

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2555 Session of  
2012

INTRODUCED BY K. BOYLE, D. COSTA, PARKER, TAYLOR, STURLA, DAVIS,  
PAYTON, SAINATO, BRIGGS, DeLUCA, McGEEHAN, DALEY, NEILSON,  
GOODMAN, HORNAMAN AND W. KELLER, JULY 17, 2012

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JULY 17, 2012

AN ACT

1 Providing for mandatory registration of landlords and for a  
2 landlord registration fee; imposing duties on municipalities;  
3 establishing the Municipal Code Enforcement Fund and the Code  
4 Enforcement Grant Program; providing for powers and duties of  
5 the Department of Community and Economic Development; and  
6 making an appropriation.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Municipal  
11 Code Enforcement and Landlord Registration Act.

12 Section 2. Legislative intent.

13 The purpose of this act is to require the registration of all  
14 rental properties, both residential and commercial, within a  
15 municipality and to provide funds for the purpose of municipal  
16 code enforcement.

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall  
19 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Agent." An individual, property manager, property  
3 management company or realtor authorized to do business in this  
4 Commonwealth who is granted the authority to act on behalf of a  
5 landlord.

6 "Building." A residential, commercial or industrial building  
7 or structure and the land appurtenant to it.

8 "Department." The Department of Community and Economic  
9 Development of the Commonwealth.

10 "Fee." The landlord registration fee authorized under this  
11 act.

12 "Fund." The Municipal Code Enforcement Fund established  
13 under this act.

14 "Landlord." Any property owner who receives payment through  
15 a rental arrangement, including, but not limited to, an oral or  
16 written lease with a tenant for a dwelling in a single-unit or  
17 multiunit residential property or commercial property.

18 "Municipality." A city, borough, incorporated town, township  
19 or home rule, optional plan or optional charter municipality or  
20 public authority within this Commonwealth. The term also  
21 includes any other governmental entity charged with enforcement  
22 of municipal housing, building, plumbing, fire and related  
23 codes.

24 "Nonresident landlord." A property owner living outside of  
25 this Commonwealth.

26 "Program." The Code Enforcement Grant Program established  
27 under this act.

28 "Rental arrangement." An oral or written lease between a  
29 landlord and tenant for a dwelling in a single-unit or multiunit  
30 residential property or commercial property.

1 "Tenant." Any person or group of persons who are  
2 contractually obligated to make rental payments to the landlord  
3 under a rental arrangement, including, but not limited to, an  
4 oral or written lease with the landlord for a dwelling in a  
5 single-unit or multiunit residential property or commercial  
6 property.

7 Section 4. Registration of landlords.

8 (a) General rule.--The governing body of a municipality  
9 shall impose a registration requirement and a registration fee  
10 on landlords and rental properties within its jurisdiction.

11 (b) Ordinance authorized.--After the effective date of this  
12 section, the governing body of a municipality shall adopt an  
13 ordinance requiring landlord registration and imposing a fee for  
14 registration.

15 (c) Form of ordinance.--The language of an ordinance adopted  
16 under subsection (b) requiring registration and imposing a fee  
17 shall be clear and readily understandable by a layperson.

18 (d) Registration.--Landlord registration under an ordinance  
19 adopted under subsection (b) shall be limited to a per annum  
20 basis.

21 (e) Registration information.--At the time of registration,  
22 a landlord shall provide the municipality with all of the  
23 following information:

24 (1) (i) The primary contact information for the  
25 landlord, including home address, telephone number,  
26 e-mail address and any additional information deemed  
27 necessary by the department. No landlord may provide a  
28 post office box as primary contact information.

29 (ii) In the case of a nonresident landlord, in  
30 addition to the contact information in subparagraph (i),

1 the business address and telephone number of the  
2 nonresident landlord's agent within this Commonwealth.

3 (iii) A nonresident landlord shall maintain an agent  
4 to act on behalf of the nonresident landlord and receive  
5 all service of process.

6 (2) The address of each single-unit or multiunit  
7 residential rental property and commercial property owned by  
8 the landlord within the municipality.

9 (3) The number of residential units at each property  
10 owned by the landlord within the jurisdiction of the  
11 municipal government.

12 (f) Registration fee.--

13 (1) The fee adopted under subsection (a) shall be  
14 imposed on every residential or commercial rental property  
15 regardless of the number of dwellings, units or properties  
16 within the jurisdiction of the municipality.

17 (2) The fee shall be collected upon the registration of  
18 all rental properties and shall not exceed \$125 per  
19 residential property and \$500 per commercial property.

20 Section 5. Municipal Code Enforcement Fund.

21 (a) Establishment.--The Municipal Code Enforcement Fund is  
22 established in the State Treasury.

23 (b) Distribution.--

24 (1) Twenty percent of the fees collected by a  
25 municipality shall be transmitted monthly to the Department  
26 of Revenue for deposit into the fund.

27 (2) Eighty percent of the fees collected by a  
28 municipality shall be retained by the municipality for its  
29 use.

30 (c) Use of fee.--The fees retained by the municipality under

subsection (b) (2) shall be used for the purpose of local code enforcement and administrative costs related to landlord registration and shall be maintained in an amount separate from any other fund of the municipality.

Section 6. Code Enforcement Grant Program.

(a) Establishment.--The department shall issue grants to eligible municipalities for the purpose of reducing blighted property conditions through:

(1) The establishment of special code enforcement programs to address blighted property, in those municipalities where a municipal code enforcement program already exists.

(2) The establishment of code enforcement programs and the hiring and training of code enforcement personnel in those municipalities without an existing code enforcement program.

(b) Eligibility.--In order to receive a grant under the program, a municipality shall submit an application acceptable to the department and satisfy any eligibility criteria established by the department.

(c) Matching funds.--A municipality shall provide its own funds or in-kind contributions, approved by the department as determined by regulations promulgated by the department under section 7, equal to the amount of the grant provided and shall dedicate and expend those funds for the purpose for which the grant was awarded.

(d) Limitation.--Grants provided under this section shall not be provided to the same municipality for more than three consecutive years.

Section 7. Regulations.

1       Within 90 days of the effective date of this act, the  
2 department shall promulgate rules and regulations to carry out  
3 the provisions of this act, including, but not limited to,  
4 regulations relating to:

5           (1) The funding for existing municipal code enforcement  
6 programs where the emphasis during the three-year period is  
7 on the upgrading or removal of blighted, abandoned and  
8 structurally deficient structures and dwellings.

9           (2) Eligibility requirements for the program, which may  
10 include but are not limited to:

11           (i) The age of the existing housing stock in the  
12 community.

13           (ii) The municipality's existing tax base.

14           (iii) The existing financial condition of the  
15 municipality.

#### 16 Section 8. Funding.

17       The General Assembly shall annually appropriate such moneys  
18 as necessary to the department for the purpose of providing  
19 grants to municipalities under the program. The appropriation  
20 provided for under this section shall terminate after three  
21 years, at which time the code enforcement program or special  
22 code enforcement program of the municipality shall be  
23 financially self-sufficient.

#### 24 Section 9. Effective date.

25       This act shall take effect in 60 days.