

# CITY OF BETHLEHEM

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## Department of Community and Economic Development

### Interoffice Memo

**To:** J. William Reynolds, City Council President

**From:** Craig B. Hynes, Chief Code Official

**Re:** Proposed changes to Ordinance No. 1739

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Attached please find proposed changes to Ordinance 1739 - Regulated Rental Unit (RRU). Code Enforcement has found that landlords are categorizing properties under the RRU ordinance when converting or using properties as rooming houses. These changes are being submitted in an effort to address this misuse of the ordinance when housing three to five tenants. The new language will help keep RRU's from becoming transient housing.

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cc: Robert J. Donchez, Mayor  
William P. Leeson, City Solicitor  
Alicia Miller Karner, Director of Community and Economic Development  
Council Members  
Louise Kelchner, City Clerk  
File

DATE: January 30, 2016

  
\_\_\_\_\_  
Chief Code Official

BILL NO. \_\_\_\_\_ - 2017

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1739 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
“REGULATED RENTAL UNIT OCCUPANCY”

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

**Section 1:** That the Cross References section of Article 1739 of the Codified Ordinances of the City of Bethlehem, which reads as follows:

CROSS REFERENCES

~~BOCA National~~ Property Maintenance Code – Article 1733  
Inspections – Article 1731  
Codes Board of Appeals – Article 150.03(b)  
Pennsylvania Crimes Code – 18 Pa.C.S.A. Sec. 101, et seq  
Liquor Code – 47 P.S. Sec. 1-101 et seq  
The Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq

Shall be amended to read as follows:

CROSS REFERENCES

**International** Property Maintenance Code – Article 1733  
Inspections – Article 1731  
Codes Board of Appeals – Article 150.03(b)  
Pennsylvania Crimes Code – 18 Pa.C.S.A. Sec. 101, et seq  
Liquor Code – 47 P.S. Sec. 1-101 et seq  
The Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq

**Section 2:** Section 1739.01, “General”, Subsection B, “Definitions”, Paragraphs 3, 5, 6, 16, 20, 21 and 22 which read as follows:

B. Definitions.

3. ~~Code Enforcement Officer~~ - The duly appointed CODE ENFORCEMENT OFFICER(S) having charge of Code Enforcement for the City of Bethlehem, and any assistants or deputies thereof.

5. Disruptive Conduct - Any form of conduct, action, incident or behavior perpetrated, caused or permitted, by any OCCUPANT or visitor of a REGULATED DWELLING UNIT that is a violation of existing Ordinances of the City of Bethlehem or statutes of the Commonwealth of Pennsylvania. In order for such Disruptive Conduct to constitute an offense under this Ordinance, a Citation must be issued by the POLICE and successfully prosecuted or a guilty plea entered before a ~~District Justice~~. If an appeal is filed from a decision of a ~~district justice~~, the matter shall not be deemed to constitute Disruptive Conduct, unless a finding of guilty is affirmed by a final decision on appeal. In addition, the POLICE shall file a DISRUPTIVE CONDUCT REPORT with the CODE ~~ENFORCEMENT OFFICER~~ who will keep a written record of such DISRUPTIVE CONDUCT.

6. Disruptive Conduct Report - A written report of DISRUPTIVE CONDUCT on a form to be prescribed therefor, to be completed by the POLICE, who actually investigate an alleged incident of DISRUPTIVE CONDUCT and which shall be delivered and maintained by the CODE ~~ENFORCEMENT OFFICER~~.

16. Owner-Occupied Dwelling Unit - A DWELLING UNIT in which the OWNER ~~{resides on a regular, permanent basis} is domiciled.~~

20. Regulated Rental Unit - A DWELLING UNIT occupied by three or more, but not more than five, unrelated PERSONS under a RENTAL AGREEMENT.

21. Rental Agreement - A written agreement or other legally enforceable agreement between OWNER/LANDLORD and OCCUPANT/TENANT supplemented by the Addendum required under Article II, Section E of this Ordinance, embodying the terms and conditions concerning the use and occupancy of a specified REGULATED RENTAL UNIT or PREMISES.

22. Tenant - An individual who resides in a REGULATED RENTAL UNIT, whether or not he or she is the OWNER thereof with whom a legal relationship with the OWNER/LANDLORD is established by a ~~{written}~~ lease or by the laws of the Commonwealth of Pennsylvania. (Same as OCCUPANT)

Shall be amended to read as follows:

B. Definitions.

3. Code **Official** - The duly appointed CODE **OFFICIAL(S)** having charge of Code Enforcement for the City of Bethlehem, and any assistants or deputies thereof.

5. Disruptive Conduct - Any form of conduct, action, incident or behavior perpetrated, caused or permitted, by any OCCUPANT or visitor of a REGULATED DWELLING UNIT that is a violation of existing Ordinances of the City of Bethlehem or statutes of the Commonwealth of Pennsylvania. In order for such Disruptive Conduct to

constitute an offense under this Ordinance, a Citation must be issued by the POLICE and successfully prosecuted or a guilty plea entered before a **Magisterial District Judge**. If an appeal is filed from a decision of a **Magisterial District Judge**, the matter shall not be deemed to constitute Disruptive Conduct, unless a finding of guilty is affirmed by a final decision on appeal. In addition, the POLICE shall file a DISRUPTIVE CONDUCT REPORT with the CODE **OFFICIAL** who will keep a written record of such DISRUPTIVE CONDUCT.

