

COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEE ON
PUBLIC SAFETY & LICENSES AND INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, April 11, 2014
11:15 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR. - CHAIR
COUNCILMAN BOBBY HENON - VICE CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILMAN DENNIS O'BRIEN

RESOLUTIONS: 140034

20 COUNCILMAN JONES: Thank you. Why we're
21 here, I think everyone who knows there was a fatal
22 fire escape collapse on January of 2014 at 22nd
23 and Locust. We are particularly sensitive about
24 building, building-related collapses as a result

1 of 22nd and Market Street. We are going to be
2 ever more vigilant about our responsibility to
3 keep the public safe.

4 Now, with that said, we are not trying to
5 create onerous situations where it is almost an
6 impossible task to monitor. But we want to find
7 that happy medium, if not so happy, at least
8 comfortable medium where we can actually do public
9 good but not with a purpose of trying to make
10 people safe but not trying to put people out of
11 business. And we sincerely mean that.

12 We've heard from a number of interests,
13 both government interest, both private sector
14 interest and owners of building but also from the
15 public saying that this is the kind of thing that
16 we need to look at to -- look at. And it doesn't
17 cost us anything to at least look at an issue.
18 That's what we intend to do with these hearings.

19 We found out that in Boston there are at
20 least 8,000 fire escapes. And with Philadelphia
21 being slightly larger than Boston, we think that
22 we are approaching somewhere in the neighborhood
23 of 10,000 fire escapes. Who is responsible for
24 them? Who looks at them? And these are the kinds

1 of questions that I think we need to have answered
2 today.

3 We look at national standards. And our
4 preliminary research revealed that 2012 edition of
5 the International Fire Code was not adopted by the
6 Commonwealth of Pennsylvania and not adopted by
7 the City of Philadelphia. That is a concern of
8 ours that we at least minimally mimic the best
9 practices of the Federal Government and the
10 Commonwealth of Pennsylvania. Today I hope to get
11 some answers and strategies on how we can approach
12 this.

13 Joining me today are Councilman O'Brien,
14 Councilman Johnson, Councilman Greenlee and
15 Councilman Oh. And with that, will you read the
16 names of the first witnesses -- what we will do is
17 look at a video that puts into context why we are
18 here and the collapse that we experienced in
19 January.

20 (Video clip shown with low volume.)

21 COUNCILMAN JONES: Is there a way to get
22 some volume to that?

23 We are experiencing a technical challenge.

24 (Video begins again.)

1 - - -

2 (Video freezes and begins buffering.)

3 COUNCILMAN JONES: I won't attempt to
4 pronounce his last name. Mongolussi, okay.

5 I think one of the things that we are
6 experiencing is growth and success. We are a
7 city -- in particular in older parts of the city,
8 the population of new residents has increased in
9 old housing stock that in most cases is over 50
10 years old. And the way and who is responsible for
11 fire escapes is rather nebulous as we look at
12 rules. It says the owner's responsibility. And,
13 you know, we want and believe the best in all
14 owners. And every now again we should check.

15 So, we want to take a look at this. Why
16 don't we while we deal with that --

17 (Video starts again)

18 - - -

19 (Video ends)

20 COUNCILMAN JONES: Okay. So as you can
21 tell, we've become popular. But with that growth
22 comes some challenges. We are looking at older
23 housing stock that needs to be modernized for this
24 influx of new and sometimes exuberant residents

1 that think fire escapes are also places -- a good
2 place to have a party. And we have to really be
3 careful as we experience that growth how we
4 monitor it and how we regulate it and how we
5 inspect it. And with that, we are going to take
6 that challenge on today in these hearings.

7 Are any of the Members of the Committee,
8 you have anything to say? No?

9 With that, can you read the names of the
10 first witnesses to testify.

11 THE CLERK: Mike Maenner, Deputy
12 Commissioner Department of L&I; Henry J. Costo,
13 Deputy Commissioner Philadelphia Fire Department.

14 COUNCILMAN JONES: Thank you gentleman and
15 still good morning.

16 Please state your name for the record and
17 begin testimony.

18 DEPUTY COMMISSIONER MAENNER: Good morning,
19 Councilman Jones and Councilwoman Sanchez and
20 Members of the Committees on Public Safety and
21 Licenses and Inspections. My name is Michael
22 Maenner. I'm Deputy Commissioner of the
23 Department of Licenses and Inspections. And I am
24 hear to testify in support of Resolution No.

1 140034. This Resolution calls for hearings to
2 investigate and explore the need for third party
3 structural inspection or an engineering report on
4 residential rental units or fire escapes on
5 residential buildings to be submitted with the
6 City's Housing and Inspection License also known
7 as Housing Rental License and required for any
8 entity that rents any type of housing unit in
9 Philadelphia.

10 As building codes became more common around
11 the turn of the 20th Century, fire safety became
12 an important concern for new construction.

13 Building owners were increasingly required to
14 provide adequate escape routes. And at the time,
15 fire escapes seemed the best option available.
16 Not only could they be included in new
17 construction at a low cost, but they could be very
18 easily added to existing construction.

19 As buildings code evolved, the more safety
20 concerns addressed over subsequent additions. All
21 construction above a certain number of stories
22 were required to have a second means of egress,
23 and external fire escapes were allowed as a
24 retrofit option for existing buildings. Realizing

1 the long term maintenance issues with these fire
2 escapes, owners and developers stopped installing
3 them in the 1980s.

4 Eventually in 2004, exterior metal fire
5 escapes were voted out of the code for new
6 construction. Being in Old City, many of the
7 these exterior metal fire escapes were added to
8 existing buildings to provide a secondary means of
9 egress. These fire escapes were never intended to
10 be used as balconies or be used by firefighting
11 personnel.

12 Owners of buildings with metal fire escapes
13 are required to maintain them in accordance with
14 the Property Maintenance Code. While many owners
15 thought removing the rust and painting was
16 adequate maintenance, there could be some
17 underlying issues not visible by normal visual
18 inspection process. Therefore, the Department of
19 Licenses and Inspections joins with Council in
20 support of adopting laws and regulations to
21 provide better oversight and guidance to building
22 owners in the maintenance of these exterior metal
23 fire escapes.

24 We agree that the third party structural

1 inspection or an engineering report needs to be
2 obtained by the property owner in order to ensure
3 the safety of residents and visitors so that the
4 property -- of the property and to ensure the
5 safety of our firefighters, as well.

6 Thank you for the opportunity to provide
7 the Department's testimony. I will be happy to
8 answer any questions.

9 COUNCILMAN JONES: Thank you. Why don't we
10 allow you to testify and then we will open up for
11 questions from -- from the panel.

12 DEPUTY COMMISSIONER COSTO: Good morning,
13 Councilmembers. Deputy Commissioner Technical
14 Services Philadelphia Fire Department Henry J.
15 Costo. I don't have a written testimony. Much of
16 what I have to say is based on our ongoing
17 dialogue with L&I and some of the personal
18 observations that are result from my actual
19 personal response to both of the incidents to
20 which you've alluded earlier, 22nd Street and that
21 fire escape collapse.

22 We are certainly, I think, moving hand in
23 glove with L&I in terms of our approach to this
24 issue. It's not an issue that we were

1 necessarily -- of which we were unaware
2 previously, but our awareness is limited. And
3 that is that we are not building engineers. And
4 the defects and deficiencies in those type of
5 things that we see in the fire escapes and we know
6 that virtually every single one of them are aged
7 are such that they're the things that are obvious
8 such as rust, bolts pulling from walls, pieces of
9 that -- that escape that do not function.

10 Accordingly, a policy has been, for as long
11 as I been on the Department, which is -- I may not
12 look it, but it's approaching 40 years. I started
13 when I was 11.

14 Anyway, the -- it is policy that we do not
15 use at a strategic or tactical level, we do not
16 use fire escapes in any way during a fire ground
17 or fire operation. It's not included in our plans
18 only because we are not assured of the
19 reliability. So if it is a last resort,
20 obviously, if the choice comes do I use the escape
21 or jump out the window, I will use the escape.
22 But it's not something that we actually include
23 in, in our attack strategy or our plans only
24 because we can not be assured of the reliability.

1 Having said that, we also include -- and
2 this is some of the things I'd like to say. I --
3 we appreciate very much the efforts of Council to
4 address this issue. And we also appreciate and
5 understand that in the end it will take some time
6 for this to wind and work its way through the
7 process. But there are things that we can do now,
8 and those are the types of things that -- in
9 conjunction with L&I. And we've always had a
10 collaborative, positive relationship with Licenses
11 and Inspections. I think the need for that has
12 been reinforced by some of the recent events.

13 But we would like to start to do some
14 things now that address some of the issues that
15 you brought up. We really can be, because of our
16 annual inspection program that we do, we can be
17 sort of a -- a vigilant partner in terms of
18 becoming aware of and noticing and identifying,
19 recognizing those buildings that have fire
20 escapes. Because if you drive down any one of our
21 major streets, you are not going to necessarily
22 know or even be aware of the fact that on the back
23 of that structure there is a fire escape. They
24 are not generally on the front of the building.

1 So, you mentioned about counts. We don't
2 have a good count. One of the things that we can
3 start to do is get a count when we're doing our
4 inspections and then give that when we get those
5 numbers, to notify L&I. It's one of the things we
6 are working towards and enhancing that partnership
7 that we have. Particularly, using technology that
8 is there.

9 Once we identify, then we can refer. And
10 once that's been referred to L&I and that is in
11 the process, whatever process ultimately derives
12 from what Council is doing now and whatever
13 methodology is used, we can monitor. We can
14 refer. If it's a certification by a third party,
15 we can say, well, it hasn't been done in three
16 years or there's not -- it's not tagged. Whatever
17 the mechanism or process you have in place, we can
18 be one point for recognizing and ensuring that's
19 it's been done and referring to L&I if it hasn't
20 been.

21 That's kind of the monitoring. It goes
22 further. The Commissioner -- one -- one of my
23 goals, fire prevention falls under my bailiwick.
24 One of the things I would like to do is expand my

1 focus beyond -- Councilman, we have spoken about
2 this, to expand beyond simply focusing on fire
3 prevention and to start to look at all more
4 encompassing community risk reduction approach.

5 One of those -- those approaches and one of
6 the focuses should be things revolving around
7 these fire escapes and the issues related to that.
8 So, we would like to do and we have the mechanism
9 in place to do it. To train our people to be
10 vigilant regarding these fire escapes, to ensure
11 that they -- and reinforce the need that when we
12 do our annual inspection program, that they
13 identify and take a look. Again, limited to the
14 obvious falls and defects because we are not
15 trained as engineers. But we can put a program in
16 place that educates and makes them more aware of
17 some of the less obvious and subtle concerns
18 regarding these thing.

19 It would be to increase PFD awareness and
20 training. But it would also be to make sure that
21 they understand the need for and reinforce the
22 focus on maintaining that kind of effort in terms
23 of inspecting and identifying such. Again, to
24 reemphasize the policy of not utilizing these --

1 these -- these fire escapes, but it goes further
2 in terms of educating the public. And I am seeing
3 that in two ways. Educating the building owners
4 for the need to keep these things in place prior
5 to the fact when we have legislation that requires
6 them to do that. Our education, I hope, would be
7 that they would recognize the need and to do what
8 needs to be done out of enlightened compliance
9 rather than out of fear of enforcement procedures.
10 Okay. Maybe that's a pipe dream, but I would like
11 to see some of that start to happen.

12 So when we make our contacts, L&I doesn't
13 necessarily have that annual frequent contact with
14 a building owner that we do with our neighborhood
15 fire stations and within a fire safety and
16 education district. We can hand them literature.
17 We can provide them literature. We may need a
18 couple of bucks to try to produce that, but we can
19 find ways to get that literature in the hands of
20 owners.

21 At the same time, you referenced the
22 tenants or in some places there are actually
23 owners of condominiums and such and the
24 attractiveness. I don't want to call it an

1 attractive nuisance, but it almost is. If it's
2 not being maintained and it's a pleasant place to
3 congregate, we need to educate the public on the
4 understanding that that is not what that is
5 designed to do. It's designed for an escape from
6 imminent danger and a fire, not for them to hang
7 out and have parties. And unfortunately, we have
8 not taken advantage of opportunities to educate
9 the public in that regard.

10 So yes, a lot of the oweness does fall on
11 the owners. But I think that in the meantime we
12 can do a series of things in terms of education.
13 Our own people within the Fire Department, the
14 owners -- owners of these buildings and tenants of
15 these buildings. I think we can do a lot while
16 this process is going on. And then once it's in
17 place, to educate and get people to do what needs
18 to be done.

19 So we certainly agree with, and I know
20 there is going to be push back in terms of some
21 people would like to see L&I do that and do the
22 inspections; fire do that, do the inspections.
23 Because ultimately, if it's third party, I am sure
24 there are concerns that that cost will just be

1 passed onto the tenants from the owner. But at
2 the end of the day, it needs to be done. We're
3 aware that it needs to be done. And we'll be
4 working with L&I to ensure that whatever process
5 in place is -- is implemented effectively.

6 COUNCILMAN JONES: You know, one of the
7 challenges of being an elected official is to
8 often have to go into areas that we don't have a
9 particular area of expertise but just an interest,
10 public interest, in making sure that people are
11 safe. And so, we rely on people who do this every
12 day whether it's the Fire Department, L&I or
13 whether it's the industry.

14 And so, what we want you to know is that
15 the purpose here today is to try to put our heads
16 together to figure out what is practical, what is
17 doable and what will improve the safety of the
18 public. And that's it. It's not a, you know --
19 we're going to, you know, throw -- throw building
20 owners to the wolves because they provide housing.
21 And it's important to do that. But in the same
22 time when a parent sends his child to be educated
23 in the City, and -- there is an expectation that
24 there is a reasonableness of safety. And that's

1 what we're trying to do.

2 So, let me ask a couple of questions. I
3 see some of my colleagues are -- are interested,
4 as well. How many -- and there's no right
5 answer/wrong answer. Just the facts.

6 How many properties in the City of
7 Philadelphia have fire escapes?

8 DEPUTY COMMISSIONER MAENNER: Exterior fire
9 escapes?

10 COUNCILMAN JONES: Yes.

11 DEPUTY COMMISSIONER MAENNER: We don't know
12 at that time. That's much -- it's an appurtenance
13 to a building. It's much like a cornice. You
14 know, we don't keep track of that. But through
15 this process, I'm sure by the end of the day we
16 will know how many.

17 COUNCILMAN JONES: I just wanted to
18 establish the record.

19 In the City of Philadelphia, how many
20 rental licenses are there issued?

21 DEPUTY COMMISSIONER MAENNER: There is
22 approximately 80,000 for 281,000 units.

23 COUNCILMAN JONES: So, there are 80,000
24 rental licenses approximately. We have a figure

1 slightly lower than that at 66,833. So I mean, we
2 are not going to quibble over that.

3 But how many of them would required by code
4 a secondary escape area? And that's either
5 through the Fire Department or through L&I's BOCA
6 Code.

7 DEPUTY COMMISSIONER MAENNER: Every
8 building more than three stories is required to
9 have a second means of egress. Most of them are
10 interior means of egress. Because as I said in
11 the testimony, developers and building owners
12 realize the extreme amount of maintenance costs an
13 exterior fire escape has.

14 COUNCILMAN JONES: So -- okay. Of that, is
15 there a standard? What is the professional
16 standard that -- so there is varying types of fire
17 escapes, I would imagine.

18 DEPUTY COMMISSIONER MAENNER: Correct.

19 COUNCILMAN JONES: And I have seen them as
20 diverse and primitive, if you would, as a rope
21 kind of. So, give me a sense of the types of fire
22 places -- fire escapes you've seen. And what is
23 "the standard"?

24 DEPUTY COMMISSIONER MAENNER: Back in the

1 '80s we had a metal fire escape that used to be
2 bolted through the wall that you would through
3 this ladder out the window.

4 COUNCILMAN JONES: Looks like a chain link?

5 DEPUTY COMMISSIONER MAENNER: Chain link or
6 it was hard steel that you could throw out a third
7 floor window. And that was for buildings with
8 three units or more. Most of your fire escapes
9 now are your typical fire escapes that you can
10 walk down. Exterior fire escapes technically --
11 technically don't require a railing. Many put a
12 railing on for convenience, so just take that into
13 account.

14 COUNCILMAN JONES: So give me a little
15 more -- what are the ranges? If -- if -- if the
16 rope -- if the rope is probably the worst, and I'm
17 not qualified to say what is worst. But I would
18 imagine someone with physical disabilities would
19 have some difficulty using that as a means of
20 escape.

21 But let's say if that's the worst, what is
22 the gold standard for fire escapes?

23 DEPUTY COMMISSIONER MAENNER: Well, again,
24 you can go back in the '30s. They actually had

1 chutes that you would jump into and slide out the
2 building and press -- press against the side so
3 you can get -- so you wouldn't go flying down.
4 But the gold standard actually is, you know, your
5 highrise building fire tower. There are fire
6 escapes.

7 COUNCILMAN JONES: So, those are encased
8 fire escapes.

9 DEPUTY COMMISSIONER MAENNER: Correct.
10 Two-hour rated fire escapes.

11 COUNCILMAN JONES: So what then -- if the
12 gold standard is that version of an encased fire
13 escape and the least is the rope with a knot in it
14 or chain link, what is the medium that you think
15 should be? And is that a question of individual
16 design?

17 DEPUTY COMMISSIONER MAENNER: It depends
18 upon the design of the building, how many feet to
19 the nearest fire escape. Some buildings have
20 three fire escapes because of how large it is.
21 So, it varies building by building on its design.

22 COUNCILMAN JONES: So at the time a person
23 applies for a rental license, do we inspect --
24 what is your inspection process?

1 DEPUTY COMMISSIONER MAENNER: Many of our
2 inspections occur by complaint. We have proactive
3 programs. And again, they are programs -- they
4 stop and they start over the years because we
5 utilize the same inspectors. We have an R2
6 Program. Last year we inspected 400 -- fiscal
7 year to date we inspected 405 three unit or more
8 buildings proactively.

9 COUNCILMAN JONES: Say that number again.

10 DEPUTY COMMISSIONER MAENNER: 405.

11 COUNCILMAN JONES: So out of the 66,000,
12 we've done 400?

13 DEPUTY COMMISSIONER MAENNER: No. No.
14 That's -- out of the 600 rental license, remember
15 many of those are single family dwellings, okay.
16 So it would be units with three -- with three
17 units or more. I can get you the exact counts of
18 how many licenses go to buildings with three units
19 or more.

20 COUNCILMAN JONES: What is the role of the
21 Fire Department within that inspection?

22 DEPUTY COMMISSIONER COSTO: Well, that --
23 that particular role, the reference you had in
24 terms of rental properties, we're not actively

1 involved in that when they apply for a rental
2 licenses regarding rental properties. Our role,
3 again, is what we identify buildings and
4 structures during that routine annual -- we have
5 an annual block inspection program.

6 COUNCILMAN JONES: You talked about a
7 complaint driven process.

8 DEPUTY COMMISSIONER MAENNER: Right.

9 COUNCILMAN JONES: Would stimulate -- is
10 stimulated by a complaint usually by a resident, I
11 would imagine, and would come out.

12 DEPUTY COMMISSIONER MAENNER: Some of those
13 complaints actually the Fire Department does a
14 great job in referring to --

15 DEPUTY COMMISSIONER COSTO: That's what I
16 was about to say.

17 DEPUTY COMMISSIONER MAENNER: -- referring
18 to L&I. When they do their block checks, they
19 will come across items that may or may not be
20 violations of the Code. We will get a referral.
21 And they do a great job referring items to us
22 during these block checks.

23 COUNCILMAN JONES: So, this will be my last
24 question and I will recognize Councilman Oh.

1 If Greenlee Inc -- can I use you?

2 COUNCILMAN GREENLEE: Why not.

3 COUNCILMAN JONES: If Greenlee Inc
4 decides -- they bought five properties at sheriff
5 sale. And now they have decided to get in the
6 rental business and want to go and apply for a
7 license with the City of Philadelphia. Is -- does
8 that trigger an inspection?

9 DEPUTY COMMISSIONER MAENNER: No, it does
10 not.

11 COUNCILMAN JONES: Councilman Oh.

12 DEPUTY COMMISSIONER COSTO: Councilman, I
13 would say though, again, as part of -- part of our
14 process, now we don't inspect every single family
15 dwelling. But there are -- as part of that annual
16 inspection program, buildings that fit -- they are
17 pretty much common sense criteria that fall into
18 buildings that we would need to inspect and doing
19 a fire inspection. And it's pretty comprehensive
20 on the things that we look at.

21 It would include looking at the fire
22 escape. Again, on that awareness level for the
23 obvious falls and defects. When -- when Mike
24 said -- references receiving complaints, we don't

1 call them complaints. They are referrals. But
2 they pretty much are complaints. It's like the
3 difference between interview and interrogation.

4 COUNCILMAN JONES: So just for the record
5 as I pass off to Councilman Oh, how many
6 inspections of the 66,000 rental licenses did we
7 do last year?

8 DEPUTY COMMISSIONER MAENNER: We've done, I
9 would say, about 65,000 inspections last year on
10 rental properties. And that would include
11 vacants, and that would include vacant lots. One
12 of the things we do annually, we inspect our
13 schools annually. We inspect residential daycares
14 annually. We inspect highrise buildings annually.

15 COUNCILMAN JONES: How many were new last
16 year? New licenses?

17 DEPUTY COMMISSIONER MAENNER: I don't know
18 that number offhand.

19 COUNCILMAN JONES: Councilman Oh.

20 COUNCILMAN OH: Thank you, Mr. Chairman.

21 For residential units that have external
22 fire escapes, the building has to be insured.
23 That is a requirement, is it not?

24 Owners have to insure their buildings?

1 DEPUTY COMMISSIONER MAENNER: Yes.

2 COUNCILMAN OH: If they're renting it, I
3 would think so. If I'm wrong, let me know.

4 DEPUTY COMMISSIONER MAENNER: I would make
5 an assumption, yes. I believe your mortgage
6 company requires insurance.

7 COUNCILMAN OH: Okay. Is there anything in
8 the Code that requires that if a -- if a building
9 owner --

10 DEPUTY COMMISSIONER MAENNER: Yes.

11 COUNCILMAN OH: -- is renting, that they
12 must have insurance?

13 DEPUTY COMMISSIONER MAENNER: Yes.

14 COUNCILMAN OH: Okay. And then the
15 exterior fire escape would be covered by the
16 insurance, would it not?

17 DEPUTY COMMISSIONER MAENNER: I would -- I
18 would make that assumption yes.

19 COUNCILMAN OH: I would think so. I could
20 be wrong. Somebody could tell me otherwise.

21 And if the -- and if the -- if there is
22 some problem with the fire escape, in other words,
23 the building owner who -- of that apartment
24 building is -- is negligent in maintaining it or

1 having it inspected, that they would not be
2 possibly covered by their insurer.

3 DEPUTY COMMISSIONER MAENNER: What our
4 inspectors do when they go to a site and they see
5 an exterior fire -- exterior stair tower, they do
6 a visual inspection. They check and make sure
7 it's not rusty, make sure it's painted. I think
8 working with Council will take it a step further
9 much like our facade inspection.

10 Our facade inspections, every building more
11 than 60 feet is required to have a facade
12 inspection every five years. I would recommend
13 that we similarly do something like that with fire
14 escapes, that they have the proper load testing.
15 Because a lot can be missed on a visual
16 inspection. A fire -- a fire tower could look
17 good but may not be structurally compliant.

18 So that's why we can work with Council to
19 get a more comprehensive testing done on these
20 fire escapes. And we look forward to doing that.

21 COUNCILMAN OH: Yes. So -- and I
22 appreciate that. But as I -- as I -- for my
23 understanding and just bear with me as I go
24 through this, I'm interested to know that someone

1 who owns and rents out a -- a building in
2 Philadelphia that has a external fire escape is
3 required to insure the building including the fire
4 escape. And with that, I would assume -- and I
5 could be wrong -- that there is a requirement that
6 they are supposed to upkeep and maintain that
7 external fire escape for the insurer.

8 And typically, I would think the insurer
9 would want some type of documentation that ensures
10 them that their coverage is being, you know,
11 complied with if that is the case. If that is the
12 case --

13 DEPUTY COMMISSIONER MAENNER: I can speak a
14 lot to the Fire Codes. And insurers are for more
15 stringent than the codes in most all cases.

16 COUNCILMAN OH: Okay.

17 DEPUTY COMMISSIONER MAENNER: Usually the
18 insurance company comes in --

19 COUNCILMAN OH: Sure.

20 DEPUTY COMMISSIONER MAENNER: -- and says
21 you need to do this. You need to do that.

22 COUNCILMAN OH: I would think so. So what
23 I'm wondering, and I guess we will hear from the
24 representative of the apartment buildings, is that

1 if there is such a requirement on them that they
2 would have to send some document if their
3 insurance was terminated or in jeopardy of
4 termination because of the failure to provide the
5 documentation that that fire escape is being
6 maintained properly, your L&I could receive a copy
7 of that or could be required to receive that
8 notice that would trigger the -- the inspection
9 and compliance process.

10 Is that a possibility?

11 DEPUTY COMMISSIONER MAENNER: That is a --
12 that is just -- that is very similar to the facade
13 where you can have inspected. It's "safe." It's
14 "safe with repairs" or it's "unsafe." So, you can
15 categorize them like that. And the unsafe would
16 trigger something with -- to L&I. The safe with
17 repairs would also trigger something, so that is a
18 strong possibility.

19 COUNCILMAN OH: Okay. So, the reason I am
20 bringing it up is because I don't know where the
21 money and manpower is in the City for all of this.
22 And I'm not saying we shouldn't do it, I would
23 just like to trim it down to see where we can
24 practically do this. So, there should not be a

1 building in the City of Philadelphia that is
2 renting to people that is not insured. It should
3 be insured for all the possible liabilities and
4 injuries that may occur. And that should include
5 fire escapes, balconies, roofs that are accessible
6 and everything else.

