

**BOROUGH OF SHARPSBURG
ALLEGHENY COUNTY, PENNSYLVANIA**

Ordinance No. 24-01

AN ORDINANCE OF THE BOROUGH OF SHARPSBURG, ALLEGHENY COUNTY, PENNSYLVANIA; PROTECTING TENANTS FROM RETALIATION FOR ENGAGING IN INDIVIDUAL OR COLLECTIVE ACTION TO SECURE HEALTHY AND SAFE HOUSING CONDITIONS; PROVIDING FOR DEFINITIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Sharpsburg and it is hereby Ordained and Enacted by and within the Authority thereof as follows:

SECTION 1. Title.

The title of this Ordinance shall be the Borough of Sharpsburg Residential Anti-Retaliation Ordinance.

SECTION 2. Authority.

This Residential Anti-Retaliation Ordinance is adopted in accordance with authority existing under Borough Sections 3301.1(b)(4) and 1202(5) of the Borough Code and Sections 4101 and 4103 of the Municipal Housing Ordinance Authorization Law.

SECTION 3. Purpose and Intent.

- (a) The purpose of this Ordinance and the policy of the Borough of Sharpsburg (hereinafter "Borough") shall be to protect and promote the public health, safety and welfare of its citizens, to effectuate and supplement Section 205 of the Pennsylvania Landlord and Tenant Act, and to protect the right of residential tenants to engage in lawful activity in pursuit of healthy and safe housing conditions. As a means to these ends, this Ordinance provides for a clear statement of tenants' rights to organize and protects tenants from retaliation for organizing other tenants, engaging in collective action or exercising other legal rights in pursuit of healthy and safe housing conditions.
- (b) In considering the adoption of this Ordinance, the Borough makes the following findings:
- (1) All people deserve to live in decent, safe and sanitary housing;
 - (2) All tenants have a fundamental right to seek healthy and safe housing conditions through lawful means without fear of retaliation; and
 - (3) The public health, safety and welfare of Sharpsburg's citizens will be advanced by ensuring the right of residential tenants to engage in lawful activity in pursuit of healthy and safe housing conditions without fear of retaliation.

SECTION 4. Definitions.

For the purposes of this Ordinance, the following definitions shall apply:

- (a) **LANDLORD** — The record owner or owners of, or other person, firm or corporation who has charge, care or control of, a dwelling, dwelling unit, rooming unit, building or structure that is occupied by one or more persons pursuant to a written or unwritten agreement, including all of their respective employees and agents.

- (b) TENANT — Any person who occupies a dwelling, dwelling unit, rooming unit, building or structure pursuant to a written or unwritten agreement with a Landlord, regardless of whether the agreement has expired or been terminated by the Landlord.

SECTION 5. Tenants' Rights to Organize.

- i. Tenants have the right under Section 205 of the Pennsylvania Landlord and Tenant Act to form, join and participate in the activities of a tenant organization.
- ii. For the purpose of addressing issues related to the health and safety of rental housing in the Borough:
 - i. Tenant organizers may contact and communicate with tenants on the rental premises, including within a rental unit, or in a tenant common area such as a community room, to assist tenants in establishing and operating a tenant organization and participating in collective actions.
 - ii. Tenants and tenant organizers may use common areas and community facilities on the property for tenant meetings, so long as they comply with any universally applicable use and reservation policies. No landlord may attend or make recordings of such meetings unless permitted to do so by the tenant organization.
 - iii. Tenants may refuse to join or participate in the activities of tenant organizations and may represent themselves individually in their tenancy relation with their landlord if they wish.
- iii. Tenants and tenant organizers may use common areas to distribute literature to other tenants, or to place literature on or under the door of tenant units, where the literature relates to habitability. If the landlord provides a bulletin board in a common area, the landlord may not remove posts of such literature from such bulletin board.

SECTION 6. Landlord Retaliation Prohibited.

- (a) It shall be unlawful for any landlord to terminate or refuse to renew a lease with a tenant, or to make, alter, amend or modify any term or condition of any existing lease or arrangement of tenancy with a tenant, in retaliation for the tenant or any member of the tenant's household having engaged in any of the following lawful activities in pursuit of healthy and safe housing conditions:
- (1) Organizing other tenants, including but not limited to engaging in any of the activities specified in Section 5 of this Ordinance;
 - (2) Participating in a tenants' association;
 - (3) Requesting the landlord to make repairs to the premises, provide amenities, or refrain from charging rent or fees that the tenant considers unaffordable or oppressive;
 - (4) Exercising any lawful self-help measure such as the right to withhold rent or to make necessary repairs and deduct the cost of those repairs from the rent;
 - (5) Filing a complaint with a governmental agency or public official responsible for enforcing a building, housing, health, consumer protection or similar law, or the issuance of a notice of violation or other enforcement action by such an agency or official;
 - (6) Speaking to a community organization or the news media about issues related to the condition of the premises, or the publication of such information;
 - (7) Testifying at a public hearing or in any court or administrative proceeding concerning issues related to the tenant's housing conditions;
 - (8) Engaging in collective action for the purpose of bargaining over issues related to the tenant's housing conditions or engaging in other mutual aid or protection; or

(9) Exercising any other right or remedy provided by law.

(b) In any civil proceeding involving the termination or non-renewal of a lease or the alteration of a term or condition of the lease, or notice thereof, within one year after the latest to occur of any of the activities described in Subsection 6(a), it shall be the burden of the landlord to prove by clear and convincing evidence that the action was taken solely for a non-retaliatory purpose. The filing of a civil action against a tenant shall not constitute a violation of this Ordinance.

SECTION 7. Severability.

The provisions of this Ordinance are declared to be severable; and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Effective date.

The provisions of this Ordinance shall become effective immediately upon passage and enactment.

Section 9. Repealer.

All ordinances and part of ordinances inconsistent herewith are hereby repealed.

AND THEREFORE BE IT RESOLVED on this 25th day of January 2024 that Borough Council adopts said ordinance.

BOROUGH OF SHARPSBURG

Attest

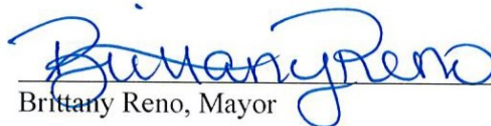


Christine DeRunk, Borough Manager

Signed



Adrienne Laing, Council President



Brittany Reno, Mayor

