

Chapter 193
RENTAL HOUSING
Article I

General Governance of Rental Housing

§ 193-1. Title.

This Chapter shall be known and may be cited as the "Carlisle Borough Rental Housing Ordinance."

§ 193-2. Legislative Intent.

The background of this Chapter and the legislative intention of the Borough Council in enacting it are as follows:

- A. The governance of rental housing within the Borough is necessary to promote and protect the public health, safety and welfare of its citizens.
- B. The establishment of certain minimal rights and obligations of owners and occupants with respect to the rental and occupancy of residential rental dwelling units in the Borough is necessary.
- C. Owners and occupants of rental housing should be encouraged to maintain and improve the quality of rental housing within the community.
- D. Owners and occupants of rental housing should share the responsibility to comply with Borough ordinances enacted to protect and promote the public health, safety and welfare.
- E. There is a demonstrated greater incidence of complaints and violations of Borough ordinances in and related to rental housing than related to owner-occupied housing.
- F. A significant number of owners of rental housing had code violations at one or more of their properties over a one-year period.
- G. Rental housing has consumed the majority of Borough code enforcement resources and, as a result, owner-occupied residential properties bear a disproportionate burden of the cost of code enforcement.
- H. Tenants of rental housing have been reluctant to make code complaints to Borough officials for fear of retaliation by landlords.
- I. Approximately fifty percent of residential dwelling units in the Borough are residential rental housing units.
- J. The Borough has encountered difficulties obtaining cooperation and corrective action by owners of rental housing who reside or have offices a long distance from the Borough.
- K. Those residents who live in their homes have greater incentive to maintain their properties in accord with minimum standards of habitability.

- L. Because of their lack of ownership, certain tenants resist complying with Borough ordinances.
- M. The lack of attention to Borough ordinances by both owners of rental housing and tenants has denied neighbors the full peace and enjoyment of their homes.
- N. The identity of tenants who are subject to local taxation, including earned income taxes, is often difficult to determine and the registration of the identity of tenants is necessary for the uniform and equitable collection of taxes levied within the Borough.
- O. This Chapter shall be construed liberally to promote its purposes and policies.

§ 193-3. Definitions.

For the interpretation of this Chapter, certain words shall have the meaning assigned to them as follows:

BOROUGH – The Borough of Carlisle, Pennsylvania.

BOROUGH MANAGER – The duly appointed Manager of the Borough of Carlisle.

CERTIFICATE OF COMPLIANCE – The certificate issued by the code official which evidences successful inspection under the provisions of this Chapter.

CODE – The Code of the Borough of Carlisle.

CODE OFFICIAL – The person or persons authorized by the Borough to determine compliance with the provisions of this Chapter and to enforce the same. The code official shall include the Borough zoning and/or property code officer and employees of the Building Codes Department of the Borough of Carlisle as appointed or employed from time to time.

CODES DEPARTMENT; DEPARTMENT – The Building Codes Department of the Borough of Carlisle.
DESIGNATED AGENT – a natural person appointed by an owner who shall have full authority to receive notices from a resident, tenant or the Borough, to act on behalf of the owner with respect to all matters relating to rental housing, to perform all of owner’s obligations with respect to the rental housing and to accept service of legal process on behalf of the owner.

DWELLING UNIT – A living area comprised of one or more rooms used for living, sleeping and habitation purposes and having its own kitchen and sanitation facilities, all arranged for occupancy by one or more persons.

MANAGER – A designated agent. In addition to duties under this Chapter, a manager may have private responsibilities to the owner.

OWNER – Any person, agent, operator, firm, corporation, partnership, limited liability company, limited liability partnership, association, other entity, property management group, or fiduciary holding or having legal, equitable or other interest in any real property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person’s estate. When used in this part in a clause proscribing any activity or imposing a penalty, the term as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, other entities, or property management groups shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest in the entity, controlling or otherwise.

OWNER-OCCUPIED – A dwelling unit occupied by the owner.

PRINCIPAL – a natural person who owns or is vested with a controlling interest in an owner entity. Controlling interest shall mean an ownership share of more than fifty percent (50%).

RESIDENTIAL RENTAL DWELLING UNIT – A dwelling unit not occupied by the owner thereof. The term shall not include the lawful occupancy of a dwelling unit by an owner in joint tenancy or an heir of a deceased owner.

