



**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2443-22

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE TOWNSHIP CODE TO ADD A NEW CHAPTER 227 ENTITLED “RENTAL LICENSING AND INSPECTION” TO REQUIRE THE ANNUAL LICENSING AND PERIODIC INSPECTION OF RESIDENTIAL RENTAL PROPERTY, ESTABLISHING THE DUTY OF AFFECTED OWNERS TO APPLY FOR RENTAL LICENSES ANNUALLY, ESTABLISHING THE IMPOSITION OF LICENSING AND INSPECTION FEES, TO REQUIRE ACCESS FOR INSPECTIONS, PROVIDING PENALTIES FOR THE FAILURE TO COMPLY WITH SAME, REPEALING PRIOR INCONSISTENT ORDINANCES, PROVIDING FOR A SAVINGS CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Township of Cheltenham is a duly incorporated Township of the First Class;
and

WHEREAS, Section 1502.18 of the First Class Township Code authorizes the Township to classify buildings and housing or parts of buildings and housing according to the use to be made of them;
and

WHEREAS, Section 1502.19 of the First Class Township Code authorizes the Township to enact and enforce suitable ordinances to regulate the occupation, use and inspection of all buildings and housing or parts of buildings and housing constructed, erected, altered, designed or used, in whole or in part, for human habitation or occupancy; and

WHEREAS, the First Class Township Code authorizes the Township to make and adopt any and all ordinances as may be deemed expedient and necessary for the proper management, care and control of the Township and its finances, and the maintenance of peace, good government and welfare of the Township; and

WHEREAS, the Board of Commissioners of Cheltenham Township deems it desirable and prudent to require the inspection of residential rental property as a building and housing regulation pursuant to Section 1502.8 of the First Class Township Code and for the further purposes of public safety, fire protection, sanitation, property maintenance, cleanliness and general welfare.

NOW, THEREFORE, the Board of Commissioners of the Township of Cheltenham hereby ordains and enacts as follows:

SECTION I.

The Cheltenham Township Code is hereby amended and a new Chapter 227 of the Township Code entitled “Rental Licensing and Inspection” is hereby established as follows:

§227-1. Definitions.

1. **AGENT** — A person who has charge, care or control of any building or dwelling unit as property owner, agent of the property owner, or executor, executrix, administrator, trustee or guardian of the estate of the property owner. Any such person representing the property owner shall be bound to comply with the provisions of this Chapter to the same extent as if that person were the property owner.
2. **BUILDING** — Any structure occupied or intended for supporting or sheltering any occupancy. For application of this Chapter, each portion of a building, which is completely separated from other portions by firewalls complying with the Cheltenham Township Building Code or completely detached from any other building shall be considered as a separate building.
3. **CODE ADMINISTRATION DEPARTMENT** — The Code Administration Department of the Township of Cheltenham charged with the enforcement of the Code of the Township of Cheltenham.
4. **CODE** — Any code or ordinance adopted, enacted and/or in effect in the Township of Cheltenham concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any buildings, structures, and/or portions of lots of ground or structures regulated by this Chapter.
5. **CODE ADMINISTRATOR** — The Director of Code Enforcement of Cheltenham Township, or their designee, charged with the administration and enforcement of this Chapter.
6. **COMMON AREA** — Space which is not a part of an individual dwelling unit but which is shared with other occupants of a building or rental property
7. **DWELLING UNIT** – An individual unit providing living facilities for one or more persons, with or without permanent provisions for eating, cooking and/or sanitation.
8. **PROPERTY OWNER** — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the Commonwealth of Pennsylvania, County of Montgomery or Cheltenham Township as holding title to the property. For purposes of this Chapter, the term “property owner” shall also be interpreted to include agents of such property owner, as defined above.
9. **RENTAL AGREEMENT** — An agreement or arrangement between the property owner or agent thereof and tenant embodying the terms and conditions relating to the use and occupancy of a rental property for residential purposes.
10. **RENTAL LICENSE** or **LICENSE** — A document issued by the Code Administration Department to the property owner or agent thereof of a rental property or rental unit pursuant to this Chapter and required for the lawful rental and occupancy of the same.