7 We, the City, should have along with these
8 licenses some type of record electronically that
9 there is coverage, adequate coverage. And with
10 that, that there is a requirement that in the
11 renewal of the insurance, that -- that the City is
12 notified whenever the insurance is in jeopardy or
13 is terminated or canceled because of failure to
14 provide adequate inspection and other things.

15 On top of that, I am all for some type of,
16 you know, further inspection and other things.
17 However, I don't know how this is going to be done
18 otherwise. Whether people just go out and look at
19 fire escapes and there are so many of them. You
20 go up and we don't have structural engineering
21 people. Third parties are very expensive if they
22 don't need to come out.

23 So, I am just kind of wondering about how
24 this is going to be practically done, you know?

1 What is the trigger mechanism if there isn't
2 something already?

3 So if -- if there is something incorrect
4 about what I'm saying somewhere, they don't need
5 to have insurance fire escapes, then let me know.

6 DEPUTY COMMISSIONER MAENNER: We -- we can
7 work with Council and the Fire Department on
8 developing regulations and what the best way to do
9 that.

10 COUNCILMAN OH: Well, maybe -- so --

11 DEPUTY COMMISSIONER COSTO: If I might,
12 Councilman, within the Fire Code, I -- as familiar
13 as I may be and the two gentleman with me are
14 somewhat more familiar because they work with it
15 day to day, I have not seen a requirement within
16 the Fire Code that requires a building to have
17 insurance liability or otherwise.

18 I know as a practical matter if a person
19 has a mortgage, the mortgage holder will require
20 you to have those types of insurance. I know your
21 reference regarding the insurer would like to have
22 that building inspected, and I -- and it would
23 include the fire escapes. The problem with or one
24 issue with, we would be getting -- we get similar

1 somewhat, I would call them, false positives. We
2 will get a notification if someone's driver's
3 license has been compromised in the Fire
4 Department for nonpayment of registration fees, et
5 cetera. So, they would suspend his license.
6 That's not the same as a suspension that's related
7 to an error or a problem while he was operating.
8 Two different concerns.

9 Similarly here, you can have insurance
10 suspended simply because the insured didn't pay
11 his bills. So, those notifications would be
12 coming to us either way. And I think we would
13 miss the buildings that are not insured because
14 the person owns it outright, doesn't have a
15 mortgage, isn't required to have certain types of
16 and certain levels of insurance.

17 I'm not an insurance expert, but I am
18 basing this on my experience. We would miss an
19 awful lot. And I -- we both appreciate very much
20 the concerns of the financial costs that would
21 derive from having the Fire Department try to do
22 these inspections and training people now to be
23 engineers and now trying to get them out to what
24 could be 8 to 10,000 fire escapes that would be

1 out there. We appreciate how difficult that would
2 be and the burden it would place on the taxpayers
3 of Philadelphia. That I think is why the focus is
4 and the look is from our perspective to a third
5 party assessment because they are engineers. And
6 that -- that cost would be borne by the building
7 owners and -- and probably more appropriately than
8 the entire tax base of the City of Philadelphia.

9 Having said that, I understand that tenants
10 are saying, whoa, that means my rent is going to
11 go up. Obviously, we have to strike a balance
12 there. At the end of day, I don't think -- and I
13 can't speak for L&I, just note my experience with
14 the numbers and types of inspections that need to
15 be done and the increasing demands that we are
16 putting now in terms of buildings that are about
17 to be demolished and new initiatives in that
18 regard and then our limitations in terms of the
19 types of inspections we need to do. I think that
20 is an issue if you try to put that oweness on the
21 Fire Department and L&I.

22 We are back to recognizing those
23 limitations, recognizing we don't have accounts
24 trying to do some things now to address some of

1 these issues. But we are still back to what
2 Deputy Commissioner said earlier. If the -- if
3 the owner is inclined to put a coat of fresh paint
4 on a fire escape, to the untrained eye it could
5 look fine. And we're back to why we have these
6 issues about us not using them in the first place
7 because of that.

8 But I don't -- I think, I guess what I'm
9 saying insurance may be one mechanism by which we
10 become aware. I don't think one single mechanism
11 is going to do the trick. I think the
12 comprehensive approach of a series of recognitions
13 and identifications and notifications, complaints,
14 referrals or otherwise through the 3-1-1 system
15 through what we do on a daily basis. And it could
16 be as simple as -- this is what I was saying about
17 educating our people.

18 When we had an EMS response in one of those
19 facilities, and while our people are there, they
20 happen to look over and say, boy, that fire escape
21 is in bad shape. We need to make the referral.
22 That is the types of awareness I'd like to
23 increase within the Fire Department to start to
24 address this now while we identify this process.

1 And if it is a third party certification
2 that takes place as they're recommending every
3 five years, it would require placarding or some
4 sort of labeling at that -- at that premises.
5 That we would be able to check that and say, you
6 know what, they haven't been inspected in seven
7 years. And that tag is not in place. We can make
8 the referral and make the notification. And as
9 onerous as it may be for the owner to have that
10 inspection done, if it's set up that the process
11 is every five years, it's a one-time cost every
12 five years.

13 COUNCILMAN OH: I appreciate what you're
14 saying. I don't disagree with a lot of what
15 you're saying. And I don't think there's one step
16 to the process, you know. So, I understand that,
17 you know, there should be some mechanism to alert
18 the City that there is a potential problem. They
19 can quickly find out if it is a failure to pay
20 insurance or if there hasn't been -- for example,
21 if there's insurance. They can then send out
22 inspector or fire educator, you can go through
23 this process, require a third party structural
24 engineer.

1 The issue that I'm concerned with, you
2 know, really is two issues. One, is what's
3 practical; and number two, what's effective.

4 So, for example, we can pass a law that
5 every homeowner has to pay for -- pay an
6 inspection of their property in Philadelphia every
7 two years and bear that cost and we'll make sure
8 that nothing goes wrong. But if we don't need to
9 do that, you know, I don't -- I don't think that
10 we should. If there is something -- if we do not
11 require that these fire escapes be insured, maybe
12 we should. And -- and we should get those reports
13 and other things.

14 I mean, I really am not clear. I'm not an
15 expert in this area. I'm just -- you know, I
16 would think that the industry standards would be
17 applied by the insurance company as to the level
18 of maintenance that's required by the property
19 owner. And -- and the City can always make
20 adjustments that there should be more -- you know,
21 more inspections or whatever it is. But without
22 that triggering mechanism, without the insurance
23 to cover, you know, that problem, just having a
24 geographical location throughout the City where

1 L&I sends people or we require property owners to
2 have periodic examinations of fire escapes, you
3 know, I don't know how to pick the right number.
4 Every two years, every ten years, every seven
5 years that -- because I don't have any expertise.
6 We can find out later.

7 But -- but I'm very interested at this
8 point in time whether we can kind of hone in a
9 little better based on the practices that are out
10 there and what the Code requires. If the Code
11 does not require that the external fire escapes be
12 insured which comes with it an inspection process,
13 we can always add to the inspection process. I
14 would like to know that because it will help me to
15 understand what's going on here better. And right
16 now I don't know that we do or do not require the
17 building owners to insure those -- their buildings
18 to include those external fire escapes. I'm just
19 assuming we do, but I have no real idea.

20 Does anybody know? If you don't, that's
21 fine. Because I don't know.

22 DEPUTY COMMISSIONER MAENNER: The Building
23 Codes and Property Maintenance Codes don't require
24 insurance. They're how to build your building.

1 They are the owners manual on how to maintain your
2 building, Owners Manual, if you will.

3 COUNCILMAN OH: Okay.

4 DEPUTY COMMISSIONER MAENNER: There is no
5 insurance. We look at the building and the
6 condition of the building.

7 COUNCILMAN OH: Okay. Thank you very much.

8 COUNCILMAN JONES: Thank you, Councilman.

9 Before I go to Councilman Johnson, a couple
10 of things. The Commonwealth of Pennsylvania
11 issues drivers licenses. As a part of that, they
12 require drivers to have insurance. And it's not a
13 self-policing mechanism. They -- we trust
14 citizens in the Commonwealth, but there is a
15 trigger that goes to the Commonwealth when a
16 insurance policy lapses which invalidates the
17 car -- the vehicle.

18 Similarly, though, there's a second tier
19 inspection by the Philadelphia Police Department
20 when you have an accident or when they pull you
21 over, what do they say? License, registration and
22 insurance. The reason that is, is because there
23 is a responsibility that the City has to make sure
24 that the drivers that are driving are insured and,

1 to a degree, safe. That's why those inspections
2 are looked at. That's why they do that.

3 It's equally -- when we talk about
4 citizens, and particular in my district, there are
5 some communities that are approaching 60 percent
6 rental. 60 percent rental. And I'm not talking
7 about income. I am talking about East Falls where
8 you have a large student population that comes in
9 and rents these houses or whether you talk
10 about -- Carroll Park where a large conversion of
11 residential probably similar to Councilman Henon's
12 district where there is a large number of rental
13 properties in the area.

14 It is important that we do a number of
15 checks and balances. One, I agree with my
16 colleague about insuring and making sure that the
17 property is adequately insured which should
18 include the fire escape. But also, I think it's
19 important that our professionals in L&I our
20 professionals in the Fire Department in their
21 course of duty when they inspection -- inspecting
22 facades to take a look around back. Because
23 again, the standard for fire escapes is varied.
24 Somebody can say a fire escape is a rope, throw it

1 out the window. And therefore, there's a second
2 tier of escape that probably would be challenging
3 for a paraplegic. Probably would be challenging
4 for people with physical limitations.

5 There is such a wide variety of these
6 things. And it's better to do it periodically.
7 And so, we -- we come to the question of how long
8 an inspection should have. I'm not at this point
9 prepared to say, but I'm thinking within five
10 years is reasonable. Why? Why do we pick five
11 years? Because when we qualify for a capital
12 project here in the City of Philadelphia to put
13 money in, it's a five-year period that we expect
14 there to be a reasonable life cycle for that
15 capital project. And I think that a fire escape
16 qualifies, in my mind, as a capital project. So,
17 every five years somebody should kick the tires,
18 test the weight of that kind of property.

19 If the oweness is on the insurance company,
20 okay. But the visual issue of rust, bolts coming
21 out of the walls. And clearly, I believe,
22 90 percent of the folk that have rental license
23 are responsible individuals. It's the 10 percent
24 that can get us killed, that can cause

1 catastrophic industry.

2 And the last thing I'll say is, it is a
3 statement to me that our fire professionals won't
4 even use fire escapes because of the condition or
5 the varying condition they may be in. And that's
6 why we're having this hearing today.

7 Chair recognizes Councilman Johnson.

8 COUNCILMAN JOHNSON: Thank you, Mr. Chair.
9 Just wanted to get some clarity on --

10 COUNCILMAN JONES: I'm sorry. Hold on.

11 Chair recognizes that Councilman Henon is
12 also in attendance today.

13 COUNCILMAN JOHNSON: Just want to get some
14 clarity on a couple things. And obviously, this
15 happened in the 2nd Councilmatic District. It
16 made me pay attention to it even more. I thank my
17 colleague Chairman Jones to step to the plate to
18 take a look at this issue, as well.

19 So, it was mentioned under L&I that at a
20 certain, what is it, 2004 the property -- the Code
21 discontinued certain types of fire escapes being
22 required to being built?

23 Did I hear that correctly?

24 DEPUTY COMMISSIONER MAENNER: That's

1 correct. It was completely written out of the
2 Code in 2004.

3 COUNCILMAN JOHNSON: In the new
4 construction --

5 DEPUTY COMMISSIONER MAENNER: New
6 construction, it's not an issue. They can't put
7 them on.

8 COUNCILMAN JOHNSON: Okay. So, what type
9 of fire escapes -- let me ask -- let me back up.
10 The height of a property, right, at what
11 time does the -- at what threshold does the
12 requirement of having some type of fire escape or
13 egress kicks in that you actually have to have
14 one? Four story? Five story?

15 DEPUTY COMMISSIONER MAENNER: More than
16 three stories and an R2, which is more than two
17 units.

18 COUNCILMAN JOHNSON: And you said after
19 2004 it was completely taken out of the Code,
20 right?

21 DEPUTY COMMISSIONER MAENNER: That is
22 correct.

23 COUNCILMAN JOHNSON: What replaced it?

24 DEPUTY COMMISSIONER MAENNER: You were

1 required to put interior stair towers in.

2 COUNCILMAN JOHNSON: Okay. And part --
3 it's called interior.

4 DEPUTY COMMISSIONER MAENNER: Interior
5 stair towers.

6 COUNCILMAN JOHNSON: Okay.

7 DEPUTY COMMISSIONER MAENNER: And what they
8 are, they're -- they're stairways down to a public
9 way that are rated. Typically, they are two-hour
10 rated.

11 COUNCILMAN JOHNSON: How are they
12 evaluated?

13 DEPUTY COMMISSIONER MAENNER: Well, it's --
14 when they -- when the building is built, it's
15 actually inspected by a certified building
16 inspector. So, they inspect it and Certificate of
17 Occupancy is given out. Then the Property
18 Maintenance Inspector will go through -- when they
19 do a property maintenance inspection, will go
20 through the stair tower to make sure that, you
21 know, it's not blocked. It has its pull stations
22 where they belong and things like that, the upkeep
23 and maintenance of that stair tower.

24 DEPUTY COMMISSIONER COSTO: Councilman, if

1 it might clarify. In 2004, the requirement for
2 secondary or tertiary means of egress wasn't
3 removed from the Code. It was just the
4 acceptability of an exterior fire escape to
5 satisfy that requirement was not -- was no longer
6 acceptable.

7 COUNCILMAN JOHNSON: So, those fire escapes
8 were pretty much like the old models?

9 DEPUTY COMMISSIONER COSTO: Right.
10 Hopefully, in -- we won't be seeing them in 20
11 years.

12 COUNCILMAN JOHNSON: Just from your
13 professional opinion, what's the weight that the
14 average fire escape -- and obviously, they are
15 old -- can usually handle? Would you know that
16 from a fire standpoint?

17 DEPUTY COMMISSIONER MAENNER: Typically,
18 required to handle 100 pounds per square foot.

19 DEPUTY COMMISSIONER COSTO: But that's a
20 dead load and that's not a moving load. That's
21 not people shifting about. That's, again, back to
22 that -- that, I don't want to say abuse but misuse
23 of -- of the fire escapes and what they're really
24 intended. If you have people partying and dancing

1 and moving about, it changes from that dead load
2 requirement.

3 That's another reason why we don't want to
4 use them. Because we are running and we have
5 extra equipment and more than one person moving
6 past that same time in close proximity.

7 DEPUTY COMMISSIONER MAENNER: Just add
8 something, the fire escapes were meant to escape a
9 fire. You should never be on that fire escape if
10 there is not a fire in your building.

11 COUNCILMAN JOHNSON: Okay. Thank you.

12 Let me just follow up on -- and I was
13 asking my staff to follow up on some information
14 that we were taking a look at in terms of who
15 actually does the inspection of the fire escapes.

16 Give me the difference between the work of
17 a professional engineer, or what you would call a
18 qualified acceptable building official.

19 DEPUTY COMMISSIONER MAENNER: Okay.

20 Professional engineer may have --

21 COUNCILMAN JOHNSON: And this is based upon
22 the National Fire Escape Association.

23 DEPUTY COMMISSIONER MAENNER: Okay. A
24 professional engineer would perform load tests on

1 the fire escape to determine the load. And they
2 could also do x-ray tests on the brick wall.

3 COUNCILMAN JOHNSON: That's beyond the
4 superficial. Let me just --

5 DEPUTY COMMISSIONER MAENNER: Correct.
6 It's beyond the visual inspections.

7 COUNCILMAN JOHNSON: Kind of OPA and AVI
8 kind of went through my district and said, oh,
9 that is worth a \$100,000 property without going
10 inside.

11 DEPUTY COMMISSIONER MAENNER: It's a visual
12 inspection. And even -- even engineers -- even
13 engineers will write in reports if they do a
14 visual inspection, that it's a visual inspection.
15 Because there are other methods that they can do
16 on various types of inspections according to their
17 engineering practices.

18 COUNCILMAN JOHNSON: So --

19 DEPUTY COMMISSIONER MAENNER: They would
20 perform load tests and things like that.

21 COUNCILMAN JOHNSON: So, what would
22 actually be a "other qualified acceptable building
23 official"? Would anybody else that would do the
24 same type of qualifying or evaluating of fire

1 escapes separate than an actual engineer?

2 DEPUTY COMMISSIONER MAENNER: There are --

3 COUNCILMAN JOHNSON: Who else --

4 DEPUTY COMMISSIONER MAENNER: The State
5 recognizes engineers because they are licensed by
6 the state. They are certified and they're
7 insured. There are some other fire escape
8 certifications, if you will.

9 DEPUTY COMMISSIONER COSTO: Councilman,
10 does your question go to -- I think you said you
11 mentioned your staff had brought you some
12 information from the National Fire Escape
13 Association?

14 COUNCILMAN JOHNSON: Yes.

15 DEPUTY COMMISSIONER COSTO: I am holding
16 that in my hand. And it does reference a
17 registered structural engineer or others qualified
18 and acceptable by the Fire Code.

19 COUNCILMAN JOHNSON: And I am trying to
20 find out --

21 DEPUTY COMMISSIONER COSTO: I really don't
22 know -- to be candor.

23 COUNCILMAN JOHNSON: I really wanted to get
24 an expert's opinion.

1 In your expert opinion, you pretty much
2 would go with a qualified engineer?

3 DEPUTY COMMISSIONER MAENNER: Correct.

4 COUNCILMAN JOHNSON: Thank you.

5 COUNCILMAN JONES: Thank you, Councilman.

6 Are there any other questions from this
7 panel for these two witnesses?

8 Seeing none, thank you for your testimony.

9 DEPUTY COMMISSIONER COSTO: Thank you,
10 Councilman.

11 DEPUTY COMMISSIONER MAENNER: Thank you.

12 COUNCILMAN JONES: Will the Clerk please
13 read the names of those next panel of witnesses.

14 THE CLERK: Dominic Guerrini, Darrell
15 Zaslow.

16 - - -

17 (Panel approaches witness table.)

18 - - -

19 COUNCILMAN JONES: It's good afternoon now.

20 MR. GUERRINI: Good afternoon.

21 COUNCILMAN JONES: Welcome. Thank you for
22 your patience. Please state your name and begin
23 your testimony.

24 MR. GUERRINI: My name is Dominic Guerrini.

1 I am the partner with the law firm of Kline and
2 Spector here in Philadelphia. At the outset,
3 Councilman, I want to thank you and all the
4 Members of the Panel today for taking the time to
5 study this very important public safety issue.

6 I'm here today because I represent two of
7 the people that we saw in that news article. I
8 represent Laura O'Brien who suffered serious
9 injuries when she fell off the fire escape. And I
10 represent the Estate and the family of Albert Suh
11 who was killed when he fell when the fire escaped
12 collapsed. And I can tell you gentleman that
13 having spent time with Ms. O'Brien and with the
14 Suh family, we are here today to make sure that
15 this never happens again. And to do what we can
16 do to prevent it.

17 It's a very simple fix. And I think,
18 Councilman, you have honed in on the issue. And
19 that is we have not yet in the City of
20 Philadelphia adopted the 2012 International Fire
21 Code. We have done the 2009 Edition. It's
22 changed. And it's time for us in the City of
23 Philadelphia at least with respect to this issue
24 to become current and to adopt the standards that

1 are set forth.

2 And, Councilman, you were asking in some of
3 your questions should we do it two years? Should
4 we do it five years? Well, the Fire Code, the
5 International Fire Code for 2012 requires this
6 testing to be done every five years. So, I think
7 that would be a very reasonable approach to take
8 here today to require this testing to be done
9 every five years, to require it to be certified in
10 order for the rental license to be issued.

11 But I would ask Council to take a look at
12 taking this one step further. And that is, fire
13 doesn't discriminate between residential units and
14 commercial units. To the extent that we have
15 these external fire escapes on commercial
16 buildings, commercial properties, we need to be
17 requiring at least the very same thing. Because
18 if there is an emergency, if there is a fire, we
19 need to be able to safely exit these buildings so
20 that we don't have another catastrophic event like
21 we did January 12, 2014.

22 We have done some preliminary research into
23 the costs. And I know there is a gentleman here
24 from Boston who can probably more ably address the

1 issue. But we have seen that these inspections
2 cost anywhere between 200 and 500 dollars. This
3 is going to be spread over the course of five
4 years. At the low end, we're talking about less
5 than \$4 a month to the landlords. At the high
6 end, we're talking about \$10 a month to the
7 landlords. Public safety requires that these
8 inspections be done and the costs simply are not a
9 deterrent. They are minimal. And when spread out
10 over the course of five years, any landlord in the
11 City can afford them. And they should be forced
12 to do it what is necessary to get these
13 inspections and to prevent an event like this from
14 happening in the future.

15 I thank Council very much for their
16 attention. And I'm happy to answer any questions
17 you may have.

18 COUNCILMAN JONES: Thank you. We will hold
19 on questions until the second witness testifies,
20 but our condolences to the family. You know,
21 there are no words, there are no laws that will,
22 you know, adequately deal with the loss of life.
23 The only thing we can do is to learn from what
24 happens in the course of -- of our business and

1 what happens in the course of development to try
2 to gain knowledge from that and do what we can,
3 which is in -- within reason to safeguard life.

4 I mean, a parent sends a kid to school.
5 They want them to come home after that educational
6 experience. So, our condolences to the family.

7 MR. GUERRINI: Thank you.

8 MR. ZASLOW: Good afternoon, Mr. Chairman
9 and Mr. Chairman of the respective Committees
10 joining today for this hearing. My name is
11 Darrell Zaslow. I'm legal council to HAPCO, the
12 Homeowners Association of Philadelphia.

13 As you may be aware, HAPCO represents
14 several hundred thousand housing units here in the
15 City of Philadelphia which are rental units. A
16 lot of them, as you heard today, single family
17 dwellings but larger buildings as well, of course,
18 are part of the issue before you. In our
19 testimony, Harvey Spear is unable to be here. He
20 sends his condolences that he is not here.

21 We took the liberty in our testimony of
22 outlining for you our perception of what the
23 existing code regulations are. I don't know if
24 it's oversimplistic to look at that or not. And

1 the panel knows exactly every detail of the Code.
2 But nevertheless, we have set it out to help focus
3 on where we are at present and think to where you
4 may wish to go in the future.

5 We pointed out that there are existing
6 regulations regarding fire escapes. And that the
7 Fire Department has the duty and the power
8 specifically as set forth in the Code to enforce
9 all regulations regarding fire escapes. The owner
10 of a property is already required very
11 specifically by the Code to ensure that all
12 appurtenances and architectural features -- and we
13 have heard today properly so, a fire escape is
14 exactly within that definition. That the owner of
15 the property must maintain that appurtenance, that
16 fire escape in good repair. It must be properly
17 anchored, and it must be kept in a safe and sound
18 condition.

19 The Code further requires that exposed
20 surfaces of a fire escape must be protected by
21 proper weather coating materials. The Code
22 further is specific as we've heard today and it's
23 so important, that fire escapes be kept clear and
24 unobstructed at all times and that it be

1 maintained in good working order at all times. It
2 must be kept free of ice and snow, broken or
3 missing parts are required to be replaced, and
4 trash may not be allowed to be stored or
5 accumulating on that fire escape.

6 There is also some very technical
7 requirements about load strength and hand rails
8 and access and location. But the point is, is
9 that there are a great deal of regulations in
10 place at the present time regarding the fire
11 escapes. From the perspective of property owners,
12 we would say on the one hand -- there is another
13 hand which we are going to discuss with you. But
14 on the one hand, the existing law is well suited
15 to require maintenance and compliance with the
16 Code provisions. The Code clearly requires the
17 owner to be 100 percent responsible to make sure
18 that the fire escape is safe and not a danger.

19 Of course, the question here today is
20 whether this self-policing, another word I heard
21 here today, has been satisfactory. And given the
22 tragedy which has been -- which has befallen the
23 City and Mr. Guerrini, of course, intimately
24 acquainted with it. It, frankly, will be very

1 hard for us as property owners to sit here today
2 and suggest to you that the status quo of -- of
3 good behavior by property owners and self-policing
4 and self-enforcing has been adequate. Had it been
5 adequate 100 percent, we wouldn't be here today.
6 So, obviously, it has not be.

7 You may hear Ms. Gertz of the Apartment
8 owners who discussed this with me and alerted me
9 to the fact as Mr. Maenner did also today
10 regarding the facade inspection, which is required
11 every five years and by some qualified third
12 party. And we would like to make sure the
13 Committee understands that owners rebel. They
14 chafe against any regulation because we often feel
15 the regulations are already on the books. And you
16 legislate towards, are searching for ways to solve
17 problems when the problems are answered in the
18 existing Code of Regulations. It's rather the
19 administration and enforcement that doesn't occur
20 to your satisfaction or anyone's satisfaction.

21 So having said all that, we also want to
22 say we are concerned as always that these matters
23 always seem to address landlords. And frequently,
24 it is landlords that need to answer to something.

1 But as you heard here today, you have commercial
2 buildings with fire escapes. You have
3 condominiums -- I'm not sure where that would fit
4 in with any licensing or inspections that you are
5 thinking of because you're talking about a rental
6 license. And a condominium building that's been
7 converted to a condominium and may have a fire
8 escape may or may not have rental license because
9 it's owner occupied.

10 Again, HAPCO's desire is to convey our good
11 citizenship in wanting things to be right. But
12 simultaneously, look beyond landlords as the
13 culprit in so many things that occur.

14 Having said all that from the perspective
15 of my organization, and I can't speak for the
16 apartment owners. The qualified spokeswoman is
17 obviously here and will testify next that appears.
18 We have heard the five year suggestion for a third
19 party inspector. And we feel that it is a
20 reasonable requirement to impose upon owners of
21 property. We would request that when you come
22 down to drafting legislation, that some attention
23 be paid to whether or not it really needs to be
24 some certified engineer with -- on all that. Can

1 it be a qualified inspector of some kind short of
2 an engineer. I'm not sure what the difference
3 would make practically, but we would want that to
4 be considered at that time.

