



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Meeting Agenda - Final

Community and Economic Development Committee

Wednesday, March 31, 2021

6:00 PM

Council Chambers

Public Comment Provisions during COVID-19: The meeting will be live streamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. All comments must include your name and address, including your city, and be emailed to Michael.Hanlon@AllentownPa.gov by 2 PM on the date of the meeting. Comments can also be registered using the ecomment provision on each agenda item found on the city website. Comments received from city residents by that deadline will be forwarded to the Mayor and Council members prior to the meeting and will also be noted at Courtesy of the Floor or Public Comment periods of the meeting. These timely received comments will also be posted on the City's webpage as a supporting document to the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable. In addition, if you would like to speak during the meeting, please send your name, address, including municipality, and telephone number to the email address above indicating what issue you would like to speak on or call the office at 610.437.7555 and do the same, and you will be called during the meeting.

Roll Call

Power Point Presentation

Attachments: [CED Committee Meeting 3.31.21 \(Color1\)](#)

Agenda Guidelines:

Explain Process of Tagging a Property including:

- Explain process of eviction.
- Examine time frame from tagging to being.
- What steps are taken to insure people are notified of sheltering options.
- How do other cities handle the same situations?
- Are there any recommendations from CED for making the process smoother?

Rental Inspection Review: Give a quick down and dirty overview of the Rental Inspection process.

Education Efforts:

How are landlords informed of the maintenance codes and rental inspection program.

Are their notifications on the window guard legislation.

Legislative options related make landlords and tenants more accountable:

1. Point system – move from a 5 year cycle to a point system to better get at the problem properties – Hopkins was suggested as an example.

2. Relocation Expenses – legislation requiring landlord to pay for relocation expenses should the property be deemed uninhabitable.

<https://www.oaklandca.gov/resources/code-compliance-relocation-program>

3. Draft Legislation

1759.03 DRAFT -OWNER AND OCCUPANT DUTIES

A. Owner's Duties: It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all residential rental units in compliance with all applicable codes and provisions of all applicable state laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such residential rental units.

It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any residential rental unit within the City of Allentown without having a Residential Rental Registration or a Residential Rental License, as required by this Article.

The owner, operator, responsible agent or manager shall include the amendment attached hereto as the Addendum to Residential Rental Agreement in each lease of a

residential rental unit taking effect on or after January 1, 2000. Said amendment is hereby considered to be a part of every lease of a residential rental unit in the City of Allentown executed on or after January 1, 2000.

It shall be the responsibility of every owner, operator, responsible agent or manager to display the Residential Rental Registration or Residential Rental License in the residential rental unit. The Residential Rental Registration or Residential Rental License shall include the following information:

1. The name, mailing address, telephone number and email address of the owner, operator, responsible agent or manager; (15022 §1 10/17/12)
2. The evenings on which garbage and recycling are to be placed curbside for collection;
3. The telephone number to call to register complaints regarding the physical condition of the residential rental unit;
4. The telephone number for emergency police, fire and medical services;
5. The date of expiration of the Residential Rental Registration or Residential Rental License; and
6. A summary of the owner's and occupant's duties under this Article.

It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the residential rental units under his/her control in compliance with the provisions of this ordinance, City codes and applicable State laws.

No Residential Rental Registration or Residential Rental License shall be issued to any residential rental unit owned or operated by a person residing outside the County of Lehigh unless there is provided to the Department of Community Development the name, mailing address and telephone number of a designated responsible agent residing or working within the County of Lehigh, authorized to accept service of process on behalf of the legal owner of said residential rental unit. For the purpose of this section, a post office box is not acceptable for the owner and/or responsible agent's address.

The absentee owner/operator shall be required to notify the Department of Community Development within thirty (30) days of any change in responsible agent. (15022 §1 10/23/12)

Owners or operators residing outside the County of Lehigh but within a ten (10) mile radius of Allentown City Hall and meeting the following criteria shall be exempt from naming a designated responsible agent:

No cases of three (3) disruptive conduct complaints within a twelve (12) month period regarding the same occupants of a particular residential rental unit, as documented by upheld Disruptive Conduct Reports;

All taxes and fees paid by December 31 of the preceding year

The residential rental units must pass inspection at the first re-inspection, both interior and exterior of the property must be in compliance with all codes (there will be an allowance for exterior repairs for the time of the year);

If the Department of Community Development notifies the landlord that a residential rental unit is unfit for habitation due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord shall not enter into a rental agreement for the residential rental unit until the conditions are corrected. Failure to comply shall constitute a violation of this sub-section punishable pursuant to §1759.99C of this Code.

If the Department of Community Development notifies the landlord that a residential rental unit is unfit for habitation due to the existence of conditions that violate applicable codes, statutes, ordinances, or regulations, a landlord, who knew or should have known of the existence of these conditions, shall be required to provide temporary housing for all affected tenants for the shorter of:

- 1. The remaining term of a fully paid rental term.**
- 2. until the rental registration unit is determined fit for habitation.**

Failure to comply shall constitute a violation of this sub-section punishable pursuant to §1759.99C of this Code.

The landlord shall provide temporary housing to displaced tenants within seven days of the Department of Community Development sending notice of the unfit for habitation determination, except;

- 1. A landlord shall not be required to provide temporary housing for any displaced tenant in a case in which the determination of unfit for habitation directly results from conditions caused by a tenant's or any third party's illegal conduct without the landlord's prior knowledge;**
- 2. A landlord shall not be required to provide temporary housing for any displaced tenant in a case in which the determination of unfit for habitation results from conditions arising from a natural disaster.**
- 3. A landlord shall not be required to provide temporary housing for any displaced tenant in a case in which the rental registration unit is condemned pursuant to an**

eminent domain action.

