

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON LICENSES AND INSPECTIONS

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5 Room 400, City Hall

Philadelphia, Pennsylvania

6 Wednesday, December 8, 2010, 3:05 p.m.

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9 BILL 100749] - An ordinance amending Title 4
of the Philadelphia Code, entitled "The
10 Philadelphia Building Construction and
Occupancy Code," by amending Subcode "A" (The
11 Philadelphia Administrative Code) and Subcode
"PM" (The Philadelphia Property Maintenance
12 Code), to require that the owners of
residential properties that are vacant
13 following foreclosure register, inspect, and
maintain such properties, and to provide for
14 enforcement and penalties for failure to do
so, all under certain terms and conditions

15
16 COMMITTEE MEMBERS PRESENT:

17 Maria D. Quiñones-Sanchez, Chair

Blondell Reynolds Brown

18 Bill Green

William K. Greenlee

19 Donna Reed Miller

Anna C. Verna

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2 COUNCILWOMAN SANCHEZ: Thank
3 you. The Committee on Licenses and
4 Inspections will begin its public hearing
5 with a quorum being established President
6 Verna, Councilman Bill Greenlee,
7 Councilwoman Blondell Reynolds-Brown, and
8 myself.

9 We will start with comments
10 from the sponsor of the bill.

11 Oh, can you read the title of
12 the bill. I'm sorry.

13 THE CLERK: Bill No. 100749, an
14 ordinance amending Title 4 of the
15 Philadelphia Code, entitled "The
16 Philadelphia Building Construction and
17 Occupancy Code," by amending Subcode "A"
18 (The Philadelphia Administrative Code)
19 and SubCode "PM" (The Philadelphia
20 Property Maintenance Code), to require
21 that the owners of residential properties
22 that are vacant following foreclosure
23 register, inspect, and maintain such
24 properties, and to provide for
25 enforcement and penalties for failure to

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2 do so, all under certain terms and
3 conditions.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 The Chair recognizes Councilman
7 Bill Greenlee.

8 COUNCILMAN GREENLEE: Thank
9 you, Madam Chair.

10 I think a lot of us know that
11 the collapse of the housing market has
12 led to an increase in the number of
13 foreclosed properties in the City, and
14 it's not unusual for these homes to sit
15 vacant and unmaintained for many months.

16 And as a result, these
17 properties have a negative impact on the
18 surrounding neighborhood and really on
19 the City as a whole. And they
20 destabilize neighborhoods leading, to
21 blight, and reduce property values for
22 the entire neighborhood.

23 What this bill does is try to
24 put certain enforcements in that will
25 push the owners of these properties to

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2 maintain them in a proper manner. And
3 this bill is -- such a bill has already
4 been passed and is in operation in
5 Chicago; Milwaukee; Washington, D.C.;,
6 Wilmington, Delaware; and a number of
7 other cities.

8 And what it basically does is,
9 they have to inspect the property within
10 15 days. They have to designate a
11 property manager if they are not within
12 the City of Philadelphia -- if the owner
13 is not within the City of Philadelphia.
14 And they have to post the property to
15 make sure that people know who is the
16 responsible property owner, among some
17 other regulations.

18 The Administration is in
19 support of it and, as you will hear. And
20 there's a number of communities that have
21 come out in support of it.

22 So I appreciate the committee's
23 support on this measure.

24 Thank you, Madam Chair.

25 COUNCILWOMAN SANCHEZ: Thank

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2 you, Councilman Greenlee.

3 We will get right to the
4 testimony, beginning with the testimony
5 of Department of Licenses and
6 Inspections, if Otis Haigler will come to
7 the witness table.

8 Then we have Mr. Craig
9 Anderson, Sharon Lozier, and Lorraine
10 Brill.

11 As Mr. Haigler comes up to the
12 witness table, there is written testimony
13 by Mr. William Dolbow from the Lawncrest
14 Community Association that will be given
15 to the stenographer and added for the
16 record. Did you want it read in?

17 COUNCILMAN GREENLEE: No,
18 that's fine, that's fine. Thank you.

19 COUNCILWOMAN SANCHEZ: Thank
20 you.

21 (Witness comes forward.)

22 COUNCILWOMAN SANCHEZ: You can
23 begin, Mr. Haigler.

24 MR. HAIGLER: Thank you.

25 Good afternoon, Chairwoman

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2 Sanchez and members of the committee. I
3 am Otis Haigler, Jr., Director of
4 Legislative Affairs for the Department of
5 Licenses and Inspections.

