

**INTER**

**OFFICE**

# MEMO

To: HARRISBURG CITY COUNCIL  
From: Kirk Petroski, City Clerk  
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. 21 -2020

RESOLUTION NO. -2020

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR'S OFFICE ON:

*/s/ Neil Grover*

12/10/2020

City Solicitor

Date

Requested by Department/Bureau: City Council and Mayor

Department/Bureau Contact Person: Neil Grover

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

2 SECTION 608 (B) EMERGENCY LEGISLATION

3  
4 Moved by: \_\_\_\_\_  
5

6 An Emergency Ordinance amending Chapter 3-355 of Title 3, the Public Safety Code, by  
7 adding Part 2, Supplemental Emergency Powers, to provide temporary direct supplemental local  
8 authority to implement remedial measures to address public health emergencies during an  
9 extended State of Emergency, including moratoriums on the eviction, ejection or removal of  
10 families, households or individuals from a residential dwelling unit or rooming house; providing  
11 exceptions thereto; providing increased fines and penalties for violators; authorizing the adoption  
12 of emergency regulations; and making technical conforming amendments.  
13

14 WHEREAS, in order to more effectively meet the expanding public health crisis presented  
15 by the COVID-19 pandemic in this community, the City is required to invoke additional direct  
16 local emergency powers to mitigate the immediate mounting threat to the public health, safety and  
17 welfare.  
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
20 HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS  
21 FOLLOWS:  
22

23 Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO  
24 BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO  
25 PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED;  
26 DELETIONS SHALL BE INDICATED BY STRIKING (-)."  
27

28 **SECTION 1. AMENDMENT TO THE PUBLIC SAFETY CODE.**

29 Part 3 of Title 3 of the Codified Ordinances for the City of Harrisburg, setting forth General  
30 Offenses under the Public Safety Code, is hereby amended as follows:  
31

32 "PART 3 (3-300), GENERAL OFFENSES

33 \*\*\*\*

34

35

CHAPTER 3-355

36

STATE OF EMERGENCY

37

PART A

38 § 3-355.1. Declaration of Emergency.

39

40 \*\*\*\*

41

42

PART B

43

SUPPLEMENTAL EMERGENCY POWERS

44

45 § 3-355.10. Legislative Intent.

46 In order to continue to meet the immediate public health dangers arising from the ongoing  
47 coronavirus pandemic and mitigate the spread of infection, the City must be able to undertake  
48 extraordinary measures for the duration of the threat. The temporary supplemental emergency  
49 powers provided in Part B are necessary for the City to fulfill its immediate obligation to provide  
50 for the health, safety and welfare of those who live, work or visit here in the course of a pandemic.

51

52 § 3-355.11. Legislative Findings.

53 The Council for the City of Harrisburg finds the following to be publicly available recitations that  
54 together demonstrate the immediate need and authority to enact temporary powers to assist in the  
55 mitigation of the spread of infection:

56

57 § 3-355.11.01. Public Health Regulatory Findings.

58 A. On the 6<sup>th</sup> day of March, 2020, the Governor of the Commonwealth of Pennsylvania  
59 issued a Proclamation of Disaster Emergency, proclaiming the existence of a  
60 disaster emergency throughout the Commonwealth in accordance with the  
61 provisions of Subsection 7301(c) of the Emergency Management Services Code,  
62 35 Pa.C.S. § 7101, et seq., which the executive, legislative and judicial branches of  
63 this Commonwealth subsequently endorsed and supplemented in a series of  
64 extraordinary public health related actions and directives.

65 B. On the 13<sup>th</sup> day of March, 2020, the President of the United States issued a  
66 determination “that the ongoing Coronavirus Disease 2019 (COVID-19) pandemic  
67 is of sufficient severity and magnitude to warrant an emergency determination  
68 under section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency  
69 Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act")” and, subsequently,  
70 on the 30<sup>th</sup> day of March, declared that a major disaster exists in the  
71 Commonwealth of Pennsylvania and ordered Federal assistance to supplement  
72 Commonwealth and local recovery efforts in the areas affected by the pandemic.

