

Myerstown Borough Residential Rental Unit License and Inspection Program

An Informational Guide

A program requiring owners of Residential Rental Properties to apply for an annual Residential Rental License for each Residential Rental Unit, and pass periodic property inspections to promote the public health, safety, and welfare of Borough residents.

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1 – License Requirements

Residential Rental License Requirement

A Residential Rental License is required to operate a Residential Rental Unit in the Borough of Myerstown.

Definitions

Residential Rental Unit: Any rooming unit or a dwelling unit let for occupancy or occupied by one or more persons, none of whom is the owner of such unit, pursuant to a rental agreement, lease/purchase agreement, or long-term (greater than six months) sales agreement.

Dwelling Unit: A single habitable living unit, occupied by only one family (or up to 4 unrelated individuals), providing complete, independent living facilities that include:

- Its own toilet.
- A bath or shower.
- Sink.
- Sleeping and cooking facilities.
- Separate access to the outside or to a common hallway or balcony that connects to outside access at the ground level.

Rooming Unit: (aka Boarding Unit) Any single habitable living unit that is part of a Boarding House or Rooming House, where individual living units do not meet the definition of a lawful dwelling unit.

Note: Each individual Dwelling Unit and each individual Rooming Unit require a license, even if there are multiple units on one property with the same owner.

Exemptions from License Requirement

The following do not require a Residential Rental License:

- Owner-occupied dwelling units.
- Residential Rental Units which have been vacant for at least 6 months.
- Hotels, motels, hospitals, nursing homes, and dormitories.
- Units for care of relatives.
- Property owned by the county or any housing authority created by the county.

License Application

When to Apply: The Owner of each Residential Rental Unit in the Borough must apply for a Residential Rental License under the following circumstances:

- Annually before January 1 of each calendar year.
- Within 30 days of the creation of a new Residential Rental Unit.
- Within 30 days of the acquisition of Residential Rental Unit that will continue to be used as such.

Application Requirements: An application must be submitted for each parcel annually on a form provided by the Borough which includes the following:

- Name and contact information of the applicant, the property owner (if different than applicant), and owner’s agent (if applicable).
- Parcel information: Property ID Number and Address
- Rental Unit Information: number of units on the parcel and the mailing address of each.
- Site Plan that shows the following:
 - Location and uses of existing structures and parking.
 - Location of each residential rental unit within each structure on the premises.
 - Number of bedrooms and bathrooms in each residential rental unit.
- Name of licensed refuse and recycling hauler who will haul solid waste and recyclables from the premises.
- Copy of a certificate of insurance showing proof of hazard and general liability insurance for each unit.
- Signature of the applicant, property owner, and owner’s agent (if applicable).
- Administration Fee.

Note: Site Plan may be hand drawn. Please make a reasonable effort to draw to scale.

License Terms

Issuance of Annual License: A property owner who has submitted a complete application that contains all required information and the administration fee will be issued a Residential Rental License.

Denial of License Application: The Code Enforcement Officer will deny a Residential Rental License application in the following instances:

- The application is incomplete.
- The required fees have not been paid.
- The property owner is not current on water rates or sewer rates for the Residential Rental Unit.
- The property owner has outstanding code violations.

License Expiration: Residential Rental Licenses issued from January 1 to September 30 are valid through December 31 of the same calendar year.

Residential Rental Licenses issued from October 1 to December 31 are valid through December 31 of the following calendar year.

License Issue Date	License Expiration Date
January 1 – September 30	December 31 of SAME calendar year
October 1 – December 31	December 31 of NEXT calendar year

Revocation of License: The Code Enforcement Officer may revoke a Residential Rental License in the following instances:

- The property owner is not current on water rates or sewer rates for the Residential Rental Unit.

- The property owner does not correct a code violation within the time frame cited by the Code Enforcement Officer after receiving a Notice of Violation.
- The property owner does not cure conditions of non-compliance after receiving a Certificate of Non-Compliance.

Reinstatement of Revoked License: In order to reinstate a revoked Residential Rental License, the property owner must do the following:

- Correct the reason for the revocation.
- Ensure compliance with all applicable codes.
- Pay all outstanding fees and fines.
- Pay the Residential Rental License reinstatement fee.

