



# Borough of Lewistown

PENNSYLVANIA

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[www.lewistownborough.com](http://www.lewistownborough.com)

## FREQUENTLY ASKED QUESTIONS\*\*

\*\*The following is provided for guidance and is a summary. In the event of a conflict between the information below and the proposed Ordinance, the provisions of the Ordinance shall be controlling.

**Q: What's the difference between a Residential Rental Registration and a Residential Rental License?**

**A: Rental Registration** is needed in order to maintain an accurate inventory of rental properties in the Borough. This database will be used to track inventory, rental inspections and licenses, statistical data needed for studies and potential government funding if/when it becomes available. It is also an important tool for planning, zoning, refuse, sewer and public works purposes. Rental properties must be registered with the Borough regardless of its number of units or whether the units are vacant or occupied. The initial registration does not have to be renewed. It is valid unless/until ownership of the property changes hands.

A **Residential Rental License** is needed for each unit to certify that the unit meets basic life/safety and façade/exterior standards. The license is valid for 1 year. The property owner must pay a license fee each year before a new license will be issued. In addition, the unit must pass an inspection conducted by the Codes Enforcement Office every 36 months.

**Q: Is there a penalty for not registering a rental unit?**

**A:** Yes, any person who fails to register their residential rental property shall, upon conviction, be subject to a fine of \$500.00 per day of violation.

**Q: If my property is vacant, do I still have to register it?**

**A:** Yes, all residential rental properties shall be required to be registered, occupied or vacant.

**Q: Is there a penalty for renting a unit or allowing a rental unit to be occupied without a license?**

**A:** The Landlord or Owner shall, upon conviction shall be sentenced to pay a fine of not less than \$1,000. Each day the condition exists shall be a separate offense.

**Q: Can my license be revoked for any reason?**

**A:** The Codes Enforcement Officer may initiate disciplinary action against an owner that may result in the revocation of the owner's license.

**Q: What happens to my rental property if my license is revoked?**

**A:** Immediate loss of the privilege to rent the unit and the owner shall take immediate steps to evict the occupants.

**Q: If I lose my license, how can I get it back?**

**A:** Simply submit the corrective action plan for approval and correct the violation(s) per the approved corrective action plan.

**Q: Why am I required to identify a "Property Manager"?**

**A:** Many of the residential rental property owners do not live near their properties. A "Property Manager" will provide a local point of contact for renters and Borough officials.

**Q: If my rental units are Section 8 qualified, do they have to be registered and inspected?**

**A:** Properties with rental units that are Section 8 qualified must still be registered. Under the Ordinance, the Section 9 units will not be subject to the licensing fee or inspection upon proof to the Borough that the unit is Section 9 qualified.

**Q: If a rental property is found to be unfit due to tenants' unsanitary conditions, is the Borough going to evict or help landlords evict tenants?**

**A:** The landlord will have to initiate eviction proceedings with the local Magistrate's Office. However, the Borough will be available to support the landlord with any documentation available to assist with the eviction.

**Q: If, per the lease, the tenant is responsible for items such as mowing the grass and removing the snow, will the tenant be held responsible if this is not done?**

**A:** The tenant may be cited for the violation and the owner will be notified. However, as the owner of the property, ultimately the landlord is responsible if the tenant refuses to comply with Borough ordinance.

**Q: What are the one-time registration fee and annual license fees being used for?**

**A:** Revenues from the initial registration and licensing fees would be used to support the Residential Rental Unit Registration and Regulation program only. Annual revenues and expenses are subject to government auditing and are available for public inspection upon request.

**Q: What does this ordinance allow you to do that you currently are not able to do with the ordinances in place?**

**A:** This ordinance provides procedures so that the Borough has more information and enforcement capabilities in relation to residential rental properties within the Borough to promote the public health, safety and welfare of the Borough and its citizens and residents. It is Phase I of a larger overall goal relating to code compliance and ordinance enforcement which includes upgrading residential rental housing within the Borough. It is intended that Phase II and III of that goal will be to assure more complete code compliance and ordinance enforcement in relation to owner-occupied residential dwellings and in relation to commercial spaces.

**Q: Will properties that are rent-to-own need to register and be inspected?**

**A:** Yes, until such time as they are transferred to a new owner or become owner occupied.

**Q: The ordinance requires at least \$50,000.00 of fire/casualty insurance on all rental properties; however, the insurance agents will not insure the properties for that much if they are not valued at that. What would need to be done then?**

**A:** Documentation from the insurer indicating the maximum amount they will insure the property for will satisfy this requirement.