6. Disruptive Conduct Report - A written report of DISRUPTIVE CONDUCT on a form to be prescribed therefor, to be completed by the POLICE, who actually investigate an alleged incident of DISRUPTIVE CONDUCT and which shall be delivered and maintained by the CODE **OFFICIAL**.

16. Owner-Occupied Dwelling Unit - A DWELLING UNIT in which the OWNER resides on a regular, permanent basis.

20. Regulated Rental Unit - A DWELLING UNIT occupied by three or more, but not more than five, unrelated PERSONS under **one (1)** RENTAL AGREEMENT.

21. Rental Agreement - A written agreement or other legally enforceable agreement between OWNER/LANDLORD and **all** OCCUPANTS/TENANTS supplemented by the Addendum required under Article II, Section E of this Ordinance, embodying the terms and conditions concerning the use and occupancy of a specified REGULATED RENTAL UNIT or PREMISES.

22. Tenant - An individual who resides in a REGULATED RENTAL UNIT, whether or not he or she is the OWNER thereof with whom a legal relationship with the OWNER/LANDLORD is established by a written lease or by the laws of the Commonwealth of Pennsylvania. (Same as OCCUPANT)

**Section 3:** Section 1739.02, "Owner's Duties", Subsection C, "Disclosure", Paragraph 2.8 which reads as follows:

C. Disclosure.

2.8 Before an OCCUPANT initially enters into or renews a RENTAL AGREEMENT for a REGULATED RENTAL UNIT, the OWNER or MANAGER shall furnish ~~the~~ OCCUPANT with the most recent inspection report relating to the property.

Shall be amended to read as follows:

C. Disclosure.

2.8 Before all OCCUPANTS initially enters into or renews a RENTAL AGREEMENT for a REGULATED RENTAL UNIT, the OWNER or MANAGER shall furnish all OCCUPANTS with the most recent inspection report relating to the property.

**Section 4:** Section 1739.02, "Owner's Duties", Subsection E, "Written Rental Agreement", Paragraphs 2.12 and 2.18 which read as follows:

E. Written Rental Agreement.

2.12 All RENTAL AGREEMENTS for REGULATED DWELLING UNITS shall be in writing or otherwise legally enforceable and shall be supplemented with the Addendum attached hereto as Appendix A. All disclosures and information required to be given to OCCUPANTS by the OWNER shall be furnished before the signing or other finalization of the RENTAL AGREEMENT. The OWNER shall provide OCCUPANT with copies of the RENTAL AGREEMENT and Addendum before commencement of the lease.

2.18 Upon oral or written request by the City of Bethlehem, the OWNER, within ten days of the request, shall furnish to the City for inspection purposes only, copies of the leases the OWNER has entered into for ~~regulated rental units~~.

Shall be amended to read as follows:

E. Written Rental Agreement.

2.12 All RENTAL AGREEMENTS for REGULATED DWELLING UNITS shall be in writing or otherwise legally enforceable and shall be supplemented with the Addendum attached hereto as Appendix A. All disclosures and information required to be given to OCCUPANTS by the OWNER shall be furnished before the signing or other finalization of the RENTAL AGREEMENT. The OWNER shall provide all OCCUPANTS with copies of the RENTAL AGREEMENT and Addendum before commencement of the lease. **All OCCUPANTS of a REGULATED DWELLING UNIT shall be on one (1) lease for the entire term of the lease.**

2.18 Upon oral or written request by the City of Bethlehem, the OWNER, within ten days of the request, shall furnish to the City for inspection purposes only, copies of the leases the OWNER has entered into for **REGULATED RENTAL UNITS**.

**Section 5:** That Article 1739 of the Codified Ordinances of the City of Bethlehem, titled "Regulated Rental Unit Occupancy", Section 1739.02, "Owner's Duties", Subsection E, "Written Rental Agreement", is hereby amended to add Paragraph 2.19 to read as follows:

E. Written Rental Agreement.

**2.19 All OCCUPANTS of REGULATED RENTAL UNITS shall use the PREMISES as a single family dwelling. There shall be no transient OCCUPANTS. There shall be one lease and all OCCUPANTS shall sign said lease.**

**Section 6:** Section 1739.02, “Owner’s Duties”, Subsection I, “Enforcement”, Paragraph 2.22 which reads as follows:

I. Enforcement

2.22 In the event that the same occupant is convicted of a third DISRUPTIVE CONDUCT violation within a license year, the CODE ENFORCEMENT OFFICER shall direct the OWNER to evict the OCCUPANT who violated the Ordinance and not to permit the OCCUPANT to occupy the PREMISES during the subsequent licensing.

Shall be amended to read as follows:

I. Enforcement

2.22 In the event that the same **OCCUPANT** is convicted of a third DISRUPTIVE CONDUCT violation within a license year, the CODE **OFFICIAL** shall direct the OWNER to evict the OCCUPANT who violated the Ordinance and not to permit the OCCUPANT to occupy the PREMISES during the subsequent licensing.

**Section 7:** Section 1739.02, “Owner’s Duties”, Subsection J, “Code Violations”, Paragraph 2.26 which reads as follows:

J. Code Violations.

~~2.26~~ Upon receiving notice of any code violations from the CODE ENFORCEMENT OFFICER, the OWNER shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

Shall be renumbered and amended to read as follows:

J. Code Violations.

**2.23** Upon receiving notice of any code violations from the CODE **OFFICIAL**, the OWNER shall promptly take action, or cause the necessary action to be taken, to abate the offending condition and eliminate the violation.

