COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT

Remote location using Microsoft® Teams
Tuesday, November 10, 2020
9:30 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILMAN ALLAN DOMB, VICE-CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN DEREK S. GREEN
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH

BILLS: 200353, 200382, 200544, 200574

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COUNCILMAN SQUILLA: I understand that the state law currently requires that the following announcement be made at the beginning of every remote public hearing as follows: Due to the current public health emergency, the City Council Committees are currently meeting remotely. We are using Microsoft Teams to make remote hearings possible.

Instructions for how the public may view and offer public testimony at public hearings of Council Committees are included in the public hearing notices that are published in the Daily News, Inquirer, Legal Intelligencer prior to the hearing and can also be found on phlcouncil.com. Before we get started, I would like everybody to please mute your phones. Now, the hour has come.

Mr. McMonagle, will you please call the roll to take action that Members that are in attendance and will

please indicate that you are present when your name is called. Also, please say a few brief words when responding so that your image will be displayed on the screen.

Mr. McMonagle.

THE CLERK: Councilwoman Brooks.

COUNCILWOMAN BROOKS: Good morning. Good morning, Councilmembers.

THE CLERK: Councilman Domb.

COUNCILMAN DOMB: Good morning, Chairman Squilla and colleagues and the public and Sean.

THE CLERK: Councilwoman Gauthier.

COUNCILWOMAN GAUTHIER: Good morning, Mr. Chair. Good morning, colleagues. Happy to be here today.

THE CLERK: Councilwoman Gilmore Richardson.

COUNCILWOMAN GILMORE RICHARDSON: Good morning, Mr. Chair. Good morning, colleagues.

THE CLERK: Councilman Green.

Councilman Johnson.

Councilman Jones.

COUNCILMAN JONES: Good morning, Mr. Chairman. Good morning, colleagues. Good morning, viewing public.

THE CLERK: Councilman Oh.

COUNCILMAN OH: Good morning, Chairman. Good morning, colleagues.

THE CLERK: And, Councilman Squilla.

COUNCILMAN SQUILLA: Good morning and present. Thank you, Mr. McMonagle. A quorum of the Committee is present and the hearing is now called to order.

This is a public hearing on the Committee of Commerce and Economic Development regarding Bill Nos. 200574, 200544 and 200353. For the record, Bill No. 200382 is being held at the request of the sponsor and will not be heard at today's hearing.

Mr. McMonagle, will you please read the titles of the bills.

THE CLERK: Good morning. Bill No. 200574, amending Title 9 of the Philadelphia Code to address matters related to commercial leases and provide eviction and financial relief to restaurant businesses that operate on lease premises, all under certain terms and conditions.

And Bill No. 200544, amending Title 9 of the Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter, entitled "Residential Property Wholesalers," to regulate the solicitation of purchase of real property and require certain disclosures by property purchases to homeowners, and amending Chapter 9-1100 of the Philadelphia Code, entitled "Fair Practice Ordinance: Protections Against Unlawful Discrimination," to provide protection to homeowners from solicitation and related problems, all under certain terms and conditions.

And Bill No. 200353, amending

Section 17-109 of the Philadelphia Code, entitled "Local Bidding Preferences," to amend reporting requirements to require that the establishment of local business usage goals and reporting on reaching such goals as a way to assist community businesses recover from the COVID-19 pandemic, all under certain terms and conditions.

COUNCILMAN DOMB: Mark.

COUNCILMAN SQUILLA: Thank you. Sorry about that guys.

Before we begin to hear testimony from the witnesses we have for today, everyone who has been invited to the meeting to testify should be aware that the public hearing is being recorded. Because the hearing is public, participants and viewers have no reasonable expectation of privacy. By continuing to be in the meeting, you are consenting to being recorded.

Additionally, prior to recognizing Members for questions or comments they have for witnesses, I will

note that for the record at this time we will use the chat feature available in Microsoft Teams to allow Members to signify that they wish to be recognized in order to comply with the Sunshine Act. The chat feature must only be used for this purpose.

Mr. McMonagle, will you please call the first panel of witnesses to testify. After you call them, if there's any participants who would like to make a comment.

THE CLERK: Bill No. 200574. Can we please have Melissa Bova.

MS. BOVA: Good morning. Can you hear me? All right. Good morning, Councilmembers --

COUNCILMAN SQUILLA: Yes, we hear you. Just for the record, Councilmember Thomas is also present. Thank you.