2 – Inspection Requirements

Residential Rental Units in the Borough of Myerstown are subject to regular inspections to ensure that each unit is safe and sanitary, and meets the minimum health and safety standards required by applicable property maintenance, building, and zoning codes.

Please Note the Following:

- **The Owner or Owner’s Agent MUST be present for inspections of Residential Rental Units.**
- **The Owner or Owner’s Agent MUST give at least twenty-four (24) hours’ notice to tenants of any scheduled inspection of the Residential Rental Unit by the Code Enforcement Officer.**
- **If the Owner or Owner’s Agent fails to be present at the scheduled time of any inspection, or if access to the Residential Rental Unit is denied by the Tenant, a Certificate of Non-Compliance shall be issued to the Owner.**

Regular Inspections

Regular inspections of each Residential Rental Unit are required in order to maintain a valid Residential Rental License. The frequency of these regular inspections is determined by a systematic inspection program developed and maintained by the Code Enforcement Officer based upon the number of Residential Rental Units in the Borough and the availability of inspectors. It is estimated that each Residential Rental Unit will be inspected at least once every three years.

Passed Regular Inspections: If the Code Enforcement Officer determines, after a regular inspection, that a Residential Rental Unit, and the structure in which it is located, passes the inspection and is in compliance with applicable codes, the property owner will be notified, the Residential Rental License will remain valid, and no other action is necessary. The license must continue to be renewed annually, and another regular inspection will be scheduled in approximately three years.

Failed Regular Inspections: If the Code Enforcement Officer determines, after a regular inspection, that the Residential Rental Unit, or the structure in which it is located, fails the inspection and/or is NOT in compliance with applicable codes, a Certificate of Non-Compliance will be issued to the property owner stating the following:

- Conditions that are in violation.
- Codes being violated.
- Number of days to cure the condition(s).

Follow-Up Inspections

If a Certificate of Non-Compliance has been issued, the property owner must cure the condition(s) of non-compliance and schedule a follow-up inspection with the Code Enforcement Officer.

Passed Follow-Up Inspections: If the Code Enforcement Officer, after the follow-up inspection, determines that the code violations and/or condition(s) of non-compliance have been cured, the property owner will be notified, the Residential License will remain valid, and no other action is necessary. The license must continue to be renewed annually, and another regular inspection will be scheduled in approximately three years.

Failed Follow-Up Inspections: If the Code Enforcement Officer, after the follow-up inspection, determines that the code violations and/or condition(s) of non-compliance have NOT been cured, a Certificate of Non-Compliance will again be issued to the property owner, and the Residential Rental License may be revoked.

3 – Property Owner Responsibilities

Property Owners and Agents of Property Owners of a residential rental unit in the Borough of Myerstown are charged with the following duties and responsibilities:

- Keep and maintain all Residential Rental Units in compliance with all applicable codes and ordinances of the Borough, including but not limited to the Borough's Zoning Ordinance and Property Maintenance Code, and all applicable provisions of state laws and regulations.
- Keep and maintain all property in a good, safe, and sanitary condition.
- Be aware of, and act to eliminate, disruptive conduct in all units.
- Be present for all scheduled inspections of the Residential Rental Unit.
- Give at least twenty-four (24) hours' notice to tenants of any scheduled inspection of the Residential Rental Unit by the Code Enforcement Officer.
- Employ policies to manage the units under his/her control in compliance with the provisions of this Ordinance, other applicable Borough Ordinances, and applicable state laws.
- Pay or ensure payment of all real estate taxes, sewer rates, water rates, and trash collection fees to ensure that such vital utilities are provided.
- Provide trash and recyclable collection and disposal services and instruct tenants of the method and timing of trash and recyclable collection.
- Take all actions necessary to ensure that each Residential Rental Unit is occupied by only one family, as defined in this Ordinance.

