

CITY OF BUTLER
ORDINANCE NO. 1821
Council Bill: 2024-01

AN ORDINANCE REQUIRING CONDITIONS OF RESIDENTIAL UNITS BE REPORTED TO THE CITY OF BUTLER BEFORE OCCUPANCY OTHER THAN OWNERS; AND PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS PRESCRIBING PENALTIES FOR VIOLATIONS. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUTLER AS FOLLOWS:

BE IT ORDAINED AND ENACTED, in lawful session assembled, by the City Council of the City of Butler that:

SECTION 1 - TITLE AND PURPOSE.

- a. This Ordinance shall be known as the City of Butler Landlord Tenant Relations Ordinance.
- b. The purpose of this Ordinance is to address the problems the City of Butler has experienced directly related to the maintenance of non-owner occupied properties and the corresponding health, safety, and public welfare concerns of the occupants of rental units, their neighbors, businesses, and residents of the City of Butler. The overall health, safety, and public welfare of the City of Butler will be enhanced by a system of transparency between the property owners, tenants, that helps to insure compliance with the codes governing the maintenance of existing structures.

SECTION 2 - DEFINITIONS USED IN THIS ORDINANCE.

The terms listed herein shall have the meaning indicated below:

- a. The term “Code” is defined as any Code and/or Ordinance adopted or enacted by the City of Butler.
- b. The term “dwelling” is defined as a building or place of shelter to live in for a period of time.
- c. The term “Home” is defined as a house, apartment, or other shelter that is the usual residence of one or more individuals.
- d. The term “Landlord Tenant Act” is defined as the Landlord and Tenant Act of 1951, Title 68 P.S. § 250.101, et seq., et al., as amended.
- e. The term “Living Quarters” is defined as any property and/or structure utilized as a temporary or permanent dwelling, residence, home, or lodging.
- f. The term “Lodging” is defined as a temporary place to stay, live, or reside.

- g. The term “Occupied” is defined as to use as a temporary or permanent dwelling, residence, home, or lodging.
- h. The term “Owner” is defined as any person, partnership, association, corporation, legal entity, or fiduciary having legal or equitable title or an ownership interest in real property within the City of Butler. Whenever used in any clause, prescribing, or imposing a penalty, the term owner, as applied to a partnership and association shall mean the partners or members thereof, and as applied to corporations, the officers, and shareholders thereof.
- i. The term “Property” is defined as vacant land, land with permanent structure built thereon, and land with temporary structures erected thereon.
- j. The term “Report” is defined as the Rental Occupancy Report as used herein.
- k. The term “Residence” is defined as a place, especially a house, in which a person or persons live or reside.
- l. The term “Residential Unit” is defined as any property used as living quarters for one or more individuals.
- m. The term “Public Housing Unit” is defined as all housing units owned and operated or managed by a public housing authority under contract with the U.S. Department of Housing and Urban Development (HUD). Public Housing Unit does not include Section 8 or any other equivalent program.
- n. The term “Structure” is defined as anything built, constructed, or erected on property or a portion thereof.

SECTION 3 — PROHIBITION OF OCCUPANCY.

No residential unit shall be occupied by anyone other than the owner thereof unless the following is completed within ten (10) days of the tenant taking residency:

- a. The Rental Occupancy Report has been properly filed with the City.
- b. The Property Condition Form has been properly filed with the City. If known abatement issues are present:
 - i. the Property Condition Form must be acknowledged by the tenant before submission. (See Section 4(d) below).
 - ii. A physical copy of the form containing the tenant acknowledgement must be filed with the City.
- c. Proof the tenant has been informed of their rights under PA Law and this ordinance has been properly filed with the City.

- d. The landlord and the tenant have signed statements they are both aware of, and agree to follow, the PA Landlord-Tenant Rights Act.

SECTION 4 — PROPERTY CONDITION FORM REQUIREMENTS.

