

2016

AN ORDINANCE
(AS AMENDED)

ESTABLISHING A REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES; REQUIRING ALL OWNERS OF RESIDENTIAL RENTAL PROPERTIES TO DESIGNATE A PROPERTY MANAGER FOR SERVICE OF PROCESS AND PRESCRIBING DUTIES OF OWNERS, PROPERTY MANAGERS AND OCCUPANTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SCRANTON AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF SAME AS FOLLOWS:

Landlord Registration, Licensing and Occupancy

Section 1 - Title.

This chapter shall be known and may be cited as the "Municipality of Scranton Landlord Registration, Licensing and Occupancy Ordinance of 2016."

Section 2 - General.

It is the purpose of this chapter and the policy of the Administration and the City Council of the Municipality of Scranton to protect and promote the public health, safety and welfare of its citizens and, in furtherance of those objectives, to establish registration and licensing requirements for landlords of real property in the Municipality of Scranton, to establish and maintain a current record of all rental properties and tenants occupying such properties, to reduce blight within the Municipality of Scranton and to establish an enforcement mechanism to effect the aforementioned objectives.

Section 3 - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDLORD

One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested as documented by the most current deed on record with the Recorder of Deeds of Lackawanna County and/or holds all or part of the beneficial ownership and rights to the present use and enjoyment of the premises. This definition includes a mortgage holder in constructive or actual possession of a residential rental unit.

LICENSE YEAR

A period of time beginning January 1 and expiring December 31.

MUNICIPALITY OF SCRANTON or MUNICIPALITY

The Municipality of Scranton, Lackawanna County, Pennsylvania, a home rule municipality.

OCCUPANCY LICENSE

The license issued to the landlord of residential units under this chapter, which is required for the lawful rental and occupancy of residential rental units.

PERSON

A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

referred to Committee on COMMUNITY DEVELOPMENT
October 27, 2016

Li Beel
City Clerk

Committee on Community Development reports favorably on the
within ordinance

[Signature]
Chairman

SLATED ORDINANCE:
November 3, 2016

CERTIFIED COPY

Li Beel
City Clerk

OWNER

One or more persons, as defined by this section, jointly or severally, in whom all or part of the legal title to the premises is vested as determined by the most current deed on record with the Recorder of Deeds of Lackawanna County and/or hold all or part of the beneficial ownership and rights to the present use and enjoyment of the premises. This definition includes a mortgage holder in constructive or actual possession of a residential rental unit.

POSSESSION

Control and/or access to a premises under lease, contract or the provisions of a mortgage.

PROPERTY MANAGER

A natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity appointed by a landlord or owner whose duty it is to ensure that a Structure and the Residential Rental Units contained therein remain in compliance with all statutes and Ordinances of the Commonwealth of Pennsylvania and the Municipality of Scranton.

RENTAL ESCROW ACCOUNT

An account established by the Municipality of Scranton at a bank of its choosing with an office within the Municipality which account is limited to the deposit of rental funds collected pursuant to the Municipality of Scranton Landlord Registration, Licensing and Occupancy Ordinance of 2016. This account shall be a non-interest-bearing account.

RESIDENTIAL RENTAL UNIT

Any structure or apartment within the Municipality of Scranton occupied by a tenant as defined in this chapter, this being someone other than the owner of the real estate as determined by the most current deed and for which the owner of the said parcel of real estate receives any value, including but not limited to money, or the exchange of services. Each apartment within a building is a separate unit requiring a license.

RENTAL REGISTRATION CERTIFICATES OF COMPLIANCE

A document issued by City of Scranton Department of Licensing and inspection for the number of units registered and the year of registration.

RENTAL REGISTRATION CERTIFICATE OF COMPLIANCE STICKER

A sticker which is issued with the Rental Registration Certificate of Compliance which shall be prominently displayed on the main-entrance side of the building facing the most accessible road, street, or alleyway, and which shall contain the number of rental units the structure has registered with the Municipality and the year of compliance; issuance of the Rental Registration Certificate of Compliance Sticker does not in any way signify that the structure lawfully contains the number of units represented to actually exist in a structure and does not change the status of any and all zoning permits or other pre-existing legally binding documents issued by the Municipality.

SAFETY INSPECTION

The process that any Residential Rental Unit or Structure found to be in non-compliance with the Municipality of Scranton Landlord Registration, Licensing, and Occupancy Ordinance of 2016 shall submit to an inspection, the sole purpose of which is to determine that the Structure and Residential Rental Unit contained therein shall include an appropriate means of egress, smoke detection, hot and cold running water, heat and electricity, carbon monoxide detection, kitchen and bathroom facilities, operational heating and ventilation systems, electrical systems, plumbing systems, removal of peeling paint, debris and overgrown vegetation that would create a hazard to the tenants or surrounding citizens and buildings with such inspection to be performed by either the proper employees of the City of Scranton Licensing, Inspections and Permits Department or by a Third Party Agency contracted to conduct business within the City.

