

Legislation Text

File #: 140780, **Version:** 0

Amending Chapter 9-2800, entitled “Universities, Property Owners or Managers and Students,” and Chapter 10-1800, entitled “Vicarious Liability for Student Conduct,” both of The Philadelphia Code, by amending the Fifth Councilmanic District into the definition of “Educational Housing District,” by adding certain provisions relating to Educational Housing Districts, and other related matters, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-2800 of The Philadelphia Code is amended as follows:

CHAPTER 9-2800. UNIVERSITIES, PROPERTY OWNERS OR MANAGERS AND STUDENTS.

§ 9-2801. Definitions.

[The terms "Educational Housing District" and "Student" shall have the meanings as defined under Chapter 10-1800. The term "adult supervisor" shall mean a person at least 21 years of age.]

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

- (a) *The Fourth Councilmanic District.*
- (b) *The Fifth Councilmanic District.*
- (c) *The Eighth Councilmanic District.*

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

(3) *"Adult Supervisor." Shall mean a person at least 21 years of age.*

§ 9-2802. Notification Requirements.

(1) Each student living, or intending to live, in an Educational Housing District while attending school must:

(a) before signing a lease or becoming a tenant of a property located in an Educational Housing District, notify his or her property owner or manager that he or she is a student, provide the property owner or manager with the name of the school he or she attends and advise the property owner or manager whether the school is in an Educational Housing District; and

(b) provide the college or university that he or she attends with his or her local address no later than September 1 of each year or in accordance with the adopted policy of the college or university for the provision of local addresses in order to assist the college or university in its efforts to contact students in the event that the college or university needs to notify them of matters involving danger or threats to health, safety

or the general welfare, respond to local or national emergencies, or respond to any lawful government inquiry. 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 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 by October 1 of each year that the college or university has obtained such addresses from at least 95% of its students and shall maintain the privacy and security of all such information in accordance with the general policies, procedures and operations of the college or university regarding student data and information;

(c) provide its students with a copy of Chapters 10-1800 and 9-2800 of this Code each year at the time of registration.

§ 9-2803. Information to Be Provided to Police Department by Colleges and Universities.

(1) Each college and university that has a substantial portion of its facilities located within an Educational Housing District must, by September 1 of each 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 and the policy of the college or university regarding notification to the college or university student disciplinary body for violations of the provisions referenced in Section 10-1802 of the Code. A college or university shall not disclose any information to any person regarding actions taken by or final decisions made by a college or university student disciplinary body except as provided by law.

(c) a statement reflecting the college or university's policy regarding which categories of students (freshmen, sophomores, juniors or seniors) are permitted by the college or university to own, operate or control vehicles on or off of the campus of the college or university and a parking plan for cars owned, operated or controlled by its students explaining the means used to control parking on the grounds of the campus and of controlling parking at 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.

(d) the policy statement required under Section 9-2804(6).

(2) Within ten (10) days of receipt of a third notice of violation by a student of the provisions referenced in Section 10-1802, the college or university shall provide the Police Department with notice as to whether the college or university student disciplinary body has been notified of such third notice of violation. A college or university shall not disclose any information to any person regarding actions taken by or final decisions made by a college or university disciplinary body except as provided by law.

§ 9-2804. Vehicle Identification Requirement.

(1) In order to assist the college or university in its efforts to: contact students in order to notify them of matters involving danger or threats to health, safety or the general welfare; respond to local or national emergencies; or respond to any lawful government inquiry, 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 either 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, or certify in writing that the student does not own, operate or control a vehicle. The college or university shall certify in writing to the Police Department by October 1 of each year that the college or university has obtained either the required information or the written certification from at least 95% of all of its students and shall maintain the privacy and security of all such information in accordance with the general policies, procedures and operations of the college or university regarding student data and information.

(2) The college or university shall issue to each student who provides information regarding vehicle ownership, operation or control 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 affix it to his or her college or university issued identification card.

(4) The penalty for a college or university's failure to comply with the provisions of this Section, or for a student's failure to provide accurate information or certification to his or her college or university, or a student's failure to affix such sticker once issued shall be a fine of not less than fifty dollars (\$50) nor more than one hundred and fifty dollars (\$150). A college or university may not be penalized for failing to issue a sticker to a student who does not provide the required information regarding any vehicle owned, operated or controlled by such student. Each day of non-compliance shall constitute a separate violation.

(5) 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 for any parking violation under Title 12, The Traffic Code, 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, shall also serve a copy of the ticket to the college or university which has issued sticker reflecting that the car belongs to a student.