Go ahead, Melissa. If you want to state your name for the record and proceed with your testimony.

MS. BOVA: Thank you. My name

is Melissa Bova. I am Vice-president of Government Affairs at the Pennsylvania Restaurant & Lodging Association. Councilman Squilla and members of the Commerce and Economic Development Committee, thank you for allowing me to testify today in support of Bill No. 200574 and an amendment that is expected to be considered in Committee. I would like to thank Councilman Henon for sponsoring this legislation.

As you know, seven months into the COVID crisis, the restaurant industry continues to struggle with more and more businesses closing permanently every day. 66 percent of the industry doesn't expect to be open in six months without financial assistance. And for those who make it six more months, 78 percent don't expect their sales to be back (inaudible).

Our industry did the right thing from the beginning. We closed our doors for inhouse dining and struggled to what would have been one of our most

prosperous seasons that we have ever had. In the beginning many, not all, landlords gave businesses a reprieve on rent. Following that as businesses received PPP funds, they were able to make a small dent in the rent they owed. Unfortunately, the PPP funds dried up months ago and the restaurant industry continues to struggle.

Bill No. 200574 is designed not to absolve restaurants of their rent payments, but to give them the opportunity to get through the crisis and pay back rent as soon as they are able with a cap that they must be paid within one year as the emergency declaration concludes. Further, the bill ensures that late fees and penalties will be assessed on those who are making late payments. An ability to catch up means nothing if the fees and penalties are so high and the restaurant can't dig out of that hole.

Finally, the bill specializes that only restaurants that have lost

more than 50 percent of their revenue because of the COVID crisis will be eligible for this protection. We're not looking for blanket assistance for the industry. While most are struggling, not everyone is and this bill specifies that those who have been impacted the most should benefit from this protection.

Restaurants want to come out of this crisis. They are doing the best they can to be creative and mobile while protecting gaps and their employees. But we would be naive not to recognize that the hardship is not over. This legislation goes a long way in ensuring that those restaurants that have commercial leases have the ability to pay back their rent and not be evicted while they try to do so. Thank you for allowing me to testify today and I'm happy to answer any questions.

COUNCILMAN SQUILLA: Thank you, Melissa, for your testimony.

Are there any questions or

comments from members of the Committee?

(No response.)

COUNCILMAN SQUILLA: Seeing none, Mr. McMonagle, will you please read the next panel of witnesses to testify.

THE CLERK: Donald Nogowski. Is he on?

COUNCILMAN SQUILLA: Don, I think you're muted.

MR. NOGOWSKI: Can --

COUNCILMAN SQUILLA: There you go.

MR. NOGOWSKI: There we go. Good morning, everyone.

COUNCILMAN SQUILLA: Good morning. Just state your name for the record and proceed with your testimony.

MR. NOGOWSKI: Certainly. My name is --

COUNCILMAN SQUILLA: Before you start, I'm sorry. I just recognize that Councilmember Green is present for the hearing for the record. Thank you.

Go ahead. Please just state

your name again for the record and then begin with your testimony.

MR. NOGOWSKI: Thank you. Again, my name is Donald Nogowski and I'm CFO and general counsel of the Marquis Restaurant Group, which includes HipCityVeg, fast casual restaurants and a couple of full-service restaurants, Bar Bombon and Charlie was a sinner. I'm very familiar with the financial devastation that COVID has enacted upon our industry.

Fortunately, HipCityVeg as a fast casual has been able to rely on delivery and take-out to a greater extent, and Bar Bombon and Charlie have benefited from outdoor dining. However, the great majority of restaurants in Philadelphia have not been able to fare as well. Many are operating at well below 50 percent. I'm hearing 25 percent a lot of times.

While we are all still struggling with the fact that there is far reduced traffic in the City, far

reduced foot traffic, and it's not likely that's going to change any time between now and the spring anyway, we have to recognize that keeping our infrastructure of restaurants alive through this pandemic is essential.

In the short-term, restaurants employ in the City thousands of people and most of them right now are unable to pay full rent. And if those restaurants do close or they're evicted, all those people will be out of work, which means the following month they won't be able to pay their residential rent as well and they won't be able to feed their families.

Restaurants pay out at least 90, if not 100 percent of every dollar they take in, in salaries, food and rent. It's well-documented. We have to be able to keep these businesses alive and force off foreclosures throughout the winter. Long term, it's also beneficial to the City because one day the sun will rise.