**Section 8:** Section 1739.02, “Owner’s Duties”, Subsection K, “City Can Make Repairs”,

Paragraph 2.27 which reads as follows:

K. City Can Make Repairs.

~~2.27~~ In case the OWNER of PREMISES shall neglect, fail or refuse to comply with any notice from the CITY or its CODE ~~ENFORCEMENT OFFICER~~ to correct a violation relating to maintenance and repair of the PREMISES under any CODE within the period of time stated in such notice, the CITY may cause the violation to be corrected. There shall be imposed upon the OWNER a charge of the actual costs involved, plus ten percent (10%) of said costs for each time the CITY shall cause a violation to be corrected; and the OWNER of the PREMISES shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the PREMISES as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the CITY and its CODE ~~ENFORCEMENT OFFICER~~ may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of PREMISES as unfit for habitation; or suspension, revocation, or non-renewal of the License issued hereunder.

Shall be renumbered and amended to read as follows:

K. City Can Make Repairs.

2.24 In case the OWNER of PREMISES shall neglect, fail or refuse to comply with any notice from the CITY or its CODE OFFICIAL to correct a violation relating to maintenance and repair of the PREMISES under any CODE within the period of time stated in such notice, the CITY may cause the violation to be corrected. There shall be imposed upon the OWNER a charge of the actual costs involved, plus ten percent (10%) of said costs for each time the CITY shall cause a violation to be corrected; and the OWNER of the PREMISES shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the PREMISES as provided by law. Such a lien may be reduced to judgment and enforced and collected as provided by law, together with interest at the legal rate and court costs. The remedies provided by this paragraph are not exclusive and the CITY and its CODE OFFICIAL may invoke such other remedies available under this Ordinance or other applicable codes, ordinances or statutes, including where appropriate, condemnation proceedings or declaration of PREMISES as unfit for habitation; or suspension, revocation, or non-renewal of the License issued hereunder.

**Section 9:** Section 1739.02, "Owner's Duties", Subsection L, Paragraph 2.28 which reads as follows:

L. ~~2.28~~ The OWNER shall permit inspections of any PREMISES by the CODE ENFORCEMENT OFFICER at reasonable times upon reasonable notice.

Shall be renumbered and amended to read as follows:

L. 2.25 The OWNER shall permit inspections of any PREMISES by the CODE OFFICIAL at reasonable times upon reasonable notice.

**Section 10:** That Article 1739 of the Codified Ordinances of the City of Bethlehem, titled “Regulated Rental Unit Occupancy”, Section 1739.03, “Occupant Duties”, Subsection B, “Health and Safety Regulations”, Paragraph 3.2 which reads as follows:

B. Health and Safety Regulations.

3.2 The maximum number of persons permitted to reside in any REGULATED RENTAL UNIT at any time shall not exceed five (5) occupants: Occupancy limitations ~~can be found~~ in the International Property Maintenance Code, Section PM 404.0 titled “Occupancy Limitations”.

Shall be amended to read as follows:

B. Health and Safety Regulations.

3.2 The maximum number of persons permitted to reside in any REGULATED RENTAL UNIT at any time shall not exceed five (5) occupants or the maximum number of TENANTS per the Occupancy limitations found in the International Property Maintenance Code, Section PM 404.0 titled “Occupancy Limitations”, whichever is less.

**Section 11:** Section 1739.03, “Occupant Duties”, Subsection G, “Compliance with Rental Agreement”, Paragraph 3.10 which reads as follows:

G. Compliance with Rental Agreement.

3.10 The OCCUPANT shall comply with all lawful provisions of the RENTAL AGREEMENT entered into between OWNER and OCCUPANT. Failure to comply may result in the eviction of the OCCUPANT by the OWNER.

Shall be amended to read as follows:

G. Compliance with Rental Agreement.

3.10 The OCCUPANTS shall comply with all lawful provisions of the RENTAL AGREEMENT entered into between OWNER and OCCUPANTS. Failure to comply may result in the eviction of the OCCUPANTS by the OWNER.



**Section 12:** Section 1739.03, “Occupant Duties”, Subsection I, “Inspection of Premises”, Paragraph 3.12 which reads as follows:

I. Inspection of Premises.

3.12 The OCCUPANT shall permit inspections by the CODE ~~ENFORCEMENT OFFICER~~ of the PREMISES at reasonable times (during business hours of the Bureau of Inspections), upon reasonable notice (twenty-four hours notice, either written or oral, by the Bureau of Inspections).

Shall be amended to read as follows:

I. Inspection of Premises.

3.12 The OCCUPANT shall permit inspections by the CODE OFFICIAL of the PREMISES at reasonable times (during business hours of the Bureau of Inspections), upon reasonable notice (twenty-four hours notice, either written or oral, by the Bureau of Inspections).

**Section 13:** That Article 1739 of the Codified Ordinances of the City of Bethlehem, titled “Regulated Rental Unit Occupancy”, Section 1739.04, “Licenses and Inspection”, Subsection A, “License Requirements”, Paragraphs 4.3, 4.4, 4.6, 4.7 and 4.8 which read as follows:

A. License Requirement.

4.3 The following categories of rental properties shall not require Licenses, and shall not, therefore, be subject to the permitting provision of this Ordinance:

- a. OWNER-occupied DWELLING UNITS 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. Hotels and motels.
- c. Hospitals and nursing homes.
- d. Bed and Breakfast Homes as defined in the CITY'S Zoning Ordinance.

