

**Borough of Edinboro
Public Hearing Minutes
Ordinance 613
November 12, 2018**

ROLL CALL: Present were Aaron Gast, Jim Kiley (via phone), Alyssa Dobson, Pat Davis, Fred Langill, Nathan Latimer, and Mary Ann Horne.

Other officials present were Solicitor Tim Wachter, Borough Manager Kevin Opple, and Finance Director Jason Spangenberg. Citizens present were Mike Smith, Patti Weber, Maryann Mook, Dean Parker, Vince Dunsworth, Joan Barbour, Jody Marzka, Dave Storch, Steve O'Neill, B. Johnson, Dave Turney, Kim Grove, Joseph Markiewicz, Mary Bellucci, Renee Thayer-Allison, Vic Kwiatkowski, Tanya Flynn, John Hornaman, JoAnn Hornaman, Tom Brown, Dave Smith, John Kieffer, Lindsay Bauman, Dotty Cokinos, Casey Ponsoll, Jay Marcinowski, RM Hanson, Matt Baker, Alex Topor, Nick Hanna, Kim Teribery, Cal Robinson, Carrie Crow, and Michael Feikles.

OPENING:

Mayor Gast called the hearing regarding ordinance 613 to order at 6:06 PM.

DISCUSSION:

Alyssa Dobson discussed the proposed changes to student rentals as part of this ordinance. Restrictions on student status would be loosened to allow for life changes, such as having children or going back to school, without having to move out of current housing. A three-year grace period would be instituted to allow student rentals to be rented to non-students without losing their student license. Council would reassess this at the end of the three years with the option to extend it. Other smaller changes were mentioned; the full ordinance is shown below with all changes indicated:

*BOROUGH OF EDINBORO
Erie County, Pennsylvania
Ordinance No.613*

AN ORDINANCE OF THE BOROUGH OF EDINBORO, ERIE COUNTY, PENNSYLVANIA, AMENDING PART 2 OF CHAPTER 5 OF THE BOROUGH CODE, ENTITLED PROPERTY MAINTENANCE CODE; AMENDING AND PROVIDING FOR OWNER'S DUTIES, AMENDING AND PROVIDING FOR RENTAL LICENSES AND INSPECTION; AND AMENDING PART 2 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED DEFINITIONS; AMENDING AND PROVIDING FOR SPECIFIC TERMS; AND AMENDING PART 4 OF CHAPTER 27 OF THE BOROUGH CODE, ENTITLED SUPPLEMENTARY REGULATIONS; AMENDING AND PROVIDING FOR NONCONFORMING USES AND STRUCTURES, AMENDING AND PROVIDING FOR REGULATED RENTAL UNITS AND THE MANDATORY REVOCATION OR NONRENEWAL OF LICENSES; AND PROVIDING FOR A REPEALER, SEVERABILITY, BOROUGH MANAGER FILING INSTRUCTIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Home Rule Borough of Edinboro (the "Borough") has previously codified enacted ordinances as the Borough Code (the "Code"); and

WHEREAS, the Borough desires to amend Chapter 5 of the Code, known as Code Enforcement, specifically to amend Part 2, to address concerns with the verification of students residing in student rental units within the Borough; and

WHEREAS, the Borough desires to amend Chapter 27 of the Code, known as the Zoning Ordinance, specifically to amend Part 2 and Part 4, to address local concerns with the decline in student rentals within the Borough; and

WHEREAS, the Borough has the power and duty to enact ordinances to promote the health, safety, and general welfare of Borough residents and visitors; and

WHEREAS, the Home Rule Borough of Edinboro hereby ordains and enacts the following:

Section 1. *That Section 249 of Part 2 of Chapter 5 of the Code be amended through the inclusion of the underlined terms as follows:*

§5-249 Owner's Duties. . .

3. *Application for Residential Property Housing License/Regulated Rental License. At the time of annual renewal for residential rental property licenses (formerly known as occupancy permits), which is set on or before December 31 of each year, the owner shall complete and sign the application form; prepared by or at the direction of the Code Enforcement Officer, and shall require the owner to provide:*
 - A. *The name and addresses of the owner and the responsible local agent, if applicable.*
 - B. *The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).*
 - C. *A list of the names of all adult tenants or heads of family in each unit.*
 - D. *The actual number of Tenants and the maximum number of tenants permitted per regular rental unit.*
 - E. *The number of smoke detectors per unit.*
 - F. *Fire extinguisher availability.*
 - G. *His/her signature attesting to the owner's compliance with the specified Borough Ordinances, including Subsection 4 of this section, that tenants have received the tenant information form.*
 - H. *In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:*
 - i. *The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.*
 - ii. *The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.*

Section 2. *That Section 251 of Part 2 of Chapter 5 of the Code be amended through the inclusion of the underlined terms as follows:*

§5-251 Rental Licenses and Inspection.