5 If you -- if you except the mandatory
6 inspection on a five-year period, it should be
7 made clear that the existing code allows the Fire
8 Department to mandate inspections any time they
9 want. We understand they are overwhelmed and they
10 haven't protect them as they protect us in what
11 they do. But the fact remains as a matter of law,
12 that they can inspect everything they wanted to
13 inspect tomorrow morning and issue orders to say
14 we want to see something more. We are not
15 suggesting that they should be burdened with that.
16 They are overburdened with so much else.

17 But the point of it is, is that if you are
18 weighing the inspection period, and we would
19 rather come into you and say, oh, ten years, seven
20 years. And yet we're trying to be forthright with
21 the panel and with the Council. And a five year
22 number seems to be acceptable on all sides. And
23 therefore, we are not looking to argue about the
24 number of years. We would point out that the

1 argument should be less than five years.

2 Then again, every requirement that we
3 recited as I began my testimony: Good
4 maintenance, good repair, checking it, the owners
5 responsibility. None of that goes away during the
6 five years. Every requirement to properly
7 maintain that appurtenance to that building
8 continues every day of the five years. So, it's
9 not as if something is being given up and the
10 owner is somehow free and clear to maintain a
11 faulty fire escape just because the inspection is
12 five years away. The inspection -- the
13 requirement that the fire escape being a safe
14 condition continues throughout every day of the
15 year and through the five years.

16 So that basically is our take on the issue.
17 We stand ready as always to work with you on
18 actual language of legislation.

19 Thank you very much, Mr. Chairman.

20 COUNCILMAN JONES: I think the last ten
21 words you said in your testimony is the one I will
22 hold most dear, which is work with you. And what
23 we want to do is -- keep in mind, we have -- you
24 know, I said this to representatives of the Fire

1 Department and L&I before the hearing starts. We
2 hear problems and try to solve them. We rely on
3 people who actually do it every day to get input
4 so that we can get it right. And that's the
5 purpose of these hearings. And that's the purpose
6 of getting that input and to find common ground
7 that makes sense. And some things we won't
8 compromise on. But things that we can compromise
9 on we will.

10 So, it's good to know that you are
11 interested in the five-year period. And that --
12 that's good. But also, we haven't decided as to
13 what a third party inspector or what it looks like
14 or whether or not the Fire Department has the
15 capability to actually do it. And so the -- the
16 idea here is to find out where best we can do what
17 we intend to do. And we agree that the laws are
18 already on the books. Question becomes who is
19 enforcing -- who is going to enforce them and how
20 regularly they will be checked. Because we trust
21 everybody. But as Reagan said, we trust but
22 verify.

23 And as I said in the testimony. 90 -- I
24 will even go 92.5 percent of the people that

1 actually do this, don't need us to regulate them.
2 They would do it because it's the right thing to
3 do. It's that 7 or so percent that we always have
4 to make the laws for. So, we appreciate your
5 testimony.

6 And I recognize Councilwoman Blackwell who
7 is here. But also, I am going to recognize
8 Councilman Henon to speak.

9 COUNCILMAN HENON: Thank you, Mr. Chairman.
10 And, gentleman, thank you for testifying here. I
11 have just a couple quick questions.

12 One, want to make a comment to -- to
13 Mr. Zaslow and your organizations that he
14 represents. Sounds like you've been a part of the
15 conversations thus far to date, you know, to where
16 we are today. And I want to give -- give you all
17 kind -- the credit for being a part of that, being
18 included. Because my office and myself, it's
19 extremely important to have the stakeholders
20 engaged and involved in the entire process.
21 Because, one, we get to understand not only a
22 reality of the situation or what we're trying to
23 accomplish. And here, it's to save lives. And,
24 you know, it's unfortunate that most codes from a

1 code making standpoint, the codes are adjusted or
2 adopted because of unfortunate tragedies. And
3 that's national whether it's the NFPA or other
4 property maintenance adjustments especially going
5 through the national vetting process.

6 So, you know, we may have to bring and we
7 should bring things to 2014. As things change,
8 new construction ratings, separate egress, you
9 know, for fire and emergencies. But we're stuck
10 with old -- we're stuck with old surplus of
11 properties here in City of Philadelphia that are
12 being used. So, I thank you for -- for being a
13 part of that.

14 Question for Mr. Guerrini. You were
15 talking about the Codes, all right, that we are
16 currently working off of, 2009, I believe. And
17 failed to adopt a 2012, the Uniform Construction
18 Code. And, you know, there's going to be a long
19 year arduous process to consider 2015 from a state
20 level.

21 How do you -- how does that differ for
22 existing properties now operating off a 2009 as we
23 move towards '15? You would -- you had mentioned
24 something in your testimony or in your comments.

1 What does that do for us moving forward?

2 What -- what -- what kind of position does that
3 put us in as a city for public safety and the
4 people that we -- we're elected to serve?

5 MR. GUERRINI: Sure. I think the main
6 change that we're here to talk about today is that
7 the 2012 Code now requires this inspection;
8 whereas, the 2009 code did not require the
9 inspection and the five-year certification. So
10 I'm not here to ask Council to adopt the 2012 Code
11 in toto. This provision, the Fire Escape
12 Certification Inspection Provision is what we're
13 here to talk about. And the International Fire
14 Code of 2012 provides the standard that Council
15 could very easily adopt.

16 COUNCILMAN HENON: So -- all right. I do
17 know the process from a state level. And we
18 can't -- as it exists now, we cannot even go back
19 to 2012 to consider any of the changes, you know,
20 from 2009. We would just have consideration for
21 2015 for the adoption of the 2015 Uniform
22 Construction Code. So, let me ask you a question
23 this way.

24 It would be better to have new codes, 2015

1 Codes adopted through every municipality in the
2 Commonwealth as opposed to continuing to operate
3 off of 2009 Codes.

4 Is that a fair -- correct statement?

5 MR. GUERRINI: Sure. But in the interim,
6 let's not wait until 2015. Let's fix this issue
7 now.

8 COUNCILMAN HENON: Now I understand, but we
9 can't. We can -- should we be a strong advocate
10 to adopt 2015 Uniform Construction Codes which has
11 those changes in it?

12 MR. GUERRINI: I haven't seen the 2015
13 Construction Codes to tell you that you should or
14 should not adopt it now. What I'm telling you is
15 independent of whether it's in the Code or not in
16 the Code, steal it from them. They have given you
17 the standard. You don't need to call it the
18 International Fire Code. Use the language, take
19 the idea and adopt it here.

20 COUNCILMAN HENON: We should adopt it. I'm
21 going to -- I'm going to go out on a limb and say
22 on the record, the City of Philadelphia should
23 encourage the State of Pennsylvania to adopt the
24 2015 Uniform Construction Codes.

1 MR. GUERRINI: You can do as you please,
2 Councilman. What I'm here to talk about is this
3 narrow issue, which is the Fire Escape Provision.
4 The other issues don't concern us, my clients
5 today. We are concerned about the fire escape
6 issue. And whether it's from adopting the Fire
7 Code or the Uniform -- whatever code, we want that
8 provision adopted.

9 COUNCILMAN HENON: Those provisions will be
10 in the 2015 Uniform Construction Codes. It's
11 whether the Commonwealth chooses to adopt the 2015
12 Uniform Construction Codes, which would include
13 those provisions which would have those fire
14 safety standards from a property maintenance
15 perspective for -- for the City of Philadelphia.

16 So I know the problem -- I am kind of just
17 throwing it out there for you to say that I
18 concur.

19 MR. GUERRINI: With respect --

20 COUNCILMAN HENON: The 2012 has the safety
21 measures. I think that, you know, the introducer
22 of this Bill and the Majority Leader and the
23 Chairman of Public Safety is trying to get to.
24 But we, as a City, are not -- we do not have that

1 opportunity to adopt them. And I think we all
2 should encourage the adoption of the 2015 Uniform
3 Construction Code.

4 MR. GUERRINI: With respect to the Fire
5 Escapes Standards, we wholeheartedly concur.

6 COUNCILMAN JONES: There you go. See it's
7 hard with attorneys. They don't give up. They
8 don't give up.

9 Councilman Oh.

10 COUNCILMAN OH: Thank you very much,
11 chairman.

12 Mr. Zaslow, what I'm gathering from your
13 testimony is that on behalf of your organization,
14 you are fine with a five-year inspection for any
15 and all outdoor fire escapes in the City of
16 Philadelphia?

17 MR. ZASLOW: Again, I will answer with just
18 a tad of legalese. The short answer is yes. But
19 we do want to make sure that the requirements as
20 ends up being enacted are not so onerous and
21 overburdensome and expensive that we rebel not at
22 the concept but at the implementation of it.
23 Mr. Guerrini gives a number of a few hundred
24 dollars.

1 If, in fact, this inspection is implemented
2 in such a way that that is the ballpark for an
3 inspection of a fire escape, it's very hard to
4 argue that there is something inappropriate about
5 that. It starts to become some enormous procedure
6 and expense, then we might be requesting that the
7 language of the implementation be examined.

8 COUNCILMAN OH: Okay. So, based on what
9 you've heard today that the inspection is going to
10 run about 200 to 500 dollars every five years, and
11 provided that you're not stuck with the bill of
12 the inspection from the Fire Department, I don't
13 know how much that would be, but you're fine as
14 long as it's a reasonable cost.

15 Is that fair to say?

16 MR. ZASLOW: Yes. That is correct. As
17 long as the license fee is a typical City of
18 Philadelphia license fee based solely on the cost
19 of the City to issue the license, not as a revenue
20 producer, yes.

21 COUNCILMAN OH: Okay. Secondly, that there
22 should be a certificate that this was -- that --
23 that every five years that there -- inspection has
24 been done and the certificate is provided to the

1 City of Philadelphia to be kept on file and
2 maintained there.

3 You're fine with that?

4 MR. ZASLOW: It would be appropriate it
5 seems to us that if cards that certify something,
6 the City sees the certification.

7 COUNCILMAN OH: And do your members, do
8 they have insurance for their buildings to include
9 the fire escapes?

10 MR. ZASLOW: Your insurance discussion was
11 fascinating. I am not aware of anything in the
12 Philadelphia City Code that mandates an owner to
13 have insurance. Like Councilman Jones was
14 discussing, you're mandated to have car insurance.
15 I don't think there's anything mandating property
16 insurance. If I'm wrong, somebody knows it, let
17 them state it.

18 To the extent any responsible property
19 owner owns property, they will have that property
20 insured. The insurance carrier unless there's an
21 exclusion for the fire escape, is going to include
22 the fire escape under the assured appurtenances of
23 the property. A good insurance company is going
24 to do their own inspection of some kind and be

1 satisfied that they're taking the burden of not
2 having to pay Mr. Guerrini the -- the lawsuit that
3 these people have a right to bring and are
4 bringing.

5 But that's all after the fact. To pay
6 damages to injured parties through insurance is
7 good for the injure parties, better than nothing.
8 But, of course, nobody wants to be injured. So,
9 the inspection by an insurance carrier would be
10 helpful for an insurance carrier who may foot the
11 bill some day for these multi-million dollar
12 judgments to satisfy themselves if they are
13 insuring that building, the building is, in fact,
14 insurable.

15 My owners can have a little vent cap on the
16 sidewalk that the insurance carriers comes along
17 and says, oh, we're not insuring your property
18 because the six-inch vent cover which is missing.
19 And someone is going to trip and fall on the vent
20 cover and you are going to be sued and we are
21 going to have to pay for it. If you want us to
22 insure your house, you are going to correct that
23 property. Good insurance companies will do that.

24 The bigger the building, and my -- my

1 coordinating organization, the apartment owners
2 who own larger buildings, can probably speak even
3 better to it than I can. But the insurance
4 carriers, if they are doing their job, are looking
5 at what they're insuring. They are not accepting
6 some property owners, my property is completely
7 safe. Insure me. They are going to make sure to
8 the insurance company's satisfy that the property
9 warrants being insured and they are not buying
10 liability for a fire trap the first day that --
11 that they give the insurance.

12 So, it's helpful. I wish I could argue to
13 you that it should be completely sufficient to
14 solve the problems because it's easier for the
15 property owners, frankly. I don't think that it
16 does. I think the -- it's just an additional
17 layer of protection for injured parties. A layer
18 of protection to make sure that the building
19 itself is in some kind of safe condition because
20 an insurance company has examined it, but it
21 doesn't solve the uninsured properties. And it
22 doesn't solve properties where insurance carriers
23 don't do a good inspection.

24 So that's -- that would be my response.

1 COUNCILMAN OH: Okay. So, you know, as we
2 are, I think, all in agreement that the City
3 should inspect and we should have our firefighters
4 educate on it. The reality is, we don't have that
5 much personnel. And we are not -- we don't have a
6 lot of extra money. And our firefighters are
7 always on call and always in need.

8 And while we'd like to do it, I am just
9 kind of surprised and open minded to learn more.
10 But I have always kind of understood incorrectly
11 it appears, that if you are a building owner
12 that -- that is inviting people in to -- to -- to
13 lease or rent your office or your residential
14 units, that you are not insuring them against the
15 liabilities of injuries that may occur through
16 neglect or poor maintenance.

17 I just always thought --

18 MR. ZASLOW: Many -- many people are
19 self-insured as is called in the industry.
20 Self-insured, which means they have no insurance.

21 COUNCILMAN OH: That's kind of a tricky
22 word for me. Because self-insurance maybe
23 underinsured. There seems to be like you can
24 invite people in. And the value of your one

1 building is not enough to cover the catastrophic
2 injury that may occur.

3 Listen, not trying to jack up insurance
4 here. But I think that's the discussion we're
5 having about adequate public safety and triggers
6 and how we practically do this and not, you know,
7 not do it in an onerous way is kind of the balance
8 that we are looking for. So, I am all ears. If
9 you --

10 MR. ZASLOW: Part of the problem has been
11 in the City of Philadelphia and prior decades, you
12 could not get insurance in a lot of areas. We all
13 heard red lining and all kinds of terms. There
14 are properties that you couldn't get insurance for
15 except it's such an exorbitant rate that people
16 said I will take the risk upon myself that if
17 there is some injury, I'm responsible for it. But
18 that's not a solution. Responsible owners do
19 insure their property for their own protection.

20 COUNCILMAN OH: Thank you very much.

21 MR. ZASLOW: Thank you, Mr. Oh.

22 COUNCILMAN JONES: Thank you, Councilman.

23 Are that any other questions for this
24 panel?

1 Seeing none, thank you for your testimony.

2 Appreciate it.

3 MR. ZASLOW: Thank you very much.

4 MR. GUERRINI: Thank you.

5 COUNCILMAN JONES: Will the Clerk please
6 read the next set of witnesses to testify.

7 THE CLERK: Phil Lord, Christine Gertz.

8 COUNCILMAN JONES: Good afternoon. Have a
9 seat at the witness table.

10 - - -

11 (Panel approaches witness table.)

12 - - -

13 COUNCILMAN JONES: State your name for the
14 record and begin your testimony, please.

15 MR. LORD: Phil Lord, Tenant Union
16 Representative Network or TURN.

17 MS. YOUNG-GERTZ: I am Christine
18 Young-Gertz. I'm with the Pennsylvania Apartment
19 Association East. We used to be known as the
20 Apartment Association of Greater Philadelphia. We
21 changed our name this year.

22 COUNCILMAN JONES: Why don't you go first
23 and then Phil Lord can follow after you.

24 MS. YOUNG-GERTZ: Thanks very much. I

1 won't take too much time. Every time I follow
2 Mr. Zaslow and his very eloquent testimony.

3 COUNCILMAN JONES: I find him eloquent,
4 too. I tell him that all the time.

5 MS. YOUNG-GERTZ: Yeah. We find that we
6 make somewhat the same points on many of the
7 issues. The Pennsylvania Apartment Association
8 represents owners and managers and developers of
9 apartment communities, multi-family housing
10 communities. Some of the larger buildings or
11 apartment communities in the -- in the City.

12 And I just want to make a couple points or
13 just reiterate some of the points that Mr. Zaslow
14 made today. I fully agree. I want to start out
15 by saying that responsible rental owners do every
16 day concern themselves with the condition of their
17 fire escapes and their resident safety and any and
18 all fire and safety apparatus and equipment in
19 their buildings. They do so because they're
20 responsible. I am proud to say that our
21 association -- I will just tell you very quickly,
22 takes that very seriously with regard to what we
23 espouse and advocate for our members. Industry
24 leaders in responsible property management.

1 And I also want to point out that the
2 greatest deterrent -- well, the greatest
3 motivation for maintaining fire escapes and seal
4 alarms and everything else is the owners great
5 exposure to liability and lawsuits. So, we all
6 know that the 95 percent or I -- the vast, vast
7 majority of rental owners in the City are
8 responsible. But I suppose we are not here today
9 to talk about them. We have to address the
10 problem, the very real, very serious problem that
11 the minority of property owners, rental or
12 otherwise, cause and have caused when they don't
13 maintain their fire escapes or anything else
14 adequately.

15 We do not want to see another accident like
16 we just saw. And our condolences and our hearts
17 go out to those who suffered that. But the only
18 thing I would like to suggest is -- oh, and to
19 follow up with your noting about insurance and --
20 and all. Again, I personally am not aware either
21 of any code or city rule that requires insurance.
22 But I can tell you that the capital market
23 certainly do. And, you know, the larger the
24 apartment community, of course, the greater, you

1 know, the load and the need for insurance. So,
2 I'm confident that, you know, this sort of thing
3 is in place and with responsible rental owners.
4 And I'm confident that the insurance companies
5 will certainly back off from claims and further
6 insuring a property if -- if things like fire
7 escapes are not maintained.

8 So, we support inspections. We -- we would
9 love to see License and Inspections fully funded
10 to do the inspections. We realize that the Fire
11 Department is fully empowered by existing law to
12 require inspections. What we'd like to see,
13 though, going forward in practicalities in the
14 world is a further -- let's augment what's in
15 place. Let's not just add superfluous layers to
16 it.

17 With regard to the people who are doing the
18 inspections, who would be empowered to do
19 inspections, load inspections and otherwise, it
20 doesn't necessarily have to be a structural
21 engineer. Certified fire escape inspectors, I
22 think, can come from a broader swath of
23 professionals. And, you know, requirements can be
24 set up by further ordinances to have, you know,

1 acceptable professionals approved to do the kinds
2 of inspection.

3 And I would -- I would also support or I
4 would agree with something akin to what is in
5 place now every five years similar to the facade
6 inspections. But what I would ask going forward
7 is, today really, that's my main point. As we --
8 as we do this, let's start off on the right foot.
9 Let's -- let's take time to look at what's in
10 place in other cities, the nuts and the bolts,
11 pardon the pun, you know, have to -- have to all
12 make sense and be in place.

13 There are cities such as Oregon, Los
14 Angeles, I think Seattle, Boston. There are a
15 number of things to look at, not to carbon copy
16 them. Philadelphia certainly has to stand on its
17 own with its own particular needs and concerns.
18 But if we can get off on the right foot and
19 continue the dialogue with regard to the devil in
20 the details and the cost effectiveness of any
21 inspections program going forward, I am very much
22 appreciate being a part of that dialogue.

23 That's basically my --

24 COUNCILMAN JONES: We appreciate that. And

1 we are -- we are looking to -- and have taken into
2 account that the capital market is the greatest
3 driver for safety if you want a loan. Then, you
4 know, they want to safeguard their investment by
5 making sure that they are proper insurances. We
6 get that. It's that tier that falls below that --
7 that we -- we are very concerned about.

8 There is the landlord that I operates on
9 the edge and below certain standards that we deem
10 safe that often these laws are drivers for. It's
11 not you that, you know, has to go out every
12 several years to reappraise a property and get a
13 new mortgage. That's not what we're talking
14 about. All too often we are talking about what
15 concerned me was new rental applicants should, in
16 my opinion, have to go through some set of
17 scrutiny to be included in the ranks of renter --
18 of owners of commercial rental opportunities.

19 Because anybody can just throw up a sign that says
20 Rent, and it doesn't necessarily safeguard the
21 tenant. And we are looking at that as a standard.

22 And what we try to do, contrary to popular
23 belief, is not be the, you know, obstructionist.
24 Not be bureaucratic laden individuals, but to try

1 to figure out a happy medium. That is why your
2 testimony is important.

3 MS. YOUNG-GERTZ: Thank you so much.
4 Clearly, we need to do something about the -- the
5 minority of rental owners, the guys who are, as
6 you say, operating under the radar. I am proud to
7 say those are not the ones I represent. And yes,
8 thank you for my part at the table to work it out
9 for the better of everybody.

10 COUNCILMAN JONES: Councilman Henon.

11 COUNCILMAN HENON: You know what, I'll
12 hold -- I'll hold my line of questioning till Phil
13 Lord has finished with his testimony.

14 Thank you, Mr. Chair.

15 COUNCILMAN JONES: All right. Thank you.
16 Mr. Lord --

17 MR. LORD: Thank you.

18 COUNCILMAN JONES: -- please begin your
19 testimony. State your name for the record.

20 MR. LORD: Philip Lord, the Executive
21 Director of the Tenant Union Representative
22 Network or TURN. As you may know, we're a tenant
23 service and advocacy organization. We see
24 thousands of tenants every year with problems.

1 And I thank you for this opportunity to
2 testify in regards to this Resolution. Really
3 pleased with all of the options that have been put
4 on the table. We think this is a good exploratory
5 conversation. We think we are going in the right
6 direction and we share the concern of City Council
7 and others regarding the tragedies that happen.
8 And I think we are also fortunate, frankly, to
9 have landlord organizations like HAPCO and the
10 Pennsylvania Apartment Association that are not in
11 opposition of this and support the basic concept
12 and bring good ideas. And I think that's a good
13 process to get started.

14 I am also particularly -- a couple points I
15 want to respond to. One is I think I want to
16 emphasize the Attorney Guerrini's point the fact
17 that this is affordable, so we don't need to
18 belabor that point too much. There was some
19 comment early on in initial testimony that tenants
20 wouldn't want the cost passed onto them. I can't
21 imagine that. The tenants we talked to really
22 value their safety. And paying 5 or 10 dollars a
23 month to be able to be safe is certainly worth it
24 and everybody wants to do that. So that is not an

1 issue.

2 The cost is not an issue. The passing on
3 is not an issue. I think the real issue was
4 already identified by Attorney Zaslow. That is --
5 and I would put it this way that regulation is not
6 the same as enforcement. There is a lot of
7 regulations out there. We can add more to them.
8 I think what's being proposed is probably a very
9 good idea because requiring -- making a license
10 requirement will elevate the consciousness about
11 this issue. It will help those landlords that are
12 not really thinking about fire escapes to realize
13 that this is an important thing to take care.

14 At the same time, though, we don't believe
15 that it's going to address the vast majority where
16 this problem might occur. There are many
17 landlords, as you know, that are not licensed.
18 And probably more likely to be among those who
19 have a problem in this regard. So and even for
20 those who are -- well, first of all, so many
21 landlords not being licensed is indicative of the
22 fact that the licensing process itself,
23 enforcement of the licensing process is
24 inadequate. When you piggyback something on an

1 inadequate process, you are not going to get
2 excellent results. You have to make sure we make
3 sure everybody has a license before you can make
4 this an effective process.

5 But you have to understand as well what
6 happens when people don't have licenses, they
7 don't comply with the Code. Landlords without
8 licenses can be subject to final penalty by L&I.
9 That's a cumbersome process. It's, in our
10 opinion, a rarely enforced process. And the
11 reality is, that the really effective enforcement
12 of not being licensed comes from a landlord tries
13 to evict the tenant and tenant says I don't have
14 to pay rent because you didn't have a license.

15 Well, that particular remedy is not as good
16 as it looks because if tenant has already paid
17 rent, they can't get a refund. So, the landlord
18 is okay even if they haven't comply with the
19 licensing or other requirements. So, it's only
20 the situation where a tenant is behind in their
21 right or failed to pay rent because of lack of
22 repairs or withheld rent, that the landlord has
23 some penalty for not complying with the Code and
24 not getting licensed. An effective kind of way.

1 We are concerned we do something more than
2 just lifting this up by making a new regulation.
3 I really think we have to go the extra step of
4 having at least audit testing, audit inspections
5 around -- by the City whether it's the Fire
6 Department or the L&I. I really don't care. But
7 the bottom line is, we need to make sure landlords
8 are at least a little bit worried whether they get
9 licensed or not. That, in fact, they may wind of
10 being liable for a hefty penalty of some sort,
11 some kind of fine or something to make sure they
12 comply with this requirement.

13 We are looking forward to exploring it
14 because it is a safety thing. We wanted to make
15 sure that we don't just dwell on more regulations
16 and not dwell on how they are going to be enforced
17 and how effectively they're going to be enforced,
18 because that is the key.

19 We need more inspectors. I think, you
20 know, we short change ourselves when we say we
21 don't have enough resources to inspect properties.
22 We don't have the fire inspection. We don't have
23 L&I inspectors. That is very true. That's the
24 decision that we make. We have to realize that

1 decision cost lives sometimes. And we have to
2 realize whether it's worthwhile or not.

3 So, just want to put that out there. We
4 are glad to be invited to the process. We are
5 just getting involved in this stage of it. And we
6 really appreciate the opportunity to speak about
7 this.

8 COUNCILMAN JONES: Thank you. And we're
9 going to seek your input as we go through this.
10 And you're right. One of the things you find out
11 as a legislator if you research it, the laws are
12 there. It's the question and will, political
13 will, to do the enforcement. And so, we are going
14 to look at how we do that and not put too much
15 burden on a overburdened system. But give
16 adequate resources where necessary.