This pandemic will end, maybe not this year, maybe next summer. But whenever it ends, we're going to want to have a vibrant restaurant industry. A vibrant restaurant industry is part of Philadelphia's identity and without having that, if all these restaurants are evicted and closed, in the nearer term we're destroying infrastructure. These places will not be there to reopen at the end of the pandemic. So it's an essential public function to try to preserve this infrastructure, keep these businesses alive until this pandemic abates a bit so that some level of normalcy can occur.

Now, it doesn't mean I'm unsympathetic to landlords. And along with my work with HipCity, I'm a practicing attorney with the law firm of Earp Cohn, P.C. in Philadelphia and I represent landlords. I know that they're struggling as well. Their tenants aren't paying them. Their mortgage companies don't want to hear

excuses either.

By City Council taking this action, this will give landlords by having a Council bill to point to the ability to negotiate in good faith and better with their mortgage holders and say, listen, my tenant is doing the best they can, they're only paying perhaps taxes and operating expenses, they can't pay anything else right now, I'm not permitted to evict them under law, so give me some help with the mortgage company.

Again, after we get through this, this short-term eviction hiatus so to speak, is essential. But after we get through that, we might want to look at what D.C. has done. They have an interesting approach where while they forced off both residential and commercial evictions both related to COVID, they also mandated that lenders and landlords and tenants engage in good faith negotiations to come up with solutions long-term. That's resulted in

a lot of deals down in D.C. where rent was abated for 12 months, 18 months, perhaps taxes and insurance are paid for a period of time during that period so landlords can at least cover their expenses, and then the rent that's deferred is then paid out over the next several years. So there are some solutions. There is no perfect solution.

Again, longer term we're going to be back asking Council to consider making street closures permanent and expanding them. They have been a lifeline to many restaurants and permitting a lot more restaurants to pay rent and avoid eviction by doing so. With that, I thank you for the time to speak with you and I do ask that you support this bill to forestall evictions of restaurants.

COUNCILMAN SQUILLA: Thank you, Don. And I know a couple of Members have some questions.

Real quick on the D.C. model,

is it a requirement they have negotiations or is it just a good faith effort from the landlords and tenants to work together to come up with a plan?

MR. NOGOWSKI: In the event that a tenant doesn't believe that the landlord negotiated in good faith, there is a grievance procedure to follow with the City and there was a body that will determine whether the landlord negotiated in good faith. So this is a little bit of a hammer that causes both sides to be reasonable.

COUNCILMAN SQUILLA: All right. So it works like through Commerce or some other governmental agency to oversee it?

MR. NOGOWSKI: Yes.

COUNCILMAN SQUILLA: All right. Councilmember Jones, I see that you have a question. Councilmember Jones is -- oh, there he is.

COUNCILMAN JONES: I'm here. Sorry.

COUNCILMAN SQUILLA: That's

okay.

COUNCILMAN JONES: All right. Very quickly, a lot of the -- most recently, there have been mandates that say what the type of internal operations of a restaurant can be if they are using enclosures 6 feet apart. These types of improvements along with the outdoor purchasing tables, the outdoor purchasing of heat lamps, how are these investments being treated by way of the City? Are we considering those kinds of investments in a tax deferral way?

MR. NOGOWSKI: I'm not aware of any proposal to do that. We certainly are using and restaurants need to continue to use plexiglass dividers, outdoor enclosures, heaters, all of which cost tens of thousands of dollars and presents significant logistics, especially for example at our locations where street closures are only three days a week or four days. We have to break down and set up and there's no ability to create anything permanent.

Again, using D.C. as a model, D.C. has enacted $10,000 grant programs for restaurants to help cover investments in things like heat lamps and enclosures and plexiglass. Anyone who has an outdoor seating permit in D.C. is eligible to apply for that and many of our restaurant brothers and sisters have applied for it and it's been very helpful to them.

COUNCILMAN JONES: So, Mr. Chairman, I don't know if the City of Philadelphia's Licenses and Inspections Department or the Commerce Department is keeping track of temporary street closures and their impact on traffic patterns, bus routes, whatever, but if we can get that kind of data given to you, we can make better decisions about the permanency of street closures and be able to give some predictability to some of the restaurants, because I toured Main Street in my District and I would imagine it might be the same for

Passyunk in yours, that some of them are doing better than Center City restaurants because of their circumstances.

