

**Bill No. 11**

**Ordinance No. 3805 of 2022**

**CITY OF MEADVILLE  
CRAWFORD COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA; CREATING A RESIDENTIAL RENTAL REGISTRATION AND LICENSING PROGRAM WITHIN THE CITY OF MEADVILLE; PROVIDING FOR A SHORT TITLE; EXPRESSING THE AUTHORITY FOR, AND THE PURPOSE AND INTENT OF, THE PROGRAM; PROVIDING FOR DEFINITIONS; ESTABLISHING THE REQUIREMENTS FOR THE REGISTRATION AND LICENSURE OF RESIDENTIAL RENTAL UNITS; ESTABLISHING EXEMPTIONS TO REGISTRATION AND LICENSING REQUIREMENTS; PROVIDING FOR THE ESTABLISHMENT OF FEES; ENSURING THE RIGHT OF A TENANT TO REPORT SUSPECTED VIOLATIONS; ESTABLISHING MINIMUM INSURANCE OBLIGATIONS AND THE PENALTIES FOR FAILURE TO PERMIT AN INSPECTION; CREATING A PROCEDURE FOR ISSUING NOTICES OF VIOLATION AND FOR APPEALS; ESTABLISHING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

BE IT ORDAINED AND ENACTED by the City Council of the City of Meadville and it is hereby Ordained and Enacted by and within the Authority thereof as follows:

**SECTION 1. Title.**

The title of this Ordinance shall be the City of Meadville Residential Rental Licensing Program.

**SECTION 2. Authority.**

This Residential Rental Licensing Program is adopted in accordance with authority existing under Article III of the Optional Third Class City Charter Law, and Sections 12601.1 and 12435 of the Third Class City Code.

**SECTION 3. Purpose and Intent.**

- (a) The purpose of this Ordinance and the policy of the City of Meadville (hereinafter "City") shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City, to encourage owners and occupants to maintain and improve the quality of rental housing within the community, and to carry into effect the purposes of Pennsylvania statutes concerning the occupation, maintenance, use and inspection of buildings and the protection of the occupants thereof. As a means to these ends, this Ordinance provides for a systematic inspection program, registration and licensing of residential rental units, and penalties for non-compliance.
- (b) In considering the adoption of this Ordinance, the City makes the following findings:
  - (1) Over 60% of housing units in Meadville are renter occupied;

- (2) Over 40% of Meadville’s housing stock was built prior to 1940 and nearly 90% was built prior to 1960;
- (3) There is a growing concern in the community with the general decline in the physical condition of residential rental units;
- (4) Necessity often forces tenants to accept defective property conditions and to refrain from reporting code violations for fear of losing their home;
- (5) It is the duty of the City to make sure that each residential rental unit meets basic health and safety standards set forth by the Meadville Property Maintenance Code;
- (6) Rental registration will enable the City to maintain an accurate inventory of housing stock in the city as well as contact information for the owner or local responsible agent in the event that problems arise with respect to the physical condition of a property; and
- (7) Rental inspection and licensing will give property owners and current and prospective tenants the benefit of knowing that their unit has been checked for health and safety violations and enable the City to proactively identify and order the correction of deficient property conditions that could otherwise adversely affect public health or lead to abandonment and blight.

#### **SECTION 4. Definitions.**

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **APPLICABLE CODE** —Any applicable provision of the 2009 International Property Maintenance Code, as amended by the Meadville Property Maintenance Code in Article 1721 of the Meadville Municipal Code which, if violated, presents a danger to the general safety and welfare of the occupants and/or the public or constitutes a safety violation such that it was rendered non-compliant with the requirements of the applicable code under which it was constructed.
- (b) **APPLICABLE CALENDAR YEAR** – The year during which the owner, operator or responsible agent of each residential rental unit shall submit a new or renewed residential rental registration and license application to the City. The initial applicable calendar year shall be as expressed in Section 5, relating to registration, and Section 6, relating to licensing, and shall thereafter be either every other year or every four years, contingent on the unit’s inspection results under Section 6(c)(10) or upon the sale of the property.
- (c) **CODE OFFICIAL** — The official appointed by the city manager to enforce this Ordinance, or his/her duly authorized representative.
- (d) **DORMITORY** – means a building which is accessory to an educational or public institution intended or used principally for housing of persons attending and residing at the institution, without regard to whether the Dormitory offers room based or dwelling unit style residential options.
- (e) **DWELLING UNIT/RESIDENCE** — has that meaning as prescribed to the term “Dwelling Unit” within the Zoning Code of the City of Meadville, except that the term "Dwelling Unit" shall not include owner occupied housing or hotels, motels, bed and breakfasts, rooming houses, dormitories and other structures used for transient residency.