(6) The college or university served such copy of the parking ticket shall maintain a list of the number of such violations by student and owner and by vehicle. The college or university shall develop a policy, which shall be provided to the Police Department, regarding notification to the college or university student disciplinary body for violations of the provisions under Title 12, The Traffic Code. A college or university shall not disclose any information to any person regarding actions taken by or final decisions made by a college or university student disciplinary body except as provided by law. Within ten (10) days of receipt

of a third notice of parking violation by a student, the college or university shall provide to the Police Department notice as to whether the college or university student disciplinary body has been notified of such third notice of parking violation. A college or university shall not disclose any information to any person regarding actions taken by or final decisions made by a college or university student disciplinary body except as provided by law.

(7) The university or college shall be notified of the towing of any car for which it has issued a sticker that is subject to towing pursuant to Section 12-2405.1 of the Code, provided, however, that any person who incurs a cost for the removal or towing of any vehicle, pursuant to this subsection, for which a college or university has issued a sticker shall recover such costs from the student or person who owns, operates or controls such vehicle and shall notify the college or university of such costs incurred related to the removal or towing of a vehicle for which the college or university issued a sticker.

§ 9-2805. Zoning Compliance.

(1) No student may live in an Educational Housing District in any dwelling which is in violation of the Zoning Code or lacks any license or certificate required by PM-102.0 (relating to licensing), including any dwelling in which more than three unrelated persons are living as a single household unit. Nothing in this Section shall relieve a property owner from any liability or duty to comply with any applicable provision of the Zoning Code or PM-102.0, 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.

(2) Notwithstanding any other provision of this Code, if a property owner is finally determined to have violated the provisions of this Section with respect to a property two or more times within any three year period, any (a) subsequent violation of this Section with respect to such property; (b) failure to pay any fine or cost imposed for a prior violation of this Section with respect such property; or (c) failure to comply with a remedial order under this Section with respect to such property; shall result in the immediate revocation of all licenses and certificates issued for such property pursuant to PM-102.0. For purposes of this subsection (2), a final determination refers to payment of the fine for a violation, a default or a final adjudication on the merits from which no timely direct appeal is available. No license or certificate under PM-102.0 shall be issued with respect to such property for three years after revocation under this subsection (2), except to a subsequent owner of the property who presents proof of payment of City and state realty transfer tax on the transaction in which such subsequent owner obtained the property. Review of the revocation of a license or certificate pursuant to this subsection (2) shall be pursuant to Section A-801 of the Administrative Code.

§ 9-2806. Lease and Other Property Owner or Manager Requirements.

(1) Upon notification to a property owner or manager by a student pursuant to Section 9-2802 that the lessee or tenant of a residence located in an Educational Housing District is a student, the property owner or manager shall:

(a) provide the student with a copy of Chapters 10-1800 and 9-2800 of this Code;

(b) determine, by September 1 of each year and maintain a current list of, the name and address of each student lessee or tenant to the college or university at which the student is enrolled if such college or university has a substantial portion of its facilities located in an Educational Housing District and provide, upon the written request of a college or university, a verification of the student(s) who resides at such property; and

(c) determine whether the student lessee or tenant owns, operates or controls a vehicle kept at or near the leased property, and, if the student owns, operates or controls one or more vehicles, determine the year, make, license tag number and model of the vehicle. The property owner or manager shall provide the college or university at which the student is enrolled the information regarding the vehicle he or she obtains, if the college or university requests in writing a verification of vehicles owned, operated or controlled by students enrolled in such college or university.

(2) The property owner or manager shall include in any lease with a student for a property in an Educational Housing District 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 property owner or manager 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 referenced Chapters of the Code and has read them, which provision must be specifically signed by the student. Nothing in this subsection shall prevent the property owner or manager from invoking any lawful remedies under the lease or otherwise, including eviction at any time upon violation of any lease provision, as may be permitted by law based on the behavior of the student.

(3) At the time the lease is signed, the property owner or manager shall ask, and the student tenant shall provide, the names of all individuals residing, on a full or part-time basis, at the property. The names of all such residents shall be specifically stated in the lease and, after the lease is signed, must be added to the lease within 5 days of the individual becoming a resident of the property. The property owner or manager shall, by September 1 of each year, provide the name and address of each student residing at the property, including the student lessee, to the college or university at which such student is enrolled, and shall provide the college or university updated information upon receiving it from the student residents of the property, upon the written request of the college or university.

§ 9-2807. Cooperation with Enforcement Officials.

Upon request by an appropriate official, a college or university shall provide such information as may be necessary to protect health, safety, assist in a crisis or emergency, or to carry out any other purpose of this Chapter, provided however that no college or university shall be required to take any action or provide any information that would violate the Family Educational Rights and Privacy Act or any other provision of City, state or federal law.

§ 9-2808. Reporting Requirement.

