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City suspends, for now, law making landlords get property certificate

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In a final victory before his disgrace, former City Councilman Rick Mariano in 2006 forced into law a requirement that landlords get a city certificate for their property's "rental suitability" before tenants could move in.

But now the law - like Mariano, who is serving a six-year federal prison term for corruption - is going nowhere fast.

The city, faced with a lawsuit by two landlord associations, agreed two weeks ago to stop enforcing the law until either City Council or the Department of Licenses & Inspections makes changes approved by the property owners.

The city or the landlords can ask for a hearing in Common Pleas Court in mid-July if no agreement is reached by then or if the order isn't extended.

That legislative limbo concerns those who pushed for the law.

"We think their allegations about problems with the bill are not very substantive," said Phil Lord of the Tenant Union Representative Network. "Giving the landlords control over this thing is really troublesome."

Lawrence Fisher, an attorney for the Apartment Association of Greater Philadelphia, counters that the law is too vague, citing "health and safety" without defining those terms. And Fisher said it lets a tenant manipulate the law to avoid being evicted.

"That's just not right," he said. "Any person who is about to get evicted, all they have to do is concoct an allegation of a violation and it stops the process."

The law requires that landlords obtain all necessary city licenses, have working fire-protection and smoke-detection equipment, and have no outstanding code violations for their properties. It allows tenants to file complaints about code violations.

Mariano pushed for a vote in February 2006, just before the start of his corruption trial, and rallied support from nine of his colleagues in the face of protracted lobbying by the landlord groups. One of the persuaded: then-Councilman Michael Nutter, now mayor.

City Solicitor Shelley Smith yesterday said that the new administration wants to examine the rental-suitability act to make sure it is enforceable and consistent with Nutter's goals.

The landlords first sued in Common Pleas Court five months after the law was passed. A judge threw out the case, but the landlords won an appeal last November in the state Commonwealth Court, which sent the case back to Common Pleas Court.

Anthony Ingargiola, Mariano's former director of legislative and public affairs, said that the landlord groups were involved from the start in negotiations about how the law was drafted. The first version was much tougher, he said.

"They seem to have a knee-jerk reaction to asking their clients to sign anything certifying anything, out of fear of legal retribution," Ingargiola said.

With the landlords having the power to veto any changes by the city, Ingargiola anticipates little action. "It's an instant win for them," he said.

Darrell Zaslow, an attorney for the Homeowners Association of Philadelphia, said that the landlords and the city had not set any meetings since the order was issued on April 17. Zaslow said he expects one to occur soon.

"I'm sure that's just a matter of competing demands," Smith said of the delay. "It's certainly our intention to deal with the issue." *

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