

Borough of Carlisle
Workshop Meeting
Minutes January 2, 2019

Present at the meeting: Councilors Crampsie, Guido, Landis, Deputy Mayor Shultz and Mayor Scott. Also present were: Borough Manager Candland, Assistant Borough Manager Armstrong, Police Chief Landis, Public Works Director Malarich, Planning/Zoning/Codes Manager Skelly, Fire Chief Snyder, Human Resource Supervisor Hamilton, Public Information Coordinator Taylor and Borough Secretary Stone.

The Workshop Meeting convened at 6:00 p.m.

I. Public Comment:

Mr. David Lanza, 2132 Market Street Camp Hill, Pennsylvania, an attorney representing the Capital Area Rental Property Owners Association (CARPOA), spoke to Council regarding the potential of a rental housing inspection ordinance. He recommended that the Borough should focus on problem landlords and that the ordinance would only impose increased costs to tenants. He noted he has spoken with other municipalities that implemented a similar ordinance and they are now decreasing the frequency of their inspections due to the increased costs.

Councilor Guido asked Mr. Lanza if he is a property manager in the Borough or if he is representing property management companies in the Borough. Mr. Lanza responded that he represents CARPOA and that the association is composed of property owners and managers in the Borough of Carlisle.

Mr. Glenn Lehman, 3915-428 Union Deposit Road, Harrisburg, Pennsylvania. Mr. Lehman noted that he owns a property management company and manages several properties in Carlisle, as well as properties in ten other counties. He offered his years of experience as a resource to the Borough during the development of the rental ordinance. Mr. Lehman mentioned that a municipality placed an arbitrary property owner's distance requirement in their ordinance, which was later found not to be enforceable. He recommended that when writing the restrictions in the ordinance, that they are enforceable.

Chris Martin, 535 Franklin Street, Carlisle, Pennsylvania, addressed Council concerning the 35 mph speed limit on Waggoners Gap Road and feels that the speed limit is too high for a road that enters a residential neighborhood. He asked Council to consider reducing the speed limit for the safety of schoolchildren walking in that area.

II. Meeting Minutes:

- A. Borough Council voted 5-0 to approve the December 5, 2018 Workshop Meeting Minutes. (Guido/Landis)

III. Budget & Finance Committee:

- A. Stormwater Credit Manual:

Public Works Director Malarich explained the stormwater utility fees in the ordinance are based on the amount of impervious coverage on a property. He noted the credits would be cumulative up to a maximum credit of 20% of the property's Stormwater Management Service Charge, up to one inch of captured runoff. Mr. Malarich stated a stormwater credit would be calculated by taking into consideration the actions taken by property owner to reduce water runoff. The credit is a conditional reduction based on the following; a sliding scale, an application submitted for a credit and requirements for regular maintenance by property owner. He mentioned the credit manual explains the procedure to reduce the amount of impervious coverage and the process to appeal the impervious calculation assessment on a

property. Mayor Scott noted there are other municipalities that have implemented a stormwater utility fee. He asked Mr. Malarich how Carlisle's credit program compares to other municipalities. Mr. Malarich stated the credit program policies used by other municipalities were reviewed and some have been implemented into the Borough's credit program.

IV. Community Planning/Smart Growth Committee:

A. Rental Housing Inspection Ordinance Project:

Borough Manager Candland noted it is a goal of Council to update the existing rental inspection program and that the Borough is only at the starting point of this update.

Planning/Zoning/Codes Manager Skelly noted he would rely on the experience of Codes Officer Heyser to assist in gathering the information to bring to Council regarding the ordinance. Mr. Skelly provided Council with an outline of the basics in rental housing ordinances. This document is attached to these minutes.

Councilor Guido expressed her desire to review the rental housing ordinance that was approved in 2012 and make improvements to allow the oversight of nuisance properties and absentee landlords. She noted her concern is for tenants that are not provided the necessities such as heat and water.

Mayor Scott noted examples of rental ordinances from the Boroughs of Gettysburg, Mt. Holly, State College and West Chester were provided to Council for their review.

Councilor Guido noted the purpose of reviewing the current rental ordinance is to look at what we have and what is needed to make improvements. Updates to the ordinance would allow for the oversight of nuisance properties, nuisance tenants, and absentee landlords. She noted there were items placed in the 2012 ordinance that were voluntary and now may need to be made mandatory.

