

ORDINANCE NO. 1 OF 2026

AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 5, CODE ENFORCEMENT, PART 3 (LANDLORD-OWNER REGISTRATION) AND PART 4 (CERTIFICATE OF OCCUPANCY), TO ESTABLISH A RENTAL PROPERTY COMPLIANCE CERTIFICATION PROGRAM; TO PROVIDE FOR RENTAL REGISTRATION, LANDLORD CERTIFICATIONS, VOLUNTARY INSPECTIONS, ENFORCEMENT, PENALTIES, AND RELATED MATTERS; AND REPEALING ALL INCONSISTENT PROVISIONS

WHEREAS, the Borough of White Haven has a substantial interest in protecting the health, safety and welfare of tenants and the public; and

WHEREAS, Borough Council desires to promote safe and habitable rental housing while respecting constitutional protections afforded to property owners and occupants; and

WHEREAS, Borough Council finds that a landlord self-certification program, combined with complaint-driven code enforcement and voluntary inspections, will advance the public health, safety and welfare of the residents of the Borough;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of White Haven as follows:

SECTION 1

Chapter 5, Part 3 is amended by adding a new Section §308-A(E), entitled "Rental Property Compliance Certification."

§308-A(E). Rental Property Compliance Certification.

(1) Annual Certification Required.

Every owner of a rental property located within the Borough shall annually submit a Rental Property Compliance Certification upon forms supplied by the Borough. Annual certifications shall be submitted on or before January 31 of each calendar year, or within thirty (30) days of the commencement of a new rental use.

(2) Contents of Certification.

The certification shall identify:

- (a) the owner of the rental property;
- (b) the address of the rental property;

- (c) the number of rental units located upon the property;
- (d) a local contact person or property manager, if applicable;
- (e) emergency contact information; and
- (f) such other information as may reasonably be required by the Borough for administration of this Part.

(3) Compliance Certification.

The owner shall certify, after reasonable inspection of the premises by the owner or owner's agent, that to the best of the owner's knowledge, information and belief:

- (a) the property complies with applicable Borough ordinances and codes;
- (b) all smoke detectors and carbon monoxide detectors required by law are installed and operational;
- (c) all means of ingress and egress are maintained in a safe condition;
- (d) the premises are fit for human habitation;
- (e) occupancy limits are being observed;
- (f) utilities required for occupancy are functional;
- (g) no known dangerous or unsafe conditions exist upon the premises; and
- (h) the information provided to the Borough is true and correct.

(4) Certification and Checklist.

The certification shall be signed by the owner, property manager, or authorized agent and shall be deemed a certification made to the Borough under penalty of enforcement under this Chapter.

Owners shall maintain records supporting the certification, including any inspection checklist utilized by the owner, for a period of three (3) years and shall provide such records to the Borough upon lawful request. Failure to maintain or produce required records shall constitute a violation of this Chapter.

Borough Council may approve by resolution a Rental Property Compliance Certification Form identifying minimum items to be reviewed and certified by landlords.

(5) Voluntary Inspection Program.

Nothing herein shall prohibit an owner, property manager, or authorized agent from voluntarily requesting an inspection by the Borough or the Borough's designated inspection agency for purposes of obtaining a Certificate of Occupancy or demonstrating code compliance.

(6) False Certification.

Any person who knowingly or recklessly submits false, misleading, or materially inaccurate information shall be subject to enforcement proceedings, fines, penalties, suspension or revocation of rental registration, and any other remedies authorized by law.

(7) Failure to File.

Failure to file a required certification, filing a materially incomplete certification, or submitting a knowingly or recklessly false, misleading, or materially inaccurate certification shall constitute a violation of this Chapter and shall be subject to all fines and penalties authorized by this Code.

(8) Borough Enforcement Authority Preserved.

Nothing herein shall limit the authority of the Borough to investigate complaints received from tenants, neighboring property owners, emergency responders, governmental agencies, or other persons, enforce Borough ordinances, issue notices of violation, conduct inspections with consent, conduct inspections authorized by law, seek administrative warrants where otherwise authorized by law and supported by individualized probable cause, or pursue any remedy available under law.

(9) Penalties.

Any person who:

- (a) fails to submit a required Rental Property Compliance Certification;
- (b) submits a materially incomplete certification;
- (c) knowingly or recklessly submits a false, misleading, or materially inaccurate certification;
- (d) fails to maintain required records;
- (e) owns, rents, leases, permits the occupancy of, or otherwise allows a rental unit to be occupied without having timely complied with the rental registration and Rental Property Compliance Certification requirements of this Chapter; or
- (f) otherwise violates this Section;

shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) plus costs of prosecution. Each day that a violation continues shall constitute a separate offense.

SECTION 2

Chapter 5, Part 4 is amended by deleting §403 in its entirety and replacing it with the following:

§403. Certificates of Occupancy.