TENANT

An individual who resides in a residential rental unit, with whom a legal relationship with the owner/landlord is established by a lease or by the laws of the Commonwealth of Pennsylvania. A tenant does not include:

A.

A patient in a residential treatment hospital or facility.

B.

A resident in a drug, alcohol or other dependency treatment facility, halfway house, residence (or other facility) devoted to monitoring and promoting a sober or substance-free lifestyle.

C.

A resident in a nursing, physical therapy or assisted living facility.

D.

An occupant of a hotel, motel or bed-and-breakfast facility.

E.

A resident in a community/group home facility licensed as such by the Pennsylvania Department of Public Welfare.

F.

A resident of a facility owned and operated by the Scranton Housing Authority.

G.

A resident of an apartment or single family home who is a child of the owner or a parent of the owner.

Section 4 - Owner/landlord's duties.

A. Registration

Every owner/landlord of a residential rental unit must register the unit with the Code Enforcement Officer in accordance with the following schedule:

(1)

All owners/landlords of residential units must register the units with the Municipality of Scranton by April 1 of each license year.

(2)

Any individual, entity or firm which converts any structure to a residential rental unit or units shall register the residential rental unit or units with the Municipality upon the earliest occurrence of the following events:

(a)

Within 30 days of the completion of the conversion;

(b)

Within 30 days of the time when any rent, including the exchange of other services, for the unit or units is obtained;

(c)

Within 30 days of the date which a tenant or tenants occupies the unit or units.

(3)

It shall be the responsibility of the grantee and the grantee's agent to notify the Municipality of Scranton within 10 days of any purchase or transfer of a rental unit.

(4)

Registration information shall be provided by all owners on a form prescribed by the Municipality and shall include, at minimum, the following information for each residential rental unit:

(a)

Owner's name, address and telephone number.

(b)

Property manager's name, address and telephone number if applicable.

(c)

Property address and unit number for each rental registration unit.

(d)

Maximum occupancy for the registered rental unit.

(e)

Emergency telephone number sufficient to allow telephone contact by Scranton Police, Fire, Public Works and Administration 24 hours a day, seven days a week.

(f)

Actual number of occupants in the registered unit.

(g)

Names of current tenants in the registered rental unit.

(5)

The owner of a residential rental unit must update the registration information on record with the Code Enforcement Officer within 10 days of any changes of the information set forth above.

(6)

The registration for each unit shall be verified and/or subject to the provisions of Pennsylvania Statute, 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

B. License requirement.

(1)

As a prerequisite to a Tenant occupying a Residential Rental Unit (except as provided in

Subsection B(3) below, the owner/landlord of every such Residential Rental Unit shall be required to apply for and obtain a Residential Rental Unit License from the City of Scranton Licensing, Inspections and Permits Department. No residential rental contract for property within the Municipality of Scranton shall be legal without the prior registration of the unit and the issuance of a license for said unit. The cost of a license shall be \$50 per occupied unit if registered with the Municipality by April 1 (the first 90 days of the calendar year) of the relevant year. Should an owner/landlord not register with the Municipality by April 1 of the relevant year, the cost of the license shall be \$75 per unit until June 30 (the second ninety-day period of the calendar year) of the relevant year, after which the cost of the license shall be \$100 if registered during the remaining months of the relevant year. Except for the year 2017, if the cost of the license is paid by December 31, 2016 the landlord shall take a 10% discount for all rental units properly registered.

(2)

The cost of a license for an unoccupied unit shall be \$0. Should such a unit become occupied during the license year, the cost of a license shall be \$50, if registered within 90 days of occupancy, \$75, if registered within 180 days of occupancy, and \$100 thereafter.

(3)

The cost of a license may be amended by resolution of Council and Mayor from time to time.

(4)

A license shall be required for all residential rental units, whether occupied or not occupied.

(5)

The following categories of properties shall not require licenses, and thus shall not, therefore, be subject to Subsection A(1) and (2) of this section:

(a)

Residential rental units occupied by immediate members of the owner's family, provided that not more than two unrelated individuals, in addition to the immediate members of the owner's family, occupy the dwelling unit at any given time.

(b)

Those properties occupied by individuals who are not tenants as defined by this chapter.