- (f) INSPECTOR — An employee of the City or a third-party inspection agency contracted by the City to schedule and conduct inspections, follow-up and re-inspect as necessary to ensure that substandard buildings are brought up to code within a reasonable period of time.
- (g) LET FOR OCCUPANCY or LET — To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building or structure by a person who is not a legal or equitable Owner, pursuant to a written or unwritten agreement.
- (h) OPERATOR — Any person who has charge, care or control of a structure or premises, which is let or offered for occupancy.
- (i) OWNER — The record owner or owners of the premises, a mortgagee in possession, receiver, executor, trustee, master lessee or other person, firm or corporation in control of a building or of a premises, or their duly authorized agents.
- (j) PERSON — An individual, firm, corporation, association, partnership or public entity.
- (k) RESIDENTIAL RENTAL LICENSE — A document issued by the City of Meadville to the owner or responsible agent of a residential rental unit granting permission to operate a residential rental unit in the City of Meadville. Such license is required for lawful rental and occupancy of residential rental units under this Ordinance, unless the unit has been issued a provisional license as provided herein or is exempt from the license provisions of this Ordinance.
- (l) RESIDENTIAL PROPERTY — A property used or intended to be used for residential purposes.
- (m) RESIDENTIAL RENTAL REGISTRATION — The registration of all individual residential rental units within the City of Meadville, certified by a document issued by the code official to the applicant therefor.
- (n) RESIDENTIAL RENTAL UNIT — A dwelling unit let for occupancy and occupied by persons other than the owner and his or her immediate family members, parents, parents-in-law, grand parents or grand-parents-in-law, members of the owners immediate family or grandchildren of the owner. The term shall include units that are occupied pursuant to lease-purchase, lease with option to buy, installment sale, installment land contract, or similar arrangements where the occupant is not the owner of record.
- (o) RESPONSIBLE AGENT — A person authorized by the owner to act in his behalf. All responsible agents must reside within a 40-mile radius of the City of Meadville.
- (p) TRANSIENT — Any individual residing or stopping in the City of Meadville for less than 30 days at any one time.

**SECTION 5. Residential Rental Unit Registration Required.**

- (a) It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy, or collect rent for the occupancy of, any residential rental unit in the City of Meadville, unless a residential rental registration has been filed with the code official.
- (b) Registration required for rental units.
  - (1) By October 31, 2023, and then again October 31, 2025, and for the terms described in Section 6(c)(10) of this Ordinance, the owner, operator or responsible agent of each

residential rental unit shall submit a new or renewed residential rental registration application to the City, on a form or by a method to be determined by the code official. The term of subsequent registrations shall extend from the expiration of the prior registration for a period of either two or four years, consistent with the inspection schedule established pursuant to the terms of this Ordinance.

- (2) The residential rental registration shall include, the address of the property; the number and types of dwelling units within the property; the name, address, email address and telephone number of the owner; the name, address, email address and telephone number of the individual who has authority to make day-to-day business decisions for an owner entity that is a firm, corporation, association or partnership; the name, address and email address and telephone number of a responsible agent, if applicable; proof of hazard and casualty insurance as required in this Ordinance and such other information as the code official shall reasonably require to effectuate the purposes of this Ordinance.
  - (3) Registration does not warrant the habitability, safety or condition of the residential rental unit in any way.
- (c) Sale, transfer, assignment or construction of residential rental units. A residential rental registration shall not be transferred or assigned. In the case of registered residential rental units that are sold, transferred or constructed, the new Owner shall submit a residential rental registration for each residential rental unit purchased, constructed or acquired. If the residential rental unit is let for occupancy at the date of sale or transfer of ownership, the failure of the new owner to submit a new residential rental registration application for each unit within 60 days of the date of sale or transfer of ownership shall result in penalties pursuant to Section 14 of this Ordinance. If the residential rental unit is not let for occupancy at the date of sale or transfer of ownership or finalization of construction, the new owner shall file a new residential rental registration prior to letting the unit for occupancy.
- (d) Responsibilities of the owner.