And if that is true, that a Main Street or a Passyunk Avenue might be a prototype that allows us to make better decisions long-term about these closures and give the restaurants predictability about revenue; if I'm open today, I have to close it tomorrow due to weather or restrictions by the City of Philadelphia, new red zone, green zone determinations, it's kind of hard to plan your financial future and more or less investments to create plastic enclosures. So if we can get some data that can give us better information about the impacts of these closures, I think we can make better decisions, Mr. Chairman.

COUNCILMAN SQUILLA: Thank you. Thank you, Councilmember Jones. And I know Sylvie from Commerce has given written testimony, but they are working

on some programs.

And if you look at New York, New York has done sort of an outreach to see how they can do sort of permanent outdoor dining options out there. They did a pretty neat plan where they put out for a bid and ideas of what would work and what wouldn't work. So I think all these things are something we should look at as a City. Philadelphia is unique, but I mean if something is working somewhere else, why reinvent the wheel and let's copy those good ideas and also let's make it into a Philadelphia feel.

So I think these are all great opportunities and looking forward to working with Commerce, L&I, Health Department and everybody with the restaurant industry to come up with ways to make sure we adapt to these changing times, so thank you very much.

I know Councilmember Gauthier --

COUNCILMAN JONES:

Mr. Chairman.

COUNCILMAN SQUILLA: Yes.

COUNCILMAN JONES: One other thought, that if we have PPA, Parking Authority lots on different corridors that could be converted temporarily into outdoor dining areas in the spring or City-owned lots, land lots that can be improved to give commercial corridor outdoor seating options, we should have them give us an inventory of those things as well.

MR. NOGOWSKI: Councilman, that's a very good point and that's exactly what we did down in D.C. as well. I worked with the D.C. Department of Transportation, who had proposed certain changes to traffic patterns and establishing seating area for restaurants in a City-owned parking garage, for example. So there's a lot of creativity.

Let's face it, traffic in the City is down, car traffic, parking demand is down. No one knows exactly

when that's going to change. But we do have assets in the City we can use. And I'm sure working with the traffic folks, we can find ways to route traffic around the kind of streets you've described, Councilman, to permit a more permanent restaurant approach that maintains social distancing and safety and permit restaurants to invest tens of thousands to have structures, tents and heaters and things like that. So the industry would love to work with Council and look at what they've done in other cities to come up with something that works.

COUNCILMAN JONES: Thank you, Mr. Chairman.

COUNCILMAN SQUILLA: Thank you, Councilmember.

Councilmember Gauthier.

COUNCILWOMAN GAUTHIER: Thank you, Mr. Chair.

This question is for whomever on the panel can answer it. I wanted to get a sense of how many restaurants we would be helping with the bill. Does

anyone know how many restaurants in the City would fall into this category of having lost 50 percent of revenue and less than 100 employees?

MS. BOVA: I can answer that question, Councilwoman. We don't have specific data. I can tell you that the vast majority are going to be your full-service restaurants that are going to be eligible for this and they have commercial leases. Nobody owns their own buildings in Philadelphia --

COUNCILMAN SQUILLA: Melissa, just state your name again as you answer. I'm sorry.

MS. BOVA: Melissa Bova, Pennsylvania Restaurant & Lodging Association. So you're really looking at your full-service restaurants that are going to be most impacted. Your fast-food, all of them wouldn't be eligible. They haven't seen the revenue attacked. So that's really what we're looking at in terms of assistance with this piece of legislation.

MR. NOGOWSKI: I would suggest the number is at least 75 percent of full-service restaurants in Philadelphia from my own discussions with fellow restaurateurs.

COUNCILMAN SQUILLA: We could also ask Commerce for that I'm sure as we go through, and maybe Commerce could be able to provide a synopsis of that and get that data to the Committee so that we can share it. Thank you.

MS. YIN: Can I jump in here? Sorry. Ellen Yin, owner of High Street Hospitality Group. We operate five restaurants, Fork, High Street, High Street Provisions in Franklin Court in West Philadelphia, a.kitchen and a.bar in Rittenhouse Square.

And I would fully agree with what Don and Melissa just said, that the majority of full-service restaurants are the ones that are the most heavily hit. And first, thank you so much for allowing me to testify in support of this bill. But we all in the industry

appreciate all the efforts that City Council and the City of Philadelphia have made for the Philadelphia hospitality industry.