(6)

The owner and/or landlord of a residential rental unit within the Municipality of Scranton shall be subject to the Rental Escrow Program as set forth in this Section 10.

C. General.

(1)

It shall be the duty of every owner/landlord to keep and maintain all rental units in compliance with all applicable laws and regulations of the Commonwealth of Pennsylvania and ordinances of the Municipality of Scranton and to keep such property in good and safe condition. The owner/landlord shall be responsible for regularly performing all maintenance, including lawn mowing and ice and snow removal, and for making any and all repairs in and around the premises in conformity with the Scranton Property Maintenance Code, Chapter 135 of the Scranton Municipal Code. The delegation of the aforementioned duties to tenants (or any other person or entity) shall not excuse the owner/landlord from these responsibilities.

(2)

The owner/landlord shall be responsible for the management of his/her property in conformity with the laws of the Commonwealth of Pennsylvania and the ordinances of the Municipality of Scranton, including, but not limited to, the Scranton Property Maintenance Code, [1] the Refuse Disposal Ordinance, and the Mandatory Recycling Law of the Municipality of Scranton, [2]

[1]

Editor's Note: See Ch. 360-1 through 360-16, Property Maintenance.

[2]

Editor's Note: See Ch. 400-1 through 400-34

(3)

Owners/landlords must be proactive in managing their property and are expected to utilize all legal means available to them to evict tenants who routinely engage in disorderly conduct, disturb the public peace, create excessive noise as regulated by Chapter 317 & 317.1 § 317.1-317.11, or violate those criminal laws of the Commonwealth of Pennsylvania relating to the illegal distribution of drugs. The term "routinely engage" is defined as three or more violations of any of the foregoing in any sixty-day period or more than eight times in any period of 12 consecutive months. Violations by either tenants or landlords/owners shall be added together in compiling violations for a property.

(4)

Owners/landlords must enforce the provisions of 68 P.S. § 250.505-A, relating to the use of illegal drugs.

Section 5 - Certificate of Compliance.

(1)

Upon completion of Rental Registration by a landlord of any rental unit or units he shall receive from the City of Scranton Department of Licensing and Inspection a Certificate of Compliance and a sticker indicating such compliance.

Section 6 - Appointment of property manager.

A.

Every owner/landlord residing further than 20 miles from the corporate boundaries of the Municipality of Scranton must designate a property manager or person responsible for the care of all rental property. The property manager or person responsible for taking care of rental property must reside or have its corporate offices within 20 miles of the corporate boundaries of the Municipality of Scranton. The property manager shall be the designated recipient of all correspondence and violation notices from the Municipality. The property manager shall be the direct point of contact for disruptive conduct, emergencies, and any other occurrence that may be of a time-sensitive nature. The property manager shall be the agent of the property owner and by his, her or its appointment shall be authorized and empowered to accept service of all correspondence, violation notices, citations, court complaints and pleadings on behalf of the landlord. The appointment of a property manager shall remain in effect and shall be considered as legally binding on both the principal and agent until revoked and notice of revocation is provided by the owner/landlord to the Municipality.

B.

Every owner/landlord residing further than 20 miles from the corporate boundaries of the Municipality of Scranton must appoint a property manager within 45 days of enactment of this chapter. The owner/landlord must provide the Municipality with the property manager's name, address, and all pertinent contact information. The owner/landlord must also provide the Municipality with his/her name, address, and all pertinent contact information. The owner/landlord of the property shall be responsible for all of the duties of the property manager in the event that the Municipality is unable to communicate with the property manager. Contact information shall be updated on a yearly basis by April 1 of each year or within 10 days in conformity with § A above.

Section 7 - Enforcement and violations.

A.

This section shall be enforced by the Code Enforcement Officer of the Municipality of Scranton.

B.

Any owner/landlord that fails to comply with the registration requirements of this chapter is in violation of this chapter.

C.

Any owner/landlord that rents a residential rental unit requiring a license without a valid, current license, issued by the Municipality of Scranton authorizing such use, is in violation of this chapter.

D.

Any owner/landlord that resides or has its corporate offices farther than 20 miles from the corporate boundaries of the Municipality who fails to appoint a property manager is in violation of this chapter.

E.

Any owner/landlord that fails to maintain his/her property in conformity with municipal ordinances, including, but not limited to, the Scranton Property Maintenance Code,^[1] is in violation of this chapter. A record of any unpaid citations for property maintenance violations shall be conclusive evidence of a violation of this chapter and shall prevent and preclude the issuance of any license pursuant to this chapter.

[1]

Editor's Note: See Ch. 360-1 through 360-16, Property Maintenance and their Quality of Life Ordinance File of the Council No. 64, 2014 (AS AMENDED).