73 C. In accordance with the provisions of Section 7501 of the Emergency Management  
74 Services Code, 35 Pa. C.S. § 7501, and consistent with the emergency  
75 proclamations and directives of the Governor, on the 16<sup>th</sup> day of March, 2020, the  
76 Mayor of the City of Harrisburg issued a Declaration of Public Health COVID-19  
77 Disaster Emergency, wherein the Mayor directed the closing of public buildings,  
78 as well as the adoption and implementation of a series of extraordinary measures to  
79 better respond to the evolving public health crisis.

80 D. By way of a series of Supplemental Declarations, Executive Orders, authorizations  
81 and directives to City staff and related coordination with other government  
82 officials, agencies, volunteers and organizations, the City imposed precautions to  
83 reduce the risk of transmission of the coronavirus and restrictions to lessen the  
84 increased financial burden arising from the extraordinary closures of schools,  
85 businesses and public facilities.

86 E. On the 14<sup>th</sup> day of April, 2020, the Council of the City of Harrisburg, by way of  
87 Resolution 25 - 2020, ratified and confirmed the Mayoral Declaration of a public  
88 health emergency and related subsequent steps undertaken for the City government  
89 to assess and implement emergency measures and, thereby, mitigate the spread of  
90 the novel coronavirus.

91 F. In the course of addressing the ravages of the prolonged coronavirus pandemic,  
92 extraordinary public measures have been adopted, including specific measures to  
93 forestall a foreseeable increase in public health risks and consequences that arise  
94 from the movement and displacement of any significant number of families,

95 households and individuals from their current abodes due to economic hardship,  
96 without readily available housing alternatives that are safe, accessible and  
97 affordable.

98 G. The Supreme Court of Pennsylvania declared a *General Statewide Judicial*  
99 *Emergency* on March 18, 2020, effectively closing physical access to the courts  
100 from March 19 through April 3, and expressly prohibiting judicial agents or  
101 employees from acting upon eviction orders.

102 H. The Supreme Court of Pennsylvania ultimately extended its statewide emergency  
103 orders until June 1, while limiting the related statewide suspension of procedures  
104 for the dispossession of property until May 11 and making any determinations on  
105 judicial proceedings a local matter by citing the express authority of the President  
106 Judges of the lower courts to issue their own emergency declarations and direct  
107 protective measures, as each would see fit, depending on local conditions.

108 I. On May 7, 2020, the Governor issued an Order suspending the issuance of the  
109 mandatory statutory notice requirements for the commencement for actions for  
110 eviction for 60 days, with an effective date of May 11, and which by supplemental  
111 amendments and orders expressly extended the time to commence residential  
112 evictions proceeding for the nonpayment of rent or the overstaying of the duration  
113 of a tenant's lease until August 31.

114 J. On March 24, 2020, the Mayor issued a *Declaration of Temporary Suspension of*  
115 *Residential Tenant Evictions Due to Nonpayment of Rent*, prohibiting the eviction,  
116 ejection or displacement of tenants within the City for the non-payment of rent.

117 K. Commencing on March 16, 2020, the President Judge for the Dauphin County  
118 Court of Common Pleas, issued a series of Emergency Declarations and  
119 Administrative Orders, with at least four (4) Orders addressing the judicial  
120 administration of eviction proceedings, including residential evictions from real  
121 property situated in the City of Harrisburg.

122 L. On September 4, 2020, the Centers for Disease Control and Prevention (CDC)  
123 issues an Agency Order for a “temporary eviction moratorium to prevent the further  
124 spread of COVID–19” that was made effective until December 31, 2020.

125 M. On September 8, 2020, applying the September 4 CDC Agency Order to those  
126 eviction actions governed by that Agency Order, the President Judge of the Court  
127 of Common Pleas for Dauphin County entered an Order continuing the prohibition  
128 against evictions for the CDC qualifying category of eviction matters until  
129 December 31, 2020.

130 N. On March 13, 2020, the U.S. Department of Health and Human Services (HHS)  
131 published the *U.S. Government COVID-19 Response Plan*, reporting among its  
132 assumptions that a “pandemic will last 18 months or longer and could include  
133 multiple waves of illness” and, consistent therewith, the Pennsylvania Department  
134 of General Services now has determined to extend the return of onsite work for the  
135 many Commonwealth employees placed on remote work status implemented in  
136 March 2020 until July 1, 2021.