4.4 A License shall not be required for MULTIPLE-UNIT DWELLINGS, although a License shall be required for each REGULATED RENTAL UNIT within the ~~structure~~. The foregoing notwithstanding, all other provisions of this Ordinance shall apply to the COMMON AREAS of the structure.

4.6 The OWNER shall maintain a current list of OCCUPANTS in each REGULATED DWELLING UNIT which shall include their name, permanent address and permanent telephone number. The OWNER shall furnish the list to the CITY upon request ~~and shall notify the CITY of any changes in the number of OCCUPANTS so that revisions can be made to the License.~~

4.7 The OWNER shall furnish with his or her application for license a copy of the written lease form or detailed written summary of the terms and conditions of any lease agreement the OWNER intends to have the OCCUPANTS of each licensed dwelling unit execute or otherwise agree to. ~~If the OWNER uses more than one form of lease, the OWNER shall furnish a copy of each form.~~ The license will not be issued if the lease form does not meet the requirements of 1739.02, Section E. of this Ordinance.

4.8 The OWNER shall furnish with his or her application, for inspection purposes only, the leases that ~~have~~ been entered into that will cover all ~~or part~~ of the license term. The license will not be issued if such leases are not furnished for inspection. ~~Leases shall be furnished for all persons who have paid a downpayment at the time that the OWNER applies for a license or who have committed to residing in the premises.~~

Shall be amended to read as follows:

A. License Requirement.

4.3 The following categories of rental properties shall not require Licenses, and shall not, therefore, be subject to the permitting provision of this Ordinance:

- a. OWNER-occupied DWELLING UNITS provided that not more than one UNRELATED individuals, in addition to the immediate members of the OWNER'S family, occupy the DWELLING UNIT at any given time.
- b. Hotels and motels.
- c. Hospitals and nursing homes.
- d. Bed and Breakfast Homes as defined in the CITY'S Zoning Ordinance.

4.4 A License shall not be required for MULTIPLE-UNIT DWELLINGS, although a License shall be required for each REGULATED RENTAL UNIT within the MULTIPLE-UNIT DWELLINGS. The foregoing notwithstanding, all other provisions of this Ordinance shall apply to the COMMON AREAS of the structure.

4.6 The OWNER shall maintain a current list of OCCUPANTS in each REGULATED DWELLING UNIT which shall include their name, permanent address and permanent telephone number. The OWNER shall furnish the list to the CITY upon request. **There shall be no change to the number of OCCUPANTS for the term of the lease. In addition, the individual OCCUPANTS may not change for the term of the lease.**

4.7 The OWNER shall furnish with his or her application for license a copy of the written lease form or detailed written summary of the terms and conditions of any lease agreement the OWNER intends to have the OCCUPANTS of each licensed dwelling unit execute or otherwise agree to. The license will not be issued if the lease form does not meet the requirements of 1739.02, Section E. of this Ordinance.

4.9 The OWNER shall furnish with his or her application, for inspection purposes only, the **lease** that **has** been entered into that will cover all of the license term. The license will not be issued if such **lease is** not furnished for inspection.

**Section 14:** Section 1739.04, "Licenses and Inspection", Subsection B, "Annual License Term, Fee and Occupancy Limit", Paragraph 4.10 which reads as follows:

B. Annual License Term, Fee and Occupancy Limit.

4.10 Upon application for a License and prior to issuance or renewal thereof, each applicant shall pay to the CITY an annual License and inspection fee.

- a.) Registration – The fee for a Residential Rental Registration shall be sixty dollars (\$60.00) per residential rental unit plus ten dollars (\$10.00) per occupant with a maximum of five (5) occupants per year due and payable at the time of the scheduling of the original inspection. (Ord. 2010-38 - Passed 12/21/10.)
- b.) Licensure (Certificate of Occupancy) – See Article 1731, Inspections, of the Codified Ordinances of the City of Bethlehem.
- c.) Reinspection – See Article 1731.02(c) of the Codified Ordinances of the City of Bethlehem.
- d.) Reinstatement – The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be one hundred dollars (\$100.00) per residential rental unit and ten dollars (\$10.00) per occupant with a maximum of five (5) occupants.
- e.) Transfer – See Article 1731.02(c) of the Codified Ordinances of the City of Bethlehem.

For inspection fees, see Article 1731.02 of the Codified Ordinances of the City of Bethlehem.

Shall be amended to read as follows:

B. Annual License Term, Fee and Occupancy Limit.

4.10 Upon application for a License and prior to issuance or renewal thereof, each applicant shall pay to the CITY an annual License and inspection fee.