F.

Any owner/landlord who fails to fulfill his or her duties as defined in Section 4 in Subsections A & C shall have their Rental registration license suspended for a period of six months.

G.

If the landlord fails to comply with or is in violation of any section of this ordinance he would then be subject to suspension of their license for the property that is not in compliance for a period of six (6) months. The City of Scranton prior to relicensing shall perform a safety inspection for all properties deemed in non-compliance.

Section 8 – Housing Appeals Board.

A.

Any owner or landlord aggrieved by the action or decision of the Code Enforcement Officer, excepting those matters that have become the subject of citations and thereby have been submitted to the jurisdiction of the District Magistrate for the Municipality of Scranton, may take an appeal to the Registration/Licensing Housing Appeals Board within 10 municipal working days from the date of the action or decision being appealed. The Registration/Licensing Housing Appeals Board shall convene a hearing as prescribed in this section.

B.

All appeals under this chapter must be made, in writing, to the Housing Appeals Board and directed to them, director of licensing and inspection, addressed to the municipal building. Such appeals shall be made in writing and received by the Housing Appeals Board as indicated above no later than the 10th municipal business day from the date the aggrieved decision is mailed. Said written appeal must specify the decision that is being appealed and state the reason or reasons therefor and specify any facts in support of said appeal. This written appeal must be accompanied by a sworn affidavit. Also, the appeal must be accompanied by a fee of \$150, payable in advance to the Municipality of Scranton for each appeal taken, to cover the costs of the notices of hearing, the hearing, and the cost of a stenographic record of the hearing. This fee shall be refundable to the appellant in such instances where the Housing Appeals Board reverses the decision of the Code Enforcement Officer.

C.

The Housing Appeals Board shall schedule a hearing within 30 days after a notice of appeal has been filed as stated above. The appellant or his representative shall have the right to appear and be heard. Any member of the Hearing Board shall have the authority to administer oaths to any person who is to give testimony at any hearing before the Board. A stenographic record of the hearing shall be made by the Hearing Board; however, a transcript of the proceeding shall only be made upon the payment for same, in advance, by the appealing party. A written decision shall be made by the Appeals Board within 20 municipal business days after the conclusion of said hearing. The decision of the Appeals Board on such appeals shall be in writing and contain findings of fact and conclusions of law. Said decision shall be served on the appellant and the Code Enforcement Officer. Service of said decision can be made by personally handing a copy to the individuals or by regular mail, postage prepaid.

D.

Appeals from the Board can be taken within 30 days of the date of the decision of the Board to the Court of Common Pleas of Lackawanna County. Said appeal to the Court of Common Pleas will be limited to the Court reviewing the record made at the hearing given by the Appeals Board, and the scope of review shall be limited to whether or not the Appeals Board abused its

discretion in rendering its decision. The Appeals Board can only be reversed by the Court of Common Pleas of Lackawanna County if it is determined by said Court that the Appeals Board had in fact abused its discretion. Appeals beyond the Court of Common Pleas of Lackawanna County shall be governed by the applicable rules and laws pertaining to the same.

Section 9 - Violations and penalties.

A.

Any landlord or owner of a residential rental unit that violates any provision of Section 4 (A) herein, with all of the subsections thereunder, shall, upon conviction thereof, be sentenced to pay a fine no less than \$100 and up to \$500 for each and every offense. Each day an owner operates a rental unit in violation of Section 4 (A) herein shall be treated as a separate offense.

B.

Any landlord or owner of a residential rental unit who violates Section 4 (A) herein shall, upon conviction, be sentenced to pay a fine of no less than \$100 up to \$500. Each day an owner operates a rental unit in violation of Section 4 (A) herein shall be treated as a separate offense.

C.

No landlord or owner with outstanding fines resulting from violation of Municipal ordinances, as well as delinquent taxes, and/or garbage fees shall be eligible to obtain a license to rent residential real estate in the Municipality of Scranton unless such fines, taxes and fees are paid in full.

D.

Fines imposed through this chapter shall be collected by any means allowable by law.

E.

Each day an owner of a residential rental unit violates any provision of this chapter shall constitute a separate offense.

F.

This chapter and the foregoing penalties shall not be construed to limit or deny the right of the Municipality of Scranton, its agents and representatives from seeking any other equitable or legal remedies that may otherwise exist under applicable law.

G.

In addition to the fines set forth herein, the Municipality of Scranton shall be entitled to reasonable attorney's fees and costs of collection incurred in enforcing this chapter. Said fees shall be added to any penalties set forth above.

H.

