

**BOROUGH OF HUMMELSTOWN  
ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE BOROUGH OF  
HUMMELSTOWN ESTABLISHING A  
RESIDENTIAL RENTAL DWELLING UNIT  
REGISTRATION PROGRAM.**

**WHEREAS**, the Borough Council of Hummelstown Borough, Dauphin County, Pennsylvania is vested with the legislative authority to adopt ordinances to secure the safety of persons and property within its borders. *See* 8 Pa.C.S. § 1202; *and*

**WHEREAS**, the Borough Council has met the procedural requirements of the Act and of the Borough's ordinances for the adoption of the proposed ordinance amendment, including notice, review, and the holding of a public meeting; *and*

**WHEREAS**, the Borough Council, after due consideration of the proposed ordinance amendment at a duly advertised public meeting, has determined that the health, safety, and general welfare of the residents of the Borough of Hummelstown will be served by the proposed amendments.

**NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED**, by the authority of the Borough Council of the Borough of Hummelstown, Dauphin County, Pennsylvania, that the Code of Ordinances of Hummelstown Borough, Chapter 13 (Licenses, Permits and General Business Regulations) is amended with the addition of the following to be inserted as Part 4, as follows:

**SECTION 1: RENTAL REGISTRATION PROGRAM ESTABLISHED.**

Part 4. Rental Registration.

§ 13-401. Legislative Intent.

1. The governance of rental housing within the Borough is necessary to promote and protect the public health, safety and welfare of its citizens.
2. The establishment of certain minimal rights and obligations of owners and occupants with respect to the rental and occupancy of residential rental dwelling units in the Borough is necessary.
3. Owners and occupants of rental housing are required to maintain and improve the quality of rental housing within the community to ensure the health, safety, and welfare of the residents and maintain property values.
4. Owners and occupants of rental housing should share the responsibility to comply with Borough ordinances enacted to protect and promote the public health, safety and welfare.
5. Rental housing has consumed the majority of Borough code enforcement resources, and, as a result, non-owner occupied residential properties bear a disproportionate burden of

the cost of code enforcement.

6. Tenants of rental housing have been reluctant to make code complaints to Borough officials for fear of retaliation by landlords.
7. The Borough has encountered difficulties obtaining cooperation and corrective action by owners of rental housing who reside or have offices a long distance from the Borough.
8. Those residents who own and live in their homes have greater incentive to maintain their properties in accord with minimum standards of habitability.
9. Because of their lack of ownership, certain tenants resist complying with Borough ordinances.
10. The lack of attention to Borough ordinances by both owners of rental housing and tenants has denied neighbors the full peace and enjoyment of their homes.
11. This chapter shall be construed liberally to promote its purposes and policies.

§ 13-402. Definitions. Terms not defined in this Part shall have the meanings set forth in Chapter 27 of the Borough Code.

BOROUGH

The Borough of Hummelstown.

BOROUGH MANAGER

The duly appointed Manager of the Borough of Hummelstown.

CODE

The Code of the Borough of Hummelstown.

CODE OFFICIAL

The person, persons, company and/or entity authorized by the Borough to determine compliance with the provisions of this chapter and to enforce the same. The code official shall include, but not be limited to, the Borough Zoning and/or Property Code Officer and employees of the Codes Department of the Borough as appointed or employed from time to time, as well as any third-party code inspection person, persons, company or entity appointed by the Borough.

CODES DEPARTMENT; DEPARTMENT

The Codes Department of the Borough of Hummelstown.

DWELLING UNIT

A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

OWNER

Any person, agent, operator, firm, corporation, partnership, limited liability company, limited liability partnership, association, other entity, or fiduciary holding or having legal,

equitable or other interest in any real property or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of such person's estate. When used in this chapter in a clause proscribing any activity or imposing a penalty, the term, as applied to corporations, partnerships, limited liability companies, limited liability partnerships, associations, or other entities, shall include each and every member, shareholder, partner (limited or general), director, officer and other individual having an interest in the entity, controlling or otherwise.

#### OWNER-OCCUPIED

A Dwelling Unit occupied by the Owner.

#### PROPERTY MANAGEMENT COMPANY

A business certified or licensed by the Commonwealth of Pennsylvania to manage a residential Dwelling Unit or Units or which takes responsibility for the care, maintenance, tenant management and supervision of a Residential Dwelling Unit or Units, under written contract with the Owner of an improved property.