- a. City Council will develop and approve a yearly list of items for the Landlords to confirm or report the condition of the property meets designated areas of concern.
- b. The completed form must be accompanied by time and date stamped photos that meet certain criteria determined by City Council.
- c. City Council will act in good faith to take feedback and suggestions from Landlords of items to be included on the Form.
- d. Space will be provided for the Landlord to note any known compliance issues and provide an expected date of abatement of the issue. These known issues must be initialed by the tenant to affirm they are aware and in agreement to the abatement plan.
- e. City Council will update the form no later than their first scheduled meeting in November of the year prior to the enacted change to the form.
- f. If City Council does not make changes to the Property Condition Form, the last approved form will be used for the following calendar year.
- g. The completion and submission of the Property Condition Form does not overrule the City Code or remove responsibility of the owner to follow all other provisions of the City Code.
- h. Tenants have the right to contest the reported condition of the property with the City for fifteen (15) days from taking occupancy of the property; or fifteen days (15) from the Property Condition Report being filed with the City — whichever has occurred most recently.

SECTION 5 - VIOLATIONS.

- a. The owner of any Rental Unit who has allowed a tenant to take residence will be deemed to have violated this ordinance if:
 - i. The landlord has failed to submit the Property Condition Form and all relating documentation, or it is filed more than ten (10) days from the tenant taking residence of the property.
 - ii. Has falsified or misrepresented information on the Property Condition Form.
 - iii. Failed to inform the tenant of their rights under Pennsylvania law and this ordinance.

- iv. Has attempted to, forced, or coerced a tenant to improperly verify the submitted Property Condition Form.
 - v. Has attempted to, forced, or coerced a tenant to waive their rights or protections under the Landlord Tenant Act or this ordinance.
 - vi. Has violated the Landlord Tenant Act by altering the habitability of the property while occupied by a tenant.
 - vii. Fails to provide the physical or original copy of the Property Condition Form when responding to any violations identified under the City code.
- b. The tenant of any Rental Unit will have been deemed to violate this ordinance if they have:
- i. Intentionally altered the conditions of the property with the purpose of levying a code violation or fines against the landlord under this or any other ordinance.
 - ii. Refused the landlord access to the property, upon given proper notice, to abate any issue in which the landlord may be held responsible under the City Code.
 - iii. Refused to sign or acknowledge a Report where the landlord has self-reported abatement issues and outlined an abatement plan

The owner or tenant of any Rental Unit who has violated or permitted violation of this ordinance shall upon conviction be sentenced to pay a fine of \$600 and costs of prosecution. Each violation of this Ordinance and each day the same is continued shall be deemed a separate offense.

SECTION 6 – RIGHTS AND OBLIGATIONS.

This Ordinance incorporates by reference the provisions of the Landlord Tenant Act, as amended, as if fully set forth herein. This Ordinance is intended to comply with the provisions of the Landlord Tenant Act, and it is not intended to increase or decrease any party's rights or obligations under the Landlord Tenant Act. If any provision of this Ordinance conflicts with the provisions of the Landlord Tenant Act, the provisions of the Landlord Tenant Act shall supersede said provision of this Ordinance.

SECTION 7 - REPEALER.

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed insofar as same affects this ordinance.

SECTION 8 - SEVERABILITY.

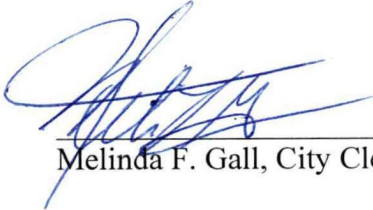
If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the City Council of the City of Butler that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 9 - EFFECTIVE DATE. This ordinance shall become effective on the 1st day of January 2025.

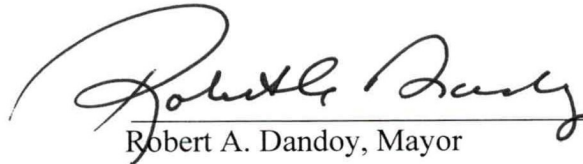
ORDAINED and enacted into law this 25th day of April, 2024.

ATTEST: .

CITY OF BUTLER



Melinda F. Gall, City Clerk



Robert A. Dandoy, Mayor