137 O. The Pennsylvania General Assembly’s legislative efforts to extend the Governor’s  
138 statewide emergency authority and thereby enlarge the time allowed for the  
139 suspension of residential evictions, ejections or displacement of families,  
140 households and individuals for the non-payment of rent, the overstay of the term of  
141 a lease or any other reason ended without an enactment, as the time of adjournment  
142 *sine die* as mandated by Article II of the Pennsylvania Constitution ended the 2019-  
143 2020 Regular Session.

144

145 § 3-355.11.02. Public Health Findings.

146 A. The Council finds that increased risk of displacement of families, households and  
147 residents to be a clear and present danger to the overall public health in the City of  
148 Harrisburg, risking immediate increases in the demand for public services, placing  
149 first responders at greater risk of coronavirus exposure as the result of increases in  
150 the homeless and shelter populations throughout the City and undermining the

151 capacities, resilience and resources of emergency responders on all fronts, all of  
152 whom have been operating for 10 months in the grip of this long term health care  
153 crisis.

154 B. The number of reported COVID-19 infections, hospitalizations and deaths now are  
155 unevenly rising – again – throughout the City, the Central Pennsylvania Region,  
156 the Commonwealth and the Nation.

157 C. On almost daily basis, the Pennsylvania Department of Health provides regular  
158 COVID-19 reports on the number of individuals who have tested positive or  
159 negative for the infection, the number of people who have been hospitalized to treat  
160 COVID-19 symptoms and the number of deaths related to COVID-19, from  
161 throughout the whole of the Commonwealth of Pennsylvania and on a County by  
162 County basis.

163 D. On March 18, 2020, the same date the Supreme Court of Pennsylvania imposed a  
164 moratorium of evictions, the Pennsylvania Department of Health reported that the  
165 Commonwealth had **133 people** who reported positive for COVID-19.

166 E. On April 14, 2020, the same date that the Council ratified and confirmed a Mayoral  
167 Declaration of a Public Health Emergency and related subsequent actions, the  
168 Pennsylvania Department of Health reported that the Commonwealth had **25,345**  
169 **people** who reported positive for COVID-19 and **584 COVID-19-related deaths.**

170 F. On April 14, 2020, the Pennsylvania Department of Health reported that Dauphin  
171 County had **249 people** who reported positive for COVID-19 and **5 COVID-19-**  
172 **related deaths.**

173 G. On May 7, 2020, the same date the Governor of the Commonwealth of  
174 Pennsylvania issued an Order suspending the issuance of the mandatory statutory  
175 notice requirements for the commencement for actions for eviction for 60 days that  
176 prohibited the eviction process from commencing, the Pennsylvania Department of  
177 Health reported that the Commonwealth had **52,915 people** who reported positive  
178 for COVID-19 and **3,416 COVID-19-related deaths.**

- 179           H. On May 7, 2020, the Pennsylvania Department of Health reported that Dauphin  
180           County had 735 people who reported positive for COVID-19 and 33 COVID-19-  
181           related deaths.
- 182           I. On July 9, 2020, the same date the Governor extended the Order suspending the  
183           issuance of the mandatory statutory notice requirements for the commencement for  
184           actions for eviction until August 31, 2020, the Pennsylvania Department of Health  
185           reported that the Commonwealth had 6,880 COVID-19-related deaths.
- 186           J. On July 9, 2020, the Pennsylvania Department of Health reported that Dauphin  
187           County had 2,247 people who reported positive for COVID-19 and 148 COVID-  
188           19-related deaths.
- 189           K. On August 31, 2020, the same date the Governor extended the Order suspending  
190           the issuance of the mandatory statutory notice requirements for the commencement  
191           for actions for eviction until August 31, 2020, the Pennsylvania Department of  
192           Health reported that Dauphin County had 3,329 people who reported positive for  
193           COVID-19 and 163 COVID-19-related deaths.
- 194           L. On September 4, 2020, the same date that the Centers for Disease Control issued  
195           an Agency Order imposing a nationwide moratorium on certain evictions, the  
196           Pennsylvania Department of Health reported that the Commonwealth had 7,742  
197           COVID-19-related deaths.
- 198           M. On September 8, 2020, the same date the President Judge of the Court of Common  
199           Pleas for Dauphin County entered an Order continuing the prohibition against  
200           evictions for the CDC qualifying category of eviction matters until December 31,  
201           2020, the Pennsylvania Department of Health reported that Dauphin County had  
202           3,479 people who reported positive for COVID-19 and 166 COVID-19-related  
203           deaths.
- 204           N. On October 1, 2020, the Pennsylvania Department of Health reported that Dauphin  
205           County had 3,879 people who reported positive for COVID-19 and 181 COVID-  
206           19-related deaths.



