

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP OF EAST FALLOWFIELD, CHESTER
COUNTY PENNSYLVANIA REQUIRING OWNERS OF ALL RESIDENTIAL RENTAL
UNITS WITHIN THE TOWNSHIP TO REGISTER WITH THE TOWNSHIP CODE
ENFORCEMENT OFFICER, PROVIDING FOR ALL SUCH UNITS TO BE
INSPECTED AS PROVIDED HEREIN BY THE TOWNSHIP CODE ENFORCEMENT
OFFICER, SETTING FEES FOR THE COST THEREOF, PROVIDING A PROCEDURE
FOR INSPECTION AND PENALTIES FOR VIOLATION OF THE ORDINANCE.**

WHEREAS, the Township Supervisors of East Fallowfield Township recognize a need for a comprehensive and organized license and inspection program of Residential Rental Units within the Township to assure compliance with local safety, health, fire and zoning regulations; and

WHEREAS, the Supervisors recognize a need for an efficient system for compelling the habitability and the continued maintenance of the Residential Rental Units within the Township; and

WHEREAS, the Supervisors recognize that lessees have a reasonable expectation that their Residential Rental Units will be maintained in accordance with the applicable blighted property ordinance provisions; and

WHEREAS, the Supervisors recognize that requiring registration/licensing and inspection of Residential Rental Units within the Township will allow for orderly administration of the Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWNSHIP OF EAST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA, and it is hereby enacted and ordained by authority of the same:

Section 1. Purpose; findings.

A. The purpose of this article of the East Fallowfield Township shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and tenants/occupants relating to residential rental units in the Township and to encourage owners and tenants to maintain and improve the quality of life and quality of rental housing within the community. As a means to these ends, this article provides for the registration of rental properties and for the inspection and licensing of residential rental units thereon, to ensure said properties and units are in compliance with Township-adopted building, property maintenance and other codes and regulations.

SECTION 2. REGISTRATION/LICENSING OF RESIDENTIAL RENTAL UNITS.

A. Owners of residential real property who rent or intend to rent all or a portion of their residential property in East Fallowfield Township shall make application to East Fallowfield Township for a rental license for each proposed rental unit, subject to renewal on an annual basis and upon the change of a tenant.. The Township is authorized to design and administer forms to be used to carry out the purpose of this article, which forms shall be available at the East Fallowfield Township Building and on the East Fallowfield Township website.

B. At the time of application, the owner making application shall provide to East Fallowfield Township a list of current or proposed tenants for the upcoming calendar year, together with their contact information, the contact information (and signature) of any designated, responsible agent or property manager (inclusive of emergency contact information for all of the above). If a tenant vacates an owner's property and is replaced by a new tenant, the owner shall notify East Fallowfield Township in writing within 30 days of a new tenant or tenants moving in, and provide the information required in the aforesaid tenant list for the new tenant(s).

Comments: List minors without names, just ages?

C. At the time of application, the owner making application must have satisfied all permit fees, civil judgments, or fines owed to East Fallowfield Township. The satisfaction of permit fees stated above applies not only to property(ies) for which the owner is applying currently, but to all properties that the owner possesses title to in East Fallowfield Township.

D. At the time of application, each owner for a rental license shall pay a permit fee for each rental unit, which fee shall be established by resolution of the Board of Supervisors, and which fee may be amended from time to time by resolution of the Board of Supervisors.

Comments: Fee determined by cost.

E. At the time of application, each owner shall sign a certification subject to the penalties for unsworn falsification to authorities (18 Pa.C.S.A. §4904), which states that the owner is aware of and intends to comply with all applicable Township codes and ordinances including, but not limited to, the East Fallowfield Township Blighted Property Ordinance, the Pennsylvania Uniform Construction Code, the Township's trash collection and recycling ordinances, and any other ordinance that requires the safe and proper maintenance of real property in East Fallowfield Township.

F. Beginning in 202_, application for rental licenses for the 202_ calendar year and beyond shall be made on or prior to January 31 of such year. At the time of the application, the license fee shall be paid. Applications made after January 31 (or, in the case of a tenancy that begins after January 31st, within 30 days of the commencement thereof) shall be subject to a penalty which shall be established by resolution of the Board of Supervisors, and which may be amended by resolution of the Board of Supervisors from time to time.

Comments: Annual inspection and registration or change of renter?

SECTION 3. DUTIES OF OWNERS OF RESIDENTIAL UNITS.

A. It shall be the duty of every owner, operator, designated/responsible agent or property manager to keep and maintain all residential rental units in compliance with all applicable codes and provisions of all applicable state laws and regulations and all East Fallowfield Township ordinances, and to keep said units in good and safe condition.

