



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTER-OFFICE MEMORANDUM

To: Rachel Leon, Council President
From: Matthew J. Deschler, Assistant Solicitor
Re: Amendments to Article 1731 and Article 119
Date: May 7, 2026

Enclosed for City Council's consideration is an Ordinance amending, chiefly, Article 1731, as well as a section of Article 119 of the City's Codified Ordinances. The amendments are necessary to bring Article 1731 into compliance with the Municipal Code and Ordinance Compliance Act and to provide additional updates to the article. The amendments to Article 119 are designed to ensure consistency with Article 1731.

A handwritten signature in black ink that reads "Matt Deschler".

Matthew J. Deschler
Assistant Solicitor

Cc: J. William Reynolds
Laura Collins, Esq.
Mike Simonson
John F. Spirk, Jr., Esq.

BILL NO. ____ - 2026
ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 1731 TITLED “INSPECTIONS” AND AMENDING ARTICLE 119, TITLED “REGISTRATION, SALE AND TRANSFER OF REAL ESTATE” OF THE CITY OF BETHLEHEM CODIFIED ORDINANCES.

THE COUNCIL OF THE CITY OF BETHLEHEM DOES HEREBY ORDAIN AND ENACT THE FOLLOWING ORDINANCE:

SECTION 1. Article 1731 of the City of Bethlehem Codified Ordinances relating to Inspections, is hereby amended to read as follows (**bold underlined** text denotes additions, whereas ~~strikeouts~~ denote deletions):

ARTICLE 1731
Inspections

- ~~1731.01~~ ~~Inspections Required.~~
- ~~1731.02~~ ~~Fees.~~
- ~~1731.03~~ ~~Registration.~~
- ~~1731.99~~ ~~Violations and penalty.~~

- 1731.01** **Definitions.**
- 1731.02** **Inspections Required.**
- 1731.03** **Certificate of Occupancy Required.**
- 1731.04** **Issuance of Certificate of Occupancy.**
- 1731.05** **Applicability.**
- 1731.06** **Compliance Requirements.**
- 1731.07** **Fees.**
- 1731.08** **Registration.**
- 1731.99** **Penalty.**

1731.01 **DEFINITIONS.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Date of purchase.” The date on which title and right to possess the property transfers to the purchaser or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

“City.” The City of Bethlehem, Pennsylvania.

“Substantial violation.” A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a City inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a City inspection report.

“Temporary access certificate.” A certificate issued by the City as a result of the City inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of this Article. No new occupant who has not previously occupied a property may occupy a property during the term of a temporary access certificate, but tenants, in the case of a tenant-occupied property, already occupying the property may remain in the property at the discretion of code enforcement based on human habitability. The owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the temporary access certificate.

“Temporary certificate of occupancy.” A certificate issued by the City as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this Article. A temporary certificate of occupancy shall have the same meaning as a “temporary use and occupancy certificate” in the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081-1084.

“Unfit for human habitation.” A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

“Certificate of occupancy.” A certificate issued by the City stipulating that the property meets ordinances and codes and may be used or occupied as intended. A certificate of occupancy shall have the same meaning as a “use and occupancy certificate” in the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081-1084.

“Violation.” A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record

owner or prospective purchaser of the property through issuance of a City inspection report.

“Commercial”. Refers to non-residential.

1731.02~~4~~ INSPECTIONS REQUIRED.