Mayor Scott explained the ordinance would be a tool for landlords as well as tenants.

Councilor Landis expressed concern for the potential of the ordinance displacing individuals/families that are victims of domestic violence. She recommended that circumstances should be factored in when dealing with disruptive tenants.

Borough Manager Candland suggested that Council review the ordinances provided and continue the discussion at the next workshop.

Councilor Crampsie commented that this is a good starting point to provide benefits for tenants and landlords. He noted consideration should be made to require out of town property owners to have a local person designated to respond to the needs of their tenants.

Borough Manager Candland recommended determining what is to be accomplished, how to administer from a staff level, and then factoring in the costs. This would allow for understanding the impacts to the Borough.

Discussion ensued among Council regarding components in the sample rental ordinances that should be considered in the updated ordinance, such as an appeal process, a graffiti clause and processes for Air B&Bs.

Public Comment

Mr. Matt Madden recalled that when he was involved in the implementation of the 2012 rental ordinance there was a large number of violation letters sent to landlords and very few citations were administered. He asked if this was still the case.

Mr. Mike Heyser responded that violation letters must be sent out to provide a reasonable time for the violations to be corrected and currently there are fewer violation letters being sent out.

Mr. Gary Lehman noted he would like to be involved in the process of improving the rental ordinance. He was encouraged to email the Councilors and attend the next Workshop Meeting where there will be further discussion.

Mr. Joe Nunez expressed concern with taking the existing ordinance and fine tuning. He noted that "one size does not fit all" and from his perspective what is needed is a better reporting system, along with a better violation process. The ordinance should target problem landlords.

Councilor Guido asked staff to create a list of what is currently working, what added enforcing should be considered and what does staff need from Council to succeed.

Mr. Lanza remarked that he did not feel mandatory inspections of all rental units should be implemented and that the problem landlords should be targeted. He noted this would create a decline in the quality of landlords because the good landlords will sell their properties. He offered the help of CARPOA to improve the rental ordinance.

Councilor Crampsie asked for Mr. Lanza to share a model rental ordinance. Mr. Lanza remarked that Lemoyne has the most reasonable mandatory inspection program.

Mr. Lehman noted rental ordinances to look at in other local municipalities would be Penbrook and West Fairview.

Mr. Russell Borne, 357 N. West Street, Carlisle, Pennsylvania, noted if it were not for complacent landlords there would not be enough low rental housing for people to live.

Mayor Scott received an email from Ms. Pam Still with her comments regarding the rental ordinance. The email is attached to these minutes.

V. Economic Development Committee:

A. Downtown Carlisle Association Annual Agreement:

Assistant Borough Manager Armstrong noted that Mr. Glenn White will present the DCA's Annual Action Plan during the upcoming Council Meeting.

Discussion ensued among Council regarding the success of the DCA in attracting new business to Carlisle as well as their efforts to work with the established business owners.

VI. Employee Relations Citizen Participation Committee:

A. Carlisle Municipal Authority Reappointment:

Borough Council voted 5-0 to reappoint Mr. Justin Doty to a first full five-year term on the Carlisle Municipal Authority. This term is retroactive to January 1, 2019 and shall expire on December 31, 2023. (Guido/Shultz)

B. Carlisle Municipal Authority Reappointment:

Borough Council voted 5-0 to reappoint Mr. Charles Stoup to a first full five-year term on the Municipal Authority. This term is retroactive to January 1, 2019 and shall expire on December 31, 2023. (Guido/Shultz)

VII. Parks and Recreation Committee:

A. Nottingham/Valley Meadows Supplemental Planting:

Parks and Recreation Director Crouse noted additional plantings would occur to replace the trees that did not survive the initial planting and to also fill in behind Valley Meadow and Nottingham. She noted an estimated 600 to 700 trees will be planted.

VIII. Public Safety Committee:

A. Waggoner's Gap Road/Route 74 Speed Limit:

Councilor Landis asked what the process is to address reducing the speed limits on state roads in Lamberton and Bellaire school zone. She suggested having the corridors in Carlisle looked at to impose a lower speed limit. Councilor Landis spoke of a town that held a campaign "Stop for Me" and asked for direction if the Borough could have such a campaign to slow down traffic.

Mayor Scott suggested asking PennDOT why the 35mph speed limit was implemented. Also, inquire if they have an interest in lowering the speed limit.

