

BOROUGH OF CHAMBERSBURG

RENTAL PROPERTY INSPECTION POLICY

Approved by the Borough Manager on December 2, 2013

According to the Borough Rental Property Code, each residential rental unit shall be inspected by a Property Maintenance Code Enforcement Officer at least one time in every thirty-six-month period. The Property Owner must provide access to the Property Maintenance Code Enforcement Officer. A unit where inspection access is denied may not be a qualified residential unit until inspection access is provided or obtained through an administrative search warrant. A qualified residential unit is one that has met the inspection requirements of Rental Property Code – including Certificate of Compliance issuance – and for which all fees associated with the Residential Rental Unit Inspection Program have been paid, including the Annual Systematic Rental Inspection Fee (\$25), No Show for Appointment Fee (\$30) and the Re-Inspection Fee (\$35).

1. Borough will contact Property Owner to set date/time for property inspection:

The Borough will contact the Property Owner to schedule a date/time for a Property Maintenance Code Enforcement Officer to conduct a residential rental unit inspection. A letter will be provided to the Property Owner indicating the scheduled date/time when the Property Maintenance Code Enforcement Officer will conduct the residential rental unit inspection. The inspection shall include the exterior and interior of the premises being inspected, to include the entire lot(s) where the building that accommodates the residential rental unit is located.

2. Property Owner may request alternate date/time for property inspection to occur within ten (10) business days of original date/time agreed to by the parties:

A Property Maintenance Code Enforcement Officer will inspect the unit at the scheduled date/time. If the Property Owner needs to re-schedule the inspection date/time to an alternate time to occur within ten (10) business days of the original time selected by the parties, the Property Owner must contact the Borough Codes Office at 717-263-2337 at least 24 hours before the scheduled inspection date/time. A \$30 fee will be collected if the Property Owner fails to contact the Borough Codes Office at least 24 hours before the scheduled inspection date/time to reschedule the inspection or the Property Maintenance Code Enforcement Officer goes to the property at the scheduled date/time but is not provided access to the premises.

At the discretion of the Borough Manager or his designee and the Borough Solicitor or his designee, failure to authorize inspection to occur may subject the Property Owner to be prosecuted as provided for in the Borough Property Maintenance Code; to include, potential issuance of a Notice of Violation/Order to Vacate all residential rental units that have failed to secure a Certificate of Compliance, which are therefore not qualified residential units.

3. If no violations are discovered upon property inspection:

If the Property Maintenance Code Enforcement Officer does not identify any code violations during the inspection, a Certificate of Compliance will be issued. However, if there are unpaid Residential Rental Unit Inspection Program fees, the Certificate will be withheld. In those instances, a Certificate will not be issued until all unpaid fees for that particular unit are paid.

At the discretion of the Borough Manager or his designee and the Borough Solicitor or his designee, failure to pay all outstanding fees within thirty (30) days of notice may subject the Property Owner to be prosecuted as provided for in the Borough Property Maintenance Code; to include, potential issuance of a Notice of Violation/Order to Vacate all residential rental units

that have failed to secure a Certificate of Compliance, which are therefore not qualified residential units.

4. First discovery of violations during property inspection:

If the Property Maintenance Code Enforcement Officer identifies code violations during the inspection, a First Violation Notice will be provided to the Property Owner indicating the code violation(s) to be corrected, date(s) when the code violations must be corrected and the date/time when the Property Maintenance Code Enforcement Officer will re-inspect the unit.

5. Property Owner may request alternate date/time for property re-inspection to occur within ten (10) business days of original date/time selected by the Borough:

A Property Maintenance Code Enforcement Officer will re-inspect the unit at the scheduled date/time that appears on the First Violation Notice. If the Property Owner needs to re-schedule the re-inspection date/time to an alternate time to occur within ten (10) business days of the original time selected by the Borough, the Property Owner must contact the Borough Codes Office at 717-263-2337 at least 24 hours before the scheduled re-inspection date/time. A \$35 fee will be collected for each re-inspection. A \$30 fee will be collected if the Property Owner fails to contact the Borough Codes Office at least 24 hours before the scheduled re-inspection date/time to reschedule the re-inspection or the Property Maintenance Code Enforcement Officer goes to the property at the scheduled date/time but is not provided access to the premises.