The owner shall be responsible for the following:

- (1) Operating the residential rental unit in compliance with all applicable City ordinances, including, but not limited to, the Meadville Zoning Ordinance;
- (2) Submitting an amended registration application within thirty (30) calendar days of a change in any of the information required under Section 5(b)(2); and
- (3) The owner may designate a responsible agent for the acceptance of all legal notices or services of process with respect to the rental units. If no responsible agent is designated, the owner, by virtue of execution and acknowledgement of the registration application will agree to accept service of original process for matters related only to the residential rental units by accepting service of process through personal service or, at the option of the City, first class U.S. mail or certified U.S. mail.

## **SECTION 6. Residential Rental License Required.**

- (a) It shall be unlawful for any person, firm or corporation to operate, let or rent to another for occupancy, or collect rent for the occupancy of, any residential rental unit in the City of Meadville, unless a residential rental registration has been filed with the code official and a residential rental license, or a provisional license, has been issued by the code official and

remains in effect during all periods that the residential rental unit is let, and has not been revoked as provided herein.

- (b) The initial residential rental license shall have a term ending December 31, 2026. The term of subsequent licenses shall extend from January 1, 2027 for a period of either two or four years, consistent with the inspection schedule established pursuant to the terms of this Ordinance.
- (c) Licensing required for residential rental units.
  - (1) The application for the license shall be in a form as shall be determined by the code official.
  - (2) Except as provided in this Section, each residential rental unit is required to have a minimum of one inspection every two years for the purpose of ascertaining that the unit complies with the applicable codes. Inspections shall be conducted in accordance with an inspection schedule to be developed by the code official. Such schedule may prioritize inspections based on the general condition of the area, specific property types, the length of time since the last inspection, or other similar neutral criteria determined by the code official.
  - (3) Upon receipt of an application, or in accordance with the schedule determined by the code official, the City will refer the unit to the inspector. Upon referral, the inspector will contact the owner or responsible agent to schedule an inspection.
  - (4) Pending the initial inspection for residential units existing as of the date of the adoption of this Ordinance, each residential rental unit will be issued a provisional license as long as the code official determines that the unit complies with all other applicable zoning and building regulations, a residential rental unit registration has been filed, and that the registration and licensing fee has been paid. Provisional licenses shall be issued with a term of January 1, 2024 through December 31, 2026, or the date of issuance of a residential rental license, whichever is sooner.
  - (5) After the required inspection, if the inspector finds that the rental premises is in compliance with the applicable codes and that the registration and licensing fee and any reinspection fee has been paid, the code official shall issue a residential rental license for the unit.
  - (6) After the required inspection, if the inspector finds that the rental premises is not in compliance with the applicable code, the code official shall notify the applicant in writing of the deficiencies within 10 days of the inspection via first-class mail or email. The owner/operator shall be given a period of time determined to be reasonable by the inspector to correct the deficiencies, depending on the complexity of the deficiency with due regard given to health and safety considerations, and schedule a second inspection. If the second inspection has not been scheduled within the given time frame, the license shall not be issued and the license, provisional or otherwise, will be revoked. The owner/operator shall have no more than 180 days to perform or cause to be performed all necessary corrections, unless the owner/operator can prove to the inspector that any delay is not the fault of the owner/operator. However, in no event shall the inspection process exceed 240 days from the date of initial inspection.
  - (7) If a code official is required to make additional inspections beyond those in Subsection (c)(2) hereof, then those additional inspections shall be performed at a fee as determined by City Council via resolution.