Councilor Guido expressed caution in regard to approaching PennDOT for multiple speed limit requests, but consider what the established speed limit on the new streets being constructed will be.

Mr. Chris Martin and Mrs. Jackie Martin, 535 Franklin Street, Carlisle Pennsylvania, shared that the speed of traffic on their street has affected their quality of life due to multiple accidents in front of their house. They suggested that accident statistics be reviewed at the intersection of B and Franklin Street. They also expressed safety concerns for the pedestrians and schoolchildren walking to and from the schools and College Street.

Discussion ensued among Council and staff, which resulted in the following recommendations:

- Staff to conduct a traffic study and compile the accident rate
- Reach out to PennDOT for guidelines
- Contact North Middleton Township to make them aware of our concerns.
- Use social media to caution drivers of the school zones
- Contact the school district to discuss adding a bike/pedestrian path or add additional crossing guards.

Public Works Director recommended conducting traffic studies from the Borough border to B and College Street, at various location in that area.

B. Downtown Carlisle Association Ice Art Festival Street Closure Request Amendment:

Borough Council voted 5-0 to amend its April 12, 2018 special event/street closure approval of the 2019 Ice Art Festival. Closures shall be North Courthouse from West High to Dickinson Avenue; Dickinson Avenue from North Hanover to North Courthouse; and South Courthouse

from West High to West Church Avenue and restricted parking as reflected in the special event/street closure form. (Scott/Guido)

IX. Public Works Committee:

A. Green Light Go Grant Application Resolution:

Borough Council voted 5-0 to authorize by resolution the submission of a Green Light Go grant application to the Pennsylvania Department of Transportation for improvements to traffics signals throughout the Hanover Street Corridor. (Landis/Guido)

X. Adjournment

There being no further business or public comments, the meeting adjourned at 8:00 p.m.

Timothy A. Scott Mayor

Joyce E. Stone Borough Secretary

RENTAL HOUSING ORDINANCES: THE BASICS

WHAT IS A RENTAL HOUSING ORDINANCE?

“Rental Housing Ordinance” is a generalized term used to describe provisions applicable specifically to rental housing units. The purpose of an ordinance varies from municipality to municipality; some require registration so that landlords/tenants can be easily contacted in case of emergency; others use it to ensure that interior maintenance and safety standards are met.

WHY DO MUNICIPALITIES IMPLEMENT THEM?

In recent years, the nation has experienced a slight decline in homeownership and an increase in rentership. This trend is driven by economic factors and by changing lifestyle choices, particularly among younger people who are the most likely to rent. With rentals comprising an increasing portion of housing units, many municipalities have enacted a rental housing ordinance.

At least eighteen of Lancaster County’s sixty municipalities have some form of rental registration, permit, or inspection ordinance. Twelve of the eighteen municipalities are urban (boroughs and the city). The need for rental housing rules is greater in urbanized areas where one property owner or tenant’s actions can directly affect the quality of life of those living nearby. If your neighbor’s house catches on fire, your home could easily catch as well. If your neighbor’s house has a pest infestation, your house is also at risk.

Municipalities have implemented rental housing ordinances in order to:

- Inventory existing rental units in the municipality.
- Ensure that rental units are receiving regular maintenance;
- Improve the safety of tenants and first responders in an emergency;
- Help landlords understand their responsibilities with respect to property maintenance;
- Help tenants understand expectations in terms of conduct and property maintenance;
- Protect neighborhoods against disruptive tenants or irresponsible landlords;
- Provide law enforcement officials with another tool to address disruptive conduct.

Most landlords and property management companies properly maintain their properties, and most tenants are respectful of their neighbors – but where this is not the case, a defined set of rules and standards can help to solve problems.

WHAT TYPES OF PROVISIONS MIGHT A RENTAL HOUSING ORDINANCE CONTAIN?

- **Registration of Unit.** Unit registration may be a one-time or an annual requirement, or may be required at the time of sale or transfer of a unit. Registration provides the municipality with basic information, such as the address and location of the unit and contact information for the owner or agent. Registration may be associated with a fee.
- **Rental Unit Occupancy License.** A rental unit occupancy license may also be required at the time of occupancy and/or annually. The license typically contains information such as the name and contact information of the owner or agent, date and expiration of the license, information about trash and recycling collection, the telephone number for emergency responders, and the number to file a complaint about the unit. Issuance of a license may be associated with a fee.
- **Display of License.** The rental license may be required to be displayed in the unit so that the tenant or emergency responders have access to all of the applicable contact information.