RENTAL HOUSING – Any building or structure containing one or more residential rental dwelling units. Where a building or structure contains residential rental dwelling units which are under separate or several ownership, this term shall refer to each residential rental dwelling unit under several or separate ownership.

STRUCTURE – Any made-made object having an ascertainable stationary location on land, whether or not affixed to the land.

TENANT – Any person who resides in a residential rental dwelling unit, irrespective of whether consideration is given for the privilege or right of occupancy.

UNIT – A dwelling unit.

§ 193-4. Enforcement.

The Department, appointed fire and emergency management officials and any law enforcement officer shall be and hereby are charged with the authority to enforce the provisions of this Chapter.

§ 193-5. Penalties and violations.

Any person who violates any provision of this Chapter, upon summary conviction thereof, shall be sentenced to pay a fine of not more than One Thousand and No/100 Dollars (\$1,000.00), plus costs of prosecution, and in default of payment thereof, be imprisoned in the Cumberland County Prison for a period of not more than thirty (30) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Chapter that is violated shall also constitute a separate offense.

§ 193-6. Civil Remedies.

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful activities and to recover damages including the costs incurred in protecting persons or property.

§ 193-7. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared unconstitutional or invalid for any reason whatsoever, or determined to be preempted by state or federal law, such a decision shall not affect the remaining portions of the Chapter, which shall remain in full force and effect, and for this purpose the provisions of this Chapter are hereby declared to be severable.

§ 193-8. (Reserved).

§ 193-9. (Reserved).

Article II

Duties of the Borough

§ 193-10. Education.

The Borough Manager shall develop, implement and coordinate an education process to inform residents of the provisions of this Chapter and means presently in place, or hereafter implemented, for the governance of rental housing, to include but not be limited to:

- A. Sponsoring educational workshops in the municipal building and in Borough neighborhoods.
- B. Providing owners and tenants with copies of the Borough's Property Maintenance Chapter [Chapter 183 of the Code of the Borough of Carlisle] upon request and displaying that Chapter electronically on the Borough's website.
- C. Publishing informative articles from time to time in the Borough's newsletter informing residents of their responsibilities regarding the upkeep of properties and tools conducive to the peaceful enjoyment of both owner occupied and rental housing within neighborhoods in the Borough.

§ 193-11. Communication.

The Borough Manager, Fire Chief and Chief of Police shall implement policies and procedures to strengthen communication between the Codes Department, Carlisle Fire Department and Police Department. The policies and procedures shall establish means of resource coordination for detection and correction of both property maintenance and behavioral problems related to rental housing.

§ 193-12. Property Rehabilitation Programs.

The Borough Manager shall continue to utilize existing funding programs and develop new programs, both subject to the availability of federal and state funding and appropriations by Borough Council, as it deems necessary and appropriate under the circumstances from time to time, for the rehabilitation of code deficient rental housing, including the use of Community Development Block Grant funds, Elm Street funds and other available funding mechanisms. Non-profit housing entities and owners should be encouraged to acquire and rehabilitate marginal properties.

§ 193-13. (Reserved).

§ 193-14. (Reserved).

Article III

Rental Housing Registration

§ 193-15. Non-resident Owner Registration.

Owners of rental housing who do not maintain full-time residence within a twenty-five (25) mile radius of the Cumberland County Courthouse shall register with the Borough the name, address, telephone number and emergency telephone number of a designated agent or manager who resides full-time within such distance and who is authorized to receive notices from tenants, residents or the Borough, to act on behalf of the owner with respect to all matters relating to the rental housing, to perform all of owner's

obligations with respect to the rental housing and to accept service of legal process on behalf of the owner. If the owner is an entity other than a natural person and no principal of the entity lives full-time within such radius, it shall register the name, address, telephone number and emergency telephone number of a designated agent or manager as required by this Section. In the event a principal lives full-time within such radius, the owner entity may register the name, address, telephone number and emergency telephone number of such principal in lieu of a designated agent or manager. Every owner shall notify the Borough within 5 business days of a change in the identity, address, telephone number or emergency telephone number of a designated agent, manager or principal of the owner entity. The owner shall disclose in writing to every prospective tenant, on or before the commencement of the tenancy and the occupancy of the unit, the name, address, telephone number and emergency telephone number of the owner and, if applicable, the name, address, telephone number and emergency telephone number of the designated agent, manager or principal of the owner entity.

§ 193-16. General Registration Requirements.