- 207 O. On November 1, 2020, the Pennsylvania Department of Health reported that the  
208 Commonwealth had **205,517 people** who reported positive for COVID-19.
- 209 P. On November 1, 2020, the Pennsylvania Department of Health reported that  
210 Dauphin County had **4,960 people** who reported positive for COVID-19 and **196**  
211 **COVID-19-related deaths.**
- 212 Q. On November 30, 2020, the same date the Pennsylvania General Assembly had an  
213 adjournment *sine die* to end the 2019-2020 Regular Session, the Pennsylvania  
214 Department of Health reported that the Commonwealth had **351,667 people** who  
215 reported positive for COVID-19.
- 216 R. On November 30, 2020, the Pennsylvania Department of Health reported that  
217 Dauphin County had **7,611 people** who reported positive for COVID-19 and **217**  
218 **COVID-19-related deaths.**
- 219 S. As of December 9, 2020, the last date of available data before the introduction of  
220 the present Bill for an EMERGENCY ORDINANCE, the Pennsylvania  
221 Department of Health reported that the Commonwealth had **445,317 people** who  
222 reported positive for COVID-19.
- 223 T. As of December 9, 2020, the Pennsylvania Department of Health reported that  
224 Dauphin County had **9,633 people** who reported positive for COVID-19 and **229**  
225 **COVID-19-related deaths.**
- 226 U. As of December 9, 2020, the Pennsylvania Department of Health, after improving  
227 their reporting on the localization of COVID-19 data reporting by zip code, reported  
228 that within the City of Harrisburg, the City had an aggregate **1,440 people** who  
229 reported positive for COVID-19.
- 230 V. The year-long men's shelter for the area that includes Harrisburg will not be  
231 accepting emergency admissions this winter and the existing facilities operating,  
232 while shelter beds for families currently have reduced availability due to COVID  
233 protocols in shelters and the local shelter system is already strained even with the  
234 current CDC moratorium.

235 W. The foregoing Public Health Findings demonstrate a marked increase in the number  
236 of statewide and localized infections, hospitalizations and deaths related to  
237 COVID-19 provides sufficient evidence for this Council to act to authorize  
238 temporary supplemental emergency powers to better provide for the health, safety  
239 and welfare of the general public.

240 X. Recognizing the foregoing Public Health Findings demonstrate the need for  
241 immediate legislative action to address the heightened risk to the overall public  
242 health, safety and welfare within the City of Harrisburg that has arisen from a  
243 rapidly growing and continuing risk of illness, hospitalization and death in relation  
244 to a worldwide pandemic, and, furthermore, considering the plain absence of  
245 necessary supplemental remedial statewide or federal legislative action in the  
246 foreseeable future, the Council of the City of Harrisburg now finds that as a local  
247 government imbued with unequivocal rights and obligations to provide for the  
248 health, safety and welfare of the people, legislative enactments are necessary and  
249 appropriate to mitigate the ravages of COVID-19 throughout the City and an  
250 essential exercise of local legislative power to fulfill the City's plain obligations to  
251 the citizenry.

252

253 § 3-355.11.03. Statutory Findings.

254 A. The City of Harrisburg operates under the Optional Third Class City Charter Law,  
255 53 P.S. §§ 41101–41421, 41601–41625, the provisions of which vest the following  
256 powers in the City government:

257 (1). Adopt and enforce local ordinances, under Section 303.(2).

258 (2). For any violation of any housing ordinance found to pose a threat to the public's  
259 health, safety or property, impose penalties of fine may not exceeding one (1)  
260 citation per five (5) calendar days for a continual and uncorrected violation of the  
261 same subsection of such ordinance on the same property, limited to no less than  
262 five hundred dollars (\$500) and no more than one thousand dollars (\$1,000) for the  
263 first two (2) continual and uncorrected violations of the same subsection of such

264 ordinance on the same property and no less than one thousand dollars (\$1,000) and  
265 not exceeding ten thousand dollars (\$10,000) for the third and any subsequent  
266 continual and uncorrected violation of the same subsection of such ordinance on  
267 the same property, or imprisonment for any term not exceeding ninety days, or both,  
268 under Section 303.(2.1).

