

Oakwatch: The Code Enforcement Project

Minutes: March 16, 2022

Featured Speaker: Sarah Kinter, Director of Permits Licenses and Inspections (PLI), discussing Rental Registration and Inspections

OPDC's Assistant Director, Andrea Boykowycz, announced that Elena Zaitsoff stepped down as chair of Oakwatch. We thank Elena for her dedicated service.

Sarah Kinter gave a brief history of rental registration, dating back to the ordinance City Council passed in 2015. The new rental application fee was created and adopted into the city's fee schedule.

In November 2021, City Council passed a lead safety ordinance, requiring lead safety inspection to a rental registration inspection for units and structures built before 1978.

Beginning on May 2, PLI will begin accepting rental registration applications online via the OneStopPGH portal at <https://pittsburghpa.civiccentral.com/>. PLI is not yet ready to reopen their in-person counter at 412 Boulevard of the Allies.

Current rental locations will have until December 31, 2022, to register their rentals with PLI. To successfully obtain a rental registration, PLI will require owners to submit a valid occupancy certificate with the property's application. Single-family structures are exempt from the certificate of occupancy under the building code and rental registration.

The rental registration application includes an application fee of \$16, required at submission. There is an additional \$5.50 per parcel for intake and administration on the application, plus a \$14 fee per unit for department travel and inspection.

After the rental registrant pays the fee and submits their application, PLI staff will review the application and issue a rental registration. Once the rental registration is issued, the registrant will need to request an inspection. The request function is very similar to construction permit inspection. An inspector will address the request within five business days and attend the site on the scheduled day. As part of the inspection process, they will determine the structure's age. They'll flag structures built before 1978, and those will be subject to a lead safety inspection. In February, all of the code enforcement officers received their lead dust wipe EPA certifications. All inspectors will follow the same checklist, which is available at www.bit.ly/36UT0B1.

All of PLI's registered rental units will be available online in the Civic Central Portal and on Western PA regional data center's website at <http://www.wprdc.org>.

Q: You had said that single-family residences need not have a certificate of occupancy for their rental. Does this mean it's exempt from any other portion of the rental registration or inspection?

A: A single family home that's being used as a rental will still need to submit to a property maintenance inspection and a lead safety inspection. The City of Pittsburgh doesn't issue a certificate of occupancy for single family structures. So, though it won't need to submit the certificate of occupancy, it'll still be subject to inspection.

Q: What provisions in the rental registration inspection can assist in enforcing occupancy laws?

A: If you look at the inspection checklist, the first area of inspection is occupancy. It includes looking at the certificate, and ensuring that the number of units on the certificate is exactly what we're seeing when we go in and look at it.

Q: What is the consequence of people not registering their rental?

A: People have until December 31 to register. Following that, we will intake complaints and file violations following our inspection for locations that have not registered. City code has a steeper fine for non-compliance with rental registration. The fine for noncompliance under rental registration is \$100/day for each day that the violation exists. On rental registration, the fee is \$500. We will be relying on complaints for rentals that have not registered.

Q: Is there a plan in place to hire more inspectors since they'll be doing more site inspections?

A: Yes. With the passage of the Lead Safety Ordinance, City Council provided PLI with five additional operations inspectors that we are currently hiring for, which will bring our numbers up to twenty inspectors.

Q: Will this enable us to know the actual names of property owners rather than the LLC's that are anonymous that are hard to track?

A: The ordinance requires that a person is listed as a part of the application submitted to PLI. That is the same person that would get the notice of violation. I'm not positive if that information will be public or not, but it's information that the department will have.

Comment: It's often that fines before the magistrate get reduced significantly. I've experienced a \$300,000 fine reduced to \$15,000. I'm not sure if fines are as effective as they should be.

Q: How can the public view a list of the registered rentals or inspection results?

A: The programmatic inspections will be on CivicCentral, which is currently where building licenses and permits are found. We will also give our data monthly to the Western PA Regional Data Center.

Q: Is the responsible agent on the application required to live in Pittsburgh?

A: No. The responsible registrant doesn't have to be in the city, but the code says they, or their office, has to reside in Allegheny County.

Q: Will PLI be able to share the names and addresses of rentals with other departments of the city?

A: The listing of rental registration doesn't necessarily know whether or not the rental is actively being rented. But, to answer your question, yes PLI will share data with its sister agencies and departments across governmental units.

Q: Will the rental registration apply to things that are being rented that aren't residences, like, for example in Oakland, parking spaces?

A: That's not really under the purview of rental registration, which is about safety of dwelling units.

Q: How are you going to verify that landlords have explained the lead testing, the Fair Housing Act, etc. to people. How is this going to be verified?