**Q: What other departments of the Borough would need access to tenants' information besides the Codes Office, Sewer/Refuse Office and the Police Department, the concern being because of privacy concerns with tenants' information?**

**A:** None. This information will be kept confidential.

**Q: What standards will be used to determine the number of occupants per rental unit?**

**A:** The International Property Maintenance Code, as amended, for sleeping purposes.

**Q: Does this ordinance only pertain to the Borough of Lewistown, or will it also pertain to Granville Township and Derry Township?**

**A:** This ordinance only applies to the Borough of Lewistown.

**Q: What is the license fee?**

**A:** The proposed fee is \$36.00 per year and will be set in the Costs & Fees Schedule. Council is currently considering a proposal that would place a cap on the amount of increase that can be made annually of \$2.00.

**Q: It was noted that all the fees collected need to be used for this program, how will this be tracked?**

**A:** As with all revenue and expenses, they will be assigned a ledger number and are subject to the Borough's annual auditing process which audit is public information.

**Q: Is an inspection required between tenants?**

**A:** No, this is not required in this ordinance.

**Q: Inspections will be scheduled by wards, but in what order?**

**A:** The order of inspections has not yet been determined. Currently it is proposed that the Borough start in the area with the lowest concentration of rental properties in order to get the system and processes “up and running”.

**Q: How much notice will be given prior to inspections?**

**A:** A postcard will be mailed, usually at least 45 to 60 days in advance of the inspection.

**Q: Is the inspection fee an annual fee?**

**A:** There is no inspection fee presently contemplated. There is an annual license fee which fee will include the inspection costs.

**Q: How does the landlord ensure that the tenants are not disruptive and how can the landlord be held responsible?**

**A:** Communication and information sharing will greatly assist the landlord in managing undesirable or disruptive tenants.

**Q: What is the number of rental units in the Borough?**

**A:** Based on the 2010 census data, approximately 65 percent of residences within the Borough are rentals. A more accurate number would be available upon completion of the registration process

**Q: Will there be a grace period to incorporate items of the ordinance into leases that are already in place; it being understood that the items in the ordinance will be incorporated into the new lease?**

**A:** The Codes Enforcement Officer will work with landlords/owners on a case by case basis to resolve these types of issues.

**Q: What do you do with individuals who lose housing? What happens when the rents go up and people cannot afford the rents anymore?**

**A:** We have been unable to find evidence that a licensing fee of \$36 per year or \$3 per month, if “passed on” to the tenant, will cause renters to lose housing.

**Q: Why are all properties within the Borough not being inspected?**

**A:** As indicated above, residential rental inspection is Phase I of a larger overall goal relating to code compliance and ordinance enforcement which includes upgrading residential rental housing in the Borough. It is intended that Phase II and III of that goal will be to assure more complete code compliance and ordinance enforcement in relation to owner-occupied residential dwellings in relation to commercial spaces.

Furthermore, as noted as the Purpose of the Ordinance, with the increase of residential rental properties in the Borough and as well as with some owners residing at a distance from the Borough, many residential rental units have become incidence of disruptive conduct. Accordingly, the Borough finds a need to address the issue of residential rental units for the safety and welfare of the citizens and residents of the Borough.

**Q: Have parameters been set for a property manager? There are certain state requirements that need to be met in order to be a property management company.**

**A:** No parameters have been set for a property manager. The “Property Manager” is the point of contact for Tenants, Borough Officials, and Law Enforcement if the owner resides outside of the 30 mile radius of the Borough. The ordinance does not require a residential rental unit owner to use the services of a “Property Management Company”.

**Q: If you cannot inspect owner-occupied properties, then what right does the Borough have to inspect rental properties?**

**A:** Owner occupied properties can and are inspected on an as needed basis.

**Q: Specifically, what other Codes will the Borough be using?**

**A:** The Borough will be using all Codes, or portions thereof, duly adopted from time to time per the Code of Ordinances of the Borough of Lewistown (available "on-line" at the Borough's website), including, but not necessarily limited to, specified provisions of the International Property Maintenance Code and the International Fire Code.

**Q: The Borough Officials and Staff indicate that they will evaluate the questions/comments received. How many more Public Meetings will be held prior to Borough Council's consideration of the ordinance?**

**A:** Currently there are no dates set for an additional Public Meeting. If such is scheduled in the future public notice thereof will be given.

**Q: Will a permit be needed each time repairs are needed?**

**A:** Existing permit guidelines and regulations will not change, except as they may otherwise be modified and amended in the future by separate action of the Borough and its Borough Council as deemed necessary and appropriate by Borough Council or as may be required by Federal or State mandate by law or regulations.