11. **RENTAL PROPERTY** — A building, dwelling unit, or portion thereof that is occupied or used pursuant to a rental agreement for residential purposes, including any common area(s).
12. **TENANT** — Any entity or individual who is a party to a rental agreement.
13. **TOWNSHIP** — The Township of Cheltenham of Montgomery County, Pennsylvania.
14. **WILLFUL** — For the purposes of this Chapter, "willful" shall mean failure to comply with a requirement of this Chapter within ten (10) days after written notification/warning from the Code Administration Department informing the property owner of their obligation to comply with such requirement.
15. Any term utilized in this Chapter that is not defined herein shall be as set forth in the International Property Maintenance Code, the Cheltenham Township Zoning Ordinance, and/or the Cheltenham Township Subdivision and Land Development Ordinance, the definitions and word usage of which are incorporated herein by reference as though set forth at length herein.

§227-2. Establishment of Rental Licensing.

Each property owner of rental property within the boundaries of the Township of Cheltenham shall make annual application to the Code Administration Department of the Township for a license and re-apply for such license on an annual basis. Application forms shall be available at the Code Administration Department. No property owner shall enter into a rental agreement unless and until the Township Code Administration Department has granted and issued a rental license to such property owner for the applicable rental property.

Applications for rental licenses shall be submitted to the Code Administration Department no less than thirty (30) days prior to expiration of the current license or occupancy of a building or dwelling unit as rental property. License fees shall be due at the time of submission of the application. The application fee shall be established, and may be adjusted from time to time, as set forth in Chapter A300 of the Township Code or by separate resolution of the Board of Commissioners. The license shall be valid and operative until December 31 of the year for which it is issued but may be revoked by the Code Administrator in the event it is determined that any term or provision of this Chapter has been violated. Fees shall not be charged for rental property located on the grounds of any educational, religious or charitable institution, as defined by Act 55 of 1997 of the Commonwealth of Pennsylvania (10 P.S. Section 371, *et. seq.*)

All rental agreements shall be in writing. A copy of the rental agreement shall be provided to the Township when requested by the Code Administrator. Except as otherwise expressly provided by this Chapter, no rental agreement may provide that the property owner or tenant agrees to waive or forgo rights or remedies under this Chapter.

§227-3. Penalties for Noncompliance.

Whenever the Code Administrator determines that there is or has been a violation of any provision of this Chapter, or of any rules or regulations adopted pursuant thereto, they shall give written notice to the property owner of such violation. Said notice shall include the following:

- a statement of the violation and the action or actions necessary for compliance;
- a reasonable period of time, as determined by the Code Administrator or their agent, but not less than ten (10) days, for the correction of the violation(s), unless in the opinion of the Code Administrator an emergency condition exists as a result of the violation(s) constituting an immediate threat to the health, safety or welfare of any individual or individuals.

§227-4. Transfer of Property.

Within thirty (30) days of the transfer of the ownership of rental property, the property owner shall give written notice, including the name and address of the transferee, to the Code Administrator. The transferee shall, within this thirty (30) day period, make application for transfer of the license for the rental property on forms available at the Code Administration Department and shall pay the required fee for such transfer. Failure to make application and pay the required fee within the specified time limit shall result in automatic forfeiture of the license. Relicensing of any rental property for which a prior license has been forfeited shall require application and payment for a new license. No application for transfer of a license shall be issued unless the Code Administrator determines that the rental property is in compliance with the requirements of all applicable rules, codes, statutes and ordinances. The fee for license transfer shall be set from time to time as set forth in Chapter A300 of the Township Code or by separate resolution of the Board of Commissioners.

§227-5. License Suspension and Revocation.

Any rental license may be revoked or suspended at any time by the Code Administrator during the life of said license for the following reasons: (1) false or misleading information given or provided in connection with the license application, renewal application or license transfer application; (2) Failure to pay any fee, unless current on a payment plan or agreement approved by the Code Administrator for any outstanding balances or fees; (3) Failure to correct violations in the time period prescribed; or (4) Violations committed, permitted, or not corrected by the property owner of any rules, codes, statutes or ordinances relating to the license and rental property.

A suspended license may be reinstated only after the Code Administrator determines that the circumstances leading to the suspension have been remedied, penalties paid, and a reinstatement fee, if set by the Board of Commissioners, has been paid.

