

PROA Board Meeting December 2009

By Bradley S. Dornish, Esq.

The Board of Directors of the Pennsylvania Residential Owners' Association met December 3, in Camp Hill, outside of Harrisburg. The Officers, Grant Nelson, President, Rita Dallago, Executive Director, Jean Yevick, Vice President, John Baldwin, Treasurer, and LuAnn Uhl, Secretary, were retained in their respective positions for 2010 by acclamation.

PROA's professional lobbyists, Dan Clark and Joe Leighton of Pugliese Associates, presented their report on the status of over forty different bills working their various ways through the Pennsylvania Legislature. Among those bills, closest attention is being paid to SB 900, the Neighborhood Blight Reclamation and Revitalization Act, and HB 1445, the Carbon Monoxide Alarm Standards Act. However, with the State Budget incomplete almost halfway into the year, and indictments of additional legislators promised by the attorney general threatening to change the makeup of the legislature early in 2010, it is not likely that the House and Senate will push any significant bills through before the next session begins. So, the lack of bad news balances the lack of good news from Harrisburg.

Our lobbyists are watching for changes in leadership positions in the House and Senate, and will alert our local groups if any of our local legislators take more prominent roles on committees affecting our interests.

Paul Toner, an associate of PROA director Lee Stivale at the Media PA law firm of Vicent Mancini & Associates, gave a report on the firm's handling of the Berwick and West Chester lawsuits on landlord registration and landlord liability for tenant conduct ordinances. The firm is preparing to take the cases on appeal to the Pennsylvania Commonwealth Court, and will be briefing and arguing the issues in early 2010. The former President Judge of the Commonwealth Court recently joined the firm, and will assist in representing our local PROA member organizations in those cases, with continuing financial support from PROA.

In Western Pennsylvania, I was able to report that most of our 2009 litigation has resulted in or is in the process leading to the adoption of new, less burdensome ordinances without the added expense of appellate litigation. In Uniontown, after

filing of our lawsuit, our local landlords were able to substantially rewrite and obtain passage of a registration ordinance without fees and without substantial burden on landlords there. In Connellsville, our lawsuit is on hold pending passage of a new, less restrictive rental registration ordinance, which will eliminate inspection of rental units by local police officers and address the other points raised in our suit in ways satisfactory to landlords there. We anticipate both suits will be able to be settled without PROA or the local associations there incurring additional legal fees.

In Pittsburgh, our litigation has caused the current rental registration ordinance to be postponed indefinitely, and we are working with the City Solicitor's office and budget office to develop an ordinance to replace the current ordinance which will not only be acceptable to all of the landlords' and real estate groups involved in the litigation, but which can serve as a model for changing other similar ordinances in Western PA. In Washington, we are awaiting the passage of a new ordinance, but hope to have input before litigation is required by showing a large presence at City Council meetings, armed with information on the results of other local lawsuits. The Western Pennsylvania ordinance litigation which will require the most support from PROA in early 2010 is in New Castle. There, city inspectors are aggressively citing landlords involved in our litigation against a \$100 annual registration fee, an ordinance with serious consequences for landlords based on vague guidelines for inspection by non-certified inspectors for occupancy related and building code related issues.

The officers of the Apartment Association of Lawrence County have been cited for tens of thousands of dollars worth of repairs which we believe are improper retribution for their suit, tenants have been given notice to promptly leave, within ten days, housing which private inspectors have confirmed meets standards for occupancy, and landlords have been denied due process. We are documenting these abuses, and plan to amend the complaint currently filed to include the claims based on this conduct.

PROA passed a budget which does not raise the dues our member associations pay beyond the 2009 level of \$19.00 per member. Additional funding for legal fights will hopefully come from the PROA convention in early March outside of Philadelphia, where both Lee Stivale and I will be speakers.

PROA Executive Director Rita Dallago reported on her involvement in code enforcement issues through the PA Department of Labor and Industry (L&I). She reported that L&I, which supervises and certifies Building code officers, requires

certification for officers performing inspections under the Uniform Construction Code, International Building Code, International Existing Building Code, and International Residential Code. However, inspections under sections of the International Property Maintenance Code which do not involve paragraphs of that code which incorporate or reference the other codes mentioned, do not require a certified inspector. Non-certified inspectors don't like to identify the code sections pursuant to which they are citing violations, to avoid any dispute on their authority. Members are encouraged to check the L&I website to see whether your inspector is certified, and insist that they cite code sections for any violations.

Finally, the PROA Board considered under new business the development of a protocol for web based communication among member groups, so that updates on lobbying, lawsuits, the Political Action Committee, and other matters of interest to investors can be communicated live to various local group meetings. I will be a member of the committee developing the protocol.

The next meeting is scheduled for February 25.
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