Every owner of rental housing shall register each residential rental dwelling unit with the Department in accordance with this Section.

- A. Every owner of rental housing shall register each residential rental dwelling unit with the Department within thirty (30) days of the effective date of the enactment of this Chapter.
- B. Every owner who creates new residential rental dwelling units or converts any building or structure into residential rental dwelling units shall register each residential rental dwelling unit with the Department within thirty (30) days of completion of construction or conversion.
- C. Every owner of rental housing shall provide the following information to the Department in order to comply with the registration requirement:
 - (1) The owner's name, address, telephone number and an emergency telephone number.
 - (2) The name, address, telephone number and emergency telephone number of the designated agent, manager, or principal of the owner entity, as the case may be.
 - (3) The property address, number of residential rental dwelling units and the specific address or assigned number for each residential rental dwelling unit.
 - (4) The number of full-time occupants of each residential rental dwelling unit.
 - (5) The name and address (or assigned unit number) of each tenant.
- D. Any change in the information submitted for registration under Paragraph C of this Section shall be provided to the Department within five (5) business days of such change.
- E. There shall be no registration fee.
- F. All registrations and the information contained therein shall be publicly available.

§ 193-17. (Reserved).

§ 193-18. (Reserved).

Article IV

Relations Between Landlord and Tenant

§ 193-19. Lease addendums.

Every owner of rental housing is encouraged to enter written leases with tenants which contain an addendum in substantially the same content as the sample addendum approved by Borough Council by resolution from time to time. A copy of the sample addendum shall be kept on file in the Department and shall be made available upon request.

§ 193-20. (Reserved).

§ 193-21. (Reserved).

Article V

Rental Housing Inspections

§ 193-22. Voluntary Property Maintenance Code Inspections.

The Department shall establish a program for voluntary inspections of rental housing to determine compliance with property maintenance standards. Owners of rental housing are encouraged to participate in this program. The program shall consist of the following:

- A. Voluntary Inspections. Prior to occupancy and prior to renewal of a Certificate of Compliance, each residential rental dwelling unit may be inspected by the code official or other authorized inspector. All inspections shall be at the sole expense of the owner.
- B. Inspection to determine compliance. All inspections conducted under this Section shall determine compliance with this Chapter and the Property Maintenance Chapter [Chapter 183] of this Code. This inspection shall include the exterior and interior of the premises.
- C. Independent inspectors. Any owner of rental housing shall have the right to employ an independent inspector who is currently approved by the Borough as a qualified and certified inspector. The Borough shall maintain a list of certified inspectors from which owners may select.
- D. As to any residential rental dwelling unit inspected and certified by said inspector as being in compliance with the provisions of this Chapter and the Property Maintenance Chapter [Chapter 183], the code official shall issue a Certificate of Compliance dated as of said inspection. Issuance of a Certificate of Compliance shall represent compliance with the inspection requirements of this Chapter and the provisions of Chapter 183 as of the date of inspection, but shall not denote compliance with any other applicable chapter, other code, ordinance or statute. A Certificate of Compliance shall state that the residential rental dwelling unit passed inspection as of the date of the Certificate. Owners are encouraged to display a Certificate of Compliance in a conspicuous place in the interior of each residential rental dwelling unit which has passed inspection.

E. Exemption from inspection.

- (1) In any instance where the code official shall lawfully issue a certificate of occupancy for a residential rental dwelling unit as a result of new construction or alterations, he shall concurrently issue a Certificate of Compliance.
- (2) In any instance where proper evidence is submitted to the code official to demonstrate compliance with a current inspection by a federal or a state authority pursuant to a maintenance standard equivalent or more strict than the provisions of this Chapter and Chapter 183, the code official shall issue a Certificate of Compliance dated as of the date of such inspection.

F. Reservation of right of Borough inspection. Notwithstanding the provisions of the preceding paragraphs of this Section, the Borough reserves the right at any time to conduct a lawful inspection of any rental housing to verify compliance with the provisions of this Chapter and the Property Maintenance Chapter, whether performed by a code official or by an independent inspector. If, as a result of such inspection, violations of the provisions of this Chapter or the Property Maintenance Chapter are determined, no Certificate of Compliance shall be issued, and in the event having been previously issued, shall be revoked.

SECTION 2: In all other respects, the Code of the Borough of Carlisle shall remain as heretofore enacted, ordained and amended.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.