269 (3). Impose penalties of fine not exceeding one thousand dollars (\$1,000), or a term  
270 of imprisonment not exceeding ninety days, or both, for violations of any section  
271 of any other ordinance, under Section 303.(2.2).

272 (4). Exercise all powers of local government in such manner as its governing body  
273 may determine, under Section 303.(2.3).

274 (5). A grant of municipal power intended to confer the greatest power of local self-  
275 government consistent with the Constitution of this State, under Section 304.

276 (6). That all grants of municipal power under the Act, whether in the form of  
277 specific enumeration or general terms, shall be liberally construed in favor of the  
278 City, under Section 304.

279 (7). Council by a resolution declaring an emergency approved by at least two-thirds  
280 of all the members can make a non-budget ordinance effective immediately, under  
281 Section 608(b).

282 B. The Emergency Management Services Code, 35 Pa.C.S. § 7101, et seq., constitutes  
283 an exercise of the Commonwealth of Pennsylvania's Legislative authority to  
284 provide a comprehensive approach to address disasters emergency matters and  
285 events, both man-made and natural, with an express purpose being to reduce  
286 vulnerability of people and communities of this Commonwealth to damage, injury  
287 and loss of life and property resulting from disasters, under Section 1, in accordance  
288 with 35 Pa.C.S. § 7103.

289 C. The Emergency Management Services Code, 35 Pa.C.S. § 7101, et seq., provides  
290 local governments with statutory authority to act to address local emergencies,  
291 vesting the following powers in local government:

292 (1). For a local governing body to declare a local emergency when in their judgment  
293 the threat or actual occurrence of a disaster is or threatens to be of sufficient severity  
294 and magnitude to warrant coordinated local government action to prevent or  
295 alleviate the damage, loss, hardship or suffering threatened or caused thereby, under  
296 Section 1, in accordance with 35 Pa.C.S. § 7102.

297 (2). To petition the Governor to declare a local emergency that arises wholly or  
298 substantially out of a resource shortage, when that arises out of the absence,  
299 unavailability or reduced supply of any service of any kind which bear a substantial  
300 relationship to the health, safety, welfare and economic well-being of the citizens  
301 of this Commonwealth, under provisions of Section 1, in accordance with 35  
302 Pa.C.S. § 7102.

303 (3). To adopt and implement precautionary measures to mitigate the anticipated  
304 effects of disaster, under provisions of Section 1, in accordance with 35 Pa.C.S. §  
305 7503.

306 (4). To execute and enforce such rules and orders as the agency shall adopt and  
307 promulgate under the authority of Part V of Title 35, under provisions of Section 1,  
308 in accordance with 35 Pa.C.S. § 7503.

309 (5). Cooperate and coordinate with any public and private agency or entity in  
310 achieving any purpose of this part, under provisions of Section 1, in accordance  
311 with 35 Pa.C.S. § 7503.

312 D. The Codified Ordinances of the City of Harrisburg sets forth the series of local laws  
313 that provide the framework for the operation of City government in a manner that  
314 fulfills the municipality's duty to protect the health, safety and welfare of the  
315 general public, the provisions of which include:

316 (1). Chapter 3-355.1, providing that Mayor shall have the authority to declare a  
317 state of emergency in the City.

318 (2). Chapter 6-301.1, providing all dwellings shall be maintained and operated in  
319 compliance with the provisions of Chapter 8-107, as amended from time to time,  
320 and such provisions of this Public Health Code as are applicable thereto.

321 (3) Chapter 6-313, governing miscellaneous health hazards.

322 (4) Chapter 8-501, providing for a Housing Appeal Board and procedures.

323 (5). Chapter 8-511, providing for a Residential Rental Unit Registration Program,  
324 requiring residential rental units within the City to be registered with the City and  
325 the obligation to maintain a Certificate of Compliance from the City.

326 (6) Chapter 8-503, providing for the issuance and renewal of a permit to operate a  
327 Rooming House within the City.

328 E. The Agency Order of September 4, 2020, was promulgated by the Centers for  
329 Disease Control and Prevention (CDC), located within the Department of Health  
330 and Human Services and issued under Section 361 of the Public Health Service Act  
331 and 42 CFR 70.2, provides:

332 (1) For a temporary eviction moratorium of covered persons to prevent the further  
333 spread of COVID-19 that is set to expire on December 31, 2020.