17 MR. LORD: Thank you.

18 COUNCILMAN JONES: So, we're going to do
19 that.

20 Councilman Henon, did you want -- the Chair
21 recognizes Councilman Henon.

22 COUNCILMAN HENON: Thank you, Mr. Chair.
23 And thank you both for -- for attending here. As
24 always, the two of you and other folks who have

1 testified and answered some questions represent
2 the membership well. And this is not a -- it's
3 good to have responsible associations who
4 represent responsible people and business owners.
5 The -- it's unfortunate that 3 to 5 percent of
6 every organization, 3 -- 3 percent of every
7 crowd -- I was told -- I was told at an early age,
8 that 3 percent of every job or 3 percent of every
9 crowd is bad. So, birds of a feather flock
10 together and everything like that. But there is
11 97 percent or 95 percent of every organization
12 of -- of every association is good. And we want
13 to hear the good not just the bad especially when
14 it comes to public safety and it comes to either
15 crime prevention or, you know, public safety with
16 regards to property maintenance and the old
17 housing stock that we do have here in the City of
18 Philadelphia.

19 Thank you for being here. And again,
20 engaging in the conversations from -- from both
21 the landlord and the tenant perspective. Because
22 nobody wants to be unsafe, you know, whether it's
23 the tenant, you know -- you can't rent -- it all
24 has that trickle down effect. We don't want

1 anybody to -- we don't need any more tragedies
2 here.

3 I think, you know, we are going to have
4 deep -- a deeper conversation about how and who
5 inspects and what the qualifications are. Because
6 you can get into -- this isn't the time or the
7 place for it right here, but who is a qualified
8 person? Who is not a qualified person? Should it
9 be L&I? Should it be a third person. That's for
10 us all to get together to discuss to come up with,
11 you know, how we keep people safe.

12 I mean, you take a look at L&I. They do a
13 great job for the limited resources they have.
14 L&I had resources up here at one point. And then
15 here they are here, and they are trying to do that
16 same amount of work with less money. Less money
17 is less people, all right. And the people that
18 they do, they are multi-tasking like crazy, taking
19 training classes and getting certifications, you
20 know, as much as they possibly can. Now, I know
21 from just myself, you have technology today. All
22 these different passwords and this and that codes.
23 I can't even get into my locker at the gym. I
24 can't remember the combination. All right.

1 It's a lot for one person to come in, check
2 the facade. While you're there, check the other
3 property maintenance issues that you have here,
4 oh, and check the -- you know, make sure they are
5 in compliance with the NFPA that we either have
6 adopted or we don't have adopted. Oh, and then
7 check the fire escape and make sure, you know,
8 that it's safe so, you know, the tenants that
9 are -- that are in there are protected in all
10 avenues.

11 So, I mean, I am hoping to see, you know,
12 we address a lot of issues through this process as
13 we have. And we -- look, I have been an observer
14 of City Council for a long time. I have been a
15 member of City Council with some great colleagues
16 who find this -- I am glad to have this a
17 priority, property maintenance inspections and the
18 way we go about it and all levels it should be a
19 priority. We are severely, severely understaffed
20 when it comes to our inspectors.

21 New York has under a million properties or
22 parcels. We have 578,000 parcels. You can split
23 them up whether half of them are rental or half of
24 them are not. It doesn't matter. It's about

1 public safety. It's about making sure that we as
2 you have these two committees and rest of Council
3 making Inspections and Public Safety a priority.
4 We need more inspectors. We need more resources
5 to be responsive to the tenants, to be responsive
6 to the homeowners associations an organizations.
7 All right.

8 There is nothing wrong with people making
9 money in the City of Philadelphia. There is
10 nothing wrong with people who are trying to make
11 our processes a little bit better and reasonable.
12 But we have a tremendous amount of property.
13 2,300 inspectors in the City of New York with just
14 under a million properties; 578,000 parcels in the
15 City of Philadelphia. And we are -- I don't think
16 we make 100. I don't want to be quoted on that,
17 all right, because I think it's split up from
18 construction, to property maintenance, after
19 construction, preconstruction and all that. Under
20 100. Let's just say it's 70. 70 inspectors who
21 are doing everything and anything possibly they
22 can to make sure that we are safe, all right.

23 Our investment isn't just in the bricks an
24 mortar. Our investment is into the people of the

1 City of Philadelphia, all right. So, we need more
2 inspectors. We need more resources for L&I and we
3 can -- maybe the conversation would be a little
4 more different today, but it's not. So, I am glad
5 everybody is a part of the conversation as we try
6 to craft something that's responsible for
7 everybody.

8 So, that's all I have. Thank you,
9 Mr. Chairman.

10 COUNCILMAN JONES: Thank you, Councilman.
11 I had no idea we only had 70 inspectors to go from
12 everything from cranes to drains.

13 COUNCILMAN HENON: Don't hold me to that
14 quote. Roughly.

15 COUNCILMAN JONES: Approximately.

16 MS. YOUNG-GERTZ: A Herculean task to say
17 the least, yeah.

18 COUNCILMAN JONES: Chair recognizes,
19 Councilman Oh.

20 COUNCILMAN OH: Thank you very much. And I
21 do appreciate your input and your being here. And
22 as my colleagues and the Chairman said, it is an
23 ongoing conversation. I think we are all headed
24 in the same direction.

1 Couple points I want to make just to ensure
2 that we are having a productive conversation.

3 We have a lot of regulations and they are
4 not enforced. They are not enforced because we
5 don't have the personnel or the money because the
6 people in the City don't have the money or the
7 will to pay. Because if they could pay, they
8 would leave someplace else if they're business
9 folks to make more money. That's the reality of
10 the situation. You can look at our schools. Look
11 at our pension. Lot of things in our City.

12 To get a realistic and practical solution
13 to this problem is what we're dealing with. We
14 have issues of brownouts and fire station closings
15 and other things just with our own firefighters.
16 They're not real happy right now. This -- the
17 cost of this does not seem to be a prohibitive
18 problem here, but I don't think that you will find
19 that you are not going to pick up the tab on this.

20 Yes, you should have insurance, in my
21 opinion. And no, it doesn't exactly mean
22 everything will be fine because you will pay your
23 premium. If a claim comes in and you have not
24 complied, then the insurance company will not

1 cover that. That doesn't make us or the tenants
2 or the building owners happy about that. But
3 having a inspection process every five years
4 should, you know, alleviate that problem. But if
5 we're going to inspect every one of these
6 buildings old and new, that's not going to be
7 borne by the City just as it is. That is going to
8 be -- there's going to be a fee involved in that.
9 And, you know, that is going to be, I think, a
10 reasonable fee but it is going to be passed onto
11 the tenants.

12 I don't know what that fee is. But, you
13 know, probably the landlords will put in their
14 leases that you're not to use the fire escape for
15 social reasons or other reasons and so forth and
16 so on. That's fine. They shouldn't be abused
17 anyway. But this process, you know, does involve
18 coming up with practical workable solutions. Or,
19 as you said, will have some regulations, some laws
20 and some initiatives that are not going to be
21 enforced for lack of funding and people to do
22 this.

23 Thank you.

24 COUNCILMAN JONES: Thank you, Councilman.

1 Are there any other questions for this
2 panel? Seeing --

3 COUNCILMAN HENON: I have one.

4 COUNCILMAN JONES: Councilman Henon.

5 COUNCILMAN HENON: Thank you, Mr. Chairman.

6 You know, maybe it's because I'm a little
7 under the weather and I might be a little cranky.

8 So -- but I think somebody had mentioned
9 earlier about the unscrupulous landlords or the
10 people who don't register with the City of
11 Philadelphia. We're talking about trying to
12 provide a service to keep people safe, the general
13 public, the tenants, landlords so they can operate
14 a responsible business and their profession.

15 How about the people in the City of
16 Philadelphia who don't pay their taxes? Who do
17 not register with the City of Philadelphia? Who
18 are delinquent for years and years and years?
19 Maybe they can pay for some of these programs, all
20 right, that we are trying to look for. Maybe they
21 should come forward. So if they are out there,
22 because I know they are out there, we're going to
23 come looking for you. And wait till the fall
24 because I got a little surprise. This Committee

1 has got some -- we got some things that we want to
2 talk about publicly.

3 We want to make sure that -- we are trying
4 to hold people accountable. All right. Because
5 people lose their lives. So, you can't compare
6 apples to apples, all right, when we don't even
7 know where the crumbs are, and they are out there.
8 The crumbs are out there and they are cheating the
9 system. They are not paying their taxes. And the
10 taxes, believe it or not, go into doing good
11 things like keeping people safe, putting
12 inspectors on the street, putting police officers
13 on the street, you know, putting in for
14 firefighters so they can have a new academy that's
15 keeping our libraries safe, you know, more
16 teachers.

17 I mean, I pay my taxes, all right. So
18 should they.

19 MS. YOUNG-GERTZ: Can I just say for the
20 record very quickly, I don't think any responsible
21 property manager will argue your point about going
22 after, as you said, the crumbs because they make
23 it harder on the rest of us who are playing by the
24 rules and -- and following the highest standards

1 of property maintenance.

2 And absolutely going forward, when the
3 discussion going forward with regard to third
4 party inspections and the time frames involved and
5 the particulars about who can be doing it and all,
6 it's just -- I so appreciate you having all the
7 stakeholders at the table where we can get a full
8 dialogue of the broadest swath, the widest
9 platform of available responsible skilled
10 technicians and whoever would be acceptable to the
11 department to do those sorts of inspections.

12 Because, yes, it's in the interest of
13 everyone to keep the costs down as much as -- as
14 much as we can. Responsible property owners will
15 pay the costs regardless because the final -- the
16 end of the day is keep the fire escape safe. End
17 of story. So the -- but with -- thank you for
18 whatever input we can have with regard to the
19 fees, which absolutely have to be reasonably
20 related to what the fee is for and not just a
21 revenue producing source as, you know, been
22 mentioned before.

23 Again, again and again, the devil is always
24 in the details. I just really appreciate being a

1 part of the conversation.

2 MR. LORD: If I can just make a quick
3 comment, as well. I think when you look at
4 enforcement, it's not simply a matter of trying to
5 look at every building and make sure it gets
6 inspected. It's about significant penalties if
7 there is non-compliance. If you do random
8 inspections and people get in trouble for not
9 doing what they're supposed to do and that becomes
10 high profile, people will respond.

11 You don't have to check every building.
12 You have to make sure when someone is not licensed
13 or someone doesn't have a decent fire escape, that
14 they are -- it's more than just a slap on the
15 wrist. And I think it's important.

16 The other thing I want to mention is
17 insurance companies have a lot to learn about
18 them. But the idea they do routine inspections of
19 their properties or insured is something that is
20 new to me, and I've been in real estate a while.
21 I would be very surprised if they come out just to
22 do a routine inspection just because they are an
23 insurance company any more than a car insurance
24 company goes out and looks at your car. They

1 insure based on patterns. And they don't always
2 come out and inspect.

3 Let's make the inspection requirement a
4 City one if we can.

5 COUNCILMAN JONES: Thank you so much for
6 your testimony.

7 Any other questions for this panel?

8 Seeing none, thank you again for taking the
9 time.

10 MS. YOUNG-GERTZ: Thank you.

11 MR. LORD: Thank you.

12 COUNCILMAN JONES: Will the Clerk please
13 read the last witness to testify.

14 THE CLERK: Francisco Meneses,
15 International Fire Escape Association.

16 COUNCILMAN JONES: Thank you for your
17 patience. Please come up to the witness table.

18 - - -

19 (Witness approaches witness table.)

20 - - -

21 COUNCILMAN JONES: Got a red shirt on. Is
22 that indicative?

23 MR. MENESES: I actually -- a lot of times,
24 my classes I teach is to the fire prevention side

1 of things.

2 COUNCILMAN JONES: Pull that mic a little
3 closer to you. State your name for the record,
4 please.

5 MR. MENESES: Sure. It's Francisco
6 Meneses. I'm from Boston. And actually, was made
7 aware of this -- Christine actually called me
8 looking for information. I made her aware -- we
9 actually done a lot of things throughout the
10 country. Because I have taught a fire escape
11 awareness class. Gave you a copy of the book. I
12 guess you have one with you.

13 I actually taught a class here, Liberty
14 Chapter last year that had L&I and some
15 firefighters there. And we have these books that
16 we brought in suggesting some of these things.
17 Just two or three weeks ago, I taught at PennBOC,
18 Pennsylvania Building Officials Association. We
19 taught the same class. A lot of the things you're
20 looking for there is already answers out there.
21 Because sadly, I do have -- I'm an expert witness
22 in fire escape tragedy because I'm usually called
23 in because somebody fell, somebody died, somebody
24 got hurt. It could be a tenant. It could be a

1 fireman. It could be a student.

2 So some of the things I want to tell you
3 everybody already said here. All the codes are
4 already there. And just the interpretation of
5 them basically and the clarification of them are
6 already sets the -- all the steps of fire. So, we
7 can put you in contact with city -- City Fire
8 Officials for the City Building Officials who are
9 already incorporating a lot of these checklist
10 items. And this will -- we will be more than
11 happy to help share a lot of this with you.

12 As they say, as you are chipping out
13 another wheel, we can say listen all these other
14 states and cities -- believe it or not, again, I'm
15 from Boston. The first state to turn over was
16 actually the state of Oregon. They went not only
17 from this whole process that you are doing now,
18 they actually changed the State Code. It took
19 almost ten years, so it's not like something
20 that -- you're not going to do this overnight.
21 The fact that they've already walked the ten
22 miles, some of the stuff you can just copy and
23 paste and you're ready to go. This is already --
24 this is all open source stuff. You can just go

1 online. Everything is open source. So copy and
2 paste all the great ideas and put your name on
3 top.

4 Such as -- Seattle already has a confidence
5 test. You can just download it as a pdf or Word
6 document. That is going to make all your design
7 professionals stand up and say I can no longer
8 offer you opinion letters because that's what
9 you've been getting for the past 50 years. But if
10 you don't mind, I'll just read a couple of notes.

11 COUNCILMAN JONES: Please.

12 MR. MENESES: There was a lot of the stuff
13 that was asked here, there is already an answer
14 for it already or a possible solution of every
15 question that was here. I didn't want to
16 interrupt. I didn't want to raise my hand and
17 say -- but a couple quick ones for you.

18 The International Fire Code of 2012 already
19 gave the Fire Department the five year rule.
20 Whether you adopt it or not, it's there. It's
21 coming. International Fire Code says every
22 twelve -- every five years you must inspect
23 nationwide. So -- and it already -- it states in
24 there by design professional or others acceptable

1 to the building official, which means if there is
2 a mechanism out there to train fire prevention
3 people to become these inspectors, it's already
4 stated. And has been stated for a hundred years
5 on the Code. So, it's design professional or
6 others acceptable to the building official.

7 That means a design professional can show
8 up as your building official and he's a wood guy,
9 you know, an engineer on wood. Your city official
10 can say I know you are a registered design
11 professional, but I don't accept you. I want this
12 to be something even higher. So there is -- but
13 there is another code. And we worked with
14 checklists. So the Codes, all they need for
15 enforcement is a checklist.

16 We talk about this at every class. If you
17 go online -- too bad they took that down. If you
18 just type on YouTube "fire escape seminar" you are
19 going to see 50-plus classes discussing this issue
20 at -- all over the country. I taught from Seattle
21 to San Diego, Chicago to Texas, from Maine to
22 Florida. So, all these classes already exist out
23 there. And again, we did one at the Liberty
24 Chapter last year in May 2013. And it's online.

1 It's free for review. Also PennBOC just two,
2 three weeks ago.

3 Now, PennBOC, Pennsylvania Building
4 Professionals, they brought us because there was a
5 tragedy here in Philadelphia. And so you have
6 tragedies that have happened all over the country.
7 Just since January, you guys may be aware or not,
8 somebody also died in Colorado Springs. A worker
9 fell because a fire escape collapsed and it almost
10 decapitated him. A fireman in Chicago fell to his
11 death when the ladder let loose. You guys had a
12 fire here that somebody fell to the ground.

13 I've been an expert witness in many cases
14 where they brought me in where students have fell
15 to the ground but didn't get killed, but the
16 lawsuits ensued. People have fallen five stories
17 from fire escape were missing pieces and they've
18 fallen. I'm an expert witness in a lot of
19 tragedies, so but.

20 If you look on the back here, this is what
21 happened in Boston in 1973. This woman and her
22 niece and a fireman, the fire escape collapsed on
23 a four-story building. And this is sort of like
24 Rittenhouse Square. Right now this is Back Bay.

1 You can't buy a building there for less than a
2 million dollars. But back then when this
3 collapsed, the fireman saved himself with one
4 hand. The woman died and the niece fell on her,
5 but all the rest of the steel fell on her.

6 In '73, they had a code, the International
7 Building Code, which they still have today. And
8 the code is there. It said you must maintain your
9 fire escapes at all time. There was no five year
10 rule. So immediately after this death, they
11 instituted a five year rule. So, can you do
12 something? The answer is yes.

13 Ordinances, if you can't wait for the state
14 to sort of adopt things that are out there, a lot
15 of times like Seattle did, Seattle created when
16 they brought me in because four people almost fell
17 to their death. They brought us in. And what do
18 they have? You guys talked about that. Tags on
19 all fire escapes. You go to Seattle, you to go
20 Tacoma, you go to Portland, they all have to have
21 a tag. It's a three to five year process where --
22 so the fireman running down the alleyway -- we
23 teach in class all the time.

24 In case a fire, don't use the fire escape

1 is the motto of all your firemen. So why don't we
2 just put that sticker on everybody's window so all
3 the tenants can have the same thing. Say, hey,
4 you know, unless you're going to die, don't use
5 this fire escape. So, the firemen know not to use
6 these things but the tenants are not told. And
7 that's because there was a collapse and people
8 getting these things under.

9 So, they make it mandatory to put a tag.
10 So once a fire escape is evaluated, it gets a
11 yellow tag if it needs repair. It gets a red tag
12 if it's not in service. They usually close the
13 building. But it's a third party white tag that
14 gets put on it. In the middle of the night, a
15 fireman running down the alleyway with the ability
16 to get on the fire escape and save somebody within
17 three to five minutes because that's where the
18 smoke kills everybody. He looks up and sees a
19 white tag that is permanently attached to the fire
20 escape, 7 so 10 feet off the ground, it's white.
21 It says it has no deficiencies, he's not going to
22 wait for a ladder. He's not going to ask for a
23 truck to show up. He's going to run up this
24 thing. That's what Seattle did; Tacoma is doing;

1 Portland, Oregon is doing, but it didn't happen
2 overnight guys. We got all kinds of resistance.
3 We got all kinds of things. But again by being
4 there, the tags, the confidence test.

5 This is a problem that is actually started
6 with the officials five year -- I mean, 50 to 75
7 years ago. They wrote scrape and paint violations
8 50 to 75 years ago. So when Joe Homeowner and Joe
9 Commercial owner got this violation, it says I
10 just got a violation because I had an inspector
11 doing his job. He said that doesn't look so hot.
12 It's full of rust. So 50 to 75 years ago, they
13 said let me call Joe the Painter. So Joe the
14 Painter, he came down says, hey, I got this
15 five-story. How much to paint it? He save five
16 grand. Oh, by the way, there's a couple of
17 falling treads there that you should get fixed
18 before -- I don't want my guys to get hurt. He
19 says okay. So, he calls John the Iron Worker to
20 come down. Hey, John, I need you to fix that
21 tread so that I can have Bob the Painter paint it.
22 The Iron Worker says, well, I can paint it too
23 after I fix it because he wants this guy's money.

24 All the sudden he goes up and says, it's

1 not just those two treads. My God, we got
2 brackets that are pulling out. I got this, I got
3 that and I got this other thing. I need \$15,000
4 to fix this thing. So the homeowner is now
5 holding a violation in hand that clearly states
6 scrape it and paint it. And there was no
7 reinspection process. So the owner says, Bob is
8 5; John is 15. The violation is very clear. So
9 he tells Bob the Painter, fix that one tread with
10 a coat hanger, Duct tape, paper clip, I don't care
11 what you do, and paint this thing.

12 The inspector will drive by a week later,
13 look up. It's nice and black and we says, remove
14 the violation. That happened 50 years ago. It's
15 been happening for 50 to 75 years. So today
16 that's the main problem is that there's no
17 inspection. And when anybody did do a -- an
18 evaluation, you got opinion letters very similar
19 to the one that's issued by Boston. And clearly,
20 this one page opinion letter has a nice golden
21 parachute for all the design professionals. Says:
22 "To the best of my knowledge, information and
23 belief, this egress component is in conformity
24 with the provisions of the State Code."

1 Which means I can roll down my window, look
2 up. If none of it in the air is on the ground, I
3 will write this and this is my golden parachute
4 that says you can't sue me because I never load
5 test it. All your codes say the same thing.
6 Starting with the NFPA, the authority have
7 jurisdiction which could be your fire or building
8 official. States: "the Authority having
9 jurisdiction shall accept by load test or other
10 evidence of strength."

11 Other evidence of strength usually means
12 you refurbish the whole thing then there is no
13 load test. So this is not a load test push all
14 across the test. This is more a refurbishment.
15 Load test are very expensive. I can share a cost
16 with you for inspections, load test activities.
17 But it's rarely about that. It's the fact that
18 there's been a breakdown of an activity that
19 people are not reinforcing. Reinforcing these --
20 these -- what we teach in the class now, every
21 inspector writes repair -- I mean, evaluate,
22 repair, test. Those three statements on any
23 violation whether it comes from a fire official or
24 building official already triggers one of these to

1 happen.

2 Evaluation by who? Design professional or
3 other acceptable to the building official.

4 What's repair mean? You got to get a
5 licensed guy to repair the fire escape. Under
6 whose direction? The city official? No. Under
7 the direction of the design professional who is
8 going to give you a repair criteria.

9 Then it says test. What does test mean?
10 All the Codes say test or certify. Testing means
11 load testing, 100 pounds per square foot. That is
12 2, 3000 pounds of sand bags, water. It's a 3 to
13 5,000 dollars per platform kind of cost out there.
14 But it says "or other satisfactory evidence."
15 Meaning, you don't have to load test a fire
16 escape.

17 After it's been refurbished, there is no
18 load test. And the average cycle that we
19 recommend out there in the nation is that you
20 don't have to load test for another 15 to 25
21 years. You still have your 5 year cycle of
22 inspection but because you refurbish, you reset
23 the clock on your fire escape that used to be
24 square head bolts rivets, now they have fasteners

1 in there that are brand new. The average life of
2 a fastener is 15 to 25 years if you keep
3 maintaining it. As long as you keep painting the
4 thing, it'll last indefinitely. In 25 years, the
5 load test question may come up again. What do you
6 do as an owner? You take all the fasteners out
7 again and you reset the clock.

8 So, every state has run through what you
9 are doing right now. And a lot of it can be just
10 communications with fire prevention. And say, for
11 example, my best guy is Stu White who suffered
12 through this for ten years at fire prevention.
13 But the crowning part of that, it was at the end.
14 The State changed the Code to accept the tags.
15 The State has the confidence test that is
16 mandatory. The checklist has no more opinions.
17 There's no questionnaires.

18 So if I may, I will just say that I have
19 seen 2012 says that the five year rule is there.
20 Design professional or others acceptable to the
21 building official you must evaluate, test or
22 certify. By the way, the IBC 2012, there is no
23 provision for maintenance of fire escape. They
24 say, see the fire official. Your code here

1 4604.17.5, it says the Fire Code Official is
2 authorized to require testing or other
3 satisfactory evidence. So, it's not even Building
4 Department that -- they can trigger a load test.
5 But it really says in your code, it's the Fire
6 Official can basically, if he's not satisfied with
7 what's there, he can order a load test on a fire
8 escape.

9 And if you don't mind, I will just mention
10 that couple things I had. Another one that's
11 going to be very good for L&I, OSHA 1910.37. Now,
12 I found this code by accident on the eve of my
13 class to Liberty Chapter here in Philadelphia back
14 in May of 2013. I was just doing random search of
15 more information. The Code -- the OSHA Code
16 states: "That no building under renovation,
17 alteration or modification can be issued a -- can
18 be utilized without having two means of egress."
19 That means if you have an internal and another
20 internal egress, you're good. Start preparing
21 that building. But if you don't, if you have a
22 fire escape on the back end that's never been
23 certified, you legally can't have any employees in
24 that building because it says right in the code

1 during alterations, renovations and repairs you
2 must maintain all egresses and fire protection
3 systems. So if all the sudden you knowingly or
4 you never certified the fire escape, you basically
5 are not supposed to be issued a permit.

6 What we teach in class is to make it a
7 checklist item. After Boston's -- what we were in
8 2000 -- in 1973 was this tragedy. The next time
9 we dealt with something in Boston was in 2003 when
10 there was the station night fire up in Boston --
11 not the Boston, Rhode Island. Killed a hundred
12 people. They did a news story about fire escapes.
13 If you go online and just type in "No Way Out",
14 there is a huge story that came out similar to
15 this. Again, we had our collapse. Our death.
16 And basically, now Boston Building Department to
17 close a permit you must have a copy of the
18 certification. Not -- they don't order one, they
19 want a copy of one. If you have to close the
20 permit, we recommend that it's at the beginning of
21 the process you must have a permit -- I mean, a
22 certification in order to issue the permit.

23 Housing Department. We taught the HUD, all
24 the housing up there. Now in order for you to

1 have your building rented to HUD, you must have a
2 copy of the certification. They don't order one.
3 They ask for a copy. These are all triggers. You
4 make it a checklist item. We also recommend that
5 the fire prevention on a smoke detection sign off.
6 All they need now is a copy of the certification.
7 If there isn't one, not necessarily that you stop
8 the process, because you can still sign off on the
9 smoke. You just -- it triggers a violation that
10 somebody who is getting a certification sign off
11 didn't have a certification. It will be resolved
12 in 30 days.

