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Lehigh Valley Association of REALTORS® position On Use and Occupancy ordinances

The Lehigh Valley Association of REALTORS® (LVAR) supports the development and enforcement of reasonable use and occupancy criteria for all types of real property. We believe that occupancy criteria should be standardized, limited to true health and safety issues, and foster rather than inhibit the successful exchange of real property between a buyer and seller.

LVAR believes that reasonable criteria, coupled with fair and realistic inspection requirements ultimately result in improved quality and safety of housing in our region. An improved housing stock translates into increased home values and fosters desirable communities in which to live and work.

LVAR opposes use and occupancy ordinances which require the correction of code violations as a condition of issuing a use and occupancy certificate, unless the code violations render the property unfit for human habitation.¹ Further, LVAR believes preventing the sale or transfer of ownership because use and occupancy violations were not corrected prior to the sale or transfer of ownership violates P.L. 724-99 (*Pennsylvania Municipal Code and Ordinance Compliance Act*), section 3, subsection (e), which states in relevant part:

...a municipality shall not refuse to issue a use and occupancy certificate or similar permit on the basis of a substantial violation or require the correction of a substantial violation as a condition to issuing a use and occupancy certificate or similar permit, unless the substantial violation renders the property unfit for habitation.

Approved by the LVAR Board of Directors – October 2008

¹ The Pennsylvania Eminent Domain Code (26 P.S. §§ 205(b)(3)) defines unfit for human habitation as a dwelling which, because it is dilapidated, is unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by statute or an applicable municipal code.