- (a) All properties for which title is to be transferred being offered for sale shall be inspected under Article 119 titled Registration, Sale and Transfer of Real Estate and be subject to Section 119.07 titled Rules and Regulations where applicable. In addition, all properties for which title is to be transferred being offered for sale shall be subject to Section 119.04(b), titled Duties of Title Holder and Seller, including the requirement that every transferor seller or their his agent to, within a reasonable time of offering for sale or listing for sale, but no later than ten (10) business days from the date on which the building or structure is offered or listed for sale, contact the Housing Inspections Officer for the City of Bethlehem to schedule an inspection by the City’s Housing Inspections Bureau of the property at least thirty (30) days prior to the transfer thereof. In addition, for any property offered for sale, the transferor shall contact the City’s Housing Inspections Bureau to schedule an inspection within ten (10) days of the property being offered for sale. ~~building or structure.~~ For any property for which title is to be transferred, the property shall be inspected by the City prior to the date of purchase. It shall be the responsibility of the transferor of title to contact the City to schedule the inspection.
- (b) A Every dwelling, commercial unit, and structure or building that is a rental, shall be inspected by the City for purposes of ascertaining compliance with City codes; each time the unit, structure or building becomes vacant changes occupants. It shall be the responsibility of the owner of the unit, structure or building to contact the City to schedule the inspection prior to the change in occupancy.
- (c) All fraternities and sororities must be inspected annually by the City.
- (d) Rental residential dwelling units shall be inspected in accordance with Article 1735, Article 1738, and Article 1739, as applicable.

1731.03. CERTIFICATE OF OCCUPANCY REQUIRED.

- (a) Possession by ~~the~~ a property’s owner of a current renewed certificate of occupancy for the property is required to permit maintain occupancy and use of the property and units, structures or buildings located thereon. ~~a dwelling unit.~~ A new certificate of occupancy shall be required each time (1) a commercial unit, structure or building changes occupants, (2) title to a residential property is transferred, and (3) an inspection is required for a residential dwelling unit under Article 1735, Article 1738, or Article 1739.

- (b) ~~The Department of Community and Economic Development shall establish rules and regulations to implement this requirement and violations of such rules and regulations shall be deemed a violation of this ordinance. The rules and regulations shall be as follows:~~
- (i) ~~Where a property is such properties are intended to be demolished and a valid demolition permit conforming to the Building Code of the City of Bethlehem has been obtained, the provisions set forth in this Article shall not be applicable.~~
- (c) (ii) ~~When a such property properties are is being refinanced by the current owner, the certificate set forth in this Article shall not be required.~~
- (iii) ~~"Agreement of Sale" means any agreement or written statement which provides the title to any property shall therefore be transferred from one owner to another owner. Additionally, written leases which provide that the lessee of the property acquire title after a predetermined number of payments or a predetermined period of time, the Certificate set forth in this Article shall be required.~~
- (d) The Certificate of Occupancy inspection report for a residential property, rental residential dwelling unit, or commercial unit, structure or building shall be valid for one (1) year from the date of the original inspection ~~or until such time as the property has become vacant, in the case of a rental dwelling, whichever time period is greater.~~
- (e) Where the inspection is incident to the property being sold or leased, the Department of Community and Economic Development will not be responsible for violations or substantial violations that occur between the inspection and the date of purchase ~~settlement date~~ and/or the commencement of the rental period.
- (f) Transfer of ownership – Prior to transfer of ownership, the current owner of the property ~~any dwelling unit or structure~~ shall first furnish the intended grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation or substantial violation issued by the code official and shall furnish to the code official a signed statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such compliance order or notice of violation or substantial violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation or substantial violation. ~~All violations shall be abated within 90 days of transfer. If said property is occupied as a rental property, violations must be abated within 30 days. The only exception to the time limits would be if special arrangements are agreed upon with the code official.~~

~~Failure and/or refusal by the owner or his/her designated agent to secure the necessary certificate of occupancy, or failure and/or refusal to provide access for inspection upon reasonable notice, and/or any other violation of Article 1731 shall also be deemed a violation of this~~

Ordinance.

1731.04. ISSUANCE OF CERTIFICATE OF OCCUPANCY.

(a) General rule.—The City shall issue a certificate of occupancy in the following manner:

(1) If the City inspection reveals no violations.

(2) If the City inspection reveals at least one violation, but no substantial violations, the City shall issue a temporary certificate of occupancy.

(3) If the City inspection reveals at least one substantial violation, the City shall specifically note those items on the inspection report and shall issue a temporary access certificate.