13 We have all these triggers that already
14 exist. We even have these tax letters that go out
15 from the city officials. We sent a lot of this
16 information that we can provide you. It's all in
17 here of other people's activities because somebody
18 else has suffered the way you are suffering right
19 now. And the last thing we don't need is a second
20 collapse and a second death. But everything
21 that's out there that needs to be done is already
22 been done once. And I'll just -- some of the
23 states that you want to model is Seattle, Tacoma,
24 Oregon, Los Angeles has a checklist item that we

1 finally provided to them. And if you want to know
2 if there is anybody out there licensing, right now
3 Boston has a G3 License that lets me sign off on
4 fire escapes. So, I've been signing for the past
5 15-plus years on Harvard University 175 fire
6 escapes. So, can somebody else do it? Yes.

7 In LA, I have a Reg 4 License that lets me
8 certify fire escape assemblies. Now, I'm under
9 Fire Protection under there. They license in the
10 state. If you want to copy somebody Regulation 4
11 in Los Angeles, they regulate everybody in fire
12 protection. You got to pay a thousand bucks to
13 get the license. It renews every three years.
14 There's a 100-question test and not just on fire
15 escapes, sprinklers, alarms. I have to hold a
16 license that basically I have to go meet with a
17 fire official. I have to pass my test. I have to
18 answer questions. And then I have to go out with
19 him and do a physical inspection so I can prove to
20 him that I know what I'm doing on a fire escape
21 inspection. So, there is stuff out there that you
22 all just need to do is copy and paste.

23 The State of Oregon with that change for
24 the state, it's online. Fire escape issues, State

1 of Oregon. That will tell you even how to scrape
2 and paint the fire escape. What paint to use and
3 bolts to use. So, everything is kind of out
4 there. We can just sort of feed it to you, you
5 know, filter out and say here is what we
6 recommend.

7 So since this tragedy, I just taught a
8 class in Atlantic City just a week or so ago. I
9 taught a class in Richmond, Virginia because of
10 you guys. I just taught a class to all the
11 associations in New Jersey. I teach through Cane
12 University a six-hour continuing ed course on this
13 stuff because it is important. But believe it or
14 not, as it comes out then there is some push back.
15 Some stopping that happens, people worried about
16 costs. But it's been ignored for 50 to 75 years.
17 So it's not "if" the next person is going to fall
18 and die on a fire escape, it's "when" and "where."

19 So just in January, Philadelphia, Colorado
20 Springs, Chicago. And this is not including all
21 the -- all the collapses out there that nobody
22 reports. Because usually they only hit the news
23 when somebody dies. You know what I'm saying. We
24 have represented Nationwide a firefighter here in

1 New York City fell through a fire escape while
2 saving a woman and a child. And he won a case
3 because he sued the owner for lack of -- it wasn't
4 a work related injury. The case settled because
5 he was going after the owner because it was
6 negligence on the owner for not maintaining his
7 fire escapes for over 25 years. And they won the
8 case, they settled simply because that's the case.

9 Are people getting out there hurt on fire
10 escapes that are bad, or are people ignoring.
11 It's a little bit of everybody: Fire officials,
12 building officials, owners, tenants. But if we
13 make this a trigger, a checklist item, a lot of
14 this will happen automatically. You don't have to
15 change codes. You don't have to change laws. But
16 sadly, sometimes you do have to do ordinances to
17 say, you know what, Seattle didn't wait for the
18 tags to go to the state. They just said in our
19 city we want tags. In our cities we want a
20 confidence test. And that's what it was. It was
21 an amendment to the Fire Code. They just made it
22 an ordinance.

23 In some cities where the Building
24 Department is running, they go through the

1 Council. They make it that in Philadelphia we
2 want to tag on every fire escape. We want the
3 five year rule. So instead of waiting for
4 national codes to finally wash down and come down,
5 like they said, you can -- you can do some local
6 ordinances and just sort of copycat some other
7 places out there or some other cities. Instead of
8 just talking to me, you can actually speak with
9 another fire prevention guy or another building
10 commissioner somewhere and say, tell me all the
11 blow back you got on this and how easy it was or
12 was not to implement.

13 Because you are looking at a three to five
14 year process to get it all under control. But it
15 starts with the first step. And that step is just
16 lean forward in case you fall. At least you will
17 gain some ground even while you're falling. Don't
18 lean back. You got to lean forward. There's some
19 heavy wind.

20 That's pretty much all I want to say.

21 COUNCILMAN JONES: Well, thank you for
22 that. That was a lot.

23 MR. MENESES: Sorry.

24 COUNCILMAN JONES: No. No. No. No. We

1 thank you. We are looking at other
2 municipalities. You mentioned Oregon. You
3 mentioned LA Regulation 4, Tacoma and Seattle. So
4 we will look at that. You also talked about the
5 provision for training. We may seek to call on
6 you to work with our Department of Licenses and
7 Inspection to maybe enhance the skill sets of folk
8 who go out to look for those kinds of things, and
9 definitely to figure out what a competent person
10 or -- should be in that. So, we appreciate the
11 comments.

12 Are there any -- Councilman Henon.

13 COUNCILMAN HENON: I'll just be real quick.
14 Thank you for coming in. Quite informative. If
15 there any trial lawyers in the house or watching,
16 I think you'll be giving out plenty of cards, all
17 right, because you're one heck of an expert
18 witness and rightly so.

19 You had mentioned, you know, when you look
20 at codes and you look at some of the initiatives,
21 you touched on them all -- San Fran, Oregon,
22 Seattle. I mean, Oregon is like the standard
23 for -- for licenses and codes now. They -- there
24 is a code and license for everything. There is --

1 there is some things around here that I fully
2 don't understand. I mean, you need to have a
3 license to -- it's more of the state uniformity
4 type of thing.

5 But, you know, you need to, you know, have
6 a license to sell hot dogs or you need to have a
7 license to cut hair, you know. But not
8 necessarily you know from a state perspective do
9 you need to have a license to put in safety
10 systems and things like that. That's -- I mean,
11 we're -- we are a little behind the eight ball on
12 that. You mentioned you are from Boston, so
13 Boston, New York, you got Baltimore. These are
14 all progressive, you know, cities or states that
15 recognize that we need to have high quality
16 inspections and accountabilities. And it comes
17 down to training. We went through it with the
18 unfortunate tragedy here. Who is trained? Who is
19 trained here in the city? Why aren't they trained
20 in the things that we do?

21 So, you hit on a lot of things. I
22 appreciate you coming in here. And I think we're
23 certainly going to go back and take what you said
24 with everybody else and see how -- see where we --

1 where we compare and see what our inadequacies are
2 and see where we can do better and how we do that
3 responsively. So, I will be visiting that -- that
4 site that you have there where that book is
5 because that's interesting.

6 Thank you.

7 COUNCILMAN JONES: Are there any other
8 questions for this witness?

9 Seeing none. Thank you again.

10 MR. MENESES: If I might just say, some of
11 these details are discussed in length. If you do
12 go online, you type in "fire escape seminar
13 PennBOC," that was the latest one that we did.
14 The Liberty Chapter didn't have a death at the
15 time. But the one that we did for PennBOC -- so
16 fire escape PennBOC, we spent about four to five
17 hours discussing all the issues with about -- I
18 think we had about 40 or 50 inspectors in the
19 class for PennBOC. And we covered those very
20 issues. You can actually watch. It's free. You
21 don't have to, you know, sign up for anything.
22 It's all online. It's on the YouTube channel.
23 Just type in "seminar PennBOC" and all the other
24 classes that we taught in Oregon are there.

1 But the PennBOC one will discuss the
2 tragedies and it discuss the inter-relationship
3 now between Fire Prevention, Building Department
4 Housing and -- and even the Health Inspector. So,
5 we go at length inspecting how these people are
6 now going to be interconnected because they are
7 all going to trigger everything back. If this was
8 an International Fire Code State, it would
9 basically -- all these people would be triggering
10 names back to the Fire Prevention group to
11 basically, you know, issue violations because
12 somebody was missing something during a checklist
13 item: Pulling a permit, signing off on a smoke
14 detector. There is four hours of great back and
15 forth communication with slides at that PennBOC
16 class. Because they were -- they did that class
17 because of you guys, because of what occurred
18 here. A lot of great information is there.

19 Thank you.

20 COUNCILMAN JONES: All right. Thank you
21 again for your comments.

22 Are there any other witness to testify on
23 this Resolution?

24 THE CLERK: No.

1 COUNCILMAN JONES: Seeing none, we will
2 hold to the call of the Chair. The Joint
3 Committee on Public Safety and License and
4 Inspection dealing with Resolution No. 140034.

5 And I want to thank everybody, all of the
6 stakeholders that came out and gave valuable
7 testimony today. We learned a lot. We learned
8 about the need and the proper role for insurances
9 to cover these things. We learned about the need
10 for inspections. Question still becomes who. And
11 we are going to look into that and work with the
12 stakeholders to decide that.

13 We also learned that Councilman Henon's
14 quest to get the State to adopt the modernized
15 codes is still, once again, an important mission
16 that we have -- we have sent him on. Hopefully,
17 at some point in time, they will get that message.

18 So, we appreciate this and would like to
19 call on each and every one of you to give input on
20 the final end product. And working with
21 Councilman Oh, Councilman Henon and also
22 Councilman Johnson to come up with common sense
23 make sense provisions that keep us safer in the
24 City of Philadelphia.

1 Thank you all.

2 - - -

3 (At this time, the Joint Committee

4 Hearing adjourned at 1:31 p.m.)

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C E R T I F I C A T I O N

I, hereby certify that the
proceedings and evidence noted are
contained fully and accurately in the
stenographic notes taken by me in the
foregoing matter, and that this is a
correct transcript of the same.

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A				
ability 101:15	32:24 33:24	agreement 69:2	apartment 25:23	areas 16:8 70:12
able 34:5 49:19	49:24 54:23	air 104:2	27:24 54:7	argue 56:23 65:4
78:23	73:9 79:15	akin 75:4	55:16 68:1	68:12 91:21
ably 49:24	85:12	alarms 73:4	71:18,20 72:7,9	argument 57:1
absolutely 92:2	addressed 7:20	110:15	72:11 73:24	article 48:7
92:19	adequate 7:14	Albert 48:10	78:10	asked 97:13
abuse 43:22	8:16 29:9,14	alert 34:17	apparatus 72:18	asking 44:13 49:2
abused 89:16	54:4,5 70:5	alerted 54:8	appears 55:17	assemblies 110:8
academy 91:14	82:16	alleviate 89:4	69:11	assessment 32:5
accept 98:11	adequately 38:17	alleyway 100:22	apples 91:6,6	association 44:22
104:9 106:14	50:22 73:14	101:15	applicants 76:15	46:13 51:12
acceptability 43:4	adjourned 119:4	allow 9:10	applied 35:17	71:19,20 72:7
acceptable 43:6	adjusted 60:1	allowed 7:23 53:4	applies 20:23	72:21 78:10
44:18 45:22	adjustments	allows 56:7	apply 22:1 23:6	83:12 94:15
46:18 56:22	35:20 60:4	alluded 9:20	120:16	95:18
75:1 92:10	administration	alteration 107:17	appreciate 11:3,4	associations 83:3
97:24 98:6	54:19	alterations 108:1	26:22 31:19	86:6 111:11
105:3 106:20	adopt 48:24 60:17	amendment	32:1 34:13 59:4	assume 27:4
accepting 68:5	61:10,15 62:10	112:21	71:2 75:22,24	assuming 36:19
access 53:8	62:14,19,20,23	amount 18:12	82:6 87:21 92:6	assumption 25:5
accessible 29:5	63:11 64:1	84:16 86:12	92:24 114:10	25:18
accident 37:20	97:20 100:14	anchored 52:17	115:22 118:18	assured 10:18,24
73:15 107:12	118:14	and/or 120:18	approach 4:11	66:22
accomplish 59:23	adopted 4:5,6	Angeles 75:14	9:23 13:4 33:12	Atlantic 111:8
account 19:13	48:20 60:2 62:1	109:24 110:11	49:7	attached 101:19
76:2	63:8 85:6,6	annual 11:16	approaches 13:5	attack 10:23
accountabilities	adopting 8:20	13:12 14:13	47:17 71:11	attempt 5:3
115:16	63:6	22:4,5 23:15	94:19	attendance 40:12
accountable 91:4	adoption 61:21	annually 24:12,13	approaching 3:22	attending 82:23
accounts 32:23	64:2	24:14,14	10:12 38:5	attention 40:16
accumulating	advantage 15:8	answer 9:8 17:5	appropriate 66:4	50:16 55:22
53:5	advocacy 77:23	50:16 54:24	appropriately	Attorney 78:16
accurately 120:6	advocate 62:9	64:17,18 97:13	32:7	79:4
acquainted 53:24	72:23	100:12 110:18	approved 75:1	attorneys 64:7
actively 21:24	afford 50:11	answered 4:1	approximately	attractive 15:1
activities 104:16	affordable 78:17	54:17 83:1	17:22,24 87:15	attractiveness
109:17	afternoon 2:2	answers 4:11	appurtenance	14:24
activity 104:18	47:19,20 51:8	95:20	17:12 52:15	audit 81:4,4
actual 9:18 46:1	71:8	answer/wrong	57:7	augment 74:14
57:18	age 83:7	17:5	appurtenances	authority 104:6,8
add 36:13 44:7	aged 10:6	anybody 36:20	52:12 66:22	authorized 107:2
74:15 79:7	ago 95:17 99:2	45:23 76:19	April 1:8	automatically
added 7:18 8:7	102:7,8,12	84:1 103:17	architectural	112:14
additional 68:16	103:14 111:8	110:2	52:12	available 7:15
additions 7:20	agree 8:24 15:19	anyone's 54:20	arduous 60:19	92:9
address 11:4,14	38:15 58:17	anyway 10:14	area 16:9 18:4	avenues 85:10
	72:14 75:4	89:17	35:15 38:13	average 43:14

105:18 106:1 AVI 45:7 aware 11:18,22 13:16 16:3 33:10 51:13 66:11 73:20 95:7,8 99:7 awareness 10:2 13:19 23:22 33:22 95:11 awful 31:19 a.m 1:8	Bay 99:24 bear 26:23 35:7 becoming 11:18 befallen 53:22 began 57:3 beginning 108:20 begins 4:24 5:2 behalf 64:13 behavior 54:3 belabor 78:18 belief 76:23 103:23 believe 5:13 25:5 39:21 60:16 79:14 91:10 96:14 111:13 belong 42:22 best 4:8 5:13 7:15 30:8 58:16 103:22 106:11 better 8:21 36:9 36:15 39:6 61:24 67:7 68:3 77:9 86:11 116:2 beyond 13:1,2 45:3,6 55:12 bigger 67:24 bill 63:22 65:11 67:11 bills 31:11 birds 83:9 bit 81:8 86:11 112:11 black 103:13 Blackwell 1:12 59:6 block 22:5,18,22 blocked 42:21 blow 113:11 Bob 102:21 103:7 103:9 BOBBY 1:11 BOCA 18:5 bolted 19:2 bolts 10:8 39:20 75:10 105:24	111:3 book 95:11 116:4 books 54:15 58:18 95:15 borne 32:6 89:7 Boston 3:19,21 49:24 75:14 95:6 96:15 99:21 103:19 108:9,10,11,16 110:3 115:12,13 Boston's 108:7 bottom 81:7 bought 23:4 boy 33:20 brackets 103:2 brand 106:1 breakdown 104:18 brick 45:2 bricks 86:23 bring 60:6,7 67:3 78:12 bringing 28:20 67:4 broader 74:22 broadest 92:8 broken 53:2 brought 11:15 46:11 95:16 99:4,14 100:16 100:17 brownouts 88:14 bucks 14:18 110:12 buffering 5:2 build 36:24 building 2:24 3:14 7:10,13 8:21 10:3 11:24 14:3,14 16:19 17:13 18:8,11 20:2,5,18,21,21 24:22 25:8,23 25:24 26:10 27:1,3 29:1 30:16,22 32:6	36:17,22,24 37:2,5,6 42:14 42:15 44:10,18 45:22 55:6 57:7 67:13,13,24 68:18 69:11 70:1 89:2 93:5 93:11 95:18 96:8 98:1,6,8 99:3,23 100:1,7 101:13 104:7,24 105:3 106:21 107:3,16,21,24 108:16 109:1 112:12,23 113:9 117:3 buildings 2:15 7:5 7:19,24 8:8,12 11:19 15:14,15 19:7 20:19 21:8 21:18 22:3 23:16,18 24:14 24:24 27:24 31:13 32:16 36:17 49:16,19 51:17 55:2 66:8 68:2 72:10,19 89:6 building-related 2:24 built 40:22 42:14 burden 32:2 67:1 82:15 burdened 56:15 bureaucratic 76:24 business 3:11 23:6 50:24 83:4 88:8 90:14 buy 100:1 buying 68:9	102:13 114:5 118:2,19 called 42:3 69:19 95:7,22 calling 2:9 calls 7:1 102:19 canceled 29:13 candor 46:22 Cane 111:11 cap 67:15 capability 58:15 capital 39:11,15 39:16 73:22 76:2 car 37:17 66:14 93:23,24 carbon 75:15 cards 66:5 114:16 care 79:13 81:6 103:10 careful 6:3 carrier 66:20 67:9 67:10 carriers 67:16 68:4,22 Carroll 38:10 case 27:11,12 100:24 112:2,4 112:8,8 113:16 cases 5:9 27:15 99:13 catastrophic 40:1 49:20 70:1 categorize 28:15 cause 39:24 73:12 caused 73:12 Century 7:11 certain 7:21 31:15 31:16 40:20,21 76:9 certainly 9:22 15:19 73:23 74:5 75:16 78:23 115:23 certificate 42:16 65:22,24 certification
--	--	---	---	---

12:14 34:1 61:9 61:12 66:6 108:18,22 109:2 109:6,10,11 120:15 certifications 46:8 84:19 certified 42:15 46:6 49:9 55:24 74:21 107:23 108:4 certify 66:5 105:10 106:22 110:8 120:4 certifying 120:19 cetera 31:5 chafe 54:14 chain 19:4,5 20:14 Chair 1:11,11 40:7,8,11 77:14 82:20,22 87:18 118:2 chairman 24:20 40:17 51:8,9 57:19 59:9 63:23 64:11 87:9,22 90:5 challenge 4:23 6:6 challenges 5:22 16:7 challenging 39:2 39:3 change 60:7 61:6 81:20 110:23 112:15,15 changed 48:22 71:21 96:18 106:14 changes 44:1 61:19 62:11 channel 116:22 Chapter 95:14 98:24 107:13 116:14 cheating 91:8 check 5:14 26:6	34:5 85:1,2,4,7 93:11 checked 58:20 checking 57:4 checklist 96:9 98:15 106:16 108:7 109:4,24 112:13 117:12 checklists 98:14 checks 22:18,22 38:15 Chicago 98:21 99:10 111:20 child 16:22 childe 112:2 chipping 96:12 choice 10:20 chooses 63:11 Christine 71:7,17 95:7 chutes 20:1 cities 75:10,13 96:14 112:19,23 113:7 115:14 citizens 37:14 38:4 citizenship 55:11 city 1:2,7 4:7 5:7 5:7 8:6 16:23 17:6,19 23:7 28:21 29:1,7,11 32:8 34:18 35:19,24 37:23 39:12 48:19,22 50:11 51:15 53:23 60:11 61:3 62:22 63:15,24 64:15 65:17,19 66:1,6 66:12 69:2 70:11 72:11 73:7,21 78:6 81:5 83:17 85:14,15 86:9 86:13,15 87:1 88:6,11 89:7 90:10,15,17	94:4 96:7,7,8 98:9 105:6 109:15 111:8 112:1,19 115:19 118:24 City's 2:16 7:6 claim 88:23 claims 74:5 clarification 96:5 clarify 43:1 clarity 40:9,14 class 95:11,13,19 98:16 100:23 104:20 107:13 108:6 111:8,9 111:10 116:19 117:16,16 classes 84:19 94:24 98:19,22 116:24 clear 35:14 52:23 56:7 57:10 103:8 clearly 39:21 53:16 77:4 103:5,19 Clerk 2:7,9 6:11 47:12,14 71:5,7 94:12,14 117:24 clients 63:4 clip 4:20 103:10 clock 105:23 106:7 close 44:6 101:12 108:17,19 closer 95:3 closings 88:14 coat 33:3 103:10 coating 52:21 code 4:5 7:19 8:5 8:14 18:3,6 22:20 25:8 30:12,16 36:10 36:10 40:20 41:2,19 43:3 46:18 48:21 49:4,5 51:23	52:1,8,11,19,21 53:16,16 54:18 56:7 60:1,18 61:7,8,10,14,22 62:15,16,18 63:7,7 64:3 66:12 73:21 80:7,23 96:18 97:18,21 98:5 98:13 100:6,7,8 103:24 106:14 106:24 107:1,5 107:12,15,15,24 112:21 114:24 117:8 codes 7:10 27:14 27:15 36:23,23 59:24 60:1,15 61:24 62:1,3,10 62:13,24 63:10 63:12 84:22 96:3 98:14 104:5 105:10 112:15 113:4 114:20,23 118:15 collaborative 11:10 collapse 2:22 4:18 9:21 101:7 108:15 109:20 collapsed 48:12 99:9,22 100:3 collapses 2:24 111:21 colleague 38:16 40:17 colleagues 17:3 85:15 87:22 Colorado 99:8 111:19 combination 84:24 come 22:11,19 29:22 39:7 51:5 55:21 56:19 74:22 84:10	85:1 90:21,23 93:21 94:2,17 102:20 106:5 113:4 118:22 comes 5:22 10:20 27:18 36:12 38:8 67:16 80:12 83:14,14 85:20 88:23 104:23 111:14 115:16 comfortable 3:8 coming 31:12 39:20 89:18 97:21 114:14 115:22 comment 59:12 78:19 93:3 comments 60:24 114:11 117:21 commercial 49:14 49:15,16 55:1 76:18 102:9 commissioner 6:12,13,18,22 9:12,13 12:22 17:8,11,21 18:7 18:18,24 19:5 19:23 20:9,17 21:1,10,13,22 22:8,12,15,17 23:9,12 24:8,17 25:1,4,10,13,17 26:3 27:13,17 27:20 28:11 30:6,11 33:2 36:22 37:4 40:24 41:5,15 41:21,24 42:4,7 42:13,24 43:9 43:17,19 44:7 44:19,23 45:5 45:11,19 46:2,4 46:9,15,21 47:3 47:9,11 113:10 Committee 1:3 2:4,4,10,11 6:7
---	---	--	--	---