B. It shall be unlawful for any person, as owner, operator, designated/responsible agent or property manager to conduct or operate or cause to rent any residential rental unit within the East Fallowfield Township without registering the property in accordance with this Ordinance and maintaining the license for the same with the Township.

C. Every owner, operator, responsible agent or manager shall provide each tenant with a copy of this article, and the current residential rental registration for the premises upon which the residential rental unit is situated.

D. The owner shall maintain acceptable physical conditions in common areas and the owner shall be required to ensure that common areas and the outside premises are in compliance with applicable state and East Fallowfield Township codes and ordinances.

Comments: Suggest adding all EFT codes must be satisfied & all EFT permit fees/fines paid. Update the website to make codes for rental properties searchable?

E. Owners and Designated, Responsible Agents and Property Managers Separately Responsible. If any residential rental unit is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, and, as to any designated, responsible agents or property managers who have executed the residential rental permit application, such person shall be jointly and severally responsible for the duties imposed under the terms of this article, and shall be separately subject to prosecution for the violation of this article.

SECTION 4. TENANT DUTIES.

A. The tenant shall comply with all obligations imposed upon tenants by this article, applicable codes and regulations of East Fallowfield Township, and all applicable provisions of state law, particularly in keeping the interior of the rental unit in sanitary condition.

B. Tenants shall collect and dispose of all rubbish, garbage and other waste in a clean and sanitary manner, and tenants shall comply with East Fallowfield Township solid waste, sanitation and recycling regulations. Tenants shall keep the part of the premises which tenant occupies or controls in a clean and sanitary manner.

SECTION 5. INSPECTION OF RESIDENTIAL RENTAL UNITS

A. All Residential Rental Units shall be subject to inspection by the Township Code Enforcement Officer biennially (once every other year), or within thirty (30) days of written notice from the Code Enforcement Officer upon complaints submitted to the Township, for compliance with the currently adopted version of Township's Blighted Property Ordinance, the instant Ordinance and other applicable Township Ordinances. All such inspections shall be subject to, and conducted in accordance with, the Fourth Amendment to the United States Constitution. Tenants may refuse entry to the Township Code Enforcement Officer in the absence of an administrative search warrant or legal authority to enter the property, in which case the subject property may not be issued the requisite certificate of inspection and, consequently, the subject property would not be authorized to be used as a rental property. Nothing in this Section shall prohibit a Code Enforcement Officer from requesting permission from a tenant to inspect a property for compliance with this Section, or to seek and obtain an administrative search warrant or other legal authority to enter such property or Residential Rental Unit. Nothing in this section shall prohibit additional inspections if the property is found to be in violation of any Township Ordinance or Commonwealth laws or if the Township receives complaints regarding unlawful activities at the property. The owner shall be responsible for any additional inspection costs if any violations are identified as a result of a complaint inspection.

B. The fee for the inspection of Residential Rental Units shall be as noted in the Fee Schedule adopted by the Township or as the Supervisors may hereafter by resolution direct.

SECTION 6. CERTIFICATE OF INSPECTION.

A. No person shall rent, lease or allow to be occupied any Residential Rental Unit subject to this Ordinance without the unit first being inspected and determined to be compliant by the Code Enforcement Officer.

B. The Owner of a Residential Rental Unit may request inspection of a Residential Rental Unit at any time. Any such request shall be made in writing to the Township Code Enforcement Officer and shall be accompanied by the inspection fee required by the Township.

C. The Certification of Inspection issued by the Township Code Enforcement Officer shall expire two (2) years from the date of issuance, unless suspended or revoked due to a violation of this Ordinance.

Comments: Every year and before new tenant moves in and/or upon complaint

D. A Certificate of Inspection shall be transferable to new owners.

E. The tenant may request a copy of a Certificate of Inspection for the property in which they reside.

SECTION 7. PROCEDURE FOR INSPECTIONS. Upon inspection by the Township Code Enforcement Officer, if a property or Residential Rental Unit is found to be in compliance with the Township Ordinances and the inspection fee has been paid, the Township Code Enforcement Officer shall issue a Certificate of Inspection for the property or Residential Rental Unit, respectively.