6 Today I'm here to provide
7 testimony on Bill 100749, which, if
8 enacted, will amend sections of the
9 Administrative and Property Maintenance
10 Codes in order to regulate foreclosed
11 vacant properties by requiring the
12 lenders of such properties to inspect
13 them on a regular basis in order to
14 ensure that they are properly maintained.

15 In addition, lenders will be
16 required to designate a local property
17 manager for such properties and provide
18 information regarding same to the
19 Department, as well as post this
20 information on their foreclosed vacant
21 properties.

22 Finally, Bill 100749 provides
23 for the issuance of a \$300 code violation
24 notice, a CVN, or ticket to the lenders
25 who fail to comply with the provisions of

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2 this bill.

3 The Department of Licenses and
4 Inspections has no objection to the
5 enactment of this bill. As a matter of
6 public policy, the Administration shares
7 Council's concerns with regard to
8 ensuring that all properties are
9 maintained in compliance with the
10 Philadelphia Code.

11 When such is not the case, it
12 is beneficial to have proper contact
13 information on file and to hold owners
14 accountable in order to respond to the
15 public's concerns in a timely manner so
16 that they do not negatively impact those
17 around the community.

18 Thank you for the opportunity
19 to provide the Department's testimony,
20 and I'll be happy to answer any
21 questions.

22 And also I understand that
23 there's going to be an amendment to
24 extend the implementation date of the
25 bill, and we are in agreement with the

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2 amendment. And we thank Councilman
3 Greenlee for his assistance.

4 COUNCILWOMAN SANCHEZ: The
5 Chair recognizes Councilman Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Madam Chair. And thank you,
8 Mr. Haigler and members of the
9 Administration.

10 We've worked together on this
11 for a while and played with some wording.
12 In fact, we actually have one bill
13 introduced that turned out wasn't exactly
14 what we need, so we had to reintroduce
15 another bill.

16 And as Mr. Haigler said, after
17 consideration, we realized that it has to
18 give some notice to implement, so we're
19 going to have a 90-day enforcement --

20 MR. HAIGLER: An implementation
21 period.

22 COUNCILMAN GREENLEE: -- on
23 this bill. And I'll introduce that
24 amendment at the meeting.

25 Thank you, Madam Chair.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 Just for the record, how much
5 does it cost the City of Philadelphia to
6 clean and seal a property?

7 MR. HAIGLER: I really don't
8 know the answer to that off the top of my
9 head. I know it's a considerable amount;
10 I just don't have that answer off the top
11 of my head.

12 COUNCILWOMAN SANCHEZ: It would
13 be important for the record. It's about
14 a thousand dollars, assuming your
15 traditional clean-and-seal. It goes up
16 to \$1500, depending. But for the most
17 part, the average clean-and-seal -- I
18 only make note of that because the fine
19 is still low in comparison to what it
20 would cost us if we would have to
21 remediate the situation if banks do not
22 comply.

23 MR. HAIGLER: Well, that's just
24 the ticket amount. The code enforcement
25 amount could be considerably higher.

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2 COUNCILWOMAN SANCHEZ: Mm-hmm.

3 MR. HAIGLER: If this matter
4 were to go to court, the court could
5 impose a fine of up to \$2,000.

6 COUNCILWOMAN SANCHEZ: Okay.
7 Thank you. That's important for --

8 MR. HAIGLER: This is
9 considered a Class 3 offense.

10 COUNCILWOMAN SANCHEZ: Okay.
11 Thank you, Mr. Haigler.

12 Any questions?

13 (No questions.)

14 COUNCILWOMAN SANCHEZ: Thank
15 you very much for your help.

16 MR. HAIGLER: Thank you.

17 COUNCILWOMAN SANCHEZ: Next is
18 mr. Craig Anderson.

19 (Witness comes forward.)

20 COUNCILWOMAN SANCHEZ: I will
21 note for the record that Councilwoman
22 Donna Reed Miller is joining us.

23 Introduce yourself for the
24 record and proceed.

25 MR. ANDERSON: Yes. My name is

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2 Craig Anderson. I'm a committeeperson in
3 the 17th Ward, 14th Division.

4 Sitting next to me is Mr. Earl
5 Smith, a neighbor of the community.

6 And I'm down here to -- in
7 support of the bill. We have numerous
8 properties in our neighborhood that are
9 abandoned, and we need L&I and the code
10 enforcement up in the neighborhoods to
11 clean up these properties and sealing up
12 abandoned apartment buildings that they
13 have just left vacant. And we have to go
14 through the neighborhood and clean these
15 properties up numerous times.