118:3 119:3 committees 6:20 51:9 86:2 common 7:10 23:17 58:6 118:22 Commonwealth 4:6,10 37:10,14 37:15 62:2 63:11 communication 117:15 communications 106:10 communities 38:5 72:9,10,11 community 13:4 73:24 companies 67:23 74:4 93:17 company 25:6 27:18 35:17 39:19 66:23 68:20 88:24 93:23,24 company's 68:8 compare 91:5 116:1 competent 114:9 complaint 21:2 22:7,10 complaints 22:13 23:24 24:1,2 33:13 completely 41:1 41:19 68:6,13 compliance 14:8 28:9 53:15 85:5 compliant 26:17 complied 27:11 88:24 comply 80:7,18 81:12 complying 80:23 component 103:23 comprehensive	23:19 26:19 33:12 compromise 58:8 58:8 compromised 31:3 concept 64:22 78:11 concern 4:7 7:12 63:4 72:16 78:6 concerned 35:1 54:22 63:5 76:7 76:15 81:1 concerns 7:20 13:17 15:24 31:8,20 75:17 concur 63:18 64:5 condition 37:6 40:4,5 52:18 57:14 68:19 72:16 condolences 50:20 51:6,20 73:16 condominium 55:6,7 condominiums 14:23 55:3 confidence 97:4 102:4 106:15 112:20 confident 74:2,4 conformity 103:23 congregate 15:3 conjunction 11:9 consciousness 79:10 consider 60:19 61:19 consideration 61:20 considered 56:4 construction 7:12 7:17,18,21 8:6 41:4,6 60:8,17 61:22 62:10,13	62:24 63:10,12 64:3 86:18,19 contact 14:13 96:7 contacts 14:12 contained 120:6 context 4:17 continue 75:19 continues 57:8,14 continuing 62:2 111:12 contrary 76:22 control 113:14 120:18 convenience 19:12 conversation 78:5 84:4 87:3,5,23 88:2 93:1 conversations 59:15 83:20 conversion 38:10 converted 55:7 convey 55:10 coordinating 68:1 copy 28:6 75:15 95:11 96:22 97:1 108:17,19 109:2,3,6 110:10,22 copycat 113:6 cornice 17:13 correct 18:18 20:9 41:1,22 45:5 47:3 62:4 65:16 67:22 120:9 correctly 40:23 cost 3:17 7:17 15:24 32:6 34:11 35:7 50:2 65:14,18 75:20 78:20 79:2 82:1 88:17 104:15 105:13 Costo 6:12 9:12 9:15 21:22	22:15 23:12 30:11 42:24 43:9,19 46:9,15 46:21 47:9 costs 18:12 31:20 49:23 50:8 92:13,15 111:16 council 1:2 8:19 11:3 12:12 26:8 26:18 30:7 49:11 50:15 51:11 56:21 61:10,14 78:6 85:14,15 86:2 113:1 Councilman 1:11 1:11,12,13,13 1:14 2:2,20 4:13 4:14,14,15,21 5:3,20 6:14,19 9:9 13:1 16:6 17:10,17,23 18:14,19 19:4 19:14 20:7,11 20:22 21:9,11 21:20 22:6,9,23 22:24 23:2,3,11 23:11,12 24:4,5 24:15,19,19,20 25:2,7,11,14,19 26:21 27:16,19 27:22 28:19 30:10,12 34:13 37:3,7,8,8,9 38:11 40:7,8,10 40:11,13 41:3,8 41:18,23 42:2,6 42:11,24 43:7 43:12 44:11,21 45:3,7,18,21 46:3,9,14,19,23 47:4,5,5,10,12 47:19,21 48:3 48:18 49:2 50:18 57:20 59:8,9 61:16 62:8,20 63:2,9	63:20 64:6,9,10 65:8,21 66:7,13 69:1,21 70:20 70:22,22 71:5,8 71:13,22 72:3 75:24 77:10,10 77:11,15,18 82:8,18,20,21 82:22 87:10,10 87:13,15,18,19 87:20 89:24,24 90:3,4,4,5 94:5 94:12,16,21 95:2 97:11 113:21,24 114:12,13 116:7 117:20 118:1,13 118:21,21,22 Councilmatic 40:15 Councilmembers 9:13 Councilwoman 1:12 6:19 59:6 count 12:2,3 country 95:10 98:20 99:6 counts 12:1 21:17 couple 14:18 17:2 37:9 40:14 59:11 72:12 78:14 88:1 97:10,17 102:16 107:10 course 38:21 50:3 50:10,24 51:1 51:17 53:19,23 67:8 73:24 111:12 Court 120:12 cover 35:23 67:18 67:20 70:1 89:1 118:9 coverage 27:10 29:9,9 covered 25:15 26:2 116:19
--	--	--	--	---

craft 87:6 cranes 87:12 cranky 90:7 crazy 84:18 create 3:5 created 100:15 credit 59:17 crime 83:15 criteria 23:17 105:8 crowd 83:7,9 crowning 106:13 crumbs 91:7,8,22 culprit 55:13 cumbersome 80:9 current 48:24 currently 60:16 CURTIS 1:11 cut 115:7 cycle 39:14 105:18,21	108:15 109:20 116:14 decades 70:11 decapitated 99:10 decent 93:13 decide 118:12 decided 23:5 58:12 decides 23:4 decision 81:24 82:1 deem 76:9 deep 84:4 deeper 84:4 defects 10:4 13:14 23:23 deficiencies 10:4 101:21 definitely 114:9 definition 52:14 degree 38:1 delinquent 90:18 demands 32:15 demolished 32:17 DENNIS 1:14 department 6:12 6:13,23 8:18 9:14 10:11 15:13 16:12 18:5 21:21 22:13 30:7 31:4 31:21 32:21 33:23 37:19 38:20 52:7 56:8 58:1,14 65:12 74:11 81:6 92:11 97:19 107:4 108:16,23 112:24 114:6 117:3 Department's 9:7 depends 20:17 Deputy 6:11,13 6:18,22 9:12,13 17:8,11,21 18:7 18:18,24 19:5 19:23 20:9,17	21:1,10,13,22 22:8,12,15,17 23:9,12 24:8,17 25:1,4,10,13,17 26:3 27:13,17 27:20 28:11 30:6,11 33:2 36:22 37:4 40:24 41:5,15 41:21,24 42:4,7 42:13,24 43:9 43:17,19 44:7 44:19,23 45:5 45:11,19 46:2,4 46:9,15,21 47:3 47:9,11 derive 31:21 derives 12:11 design 20:16,18 20:21 97:6,24 98:5,7,10 103:21 105:2,7 106:20 designed 15:5,5 desire 55:10 detail 52:1 details 75:20 92:24 116:11 detection 109:5 detector 117:14 determine 45:1 deterrent 50:9 73:2 developers 8:2 18:11 72:8 developing 30:8 development 51:1 devil 75:19 92:23 dialogue 9:17 75:19,22 92:8 die 101:4 111:18 died 95:23 99:8 100:4 Diego 98:21 dies 111:23 differ 60:21 difference 24:3	44:16 56:2 different 31:8 84:22 87:4 difficult 32:1 difficulty 19:19 direct 120:18 direction 78:6 87:24 105:6,7 Director 77:21 disabilities 19:18 disagree 34:14 discontinued 40:21 discriminate 49:13 discuss 53:13 84:10 117:1,2 discussed 54:8 116:11 discussing 66:14 98:19 116:17 discussion 66:10 70:4 92:3 district 14:16 38:4,12 40:15 45:8 diverse 18:20 doable 16:17 document 28:2 97:6 documentation 27:9 28:5 dogs 115:6 doing 12:3,12 23:18 26:20 68:4 74:17 86:21 91:10 92:5 93:9 96:17 101:24 102:1,11 106:9 107:14 110:20 dollar 67:11 dollars 50:2 64:24 65:10 78:22 100:2 105:13 Dominic 47:14,24 download 97:5	drafting 55:22 drains 87:12 dream 14:10 drive 11:20 103:12 driven 22:7 driver 76:3 drivers 37:11,12 37:24 76:10 driver's 31:2 driving 37:24 Duct 103:10 duty 38:21 52:7 dwell 81:15,16 dwelling 23:15 dwellings 21:15 51:17
E				
E 120:2 earlier 9:20 33:2 90:9 early 78:19 83:7 ears 70:8 easier 68:14 easily 7:18 61:15 East 38:7 71:19 easy 113:11 ed 111:12 edge 76:9 edition 4:4 48:21 educate 15:3,8,17 69:4 educated 16:22 educates 13:16 educating 14:2,3 33:17 education 14:6,16 15:12 educational 51:5 educator 34:22 effect 83:24 effective 35:3 80:4,11,24 effectively 16:5 81:17 effectiveness				

75:20 effort 13:22 efforts 11:3 egress 7:22 8:9 18:9,10 41:13 43:2 60:8 103:23 107:18 107:20 egresses 108:2 eight 115:11 either 18:4 31:12 73:20 83:14 85:5 elected 16:7 61:4 electronically 29:8 elevate 79:10 eloquent 72:2,3 emergencies 60:9 emergency 49:18 emphasize 78:16 employees 107:23 empowered 74:11 74:18 EMS 33:18 enacted 64:20 encased 20:7,12 encompassing 13:4 encourage 62:23 64:2 ends 5:19 64:20 enforce 52:8 58:19 enforced 80:10 81:16,17 88:4,4 89:21 enforcement 14:9 54:19 79:6,23 80:11 82:13 93:4 98:15 enforcing 58:19 engaged 59:20 engaging 83:20 engineer 34:24 44:17,20,24 46:1,17 47:2	55:24 56:2 74:21 98:9 engineering 2:13 7:3 9:1 29:20 45:17 engineers 10:3 13:15 31:23 32:5 45:12,13 46:5 enhance 114:7 enhancing 12:6 enlightened 14:8 enormous 65:5 ensued 99:16 ensure 9:2,4 13:10 16:4 52:11 88:1 ensures 27:9 ensuring 12:18 entire 32:8 59:20 entity 2:18 7:8 equally 38:3 equipment 44:5 72:18 error 31:7 escape 2:22 7:14 9:21 10:9,20,21 11:23 15:5 18:4 18:13 19:1,20 20:13,19 23:22 25:15,22 27:2,4 27:7 28:5 33:4 33:20 38:18,24 39:2,15 41:12 43:4,14 44:8,9 44:22 45:1 46:7 46:12 48:9 52:13,16,20 53:5,18 55:8 57:11,13 61:11 63:3,5 65:3 66:21,22 74:21 85:7 89:14 92:16 93:13 94:15 95:10,22 98:18 99:9,17 99:22 100:24	101:5,10,16,20 105:5,16,23 106:23 107:8,22 108:4 110:8,20 110:24 111:2,18 112:1 113:2 116:12,16 escaped 48:11 escapes 2:14 3:20 3:23 5:11 6:1 7:4,15,23 8:2,5 8:7,9,12,23 10:5 10:16 11:20 13:7,10 14:1 17:7,9 18:17,22 19:8,9,10,22 20:6,8,10,20 24:22 26:14,20 29:5,19 30:5,23 31:24 35:11 36:2,11,18 38:23 40:4,21 41:9 43:7,23 44:8,15 46:1 49:15 52:6,9,23 53:11 55:2 64:5 64:15 66:9 72:17 73:3,13 74:7 79:12 100:9,19 108:12 110:4,6,15 112:7,10 especially 60:4 83:13 espouse 72:23 establish 17:18 estate 48:10 93:20 et 31:4 evaluate 104:21 106:21 evaluated 42:12 101:10 evaluating 45:24 evaluation 103:18 105:2 eve 107:12 event 49:20 50:13	events 11:12 Eventually 8:4 everybody 58:21 77:9 78:24 80:3 87:5,7 96:3 101:18 110:11 112:11 115:24 118:5 everybody's 101:2 evict 80:13 evidence 104:10 104:11 105:14 107:3 120:5 evolved 7:19 exact 21:17 exactly 52:1,14 88:21 examinations 36:2 examined 65:7 68:20 example 34:20 35:4 106:11 excellent 80:2 exclusion 66:21 Executive 77:20 exist 98:22 109:14 existing 7:18,24 8:8 51:23 52:5 53:14 54:18 56:7 60:22 74:11 exists 61:18 exit 49:19 exorbitant 70:15 expand 12:24 13:2 expect 39:13 expectation 16:23 expense 65:6 expensive 29:21 64:21 104:15 experience 6:3 31:18 32:13 51:6 experienced 4:18	experiencing 4:23 5:6 expert 31:17 35:15 47:1 95:21 99:13,18 114:17 expertise 16:9 36:5 expert's 46:24 exploratory 78:4 explore 2:12 7:2 exploring 81:13 exposed 52:19 exposure 73:5 extent 49:14 66:18 exterior 8:4,7,22 17:8 18:13 19:10 25:15 26:5,5 43:4 external 7:23 24:21 27:2,7 36:11,18 49:15 extra 44:5 69:6 81:3 extreme 18:12 extremely 59:19 exuberant 5:24 eye 33:4 F F 120:2 facade 26:9,10,11 28:12 54:10 75:5 85:2 facades 38:22 facilities 33:19 fact 11:22 14:5 54:9 56:11 65:1 67:5,13 78:16 79:22 81:9 96:21 104:17 facts 17:5 failed 60:17 80:21 failure 28:4 29:13 34:19 fair 62:4 65:15
--	--	--	--	--

fall 15:10 23:17 67:19 90:23 111:17 113:16 fallen 99:16,18 falling 102:17 113:17 falls 12:23 13:14 23:23 38:7 76:6 false 31:1 familiar 30:12,14 family 21:15 23:14 48:10,14 50:20 51:6,16 far 59:15 fascinating 66:11 fastener 106:2 fasteners 105:24 106:6 fatal 2:21 faulty 57:11 fear 14:9 feather 83:9 features 52:12 Federal 4:9 fee 65:17,18 89:8 89:10,12 92:20 feed 111:4 feel 54:14 55:19 fees 31:4 92:19 feet 20:18 26:11 101:20 fell 48:9,11 95:23 99:9,10,12,14 100:4,5,16 112:1 figure 16:16 17:24 77:1 114:9 file 66:1 filter 111:5 final 80:8 92:15 118:20 finally 110:1 113:4 financial 31:20 find 3:6 14:19 34:19 36:6	46:20 58:6,16 72:3,5 82:10 85:16 88:18 fine 33:5 36:21 64:14 65:13 66:3 81:11 88:22 89:16 finished 77:13 fire 2:14,22 3:20 3:23 4:5 5:11 6:1,13 7:4,11,15 7:23 8:1,4,7,9 8:12,23 9:14,21 10:5,16,16,17 11:19,23 12:23 13:2,7,10 14:1 14:15,15 15:6 15:13,22 16:12 17:7,8 18:5,13 18:16,21,22 19:1,8,9,10,22 20:5,5,8,10,12 20:19,20 21:21 22:13 23:19,21 24:22 25:15,22 26:5,13,16,16 26:20 27:2,3,7 27:14 28:5 29:5 29:19 30:5,7,12 30:16,23 31:3 31:21,24 32:21 33:4,20,23 34:22 35:11 36:2,11,18 38:18,20,23,24 39:15 40:3,4,21 41:9,12 43:4,7 43:14,16,23 44:8,9,9,10,15 44:22 45:1,24 46:7,12,18 48:9 48:11,20 49:4,5 49:12,15,18 52:6,7,9,13,16 52:20,23 53:5 53:10,18 55:2,7 56:7 57:11,13	57:24 58:14 60:9 61:11,13 62:18 63:3,5,6 63:13 64:4,15 65:3,12 66:9,21 66:22 68:10 72:17,18 73:3 73:13 74:6,10 74:21 79:12 81:5,22 85:7 88:14 89:14 92:16 93:13 94:15,24 95:10 95:22 96:6,7 97:18,19,21 98:2,18 99:9,12 99:17,22 100:9 100:19,24,24 101:5,10,16,19 104:7,23 105:5 105:15,23 106:10,12,23,24 107:1,5,7,22 108:2,4,10,12 109:5 110:4,5,8 110:9,11,14,17 110:20,24 111:2 111:18 112:1,7 112:9,11,21 113:2,9 116:12 116:16 117:3,8 117:10 firefighter 111:24 firefighters 9:5 69:3,6 88:15 91:14 95:15 firefighting 8:10 fireman 96:1 99:10,22 100:3 100:22 101:15 firemen 101:1,5 firm 48:1 first 4:16 6:10 33:6 68:10 71:22 79:20 96:15 113:15 fiscal 21:6	fit 23:16 55:3 five 23:4 26:12 34:3,11,12 39:9 39:10,17 41:14 49:4,6,9 50:3,10 54:11 55:18 56:21 57:1,6,8 57:12,15 65:10 65:23 75:5 89:3 97:19,22 99:16 100:9,11,21 101:17 102:6,15 106:19 113:3,13 116:16 five-story 102:15 five-year 39:13 56:6 58:11 61:9 64:14 fix 48:17 62:6 102:20,23 103:4 103:9 fixed 102:17 flock 83:9 floor 19:7 Florida 98:22 flying 20:3 focus 13:1,22 32:3 52:2 focuses 13:6 focusing 13:2 folk 39:22 114:7 folks 82:24 88:9 follow 44:12,13 71:23 72:1 73:19 following 91:24 foot 43:18 67:10 75:8,18 105:11 forced 50:11 foregoing 120:8 120:15 forth 49:1 52:8 89:15 117:15 forthright 56:20 fortunate 78:8 forward 26:20 61:1 74:13 75:6	75:21 81:13 90:21 92:2,3 113:16,18 found 3:19 107:12 four 41:14 100:16 116:16 117:14 four-story 99:23 frames 92:4 Fran 114:21 Francisco 94:14 95:5 frankly 53:24 68:15 78:8 free 53:2 57:10 99:1 116:20 freezes 5:2 frequent 14:13 frequently 54:23 fresh 33:3 Friday 1:8 front 11:24 full 92:7 102:12 fully 72:14 74:9 74:11 115:1 120:6 function 10:9 funded 74:9 funding 89:21 further 12:22 14:1 26:8 29:16 49:12 52:19,22 74:5,14,24 future 50:14 52:4
G				
				gain 51:2 113:17 gathering 64:12 general 90:12 generally 11:24 gentleman 6:14 30:13 48:12 49:23 59:10 geographical 35:24 Gertz 54:7 71:7 getting 30:24 58:6 80:24 82:5

84:19 97:9 101:8 109:10 112:9 give 12:4 18:21 19:14 44:16 59:16,16 64:7,8 68:11 82:15 105:8 118:19 given 42:17 53:21 57:9 62:16 gives 64:23 giving 114:16 glad 82:4 85:16 87:4 glove 9:23 go 16:8 19:24 20:3 21:18 23:6 26:4,23 29:18 29:20 32:11 34:22 37:9 42:18,19 46:10 47:2 52:4 58:24 61:18 62:21 64:6 71:22 73:17 76:11,16 81:3 82:9 85:18 87:11 91:10 96:23,24 98:17 100:19,19,20 108:13 109:14 110:16,18 112:18,24 114:8 115:23 116:12 117:5 goals 12:23 God 103:1 goes 12:21 14:1 35:8 37:15 57:5 93:24 102:24 going 3:1 6:5 11:21 15:16,20 16:19 18:2 29:17,24 32:10 33:11 36:15 45:9 50:3 53:13 58:19 59:7 60:4 60:18 62:21,21	65:9 66:21,23 67:19,20,21,22 68:7 74:13 75:6 75:21 78:5 79:15 80:1 81:16,17 82:9 82:13,18 84:3 88:19 89:5,6,7,8 89:9,10,20 90:22 91:21 92:2,3 96:20 97:6 98:19 101:4,21,22,23 105:8 107:11 111:17 112:5 115:23 117:6,7 118:11 gold 19:22 20:4 20:12 golden 103:20 104:3 good 2:2,3 3:9 6:1 6:15,18 9:12 12:2 26:17 47:19,20 51:8 52:16 53:1 54:3 55:10 57:3,4 58:10,12 66:23 67:7,23 68:23 71:8 78:4,12,12 79:9 80:15 83:3 83:12,13 91:10 107:11,20 government 3:13 4:9 grand 102:16 great 22:14,21 53:9 73:4 84:13 85:15 97:2 117:14,18 greater 71:20 73:24 greatest 73:2,2 76:2 Greenlee 1:12 4:14 23:1,2,3 ground 10:16	58:6 99:12,15 101:20 104:2 113:17 group 117:10 growth 5:6,21 6:3 Guerrini 47:14,20 47:24,24 51:7 53:23 60:14 61:5 62:5,12 63:1,19 64:4,23 67:2 71:4 Guerrini's 78:16 guess 27:23 33:8 95:12 guidance 8:21 guy 98:8 105:5 106:11 113:9 guys 77:5 99:7,11 100:18 102:2,18 111:10 117:17 guy's 102:23 gym 84:23 G3 110:3 H hair 115:7 half 85:23,23 Hall 1:7 hand 9:22 14:16 46:16 53:7,12 53:13,14 97:16 100:4 103:5 handle 43:15,18 hands 14:19 hang 15:6 hanger 103:10 HAPCO 51:11,13 78:9 HAPCO's 55:10 happen 14:11 33:20 78:7 102:1 105:1 112:14 happened 40:15 99:6,21 103:14 happening 50:14 103:15	happens 48:15 50:24 51:1 80:6 111:15 happy 3:7,7 9:7 50:16 77:1 88:16 89:2 96:11 hard 19:6 54:1 64:7 65:3 harder 91:23 Harvard 110:5 Harvey 51:19 head 105:24 headed 87:23 heads 16:15 Health 117:4 hear 6:24 27:23 40:23 54:7 58:2 83:13 heard 3:12 51:16 52:13,22 53:20 55:1,18 65:9 70:13 hearing 2:6 40:6 51:10 58:1 119:4 hearings 2:10 3:18 6:6 7:1 58:5 hearts 73:16 heavy 113:19 heck 114:17 hefty 81:10 height 41:10 help 36:14 52:2 79:11 96:11 helpful 67:10 68:12 Henon 1:11 40:11 59:8,9 61:16 62:8,20 63:9,20 77:10,11 82:20 82:21,22 87:13 90:3,4,5 114:12 114:13 118:21 Henon's 38:11 118:13	Henry 6:12 9:14 Herculean 87:16 hey 101:3 102:14 102:20 high 50:5 93:10 115:15 higher 98:12 highest 91:24 highrise 20:5 24:14 hit 111:22 115:21 hold 40:10 50:18 57:22 77:12,12 87:13 91:4 110:15 118:2 holder 30:19 holding 46:15 103:5 home 51:5 homeowner 35:5 102:8 103:4 homeowners 51:12 86:6 hone 36:8 honed 48:18 hope 4:10 14:6 Hopefully 43:10 118:16 hoping 85:11 hot 102:11 115:6 hours 116:17 117:14 house 67:22 114:15 houses 38:9 housing 2:16,17 2:19 5:9,23 7:6 7:7,8 16:20 51:14 72:9 83:17 108:23,24 117:4 HUD 108:23 109:1 huge 108:14 hundred 51:14 64:23 98:4 108:11
---	--	---	---	---

hurt 95:24 102:18 112:9	incidents 9:19 inclined 33:3 include 10:22 11:1 23:21 24:10,11 29:4 30:23 36:18 38:18 63:12 66:8,21 included 7:16 10:17 59:18 76:17 including 27:3 111:20 income 38:7 incorporating 96:9 incorrect 30:3 incorrectly 69:10 increase 13:19 33:23 increased 5:8 increasing 32:15 increasingly 7:13 indefinitely 106:4 independent 62:15 indicative 79:21 94:22 individual 20:15 individuals 39:23 76:24 industry 16:13 35:16 40:1 69:19 72:23 influx 5:24 information 44:13 46:12 95:8 103:22 107:15 109:16 117:18 informative 114:14 initial 78:19 initiatives 32:17 89:20 114:20 injure 67:7 injured 67:6,8	68:17 injuries 29:4 48:9 69:15 injury 70:2,17 112:4 input 58:3,6 82:9 87:21 92:18 118:19 inside 45:10 inspect 6:5 20:23 23:14,18 24:12 24:13,14 42:16 56:12,13 69:3 81:21 89:5 94:2 97:22 inspected 21:6,7 26:1 28:13 30:22 34:6 42:15 93:6 inspecting 13:23 38:21 117:5 inspection 2:5,13 2:16 7:3,6 8:18 9:1 11:16 13:12 20:24 21:21 22:5 23:8,16,19 26:6,9,12,16 28:8 29:14,16 34:10 35:6 36:12,13 37:19 38:21 39:8 42:19 44:15 45:12,14,14 54:10 56:6,18 57:11,12 61:7,9 61:12 64:14 65:1,3,9,12,23 66:24 67:9 68:23 75:2 81:22 89:3 93:22 94:3 103:17 105:22 110:19,21 114:7 118:4 inspections 1:4 2:11 6:21,23 8:19 11:11 12:4	15:22,22 21:2 24:6,9 26:10 31:22 32:14,19 35:21 38:1 45:6 45:16 50:1,8,13 55:4 56:8 74:8,9 74:10,12,18,19 74:19 75:6,21 81:4 85:17 86:3 92:4,11 93:8,18 104:16 115:16 118:10 inspector 34:22 42:16,18 55:19 56:1 58:13 102:10 103:12 104:21 117:4 inspectors 21:5 26:4 74:21 81:19,23 85:20 86:4,13,20 87:2 87:11 91:12 98:3 116:18 inspects 84:5 installing 8:2 instituted 100:11 insurable 67:14 insurance 25:6,12 25:16 27:18 28:3 29:11,12 30:5,17,20 31:9 31:16,17 33:9 34:20,21 35:17 35:22 36:24 37:5,12,16,22 39:19 66:8,10 66:13,14,16,20 66:23 67:6,9,10 67:16,23 68:3,8 68:11,20,22 69:20 70:3,12 70:14 73:19,21 74:1,4 88:20,24 93:17,23,23 insurances 76:5 118:8 insure 24:24 27:3	36:17 67:22 68:7 70:19 94:1 insured 24:22 29:2,3 31:10,13 35:11 36:12 37:24 38:17 46:7 66:20 68:9 93:19 insurer 26:2 27:7 27:8 30:21 insurers 27:14 insuring 38:16 67:13,17 68:5 69:14 74:6 intend 3:18 58:17 intended 8:9 43:24 interconnected 117:6 interest 3:13,14 16:9,10 92:12 interested 17:3 26:24 36:7 58:11 interesting 116:5 interests 3:12 interim 62:5 interior 18:10 42:1,3,4 internal 107:19 107:20 International 4:5 48:20 49:5 61:13 62:18 94:15 97:18,21 100:6 117:8 interpretation 96:4 interrogation 24:3 interrupt 97:16 interview 24:3 inter-relationships... 117:2 intimately 53:23 introducer 63:21 invalidates 37:16
-----------------------------------	--	---	--	--

investigate 2:12 7:2	111:19	JR 1:11	29:24 30:5,18	landlord 50:10
investment 76:4	jeopardy 28:3	judgments 67:12	30:20 34:6,16	76:8 78:9 80:12
86:23,24	29:12	jump 10:21 20:1	34:17 35:2,9,15	80:17,22 83:21
invite 69:24	Jersey 111:11	jurisdiction 104:7	35:20,23 36:3,3	landlords 50:5,7
invited 82:4	job 22:14,21 68:4	104:9	36:14,16,20,21	54:23,24 55:12
inviting 69:12	83:8 84:13		42:21 43:15	79:11,17,21
involve 89:17	102:11	K	46:22 49:23	80:7 81:7 89:13
involved 22:1	Joe 102:8,8,13,13	K 1:12	50:20,22 51:23	90:9,13
59:20 82:5 89:8	John 102:19,20	keep 3:3 14:4	57:24 58:10	language 57:18
92:4	103:8	17:14 57:23	59:15,24 60:6,9	62:18 65:7
Iron 102:19,22	Johnson 1:13	84:11 90:12	60:18 61:17,19	lapses 37:16
Island 108:11	4:14 37:9 40:7,8	92:13,16 106:2	63:16,21 65:13	large 20:20 38:8
issue 3:17 9:24,24	40:13 41:3,8,18	106:3 118:23	69:1 70:6 73:6	38:10,12
11:4 30:24	41:23 42:2,6,11	keeping 91:11,15	73:23 74:1,2,23	larger 3:21 51:17
32:20 35:1	43:7,12 44:11	KENYATTA	74:24 75:11	68:2 72:10
39:20 40:18	44:21 45:3,7,18	1:13	76:4,11,23	73:23
41:6 48:5,18,23	45:21 46:3,14	kept 52:17,23	77:11,22 79:17	latest 116:13
50:1 51:18	46:19,23 47:4	53:2 66:1	81:20 83:15,22	Laura 48:8
56:13 57:16	118:22	key 81:18	83:23 84:3,11	law 35:4 48:1
62:6 63:3,6	joining 4:13 51:10	kick 39:17	84:20,20 85:4,7	53:14 56:11
65:19 79:1,2,3,3	joins 8:19	kicks 41:13	85:8,11 89:4,9	74:11
79:11 98:19	joint 1:3 2:4,6,9	kid 51:4	89:12,13,17	laws 8:20 50:21
108:22 117:11	118:2 119:3	killed 39:24 48:11	90:6,22 91:7,13	58:17 59:4
issued 17:20	Jones 1:11 2:2,20	99:15 108:11	91:15 92:21	76:10 82:11
49:10 103:19	4:21 5:3,20 6:14	kills 101:18	98:9,10 101:4,5	89:19 112:15
107:17 108:5	6:19 9:9 16:6	kind 3:15 12:21	110:1,20 111:5	lawsuit 67:2
issues 8:1,17	17:10,17,23	13:22 18:21	111:23 112:17	lawsuits 73:5
11:14 13:7 33:1	18:14,19 19:4	29:23 36:8	114:19 115:5,5	99:16
33:6 35:2 37:11	19:14 20:7,11	39:18 45:7,8	115:7,8,14	lawyers 114:15
63:4 72:7 85:3	20:22 21:9,11	56:1 59:17 61:2	116:21 117:11	layer 68:17,17
85:12 88:14	21:20 22:6,9,23	63:16 66:24	knowingly 108:3	layers 74:15
110:24 116:17	23:3,11 24:4,15	68:19 69:9,10	knowledge 51:2	Leader 63:22
116:20	24:19 37:8	69:21 70:7	103:22	leaders 72:24
item 108:7 109:4	40:10,17 47:5	80:24 81:11	known 2:16 7:6	lean 113:16,18,18
109:24 112:13	47:12,19,21	105:13 111:3	71:19	learn 50:23 69:9
117:13	50:18 57:20	kinds 3:24 70:13	knows 2:21 52:1	93:17
items 22:19,21	64:6 66:13	75:1 102:2,3	66:16	learned 118:7,7,9
96:10	70:22 71:5,8,13	114:8		118:13
it'll 106:4	71:22 72:3	Kline 48:1	L	lease 69:13
	75:24 77:10,15	knot 20:13	L 1:12	leases 89:14
J	77:18 82:8,18	know 5:13 10:5	LA 110:7 114:3	leave 88:8
J 6:12 9:14	87:10,15,18	11:22 15:19	labeling 34:4	legal 51:11
jack 70:3	89:24 90:4 94:5	16:6,14,18,19	lack 80:21 89:21	legalese 64:18
JANNIE 1:12	94:12,16,21	17:11,14,16	112:3	legally 107:23
January 2:22	95:2 97:11	20:4 24:17 25:3	ladder 19:3 99:11	legislate 54:16
4:19 49:21 99:7	113:21,24 116:7	26:24 27:10	101:22	legislation 14:5
	117:20 118:1	28:20 29:16,17	laden 76:24	55:22 57:18