- Provide each tenant with a disclosure statement containing the requirements of this Ordinance. Providing a copy of this Ordinance to each tenant will satisfy this requirement.
- The Owner shall not knowingly permit tenants or occupants in a Residential Rental Unit to:
 - Engage in, or tolerate or permit guests on the premises to engage in, any conduct declared illegal under any federal criminal statute, and/or under the Pennsylvania Crimes Code (see 18 Pa. CSA § 101 et seq.) or Liquor Code (see 47 P.S. § 1-101 et seq.) or Controlled Substance, Drug, Device and Cosmetic Act (see 35 P.S. § 780-101 et seq.), or their successor laws.
 - Use the Residential Rental Unit in violation of the Myerstown Borough Code of Ordinances.
- Maintain hazard and general liability insurance in accordance with the Residential Rental License Ordinance.
- Submit a new application with the Borough annually before January 1 of each calendar year for a Residential Rental License.

4 – Tenant Responsibilities

Occupants and Tenants of a residential rental unit in the Borough of Myerstown are charged with the following duties and responsibilities:

- Comply with all obligations imposed upon tenants and occupants by the Residential Rental Unit Licensing and Inspection Ordinance, all applicable codes and ordinances of the Borough, and all applicable state laws and regulations.
- Conduct himself/herself and require other persons, including, but not limited to, guests on the property and within his/her residential rental unit with his/her consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- Use the unit for no purpose other than as a residence, or as permitted by the Borough’s Zoning Ordinance with the appropriate zoning permit.
- Collect and dispose of all rubbish, garbage, and other waste in a clean and sanitary manner, and comply with all Borough solid waste and recycling regulations. Tenants and Occupants shall use the trash and recyclable collection services provided by the Owner.
- Occupants shall not engage in, nor tolerate nor permit guests on the premises to engage in, any conduct declared illegal under any federal criminal statute, and/or declared illegal under the Pennsylvania Crimes Code (see 18 Pa. CSA § 101 et seq.) or Liquor Code (see 47 P.S. § 1-101 et seq.) or Controlled Substance, Drug, Device and Cosmetic Act (see 35 P.S. § 780-101 et seq.), or their successor laws.
- Occupants shall not engage in, nor tolerate nor permit guests on the premises to cause damage to the Residential Rental Unit or engage in, disruptive conduct or other violations of this Ordinance, other Borough code provisions or ordinances, or applicable state laws.
- Occupants shall permit inspections of the premises by a Code Enforcement Officer or his/her designee from the hours of 8:00 a.m. to 8:00 p.m., after receiving proper notice from the Owner, Owner’s Agent, or Borough. Occupants shall be afforded a minimum of twenty-four (24) hours’ notice before any inspection by a Code Enforcement Officer shall occur.

5 – Fees, Fines, and Penalties

Annual Administration Fee – \$ 75.00 per unit

An administration fee must be paid and submitted with all applications for a Residential Rental License. The administration fee covers the cost of administering the Residential Rental License Ordinance, including the cost of regular inspections.

Follow-Up Inspection Fee – \$ 50.00 per follow-up inspection

The cost of regular inspections is covered by the annual administration fee. However, if a certificate of non-compliance is issued, the cost of any and all necessary follow-up inspections is borne by the property owner.

Note: *The follow-up inspection fee shall also apply when a certificate of non-compliance is issued as a result of the Owner or Owner's Agent failing to be present for any scheduled inspection.*

Reinstatement Fee – \$ 25.00

If the Code Enforcement Officer has revoked a Residential Rental License, and the property owner corrects the reason for its revocation or denial, a reinstatement fee is required to reinstate the license.

Appeal Fee – \$ 100.00 if no legal counsel present

\$ 300.00 if legal counsel present

This fee is paid when a property owner makes an application to appeal the decision of a Code Enforcement Officer. Appeals of decisions of the Code Enforcement Officer must be in writing and filed with the Borough.

Fines for Violation

If any person violates any provision of the Residential Rental License Ordinance, they will be subject to prosecution by action of the Borough before a Magisterial District Judge. Any person found in violation will pay a fine of not less than \$300.00 nor more than \$1,000.00. A separate offense arises for each day in which a violation exists.

Civil Action

The Borough may enforce the Residential Rental License Ordinance through a civil action filed in the Court of Common Pleas of Lebanon County, Pennsylvania.

Attorney's Fees

If the Borough files any legal action due to violations or non-compliance with this Ordinance, all reasonable attorney's fees and costs and expenses related thereto shall be paid by the property owner.