- a.) Registration – The fee for a Residential Rental Registration shall be sixty dollars (\$60.00) per residential rental unit plus ten dollars (\$10.00) per occupant with a maximum of five (5) occupants per year due and payable at the time of the scheduling of the original inspection. (Ord. 2010-38 - Passed 12/21/10.)
- b.) Licensure (Certificate of Occupancy) – See Article 1731, Inspections, of the Codified Ordinances of the City of Bethlehem.
- c.) Reinspection – See Article 1731.02(c) of the Codified Ordinances of the City of Bethlehem.
- d.) Reinstatement – The fee to reinstate a revoked Residential Rental Registration or a Residential Rental License shall be one hundred dollars (\$100.00) per residential rental unit and ten dollars (\$10.00) per occupant with a maximum of five (5) occupants.
- e.) Transfer – See Article 1731.02(c) of the Codified Ordinances of the City of Bethlehem.
- f.) **For inspection fees, see Article 1731.02 of the Codified Ordinances of the City of Bethlehem.**

**Section 15:** Section 1739.04, “Licenses and Inspection”, Subsection C, “Inspection”, Paragraphs 4.13, 4.14 and 4.15 which read as follows:

C. Inspection.

4.13 All PREMISES shall be subject to periodic inspection by the CODE ENFORCEMENT OFFICER or another duly authorized agent of the CITY as outlined in Section 1739.04 B. 4.9. Such inspection may take place when an application is submitted for a License or at any time during the year when a property becomes subject to this Article. The fee for inspections are contained in Article 1731 of the Codified Ordinances of the City of Bethlehem, Section 1731.02.

4.14 The ~~CODE ENFORCEMENT OFFICER~~ is hereby designated as the official authorized to enforce this Ordinance and to take appropriate measures to abate violations hereof, for and on behalf of the City of Bethlehem.

4.15 This section shall not be construed so as to limit or restrict the ~~CODE ENFORCEMENT OFFICER'S~~ authority to conduct inspections of PREMISES, whether or not subject to the permitting and inspection requirements of this Ordinance, pursuant to any other ordinance or Code.

Shall be amended to read as follows:

C. Inspection.

4.13 All PREMISES shall be subject to periodic inspection by the CODE OFFICIAL or another duly authorized agent of the CITY as outlined in Section 1739.04 B. 4.9. Such inspection may take place when an application is submitted for a License or at any time during the year when a property becomes subject to this Article. The fee for inspections are contained in Article 1731 of the Codified Ordinances of the City of Bethlehem, Section 1731.02.

4.14 The CODE OFFICIAL is hereby designated as the official authorized to enforce this Ordinance and to take appropriate measures to abate violations hereof, for and on behalf of the City of Bethlehem.

4.15 This section shall not be construed so as to limit or restrict the CODE OFFICIAL'S authority to conduct inspections of PREMISES, whether or not subject to the permitting and inspection requirements of this Ordinance, pursuant to any other ordinance or Code.

**Section 16:** Section 1739.04, "Licenses and Inspection", Subsection D, "Search Warrant", Paragraph 4.16 which reads as follows:

D. Search Warrant.

4.16 Upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the City of Bethlehem has occurred, the ~~CODE ENFORCEMENT OFFICER~~ may apply to the ~~District Justice~~ having jurisdiction in the City of Bethlehem for a search warrant to enter and inspect the PREMISES.

Shall be amended to read as follows:

D. Search Warrant.

4.16 Upon a showing of probable cause that a violation of this Ordinance or any other ordinance of the City of Bethlehem has occurred, the CODE OFFICIAL may

apply to the **Magisterial District Judge** having jurisdiction in the City of Bethlehem for a search warrant to enter and inspect the PREMISES.

**Section 17:** Section 1739.05, “Grounds for Non-Renewal or Revocation of License”, Subsection A, “General”, Paragraph 5.1 which reads as follows:

A. General.

5.1 The CODE ~~ENFORCEMENT OFFICER~~ may initiate disciplinary action against an OWNER that may result in a formal warning, non-renewal, suspension or revocation of the OWNER'S License, for violating any provision of this Ordinance that imposes a duty upon the OWNER and/or for failing to regulate the breach of duties by OCCUPANTS as provided for herein.

Shall be amended to read as follows:

A. General.

5.1 The CODE **OFFICIAL** may initiate disciplinary action against an OWNER that may result in a formal warning, non-renewal, suspension or revocation of the OWNER'S License, for violating any provision of this Ordinance that imposes a duty upon the OWNER and/or for failing to regulate the breach of duties by OCCUPANTS as provided for herein.

**Section 18:** Section 1739.05, “Grounds for Non-Renewal or Revocation of License”, Subsection B, “Definitions of Options to the Code Enforcement Officer”, Paragraphs 5.2, 5.3, 5.4 and 5.5 which read as follows:

B. Definitions of Options to the ~~Code Enforcement Officer~~.

5.2 Formal Warning - Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the CODE ~~ENFORCEMENT OFFICER~~ and/or the City of Bethlehem, the formal warning shall be removed when the OWNER applies for License renewal at a time set by the CODE ~~ENFORCEMENT OFFICER~~ or by City of Bethlehem.

5.3 Non-Renewal - The denial of the privilege to apply for License renewal after expiration of the License term. The CITY will permit the OWNER to maintain OCCUPANTS in the PREMISES until the end of the license term but will not accept applications for renewal of the License until a time set by the CODE ~~ENFORCEMENT OFFICER~~ or by City of Bethlehem such time not to exceed one year from the renewal date.

5.4 Suspension - The immediate loss of the privilege to rent REGULATED RENTL UNITS for a period of time set by the CODE ~~ENFORCEMENT OFFICER~~ or

City of Bethlehem such time not to exceed one year from the date of suspension. The OWNER, after the expiration of the suspension period, may apply for License renewal without the need to show cause why the OWNER'S privilege to apply for a License should be reinstated. Upon suspension, the OWNER shall take immediate steps to evict the OCCUPANTS.