legislator 82:11 length 116:11 117:5 letter 103:20 letters 97:8 103:18 109:14 let's 19:21 62:6,6 74:14,15 75:8,9 75:9 86:20 94:3 level 10:15 23:22 35:17 60:20 61:17 levels 31:16 85:18 liabilities 29:3 69:15 liability 30:17 68:10 73:5 liable 81:10 liberty 51:21 95:13 98:23 107:13 116:14 libraries 91:15 license 2:17 7:6,7 20:23 21:14 23:7 31:3,5 37:21 39:22 49:10 55:6,8 65:17,18,19 74:9 79:9 80:3 80:14 110:3,7,9 110:13,16 114:24 115:3,6 115:7,9 118:3 licensed 46:5 79:17,21 80:12 80:24 81:9 93:12 105:5 licenses 1:4 2:5,11 2:16 6:21,23 8:19 11:10 17:20,24 21:18 22:2 24:6,16 29:8 37:11 80:6 80:8 114:6,23 licensing 55:4 79:22,23 80:19 110:2	life 39:14 50:22 51:3 106:1 lifting 81:2 limb 62:21 limitations 32:18 32:23 39:4 limited 10:2 13:13 84:13 line 77:12 81:7 lining 70:13 link 19:4,5 20:14 listen 70:3 96:13 literature 14:16 14:17,19 little 19:14 36:9 67:15 81:8 86:11 87:3 90:6 90:7,24 95:2 112:11 115:11 lives 59:23 82:1 91:5 load 26:14 43:20 43:20 44:1,24 45:1,20 53:7 74:1,19 104:4,9 104:13,13,15,16 105:11,15,18,20 106:5 107:4,7 loan 76:3 local 113:5 location 35:24 53:8 locker 84:23 Locust 2:23 long 8:1 10:10 39:7 60:18 65:14,17 85:14 106:3 longer 43:5 97:7 look 3:16,16,17 4:3,17 5:11,15 10:12 13:3,13 23:20 26:16,20 29:18 32:4 33:5 33:20 37:5 38:22 40:18 44:14 49:11	51:24 55:12 75:9,15 82:14 84:12 85:13 88:10,10 90:20 93:3,5 99:20 102:11 103:13 104:1 114:4,8 114:19,20 118:11 looked 38:2 looking 5:22 23:21 56:23 68:4 70:8 76:1 76:21 81:13 90:23 95:8,20 113:13 114:1 looks 3:24 19:4 58:13 80:16 93:24 101:18 loose 99:11 Lord 71:7,15,15 71:23 77:13,16 77:17,20,20 82:17 93:2 94:11 Los 75:13 109:24 110:11 lose 91:5 loss 50:22 lot 15:10,15 26:15 27:14 31:19 34:14 51:16 69:6 70:12 79:6 85:1,12 88:3,11 93:17 94:23 95:9,19 96:9,11 97:12 99:18 100:14 106:9 109:15 112:13 113:22 115:21 117:18 118:7 lots 24:11 love 74:9 low 4:20 7:17 50:4 lower 18:1 L&I 6:12 9:17,23	11:9 12:5,10,19 14:12 15:21 16:4,12 22:18 28:6,16 32:13 32:21 36:1 38:19 40:19 58:1 80:8 81:6 81:23 84:9,12 84:14 87:2 95:14 107:11 L&I's 18:5 M Maenner 6:11,18 6:22 17:8,11,21 18:7,18,24 19:5 19:23 20:9,17 21:1,10,13 22:8 22:12,17 23:9 24:8,17 25:1,4 25:10,13,17 26:3 27:13,17 27:20 28:11 30:6 36:22 37:4 40:24 41:5,15 41:21,24 42:4,7 42:13 43:17 44:7,19,23 45:5 45:11,19 46:2,4 47:3,11 54:9 main 61:5 75:7 103:16 Maine 98:21 maintain 8:13 27:6 37:1 52:15 57:7,10 73:13 100:8 108:2 maintained 15:2 28:6 53:1 66:2 74:7 maintaining 13:22 25:24 73:3 106:3 112:6 maintenance 8:1 8:14,16,22 18:12 35:18	36:23 42:18,19 42:23 53:15 57:4 60:4 63:14 69:16 83:16 85:3,17 86:18 92:1 106:23 major 11:21 majority 63:22 73:7 79:15 making 16:10 38:16 60:1 76:5 79:9 81:2 86:1,3 86:8 management 72:24 manager 91:21 managers 72:8 mandate 56:8 mandated 66:14 mandates 66:12 mandating 66:15 mandatory 56:5 101:9 106:16 manpower 28:21 manual 37:1,2 market 3:1 73:22 76:2 materials 52:21 matter 30:18 56:11 85:24 93:4 120:8 matters 54:22 mean 2:3 3:11 18:1 35:14 51:4 84:12 85:11 88:21 91:17 102:6 104:21 105:4,9 108:21 114:22 115:2,10 Meaning 105:15 means 7:22 8:8 18:9,10 19:19 32:10 43:2 69:20 98:1,7 104:1,11 105:10 107:18,19 120:17
--	---	--	--	---

meant 44:8 measures 63:21 mechanism 12:17 13:8 30:1 33:9 33:10 34:17 35:22 37:13 98:2 medium 3:7,8 20:14 77:1 meet 110:16 member 85:15 members 6:7,20 48:4 66:7 72:23 membership 83:2 Meneses 94:14,23 95:5,6 97:12 113:23 116:10 mention 93:16 107:9 mentioned 12:1 40:19 46:11 60:23 90:8 92:22 114:2,3 114:19 115:12 message 118:17 metal 8:4,7,12,22 19:1 methodology 12:13 methods 45:15 mic 95:2 Michael 6:21 middle 101:14 Mike 6:11 23:23 miles 96:22 million 85:21 86:14 100:2 mimic 4:8 mind 39:16 57:23 97:10 107:9 minded 69:9 minimal 50:9 minimally 4:8 minority 73:11 77:5 minutes 101:17 missed 26:15	missing 53:3 67:18 99:17 117:12 mission 118:15 misuse 43:22 model 109:23 models 43:8 modernized 5:23 118:14 modification 107:17 money 28:21 39:13 69:6 84:16,16 86:9 88:5,6,9 102:23 Mongolussi 5:4 monitor 3:6 6:4 12:13 monitoring 12:21 month 50:5,6 78:23 morning 2:3,3 6:15,18 9:12 56:13 mortar 86:24 mortgage 25:5 30:19,19 31:15 76:13 motivation 73:3 motto 101:1 move 60:23 moving 9:22 43:20 44:1,5 61:1 multi-family 72:9 multi-million 67:11 multi-tasking 84:18 municipalities 114:2 municipality 62:1 N N 120:2 name 5:4 6:16,21 47:22,24 51:10	71:13,21 77:19 95:3 97:2 names 4:16 6:9 47:13 117:10 narrow 63:3 nation 105:19 national 4:3 44:22 46:12 60:3,5 113:4 nationwide 97:23 111:24 nearest 20:19 nebulous 5:11 necessarily 10:1 11:21 14:13 74:20 76:20 109:7 115:8 necessary 50:12 82:16 need 2:12 3:16 4:1 7:2 11:11 13:11,21 14:4,7 14:17 15:3 23:18 27:21,21 29:22 30:4 32:14,19 33:21 35:8 49:16,19 54:24 59:1 62:17 69:7 74:1 77:4 78:17 81:7 81:19 84:1 86:4 86:4 87:1,2 98:14 102:20 103:3 109:6,19 110:22 115:2,5 115:6,9,15 118:8,9 needs 5:23 9:1 14:8 15:17 16:2 16:3 55:23 75:17 101:11 109:21 neglect 69:16 negligence 112:6 negligent 25:24 neighborhood 3:22 14:14	Network 71:16 77:22 never 8:9 44:9 48:15 104:4 107:22 108:4 nevertheless 52:2 new 5:8,24 7:12 7:16 8:5 24:15 24:16 32:17 41:3,5 60:8 61:24 76:13,15 81:2 85:21 86:13 89:6 91:14 93:20 106:1 111:11 112:1 115:13 news 48:7 108:12 111:22 NFPA 60:3 85:5 104:6 nice 103:13,20 niece 99:22 100:4 night 101:14 108:10 nonpayment 31:4 non-compliance 93:7 normal 8:17 Notary 120:12 note 32:13 noted 120:5 notes 97:10 120:7 notice 28:8 noticing 11:18 notification 31:2 34:8 notifications 31:11 33:13 notified 29:12 notify 12:5 noting 73:19 nuisance 15:1 number 3:12 7:21 21:9 24:18 35:3 36:3 38:12,14 56:22,24 64:23 75:15	numbers 12:5 32:14 nuts 75:10 O O 120:2 observations 9:18 observer 85:13 obstructionist 76:23 obtained 9:2 obvious 10:7 13:14,17 23:23 obviously 10:20 32:11 40:14 43:14 54:6 55:17 Occupancy 42:17 occupied 55:9 occur 21:2 29:4 54:19 55:13 69:15 70:2 79:16 occurred 117:17 offer 97:8 offhand 24:18 office 59:18 69:13 officers 91:12 official 16:7 44:18 45:23 98:1,6,8,9 104:8,23,24 105:3,6 106:21 106:24 107:1,6 110:17 officials 95:18 96:8,8 102:6 109:15 112:11 112:12 oh 1:13 4:15 22:24 23:11 24:5,19,20 25:2 25:7,11,14,19 26:21 27:16,19 27:22 28:19 30:10 34:13 37:3,7 45:8 56:19 64:9,10
--	--	---	---	---

65:8,21 66:7 67:17 69:1,21 70:20,21 73:18 85:4,6 87:19,20 102:16 118:21 okay 5:4,20 14:10 18:14 21:15 25:7,14 27:16 28:19 37:3,7 39:20 41:8 42:2 42:6 44:11,19 44:23 65:8,21 69:1 80:18 102:19 old 5:9,10 8:6 43:8,15 60:10 60:10 83:16 89:6 older 5:7,22 once 12:9,10 15:16 101:10 109:22 118:15 onerous 3:5 34:9 64:20 70:7 ones 77:7 97:17 one-time 34:11 ongoing 9:16 87:23 online 97:1 98:17 98:24 108:13 110:24 116:12 116:22 OPA 45:7 open 9:10 69:9 96:24 97:1 operate 62:2 90:13 operates 76:8 operating 31:7 60:22 77:6 operation 10:17 opinion 43:13 46:24 47:1 76:16 80:10 88:21 97:8 103:18,20 opinions 106:16	opportunities 15:8 76:18 opportunity 9:6 64:1 78:1 82:6 opposed 62:2 opposition 78:11 option 7:15,24 options 78:3 order 9:2 49:10 53:1 107:7 108:18,22,24 109:2 orders 56:13 ordinance 112:22 ordinances 74:24 100:13 112:16 113:6 Oregon 75:13 96:16 102:1 109:24 110:23 111:1 114:2,21 114:22 116:24 organization 55:15 64:13 68:1 77:23 83:6 83:11 organizations 59:13 78:9 86:6 OSHA 107:11,15 outdoor 64:15 outlining 51:22 outright 31:14 outset 48:2 overburdened 56:16 82:15 overburdensome 64:21 overnight 96:20 102:2 oversight 8:21 oversimplistic 51:24 overwhelmed 56:9 oweness 15:10 32:20 39:19 owner 9:2 14:14	16:1 25:9,23 33:3 34:9 35:19 52:9,14 53:17 55:9 57:10 66:12,19 69:11 102:9 103:7 106:6 112:3,5,6 owners 3:14 5:14 7:13 8:2,12,14 8:22 14:3,20,23 15:11,14,14 16:20 18:11 24:24 32:7 36:1 36:17 37:1,2 53:11 54:1,3,8 54:13 55:16,20 57:4 67:15 68:1 68:6,15 70:18 72:8,15 73:4,7 73:11 74:3 76:18 77:5 83:4 89:2 92:14 112:12 owner's 5:12 owns 27:1 31:14 66:19 O'Brien 1:14 4:13 48:8,13	parachute 103:21 104:3 paraplegic 39:3 parcels 85:22,22 86:14 pardon 75:11 parent 16:22 51:4 Park 38:10 part 23:13,13,15 37:11 42:2 51:18 59:14,17 60:13 70:10 75:22 77:8 87:5 93:1 106:13 particular 5:7 16:9 21:23 38:4 75:17 80:15 particularly 2:23 12:7 78:14 particulars 92:5 parties 15:7 29:21 67:6,7 68:17 partner 11:17 48:1 partnership 12:6 parts 5:7 53:3 party 2:12 6:2 7:2 8:24 12:14 15:23 32:5 34:1 34:23 54:12 55:19 58:13 92:4 101:13 partying 43:24 pass 24:5 35:4 110:17 passed 16:1 78:20 89:10 passing 79:2 passwords 84:22 paste 96:23 97:2 110:22 patience 47:22 94:17 patterns 94:1 pay 31:10 34:19 35:5,5 40:16 67:2,5,21 80:14	80:21 88:7,7,22 90:16,19 91:17 92:15 110:12 paying 78:22 91:9 pdf 97:5 penalties 93:6 penalty 80:8,23 81:10 PennBOC 95:17 99:1,3 116:13 116:15,16,19,23 117:1,15 Pennsylvania 1:7 4:6,10 37:10 62:23 71:18 72:7 78:10 95:18 99:3 pension 88:11 people 3:10,10 13:9 15:13,17 15:21 16:10,11 29:2,18,21 31:22 33:17,19 36:1 39:4 43:21 43:24 48:7 58:3 58:24 61:4 67:3 69:12,18,24 70:15 74:17 80:6 83:4 84:11 84:17,17 86:8 86:10,24 88:6 89:21 90:10,12 90:15 91:4,5,11 93:8,10 98:3 99:16 100:16 101:7 104:19 108:12 111:15 112:9,10 117:5 117:9 people's 109:17 percent 38:5,6 39:22,23 53:17 54:5 58:24 59:3 73:6 83:5,6,8,8 83:11,11 perception 51:22 perform 44:24
--	--	---	--	---

45:20 period 39:13 56:6 56:18 58:11 periodic 36:2 periodically 39:6 permanently 101:19 permit 108:5,17 108:20,21,22 117:13 person 20:22 30:18 31:14 44:5 84:8,8,9 85:1 111:17 114:9 personal 9:17,19 personally 73:20 personnel 8:11 69:5 88:5 perspective 32:4 53:11 55:14 63:15 83:21 115:8 PFD 13:19 Phil 71:7,15,23 77:12 Philadelphia 1:2 1:7 2:19 3:20 4:7 6:13 7:9 9:14 17:7,19 23:7 27:2 29:1 32:3,8 35:6 37:19 39:12 48:2,20,23 51:12,15 60:11 62:22 63:15 64:16 65:18 66:1,12 70:11 71:20 75:16 83:18 86:9,15 87:1 90:11,16 90:17 99:5 107:13 111:19 113:1 118:24 Philip 77:20 physical 19:18 39:4 110:19	pick 36:3 39:10 88:19 pieces 10:8 99:17 piggyback 79:24 pipe 14:10 placarding 34:3 place 6:2 12:17 13:9,16 14:4 15:2,17 16:5 32:2 33:6 34:2,7 53:10 74:3,15 75:5,10,12 84:7 places 6:1 14:22 18:22 113:7 plans 10:17,23 plate 40:17 platform 92:9 105:13 playing 91:23 pleasant 15:2 please 2:7 6:16 47:12,22 63:1 71:5,14 77:18 94:12,17 95:4 97:11 pleased 78:3 plenty 114:16 point 12:18 36:8 39:8 53:8 56:17 56:24 73:1 75:7 78:16,18 84:14 91:21 118:17 pointed 52:5 points 72:6,12,13 78:14 88:1 police 37:19 91:12 policy 10:10,14 13:24 37:16 political 82:12 poor 69:16 popular 5:21 76:22 population 5:8 38:8 Portland 100:20 102:1 position 61:2	positive 11:10 positives 31:1 possibility 28:10 28:18 possible 29:3 97:14 possibly 26:2 84:20 86:21 potential 34:18 pounds 43:18 105:11,12 power 52:7 practical 16:16 30:18 35:3 88:12 89:18 practicalities 74:13 practically 28:24 29:24 56:3 70:6 practices 4:9 36:9 45:17 preconstruction 86:19 preliminary 4:4 49:22 premises 34:4 premium 88:23 prepared 39:9 preparing 107:20 present 1:10 52:3 53:10 press 20:2,2 pretty 23:17,19 24:2 43:8 47:1 113:20 prevent 48:16 50:13 prevention 12:23 13:3 83:15 94:24 98:2 106:10,12 109:5 113:9 117:3,10 previously 10:2 primitive 18:20 prior 14:4 70:11 priority 85:17,19 86:3	private 3:13 proactive 21:2 proactively 21:8 probably 19:16 32:7 38:11 39:2 39:3 49:24 68:2 79:8,18 89:13 problem 25:22 30:23 31:7 34:18 35:23 63:16 70:10 73:10,10 79:16 79:19 88:13,18 89:4 102:5 103:16 problems 54:17 54:17 58:2 68:14 77:24 procedure 65:5 procedures 14:9 proceedings 120:5 process 8:18 11:7 12:11,11,17 15:16 16:4 17:15 20:24 22:7 23:14 28:9 33:24 34:10,16 34:23 36:12,13 59:20 60:5,19 61:17 78:13 79:22,23 80:1,4 80:9,10 82:4 85:12 89:3,17 96:17 100:21 103:7 108:21 109:8 113:14 processes 86:11 produce 14:18 producer 65:20 producing 92:21 product 118:20 productive 88:2 profession 90:14 professional 18:15 43:13 44:17,20,24	97:24 98:5,7,11 105:2,7 106:20 professionals 38:19,20 40:3 74:23 75:1 97:7 99:4 103:21 profile 93:10 program 11:16 13:12,15 21:6 22:5 23:16 75:21 programs 21:3,3 90:19 progressive 115:14 prohibitive 88:17 project 39:12,15 39:16 pronounce 5:4 proper 26:14 52:21 76:5 118:8 properly 28:6 52:13,16 57:6 properties 17:6 21:24 22:2 23:4 24:10 38:13 49:16 60:11,22 68:21,22 70:14 81:21 85:21 86:14 93:19 property 8:14 9:2 9:4,4 35:6,18 36:1,23 38:17 39:18 40:20 41:10 42:17,19 45:9 52:10,15 53:11 54:1,3 55:21 60:4 63:14 66:15,18 66:19,19,23 67:17,23 68:6,6 68:8,15 70:19 72:24 73:11 74:6 76:12 83:16 85:3,17 86:12,18 91:21
---	--	--	---	--

92:1,14 proposed 79:8 protect 56:10,10 protected 52:20 85:9 protection 68:17 68:18 70:19 108:2 110:9,12 proud 72:20 77:6 prove 110:19 provide 7:14 8:8 8:21 9:6 14:17 16:20 28:4 29:14 90:12 109:16 provided 65:11 65:24 110:1 provides 61:14 provision 61:11 61:12 63:3,8 106:23 114:5 provisions 53:16 63:9,13 103:24 118:23 proximity 44:6 public 1:4 2:4,10 3:3,8,15 6:20 14:2 15:3,9 16:10,18 42:8 48:5 50:7 61:3 63:23 70:5 83:14,15 86:1,3 90:13 118:3 120:12 publicly 91:2 pull 37:20 42:21 95:2 pulling 10:8 103:2 117:13 pun 75:11 purpose 3:9 16:15 58:5,5 push 15:20 104:13 111:14 put 3:10 13:15 16:15 19:11 32:20 33:3	39:12 41:6 42:1 61:3 78:3 79:5 82:3,14 89:13 96:7 97:2 101:2 101:9,14 115:9 puts 4:17 putting 32:16 91:11,12,13 p.m 119:4 Q qualifications 84:5 qualified 19:17 44:18 45:22 46:17 47:2 54:11 55:16 56:1 84:7,8 qualifies 39:16 qualify 39:11 qualifying 45:24 quality 115:15 quest 118:14 question 20:15 22:24 39:7 46:10 53:19 58:18 60:14 61:22 82:12 97:15 106:5 118:10 questioning 77:12 questionnaires 106:17 questions 4:1 9:8 9:11 17:2 47:6 49:3 50:16,19 59:11 70:23 83:1 90:1 94:7 110:18 116:8 quibble 18:2 quick 59:11 93:2 97:17 114:13 quickly 34:19 72:21 91:20 Quite 114:14 quo 54:2 quote 87:14	quoted 86:16 R R 120:2 radar 77:6 railing 19:11,12 rails 53:7 raise 97:16 random 93:7 107:14 ranges 19:15 ranks 76:17 rarely 80:10 104:17 rate 70:15 rated 20:10 42:9 42:10 ratings 60:8 read 2:7 4:15 6:9 47:13 71:6 94:13 97:10 ready 57:17 96:23 Reagan 58:21 real 36:19 73:10 79:3 88:16 93:20 114:13 realistic 88:12 reality 59:22 69:4 80:11 88:9 realize 18:12 74:10 79:12 81:24 82:2 Realizing 7:24 really 6:2 11:15 35:2,14 43:23 46:21,23 55:23 75:7 78:2,21 79:12 80:11 81:3,6 82:6 92:24 107:5 reappraise 76:12 reason 28:19 37:22 44:3 51:3 reasonable 39:10 39:14 49:7 55:20 65:14 86:11 89:10	reasonableness 16:24 reasonably 92:19 reasons 89:15,15 rebel 54:13 64:21 receive 28:6,7 receiving 23:24 recited 57:3 recognitions 33:12 recognize 14:7 22:24 59:6,7 115:15 recognizes 40:7 40:11 46:5 82:21 87:18 recognizing 11:19 12:18 32:22,23 recommend 26:12 105:19 108:20 109:4 111:6 recommending 34:2 record 6:16 17:18 24:4 29:8 62:22 71:14 77:19 91:20 95:3 red 70:13 94:21 101:11 reduction 13:4 reemphasize 13:24 refer 12:9,14 reference 21:23 30:21 46:16 referenced 14:21 references 23:24 referral 22:20 33:21 34:8 referrals 24:1 33:14 referred 12:10 referring 12:19 22:14,17,21 refund 80:17 refurbish 104:12	105:22 refurbished 105:17 refurbishment 104:14 Reg 110:7 regard 15:9 32:18 72:22 74:17 75:19 79:19 92:3,18 regarding 13:10 13:18 22:2 30:21 52:6,9 53:10 54:10 78:7 regardless 92:15 regards 78:2 83:16 register 90:10,17 registered 46:17 98:10 registration 2:17 31:4 37:21 regularly 58:20 regulate 6:4 59:1 110:11 regulation 54:14 79:5 81:2 110:10 114:3 regulations 8:20 30:8 51:23 52:6 52:9 53:9 54:15 54:18 79:7 81:15 88:3 89:19 reinforce 13:11 13:21 reinforced 11:12 reinforcing 104:19,19 reinspection 103:7 reiterate 72:13 related 13:7 31:6 92:20 112:4 relationship 11:10
--	--	---	--	---