At the discretion of the Borough Manager or his designee and the Borough Solicitor or his designee, failure to authorize a re-inspection to occur within thirty (30) days within the scheduled date/time that appears on the First Violation Notice may subject the Property Owner to be prosecuted as provided for in the Borough Property Maintenance Code; to include, potential issuance of a Notice of Violation/Order to Vacate all residential rental units that have failed to secure a Certificate of Compliance, which are therefore not qualified residential units.

6. Second discovery of violations during property re-inspection:

In the event the re-inspection discloses that the owner failed to correct the code violation(s), as noted on the First Violation Notice, or additional violations are discovered, the Property Maintenance Code Enforcement Officer will provide a Second Violation Notice to the Property Owner affirming the existence of the previously noted violations and the required correction period as well as indicating any additional code violation(s) to be corrected, date(s) when the additional code violations must be corrected and the date/time when the Property Maintenance Code Enforcement Officer will re-inspect the unit (the Second Violation notice shall not give the owner additional time to complete the violations noted in the First Violation Notice); however, the Notice will also indicate that the Property Maintenance Code Enforcement Officer may, at the discretion of the Borough Solicitor or his designee, prosecute as provided in the Borough Property Maintenance Code.

7. Property Owner may request alternate date/time for property re-inspection to occur within ten (10) business days of original date/time selected by the Borough:

A Property Maintenance Code Enforcement Officer will re-inspect the unit at the scheduled date/time that appears on the Second Violation Notice. If the Property Owner needs to re-schedule the re-inspection date/time to an alternate time to occur within ten (10) business days of the original time selected by the Borough, the Property Owner must contact the Borough Codes Office at 717-263-2337 at least 24 hours before the scheduled re-inspection date/time. A \$35 fee will be collected for each re-inspection. A \$30 fee will be collected if the Property Owner fails to contact the Borough Codes Office at least 24 hours before the scheduled re-inspection date/time

to reschedule the re-inspection or the Property Maintenance Code Enforcement Officer goes to the property at the scheduled date/time but is not provided access to the premises.

At the discretion of the Borough Manager or his designee and the Borough Solicitor or his designee, failure to authorize a re-inspection to occur within thirty (30) days within the scheduled date/time that appears on the Second Violation Notice may subject the Property Owner to be prosecuted as provided for in the Borough Property Maintenance Code; to include, potential issuance of a Notice of Violation/Order to Vacate all residential rental units that have failed to secure a Certificate of Compliance, which are therefore not qualified residential units.

8. Third discovery of violations during re-inspection:

In the event the re-inspection discloses that the owner failed to correct the code violation(s), as noted on the Second Violation Notice (whether the violations are the affirmation of violations from the First Violation Notice or additional violations from the Second Violation Notice), or additional violations are discovered, the Property Maintenance Code Enforcement Officer will refer the case to the Borough Solicitor. The Borough Solicitor or his designee, shall prosecute the Property Owner as provided for in the Borough Property Maintenance Code; to include, potential issuance of a Notice of Violation/Order to Vacate all residential rental units that have failed to secure a Certificate of Compliance, which are therefore not qualified residential units.

Following the third discovery, a Property Maintenance Code Enforcement Officer shall return to the property only at the direction of the Borough Solicitor or his designee, or the direction of the Court.

All fees associated with inspection, re-inspection and prosecution shall be the responsibility of the Property Owner. All Notices of Violation shall state that in the event of non-compliance, the Property Owner shall be responsible for any and all court costs and attorney fees associated with enforcement of the Code.

This policy does not bind the Borough to a specific course of action and the Borough may, at its sole discretion, based on the facts and circumstances of each situation, elect to exercise any or all of the remedies set forth herein, or as otherwise provided at law in the order which the Borough determines most effective to protect the health, safety, and welfare of Borough residents.

If a Certificate of Compliance has been revoked due to non-compliance, a Certificate will not be reissued until such time as all violations of Chapter 236 of the Code of the Borough of Chambersburg have been remedied.

This document represents an administrative policy of the Borough promulgated by the Borough Manager pursuant to Section 50-6 of the Code of the Borough of Chambersburg. Appeals of this policy should be filed in Commonwealth Court pursuant to the laws of the Commonwealth of Pennsylvania.

The applicable Residential Rental Unit Inspection standards are found in Chapter 236 of the Code of the Borough of Chambersburg, with property maintenance standards found in Chapter 221. The Code of the Borough of Chambersburg is available online at the Borough website: www.chambersburgpa.gov.

For more information, please contact the Land Use & Development Director at 717-261-3232.