5.5 Revocation - The immediate loss of the privilege to rent REGULATED RENTAL UNITS for a period of time set by the ~~CODE ENFORCEMENT OFFICER~~ or the City of Bethlehem and the loss of the privilege to apply for renewal of the License at the expiration of the time period such time not to exceed one year from the date of revocation. Upon the loss of the privilege to rent, the OWNER shall take immediate steps to evict the OCCUPANTS.

Shall be amended to read as follows:

B. Definitions of Options to the CODE OFFICIAL.

5.2 Formal Warning - Formal written notification of at least one violation of this Ordinance. Upon satisfactory compliance with this Ordinance and any conditions imposed by the CODE OFFICIAL and/or the City of Bethlehem, the formal warning shall be removed when the OWNER applies for License renewal at a time set by the CODE OFFICIAL or by City of Bethlehem.

5.3 Non-Renewal - The denial of the privilege to apply for License renewal after expiration of the License term. The CITY will permit the OWNER to maintain OCCUPANTS in the PREMISES until the end of the license term but will not accept applications for renewal of the License until a time set by the CODE OFFICIAL or by City of Bethlehem such time not to exceed one year from the renewal date.

5.4 Suspension - The immediate loss of the privilege to rent REGULATED RENTAL UNITS for a period of time set by the CODE OFFICIAL or City of Bethlehem such time not to exceed one year from the date of suspension. The OWNER, after the expiration of the suspension period, may apply for License renewal without the need to show cause why the OWNER'S privilege to apply for a License should be reinstated. Upon suspension, the OWNER shall take immediate steps to evict the OCCUPANTS.

5.5 Revocation - The immediate loss of the privilege to rent REGULATED RENTAL UNITS for a period of time set by the CODE OFFICIAL or the City of Bethlehem and the loss of the privilege to apply for renewal of the License at the expiration of the time period such time not to exceed one year from the date of revocation. Upon the loss of the privilege to rent, the OWNER shall take immediate steps to evict the OCCUPANTS.

**Section 19:** Section 1739.05, “Grounds for Non-Renewal or Revocation of License”, Subsection C, “Criteria for Applying Sanctions”, Paragraph 5.7 which reads as follows:

C. Criteria for Applying Sanctions.

5.7 The ~~CODE ENFORCEMENT OFFICER~~, when recommending sanctions, and the City of Bethlehem, when applying sanctions, shall consider the following:

- (A) The effect of the violation on the health, safety and welfare of the OCCUPANTS of the REGULATED RENTAL UNIT and other residents of the PREMISES.
- (B) The effect of the violation on the neighborhood.
- (C) Whether the OWNER has prior violations of this Ordinance and other ordinances of the CITY or has received notices of violations as provided for in this Ordinance.
- (D) Whether the OWNER has been subject to sanctions under this Ordinance.
- (E) The effect of sanctions against the OWNER on the OCCUPANTS.
- (F) The action taken by the OWNER to remedy the violation and to prevent future violations, including any written plan submitted by the OWNER.
- (G) The policies and lease language employed by the OWNER to manage the REGULATED DWELLING UNIT to enable the OWNER to comply with the provisions of this Ordinance.
- (H) In addition to enforcing sanctions as set forth above, the ~~CODE ENFORCEMENT OFFICER~~ may recommend and City of Bethlehem may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

Shall be amended to read as follows:

C. Criteria for Applying Sanctions.

5.7 The CODE OFFICIAL, when recommending sanctions, and the City of Bethlehem, when applying sanctions, shall consider the following:

- (A) The effect of the violation on the health, safety and welfare of the OCCUPANTS of the REGULATED RENTAL UNIT and other residents of the PREMISES.



- (B) The effect of the violation on the neighborhood.
- (C) Whether the OWNER has prior violations of this Ordinance and other ordinances of the CITY or has received notices of violations as provided for in this Ordinance.
- (D) Whether the OWNER has been subject to sanctions under this Ordinance.
- (E) The effect of sanctions against the OWNER on the OCCUPANTS.
- (F) The action taken by the OWNER to remedy the violation and to prevent future violations, including any written plan submitted by the OWNER.
- (G) The policies and lease language employed by the OWNER to manage the REGULATED DWELLING UNIT to enable the OWNER to comply with the provisions of this Ordinance.
- (H) In addition to enforcing sanctions as set forth above, the **CODE OFFICIAL** may recommend and City of Bethlehem may impose upon the existing or subsequent licenses reasonable conditions related to fulfilling the purposes of this Ordinance.

**Section 20:** Section 1739.05, “Grounds for Non-Renewal or Revocation of License”, Subsection D, “Grounds for Imposing Sanctions”, Paragraph 5.8 which reads as follows:

D. Grounds for Imposing Sanctions.

5.8 Any of the following may subject an OWNER to sanctions as provided for in this Article:

- (A) Failure to abate a violation of CITY Codes and ordinances that apply to the PREMISES within the time directed by the ~~CODE ENFORCEMENT OFFICER~~.
- (B) Refusal to permit the inspection of the PREMISES by the ~~CODE ENFORCEMENT OFFICER~~ as required by 1739.04, Section C of this Ordinance.
- (C) Failure to take steps to remedy and prevent violations of this Ordinance by OCCUPANTS of REGULATED RENTAL UNITS as required by 1739.02, Section A of this Ordinance.
- (D) Failure to evict OCCUPANTS after having been directed to do so by the ~~CODE ENFORCEMENT OFFICER~~ of the CITY as provided for in 1739.02, Section I of this Ordinance.