Expenses Incurred by the Borough

Any expenses incurred by the Borough while enforcing the Residential Rental License Ordinance shall be recoverable from the property owner.

6 – Frequently Asked Questions

How many residential rental units are in the Borough?

The U.S. Census Bureau estimates there are between 500 and 600 residential rental units in Myerstown Borough.

Are commercial rentals included in this program?

No. The ordinance only covers residential rental units.

Are owner-occupied residential units included?

No. Owner occupied residential units are exempt from the requirements of the residential rental ordinance.

How often are the units inspected?

The Inspector will develop a systematic inspection schedule based upon the number of residential rental units in the Borough and the availability of inspectors. With an estimated 500-600 residential rental units in the Borough, we estimate that units will be inspected approximately once every three years.

Is there a separate fee for rental inspections?

No. The cost for the rental inspection is included in your annual residential rental unit license fee.

May I choose my own inspector?

No. Borough Council appoints a Code Enforcement Official to enforce the provisions of the Residential Rental Unit Ordinance.

Why is the Borough implementing a Residential Rental License and Inspection Program?

In recent years, the Borough has seen a decline in homeownership and an increase in residential rental properties. The U.S. Census Bureau estimates that about 50% of housing units in the Borough are rental units. These properties are frequently maintained at a standard significantly lower than owner-occupied residential properties. The failure of property owners and renters to maintain residential rental properties results in housing that is unsafe, unsanitary, and in many instances, not maintained to the minimum standards required by the various applicable codes in effect in the Borough. This program aims to set and enforce minimum standards for the maintenance of residential rental properties in an attempt to promote public health, safety, and welfare.

Do other communities have Rental Housing Ordinances?

Other communities in similar situations as Myerstown have implemented similar rental registration or inspection programs, including:

- Richland Borough, Lebanon County
- Palmyra Borough, Lebanon County
- Cleona Borough, Lebanon County
- Lebanon City, Lebanon County

- Robesonia Borough, Berks County
- Womelsdorf Borough, Berks County
- Denver Borough, Lancaster County
- Ephrata Borough, Lancaster County
- Lititz Borough, Lancaster County

Note: This list is not exhaustive, and the programs in these communities are not exactly the same. This list is meant to show similar and nearby communities with similar programs.

What is the purpose of the Residential Rental License and Inspection Program?

This program is designed to ensure that all rental properties in the Borough meet the basic health and safety code standards in the Borough’s Property Maintenance Codes.

How often must a residential rental property owner reapply for a Residential Rental License?

The Borough of Myerstown will require the owner or owner’s agent of each residential rental unit in the Borough to apply for and obtain an annual Residential Rental License for each residential rental unit by January 1st of each calendar year. Residential Rental Licenses will be issued annually to the owner or owner’s agent of each residential rental unit.

How often are residential rental units inspected?

Each residential rental unit will be inspected approximately once every three years to ensure it is in compliance with the Borough’s property maintenance codes. The Residential Rental Unit Inspection will focus on basic health and safety issues.

What is the cost for the Residential Rental License?

The cost for an annual Residential Rental License will be \$75 per unit.

What will be the cost to residential rental unit owners?

Residential Rental Licenses will be required to submit an application annually with an application fee. This annual fee will be used to fund the systematic inspection program. The cost of the annual fee will be determined by the cost of the inspection program.

Initial inspections are no additional charge to property owners. If the initial inspection requires a follow-up inspection, the property owner will bear the cost.

What is inspected?

Residential rental units, common areas, and accessory structures are inspected for compliance with the Borough’s Property Maintenance Code. See the attached inspection checklist for details.

7 – Contact Information

Borough Office: 101 South Railroad St
Myerstown, PA 17067
Office Hours: Monday through Friday, 7:30 a.m. to 4:00 p.m.

Code Official: John Neely
neely@myerstownpa.org
(717) 866-5038 x105

Res. Rental Unit Inspector: John Neely
neely@myerstownpa.org
(717) 866-5038 x105

Borough Manager: Michael McKenna
mckenna@myerstownpa.org
(717) 866-5038 x101