

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 97 - 2025

NOVEMBER 19, 2025

AN ORDINANCE

Amending Chapter 455, Property Rehabilitation and Maintenance, Article III, Presales Inspection of Residential and Commercial Properties and Units, Sections 455-16 through 455-23 are hereby amended to read as follows:

WHEREAS, the City of Allentown has adopted the International Property Maintenance Code to protect the health, safety, and welfare of residents and businesses through enforcement of minimum property standards; and

WHEREAS, the City requires presale inspections for all residential properties and units to ensure compliance with the standards for basic safety and maintenance and protect the public health and safety.

WHEREAS the absence of presale inspections for commercial properties has created significant challenges for the City in ensuring safe occupancy and code compliance; and

WHEREAS City Council finds it necessary and appropriate to extend the presale inspection requirements of Article III to commercial properties to ensure that all buildings are inspected for compliance with applicable codes prior to transfer of title; and

WHEREAS the amendments set forth herein are intended to prevent unsafe conditions, protect prospective buyers and tenants, safeguard the economic vitality of the community, and provide for more effective code enforcement.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

Chapter 455, Property Rehabilitation and Maintenance, Article III, Presales Inspection of Residential and Commercial Properties and Units, Sections 455-16 through 455-23 shall be amended to read as follows:

ARTICLE III

Presales Inspection of Residential and Commercial Properties and Units

§ 455-16. Purpose.

The purpose of this article is to protect and improve public health and safety by causing all commercial and residential properties and units to be inspected for compliance prior to transfer of title with the standards for basic safety and maintenance as found in the City of Allentown Property Rehabilitation and Maintenance Code and the allowable use designation according to Chapter 660, Zoning. To make sellers aware and to notify buyers of property defects as related to the applicable codes.

§ 455-17. Inspections required.

- A. Prior to the sale of any commercial or residential property, the owner is required to apply and pay for a presale inspection with the Bureau of Building Standards & Safety.
- B. An inspection report shall list any discovered or uncorrected violations of this specific code and the allowable use designation according to Chapter 660, Zoning. The inspection report shall expire one year from the date of the original inspection.
- C. The seller of any commercial or residential property in the City of Allentown is hereby required to secure the inspection report from the City of Allentown prior to the transfer of title. The seller of the property or their agent shall have five business days from the date of listing, or offer to sell, to request an inspection from the Bureau of Building Standards and Safety and pay the appropriate fee for said inspection. Upon inspection, an inspection report shall be prepared and issued by the public officer, within three business days. Failure of the seller to comply with this subsection and/or refusal to provide access to the public officer for inspection upon reasonable notice shall be deemed a violation of this article.
- D. In the event that any transfer of title occurs without an inspection having been conducted under the requirement, the buyer is responsible for obtaining the inspection report, to include paying the appropriate fee for said inspection.

§ 455-18. Definitions.

For the purposes of this article the following definitions will be understood.

PRESALE INSPECTION:

An inspection required prior to the sale or transfer of ownership of all residential and commercial properties in the City of Allentown, to ensure compliance with applicable property maintenance, and safety codes.

RESIDENTIAL PROPERTY:

Any building or portion of a building that contains one or more dwelling units, regardless of the total number of units. This includes single-family homes, duplexes, multi-family buildings, apartment complexes, and residential portions of mixed-use properties.

COMMERCIAL PROPERTY:

Any building or portion of a building used or intended to be used for business, retail, office, service, industrial, or other non-residential purposes. This includes standalone commercial buildings as well as commercial spaces within mixed-use structures.

MIXED-USE PROPERTY:

A property that includes both residential living units and commercial space, either within the same building or on the same parcel. Each part of the property will be treated separately for inspection purposes:

- A residential presale inspection and fee will apply to the living units.
- A commercial presale inspection and fee will apply to the commercial space.

§ 455-19. Compliance.

- Notices shall be issued as required in the Property Maintenance Code. A certificate of compliance shall be issued by the public officer upon compliance with this specific Code and the allowable use designation according to Chapter 660, Zoning.
- The buyer and/or their agent shall, within three business days of transfer of title, provide to the City of Allentown Bureau of Building Standards and Safety, the buyer's name, address and date of transfer.