(E) Three violations of this Ordinance or other ordinances of the CITY that apply to the PREMISES within a License term. For purposes of this Ordinance, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the OWNER must have received notice in writing of this violation within thirty days after the ~~CODE ENFORCEMENT OFFICER~~ received notice of the violation.

Shall be amended to read as follows:

D. Grounds for Imposing Sanctions.

5.8 Any of the following may subject an OWNER to sanctions as provided for in this Article:

(A) Failure to abate a violation of CITY Codes and ordinances that apply to the PREMISES within the time directed by the CODE OFFICIAL.

(B) Refusal to permit the inspection of the PREMISES by the CODE OFFICIAL as required by 1739.04, Section C of this Ordinance.

(C) Failure to take steps to remedy and prevent violations of this Ordinance by OCCUPANTS of REGULATED RENTAL UNITS as required by 1739.02, Section A of this Ordinance.

(D) Failure to evict OCCUPANTS after having been directed to do so by the CODE OFFICIAL of the CITY as provided for in 1739.02, Section I of this Ordinance.

(E) Three violations of this Ordinance or other ordinances of the CITY that apply to the PREMISES within a License term. For purposes of this Ordinance, there need be no criminal conviction before a violation can be found to exist. Before a prior violation can be considered under this Section, the OWNER must have received notice in writing of this violation within thirty days after the CODE OFFICIAL received notice of the violation.

**Section 21:** Section 1739.05, "Grounds for Non-Renewal or Revocation of License", Subsection E, "Procedure for Non-Renewal, Suspension or Revocation of License and Appeal", Paragraphs 5.9 and 5.10 which read as follows:

E. Procedure for Non-Renewal, Suspension or Revocation of License and Appeal.

5.9 Notification. Following a determination that grounds for non-renewal, suspension or revocation of a License exist, the ~~CODE ENFORCEMENT OFFICER~~ shall notify the OWNER of the action to be taken and the reason therefor. Such

notification shall be in writing, addressed to the OWNER in question, and shall contain the following information:

- (A) The address of the PREMISES in question and identification of the particular REGULATED RENTAL UNIT(S) affected.
- (B) A description of the violation which has been found to exist.
- (C) A statement that the License for said REGULATED RENTAL UNIT(S) shall be either suspended or revoked, or will not be renewed for the next License or that the OWNER will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension.
- (D) A statement that, due to the non-renewal, suspension or revocation (as the case may be), the OWNER or any PERSON acting on his, her or its behalf is prohibited from renting, letting, or permitting occupancy of the DWELLING UNIT(S) by more than two UNRELATED individuals subject to said enforcement action, from and during the period said action is in effect.
- (E) Any person affected by a decision of the CODE ENFORCEMENT OFFICER or a notice or order issued by the CODE ENFORCEMENT OFFICER shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal may be made when it is claimed that: the true intent of the Codes or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method can be used. See ~~BOCA National~~ Property Maintenance Code, Section PM 111.0, Titled "Means of Appeal". See also Article 150.03 (b) "Codes Board of Appeals", of the Codified Ordinances of the City of Bethlehem.

5.10 Delivery of Notification.

- (A) All notices shall be sent to the OWNER and MANAGER, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the CODE ENFORCEMENT OFFICER shall attempt delivery by personal service on the OWNER or MANAGER, if applicable. The CODE ENFORCEMENT OFFICER shall also post the notice at a conspicuous place on the PREMISES.

- (B) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the OWNER or MANAGER at the address stated on the most current License application for the PREMISES in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth under Section 1 above, shall thereupon be calculated from said fifth day.

Shall be amended to read as follows:

E. Procedure for Non-Renewal, Suspension or Revocation of License and Appeal.

5.9 Notification. Following a determination that grounds for non-renewal, suspension or revocation of a License exist, the CODE **OFFICIAL** shall notify the OWNER of the action to be taken and the reason therefor. Such notification shall be in writing, addressed to the OWNER in question, and shall contain the following information:

- (A) The address of the PREMISES in question and identification of the particular REGULATED RENTAL UNIT(S) affected.
- (B) A description of the violation which has been found to exist.
- (C) A statement that the License for said REGULATED RENTAL UNIT(S) shall be either suspended or revoked, or will not be renewed for the next License or that the OWNER will receive a formal warning. In the case of a suspension or revocation, the notice shall state the date upon which such suspension or revocation will commence, and in the case of a suspension shall also state the duration of said suspension.
- (D) A statement that, due to the non-renewal, suspension or revocation (as the case may be), the OWNER or any PERSON acting on his, her or its behalf is prohibited from renting, letting, or permitting occupancy of the DWELLING UNIT(S) by more than two UNRELATED individuals subject to said enforcement action, from and during the period said action is in effect.
- (E) Any person affected by a decision of the CODE **OFFICIAL** or a notice or order issued by the CODE **OFFICIAL** shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served. An application for appeal may be made when it is claimed that: the true intent of the Codes or rules legally adopted thereunder have been incorrectly

interpreted, the provisions of this code do not fully apply, or an equally good or better method can be used. See **International** Property Maintenance Code, Section PM 111.0, Titled “Means of Appeal”. See also Article 150.03 (b) “Codes Board of Appeals”, of the Codified Ordinances of the City of Bethlehem.

