

City of Philadelphia



(Bill No. 090834)

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction And Occupancy Code,” by amending subcode “A,” entitled “The Philadelphia Administrative Code,” by amending Chapter 5, entitled “Violations,” and by amending subcode “PM,” entitled “The Philadelphia Property Maintenance Code,” by amending Chapter 1, entitled “Administration,” and Chapter 2, entitled “Definitions,” to require owners of certain properties to designate agents for service, managing agents, and property managers, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 4 of The Philadelphia Code is amended to read as follows:

TITLE 4. THE PHILADELPHIA BUILDING CONSTRUCTION AND OCCUPANCY CODE

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SUBCODE "A" (THE PHILADELPHIA ADMINISTRATIVE CODE)

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CHAPTER 5 VIOLATIONS

* * *

SECTION A-506 CODE VIOLATION NOTICES (CVN)

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A-506.2 Remittance amount. The amount required to be remitted in response to a notice of violation is the amount indicated in Section 1-112 of The Philadelphia Code unless otherwise specified.

Exceptions: The amount required to be remitted shall be as follows for violation of the following provisions:

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6. Section PM-102.6.5
(managing agents and property managers) One hundred fifty
Dollars (\$150)

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SUBCODE "PM"
(THE PHILADELPHIA PROPERTY MAINTENANCE CODE)

CHAPTER 1
ADMINISTRATION

* * *

PM-101.2 Scope: This code is promulgated to protect the public health, safety and welfare in existing structures and on existing premises by establishing minimum requirements for:

1. Safe and sanitary maintenance of structures, premises and equipment;
2. Equipment and facilities for space, light, ventilation, heating, sanitation and protection from the elements;
3. Safety to life, safety from fire and other hazards.

The code establishes responsibilities of owners, operators, *managing agents* and occupants and provides for licensing of certain properties

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PM-102.6 Condition of license: All licenses required by this code shall be subject to the conditions set forth in Sections PM-102.6.1 through [PM-102.6.6] *PM-102.6.7*.

* * *

PM-102.6.5 *Managing Agents and Property Managers*: The owner of a one-family, two-family or multiple-family dwelling, rooming house, dormitory or hotel shall designate [a managing agent to receive service of notices, orders, or summonses issued by the Department. To qualify for such designations, an agent shall be a natural person over the age of eighteen years and shall reside within the City or customarily and regularly attend a business office maintained within the City. An owner or corporate principal who meets such qualifications shall be authorized to serve as the managing agent.] *a managing agent*

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as defined in PM-202.0. [If anyone located in Philadelphia other than the owner collects rent on the owner's behalf that person shall qualify as and be designated as the managing agent.] Any person who resides in Philadelphia or customarily and regularly attends a business office maintained within Philadelphia, and who collects rent on behalf of an owner required by this section to designate a managing agent, shall be deemed that owner's managing agent, notwithstanding the other qualifications for managing agent set forth in PM-202.0. Any owner of (a) more than three residential parcels; (b) a multiple-family dwelling with four or more units; or (c) a rooming house; who does not reside within the City or within a surrounding county; shall also designate a property manager. In addition, the Department shall have the power to compel any owner to designate a property manager if it determines that such an action is necessary to protect public health, safety, and welfare. The same person may serve as both managing agent and property manager.

PM-102.6.5.1 Termination by owner: To terminate a managing agent *or property manager*, the owner shall file with the Department a statement designating a qualified successor. A qualified successor shall be designated by the owner within ten days after terminating [an agent] *a managing agent or property manager* and the Department shall be notified by first-class mail of that change within three days after selection of the qualified successor.

PM-102.6.5.2 Termination by *managing agent or property manager*: To terminate *the relationship with the owner as that owner's managing agent or property manager* [agency], the managing agent *or property manager* shall serve a written notice on the owner and the Department. The notice to the Department shall set forth the license number and address of the property and the name and address of the owner together with an affidavit of proof of service upon the owner. Service upon the owner shall be made by delivery of a copy personally to the owner or any principal if the owner is a corporation, by registered mail to the address of any owner or principal as set forth in the license application, or by delivery to any person of suitable age and discretion at the address of the owner or any principal as set forth in the license application. Upon termination *under this subsection by* [of] the [agency] *managing agent or property manager*, the owner shall file with the Department a statement designating a qualified successor within ten days.