Any landlord who timely registers their property or properties by June 1, 2016, shall receive an abatement of all post garbage fee and penalties therefore.

Section 10 - Rental Escrow Program.

In addition to all other penalty and enforcement remedies established by this chapter or by any other Scranton ordinance, including, but not limited to, the Property Maintenance Code,^[1] owners/landlords of residential rental units within the Municipality of Scranton shall be subject to the Municipality of Scranton Rental Escrow Program, which is hereby established by this chapter.

A.

Owners/landlords of residential rental units that have not been registered by April 1 of the license year pursuant to this chapter shall be sent written notice of noncompliance by registered or certified mail, addressed to the record address of such property on the tax records of the County of Lackawanna. Failure to receive said notice shall not affect the effectiveness of the transmittal of said notice.

B.

Effective with the next monthly rental period following transmittal of said notice, the owner/landlord is prohibited from receiving rents from the unregistered residential rental unit.

C.

Effective with the next monthly rental period following transmittal of said notice, the Scranton Code Enforcement Officer is to inspect the unregistered unit for the purpose of determining if a tenant or tenants are residing in an unregistered unit.

D.

Should tenants be found to be residing in an unregistered unit, the tenant or tenants shall be provided with a copy of this chapter, together with a written directive from the Code

Enforcement Officer that rent for the first calendar month following his inspection and for the ensuing calendar months is to be paid to the Municipality of Scranton for deposit into the Scranton Rental Escrow Account until otherwise directed.

E.

If tenants are subject to a lease whereby they are paying for their utilities (water, electric, gas) to their landlord, upon proof of this contractual provision to the Scranton Code Enforcement Officer, they may retain such sums for payment by them for such essentials directly to the provider of such services or to the landlord for payment for these purposes. This provision shall ameliorate any negative effects that may be imposed upon the tenant by virtue of the nonpayment of utilities by the owner/landlord and shall enhance the rights and protections enjoyed by tenants under the Utility Service Tenants Rights Act, 68 P.S. § 399.1 et seq.

F.

All other rent shall be paid to the Municipality of Scranton for deposit to the Scranton Rental Escrow Account, to be held in said account until the owner/landlord properly registers the residential rental unit. Upon registration, the escrowed amount shall be released to the owner/landlord, net of fees, liens, fines, service fees and other assessments payable to the Municipality of Scranton and a service charge of 20% payable to the Municipality of Scranton on escrowed funds.

G.

Payment of rent by a tenant to the Municipality of Scranton for deposit to the Scranton Rental Escrow Account shall be considered to be an absolute defense to any proceeding for collection or eviction by the owner/landlord against the tenant.

H.

No residential rental unit shall be registered until all fees, liens, fines, service fees and other assessments payable to the Municipality of Scranton or the District Magistrate are paid in full. The funds within the Scranton Rental Escrow Account may be utilized for said purposes. Disbursements from the Scranton Rental Escrow Account in payment of fees, liens, fines, service fees and other assessments payable to the Municipality of Scranton and the District Magistrate shall be made only after written notice sent to the owner/landlord and after the expiration of 30 days thereafter.

I.

In addition to the foregoing, the Scranton Rental Escrow Account may be utilized by the Municipality for the payment of enforcement and legal fees necessary to pursue the enforcement objectives of this chapter against the landlord/owner. These fees shall be paid only after written notice sent to the owner/landlord and after the expiration of 30 days thereafter.

J.

Any landlord aggrieved by the action or decision of the Code Enforcement Officer, excepting those matters that have become the subject of citations and thereby have been submitted to the jurisdiction of the District Magistrate with jurisdiction for Scranton, may take an appeal to the Registration/Licensing Board of Appeals within 10 municipal working days from the date of the action or decision being appealed. The Registration/Licensing Board of Appeals shall convene a hearing as prescribed in § 7 of this chapter.

[1]

Editor's Note: See Ch. 360-1, et seq., Property Maintenance.

Section 11. Repeal of Prior Ordinances

This Ordinance repeals all prior Rental Registration Ordinances including File of the Council No. 7, 2014; File of the Council No. 13, 2013; File of the Council No. 17, 2012; File of the Council No. 88, 2001 and all other Ordinances of contrary intent.

Section 12. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

Section 13. This Ordinance shall become effective immediately upon approval.

Section 14. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and

Optional Plans Law” and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council

November 10, 2016

Receiving the Affirmative votes of Council Persons

Perry, Rogan, Evans, Gaughan, Wechsler

Negative NONE

Joseph A. Weckl

President

Approved 11-23-16

Mark J. Kelly

Mayor

Liz Reed

City Clerk

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