During the period from the date that the Department of Community Development first notifies the landlord of conditions that violate applicable codes, statutes, ordinances, or regulations to the time that temporary housing is provided to eligible tenants, or the conditions leading to the notification are corrected, the landlord may not:

- 1. Evict, harass, or intimidate tenants into vacating their units for the purpose of avoiding or diminishing application of this section;**
- 2. Reduce services to any tenant; or**
- 3. Materially increase or change the obligations of any tenant, including but not limited to any rent increase.**

All affected tenants shall have the option to accept or reject the landlord provided temporary housing.

Nothing in this subsection shall deny the tenants of their rights guaranteed under the applicable Federal and State statutes.

- 4. Use of Act 90**
- 5. Establish a Housing Court**
- 6. Dedicated Solicitor for CD to deal with Landlord/Tenant Issues**
- 7. Creating a list of good landlords and good tenants.**

Information Request: what types of information would the committee like to review for their decision-making process.

- Can we get a breakdown of citations on landlords – say the top ones – perhaps a history can be created and based on history up the incentives for compliance.**
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Solicitor Questions:

What authority does the city have under the law to make the tenant responsible?

Can we set up a fund for relocation?

What incentives can we use? Under what conditions can we remove business license? Rental license? If this is revoked how is relocation funded – can the property be liened or some other mechanism be set up?

CED Updates:

- Mentorship Program**
- Spanish Version of Allentown's Vision 2030**
- New Citywide Branding**
- 2nd Covid-19 Business Relief Program**

Julian Kern
252 E. Walnut St. Allentown, PA
Allentown Tenant Association

The following are my public comments for the Community and Economic Development Committee meeting on March 31st at 6PM as a representative of the Allentown Tenant Association. I will add a general statement and public comment for items on the agenda. I don't know if you want to have all the public comments read at the same time for courtesy of the floor or separate them for each agenda item so I will separate them by agenda topic.

General statement: I first would like to thank city council for holding this meeting and all the hard work that city council and city departments involved are putting into addressing the housing issues. It is very important that the city tackle the issues with substandard rental conditions and slumlords. I think tonight's meeting is a good first step in moving forward to address the housing issues. Substandard rental conditions is an issue that renters are facing on a daily basis in the city. We get a lot of calls from tenants about their landlords not making repairs and maintaining the property.

Rental inspection process/review: We think the city needs to explore going digital with inspection reports and implement an online database for residents to view inspection reports online.

Rental inspection point system: We support the city changing to a point system based inspection process. We brought up this idea after discovering that Hopkins, MN implemented the inspection point system to help identify substandard dwellings and to classify dwellings into three categories to determine how often a dwelling needs inspection. Deficiency points are assigned to each violation during the initial inspection. Properties are put into three different categories based off of the amount of points received during the inspection and inspected on a cycle determined by the category the property falls into. The point system would allow code enforcement to inspect problem properties more often than properties that have a record of being maintained. It would help target problem landlords and problem properties. The problem landlords would get inspected more often than good landlords who maintain their properties. The city could even make the problem landlords pay for the increased inspections. Few years ago we spoke to Hopkins, MN code enforcement to see how the program was working there and we were told that it works great cause it helps them keep an eye on the problem properties.

Tenant relocation ordinance: We also support and advocate for the city to implement a tenant relocation ordinance. Throughout the years we have witnessed

and took many calls from tenants about the rental property being tagged unfit for human habitation by code enforcement due to the landlord failing to correct code violations. In most circumstances the tenants would have to vacate and not have the money to afford security deposit, first and last month's rent to move into a new rental plus moving expenses. This only adds to the homeless problem in the city and is unfair to tenants who must vacate because of their landlord failing to maintain the property. When we first brought up this idea, we based it off of a tenant relocation ordinance that Oakland, CA uses. In 2019, Jackson, MI also passed a tenant relocation ordinance. City officials said they believe the ordinance is the first of its kind in Michigan. "It targets "bad apple" landlords who don't take care of their properties and subject their tenants to dangerous conditions, Mayor Derek Dobies said." Their ordinance states if a unit is deemed uninhabitable by city inspectors, landlords must pay to house renters for up to three months, under ordinance. We have heard some landlords say this ordinance is unfair to them and brought up the issue of tenants destroying the property. The ordinance should include that if the renter is at fault for the unit being vacated, the landlord doesn't have to pay. Another point to remember is that sometimes tenants are afraid to call code enforcement to report the rental conditions because they are afraid the rental will be tagged and then they will be forced to move and can't afford to do so. Any good and respectable landlord isn't going to allow this to happen so the relocation ordinance takes the penalty away from the victim and places it where it belongs.

Owner and Occupant Duties: Section 1759.03 Owner and Occupant Duties states that Residential Rental Registration or Residential Rental License should be displayed in the residential rental unit. Over the past eleven years we have only seen one apartment that had the residential rental license posted. Maybe the city should have an online database that tenants can search to see if a property has a valid rental license cause right now the only way to find out is to call code enforcement.

Julian Kern

Property Rehab Code

Attachments: [Property Rehabilitation and Maintenance Cover](#)

Adjournment