#### PROPERTY MANAGER

An individual certified or licensed by the Commonwealth of Pennsylvania to manage a Residential Dwelling Unit or Units or who takes responsibility for the care, maintenance, tenant management and supervision of a Residential Dwelling Unit or Units, under written contract with the Owner of an improved property.

#### RENTAL HOUSING

Any building or structure containing one or more Residential Rental Dwelling Units. Where a building or structure contains Residential Rental Dwelling Units which are under separate or several ownership, this term shall refer to each Residential Rental Dwelling Unit under several or separate ownership.

#### RESIDENTIAL RENTAL DWELLING UNIT

A Dwelling Unit not occupied by the Owner thereof. The term shall not include the lawful occupancy of a Dwelling Unit by an Owner in joint tenancy or an heir of a deceased owner. Whenever the word "unit" or words "rental dwelling unit" are used herein, they shall mean Residential Rental Dwelling Unit.

#### RESIDENTIAL RENTAL REGISTRATION

The certificate issued by the Borough to the Owner, Property Manager or Property Management Company of a Residential Rental Dwelling Unit evidencing the existence of the Residential Dwelling Unit. Whenever the word "registration" is used in this chapter, it shall mean Residential Rental Registration as used in this definition.

#### STRUCTURE

Any made-made object having an ascertainable stationary location on land, whether or not affixed to the land.

TENANT

Any person who resides in a Residential Rental Dwelling Unit, irrespective of whether consideration is given for the privilege or right of occupancy.

UNIT

A dwelling unit.

§ 13-403. General registration requirements.

Every owner of Rental Housing shall register each Residential Rental Dwelling Unit with the Department in accordance with this section.

1. Every owner of a Residential Rental Dwelling Unit not exempt from registration shall register each Residential Rental Dwelling Unit with the Department prior to March 1<sup>st</sup> of 2023 and renew registration prior thereto of each subsequent year. Registration of a Dwelling Unit may be accomplished by a Property Manager or a Property Management Company provided proper evidence of authority.
2. Every owner who removes or creates a Residential Rental Dwelling Unit or converts any building or structure into Rental Housing shall register each new Residential Rental Dwelling Unit with the Department, or inform the Department in writing and in the case of the removal of a Residential Rental Dwelling Unit, within 30 days of completion of construction, conversion, or removal.
3. A Residential Rental Registration shall be required for lawful rental and licensing of a Residential Rental Dwelling Unit. Rental registration does not warrant the proper zoning, habitability, safety or condition of the unit in any way. The issuance of a registration certificate shall not be deemed or construed as a representation, guaranty or warranty of any kind by the Borough, its officials, agents or employees, and shall create no liability upon the Borough, its officials, agents or employees.
4. Every owner of a Residential Rental Dwelling Unit shall provide the following information to the Department in order to comply with the registration requirement:
  - i. The Owner's name, address, telephone number and an emergency telephone number.
  - ii. The name, address, telephone number, emergency telephone number and contact name of the Property Manager or Property Management Company, if applicable.
  - iii. The property address, number of Residential Rental Dwelling Units and the specific address or assigned number for each Dwelling Unit.
  - iv. The number of full-time occupants of each Residential Rental Dwelling Unit. The name of each adult occupant shall be provided.

5. Any change in the information submitted for registration under this Section of this section shall be provided to the Department within then (10) days of such change, including, but not limited to, any change in ownership of the Rental House or Unit.
6. The fee for registration shall be set through resolution of the Borough Council. The registration fee is payable at the time of the submission of a request for the registration of each Residential Rental Dwelling Unit as a condition of the Borough accepting the application.
7. Registrations and the information contained therein shall be publicly available to the extent permitted by the Pennsylvania Right-to-Know Act. However, the information contained in Paragraph 4 hereof shall be provided to the Borough Police Department for use in the case of emergencies.

§ 13-404. Exemptions from registration requirements.

1. The following properties and uses shall be exempt from registration:
  - i. Hotels and motels for transient visitor use, but not to include Rental Houses used as Short Term Rentals for more than ten (10) nights per annum which will require registration; and
  - ii. Hospitals, state licensed nursing homes, state-licensed personal care homes and state licensed group homes.

§13-405. Right of inspection and notice of violation.