(a) Voluntary Certificates of Occupancy.

An owner, property manager, or authorized agent may voluntarily request an inspection by the Borough or its designated inspection agency for purposes of obtaining a Certificate of Occupancy.

Where a rental unit is vacant and unoccupied at the time an inspection is requested, the Borough or its designated inspection agency may conduct the inspection upon the consent of the owner, property manager, or authorized agent having lawful authority to provide access to the premises. Tenant or occupant consent shall not be required for inspection of a vacant and unoccupied rental unit.

Where a rental unit is occupied, an inspection involving entry into the dwelling unit shall be conducted only with the voluntary consent of the tenant or occupant having lawful authority to consent to entry, unless entry is otherwise authorized by law.

The consent of an owner, property manager, or authorized agent to participate in the voluntary inspection program shall not constitute or be deemed consent on behalf of a tenant or occupant to entry into an occupied dwelling unit.

Where an owner has elected to participate in the voluntary inspection program but a tenant or occupant declines to consent to entry, the Borough shall not enter the occupied dwelling unit absent lawful authority to do so. The tenant's or occupant's refusal to consent shall not, standing alone, constitute probable cause for an administrative search warrant or constitute a violation by the owner.

In such circumstances, the owner may satisfy the annual compliance requirements of Part 3 by submitting the Rental Property Compliance Certification and self-inspection checklist required thereunder, together with documentation that the owner timely requested participation in the voluntary inspection program and that access to the occupied unit was declined by the tenant or occupant.

To the extent the tenant or occupant also declines to provide the owner or owner's agent reasonable access necessary to complete the self-inspection, the owner shall document such refusal on the certification and checklist, and the owner shall not be deemed in violation of the inspection or certification requirements of this Chapter solely by reason of the tenant's or occupant's refusal to provide access.

Upon successful completion of a voluntary inspection, the Borough may issue a Certificate of Occupancy. A Certificate of Occupancy issued pursuant to this subsection shall remain valid for a period of two (2) years unless sooner revoked for cause.

(b) Effect of Certificate of Occupancy.

A landlord who possesses a valid Certificate of Occupancy issued pursuant to subsection (a) shall nevertheless remain subject to the annual Rental Property Compliance Certification requirements of Part 3.

(c) Compliance Certification Alternative.

Participation in the voluntary Certificate of Occupancy program is encouraged but not required for rental registration. All landlords shall remain subject to the rental registration and annual Rental Property Compliance Certification requirements of Part 3 regardless of whether a Certificate of Occupancy has been issued. The Borough may establish reduced registration fees or other incentives by resolution for landlords who participate in the voluntary Certificate of Occupancy program.

(d) Rental Lease Inspection Provisions.

An owner may include within a written rental agreement or lease a provision requiring the tenant or occupant, upon reasonable advance notice and subject to applicable law, to provide reasonable access to the rental unit for purposes of a voluntary inspection conducted by the Borough or its designated inspection agency.

The existence of such a lease provision shall not, by itself, constitute consent by a tenant or occupant to governmental entry into an occupied dwelling unit, nor shall such provision authorize the Borough or its designated inspection agency to enter an occupied dwelling unit over the objection of a tenant or occupant except as otherwise authorized by law.

Borough Council may, by resolution, establish a reduced rental registration, compliance certification, or other applicable fee for an owner who demonstrates that the owner's written rental agreement or lease contains a provision substantially complying with this subsection.

(e) No Mandatory Inspection.

Nothing in this Chapter shall require a landlord or tenant to submit to a routine inspection of a rental unit as a condition of rental registration.

(f) Complaint-Based Enforcement.

The Borough may investigate complaints alleging violations of Borough ordinances, property maintenance standards, occupancy requirements, fire safety regulations, or other applicable laws.

(g) Code Enforcement.

Where violations are discovered through lawful means, the Borough may issue notices of violation, citations, administrative enforcement actions, civil actions, or other remedies authorized by law.

SECTION 3 – Specific Repealer

Any provisions of Chapter 5 requiring routine, periodic, or mandatory inspections of rental units as a condition of rental registration, licensing, occupancy, or continued rental operation are hereby repealed.

SECTION 4 – Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

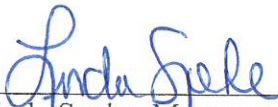
SECTION 5 – Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

SECTION 6 – Effective Date

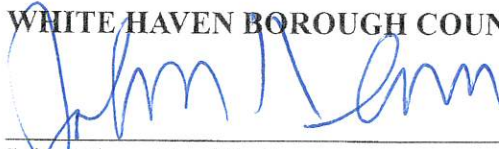
This Ordinance shall take effect immediately upon enactment and advertisement as required by law.

ATTEST:



Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:



John Klem, President

APPROVED THIS 24 DAY OF August, 2026.



Tim Janosco, Mayor