1. *License Requirement. . .*
 - B. *The application for a license shall be made in writing in such form and manner and in accordance with such instructions as may be determined by the Code Enforcement Officer, shall be signed by the owner, and shall include at least the following information:*
 - 1) *The names and addresses of the owner and responsible local agent, if applicable.*
 - 2) *The address(es) and unit/room/apartment number(s) of the regulated rental unit(s).*
 - 3) *A list of names of all adult tenants or heads of family in each unit.*
 - 4) *The actual number of tenants and the maximum number of tenants permitted per regulated rental unit.*
 - 5) *The number of smoke detectors per unit.*
 - 6) *Fire extinguisher availability.*
 - 7) *His/her signature attesting to the owner's compliance with the specified Borough ordinances, including §5-293, Subsection 4 of this Subpart and that tenants have received the tenant information form.*
 - 8) *In the event that the residential rental property license is for property designated as a "student house," under the Borough Zoning Ordinance [Chapter 27], the owner shall provide an affirmative statement indicating the following:*
 - iii. *The lease agreement between owner and tenant(s) includes a clause mandating that tenant(s) shall remain students for the entirety of the lease agreement's term.*
 - iv. *The owner has received documentation (enrollment records, student identification, etc.) that verifies that each tenant is a student at the time of the execution of the lease agreement.*

Section 3. *That Section 202 of Part 2 of Chapter 27 of the Code be amended through the deletion of the struck out terms and the inclusion of the underlined terms as follows:*

§27-202 Specific Terms. . .

Bedroom- any room or space intended to be used for sleeping purposes in either a dwelling unit or a sleeping unit. A "bedroom" must conform to the minimum area provisions contained in the Property Maintenance Code and must adhere to the following minimum requirements pursuant to the Pennsylvania Uniform Construction Code:

- A. Must have a minimum area of seventy (70) square feet.
- B. Must have a minimum horizontal dimension of seven (7) feet.
- C. Must have a minimum ceiling height of seven (7) feet. If a sloped ceiling, then a minimum of fifty percent (50%) of ceiling must be a minimum of seven (7) feet.
- D. Must have an installed heating system capable of maintaining a temperature of Sixty-Eight Degrees Fahrenheit (68°F).
- E. Must have a means of egress, via window or otherwise, allowing for a safe, continuous, and unobstructed path of travel from the bedroom.
- F. Must comply with the provisions of the International Fire Code.

Family- a family is:

- A. A single person occupying a dwelling unit and maintaining a household, including individual(s) who are "students" as defined and referenced in this chapter who also maintain dependents as part of a household.
- B. Two or more relatives (as defined and referenced in this chapter) occupying a dwelling unit, living together and maintaining a common household, including not more than two boarders or roomers, including situations where one or more relatives are also "students," as defined and referenced in this chapter.
- C. ~~Not more than three~~ Two or more unrelated persons (see definition of "related") occupying a dwell unit, living together, and maintaining a common household.
- D. Permanent group homes for the disabled or family-like arrangements for disabled persons. Any number of disabled persons may be treated as a "family" if they are defined as handicapped or disabled under the Fair House Act Amendments to the Civil Rights Act. Please note: Handicapped or disabled persons shall be those who are so designated under the Fair Housing Amendment (1988) to the Federal Civil Rights Act of 1968.
~~This definition shall not apply to any dwelling occupied as a student house as referenced and defined in this Chapter. . .~~

Student- a student is an individual who is matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break or summer break. The definition of "student" shall include individuals who are related, married, or who maintain dependents as part of a household while simultaneously qualifying as a "student" under this section.

~~Student house- a type of use which is a subgroup of a regulated rental unit. It is a living arrangement within a one-or-two family dwelling, a conversion dwelling or a townhouse by persons unrelated by blood, marriage, or legal adoption, or any combination of such persons~~ students who are attending, or about to attend matriculating or about to matriculate in undergraduate or graduate programs offered by colleges or universities, or who are on semester break, or summer break. The maximum number of occupants of a student house shall be limited to three persons by the number of bedrooms available in the dwelling unit whether related or unrelated and each student house must comply with the minimum area requirements established by the Property Maintenance Code.

Section 4. That Section 401 of Part 4 of Chapter 27 of the Borough Code be amended through the inclusion of the underlined terms as follows:

§27-401 Nonconforming Uses and Structures

The following provisions shall apply to all nonconforming uses and structures. It is the intention of the Edinboro Borough that all legal nonconforming uses and structures shall be able to continue, however, all such changes in uses shall only be as allowed in this Part.