reliability 10:19 10:24	45:13 111:22	requiring 49:17 79:9	100:5	run 65:10 101:23 106:8
rely 16:11 58:2	represent 48:6,8 48:10 77:7 83:1 83:4	research 4:4 49:22 82:11	result 2:24 9:18	running 44:4 100:22 101:15 112:24
remains 56:11	representative 27:24 71:16 77:21	reset 105:22 106:7	retrofit 7:24	rust 8:15 10:8 39:20 102:12
remedy 80:15	representatives 57:24	resident 22:10 72:17	revealed 4:4	rusty 26:7
remember 21:14 84:24	represented 111:24	residential 2:14 2:15 7:4,5 24:13 24:21 38:11 49:13 69:13	revenue 65:19 92:21	R2 21:5 41:16
remove 103:13	represents 51:13 59:14 72:8	residents 5:8,24 9:3	review 99:1	S
removed 43:3	reproduction 120:17	resistance 102:2	revolving 13:6	sadly 95:21 112:16
removing 8:15	request 55:21	Resolution 2:6,8 2:9 6:24 7:1 78:2 117:23 118:4	Rhode 108:11	safe 3:3,10 16:11 28:13,14,16 38:1 52:17 53:18 57:13 68:7,19 76:10 78:23 84:11 85:8 86:22 90:12 91:11,15 92:16
renewal 29:11	requesting 65:6	RESOLUTIONS 1:17	Richmond 111:9	safeguard 51:3 76:4,20
renews 110:13	require 19:11 30:19 34:3,23 35:11 36:1,11 36:16,23 37:12 49:8,9 53:15 61:8 74:12 107:2	resolved 109:11	right 17:4 22:8 36:3,15 41:10 41:20 43:9 55:11 58:4 59:2 60:15 61:16 67:3 75:8,18 77:15 78:5 80:21 82:10 84:7,17,24 86:7 86:17,22 87:1 88:16 90:20 91:4,6,17 99:24 106:9 107:24 109:18 110:2 114:17 117:20	safely 49:19
renovation 107:16	required 2:18 7:7 7:13,22 8:13 18:3,8 26:11 27:3 28:7 31:15 35:18 40:22 42:1 43:18 52:10 53:3 54:10	resort 10:19	rightly 114:18	safer 118:23
renovations 108:1	requirement 24:23 27:5 28:1 29:10 30:15 41:12 43:1,5 44:2 55:20 57:2 57:6,13 79:10 81:12 94:3	resources 81:21 82:16 84:13,14 86:4 87:2	risk 13:4 70:16	safety 1:4 2:5,10 6:20 7:11,19 9:3 9:5 14:15 16:17 16:24 48:5 50:7 61:3 63:14,20 63:23 70:5 72:17,18 76:3 78:22 81:14 83:14,15 86:1,3 115:9 118:3
rent 32:10 69:13 76:20 80:14,17 80:21,22 83:23	requirements 53:7 64:19 74:23 80:19	respect 48:23 63:19 64:4	Rittenhouse 99:24	sale 23:5
rental 2:14,17 7:4 7:7 17:20,24 20:23 21:14,24 22:1,2 23:6 24:6 24:10 38:6,6,12 39:22 49:10 51:15 55:5,8 72:15 73:7,11 74:3 76:15,18 77:5 85:23	requires 14:5 25:6,8 30:16 36:10 49:5 50:7 52:19 53:16 61:7 73:21	respective 51:9	rivets 105:24	San 98:21 114:21
rented 109:1		respond 78:15 93:10	role 21:20,23 22:2 118:8	Sanchez 6:19
renter 76:17		response 9:19 33:18 68:24	roll 104:1	sand 105:12
renting 25:2,11 29:2		responsibility 3:2 5:12 37:23 57:5	roofs 29:5	satisfaction 54:20 54:20
rents 2:18 7:8 27:1 38:9		responsible 3:23 5:10 39:23 53:17 66:18 70:17,18 72:15 72:20,24 73:8 74:3 83:3,4 87:6 90:14 91:20 92:9,14	Room 1:7	satisfactory 53:21 105:14 107:3
repair 52:16 57:4 101:11 104:21 104:22 105:4,5 105:8		rest 86:2 91:23	rope 18:20 19:16 19:16 20:13 38:24	satisfied 67:1 107:6
repairs 28:14,17 80:22 108:1			Roughly 87:14	satisfy 43:5 67:12
replaced 41:23 53:3			routes 7:14	
report 2:13 7:3 9:1			routine 22:4 93:18,22	
reporter 120:12 120:19			rule 73:21 97:19 100:10,11 106:19 113:3	
reports 35:12			rules 5:12 91:24	

68:8 save 59:23 101:16 102:15 saved 100:3 saving 112:2 saw 48:7 73:16 saying 3:15 28:22 30:4 32:10 33:9 33:16 34:14,15 72:15 111:23 says 5:12 27:20 67:17 76:19 80:13 97:21 101:21 102:9,14 102:19,22,24 103:7,13,21 104:4 105:9,14 106:19 107:1,5 107:24 school 51:4 schools 24:13 88:10 scrape 102:7 103:6 111:1 scrutiny 76:17 seal 73:3 search 107:14 searching 54:16 seat 71:9 Seattle 75:14 97:4 98:20 100:15,15 100:19 101:24 109:23 112:17 114:3,22 second 7:22 18:9 37:18 39:1 50:19 109:19,20 secondary 8:8 18:4 43:2 Secondly 65:21 sector 3:13 see 10:5 14:11 15:21 17:3 26:4 28:23 56:14 64:6 73:15 74:9 74:12 77:23 85:11 98:19	106:24 115:24 115:24 116:1,2 seeing 14:2 43:10 47:8 71:1 90:2 94:8 116:9 118:1 seek 82:9 114:5 seen 18:19,22 30:15 50:1 62:12 106:19 sees 66:6 101:18 self-enforcing 54:4 self-insurance 69:22 self-insured 69:19 69:20 self-policing 37:13 53:20 54:3 sell 115:6 seminar 98:18 116:12,23 send 28:2 34:21 sends 16:22 36:1 51:4,20 sense 18:21 23:17 58:7 75:12 118:22,23 sensitive 2:23 sent 109:15 118:16 separate 46:1 60:8 series 15:12 33:12 serious 48:8 73:10 seriously 72:22 serve 61:4 service 77:23 90:12 101:12 Services 9:14 set 34:10 49:1 52:2,8 71:6 74:24 76:16 sets 96:6 114:7 settled 112:4,8 seven 34:6 36:4	56:19 severely 85:19,19 shape 33:21 share 78:6 96:11 104:15 sheriff 23:4 shifting 43:21 shirt 94:21 short 56:1 64:18 81:20 show 98:7 101:23 shown 4:20 side 20:2 94:24 sides 56:22 sidewalk 67:16 sign 76:19 109:5,8 109:10 110:3 116:21 significant 93:6 signing 110:4 117:13 similar 28:12 30:24 38:11 75:5 103:18 108:14 similarly 26:13 31:9 37:18 simple 33:16 48:17 simply 13:2 31:10 50:8 93:4 112:8 simultaneously 55:12 sincerely 3:11 single 10:6 21:15 23:14 33:10 51:16 sit 54:1 site 26:4 116:4 situation 59:22 80:20 88:10 situations 3:5 six-hour 111:12 six-inch 67:18 skill 114:7 skilled 92:9 slap 93:14	slide 20:1 slides 117:15 slightly 3:21 18:1 smoke 101:18 109:5,9 117:13 snow 53:2 social 89:15 solely 65:18 solution 70:18 88:12 97:14 solutions 89:18 solve 54:16 58:2 68:14,21,22 somebody 25:20 38:24 39:17 66:16 90:8 95:23,23,23 99:8,12 101:16 109:10,17 110:6 110:10 111:23 117:12 someone's 31:2 someplace 88:8 somewhat 30:14 31:1 72:6 sorry 40:10 113:23 sort 11:17 34:4 74:2 81:10 99:23 100:14 111:4 113:6 sorts 92:11 sound 52:17 Sounds 59:14 source 92:21 96:24 97:1 speak 27:13 32:13 55:15 59:8 68:2 82:6 113:8 Spear 51:19 specific 52:22 specifically 52:8 52:11 Spector 48:2 spent 48:13 116:16 split 85:22 86:17	spoken 13:1 spokeswoman 55:16 spread 50:3,9 Springs 99:8 111:20 sprinklers 110:15 square 43:18 99:24 105:11,24 staff 44:13 46:11 stage 82:5 stair 26:5 42:1,5 42:20,23 stairways 42:8 stakeholders 59:19 92:7 118:6,12 stand 57:17 75:16 97:7 standard 18:15 18:16,23 19:22 20:4,12 38:23 61:14 62:17 76:21 114:22 standards 4:3 35:16 48:24 63:14 64:5 76:9 91:24 standpoint 43:16 60:1 start 11:13 12:3 13:3 14:11 21:4 33:23 72:14 75:8 107:20 started 10:12 78:13 102:5 Starting 104:6 starts 5:17 58:1 65:5 113:15 state 6:16 46:4,6 47:22 60:19 61:17 62:23 66:17 71:13 77:19 95:3 96:15,16,18 100:13 103:24 106:8,14,15
---	---	---	---	--

110:10,23,24,24 112:18 115:3,8 117:8 118:14 stated 98:4,4 statement 40:3 62:4 statements 104:22 states 96:14 97:23 103:5 104:8 107:16 109:23 115:14 station 88:14 108:10 stations 14:15 42:21 status 54:2 steal 62:16 steel 19:6 100:5 stenographic 120:7 step 26:8 34:15 40:17 49:12 81:3 113:15,15 steps 96:6 sticker 101:2 stimulate 22:9 stimulated 22:10 stock 5:9,23 83:17 stop 21:4 109:7 stopped 8:2 stopping 111:15 stored 53:4 stories 7:21 18:8 41:16 99:16 story 41:14,14 92:17 108:12,14 strategic 10:15 strategies 4:11 strategy 10:23 street 3:1 9:20 91:12,13 streets 11:21 strength 53:7 104:10,11 strike 32:11 stringent 27:15	strong 28:18 62:9 structural 2:13 7:3 8:24 29:20 34:23 46:17 74:20 structurally 26:17 structure 11:23 structures 22:4 Stu 106:11 stuck 60:9,10 65:11 student 38:8 96:1 students 99:14 study 48:5 stuff 96:22,24 97:12 110:21 111:13 subject 80:8 submitted 2:15 7:5 subsequent 7:20 subtle 13:17 success 5:6 sudden 102:24 108:3 sue 104:4 sued 67:20 112:3 suffered 48:8 73:17 106:11 109:18 suffering 109:18 sufficient 68:13 suggest 54:2 73:18 suggesting 56:15 95:16 suggestion 55:18 Suh 48:10,14 suited 53:14 superficial 45:4 superfluous 74:15 supervision 120:19 support 6:24 8:20 74:8 75:3 78:11 suppose 73:8	supposed 27:6 93:9 108:5 sure 13:20 15:23 16:10 17:15 26:6,7 27:19 35:7 37:23 38:16 42:20 48:14 53:17 54:12 55:3 56:2 61:5 62:5 64:19 68:7,18 76:5 80:2,3 81:7,11 81:15 85:4,7 86:1,22 91:3 93:5,12 95:5 surfaces 52:20 surplus 60:10 surprise 90:24 surprised 69:9 93:21 suspend 31:5 suspended 31:10 suspension 31:6 swath 74:22 92:8 system 33:14 82:15 91:9 systems 108:3 115:10 T T 120:2,2 tab 88:19 table 47:17 71:9 71:11 77:8 78:4 92:7 94:17,19 Tacoma 100:20 101:24 109:23 114:3 tactical 10:15 tad 64:18 tag 34:7 100:21 101:9,11,11,13 101:19 113:2 tagged 12:16 tags 100:18 102:4 106:14 112:18 112:19	take 5:15 6:5 11:5 13:13 19:12 26:8 38:22 40:18 49:7,11 57:16 62:18 70:16 72:1 75:9 79:13 84:12 106:6 115:23 taken 15:8 41:19 76:1 120:7 takes 34:2 72:22 talk 38:3,9 61:6 61:13 63:2 73:9 91:2 98:16 talked 22:6 78:21 100:18 114:4 talking 38:6,7 50:4,6 55:5 60:15 76:13,14 90:11 113:8 tape 103:10 task 3:6 87:16 taught 95:10,13 95:17,19 98:20 108:23 111:7,9 111:10 116:24 tax 32:8 109:14 taxes 90:16 91:9 91:10,17 taxpayers 32:2 teach 94:24 100:23 104:20 108:6 111:11 teachers 91:16 technical 4:23 9:13 53:6 technically 19:10 19:11 technicians 92:10 technology 12:7 84:21 tell 5:21 25:20 48:12 62:13 72:4,21 73:22 96:2 111:1 113:10 telling 62:14	tells 103:9 ten 36:4 56:19 57:20 96:19,21 106:12 tenant 71:15 76:21 77:21,22 80:13,13,16,20 83:21,23 95:24 tenants 14:22 15:14 16:1 32:9 77:24 78:19,21 85:8 86:5 89:1 89:11 90:13 101:3,6 112:12 term 8:1 terminated 28:3 29:13 termination 28:4 terms 9:23 11:17 13:22 14:2 15:12,20 21:24 32:16,18 44:14 70:13 tertiary 43:2 test 39:18 97:5 102:4 104:5,9 104:13,13,14,15 104:16,22 105:9 105:9,10,15,18 105:20 106:5,15 106:21 107:4,7 110:14,17 112:20 testified 83:1 testifies 50:19 testify 6:10,24 9:10 55:17 71:6 78:2 94:13 117:22 testifying 59:10 testimony 6:17 9:7,15 18:11 47:8,23 51:19 51:21 57:3,21 58:23 59:5 60:24 64:13 71:1,14 72:2
--	---	---	---	---

77:2,13,19 78:19 94:6 118:7 testing 26:14,19 49:6,8 81:4 105:10,11 107:2 tests 44:24 45:2 45:20 Texas 98:21 thank 2:20 6:14 9:6,9 24:20 37:7 37:8 40:8,16 44:11 47:4,5,8,9 47:11,21 48:3 50:15,18 51:7 57:19 59:9,10 60:12 64:10 70:20,21,22 71:1,3,4 77:3,8 77:14,15,17 78:1 82:8,17,22 82:23 83:19 87:8,10,20 89:23,24 90:5 92:17 94:5,8,10 94:11,16 113:21 114:1,14 116:6 116:9 117:19,20 118:5 119:1 Thanks 71:24 thing 3:15 13:18 40:2 49:17 50:23 59:2 73:18 74:2 79:13 81:14 93:16 101:3,24 103:3,4,11 104:5,12 106:4 109:19 115:4 things 5:5 10:5,7 11:2,7,8,14 12:2 12:5,24 13:6 14:4 15:12 23:20 24:12 29:14,16 32:24 35:13 37:10 39:6 40:14	42:22 45:20 55:11,13 58:7,8 60:7,7 74:6 75:15 82:10 88:11,15 91:1 91:11 95:1,9,16 95:19 96:2 100:14 101:6,8 102:3 107:10 114:8 115:1,10 115:20,21 118:9 think 2:21 3:21 4:1 5:5 6:1 9:22 11:11 15:11,15 20:14 25:3,19 26:7 27:8,22 31:12 32:3,12 32:19 33:8,10 33:11 34:15 35:9,16 38:18 39:15 46:10 48:17 49:6 52:3 57:20 61:5 63:21 64:1 66:15 68:15,16 69:2 70:4 74:22 75:14 78:4,5,8 78:12,15 79:3,8 81:3,19 84:3 86:15,17 87:23 88:18 89:9 90:8 91:20 93:3,15 114:16 115:22 116:18 thinking 39:9 55:5 79:12 third 2:12 7:2 8:24 12:14 15:23 19:6 29:21 32:4 34:1 34:23 54:11 55:18 58:13 84:9 92:3 101:13 thought 8:15 69:17 thousand 51:14	110:12 thousands 77:24 three 12:15 18:8 19:8 20:20 21:7 21:16,16,18 41:16 95:17 99:2 100:21 101:17 104:22 110:13 113:13 threshold 41:11 throw 16:19,19 19:6 38:24 76:19 throwing 63:17 tier 37:18 39:2 76:6 till 77:12 90:23 time 7:14 11:5 14:21 16:22 17:12 20:22 36:8 41:11 44:6 48:4,13,22 53:10 56:4,8 72:1,1,4 75:9 79:14 84:6 85:14 92:4 94:9 100:9,23 108:8 116:15 118:17 119:3 times 52:24 53:1 94:23 100:15 tires 39:17 title 2:7 today 4:2,10,13 6:6 16:15 40:6 40:12 48:4,6,14 49:8 51:10,16 52:13,22 53:19 53:21 54:1,5,9 55:1 59:16 61:6 63:5 65:9 72:14 73:8 75:7 84:21 87:4 100:7 103:15 118:7 told 83:7,7 101:6 tomorrow 56:13 top 29:15 97:3	toto 61:11 touched 114:21 tower 20:5 26:5 26:16 42:20,23 towers 42:1,5 track 17:14 tragedies 60:2 78:7 84:1 99:6 99:19 117:2 tragedy 53:22 95:22 99:5 108:8 111:7 115:18 train 13:9 98:2 trained 13:15 115:18,19,19 training 13:20 31:22 84:19 114:5 115:17 transcript 120:9 120:16 trap 68:10 trash 53:4 tread 102:21 103:9 treads 102:17 103:1 tremendous 86:12 trial 114:15 trick 33:11 trickle 83:24 tricky 69:21 tries 80:12 trigger 23:8 28:8 28:16,17 30:1 37:15 107:4 112:13 117:7 triggering 35:22 117:9 triggers 70:5 104:24 109:3,9 109:13 trim 28:23 trip 67:19 trouble 93:8 truck 101:23	true 81:23 trust 37:13 58:20 58:21 try 14:18 16:15 31:21 32:20 51:1 58:2 76:22 76:24 87:5 trying 3:4,9,10 17:1 31:23 32:24 46:19 56:20 59:22 63:23 70:3 84:15 86:10 90:11,20 91:3 93:4 turn 7:11 71:16 77:22 96:15 twelve 97:22 two 14:3 30:13 31:8 35:2,3,7 36:4 41:16 47:7 48:6 49:3 82:24 86:2 95:17 99:1 103:1 107:18 two-hour 20:10 42:9 type 2:18 7:8 10:4 27:9 29:8,15 41:8,12 45:24 98:18 108:13 115:4 116:12,23 types 11:8 18:16 18:21 30:20 31:15 32:14,19 33:22 40:21 45:16 typical 19:9 65:17 typically 27:8 42:9 43:17
---	---	---	---	---

U

ultimately 12:11
15:23
unable 51:19
unaware 10:1
underinsured
69:23

underlying 8:17	101:4,5 111:2,3	wait 62:6 90:23	109:18	94:13,17,19,19
understaffed	usually 22:10	100:13 101:22	ways 14:3,19	95:21 99:13,18
85:19	27:17 43:15	112:17	54:16	114:18 116:8
understand 11:5	95:22 101:12	waiting 113:3	weather 52:21	117:22
13:21 32:9	104:11 111:22	walk 19:10	90:7	witnesses 4:16
34:16 36:15	utilize 21:5	walked 96:21	week 103:12	6:10 47:7,13
56:9 59:21 62:8	utilized 107:18	wall 19:2 45:2	111:8	71:6
80:5 115:2	utilizing 13:24	walls 10:8 39:21	weeks 95:17 99:2	wolves 16:20
understanding		want 3:6 5:13,15	weighing 56:18	woman 99:21
15:4 26:23	V	14:24 16:14	weight 39:18	100:4 112:2
understands	vacant 24:11	23:6 27:9 40:13	43:13	won 112:2,7
54:13	vacants 24:11	43:22 44:3 48:3	Welcome 47:21	wondering 27:23
understood 69:10	valuable 118:6	51:5 54:21 56:3	went 45:8 96:16	29:23
unfortunate	value 69:24 78:22	56:9,14 57:23	115:17	wood 98:8,9
59:24 60:2 83:5	varied 38:23	59:12,16 63:7	we'll 16:3 35:7	word 53:20 69:22
115:18	varies 20:21	64:19 67:21	we're 2:20 12:3	97:5
unfortunately	variety 39:5	72:12,14 73:1	16:2,19 17:1	words 25:22
15:7	various 45:16	73:15 76:3,4	21:24 33:5 40:6	50:21 57:21
Uniform 60:17	varying 18:16	78:15,15,20	50:4,6 56:20	work 11:6 26:18
61:21 62:10,24	40:5	82:3,20 83:12	59:22 60:9,10	30:7,14 44:16
63:7,10,12 64:2	vast 73:6,6 79:15	83:24 86:16	61:4,6,12 67:17	57:17,22 77:8
uniformity 115:3	vehicle 37:17	88:1 91:1,3	70:4 76:13	84:16 112:4
uninsured 68:21	vent 67:15,18,19	93:16 96:2	77:22 82:8,18	114:6 118:11
Union 71:15	verify 58:22	97:15,16 98:11	88:13 89:5	workable 89:18
77:21	version 20:12	102:18 108:19	90:11,22 115:11	worked 98:13
unit 2:19 7:8 21:7	vetting 60:5	109:23 110:1,10	115:22	worker 99:8
units 2:14 7:4	VICE 1:11	112:19,19 113:2	we've 3:12 5:21	102:19,22
17:22 19:8	video 4:17,20,24	113:2,20 118:5	11:9 21:12 24:8	working 12:6
21:16,17,18	5:2,17,19	wanted 17:17	52:22	16:4 26:8 53:1
24:21 41:17	vigilant 3:2 11:17	40:9 46:23	wheel 96:13	60:16 118:20
49:13,14 51:14	13:10	56:12 81:14	white 101:13,19	world 74:14
51:15 69:14	violation 102:9,10	wanting 55:11	101:20 106:11	worried 81:8
University 110:5	103:5,8,14	wants 67:8 78:24	whoa 32:10	111:15
111:12	104:23 109:9	83:22 102:23	wholeheartedly	worst 19:16,17,21
unobstructed	violations 22:20	warrants 68:9	64:5	worth 45:9 78:23
52:24	102:7 117:11	wash 113:4	wide 39:5	worthwhile 82:2
unsafe 28:14,15	Virginia 111:9	wasn't 43:2 112:3	widest 92:8	wouldn't 20:3
83:22	virtually 10:6	watch 116:20	WILLIAM 1:12	54:5 78:20
unscrupulous	visible 8:17	watching 114:15	wind 11:6 81:9	wrist 93:15
90:9	visiting 116:3	water 105:12	113:19	write 45:13 104:3
untrained 33:4	visitors 9:3	way 4:21 5:10	window 10:21	writes 104:21
upkeep 27:6	visual 8:17 26:6	10:16 11:6 30:8	19:3,7 39:1	written 9:15 41:1
42:22	26:15 39:20	31:12 42:9	101:2 104:1	wrong 25:3,20
use 10:15,16,20	45:6,11,14,14	61:23 65:2 70:7	wish 52:4 68:12	27:5 35:8 66:16
10:21 23:1 40:4	volume 4:20,22	79:5 80:24	withheld 80:22	86:8,10
44:4 62:18	voted 8:5	85:18 102:16	witness 47:17	wrote 102:7
89:14 100:24		106:22 108:13	50:19 71:9,11	
	W			

X	66:4,10 69:18	49:5 60:17 61:7	65,000 24:9
x-ray 45:2	70:10,21 71:3	61:10,14,19	66,000 21:11 24:6
	72:2,13 79:4	63:20 97:18	66,833 18:1
Y		106:19,22	
yeah 72:5 87:17	\$	2013 98:24 107:14	7
year 21:6,7 24:7,9	\$10 50:6	2014 1:8 2:22	7 59:3 101:20
24:16 55:18	\$100,000 45:9	49:21 60:7	70 86:20,20 87:11
56:21 57:15	\$15,000 103:3	2015 60:19 61:21	73 100:6
60:19 71:21	\$4 50:5	61:21,24 62:6	75 102:6,8,12
77:24 95:14		62:10,12,24	103:15 111:16
97:19 98:24	1	63:10,11 64:2	
100:9,11,21	1:31 119:4	22nd 2:22 3:1	8
102:6 105:21	10 39:23 78:22	9:20	8 31:24
106:19 113:3,14	101:20	25 105:20 106:2,4	8,000 3:20
years 5:10 10:12	10,000 3:23 31:24	112:7	80s 19:1
12:16 21:4	100 43:18 53:17	281,000 17:22	80,000 17:22,23
26:12 34:3,7,11	54:5 86:16,20		
34:12 35:7 36:4	105:11	3	9
36:4,5 39:10,11	100-question	3 83:5,6,6,8,8	90 39:22 58:23
39:17 43:11	110:14	105:12	92.5 58:24
49:3,4,6,9 50:4	11 1:8 10:13	3-1-1 33:14	95 73:6 83:11
50:10 54:11	11:15 1:8	30 109:12	97 83:11
56:19,20,24	12 49:21	30s 19:24	
57:1,6,8,12,15	140034 1:17 2:6	3000 105:12	
65:10,23 75:5	7:1 118:4		
76:12 89:3	15 60:23 103:8	4	
90:18,18,18	105:20 106:2	4 110:7,10 114:3	
96:19 97:9,22	15-plus 110:5	40 10:12 116:18	
98:4 102:7,8,12	175 110:5	400 1:7 21:6,12	
103:14,15	1910.37 107:11	405 21:7,10	
105:21 106:2,4	1973 99:21 108:8	4604.17.5 107:1	
106:12 110:5,13	1980s 8:3		
111:16 112:7	2	5	
yellow 101:11	2 105:12	5 78:22 83:5	
York 85:21 86:13	2nd 40:15	103:8 105:21	
112:1 115:13	2,300 86:13	5,000 105:13	
Young-Gertz	20 43:10	50 5:9 97:9 102:6	
71:17,18,24	20th 7:11	102:8,12 103:14	
72:5 77:3 87:16	200 50:2 65:10	103:15 111:16	
91:19 94:10	2000 108:8	116:18	
YouTube 98:18	2003 108:9	50-plus 98:19	
116:22	2004 8:4 40:20	500 50:2 65:10	
	41:2,19 43:1	578,000 85:22	
Z	2009 48:21 60:16	86:14	
Zaslow 47:15	60:22 61:8,20		
51:8,11 59:13	62:3	6	
64:12,17 65:16	2012 4:4 48:20	60 26:11 38:5,6	
		600 21:14	