- (8) If a licensed residential rental unit thereafter becomes noncompliant with the applicable code, and the violations are not remedied within the time frames as directed in the notice of violation, then the license, provision or otherwise shall be revoked.
- (9) No residential rental license shall be issued or renewed unless the owner has submitted a residential rental registration for that unit, all inspection fees have been paid, all fines and costs of nuisance abatement, if any, have been paid, proof of insurance has been furnished, and the residential rental unit has passed the required inspection.
- (10) If the residential rental unit remains in compliance with the applicable code provisions and passes two consecutive inspections without violations that require re-inspection over a four-year period and the proper fee has been paid, the rental units will be eligible to be inspected only once over the next four years in accordance with a schedule set by the code official. If a residential rental unit fails to comply with the provisions of any applicable code during that four-year time period, it will be required to comply with the provisions of the code and will revert back to having one inspection every two years. If the rental unit complies with the provisions of the applicable codes during that four-year time period, it will be eligible to have only one inspection over the next four years.

(d) Signature to license.

The code official or the code official's designee shall affix his/her signature to every license.

(e) Provision of License.

A copy of the residential rental license shall be presented to a code official, inspector or court upon request.

(f) No warranty.

The purpose of a residential rental license shall be to let owners and tenants know that a unit has been found to be compliant with the applicable code as of the day the residential rental unit was determined to have passed the inspection. The issuance of a residential rental license does not warrant the habitability, safety or condition of the residential rental unit in any way.

(g) Revocation.

(1) A license may be revoked if it is determined by the inspector that a condition of the residential rental unit violates the applicable code and the owner fails to correct the violating condition in the time allotted, the inspector is not permitted to access the residential rental unit to perform required inspections, applicable fees are not paid, or it is determined that any information submitted to the City was intentionally misleading or inaccurate.

(2) If a license is revoked and the residential rental unit is vacant, it shall remain vacant until the license is reinstated. It shall be a violation of this ordinance if a license is revoked and the residential rental unit remains occupied during the period of revocation. A license will be reinstated if a subsequent inspection documents that the reason(s) for revocation is remedied and if all reinspection fees and other costs incurred by the City are paid.

**SECTION 7. Exemptions.**

- (a) The registration and licensing provisions of this Ordinance shall not apply to:

- (1) Hospitals, nursing homes, group homes or similar health-related or supervised living facilities that are subject to County, State, or Federal licensing and inspection.
- (2) Bed and Breakfasts, Rooming Houses and Dormitories.
- (3) Vacant residential units, provided that the owner signs a certification form provided by the City affirming that the unit is not occupied and will not be occupied without proper registration and licensure. If at any time the owner chooses to allow occupancy of the unit, all provisions of this Ordinance shall apply, including payment of fees and inspection.
- (4) Single family dwellings where the owner, a parent, parent-in-law or adult child of the owner is the occupant and no net income is earned by the owner through renting or letting the residential rental unit, provided that the owner signs a certification form provided by the code official affirming that the unit is occupied by a parent, parent-in-law, grand parents or grand-parents-in-law, members of the owners immediate family or grandchildren of the owner and that no net income is earned by the owner through renting or letting the residential rental unit and presents such other documentation as the code official may reasonably require to verify the name, relationship and legal address of the occupant. If at any time the statements in the certification form cease to be true, all provisions of this Ordinance shall apply.

#### **SECTION. 8 Fees.**

- (a) A biennial and quadrennial registration fee and a biennial and quadrennial licensing fee as determined by City Council via resolution must be paid and submitted with all applications for a rental license.
- (b) All fees are due with the submission of a license or registration form. Reinspection fees are due prior to receipt of a license.
- (c) Fees shall not be prorated to cover partial year terms.

#### **SECTION 9. Occupants' right to report suspected violations.**

- (a) It shall be unlawful for an owner, operator, responsible agent, manager, or any of their respective employees or agents to take adverse action against an occupant of a residential rental unit who reports suspected violations of any applicable code to the inspector or the code official. The taking of an adverse action against an occupant, including but not limited to attempting to terminate the tenancy, increasing unit rent, refusing to renew a lease or adversely changing material terms of a lease, within three (3) months of the occupant's assertion of rights under this Ordinance may be presumed to be retaliatory by a Magisterial District Justice. Any person alleged to have violated this subsection by a tenant in a matter properly before a Magisterial District Justice, may, as an affirmative defense, provide proof that the action was taken solely for a non-retaliatory purpose. Nothing herein shall be construed to bar, preclude or affect the right of the owner to pursue judicial relief against a tenant.
- (b) This Section 9 is expressly intended to provide a tenant with a defense against adverse action taken in retaliation as a result of the tenants reporting of suspected violations of any applicable code to the inspector or the code official. The City has no authority to enforce this provision against an owner, operator, responsible agent, manager or any of their respective employees or agents.