§ 455-20. Abatement of violations.

In the event that the violation of the Property Rehabilitation Code exists in or upon the premises, such violations shall be addressed by either:

- The seller abating the violations prior to the transfer of title; or
- The buyer executing the buyer acceptance form 30 days prior to transfer of title; acknowledging:
 - Receipt of the inspection report or pending inspection; and
 - The buyer shall begin to abate the violations set forth in the buyer notification report within 30 days of taking possession and shall fully comply the premise.
 - Failure for seller to obtain a presale will then be the responsibility of the buyer to apply, pay the fee and comply an inspection of the property.

§ 455-21. Guarantee.

Compliance with the City of Allentown Property Maintenance Code does not indicate compliance with any other standard or code. Permits are required for work done to comply with the code. Appropriate fees apply. There is no guarantee made or liability of any kind assumed by the City of Allentown under this article as a result of the inspection of any property or the issuance of an inspection report.

§ 455-22. Severability.

The provisions of this article are severable and if any provision of this article is held unconstitutional or illegal the remaining provision of this article shall in no way be affected or impaired.

§ 455-23. Fees; penalties.

A. All fees must be paid prior to scheduling inspections or reinspection, except upon application to the Bureau of Building Standards and Safety providing sufficient proof of economic hardship, in which case, such fees shall be paid at time of transfer or sale. Fees for inspections, which includes one (1) reinspection, made pursuant to these requirements shall be:

<u>Residential Inspection</u>	
<u>Up to and including 3 units</u>	<u>\$100.00</u>
<u>Each additional Unit</u>	<u>\$25.00</u>
<u>2nd Reinspection (per unit)</u>	<u>\$75.00</u>
<u>3rd and subsequent reinspections</u>	<u>\$150.00</u>
<u>No Show (First 3 Units)</u>	<u>\$100</u>
<u>Commercial Inspections</u>	
<u>0 – 2,499 sq. ft.</u>	<u>\$150.00</u>
<u>2,500 – 4,999 sq. ft.</u>	<u>\$300.00</u>
<u>5,000 – 9,999 sq. ft.</u>	<u>\$450.00</u>
<u>10,000 – 19,999 sq. ft.</u>	<u>\$600.00</u>
<u>20,000 – 49,999 sq. ft.</u>	<u>\$750.00</u>
<u>50,000 – 99,999 sq. ft.</u>	<u>\$900.00</u>
<u>100,000 – 149,999 sq. ft.</u>	<u>\$1,000.00</u>
<u>150,000 – 199,999 sq. ft.</u>	<u>\$1,250.00</u>
<u>200,000 + sq. ft.</u>	<u>\$1,500.00 (Cap)</u>
<u>One (1) reinspection included. Additional reinspections</u>	<u>\$100.00 (each)</u>

(1) ~~\$100 per property up to and including three units. An additional \$25 will be charged for each unit over three. This fee includes one reinspection.~~

(2) ~~\$75 per unit for any second reinspection.~~

(3) ~~\$150 for third and subsequent presale reinspection per unit.~~

- B. Fees for inspection shall be amended from time to time, no more frequently than annually, after a public hearing and with approval of City Council.
- C. Penalties. Property owners who violate any provisions of this article shall be subject to a minimum fine as follows:
 - (1) First violation: written notice of violation.
 - (2) Second violation: a fine of \$500.
 - (3) Third violation: a fine of \$750.
 - (4) Fourth and each subsequent violation thereafter shall be a fine of \$1,000.
- D. Inspection cancellation fee. The owner is required to provide two business days' notice of any change to inspection.
 - (1) Residential – If notice is not received within the time specified, the code official will conduct an exterior inspection of the property which will count as the 1st inspection and a no-show fee will be applied as follows:
 - a. First three units: \$100.
 - b. Each additional: \$25 per unit.
 - (2) Commercial
 - a. \$150.00 per property

SECTION TWO: That this Ordinance takes effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