- A. Any nonconforming use may be continued, or may be changed to a use of the same or a more restrictive classification. The nonconforming use may not be extended or expanded unless to a conforming use, except as permitted by the Board in accordance with the provisions of this Chapter. . .
- C. Except as provided for in Section 401(c)(i-iv), in the event that any nonconforming use conducted in a structure, or otherwise, ceases, for whatever reasons, for a period of 1 year, such nonconforming use shall not be resumed and any further use shall be in conformity with the provisions of this chapter.
 - i. For a period beginning on September 1, 2018 and terminating on September 1, 2021, the above Section §27-401(C) shall not apply to regulated rental unit(s), currently licensed as a "student house," located within the Edinboro Borough that currently maintain a nonconforming use status.

- ii. If a nonconforming use in a regulated rental unit ceases during the three (3) year period identified above, the regulated rental unit shall not lose its nonconforming use status.
- iii. No later than September 1, 2020, the Borough Manager of the Edinboro Borough shall notify all affected owners of regulated rental units whether the period referenced in Section §27-401C(i) shall be extended and if so, the term for which it shall be extended.
- iv. Unless the Borough Council acts to extend the period referenced in Section §27-401(C)(i) for an additional period of years, Sections §27-401(i-iii) shall sunset as of September 1, 2021. .

Section 5. That Section 415 of Part 4 of Chapter 27 of the Borough Code be amended through the deletion of the struck out terms and the inclusion of the underlined terms as follows:

§27-415 Regulated Rental Units

1. All dwellings and dwelling units within the Borough may be rented and occupied by persons meeting the definition of family in Part 2 of this Chapter. Licensing is required for all regulated rental units by Borough Ord 496 and Ord. 554.

2. Student House. In addition to the licensing requirements for regulated rental units, student houses are subject to the following supplemental regulations:

A. No single-family home, townhouse, duplex, or conversion unit, used as a student house, shall be located on a lot, any portion of which is closer to another lot containing a student house than a distance determined by multiplying 20 15 times the minimum lot width required for a single-family dwelling in the district in which the student house is located.

Section 6. That Section 252 of Part 2 of Chapter 5 of the Code be amended with the addition of a new subsection 5, entitled Mandatory Grounds for Non-Renewal/Revocation of License, through the inclusion of the underlined terms as follows:

5. Mandatory Grounds for Non-Renewal/Revocation of License. Any of the following shall subject an owner to non-renewal or revocation of a license:

A. Failure by a premises to pass a regulated rental unit inspection in two (2) out of the last three (3) inspection periods. the

B. Failure of an owner to remit a fully completed renewal application, including all supporting documentation and the appropriate license fee, within ten (10) business days of the due date.

Section 7. Repealer.

Any ordinances, rules or resolutions, or parts of ordinances, rules or resolutions, in conflict herewith shall be, and the same are hereby repealed.

Section 8. Severability.

The provisions of this Ordinance are severable. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 9. Directions to Borough Manager

The Borough Manager is hereby directed to affix the Borough Seal upon this Ordinance, insert the date of enactment upon the same, record the ordinance in the Borough Ordinance Book and to take all such actions as are required by the Home Rule Charter of the Borough and to amend the Borough Code as may be necessary.

Section 10. Effective Date.

This Ordinance shall be effective on the tenth day following the enactment of this Ordinance, as indicated below.

ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE HOME RULE BOROUGH OF EDINBORO on the date first indicated above.

Fred Langill expressed a concern about the potential for a family to move into a student rental a few months before the three-year grace period expires and for that family to have to move out if the grace period is not extended. Ms. Dobson agreed with his concern and said that language could be added to address this issue.

COMMENTS & QUESTIONS:

Joan Barbour asked about any changes to the ordinance since the Planning Commission met to review it. Alyssa Dobson said that the Planning Commission would be able to review any changes before the next Council meeting. Ms. Barbour added that she agrees with the concern mentioned previously by Mr. Langill.

Renee Thayer-Allison asked about specifics for the requirement that landlords verify the student status of renters. Ms. Dobson said that there is not a specific document required, just that landlords to their due diligence to ensure renters are in fact students. Solicitor Wachter explained the definition of a student as laid out by the ordinance.

David Storch asked if student renters who get married would be required to move out of the student rental. Ms. Dobson replied that this is currently the case, but the ordinance would change this to allow the renters to maintain their residence.

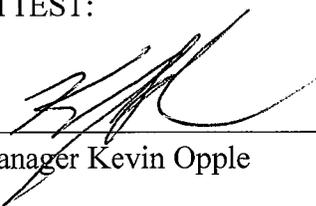
Dave Turney asked about the reasoning for discussing changes to student rentals if there aren't allowed to be any more student rentals due to all licenses being used currently. Mayor Gast clarified that there is not a numerical limit on the number of student licenses available, as implied by Mr. Turney, but that the distance between rental units regulates whether a property is able to gain a new license.

Kim Grove thanked Council for being open to discussing changes to the rules.

ADJOURNMENT:

Mary Ann Horne moved for adjournment, and the hearing was adjourned at 6:30 PM.

ATTEST:



Manager Kevin Oppe



Mayor Aaron Gast