§227-6. Maintenance of Records.

A record of licenses issued pursuant to this Chapter shall be retained by the Township for four (4) years after expiration of such license, and shall be made available to the public as allowed or required by applicable laws, rules, codes, statutes or ordinances.

§227-7. Inspection Frequency and Standards.

All rental property shall be inspected, as contemplated in this Chapter, at least once every three (3) years, unless otherwise provided for herein. Rental property shall meet the inspection standards set forth in the adopted building code, property maintenance code, and fire code, which are incorporated herein by reference as though set forth at length herein, in order to obtain and/or maintain a license pursuant to this Chapter.

For rental properties containing one hundred (100) or more dwelling units, provided that the property owner complies with all of the requirements listed below in Section 227-11, the Code Administration Department shall only require the inspection of one third (1/3) of the total dwelling units each year so that said dwelling units are inspected once every three (3) years. Each dwelling unit must be inspected at least once every three (3) years. Common areas of rental properties shall be subject to annual inspection.

For rental properties containing more than one thousand (1,000) dwelling units, the Township is authorized to enter into agreements with such property owners that permit the self-inspection of such rental properties, as required by this Chapter, upon terms and conditions satisfactory to the Code Administration Department. A self-inspection fee shall apply. Such fee may be established and adjusted

from time to time per an individual agreement between the Township and the property owner, or as set forth in Chapter A300 of the Township Code or by separate resolution of the Board of Commissioners.

§227-8. Property Owner Required to Request Inspection.

It is the responsibility of the property owner to contact the Code Administration Department and schedule all inspections required pursuant to this Chapter. Nothing in this provision shall preclude the Code Administration Department from scheduling inspections that are not initiated by a property owner. The Code Administration Department will provide property owners with at least seven (7) days' notice prior to an inspection pursuant to this Chapter.

§227-9. Inspection Access and Fee.

Property owners shall permit the Code Administrator or designee to inspect all rental property subject to this Chapter in order to determine compliance with the provisions of this Chapter, and shall fully cooperate with such inspections. Property owners shall make reasonable efforts to notify tenants of planned inspections of their rental units to the extent required by law. The applicable inspection fee shall be established, and may be adjusted from time to time, as set forth in Chapter A300 of the Township Code or by separate resolution of the Board of Commissioners. If a property owner, tenant, or any other person fails or refuses to permit access and entry to the rental property for an inspection, the Code Administrator or designee may seek an order to inspect and/or a search warrant from a court of competent jurisdiction.

Property owners shall cooperate in the execution of all search warrants and court orders, including providing access and entry to rental property.

§227-10. Areas of Inspection.

Areas subject to inspection include all portions of the rental property, including, but not limited to, exterior areas, interior areas, common areas, and individual dwelling units. All such areas must be made available to the Code Administrator or designee at the time of inspection, upon request.

§227-11. Additional Requirements for Rental Properties with One Hundred or More Dwelling Units.

Rental properties consisting of one hundred (100) or more dwelling units shall comply with the following:

- The rental property shall have a properly staffed on-site property management office capable of handling complaints and other housing issues in a timely and efficient manner.
- The rental property shall have either (1) an on-site facility maintenance department with personnel who are authorized to perform electrical, mechanical, plumbing and structural repairs; or (2) an off-site facility maintenance department, available on a twenty-four (24)-hour, seven (7) days per week basis, with the ability to be on-site to respond to urgent facilities issues as outlined herein. If the rental property has an off-site maintenance department, the property owner shall provide to the Code Administrator the name, address and telephone number for such department, and such off-site maintenance department shall be available to respond within (4) four hours of any emergency requiring repair.
- The on-site facility maintenance department shall have access to basic supplies or other resources to resolve any electrical, mechanical or plumbing failures or structural defects that occur on or at the rental property.
- Both the on-site property management office and the on-site facility maintenance department shall be sufficiently staffed to supply all necessary personnel during normal daytime business hours, and

shall be readily available to respond on weekends, holidays and after business hours.

§227-12. Special Inspections and Certifications.

The Code Administrator shall be authorized to require additional engineering or specialty inspections and certifications by third party consultants for conditions that are beyond the scope of the Code Administrator's expertise.

