

BOROUGH OF BROOKHAVEN  
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 776

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN,  
DELAWARE COUNTY, PENNSYLVANIA, REGULATING  
RESIDENTIAL RENTAL UNIT OCCUPANCY AND PROVIDING  
FOR INSPECTIONS AND PENALTIES FOR NONCOMPLIANCE.

WHEREAS, The Council finds that it is in the best interest of the citizens of the Borough to declare that all owners of residential rental properties be licensed to offer residential rental property for lease and that such residential rental properties be subject to annual inspection to protect the health, safety and welfare of Borough residents and ensure compliance with the housing, building, safety, plumbing, electrical, and fire prevention ordinances of the Borough.

NOW THEREFORE, be it ordained as follows:

Section 1. DEFINITIONS. For the purpose of this Ordinance, the following terms shall be defined as follows.

- a. Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- b. Dwelling Unit. Any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- c. Multiple Dwelling. Any Dwelling containing more than two dwelling units.
- d. Operate. To have charge, care or control of any Dwelling containing a Rental Dwelling Unit or Multiple Rental Dwelling Units.
- e. Operator. Any Person who Operates any Rental Dwelling Unit.
- f. Owner. The record title holder of any Dwelling.
- g. Person. Any individual, entity, corporation, company, limited partnership, general partnership, limited liability company, limited liability partnership or other organization.

g. Rental. When referring to any Dwelling Unit, Multiple Dwelling Unit or Single-Family Dwelling Unit, a unit occupied or intended to be occupied by someone other than the Owner or a member of the Owner's immediate family, if the owner is an individual.

Section 2. LICENSURE OF THE OPERATION OF RENTAL DWELLING UNITS, RENTAL SINGLE-FAMILY DWELLINGS, RENTAL MULTIPLE DWELLINGS, AND RENTAL APARTMENT HOUSES:

a. License. No Person shall operate a Dwelling containing any Rental Dwelling Unit unless that Person holds a current, valid operating license issued by the Building Inspector in that person's name identifying by address and such other identifier as may be necessary the specific Rental Dwelling Unit. One license may apply to multiple Rental Dwelling Units within a single Dwelling, provided that each such Dwelling Unit shall be inspected separately as provided below.

b. License Period. Every operating license shall be valid for a period of one (1) year from its date of issuance unless sooner revoked, and may, subject to the terms set forth herein, be renewed for successive periods not to exceed one (1) year.

c. Issuance of License. The Building Inspector is hereby authorized, upon application therefor, to issue new Operating licenses, and renewals thereof, in the name of an applicant Owner or Operator of any Rental Dwelling Unit. No such licenses shall be issued or renewed unless the Rental Dwelling Unit or Rental Multiple Dwelling in connection with which the license is sought is found after inspection to meet all requirements of the Brookhaven Borough Code and of applicable rules and regulations pursuant thereto.

d. License Application. No Operating license shall be issued or renewed unless the applicant Owner or Operator has first made application therefor on an application form provided by the Building Inspector. The Building Inspector shall develop such forms and make them available to the public.

e. Inspections. No Operating license shall be issued or renewed unless the applicant Owner or Operator agrees in his application to such inspections as the Building Inspector may require

to determine whether the Rental Dwelling Unit or Rental Multiple Dwelling in connection with which such license is sought is in compliance with the provisions of the Brookhaven Borough Code and with applicable rules and regulations pursuant thereto. Such Inspections may be performed by any Appointed Brookhaven Borough Inspector. The license fee set forth in Section 2.f below includes the cost of one (1) initial inspection and one (1) re-inspection, if necessary, of the Rental Dwelling Unit or Rental Multiple Dwelling for which a license or renewal of a license, as applicable, is sought. The cost of each additional re-inspection shall be billed to the owner at the prevailing rate of appointed Brookhaven Borough Inspectors for the time required to perform said re-inspection and travel time, plus any additional costs incurred by the Borough in performing the re-inspection.

f. License fee. No Operating license shall be issued or renewed unless the completed application form is accompanied by a payment of a license fee of \$100.00 for each Rental single-family Dwelling, and a base fee of \$80.00 plus \$20.00 for each Rental Dwelling Unit within a Rental Multiple Dwelling or rental apartment house. By way of illustration, the license fee for a Rental Multiple Dwelling with four (4) Dwelling Units would be \$160.00 ( $\$80.00 + (4 \times \$20.00) = \$160.00$ ).