PM-102.6.5.3 Other [termination]*circumstances*: If the designation of a managing agent *or property manager* shall (a) cease to be effective as a result of death or judicial declaration of incompetence of the [agent, or] *managing agent or property manager*; (b) *cease to be effective as a result of* disqualification because of relocation from Philadelphia *or a bordering county*;[,] *or (c) become necessary due to action by the Department compelling designation of a property manager under PM-102.6.5*, the owner shall file a statement with the Department within ten days thereafter designating a qualified *managing agent or property manager, as necessary*[successor].

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PM-102.6.5.4 Alternate agent: Any owner who is required to file a license application under this code and who fails to comply with the provisions of this Section as required shall be deemed to have appointed the Managing Director of the City of Philadelphia as agent [to accept] *for purposes of accepting* service of process in connection with any action by the City or any other party arising out of the condition of the property or any other matter relating to the property.

PM-102.6.5.5 Filing requirements: All managing agents and, where a property manager is required, property managers, shall provide in a form specified by the Department, the following information, which the Department shall maintain in a form accessible to other City departments:

(a) The name, address and phone number of the property manager or managing agent;

(b) The business privilege tax number, if a business privilege license is required, of the property manager or managing agent;

(c) A list of the premises for which the property manager or managing agent has been designated.

(d) Property managers shall also provide the following in connection with each premises:

1. The name of the natural person primarily responsible for management of the premises;

2. The business and emergency telephone numbers for such person; and

3. The name, address and telephone number of the record owner for each premises.

(e) Property managers and managing agents shall update the reports required by this Section as needed, to add and delete premises managed or no longer managed and report changes in the ownership of the premises within thirty days of the change of the status of the property.

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PM-102.6.7 Notice of Information Regarding Responsibility for Property Maintenance. The owner of every occupied premises shall furnish written notice to each tenant thereof containing (a) the name, address, and telephone number of the property manager, or (b) where no property manager is designated, the name, address, and telephone number of the person(s) or business responsible for the maintenance and

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management of the building. Whenever any information required by this subsection changes, the owner shall immediately furnish updated information to each tenant.

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CHAPTER 2 DEFINITIONS

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SECTION PM-202.0 GENERAL DEFINITIONS

Managing Agent: A natural person over the age of eighteen years who either resides within the City or customarily and regularly attends a business office maintained within the City and who agrees to receive service of notices, orders, or summonses issued by the Department on behalf of the owner or corporate principal. An owner or corporate principal who meets the above qualifications may serve as a managing agent.

Approved: Approved by the code official or other authority having jurisdiction.

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Private Parking Lot: Any outdoor area or space where more than six (6) motor vehicles may be parked, housed or kept without any charge.

Property Manager: A person responsible for the general maintenance of a premises and who, in the exercise of such responsibilities, may provide property maintenance services and property management services. Property managers must reside within the City or a county which borders on the City or must customarily and regularly attend or maintain a business office within the City or within a county which borders on the City.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and similar materials.

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CHAPTER 3 GENERAL PROPERTY AND STRUCTURAL MAINTENANCE

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SECTION PM-307.0 UNSAFE AND UNFIT STRUCTURES AND EQUIPMENT

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PM-307.4 Notice: If an unsafe or unfit condition is found, the code official shall serve on the owner, *managing* agent or person in control of the structure a written notice describing the condition deemed unsafe or unfit. The notice shall specify the required repair or improvements to be made to render the structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system safe and secure, or require the unsafe structure, equipment, appliance, mechanical system, plumbing system, fuel gas installation, or electrical system or portion thereof to be demolished or removed within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of an order to demolish.

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SECTION PM-308.0 IMMINENTLY DANGEROUS STRUCTURES

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PM-308.2 Notice: If an imminently dangerous condition is found, the code official shall serve on the owner, *managing* agent or person in control of the structure a written notice describing the imminent danger and specifying the required repair to render the structure safe, or requiring the imminently dangerous structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the code official acceptance or rejection of the terms of an order to demolish.

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SECTION 2. Effective Date. This Ordinance shall take effect immediately upon becoming law.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 15, 2010. The Bill was Signed by the Mayor on April 28, 2010.



Michael A. Decker
Chief Clerk of the City Council