**SECTION 10. Insurance.**

- (a) All owners shall be required to obtain a minimum of \$25,000 in hazard and casualty insurance per residential rental unit, to insure against the loss or damage of each residential rental unit. In the event of a multi-unit facility, owners shall be required to obtain a minimum amount of insurance on the entire facility which equates to \$25,000 per residential rental unit in the aggregate.
- (b) Owners shall be required to provide a copy of a certificate of insurance for each residential rental unit. A residential rental license shall not be issued unless insurance information is provided to the code official.

**SECTION 11 Entry and Inspection**

- (a) The failure of an owner, operator, responsible agent or occupant to permit the inspector with access to the residential rental unit sufficient to permit the conduct of the required inspection(s) shall result in the revocation of an existing license, provisional or otherwise, and/or the denial of a license application.

**SECTION 12. Notice of violation.**

When the code official determines that there has been a violation of any provision of this Ordinance, the code official shall provide the owner or responsible agent with a notice of violation in accordance with the provisions set forth in Meadville Municipal Code Section 1721.14. Notice shall be served by the method of service set forth in Meadville Municipal Code Section 1721.14, or by email if the owner or agent agrees to receiving notice by email.

**SECTION 13. Appeals.**

Any person aggrieved by any decision of the code official may submit an application for appeal to the code official for a review by the Meadville Code Appeals Board, which shall issue a written decision setting forth specific findings of fact and legal conclusions. Any such appeal shall be submitted within thirty (30) days of the adverse decision or action. Any appeal of the Code Appeals Board decision shall be filed before the Court of Common Pleas of Crawford County in accordance with the provisions of Local Agency Law. See 2 Pa.C.S.A. §105.

**SECTION 14. Penalty.**

Violation of this Ordinance is a summary offense, with particular penalties upon conviction as follows:

- (a) Failure to register, or failure to obtain a residential rental license. The owner or responsible agent shall be given a notice of violation and an opportunity to come into compliance. Failure to comply within thirty (30) days, or within the time period provided in Section 6(c)(6) for the correction of deficiencies, if applicable, will result in a fine charged against the owner of not less than \$100 nor more than \$500 per residential rental unit for each month the violation exists, plus any inspection/reinspection fees that have been charged and remain unpaid. Each month the violation exists and the unit is let for occupancy shall constitute a separate violation.



- (b) Revocation of or failure to renew a residential rental license where the unit is let for occupancy shall result in a fine charged against the owner of not less than \$100 nor more than \$500 per residential rental unit for each month the violation exists, plus any inspection/reinspection fees that have been charged and remain unpaid. Each month the violation exists shall constitute a separate violation. A fine shall not be sought for any period during which the residential rental unit is vacant and the owner or responsible agent is taking appropriate action to correct the violations.
- (c) Whoever violates any other provision of this Ordinance shall be fined not less than \$100 nor more than \$500 for each separate violation.
- (d) Any inspection or reinspection fees that are assessed as penalties pursuant to this Section shall not be waived or reduced.

**SECTION 15. Severability.**

The provisions of this Ordinance are declared to be severable; and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 16. Effective date.**

The provisions of this Ordinance shall become effective at 12:01 a.m., prevailing time, on the 21<sup>st</sup> day following the date of passage and enactment.

**Section 17. Repealer.**

All ordinances and part of ordinances inconsistent herewith are hereby repealed.

Introduced This 7th day of December, A.D., 2022

Second Reading This 7th day of December, A.D., 2022

Finally Passed and Enacted This 28<sup>th</sup> day of December, A.D., 2022.

**CITY OF MEADVILLE**

Attest:

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Jaime Kinder, Mayor

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Katherine Wickert, City Clerk