1. Each Residential Rental Dwelling Unit shall be subject to inspection in the event the Department has reason to believe the Rental Housing is unsafe, violates any Ordinance, federal or state law, or regulation.
2. If an inspection discloses non-compliance with any of the criteria noted in Paragraph 1, above, the Code Official shall issue an advisory notice letter setting forth the following:
  - i. The street address and identification of the Unit;
  - ii. The date and time of the inspection;
  - iii. The name of the inspector;
  - iv. A list of the code deficiencies; and
  - v. The time, indicated by the number of days, the Owner has by which to repair or otherwise cure the code deficiencies.
3. If after a subsequent inspection by the Code Official or a qualified code inspector

conducted after the time period given in the advisory notice letter all deficiencies identified are not repaired or cured, an enforcement letter shall be issued containing the information noted in Paragraph 2, above, together with a notice that if the conditions are not repaired or cured within the time given, the owner may be prosecuted and/or the rental dwelling unit may be placarded as unfit for human occupancy if the conditions are such that they pose a threat to health and safety. Nothing in this Section shall be construed to prevent a Code Official from immediately condemning a property if the conditions of the unit warrant such action.

§ 13-406. Revocation of registration.

A request for registration of Residential Rental Dwelling Unit may be denied, revoked, or not renewed if any of the following issues exist:

- i. The property and/or dwelling is in the process of being, or has been condemned by the Borough;
- ii. The Owner has not received a valid building permit for the Residential Rental Dwelling Unit or associated building structure;
- iii. There are significant outstanding or unresolved building or property maintenance citations or violations related to health, safety, or unsound structural issues as determined by Borough staff; or
- iv. There have been more than six (6) property maintenance citations, or violations for the dwelling unit and/or building in the 24 months prior to original registration application or renewal.

§ 13-407. Required disclosures.

1. The Owner, Property Manager or Property Management Company shall disclose, in writing, to every prospective tenant on or before the commencement of the tenancy and the occupancy of the Dwelling Unit, the name, address, telephone number and emergency telephone number of the Owner and if applicable, the Property Manager or Property Management Company.
2. Every lease executed for the occupancy of a Residential Rental Dwelling Unit shall include as a landlord warranty that the Unit has been registered with the Borough in accordance with this Part and the Owner, Property Manager, or Property Management Company will cause it to remain registered at all times the lease is in effect.
3. Every owner of a rental dwelling unit, the property manager or property management company, shall be required to submit a written acknowledgement and verification that the owner and the owner's tenants have been notified of their respective rights and responsibilities as an owner and tenant of a rental dwelling unit, including matters related to collection and disposal of trash, recycling, maintenance of property and the interior

and external rental dwelling unit, disruptive or nuisance behavior, noise and snow and ice removal.

§ 13-408. Enforcement.

The Hummelstown Borough Codes Department, fire and emergency management officials, and any law enforcement officer shall be and hereby are charged with the authority to enforce the provisions of this chapter.

§ 13-409. Violations and penalties.

Any person who violates any provision of this chapter, upon summary conviction thereof, shall be sentenced to pay a fine of no less than \$500 and not more than \$1,000 per Residential Rental Dwelling Unit per day for each day the Unit is occupied in violation of this Part, plus costs of prosecution, and in default of payment thereof, be imprisoned in the Dauphin County Prison for a period of not more than 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

§ 13-410. Appeals.

An appeal from any decision of the Codes Official shall be taken to Borough Council. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit, shall state the grounds therefor and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee which shall be established from time to time by this ordinance or by resolution of Borough Council. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council shall make a decision on such appeal within ten (10) days of the Hearing. Borough Council shall render a written decision, copies of which shall be provided to the Codes Official and the appellant.

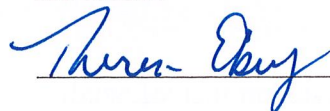
**SECTION 2. SEVERABILITY.** If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 13 of Hummelstown Borough Code of Ordinances as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter of the Borough Code. The Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, phrase and word thereof, irrespective of the fact that any one or more of those sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances that are inconsistent herewith shall be and the same expressly are repealed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective within five days of enactment.

**BE IT DULY ORDAINED AND ENACTED** into law this 8 day of December, 2022, by Hummelstown Borough, Dauphin County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**



**BOROUGH COUNCIL  
HUMMELSTOWN BOROUGH**

BY:   
President