A: In terms of the lead dust wipe testing, PLI inspectors are performing that test. We'll partner with a vendor. If we receive that there are traces of lead, we will issue a citation, give time for compliance, and perform an inspection until we get a negative result. In terms of DPW and trash compliance, that goes back to the data sharing piece from earlier. In terms of the Fair Housing Act, it's tricky. The person applying for the registration attesting that they've told their tenant those things. From an enforcement standpoint, it's difficult.

Q: Are trash bins or recycling bins on the checklist?

A: There is no requirement for a number of trash cans on the checklist. The code states that the landlord must provide a trash receptacle and a lid.

Q: Have we ever considered quality of life ticketing?

A: That sounds like a legislative initiative. What we have right now is what is the code before us and the criminal procedure. Those are our tools. We're happy to talk more about other tools in the future.

Bob Charland from Councilman Kraus's Office made mention of a potential bill regarding the quality of life ticketing, which got postponed due to the pandemic. Charland said he was happy to reopen that discussion in the future.

Q: Do people need to do a third party lead test annually to avoid PLI's lead inspection fee?

A: Yes, if you provide a lead report from a PA Licensed Assessor, you can avoid the lead safety fee.

Q: If lead traces are found, will you require lead abatement certified contractors?

A: Remediation of a lead hazard requires a PA Licensed Assessor to do a lead assessment annually.

Q: In terms of student housing, if there are more than three students on a lease during rental registration, and the rental doesn't pass inspection, does that mean students would become homeless in the middle of a term?

A: No. For PLI to order a structure to be vacated, it would have to be condemnable.

Q: What is the enforcement for illegal over-occupancy?

A: We issue a notice of violation, the owner has time to comply with that notice of violation, we perform three inspections, and then we file criminal offenses to the magistrate's office.

Q: Instead of lead wipe, if we hire a third party report with an XRF camera, would that preclude further testing?

A: There is an exception that would allow a report in lieu of an inspection fee. The code states that credible evidence for the purposes of lead inspection may include a report prepared by a professional who is certified by the Department of Labor and Industry as a Lead Risk Assessor that the building or relevant portion of the building contains no lead-based hazards. So that testing could qualify, yes.

Q: Can we talk about dead end properties?

A: Starting in 2020, when PLI adopted a new code enforcement system, they started tracking dead end properties. This allowed clean and leans and board ups to occur on a faster timeline. PLI acts as a cornerstone of information for local partners to help create a solution to condemnable properties. However, as a code enforcement and public safety entity, PLI looks to its partners in government to help with the solution.

Q: If I were to tell you about a dead end property, could PLI tell me if the owner was deceased? What about city-owned properties?

A: Yes, we can tell you both of those things.

Q: Is there any way we could request to bump properties up or down on the list of condemnables?

A: There is a scoring system we use to prioritize demolition of properties. I can look up the property you're talking about and let you know what it's scored.

Q: Can anyone attend the Good Landlord Academy?

A: For context, the rental registration ordinance requires landlords to participate in a "Good Landlord Academy." It has practices that we as a city would expect good landlords to adhere to. To answer your question, I don't know yet. We'll probably have a Zoom the first go-around, but we're looking at programs to start up in the start of 2023.

Q: When do I know when to call the health department vs 3-1-1 vs the landlord?

A: PLI usually sends it out to all of the places if it's bad, and waits to see who will respond first. Our office typically differs to the health department for mice and rat infestations as well as molds we encounter during property maintenance inspections.

Q: What are the rules for garbage cans on sidewalks?

A: Under municipal code 619.03E, residents of single family dwellings and small apartments must store containers in the rear of the property and or remove them from the public right-of-way. That's the code.

Q: Can repeat violations of trash and other public health-type infractions be designated as nuisance properties? How might one do that?

A: Disruptive properties can. There are a number of different issues that designate potential for disruptive properties. I'm happy to provide that information to you.

Q: Has anyone heard anything about Welsford or permitting as not to repeat?

A: We need the mayor's and the new Public Safety Director's support. We need liability and responsibility in events such as Welsford. We're trying to make sure numbers make sense right now. We don't want someone hosting a 15 person block party to require insurance. I don't have an answer for you at this point, but I know it's something the Councilman has asked the new Director of Public Safety about.

Officer Jeff Colello, from Pitt Police, provided an update regarding Bigelow Boulevard's new crossing guard at the crosswalk to help improve public safety. Colello also informed attendees that SPIN scooter has come to Pitt's campus to help teach students how to ride and store scooters properly.

Q: Are they stationed at the raised part of crossing mid-block? What about the corner?

A: Just at the mid-block entrance.

Dave Munson from DOMI discussed SPIN management, specifically how to better maintain them in Oakland. He offered to address it in greater detail at a future Let's Talk or Oakwatch meeting.

Jessica Farrell and Chrisarah Johnson from the Mayor's Office transition team introduced themselves and provided contact information for meeting attendees interested in neighborhood services from their department.