334 (2) That the Agency Order will not apply to any State, local, territorial or tribal area  
335 with a moratorium on residential evictions that provide the same or greater level  
336 of public-health protection than the requirements in the Order.

337 (3) That the CDC recommends increasing physical distance between beds in  
338 homeless shelters and that extensive outbreaks of COVID-19 have been identified  
339 in homeless shelters.

340 (4) That the Agency Order does not relieve any individual of any obligation to pay  
341 rent, make a housing payment or comply with any other obligation the individual  
342 may have under a tenancy, lease or similar contract.

343

344 § 3-355.12. Supplemental Emergency Powers

345 In addition to any powers conferred under Part A of this Chapter or otherwise by law, whenever  
346 the Mayor determines that there exists a public health hazard that requires extraordinary steps to  
347 mitigate or slow contagion from a communicable disease through the movement or displacement  
348 of individuals within the City that is determined to present a significant increased risk to public  
349 health that risks overwhelming public and private systems and resources in the City that otherwise  
350 take part of addressing a public health hazard, the Mayor, in addition to any power to declare that  
351 a state of emergency exists in accordance with Part A of the Chapter or otherwise by law, may  
352 issue a supplemental declaration of public health emergency.

353

354 § 3-355.13. Supplemental Emergency Measures

355 Whenever the Mayor declares that a state of public health emergency exists under this Part B, any  
356 of the following additional emergency prohibitions, restrictions, enforcement measures or any  
357 combination thereof, shall be subject to being implemented immediately upon the Mayor's  
358 issuance or renewal of any declaration made hereunder and shall remain in effect during the period  
359 of said emergency and throughout the City:

360 A. Prohibit the eviction, ejection or displacement of individuals, families or households  
361 within the City from any residential rental unit, dwelling unit or rooming house for a period  
362 of up to 30 days.

363 B. Renew or reissue a prohibition under subsection A above, for periods up to 30 days each,  
364 as public health emergency conditions warrant.

365 C. Petition the Governor in accordance with Section 1 of the Emergency Management  
366 Services Code, 35 Pa.C.S. § 7101, et seq. and § 7102, specifically, for any resource  
367 shortage related to public health emergency.

368 D. Directives for City personnel to investigate and determine whether a violation of the  
369 prohibitions of this Part B occurred and commence enforcement actions accordingly.

370 E. Petition to intervene in any or all pending eviction of ejections actions.

371 F. Directives for the issuance of any regulations necessary to implement and enforce this Part  
372 B.

373 G. Reserved.

374

375 § 3-355.14. Supplemental Minimum Standards For Dwellings

376 The requirement to refrain from the eviction, ejection or displacement of individuals, families or  
377 households within the City from any residential rental unit or dwelling unit under this Part B shall  
378 be deemed a violation of the required minimum standards for a dwelling under Chapter 6-301.1,  
379 subject to the supplemental Part B penalties.

380

381 § 3-355.15. Supplemental Miscellaneous Health Hazard

382 The requirement to refrain from the eviction, ejection or displacement of individuals, families or  
383 households within the City from any residential rental unit, dwelling unit or rooming house under  
384 this Part B shall be deemed a Public Health Code violation qualifying as a miscellaneous health  
385 hazard under Chapter 6-313, subject to the supplemental Part B penalties.

386

387 § 3-355.16. Supplemental Condition For The Residential Rental Unit Registration Program

388 Compliance with any declaration issued under this Part B shall be a condition for every dwelling  
389 unit subject to Chapter 8-511, and a violation thereof shall cause a revocation of the Certificate of  
390 Compliance under Chapter 8-511.13, rendering the dwelling unit subject to placarding and the loss  
391 of any certificate of occupancy for 90 days.

392

393 § 3-355.17. Supplemental Condition For Issuance and Maintenance of A Rooming House Permit

394 Compliance with any declaration issued under this Part B shall be a condition for every rooming  
395 house subject to Chapter 8-503, and a violation thereof shall cause a suspension of the permit  
396 authorizing the operation of a rooming house, rendering the entire rooming house subject to  
397 placarding for 120 days, with other remaining occupants subject to an immediate 30 day written  
398 notice from the permit holder to vacate.

399 § 3-355.18. Supplemental Enforcement Powers

400 A. The eviction, ejection or dispossession undertaken in violation of this Part B shall be  
401 subject to enforcement by any enforcement officer of the City, notwithstanding any regular  
402 duty assignment.

