner of such property to compel compliance with this Chapter. Such private right of action neither limits nor expands the rights of private parties to pursue any legal rights and claims they may possess under a written agreement or at Common Law.

§9-3902. Rental Licenses.

(1) Required.

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(a) The owner of any dwelling unit, multiple family dwelling, rooming house, dormitory, hotel, one-family dwelling, two-family dwelling, or rooming unit let for occupancy must obtain a rental license. No person shall collect rent with respect to any property that is required to be licensed pursuant to this Section unless a valid rental license has been issued for the property.

(b) Exceptions.

(i) If a building contains multiple dwelling units, a single rental license may be obtained for the entire building.

(ii) A rental license is not required for any dwelling unit that is occupied by the owner or a member of the owner's family, provided that the Department may require the owner to submit an Affidavit of Non-Rental.

(2) Suspension. In addition to the provisions for license suspension and revocation set forth in Subcode A of Title 4, a rental license may also be suspended for any violations of §6-803 ("Lead Disclosure Obligation"), subsection (3) ("Rental Protections").

§9-3903. Certificate of Rental Suitability; Required Tenant Documents.

(1) Required.

(a) The owner of any property for which a rental license is required shall, at the inception of each tenancy, provide to the tenant a Certificate of Rental Suitability that was issued by the Department no more than sixty days prior to the inception of the tenancy. The owner shall at the same time provide the tenant a copy of the owner's attestation to the suitability of the dwelling unit as received by the Department pursuant to §9-3903(2)(b)(iii), and a copy of the "City of Philadelphia Partners for Good Housing Handbook" issued by the Department, or such other document as the Department shall require. The Certificate of Rental Suitability may be for either an individual dwelling unit, or for the entire building in which the unit is located.

(b) Exception. The provisions of §9-3903(1)(a) shall not apply with respect to any rental to a tenant who is a member of the owner's family.

(2) Application and Issuance.

(a) Applications for a Certificate of Rental Suitability shall be made on forms provided by the Department.

(b) The Department shall issue a Certificate of Rental Suitability only after it determines that:

(i) The owner of the property has obtained all required licenses with respect to the property, including a rental license.

(ii) There are no outstanding violation notices under this Code with respect to the property, except with respect to violations for which there is a pending appeal of which the owner has notified the Department in a manner prescribed by the Department.

(iii) The owner of the premises to be leased acknowledges the obligation to provide a fit and

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habitable property and states that: (1) all fire protection and smoke detection equipment for the premises are present and in proper operating order in accordance with all applicable requirements of The Philadelphia Code and regulations and standards adopted thereunder; (2) the operating systems are working properly to provide a fit and habitable condition; and (3) the owner will continue to maintain all fire protection and smoke detection equipment for the premises in accordance with all applicable requirements of The Philadelphia Code and regulations and standards adopted thereunder, will continue to maintain the operating systems in proper working order, and will continue to maintain the property in a fit and habitable condition.

(c) The Certificate shall set forth the applicable rental 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.

(d) Failure by the owner to correct code violations covered by subsection (2)(b)(iii) within thirty (30) days of receiving a notice of violation, or sooner as indicated by the Department, shall be considered to be noncompliance with this Section.

(3) Fee.

(a) The owner of the property shall not be required to pay a fee.

§9-3904. Vacant Lot License.

(1) Required.

(a) The owner of any lot on which no structure is built and no productive activity has been conducted with the owner's permission for at least the past three (3) months shall obtain a Vacant Lot License.

(b) Exceptions. No license is required for the following:

(i) Vacant lots contiguous to and in common ownership with a vacant lot that has a current vacant lot license. This exception shall include building lots in common ownership within an approved subdivision, provided there is a current vacant lot license for the subdivision tract.

(ii) Vacant lots contiguous to or separated by a driveway from a building where there is common ownership of the lot and the building. This exception includes a contiguous lot owned and maintained by the abutting property owner as a side yard.

(iii) A lot that is continuously maintained as a garden.

§9-3905. Vacant Structure License.

(1) Required. The owner of any structure that lacks the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operations or residential occupancy has ceased within the past three (3) months, shall obtain a Vacant Structure License.

(a) Exception. The owner of a vacant structure for which a current and valid rental license has been issued shall not be required to obtain a Vacant Structure License.

(2) Additional Issuance Requirement for LVCIPs. In addition to the license issuance requirements set forth

in §9-3901(2), the Department shall issue or renew a vacant structure license for a Large Vacant Commercial and Industrial Property (as defined in PM-202) only if the applicant has also posted a bond or other security or a deposit 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-304.21.10, § PM-310.6, § PM-311.4, 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 or deposit, 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 or deposit. Failure to post the required security or deposit or to maintain such security or deposit 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.

§9-3906. Vacant Waterfront Structure License.

(1) Required.

(a) The owners of vacant piers, bulkheads, wharves, docks, moored vessels, and other structures that have structural elements partly or totally below water along the shorelines of the Delaware River, Schuylkill River, or estuaries shall obtain a Vacant Waterfront Structure License. Occupied waterfront structures shall comply with the requirements of PM-314 and are not required to be licensed under this Section.

(2) Additional Issuance Requirement. In addition to the license application requirements set forth in §9-3901(2), an application for a new Vacant Waterfront Structure License or the renewal of such license shall also contain the following information:

(a) A certification that the structure for which application is made has a barrier to human occupancy which is maintained at all points of access from the on-shore side of the structure.

(b) Proof that the structure is posted on all sides, in a visible and conspicuous manner, with "Danger-No Trespassing" signs.

§9-3907. Managing Agents.

(1) Required Designation of Managing Agent.

(a) The owner of any property required to obtain a rental license, Vacant Lot License, Vacant Structure License, or Vacant Waterfront Structure License, shall designate a Managing Agent for the property.

(2) Managing Agent Requirements.

(a) A Managing Agent must be a natural person oer the age of eighteen years who resides within the City or customarily or regularly attends a business office maintained within the City, who has agreed to carry out the responsibilities set forth in subsection (3).

(b) An owner (or, in the case of a corporate owner, a principal of the corporation) who meets the qualifications of subsection (2)(a) may be designated as the Managing Agent.

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(3) Duties of a Managing Agent. A Managing Agent shall:

(a) Receive, on behalf of the owner, any notices, orders, or summonses issued by the Department.

(b) In the case of a Managing Agent for an owner who is required to obtain a rental license, the Managing Agent shall at the inception of each tenancy (i) provide to the tenant contact information (including telephone number and address, which must be a Philadelphia address and not a post office box) for the Managing Agent, and information as to whether the Managing Agent is responsible for routine maintenance of the property and, if not, contact information for the person who is responsible for such routine maintenance; and (ii) ensure that the information required to be provided to the tenant under §9-3903(1)(a) is in fact provided.

SECTION 2. This ordinance shall take effect upon the effective date of Bill No. 120647 (approved January 20, 2014).

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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