By November 1 of each year, the Managing Director or his or her representative shall provide the following information in a report to the Mayor and the President of City Council, with a copy to the Chief Clerk of City Council:

(1) Which colleges and universities have complied with the address certification requirement of Section 9-2802;

(2) Which colleges and universities have complied with the vehicle certification requirement of Section 9-2804;

(3) A listing of the numbers and types of violations of the provisions referenced in Section 10-1802

and Title 12, The Traffic Code for which violation notices were served on students in the Educational Housing District in the 12 month period between October 1 of the preceding year and September 30 of the current year, segregated by the school attended by such students; and

(4) A listing of all buildings at which three or more violations of the provisions referenced in Section 10-1802 have occurred in the 12 month period between October 1 of the preceding year and September 30 of the current year;

(5) A listing of all buildings for which application has been made in the 12 month period between October 1 of the preceding year and September 30 of the current year for certification of inspection by the Department of Licenses and Inspection under Section PM-102.1.1 in order to obtain or renew a multi-family dwelling license. Such listing shall identify the buildings inspected by the Department and the buildings for which certification has been provided. In connection with buildings that have been inspected, but for which certification has not been issued, the listing shall include a description of the violations of Building Construction and Occupancy Code requirements that prevented certification and a description of the actions that must be taken by the owner of the structure to obtain certification;

(6) A listing of all buildings for which security and parking plans and telephone contact information have been submitted pursuant to Section 9-2809.

§ 9-2809. Student Supervision Requirement.

(1) In an Educational Housing District, unless a property owner or manager complies with the provisions of subsection (2), no property owner or manager may:

(a) permit more than twenty-five students to live in any residential building; or

(b) permit students to live in more than twenty-five percent of the units in any building with more than six residential units, unless there are fewer than six students living in the building.

(2) A property owner or manager subject to the provisions of this subsection pursuant to the provisions of subsection (1) shall either comply with the following or enter into a master lease with a college or university pursuant to which such college or university leases from the property owner or manager all units occupied by students who attend the college or university and the students sublease the units from the college or university:

(a) ensure that adult supervisors acting as agent for the property owner or manager live in the building, according to the following schedule:

(.1) For a building with fewer than 18 students, one adult supervisor;

(.2) For a building with 18 to 29 students, two adult supervisors;

(.3) For a building with 30 students, three adult supervisors, plus one additional adult supervisor for every 12 additional students;

(.4) A property owner or manager may substitute one building manager for the first required adult supervisor, but not for any other required adult supervisors;

(b) require the adult supervisors to supervise the conduct of residents in the building to prohibit violation of this Code or any other provision of law;

(c) provide to the Police Department by the September 1 of each year a security plan for the area within the building and an area around the building of no less than three hundred (300) feet;

(d) provide to the Police Department by September 1 of each year a parking plan for cars owned, operated or controlled by the residents of the building setting forth the number of cars owned by such residents, the number of private parking spaces located at the building premises, and describing the availability of on-street parking in the near vicinity of the building; and

(e) provide the Department of Licenses and Inspections with current daytime, nighttime, weekend and emergency telephone numbers where the owner of the building, the adult supervisor(s) and building manager can be contacted at all times.

(3) A college or university that rents property under a master lease that satisfies a property owner's or manager's obligations pursuant to subsection (2) must:

(a) ensure that resident advisors, student supervisors or similar persons selected, trained and approved by the college or university live in the building in numbers based on the standards and criteria used by the college or university to determine the ratio of supervisors-to-students in housing owned, managed or operated by the college or university. A resident advisor, student supervisor or other similar person may be a student;

(b) impose on such advisors the responsibilities that a resident advisor, student supervisor or similar person has in the on-campus student dormitories of such university or college;

(c) apply the provisions of the college or university's student code of conduct and student disciplinary policy to all student conduct at such building as if the building were a college or university dormitory;

(d) comply with the requirements set forth in subsections (2)(c) and (d); and

(e) provide the Department of Licenses and Inspections with current daytime, nighttime, weekend and emergency telephone numbers where appropriate college or university officials responsible for student housing, student affairs and student safety, as well as the resident advisor(s), student supervisor(s) or other similar person(s) residing at the building can be contacted at all times.

SECTION 2. Chapter 10-1800 of The Philadelphia Code is amended as follows:

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.

(b) *The Fifth Councilmanic District.*

(c) The Eighth Councilmanic District.

(2) "Responsible Party." Shall mean any parent of, legal guardian of, or other adult legally responsible for any student.

(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 9-2805 (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 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.

(3) 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 also provide any college or university attended by such student that has a substantial portion of its facilities located within an Educational Housing District a copy of the notice of violation, and 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 also 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 written plan of action for how the owner intends to bring about the end of the activity creating the nuisance at the property.

SECTION 3. This Ordinance shall be effective immediately.

Explanation:

Italics indicate new matter added.

[Brackets] indicate matter deleted.