If a property is found to be in violation of any Township Ordinance, including, but not limited to, the Township's Blighted Property Ordinance, this Ordinance and any other applicable Township Ordinances, the Township Code Enforcement Officer shall provide written notice of such violation(s) to the responsible person(s) (which, depending on the nature of the violation, may include the owner(s), designated, responsible agent or property manager, or tenant(s)) and may set a re-inspection date before which such violation(s) must be corrected. The re-inspection date shall be as stated by the Township Code Enforcement Officer in the written notice, but shall be no more than sixty (60) calendar days after the date of inspection, except in exigent circumstances involving the public health, safety and welfare (in which case the time period may be shorter) or except as other, special circumstances acceptable to the Code Enforcement Officer warrant otherwise. A fee for each re-inspection of violation(s) shall be charged in accordance with the Fee Schedule established by the Township or as the Supervisors may hereafter by resolution direct.

If the violation(s) cited by the Township Code Enforcement Officer is corrected upon re-inspection and the annual license fees have been paid, the Township Code Enforcement Officer shall issue a Certificate of Inspection for the property.

If the violation(s) cited by the Township Code Enforcement Officer is not corrected upon re-inspection, the Township Code Enforcement Officer shall not issue the Certificate of Inspection and shall inform the Township Supervisors in writing within ten (10) days for further action as the Township Supervisors shall deem appropriate. The Residential Rental Unit license shall also be suspended as noted in this Ordinance.

SECTION 8. SUSPENSION OR REVOCATION OF LICENSES.

A. Failure of an inspection of a Residential Rental Unit will result in the suspension of the Residential Rental Unit's license, if the violation(s) found during the inspection is not corrected within the designated time frame.

B. If the violation(s) found during the inspection is not corrected within the designated time frame, the Residential Rental Unit license shall be suspended and the tenants shall be notified to vacate the Residential Rental Unit within the time period as established by the Township Code Enforcement Officer, except in cases of an immediate threat to the public health safety and welfare, in which case immediate vacation may be required. Occupancy of the Residential Rental Unit shall not be allowed until the violation(s) has been corrected and the Residential Rental Unit passes an inspection by the Township Code Enforcement Officer.

Comments: What if tenants have nowhere to go? Have resources list ready for tenants?

SECTION 10. PENALTIES.

A. Any person who violates any provision of this Ordinance (inclusive of the owner, designated, responsible agent or property manager, or tenant) shall, upon conviction hereof before a court of competent jurisdiction pursuant to Section 1602(c.1)(2) of the Pennsylvania Second Class Township Code, be sentenced to pay a fine of up to, not to exceed, \$1,000 per violation as a summary offense before a District Justice plus court costs and costs incurred by the Township.

B. A separate offense shall be deemed to have been committed for each and every day during or on which a violation(s) occurs.

SECTION 11. EXEMPTIONS.

A. This Ordinance shall not apply to hospital units, nursing units or retirement home units located within the Township that are otherwise inspected by a County, State or Federal government agency for the purposes set forth in this Ordinance.

B. Hotels, motels, bed and breakfasts, nursing homes, continuing care facilities, assisted living facilities, boarding houses, and similar places of business for which a fee is charged for overnight stays are excluded from the requirements of this article.

Comments: Are Airbnb type rentals included? What if B&B rents for 2 months? Does it need a permit? (12 A)

C. Nothing herein shall be construed as approval of a particular Residential Rental Unit under the Township Zoning Ordinance. The provisions of the Zoning Ordinance, and characterization of a particular use thereunder, shall be determined by the Zoning Officer pursuant to such provisions of the Zoning Ordinance.

SECTION 12. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

A. Residential Rental Unit – a Dwelling Unit (as defined by the Zoning Ordinance) or portion thereof for one or more persons, with independent living facilities providing for living, sleeping, cooking and disposal of human waste, which is rented by the owner thereof to a tenant for a period in excess of thirty (30) days per calendar year.

B. Person – any natural individual, partnership, association, corporation, joint venture, receiver, executor, trustee, business entity, personal representative or guardian appointed by any order of any court of competent jurisdiction.

C. Tenant: A person, other than the property owner, to whom a landlord grants temporary and exclusive use of land or a part of a building, usually in exchange for rent or other considerations.

D. Township Code Enforcement Officer – shall be any qualified Person appointed by the Township. A qualified person shall, at minimum, possess a Residential Building Inspection Certification from the Commonwealth of Pennsylvania.

SECTION 13. REPEALER. Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed insofar as the prior Ordinance conflicts with this Ordinance.

SECTION 14. SEVERABILITY. In the event that any provision, section, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision section, sentence, clause or part of this Ordinance, it be the intent of the Township that such remainder shall be and remain in force and effect.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect on the earliest date after enactment permitted by law.

Enacted and Ordained this _____ day of _____, 202_, by the Township Supervisors of East Fallowfield Township, Chester County, Pennsylvania, in lawful session, duly assembled.