#### 5.10 Delivery of Notification.

- (A) All notices shall be sent to the OWNER and MANAGER, if applicable, by certified mail. In the event that the notice is returned by the postal authorities marked "unclaimed" or "refused", then the **CODE OFFICIAL** shall attempt delivery by personal service on the OWNER or MANAGER, if applicable. The **CODE OFFICIAL** shall also post the notice at a conspicuous place on the PREMISES.
- (B) If personal service cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the OWNER or MANAGER at the address stated on the most current License application for the PREMISES in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five days of its deposit in the U.S. mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the U.S. mail, and all time periods set forth under Section 1 above, shall thereupon be calculated from said fifth day.

**Section 22:** Section 1739.06, “Violations and Penalties”, Paragraph 6.2, “Penalties”, which reads as follows:

#### 6.2 Penalties.

Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements hereof, or the Building Code of the City, or shall be in violation of an approved plan or directive of the Code Enforcement Officer shall, upon conviction thereof before the district Magistrate of the City of Bethlehem, Pennsylvania, be liable to pay the following penalties:

- a) First Violation - A fine of \$200.00, or thirty days imprisonment, or both;
- b) Second Violation – A fine of \$500.00, or sixty days imprisonment, or both;
- c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

Upon conviction of a third offense, the OWNER of the property will be required to begin eviction of the tenants/occupants of the property.

Shall be amended to read as follows:

6.2 Penalties.

Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements hereof, or the Building Code of the City, or shall be in violation of an approved plan or directive of the Code Enforcement Officer shall, upon conviction thereof before **a Magisterial District Judge** of the City of Bethlehem, Pennsylvania, be liable to pay the following penalties:

- a) First Violation - A fine of \$200.00, or thirty days imprisonment, or both;
- b) Second Violation – A fine of \$500.00, or sixty days imprisonment, or both;
- c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

Upon conviction of a third offense, the OWNER of the property will be required to begin eviction of the tenants/occupants of the property.

**Section 23:** Section 1739.07, “Miscellaneous Provisions”, Paragraph 7.2, “Changes in Ownership/Occupancy”, which reads as follows:

7.2 Changes in Ownership/Occupancy.

It shall be the duty of each OWNER of a REGULATED RENTAL UNIT to notify the ~~CODE ENFORCEMENT OFFICER~~ in writing within five (5) days of any change in Ownership of the PREMISES or of the number of REGULATED RENTAL UNITS on the PREMISES. It shall also be the duty of the OWNER to notify the ~~CODE ENFORCEMENT OFFICER~~ in writing within five (5) days of ~~any increase in the number of OCCUPANTS in any REGULATED RENTAL UNIT or of the changing of a DWELLING UNIT from OWNER-OCCUPIED to nonowner-occupied~~, which thereby transforms the DWELLING into a REGULATED RENTAL UNIT for purposes of this Ordinance. Failure to so notify the ~~CODE ENFORCEMENT OFFICER~~ shall be considered a violation of this Ordinance.

Shall be amended to read as follows:

7.2 Changes in Ownership/Occupancy.

It shall be the duty of each OWNER of a REGULATED RENTAL UNIT to notify the CODE **OFFICIAL** in writing within five (5) days of any change in Ownership of the PREMISES or of the number of REGULATED RENTAL UNITS on the PREMISES. It shall also be the duty of the OWNER to notify the CODE **OFFICIAL** in writing within five (5) days of **a change** of a DWELLING UNIT from OWNER-

OCCUPIED to **non-owner-occupied**, which thereby transforms the DWELLING into a REGULATED RENTAL UNIT for purposes of this Ordinance. Failure to so notify the CODE **OFFICIAL** shall be considered a violation of this Ordinance.

**Section 24:** That Article 1739 of the Codified Ordinances of the City of Bethlehem, titled “Regulated Rental Unit Occupancy”, Attachment “Addendum to Residential Rental Agreement”, Section B, “Tenant’s Covenants and Obligations”, Paragraphs 2 and 7” which read as follows:

ADDENDUM TO RESIDENTIAL RENTAL AGREEMENT

B. Tenant’s Covenants and Obligations:

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be \_\_\_\_\_ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be \_\_\_\_\_.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in, “disruptive conduct” which is defined as “any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated rental unit that is so loud, untimely, offensive, riotous or that otherwise unreasonably disturbs other persons in their peaceful enjoyment of their premises such that a report is made to the police and/or to the Code Enforcement Officer. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code Enforcement Officer or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence.”

Shall be amended to read as follows:

ADDENDUM TO RESIDENTIAL RENTAL AGREEMENT

B. Tenant’s Covenants and Obligations:

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be \_\_\_\_\_ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be \_\_\_\_\_. **Tenant further understands that the same tenants as indicated by signature below are the only tenants permitted to live on the premises for the entire term of the lease.**

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in, "disruptive conduct" which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a regulated rental unit that is so loud, untimely, offensive, riotous or that otherwise unreasonably disturbs other persons in their peaceful enjoyment of their premises such that a report is made to the police and/or to the Code **Official**. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for a person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless the Code **Official** or police shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence."

**Section 25:** That all Ordinances and parts of Ordinances herewith be, and the same are hereby repealed.

Sponsored by \_\_\_\_\_

\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor