

STATE COLLEGE BOROUGH

interoffice

MEMORANDUM

PLANNING DEPARTMENT

to: Thomas J. Fountaine, Borough Manager
from: Carl R. Hess, Planning Director
subject: Rental Unit Licensing
date: 11/13/2012

In response to the desire to improve the tracking and regulation of 1-family and 2-family dwellings and student homes, staff has prepared a rental unit licensing ordinance for consideration by Council. The proposed licensing program for 1- and 2-family rental dwellings and student homes is intended to improve the tracking and management of these lower density rental units in State College. The licensing program would complement rather than replace the existing rental housing permit administered by the Centre Region Code Administration department.

This program, if accepted by Council, could be codified in either the zoning ordinance or in the section of the Codification that deals with rental property. Staff prepared the ordinance as a licensing process to facilitate annual renewal and to allow enforcement of violations of the ordinance through ordinance violation process rather than through the zoning enforcement process.

CHAPTER IV, BUILDING AND RENTAL CODES, Part O, RENTAL HOUSING LICENSING is added to read:

SECTION 1.0 GENERAL PROVISIONS

1.1 Scope. This article shall require the licensing of all one- and two-family dwellings located in R1, R2, and R3 zoning districts, including one-family dwellings containing rooms or subordinate apartments and student homes that are leased or rented for 7 or more days with or without compensation, by any person.

1.2 Purpose. The regulation, inspection and licensing of rental property is intended to:

- (1) Protect the health, safety, and welfare of persons affected by or subject to the provisions of this article;
- (2) Ensure that rental unit owners, persons-in-charge and tenants are informed of, and adhere to, all applicable code provisions governing the use and maintenance of rental units;
- (3) Ensure that owners or persons-in-charge inform tenants of their rights and responsibilities under written leases or other rental agreements before such leases and agreements are executed.

1.3 Administration. The Planning Department shall be responsible, as directed by the Borough Manager to administer this chapter.

1.4 Official records. A separate file for each rental unit licensed by the borough, containing no less than a copy of the application for the rental license, any license issued, inspection reports, all notices of violations identified in Section 5.9 of this Part, site plans, floor plans, parking area plans, the results of any actions taken regarding the license, and most recent renewal application, if any, and other appropriate records shall be kept for all rental units by the Planning Department. Any or all parts of this file may be stored on electronic medium.

SECTION 2.0 RENTAL HOUSING LICENSE

2.1 Rental License Requirements. No one-family or two-family dwelling or student home shall be leased or occupied for rental purposes in whole or in part by any person unless it is first in compliance with the provisions of every section of this chapter. Occupancy of any dwelling by any person other than the owner of record shall be presumed to require a rental license.

2.2 Exemptions. A rental unit license is not required under the circumstances listed below. All requirements under the student home land use regulations and zoning occupancy limits by unrelated persons as defined in the Zoning Ordinance, Chapter XIX of the Codification of Ordinances, remain in effect for all properties for which are exempt from obtaining a rental unit license under Section 2.2.

(1) Family occupancy. Any member of a family, as defined in Chapter XIX, Zoning and Land Development, of the Codification or Ordinances, may occupy a dwelling as long as any other member of that family is the owner of that dwelling.

(2) One- and two-family dwelling sales. The sale of any one- or two-family dwelling intended for occupancy by the owner or owners of record which are to be occupied by the seller under a rental agreement for a period of less than 90 days following closing. The seller shall provide the Borough of State College a fully executed copy of the rental agreement.

The sale of any one- or two-family dwelling intended for occupancy under a lease with option to purchase agreement, life estate agreement or any other form of conditional sale agreement, shall require a rental unit license if legal or equitable ownership is not transferred in its entirety within 90 days of execution of the conditional sales agreement.

(3) Exchange student, medical caregiver, child care. For an owner-occupied dwelling, additional occupancy by not more than two (2) exchange students placed through a recognized education exchange student program or one person to provide child care or medically prescribed care. Individuals residing in an owner-occupied dwelling under

this exemption category not related to the owner-occupant are considered unrelated persons for the purpose of determining compliance with the occupancy limits under the State College Zoning Ordinance, Chapter XIX of the Codification of Ordinances, or successor regulations.

(4)*Estate representative.* Occupancy by a personal representative, trustee, or guardian of the estate and their family where the dwelling was owner-occupied for the last year prior to the owner's death, and the occupancy does not exceed two years from the date of death of the owner by notifying the Planning Department on a form provided by the department of the owner's name, date of death, and name of the person occupying the premises.

(5)*Other Exemptions.* Other exemptions may be considered on a case-by-case basis where the strict application of this Part will inflict unnecessary hardship on the property owner. An application based exclusively on economic hardship is not eligible for an exemption under this section.

SECTION 3 RENTAL UNIT LICENSE TYPES AND EXPIRATION

3.1 Rental license classifications. Rental licenses are required for the types of rental property defined below. All covered types of rental properties must operate in compliance with the provisions of this Chapter and other applicable Chapters of the Codification of Ordinances, student home regulations set forth in Chapter XIX, Zoning and Land Development, of the Codification of Ordinances apply to all types of rental licenses regulated by this Chapter. A rental license will not be approved for a student home use unless property complies with all applicable requirements for student home use expressed in Chapter XIX or for which a certificate of nonconformity has been approved by the Borough.

(1)One-family or two-family dwellings in which the owner resides and leases or rents room(s) or an apartment that may not exceed 500 square feet in size within the dwelling to one person.

(2)One-family or two-family dwellings in which the owner resides and leases or rents room(s) or an apartment that may not exceed 500 square feet in size within the dwelling to two persons.

(3)One-family dwellings in which the owner does not reside or a two-family dwelling that is leased or rented to a family or not more than three unrelated persons per rental unit.

(4)Any one-family or two-family dwelling rental unit where the occupancy exceeds the current maximum permitted number of unrelated persons that has received or is eligible to receive a certificate on nonconformity.

3.2 Rental unit license issued. The rental unit license issued to any owner shall identify the type of dwelling and the number of persons allowed to occupy the dwelling pursuant to the requirements of all the provisions of the Codification of Ordinances.

3.3 Rental unit license expiration. All rental unit licenses shall expire 12 months from the date of issuance unless the property is sold, there is a change in the rental license type for the property, or the license is suspended pursuant to Chapter V, Part K of the Codifications of Ordinances. A rental unit license for a property that is sold, subject to a change in the rental license type, or the license is suspended shall expire immediately upon the sale, change of type, or suspension.

3.4 Transfers of rental unit ownership. A rental license is issued to an owner of a rental unit and only permits the owner to lease the rental unit in conformance with the license. Upon transfer of ownership of a rental unit, any existing license to lease the rental unit expires. This includes transfers of ownership between corporations or other legal entities even where there is identical ownership interest in the acquiring legal entity as in the previous legal entity.

3.5 Effect of rental unit license expiration.

(1) For a license that has expired as a result of the sale of the property or for failure to renew the license, application for reissuance of the license may be made immediately.

(2) For a license that has expired for failure to comply with any conditions applied to the licensing, application may be made only after the conditions have been met.

(3) Application for reissuance of an expired license within 15 days of the expiration of the license shall be processed in the same manner as a license renewal application.

Application for the reissuance of an expired license after 15 days of the expiration of the license shall be processed in the same manner as an application for an initial license.

(4) Renewal or reissuance of a license within one year of expiration shall not be considered a change in use and shall preserve any prior legal non-conforming use or occupancy which the owner or prior owner has established. After a license has been expired for one year, any license application shall be processed as an initial license and any prior legal non-conforming use or occupancy which the owner or prior owner had established shall be deemed abandoned as provided in Chapter XIX, Part E, Section 2106, Abandonment, of the Codification of Ordinances.

SECTION 4 APPLICATIONS FOR RENTAL UNIT LICENSES

4.1 Application. Applications for a rental unit license shall be submitted to the Planning Department.

4.2 Initial application form and contents. The rental unit license application shall be made on forms provided by the Planning Department. The forms shall be signed by the owner or, if the owner is a corporation, an authorized agent of the corporation and include the following:

- (1) The name, driver's license or other government issued identification number, or in the case of a corporation, the corporate ID number, permanent home address or business address, business and home telephone number, and email address of:
 - (a) The owner;
 - (b) The person-in-charge designated by the owner;
 - (c) The resident agent, individual partner, or managing member of any business entity.
- (2) The type of rental unit license sought.
- (3) The number and size of habitable sleeping rooms contained within each rental unit.
- (4) A declaration of whether subletting by any tenant(s) is permitted.
- (5) An agreement by the owner to permit the inspections required by the codification of ordinances.
- (6) The tax parcel identification number and street address(es) of the rental unit.
- (7) The occupancy sought.
- (8) If the rental unit is proposed to be a student home use.
- (9) Certification that insurance coverage for structural loss or damage and premises liability for personal injury exists and shall be maintained on the licensed property.
- (10) A floor plan and site plan to the extent required by section 4.7.
- (11) For a corporate owner and/or corporate legal agent, a copy of the most recent annual report filed with the Commonwealth of Pennsylvania.
- (12) Any other reasonable information required by the Borough.

4.3 Renewal application form and contents. An application for the renewal of a rental license shall be made on forms provided by the Borough of State College. A application for a license renewal shall signed by the owner and contain the same information as an initial application unless the owner certifies there have been no changes from the previous application, in which case information on the previous application may be incorporated by reference into the application for license renewal.

4.4 New owner application form and contents. An application for the new owner or prospective new owner of a previously or currently licensed rental unit shall contain the same information as an initial application, except for the following:

- (1) It shall be signed by the new or prospective owner.
- (2) It shall state the previous owner's name.
- (3) It shall state whether the applicant or rental unit has been subject to any terms and conditions, has been declared a nuisance property as defined in Chapter V, Sections 805 or 806, of the Codification of Ordinances, or is under a rental housing permit suspension.
- (4) It shall state the renewal date of the current rental license.
- (5) It shall state the date in which ownership of the property has or will be transferred.

4.5 Application acceptance. A rental unit license application shall not be accepted by the Planning Department unless it meets all requirements of this section, is signed in ink, is accompanied by the required rental license fee, is accompanied by the documents required by this Part, and is accompanied by any liens, delinquent fees and charges, or taxes due and payable to the Borough in conjunction with the property to be licensed. The Planning Department, within 30 days of receipt, shall notify the applicant of any deficiencies of the application which prevents its acceptance.

4.6 Acknowledgment of acceptance. An application is not considered accepted by the Planning Department until the department does one or more of the following:

- (1) Provides a written acknowledgment of receipt of a complete application; or
- (2) For initial applications, schedules the inspection of the premises and delivers a notice of inspection acknowledging receipt of a completed application.

4.7 Submission of floor plans and site plan. For properties that have not been reviewed through submission and approval of a land development plan an application for a rental unit license shall include a floor plan and a site plan with dimensions drawn accurately to scale in accordance with the requirements of this section. A request for a building or driveway permit which alters an existing floor plan or site plan shall include a new floor plan or site plan in accordance with the requirements of this section.

(1) The floor plan shall show the number, size, and location of habitable and occupiable rooms in the rental unit, and the number, size, and location of non-habitable and non-occupiable rooms in the rental unit, as well as all exits, basement and attic egress windows, and entryways to the rental unit.

(2) The site plan shall show the boundaries of the property, the location of all structures, the location, number and size of parking spaces in conformance with required number of parking spaces and parking space design standards of the Borough Zoning Ordinance, the location and size of driveways, curb cuts, the location, dimension of, and construction materials used for parking spaces and driveways, or adjacent to parking spaces, location of any accessory buildings on the property, and the location of fences and significant plantings. The Planning Department may require submission of a property survey prepared by a registered land surveyor to establish the boundaries of the property on which the proposed rental unit is located.

Owners of a property that contain any nonconforming uses, structures, or lot conditions shall file an application for a certificate of nonconformity with the required site plan.

(3) Applications for a rental license that is a student home land use, as defined in Chapter XIX of the Codification of Ordinances, shall include all information required in Chapter XIX for student homes.

(4) If the owner has previously submitted a floor plan and site plan for the rental unit which is the subject of the application, the application may incorporate by reference the previously filed documents and certify that no material change to the rental unit has taken place in the prior license period.

4.8 Filing of license renewal applications. A rental license renewal application shall be filed no less than 60 days prior to the expiration of the rental license. A renewal application shall be sent to each licensee with each license issued at the address of record for that license. The Planning Department shall send a reminder notice to the owner and person-in-charge who has failed to file a renewal application within 30 days prior to expiration.

4.9 Owner's and person-in-charge current address. The owner and person-in-charge shall notify the Planning Department of any change of the mailing address, telephone number, and email address of the owner or person-in-charge within ten working days of the date of the change.

4.10 Change of Person-in-Charge. The owner shall notify the Planning Department of any change in their designated person-in-charge, including the name, mailing address, telephone number, and email address within ten working days of the date of the change.

SECTION 5.0 INSPECTION OF RENTAL UNITS

5.1 Initial Rental License Inspection. Within 60 days following the acceptance of an application for an initial rental unit license, the proposed rental unit shall be inspected for compliance with the requirements of the Centre Region Building Safety and Property Maintenance Code (PM Code), State College Borough Health and Sanitation regulations, and the State College Borough Zoning Ordinance.

5.1.1 Scheduling of Inspections. Procedures for scheduling and conducting inspections conducted by the Centre Region Code Administration shall comply with the provisions of the Centre Region Building Safety and Property Maintenance Code.

Scheduling inspections for compliance with State College Borough Health and Sanitation regulations and the State College Borough Zoning Ordinance shall comply with Section 5.1.2.

It is the responsibility of Centre Region Code Administration and State College Borough to coordinate the conduct of inspection required by the Part. Initial license inspections and annual renewal inspections will, to the maximum extent possible, be conducted simultaneously by inspectors from Centre Region Code Administration and State College Borough. Re-inspections by either entity necessitated to ensure the correction of violations may be conducted independently.

5.1.3 Initial license inspection notification and presence of owner or person-in-charge at inspection. Owners and Person-in-Charge shall be notified of inspections in accordance with the following:

(1) Prior to conducting an inspection for an initial rental unit license application the Borough of shall give the owner and person-in-charge reasonable notice by first class mail sent to the address on file. The notice shall contain the date and time of the inspection.

(2) The owner or person-in-charge must be present at all initial inspections.

5.2 Renewal inspection. Notice of inspections for the renewal of rental licenses shall follow the procedures in section 5.1.1 and 5.1.2 above.

5.2.1 Inspections for rental license renewals shall be conducted by the Centre Region Code Administration and State College Borough not less than once in every 3 year period.

5.3 Additional inspections. When any violations of the Centre Region Building Safety and Property Maintenance Code, State College Borough Health and Sanitation regulations, or the State College Borough Zoning Ordinance are found during an inspection of a property, the Planning Department shall be notified in writing of the existence of said violations. The inspection shall not be considered to have been completed until the Planning Department determines that all violations have been corrected or that a satisfactory schedule has been provided by the property owner for the correction of the violations. The Planning Department or the Centre Region Code Administration may require such additional inspections as deemed necessary to determine that all violations have been corrected.

5.4 Notice of Violations

The property owner and person-in-charge shall be promptly notified in writing of the existence of any violations found during an inspection of a property. For purposes of this subsection, "violation" shall mean any distinct violation of the Centre Region Building Safety and Property Maintenance Code, the Zoning Ordinance, or the Health and Sanitation regulations. Multiple violations of a single provision of the PM code during an inspection shall be treated as a single violation.

This notice shall either be sent by first class mail to the address(s) for the owner and person-in-charge contained in the rental unit license application, renewal application or reinstatement application or delivered to the owner or person-in-charge in person. The notice shall contain all information required by the applicable notice of violation sections of the Centre Region Building Safety and Property Maintenance Code, State College Borough Health and Sanitation regulations, or the State College Borough Zoning Ordinance, as appropriate. All violation notices shall provide a reasonable time limit within which the violations must be corrected.

5.5 Unsafe Structures. Structures determined to be unsafe by the code official under the provisions of the Centre Region Building Safety and Property Maintenance Code, or successor codes, may be condemned, vacated or closed, in whole or in part, in accordance with said code.

5.6 Appeals. The owner of a property may appeal any determination of the existence of a violation by the Centre Region Code Administration or the Borough of State College as provided for in either the Centre Region Building Safety and Property Maintenance Code or the State College Codification of Ordinances, as applicable.

5.7 Additional inspections. In addition to the initial or renewal inspections, inspections may be scheduled on one or more of the following bases:

(1) By area, such that all rental units in a predetermined geographical area will be inspected simultaneously, or within a short period of time.

(2) By written complaint, such that written complaints of violations will be inspected within a reasonable time.

(3) By recurrent violations, such that any covered rental unit or the owner of any such rental unit which has been found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

(4) Whenever reasonable cause exists to believe that there is a violation of this chapter on any premises or other conditions which make the structure or premises unsafe, dangerous, or hazardous.

(5) For the purpose of auditing inspections.

(6) For the purpose of re-inspection to ensure the correction of any violations in existence at a previous inspection.

5.8 Notice of Additional Inspections. For any inspection authorized by this article or other codes and ordinances, other than an initial or renewal inspection, the CRCA and the Borough shall attempt to give the owner or owner's legal agent reasonable notification of the date and time of the inspection unless reasonable grounds exist to believe that not providing notice is necessary for the appropriate conduct of an investigation.

5.9 Inspection authorization. An application for a rental unit license shall authorize the entry upon and inspection of the premises at all reasonable times as required by this chapter to the extent permitted by law. The failure of an owner to permit an inspection of the rental unit after notice is given shall constitute a withdrawal of the rental unit license application and a reason for denial of an application.

5.10 Inspection reports. A copy of all inspection reports shall be mailed to the tenants.

SECTION 6 ISSUANCE OF RENTAL UNIT LICENSES

6.1 Licensing authority. Licensing authority is vested in the Planning Department. The Planning Department Director, or designee, shall review all applications for the following license applications:

- (a) All initial license applications rental unit licenses
- (b) All applications to change a license type;
- (c) All renewal applications;
- (d) All renewal applications made beyond 1 year after the date of expiration of the previous license;
- (e) License applications by new or prospective owners of previously licensed properties where the license expired within one year of the date of application.
- (f) All applications for license renewal made within one year of expiration;
- (g) All license applications by prospective owners of currently licensed properties;
- (h) All license applications by prospective owners of previously licensed properties where the license expired within one year of the date of application;

6.2 *Requirements for issuance of a rental unit license.* No rental unit license shall be issued until the following review has been completed.

- (1) A completed application for the type of rental license sought by the property owner has been submitted to the Planning Department.
- (2) All owners of record of real property within a 300-foot radius of the proposed rental unit have been notified by certified mail of the receipt of the rental license application;
- (3) The neighborhood association whose boundaries encompass the real property for which an application for a rental unit license has been submitted have been notified by certified mail. This requirement does not apply to applications submitted for a rental unit license for real property that is not located within the boundaries of a neighborhood association; and
- (4) Any person who has submitted written comment concerning issuance of the license.

6.3 *Scope of review:* The Planning Department Director, or designee, shall consider and review:

- (a) The application and supporting documentation including floor plans and site plans and student home use information, when required;
- (b) The inspection report(s);
- (c) Evidence has been presented that all owners of record of real property within a 300-foot radius of the proposed rental unit have been notified of the receipt of the rental license application;
- (d) Evidence has been presented that the neighborhood association whose boundaries encompass the real property of the owner(s) of record notified in (3)(b), if any; and
- (e) Any public comment and/or written communications;
- (g) Any relevant documentation including any building and/or zoning variances either applied for or granted, any easements, any comments regarding application of the historic district requirements, any site plan or special use permit conditions and any recommendations of the Planning Department;

- (h) The prior inspection and violation and citation history of the property;
- (i) In case of a requested change in rental type, the reason the change is requested;
- (j) Any documentation or comment submitted by the owner or person-in-charge;
- (k) The prior history of the property owner and legal agent with regard to the maintenance, control, regulation and use of other properties owned or managed by the applicant or applicant's legal agent;
- (l) Information regarding control or authority over the property by a person other than the owner or legal agent.

6.4 *Property review standards:* No initial rental unit license or change in classification shall be permitted until the rental unit is found to be in compliance with the following:

- (a) The rental unit is served adequately by essential public facilities and services.
- (b) The rental unit provides facilities for the on-site parking of motor vehicles in compliance with the requirements of this chapter and Chapter XIX, Zoning, of the Codification of Ordinances.
- (c) The rental unit is not the situs of any continuing or unresolved public nuisance as defined by Chapters IV, V, VIII or IX of the Borough Codification of Ordinances or state law.
- (d) The owner and the legal agent demonstrate sufficient ability to maintain and monitor the use of the rental unit to ensure that the proposed rental unit does not deteriorate with regard to internal and exterior maintenance, does not accumulate trash or rubbish, or does not become the situs of public nuisance as defined Chapters IV, V, VIII or IX of the Borough Codification of Ordinances or state law.
- (e) That properties defined as a student home in Chapter XIX, Zoning, of the Borough Codification of Ordinances, comply with all requirements applicable to student home land use

6.5 *Owner review standards for all properties:* No initial rental unit license, change in type or issuance of a license upon transfer of the property shall be issued to any person who was an officer, director, or controlling shareholder of a corporation, limited liability company or other business entity; or to any corporation, limited liability company or other business entity whose officers, directors, or controlling shareholders; or to any corporation, limited liability company or other business entity partnership, or individual that has:

- (a) Failed to comply with any order issued to abate a dangerous building pursuant to Chapter IV, Buildings and Rentals, of the Borough Code; or
- (b) Been found responsible of a violation of the maximum occupancy provisions of Chapter XIX, Zoning, of the Borough Codification of Ordinances within one year of the date of application; or
- (c) Been found responsible of a violation of the student home use regulations, Chapter XIX, Zoning, of the Borough Codification of Ordinances, within one year of the date of application; or

- (d) Been convicted or found responsible of a violation of this chapter or Chapter IV, Buildings and Rentals, of the Borough Codification of Ordinances related to the illegal use of non-habitable or nonoccupiable space for sleeping purposes within one year of the date of application; or
- (e) Been found responsible for failure to correct a violation of the Centre Region Building Safety and Property Maintenance Code
- (f) Had a rental housing permit or rental property license suspended within one year of the date of the application.

6.6 *Action on application.* At the conclusion of the review Planning Department Director, or designee, may:

- (1) Approve the application
- (2) Approve the application with conditions.
- (3) Deny the application. When an application is denied as submitted, the defects found in the application shall be specified, including the specific ordinance sections with which the application does not comply.

Section 7. Anniversary date. The anniversary date of each rental license shall be one calendar year from its date of issuance. The Borough may change an anniversary date for administrative convenience. The Borough shall give reasonable notice to the owner and legal agent and prorate fees accordingly upon an administrative change.

Section 8. Standard rental unit license provisions. A rental unit license shall show the following:

- (1) The date of issuance and expiration date;
- (2) The maximum number of persons who may occupy the rental unit;
- (3) The tax parcel identification number, street address and unit number of the rental unit;
- (4) Notification that the rental unit license is subject to the imposition of terms and conditions, suspension, summary suspension, or revocation based upon failure to comply with the requirements of the Borough's Codification of Ordinances;
- (5) The name, telephone number, postal address, email address of the owner and the person-in-charge;
- (6) The type of the rental unit license;
- (7) For conditional rental unit licenses, a description of the corrective work required and time frame for completion.
- (8) Whether the property is a student home.
- (9) The certification number of all certificates of nonconformity approved for the property.

Section 9. Continuation of rental unit license sanctions. The issuance of a renewal license or the transfer of ownership of a rental unit does not modify or alter any sanction imposed.

Section 10 Effective date of license. A license is effective on the date of issuance by the

Borough. A license authorized for a prospective owner is effective on the date of the transfer of ownership only if the new owner notifies the Planning Department in writing of the exact date ownership was transferred within ten working days of that date.

10.1 Rental unit license display. No rental unit licensed under this Part may be occupied unless a copy of the current rental unit license for the rental unit is displayed in an 8 1/2-inch by 11-inch frame securely affixed to the interior wall adjacent to the primary entrance door to the rental unit.

Section 11. Appeals. The decision by the Planning Department Director shall be final and may be appealed to the Borough Manager within 21 days from the date the Planning Department mails, by first class mail, notice of the Planning Department Director's action to the appellant.

The decision of the Borough Manager on any appeal of an action by the Planning Department Director shall be to the Centre County Court of Common Pleas.

11.1 Effect of appeal. Except for an appeal from an emergency rental unit license suspension order, appeals to the Borough Manager shall operate to stay any order or action until a decision is reached. A stay shall not relieve an owner of any obligation to correct any major or minor code violations; to schedule any rental unit licensing inspection or reinspection; to cooperate with code officials to facilitate any complaint investigation; or to pay any licensing, inspection or re-inspection fee.

SECTION 12 ENFORCEMENT

12.1 Maximum licensed occupancy. No owner, person-in-charge, or person occupying any rental unit licensed under this chapter shall knowingly or under circumstances where the owner or owner's legal agent should have known allow the rental unit to be occupied by more than the number of persons permitted by the rental unit license. Each day that a violation exists shall constitute a separate offense.

12.2 Occupancy without a license. No person shall occupy, and no owner or person-in-charge shall allow a person to occupy, a rental unit unless a rental license applicable to the rental unit has been issued and remains in effect. Each day that a violation exists shall constitute a separate offense.

12.3 Occupancy of nonhabitable space. No person shall occupy for sleeping purposes, and no owner or person-in-charge shall allow a person to occupy for sleeping purposes, the nonhabitable spaces of a rental unit. Each day that a violation exists shall constitute a separate offense. The building floor plan submitted as part of the rental unit license application must clearly identify all areas of a rental unit that are nonhabitable space.

12.4 False statements. No person shall knowingly make any false statement or provide any false information on a rental unit license application to any employee of the Borough of State College or other authorized person in relation to any investigation of a violation of this chapter.

12.5 Failure to correct violation. No owner shall fail to correct a violation of Centre Region Building Safety and Property Maintenance code, State College Health and

Sanitation regulations, and the State College Zoning Ordinance when the owner, person-in-charge, or owner's designated maintenance contact has actual knowledge of a violation as shown by retention of a security deposit for damages causing the violation, receipt of written complaints by tenants, or any other means of showing actual knowledge.

12.6 Coercive conduct. No person shall coerce, threaten, or intimidate any person into failing to report, or as a result of reporting, a violation of the State College Borough Codification of Ordinances, or to waive any rights established by law.

12.7 Transfer of complaint inspection fees. No owner or Person-in-Charge shall transfer or attempt to transfer fees imposed for complaint inspections to the tenant making the complaint unless the owner or owner's legal agent was not given a reasonable opportunity to repair the violation prior to the complaint or the tenant was responsible for the violation which gave rise to the complaint.

Section 13. Truth in advertising and marketing.

(1) No owner or owner's legal agent of a rental unit licensed under this Part shall fail to clearly state in any advertisement, sign, other form of written representation, and in any oral statement, the licensed occupancy limits of the rental unit. Every owner and legal agent shall clearly disclose, in any listing agreement, advertisement, other form of written representation or oral statement intended to elicit an offer to purchase, lease with option to purchase, or exchange a rental unit, the licensed occupancy of the rental unit, and the necessity of obtaining a rental unit license if the rental unit is to continue to be used as a rental unit after transfer of ownership.

(2) No lessee of a rental unit licensed under this Part advertising for sublease shall fail to clearly state in an advertisement or other form of written representation, and in any oral statement, the licensed occupancy of the rental unit.

(3) No person shall fail to disclose in any listing agreement, advertisement, or other form of written representation, the licensed occupancy of the rental unit and the necessity of obtaining a rental unit license prior to renting the property.

Section 14. Penalty. Any person who shall violate any of the provisions of this ordinance shall, on conviction thereof, be sentenced to pay a fine of not more than \$1000.00 for each offense in any calendar year plus all costs. Upon failure to pay such fine and costs, to imprisonment for not more than 30 days. Each day's continuance of a violation of any provision of this ordinance shall constitute a separate offense.

SECTION 15. Severability. If a section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.