16 And we need your support in
17 passing this bill.

18 COUNCILWOMAN SANCHEZ: Thank
19 you so much for the work that you do in
20 the community and coming forward and
21 helping us with this issue.

22 Does that complete your
23 testimony that you...

24 MR. SMITH: Yes. Good
25 afternoon. My name is Earl Smith. I

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2 live at 6000 North 16th Street, and
3 there's a vacant home right next door to
4 me, at 1602, that's been empty for about
5 a year-and-a-half now. And it seems like
6 that there was a accident, a automobile
7 accident. Somebody ran in the back of
8 the garage of the house, and the
9 structure has been compromised.

10 And L&I has been out there to
11 board it up, but the structure itself is
12 in imminent danger of possibly
13 collapsing. And it's right next to my
14 home. And I think something needs to be
15 done about it by the owner; he hasn't
16 done anything since the accident has
17 occurred.

18 So that's why I'm here to
19 support this bill also.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, Mr. Smith.

22 Any questions of our witnesses?

23 (No questions.)

24 COUNCILWOMAN SANCHEZ: Thank
25 you so much for coming down and

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2 testifying this afternoon.

3 Sharon Lozier, Ward Leader of
4 the 61st ward and former colleague.

5 (Witness comes forward.),

6 MS. LOZIER: Good afternoon.

7 COUNCILWOMAN SANCHEZ: I want
8 to say congratulations officially.
9 Congratulations on being a ward leader.

10 MS. LOZIER: Oh, thank you,
11 thank you.

12 Again, just by way of
13 introducing myself, I'm Sharon Williams
14 Lozier. I'm the Democratic Ward Leader
15 of the 61st Ward, which encompasses East
16 Oak Lane, Melrose Garden, and the Olney
17 section of Philadelphia. I'm also a
18 board member of the 35th District PDAQ,
19 so I'm familiar with some of the -- those
20 concerns as well.

21 I'm the past president and
22 current board member of the East Oak Lane
23 Community Association, and I also had the
24 opportunity to live across the street
25 from a house that was foreclosed on. And

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2 consequently -- it was a large home, it
3 had a lot of ground around it. And, you
4 know, the grass would always just grow,
5 abandoned. We tried to deal with the
6 Realtor with respect to that situation,
7 and they would be periodically concerned
8 about the state of the house, probably
9 more when they were about to sell it.

10 But that particular house was
11 involved in -- you know, the foreclosure
12 took longer. So the bank really
13 possessed, and the Realtors weren't
14 really sure if they would ever really be
15 in a position to sell the property. So
16 consequently, that even lessened their
17 concern about that particular property.

18 And, of course, the neighbors
19 had to take on mowing the lawn, you know,
20 the general trying to keep an eye on it.
21 You know, one time, I noticed some animal
22 had gotten inside of the house, and the
23 neighbors had to, you know, develop some
24 kind of method to deal with that.

25 And we just never felt as

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2 though we had anyone that we could turn
3 to in that situation. We knew probably
4 we could call L&I, and it would be
5 violations written up and that kind of
6 thing. But, you know, we all know,
7 especially in light of the current fiscal
8 crisis with the City, that L&I's ability
9 to address vacant houses is very limited.

10 COUNCILWOMAN SANCHEZ: Mm-hmm.

11 MS. LOZIER: Again, I represent
12 an area of Olney, which is a largely
13 working-class area, which is also largely
14 affected by foreclosures. And my
15 constituents also develop a great deal of
16 concern when there's abandoned properties
17 'cause that's what it ends up being,
18 almost like an abandoned property, which
19 at some times there's even been animals
20 left in these properties.

21 So, I mean, I know this
22 particular bill doesn't address that, but
23 it just kind of illustrates the kind of
24 desperate situation that the people are
25 in when they move out and their inability

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to really continue to maintain their property.

I think I'm absolutely in support of this legislation. Even my experience working in Council, sometimes trying to find who the owners of a particular properties are, or if you could find the owners, to make them responsible for a particular piece of prompt.

And to require a bank to have a property manager who will be directly responsible for the property will go a long way in alleviating a lot of these problems.

And not even to mention the crime aspect of an abandoned property. In fact, one of my committeepeople lived on a block where kids would use an abandoned property during the day and play hooky from school and just be in this property, doing things that I'm sure they wouldn't get away with in their own homes.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 Any questions for this witness?