1731.05. APPLICABILITY.

Except as set forth in subsection (b), this Article shall not apply to a certificate of occupancy, a temporary certificate of occupancy or a temporary access certificate for a real estate transfer, including a residential or nonresidential transfer, as provided under 68 Pa.C.S. § 7103(b)(2) (relating to application of part), to any of the following which take title to property for the purpose of holding the property for sale to offset losses incurred on a loan or other obligation in default secured by a mortgage, deed of trust or other lien on the property:

(1) Bank.

(2) Savings association.

(3) Credit union.

(4) Mortgage lender.

(5) Financial institution similar to an institution listed in paragraphs (1) through (4).

(6) Subsidiary of a financial institution listed in paragraphs (1) through (5).

(b) Exception.--A financial institution not subject to this act under subsection (a) shall be required to correct a substantial violation.

1731.06. COMPLIANCE REQUIREMENTS

(a) General rule.--Within 12 months of the date of purchase, the purchaser of a property known to be in violation or substantial violation of a City code or ordinance shall, at their option, either:

(1) bring the property into compliance with City codes or ordinances; or

(2) demolish the building or structure in accordance with law.

(a.1) Negotiation of longer time periods.--At the request of the property owner, the City may negotiate, at its discretion, longer time periods for maintenance and repair of the structure under a temporary certificate, but the time periods stated in subsection (a) may not be shortened.

(a.2) Reinspection of property.--

(1) At the expiration of the time period set forth in subsection (a) or before that time, if requested by the property owner, the City shall reinspect the property for the purpose of determining compliance with the cited violations.

(2) If a temporary access certificate has been issued and reinspection indicates that the noted substantial violations have been corrected and no other substantial violations that make the property unfit for human habitation are noticed but other cited violations have not yet been corrected, the City shall issue a temporary certificate of occupancy to be valid for the time remaining on the original temporary access certificate.

(3) If the reinspection indicates that all noted violations have been corrected, the City shall issue a certificate of occupancy for the property.

(b) Penalty.--

(1) Failure to comply with the requirements of subsection (a) shall result in:

(i) Revocation of the temporary certificate.

(ii) The purchaser being subject to any existing City ordinances or codes, including, without limitation, the fines set forth in this Article 1731.99, relating to the occupation of a property without a certificate of occupancy.

(iii) The purchaser being personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than \$1,000 and not more than \$10,000.

(f) Exception.--A violation of a City code or ordinance, for which a fine, other penalty or a judgment to abate or correct was imposed by a magisterial district judge, or a judgment at law or in equity was imposed by a court of common pleas prior to purchase, shall not be subject to the requirements of this section.

(g) Nonapplicability.--This section shall not apply where the City denies the certificate or permit pursuant to 53 Pa.C.S. Ch. 61 (relating to neighborhood

blight reclamation and revitalization).

1731.~~07~~ FEES.

Fees for inspections shall be assessed against property owners and shall be determined as follows:

- (a) Inspections made pursuant to the requirements of Article 119 to be paid by the owner:
\$150.00 per **residential** dwelling unit
~~\$200.00 per commercial unit~~
- (b) Inspections of **commercial units, structures or buildings** ~~rental~~ properties under **Article 119 or Article** 1731.~~02~~(b) above:
~~\$ 100.00 per dwelling unit~~

For each commercial unit, structure or building containing 2,000 square feet or less of floor area, the fee shall be \$200.00.

For each commercial unit, structure or building containing more than 2,000 square feet of floor area, the fee shall be \$200.00 plus \$100.00 for every additional 2,000 square feet. The owner of a commercial unit, structure or building must acquire a certificate of occupancy each time that unit, structure or building changes occupants.

- (c) Reinspections **following an inspection of any residential or commercial unit, structure, building or property** to verify correction of violations **and/or substantial violations**, second or additional reinspections:

First reinspection: no charge;
\$ 75.00 per second reinspection;
\$100.00 per third reinspection;
\$125.00 additional reinspections.