403 B. Any owner, operator or manager of a residential rental property, dwelling unit or rooming  
404 house that acts to enforce or otherwise causes an eviction, ejection or dispossession of  
405 any individual, family or household to occur in violation of a declaration issued under this  
406 Part B shall be deemed to have violated all provisions of Part B that apply to the property  
407 at issue.

408 C. Notwithstanding any other applicable penalties for a violation of this Chapter, a violation  
409 of a declaration issued under this Part B shall be deemed a violation of a housing ordinance  
410 that poses a threat to the public's health and safety under Section 302 of the Optional Third  
411 Class City Charter Law, 53 P.S. §§ 41303 (2.1) and subject to all penalties as fines and  
412 punishment provided, including fines up to \$10,000 and imprisonment for up to 90 days.

413

414 § 3-355.19. Statutory Authority.

415 This Part B is enacted under the authority of Section 303 of the Optional Third Class City  
416 Charter Law, authorizing the enactment of ordinances and exercise of all powers of local  
417 government.

418

419 § 3-355.20. Related Provisions and Restrictions.

420 A. Nothing in this Part B is intended to or shall be deemed to mandate or authorize any  
421 person, official, department, bureau or public employee to require any violation of the  
422 Emergency Management Services Code, 35 Pa.C.S. § 7101, et seq., or any plans and  
423 programs adopted and promulgated by of the Pennsylvania Emergency Management  
424 Council.

425 B. Nothing in this Part B is intended to or shall be deemed to mandate or authorize any  
426 person, official, department, bureau or public employee to require any violation of the



427 Public Health Service Act or related regulations, or any directive or order of the U.S.  
428 Department of Health and Human Services or the CDC.

429 C. Nothing herein shall be deemed to alter the right or obligation of any person to pay or  
430 receive rent due and owing for any residential tenancy, lease or otherwise similar  
431 contract.

432 D. Nothing herein is intended to or shall be deemed to waive, diminish or otherwise prohibit  
433 the use of other statutory authority of the City.

434 E. Nothing herein precludes evictions based on a tenant, lessee, or resident:

435 (1). Engaging in criminal activity while on the premises

436 (2). Threatening the safety of health of other residents.

437 (3). Damaging or posing an immediate risk of damage to property/

438 (4). Violating any provision of the City Code or other applicable law or regulation  
439 relating to health and safety.

440 (5). Violating any other contractual obligation, other than the timely payment of rent,

441 fees, late-charges, utilities or other costs associated with the tenancy, lease or contract or  
442 the overstaying of term of occupancy.

443 F. Nothing herein is intended to apply to any properly licensed and registered hotel or motel  
444 required to collect and remit hotel tax revenues to Dauphin County.

445

446 § 3-355.21. Legal proceedings authorized.

447 The Mayor or duly appointed designee shall have the power in the name of the City to institute  
448 proceedings against any and all persons who violate the provisions of this chapter or to take any  
449 other action provided by law.

450

451 § 3-355.22. Appeals.

452 Any person aggrieved by any decision of the Mayor or duly appointed designee shall have the  
453 right to appeal to the Court of Common Pleas, as in other cases.

454

455 § 3-355.23. Sunset.

456 This Part B shall sunset as a matter of law on December 31, 2021. Notwithstanding the lapse of  
457 this Part B, the City's authority and right to commence or continue any enforcement action for any

458 violation of a declaration, directive, regulation or other order issued under this Part B shall remain  
459 in full force and effect.

460  
461 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as  
462 are necessary to effectuate this ordinance.

463  
464 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this  
465 ordinance or the application thereof to any person or circumstance is for any reason found to be  
466 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,  
467 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses,  
468 sections or parts of this ordinance. It is hereby declared as the intent of the Council of the City of  
469 Harrisburg that this ordinance would have been adopted had such unconstitutional, illegal or  
470 invalid provision, sentence, clause, section or part not been included herein.

471  
472 **SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the  
473 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

474  
475 **SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect immediately, in accordance  
476 with the provisions of the Emergency Resolution 100 of 2020.

477  
478 Seconded by: \_\_\_\_\_

479  
480 Passed by Council: \_\_\_\_\_

481  
482 Signed by the Mayor: \_\_\_\_\_