§227-13. Method of Correction.

Whenever the Code Administrator determines that any rental property fails to meet the requirements set forth in this Chapter or any related code, they shall issue a correction notice setting forth the violations and ordering the property owner and/or tenant to correct such violations. This notice and order shall:

- be in written form, except in the case of an emergency, in which case notice may be provided by telephone and/or email and followed up afterwards in writing;
- describe the location and nature of the violation; and
establish a reasonable time for the correction of any violation, in a manner consistent with the requirements of this Chapter.

In the event the Code Administrator determines that a property owner has entered into rental agreement without obtaining the required rental license, such property owner shall be required to pay the currently due rental license application fee as well as the fees that would have been previously required for such non-acquired rental licenses.

§227-14. Inspection Representative.

The property owner or their designated representative shall be present during inspections; however, failure of a property owner to comply with this requirement shall not deprive the Township of the authority to inspect.

§227-15. Additional Owner Responsibilities.

It shall be the duty of every property owner to keep and maintain all dwelling units in compliance with all applicable codes and ordinances of the Township and all applicable law.

The property owner shall not knowingly permit tenants or anyone else at or on the rental property to engage in any conduct or use the rental property in any way that violates applicable law or applicable Township codes or ordinance.

§227-16. Authority and Remedies.

Nothing in this Chapter shall prevent the Township from taking any lawful action(s) to address violations of this Chapter. The remedies as set forth herein shall not be exclusive, and the Township shall have the right to avail itself of any other remedy at law or equity which it may deem to be appropriate.

This Chapter is not intended to, nor shall its effect be, to limit any other enforcement remedies which may be available to the Township relating to the abatement of nuisances or correction of violations.

Any expenses incurred by the Township in connection with the remedies provided herein shall be recoverable from the property owner, together with a penalty of ten (10) percent of such expense, in a manner provided by law for the collection of municipal claims.

§227-17. Enforcement.

Any person who fails to correct a violation or take remedial action as ordered by the Code Administrator or designee with any requirement of this Chapter, or of any rules or regulations adopted pursuant thereto, shall be liable, after hearing and judgment, to pay a civil penalty of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) per violation for each non-permitted dwelling unit per calendar month in all applicable properties defined in Sections 227-1 and 227-2 of this Chapter, plus costs, fines and any other fees which a magisterial district judge may find appropriate. Appeal to the Court of Common Pleas within 30 days of entry of a decision by a magisterial district judge shall be permitted in compliance with applicable procedures for appeal.

§227-18. Applicable Laws.

Persons subject to the provisions of this Chapter shall be subject to all applicable rules, standards, statutes and ordinances, and except as provided herein, this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes or ordinances.

§227-19. Rules, Policies and Procedures.

The Board of Commissioners may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Chapter.

§227-20. Appeals Board.

Any person directly affected by a decision of the Code Administrator or a notice or order issued pursuant to this Chapter shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within twenty (20) days after the date of decision, notice or order was delivered. An application for appeal shall be based on a claim that the intent of this Ordinance or the rules adopted pursuant to it has/have been incorrectly interpreted or that the provisions of this Chapter do not apply.

The Board of Appeals shall consist of three members. Those members shall be the Township Manager, the Director of Public Works, and the Fire Marshal.

The Board of Appeals may modify or reverse the decision of the Code Administrator by a concurring vote of the majority of the total number of appointed members of the Board of Appeals.

SECTION II. DISCLAIMER

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of the Township of Cheltenham, County of Montgomery or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance. Nothing herein is intended to modify, enlarge or diminish any rights or responsibilities under the Cheltenham Township Zoning Ordinance, Chapter 116.

In interpreting and applying the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any other Ordinance or regulation, the provisions of this Chapter shall control.

SECTION III. SEVERABILITY

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION IV. REPEALER

Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

SECTION V. FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

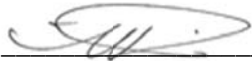
SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect and be in force immediately.

ORDAINED AND ENACTED into an Ordinance this **17th** day of **August, 2022**.

ATTEST:

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**



Robert Zienkowski
Township Manager and Secretary

By: *Daniel B Norris*
Daniel B. Norris, President