

Bill No. 1

Ordinance No. 3806 of 2023

**CITY OF MEADVILLE
CRAWFORD COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA; ENSURING THE RIGHTS OF RESIDENTIAL TENANTS TO ENGAGE IN COLLECTIVE ACTIONS TO SEEK FAIR AND DIGNIFIED HOUSING CONDITIONS; PROTECTING TENANTS FROM RETALIATION FOR ORGANIZING OTHER TENANTS, ENGAGING IN COLLECTIVE ACTION OR EXERCISING OTHER LEGAL RIGHTS; PROVIDING FOR DEFINITIONS; AND 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 Anti-Retaliation Ordinance.

SECTION 2. Authority.

This Residential Anti-Retaliation Ordinance is adopted in accordance with authority existing under Article III of the Optional Third Class City Charter Law, and Section 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 effectuate and supplement Section 205 of the Pennsylvania Landlord and Tenant Act, and to protect the right of residential tenants to engage in lawful activity in pursuit of fair and dignified housing conditions. As a means to these ends, this Ordinance provides for a clear statement of tenants' rights to organize and protects tenants from retaliation for organizing other tenants, engaging in collective action or exercising other legal rights.
- (b) In considering the adoption of this Ordinance, the City makes the following findings:
 - (1) All people deserve to live in safe, sanitary housing, with predicable terms and conditions of occupancy, so that they have a fair opportunity to put down roots, make a home for themselves and live in dignity;
 - (2) Housing stability is essential to the fabric of a healthy community in which neighbors support one another and develop and maintain a collective capacity for civic engagement;
 - (3) All tenants have a fundamental right to seek better and more stable housing conditions through lawful means without fear of retaliation;

- (4) Most landlords respect the right of their tenants to live in dignity and will make a good faith effort to provide predictable lease terms and to address problems that tenants bring to their attention;
- (5) It has come to Council's attention that some of our citizens have been threatened with or subjected to retaliation by their landlord for engaging in lawful activities in pursuit of fair and dignified housing conditions; and
- (6) The public health, safety and welfare of Meadville's citizens will be advanced by ensuring the right of residential tenants to engage in lawful activity in pursuit of fair and dignified housing conditions without fear of retaliation.

SECTION 4. Definitions.

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

- (a) **LANDLORD** — The record owner or owners of, or other person, firm or corporation who has charge, care or control of, a dwelling, dwelling unit, rooming unit, building or structure that is occupied by one or more persons pursuant to a written or unwritten agreement, including all of their respective employees and agents.
- (b) **TENANT** — Any person who occupies a dwelling, dwelling unit, rooming unit, building or structure pursuant to a written or unwritten agreement with a Landlord, regardless of whether the agreement has expired or been terminated by the Landlord.

SECTION 5. Tenants' Rights to Organize.

- (a) Tenants have the right to form, join and participate in the activities of a tenant organization for the purpose of addressing issues related to their living environment, including but not limited to, rental rates, housing amenities, conditions of the premises and other terms and conditions of tenancy.
- (b) Tenant organizers have the right to contact and communicate with tenants on the rental premises, including within a rental unit, or in a tenant common area such as a community room, to assist tenants in establishing and operating a tenant organization and participating in collective actions.
- (c) Tenants and tenant organizers have the right to use common areas and community facilities on the property for tenant meetings, so long as they comply with any universally applicable use and reservation policies. No landlord may attend or make recordings of such meetings unless permitted to do so by the tenant organization.
- (d) Tenants have the right to refuse to join or participate in the activities of tenant organizations and have the right to represent themselves individually in their tenancy relation with their landlord if they wish.
- (e) Tenants and tenant organizers have the right to use common areas to distribute literature to other tenants, or to place literature on or under the door of tenant units, where the literature relates to issues of common interest or concern to the tenants. If the landlord provides a bulletin board in a common area, the landlord may not remove posts of such literature from such bulletin board.

SECTION 6. Landlord Retaliation Prohibited.

- (a) It shall be unlawful for any landlord to terminate or refuse to renew a lease with a tenant, or to make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant, in retaliation for the tenant or any member of the tenant's household having engaged in any of the following lawful activities:
- (1) Organizing other tenants, including but not limited to engaging in any of the activities specified in Section 5 of this Ordinance;
 - (2) Participating in a tenants' association;
 - (3) Requesting the landlord to make repairs to the premises, provide amenities, or refrain from increasing rent or fees;
 - (4) Exercising any lawful self-help measure such as the right to withhold rent or to make necessary repairs and deduct the cost of those repairs from the rent;
 - (5) Filing a complaint with a governmental agency or public official responsible for enforcing a building, housing, health, consumer protection or similar law, or the issuance of a notice of violation or other enforcement action by such an agency or official;
 - (6) Speaking to a community organization or the news media about issues related to the tenant's living environment, including but not limited to, rental rates, housing services, conditions of the premises and other terms and conditions of tenancy, or the publication of such information;
 - (7) Testifying at a public hearing or in any court or administrative proceeding concerning issues related to the tenant's living environment;
 - (8) Engaging in collective action for the purpose of bargaining over issues related to the tenant's living environment or engaging in other mutual aid or protection; or
 - (9) Exercising any other right or remedy provided by law.
- (b) In any civil proceeding involving the termination or non-renewal of a lease or the alteration of a term or condition of the lease, or notice thereof, within one year after the latest to occur of any of the activities described in Subsection 6(a), and upon the Tenant establishing by clear and convincing evidence that the Tenant, or any member of the Tenant's household, had engaged in such protected activity, it shall be the burden of the landlord to prove by clear and convincing evidence that the action was taken solely for a non-retaliatory purpose. The filing of a civil action against a tenant shall not constitute a violation of this Ordinance.

SECTION 7. 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 8. Effective date.

The provisions of this Ordinance shall become effective immediately upon passage and enactment.

Section 9. Repealer.

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

Introduced This 1st day of March, A.D., 2023

Second Reading This 1st day of March, A.D., 2023

Finally Passed and Enacted This 8th day of March, A.D., 2023

CITY OF MEADVILLE

Attest:

Jaime Kinder, Mayor

Katherine Wickert, City Clerk