- **Designation of Responsible Agent.** If the property owner does not live nearby, the ordinance may require that the owner designate an agent authorized to handle any issues that arise.
- **Designation of Owner and Tenant Duties.** These sections can outline the expectations of both the owner and the tenant. This might include complying with applicable laws and occupancy requirements, properly disposing of trash and recycling, or maintaining the unit in good condition.
- **Inspections.** Inspections of rental units may occur at initial occupancy, at each change of occupancy, at regular intervals, at random, or as a result of a complaint. Municipalities may inspect for one or more of these circumstances.
- **Disruptive Conduct/3 Strikes.** Disruptive conduct is typically defined as littering, damage to or destruction of property, unreasonable noise, profane language, drunkenness, etc. associated with a dwelling unit. When disruptive conduct occurs, many municipalities document it by a code official or police officer. Under a “3 Strikes” provision, any tenant who accumulates 3 disruptive conduct reports within a twelve month period must be evicted.

HOW MUCH DOES IT COST TO ENFORCE A RENTAL HOUSING ORDINANCE?

Costs vary depending on the number of units and the type of provisions. At a minimum, the municipality will need to cover extra staff time, insurance, and a computer program to track units and violations. Rental housing inspections are generally not a money-making proposition for the municipality; most try to adjust fees to break even. When fees are unnecessarily high, they will cut into already razor-thin profits for landlords or higher rents for tenants.

WHAT ARE THE MOST CHALLENGING ASPECTS OF IMPLEMENTATION?

- Familiarizing rental property owners and agents with the rules, especially for registration and inspections.
- Convincing good landlords that the ordinance effectively makes them more competitive with irresponsible landlords, who will now be required to maintain their properties or pay fines.
- Building & populating a database of all rental units.
- Explaining the benefits of a “change of occupancy” inspection. When a tenant moves out, an inspection must be conducted – this means that any deficiency in the unit can only be attributable to the most recent tenant. As a result, the landlord will always know who is responsible.

WHAT KIND OF OPPOSITION SHOULD BE EXPECTED?

Different communities respond differently to the proposal to adopt a rental housing ordinance. In Columbia, the community was largely supportive, because they saw it as a tool to improve quality of life. In Lititz, the community was largely opposed, viewing it as another fee to be paid. In Ephrata, the community was split; comments received by the municipality were about 60 percent supportive and 40 percent against (*Ephrata Review*, “Rental Ordinance Debate Advances,” 2.26.2014). In general, homeowners are more supportive, while residential rental owners are largely unsupportive; however, landlords may be among the strongest supporters. Some people feel that rental housing ordinances constitute over-regulation or an additional “tax” on property owners.

HOW HAVE PEOPLE RESPONDED SINCE THE IMPLEMENTATION OF THE ORDINANCE?

In both Lititz and Columbia, community response has been generally very positive. Landlords are more aware of deficiencies in their units, and have clear recourse against tenants who fail to meet financial obligations or damage property. Law enforcement has an additional method to address disruptive conduct. Tenants have some assurance that their unit is safe and properly maintained, while neighbors appreciate a better quality of life.

Codes enforcement officials are quick to point out that successful implementation of an ordinance is related to the attitude and approach of the inspectors. Inspectors must take time to explain deficiencies and potential hazards and then work with owners on addressing identified issues. The goal is compliance, not citations.

IS IT WORTH IT?

- “Absolutely! Both the borough and property owners are being made aware of issues that they otherwise may not have known, and the issues are then able to be addressed and corrected.” – *Lori McEntarfer, Lititz Borough Zoning Officer*
- “It is necessary for every community. It has so much value for maintaining neighborhood quality of life. The database in particular is valuable due to its wealth of contact information, which I have used to advantage at 2:00 am during a fire, water leak, lightning strike, etc. to alert the landlord to a problem affecting his property.” – *Jeffrey Helm, Columbia Borough Zoning & Planning Officer*

OTHER WAYS TO ADDRESS RENTAL HOUSING CONCERNS:

- **Rental Registration Only.** East Hempfield Township: The township requires registration of rental units to the Hempfield School District, including the address, description, occupancy/vacancy status, and names of tenants (if applicable). Hempfield School District maintains the information, but must notify the police and fire chiefs when units become vacant/occupied. The district uses this information to determine whether students are eligible to attend Hempfield schools, and ensures that law enforcement officials are aware of long-term vacancies that may be at greater risk for criminal activity.
- **Property Maintenance Codes.** The Property Maintenance Code is a standalone code adopted by a municipality separate from the UCC. Most municipalities in Lancaster County use the 2009 or 2012 Property Maintenance Code; many municipalities also amend the code since approval from PA Department of Labor & Industry is not required. These code provisions may regulate items such as handrails and guardrails, rubbish and garbage, pest elimination, and fire safety provisions. A variety of provisions can be added to the standard Property Maintenance Code, such defined heating and cooling seasons/temperatures and the National Fire Protection Association rules.
- **Landlord/Tenant Trainings.** The Lancaster Housing Opportunity Partnership provides training to tenants or landlords about their rights and responsibilities. LHOP also produces a handbook entitled *Tenant/Landlord Rights & Responsibilities*, which is available online and at most municipal offices. Visit www.lhop.org for more information.

This article compiled with information and insights from Columbia Borough, City of Lancaster, Lititz Borough, Ephrata Borough, East Hempfield Township, and Manheim Township. Special thanks to

- Jeffrey Helm, Zoning & Planning Officer, Borough of Columbia
- Lori McEntarfer, Zoning Officer, Borough of Lititz
- Karen Weibel, President, Lititz Borough Council

PROS

- Help to maintain quality of life and conditions in neighborhoods – and within homes.
- Complaints are easier to handle when rental properties are regulated.
- Current landlord and tenant contact information is invaluable to first responders in emergency situations.
- Helps level the playing field between responsible and irresponsible landlords; irresponsible ones will be held to account.
- Neighbors – including homeowners and responsible tenants – generally appreciate and support additional oversight on problem properties.
- Can help to reduce fire and safety hazards; requires units to be equipped with smoke detectors.

CONS

- Commonly a money-losing proposition for municipalities; break-even at best.
- Time-consuming process that involves confrontation between municipal staff and landlords/tenants.
- Data collection is a necessity; usually requiring investment in new software.
- Additional fees and time spent on inspections are not popular with landlords and cut into already thin profit margins.
- May increase the cost of rental housing.

From: Pam Still <hollyhouse187@gmail.com>
Sent: Thursday, January 3, 2019 12:23 AM
To: Scott, Timothy A.
Subject: RE: Rental Ordinance consideration

Dear Borough Council members , Mayor Scott and Matt Candland,

It was a pleasure to attend your Monday evening workshop. Because of a recovering cold I was unable to comment but wish to be heard.

My name is Pamela Still and I reside at 18 S. Baltimore Ave. Mt. Holly Springs where I own 3 homes and have 3 apartments. I served on Borough Council until 2017 and was on the Health/Safety & Welfare committee tasked with creating the rental ordinance. I very much supported the ordinance because there was a **need** and we did not have ordinances in place to correct the issues we were being made aware of.

Once we established there was a need we studied many other municipalities, focusing primarily on the Borough of Lemoyne. We were fortunate to have the Zoning enforcement officer from Lemoyne speak to us as well and that proved extremely beneficial. Mt. Holly Springs is now a year into the inspection schedule and contrary to public opinion heard at the workshop by one of the attendees, there has not been an exodus of landlords with properties up for sale. This information is all public record and he was out of line for making this assumption. I applaud Councilperson Guido for questioning this.

My reason for writing is that I in fact also own 2 properties in Carlisle. One is a rental and the current one I am working on will be a second residence. I am a good homeowner and landlord with a 30 year rental track record. I believe people have a right to health, safety and welfare at the very least. If that means that I pay the price of an inspection I am willing to do so. There cannot be selective enforcement holding 1 landlord to a different standard than another. Therefore, if the need in Carlisle has been established, and existing ordinances do not support that need, Council must react.

It was also suggested by an attendee that this would cause taxes to go up. Any rental program cost should not be forwarded to the taxpayer and should be absorbed by the inspection fee. Once the public becomes more aware of the facts they may be less reactive! Oh, and the borough of Mt. Holly Springs has a population of 2100 and would not fit very well in the Carlisle council room as an attendee suggested!

Thank you for your time and allowing my voice to be heard.

Best regards,

Pamela Still