g. Information required. No Operating license shall be issued or renewed unless such applicant provides in writing his name and address and the name and address of his agent in Pennsylvania for the receipt of service of notice that there is a violation of the provisions of this Ordinance and for service of process pursuant to the Brookhaven Borough Code and the laws of the Commonwealth of Pennsylvania. The address must also include a full street address if a post office box number is used.

h. Additional information required where owner is domiciled outside of Pennsylvania. No operating license shall be issued or renewed for any applicant that is a corporation, company, partnership or other entity that is domiciled outside the Commonwealth of Pennsylvania unless a Certificate of Authority to Do Business in Pennsylvania is provided. If such information is not on the certificate, the applicant must provide the name and address of his registered agent and office in the Commonwealth of Pennsylvania which is to be used for service of process. The address must also include a full street address if a post office box number is used.

i. License renewal. No Operating license shall be renewed unless an application therefor has been made within sixty (60) days prior to the expiration of the present Operating license. Each Owner or Operator applying for renewal of an Operating license will receive notice from the Borough before the application becomes due.

j. Before a resale certificate can be issued, any person acquiring title to any Dwelling containing a Rental Dwelling Unit must apply in writing to Brookhaven Borough for a new license.

k. Record keeping. Every owner or operator of a Dwelling containing a Rental Dwelling Unit containing any licensed Rental Dwelling Unit shall keep, or cause to be kept, an accurate record of all repairs, alterations, and equipment changes, that have required a work permit to be obtained from the Borough, or otherwise related to the provisions of the Brookhaven Borough Code or to any rules and regulations pertaining thereto, and of all corrections, maintenance or repairs made as the result of inspections by any Brookhaven Borough Inspector. Such record shall be made available to any Brookhaven Borough Inspector by the Owner or Operator upon request.

l. Notice of violation. Whenever, upon inspection of a Rental Dwelling Unit or Rental Multiple Dwelling or of the records required to be kept by Section 2.k above, any Brookhaven Borough Inspector finds that conditions or practices exist which are in violation of the provisions of the Brookhaven Borough Code, or of any applicable rules and regulations pursuant thereto, he/she shall serve the Owner or Operator with notice of such violation via either hand, overnight courier or first class mail to the address in Pennsylvania provided in the license application. Such notice shall state that unless the violations cited are corrected within the designated time, the operating license may be suspended.

m. Re-inspection; License suspension. At the end of the time he has allowed for correction of any violation cited, the Brookhaven Borough Inspector issuing a notice of violation pursuant to Section 2.l above shall re-inspect the Rental Dwelling Unit or Rental Multiple Dwelling and if he determines that such conditions have not been corrected, he may issue an order suspending the Operating license until such time as he determines, pursuant to re-inspection, that all violations have been remedied.

n. Penalty. Any person who operates any Dwelling containing a Rental Dwelling Unit without a license, or with a license which has been suspended or has expired, shall be subject to the penalties set forth in Section 202.99 of the Brookhaven Borough Code. If no request for reconsideration or petition for hearing is filed with the Building Inspector within twenty (20) days after the date on which the order of suspension was issued, the license shall be revoked. However prior to revocation, any person whose license has been suspended may request re-inspection upon a showing

that the violation or violations cited in the notice have been corrected

o. Reinstatement of license. If, upon re-inspection, the applicable Brookhaven Borough Inspector finds that the Rental Dwelling Unit or Rental Multiple Dwelling in connection with which the notice was issued is now in compliance with this Code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for re-inspection shall not extend the period allowed for remediation unless the Building Inspector grants such an extension.

3. Effective Date. The provisions of this Ordinance shall be effective 30 days after adoption hereof by Borough Council and approval by the Mayor.

4. Repealer. All Ordinances, Resolutions and parts of Ordinances or Resolutions directly inconsistent herewith are hereby repealed to the extent of such inconsistencies only.

Enacted and Ordained this 4th day of August 2014.

By: *Susan Rendler-Truesdale*  
Susan Rendler-Truesdale, President  
Brookhaven Borough Council

Attest: *Mary Ellen McKinley*  
Mary Ellen McKinley  
Secretary of Borough

EXAMINED AND APPROVED THIS 4<sup>th</sup> DAY OF August 2014.

By: *Michael S. Hess*  
Michael Hess, Mayor