5 (No questions.)

6 COUNCILWOMAN SANCHEZ: We thank
7 you so much for the work that you did. I
8 know that you worked hard on public-
9 nuisance issues in Council, and we
10 appreciate those years of service and
11 that experience that you shared with us.
12 So thank you so much.

13 MS. LOZIER: Thank you.

14 COUNCILWOMAN SANCHEZ: Our last
15 witness, unless there's someone else
16 here, is Miss Lorraine Brill from Upper
17 Northwood Community Council.

18 (Witness comes forward.)

19 MS. BRILL: I did turn in a
20 copy, but I've added a few little
21 additions so if you'll just bear with me.

22 COUNCILWOMAN SANCHEZ: Not a
23 problem. Thank you so much for coming
24 this afternoon.

25 MS. BRILL: Okay. I'm Lorraine

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2 Brill, President of Upper Northwood
3 Community Council. Our boundaries
4 include the 53rd and the 54th Wards
5 encompassing City Council Districts 6th,
6 7th, 9th and 10th. The 54th Ward is
7 completely within the 6th District, and
8 the 53rd ward is split between the 7th,
9 9th and the 10th.

10 The three districts -- 6, 7,
11 and 10 -- are also served by the CLIP
12 Program. And I'm not sure if District 9
13 is or not; I know they have helped us out
14 in the past, but I'm not quite sure on
15 that.

16 COUNCILWOMAN SANCHEZ: Yeah,
17 they are. CLIP is now citywide.

18 MS. BRILL: Okay.

19 COUNCILWOMAN SANCHEZ: Although
20 at a smaller scale.

21 MS. BRILL: Right. Upper
22 Northwood Community Council is very
23 concerned about properties that are in
24 danger of deteriorating such as vacant
25 properties, buildings, et cetera. Bill

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2 100749 would definitely help solve some
3 of these problems; and, therefore, we
4 support the passage of the bill, as
5 amended.

6 We also recommend that any
7 penalty should be high enough so that the
8 responsible party will avoid violations.

9 And that's about it.

10 COUNCILWOMAN SANCHEZ: Thank
11 you so much.

12 I know that you worked very
13 actively and very diligent in ensuring
14 that we can maintain the quality of life
15 in your area, and we appreciate your
16 service and thank you for coming down and
17 testifying. I know that this -- vacant
18 properties has been of great concern in
19 the lower Northeast, especially with the
20 foreclosures.

21 So thank you very much.

22 MS. BRILL: Thank you.

23 COUNCILWOMAN SANCHEZ: Anyone
24 else here to testify on this bill?

25 (No response.)

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2 COUNCILWOMAN SANCHEZ: Seeing
3 none, the Committee on L&I will go from
4 our public hearing to our public meeting,
5 and I am going to ask Councilman Greenlee
6 for a motion on the amendment to Bill
7 100749.

8 COUNCILMAN GREENLEE: Thank
9 you, Madam Chair.

10 I move the adoption of the
11 amendment to Bill 100749.

12 (Motion duly seconded.)

13 COUNCILWOMAN SANCHEZ: All in
14 favor?

15 Any oppositions?

16 Bill 100749 has been amended.

17 I will recognize Councilman
18 Greenlee for a motion on the bill, as
19 amended.

20 COUNCILMAN GREENLEE: Thank
21 you, Madam Chair.

22 I move that Bill No. 100749, as
23 amended, be reported out of this
24 committee with a favorable recommendation
25 and that the rules of Council be

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suspended to allow for first reading at
our next session of Council.

(Motion duly seconded.)

COUNCILWOMAN SANCHEZ: All in
favor?

Any oppositions?

Thank you.

Let the record reflect that
Councilman Bill Greenlee is with the
committee and has casted his vote.

COUNCILMAN GREEN: Green.

COUNCILWOMAN SANCHEZ: Green,
I'm sorry. You guys confuse me over
here.

That concludes -- so Bill
100749 has been moved out of committee
with a favorable recommendation and with
the rules to be suspended to allow for
first hearing at our next session.

That concludes our public
meeting for today. Thank you all for
coming out on this nippy day. We
appreciate it.

(Proceedings end at 3:21 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Licenses and Inspections
are contained fully and accurately in the
stenographic notes taken by me on Wednesday,
December 8, 2010, and that this is a true and
correct statement of same.

JOSEPHINE CARDILLO

Registered Professional Reporter

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