- (d) ~~For each commercial rental property containing 2,000 sq. ft. or less of floor area, the fee shall be \$200.00.~~

~~For commercial rental property containing more than 2,000 sq. ft. the fee shall be \$200.00 plus \$100.00 for every additional 2,000 sq. ft. The owner/operator of a commercial rental property must acquire a certificate of occupancy each time that rental property space is vacant.~~

- (e) Fraternities and sororities shall be \$150.00 plus \$10.00 for each bedroom.
- (e) The City may double the inspection fee for anyone selling or renting a **residential** dwelling **unit** without obtaining an inspection for a certificate of occupancy.

(f) Fees for inspections and reinspections of residential dwelling units pursuant to Article 1735 and Article 1738 are governed by the respective applicable Article. Fees for inspections and reinspections of residential dwelling units pursuant to Article 1739 shall be the same as those fees set forth in this Article 1731.07(a) and (c) for residential dwelling units.

(g) All inspection fees shall be paid prior to the inspection regardless of the number of units. Failure of a property's owner to pay inspection fees shall be deemed a failure and/or refusal to comply with the provisions contained herein, and will shall be subject to the penalty contained in 1731.99. Failure and/or refusal by the owner of a property to provide access for inspection upon reasonable notice shall be a violation of this Article, and shall be subject to the penalty contained in 1731.99.-

1731.083 REGISTRATION.

(a) All property owners who have ~~housing~~ rental **residential dwelling** units in the City of Bethlehem shall be required to have the units registered with the Bureau of Inspections of the Department of Community and Economic Development.

(b) The registration form shall list the name, address and telephone number of the property owner, the location of the rental property, and the number of units that are provided.

(c) Failure to register the units with the Bureau of Inspections ~~within ninety days from the date of the passage of the Ordinance or~~ within thirty days following the **date of** purchase or conversion of a structure to a rental property shall constitute a violation of this **Article.** ~~ordinance.~~

1731.99 PENALTY.

Any person, firm or corporation which violates the provisions of this Article shall be subject to the following penalties:

(a) A fine not exceeding one thousand dollars (\$1,000.00) or a term of imprisonment not exceeding ninety days or both.

SECTION 2. Section 119.04(b), titled Duties of Title Holder and Seller, of Article 119 of the City of Bethlehem Codified Ordinances relating to Registration, Sale and Transfer of Real Estate, is hereby amended to read as follows (**bold underlined** text denotes additions, whereas ~~strikeouts~~ denote deletions):

(b) It shall be the duty of every **transferor of title to real property** seller or **their** his agent to, ~~within a reasonable time of offering for sale or listing for sale, but no later than ten (10)-business days from the date on which the building or structure is offered or listed for sale,~~ contact the Housing Inspections Office for the City of Bethlehem to schedule an inspection

by the City's Housing Inspections Bureau of the property at least thirty (30) days prior to the transfer thereof. ~~of the building or structure.~~ **In addition, for any property offered for sale, the transferor shall contact the City's Housing Inspections Bureau to schedule an inspection within ten (10) days of the property being offered for sale. For any property for which title is to be transferred, the property shall be inspected by the City prior to the date of purchase. It shall be the responsibility of the transferor of title to contact the City to schedule the inspection.** A report concerning any discovered or uncorrected violations of housing, building, safety or fire ordinances shall be made by the Housing Inspections ~~Office.~~ **Bureau**. Such report shall contain a statement concerning zoning classification and legality of the present use of such property. The report shall be made known to the ~~transferee purchaser~~ **transferee** and attached as an addendum to any offer to purchase or agreement of sale. However, in addition thereto, the seller shall likewise deliver to the purchaser any notice of assessment for public improvements. Nothing in this section shall be construed as relieving a purchaser from the obligation of obtaining a Certificate of Occupancy.

SECTION 3. All ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by: /s/ _____

/s/ _____

PASSED finally in Council on this _____ day of _____, 2026.

/s/ _____
President of Council

ATTEST:

/s/ _____
City Clerk

This Ordinance approved this _____ day of _____, 2026.

/s/ _____
Mayor