Some of our restaurants have benefited tremendously from the outdoor street closures, like a.kitchen. But even with that outdoor closure and being able to on some weekends have as much revenue as we typically might have pre-COVID, it doesn't make up for how much has been lost from March until August. A.kitchen probably is seeing a 40 percent loss. Fork, which we're on Market Street, we don't have any street closure that is convenient for us to participate in and let's face it, we're on a commercial corridor and Old City is a neighborhood that is very based on small business, on tourism, on hospitality and destination of which we all know the impact on COVID on all of those markets, Fork is the one struggling the most.

We had two leases because we

had two properties joined together. We were able to negotiate rent abatement with one of our landlords, but the other landlord was not willing to budge a penny. And with the prospect of not having any private dining or our bakery relocating, I was actually in a lucky position that my lease ended because the person with whom we had a relationship is not a flexible landlord, and I understand that they have commitments as well, so I thought that Don's suggestions were excellent with regard to the fact that this bill would allow landlords to be able to negotiate with their banks and their mortgage holders. But restaurants put in -- especially full-scale restaurants like Vernick or Fork or some of these gems that have been Philadelphia classics, we've put millions of dollars of leasehold improvements into our facilities.

I've been at Market Street almost 23 years. I guarantee I've put over $2 million in investment into those

properties. In terms of how much I paid in rent, just of the High Street property I know I've paid over $1 million in rent. This past year they increased our rent of $60,000 which was over 50 percent of our prior year rent, and I do feel a little bit resentful because then on the exit when I closed my lease, I had to rip everything out. Not only was it an emotional rip-out, but it cost probably $50,000 to have to transition everything out and find a new location and do all that, so restaurants are not in a good position.

There's a huge amount of uncertainty going into the winter with regard to consumer behavior and whether people will even go out under 50 degrees or not. So although we've invested in an enclosure for all our properties that is feasible, we don't know how much more money we want to invest in that if people aren't going to come out and want to sit in 50-degree weather with all the heat lamps and everything.

If you really want to do it right, you need the whole permitting process, you need an architect, you need the electrical permits, you need to run the electric out to the street. That's a $20,000 investment potentially, which is a big question mark whether or not you can make it back.

COUNCILMAN SQUILLA: Thank you.

MS. YIN: So I'm in full support of this moratorium on evictions, and any questions or ways that I can support, feel free to let me know. Thank you so much for having me. Thank you.

COUNCILMAN SQUILLA: Thank you, Ellen.

Councilmember Domb.

COUNCILMAN DOMB: Thank you, Mr. Chairman.

And I just had a question I guess for Melissa Bova: Have we had any examples of restaurants so far that have actually been evicted that we could have avoided?

MS. BOVA: None that have been evicted yet, but we do have examples of eviction proceedings beginning (inaudible), especially for some of our commercial tenants. I know Iron Hill was supposed to testify today. They're going through that process right now. He had to hop off for another call. But we are starting to see the proceedings again.

COUNCILMAN DOMB: And so, I'm just curious about this. I don't see a lot of restaurants right now in the market looking to lease properties, okay. So I'm trying to figure out what the landlords are thinking by evicting restaurant tenants when there's nobody to back them up.

MS. BOVA: We have been asking the same question. It's not like there's anybody that's going to move into that space right now. We wished that they would -- I don't know if they have a different vending that we don't know about. But, yes, it doesn't make

sense for evictions to happen. But the other concern is of course if they don't evict, there's fees and penalties that pile up as well. So long term, restaurants can be facing eviction even after this is over because they can't catch up as far behind as they are right now. But this provides some certainty and gives them that ability to catch up.

COUNCILMAN DOMB: And I guess in a way what we're dealing with here is the effects of COVID. I assume and maybe some of the violence that occurred, but if we could, you know, if you look at the office buildings right now, 85 percent of our office buildings are empty, empty, 15 percent are occupied. And if those schools really are back hopefully in January, they're going to start hopefully coming back. But what we're talking about here is all of our issues here are based on demand.

We don't have a demand in the market to support retail restaurants and everything else. And we need as a

Council, maybe we can figure out how we can get offices in a safe way reoccupied because we need those people for this economy and we need the diversity for this economy. All these issues we're talking about are band-aids because of this problem. The real issue here is getting that demand back.

And thank you, Mr. Chairman. It's a good bill. Thank you.

COUNCILMAN SQUILLA: Thank you, Councilmember.

Councilmember Oh.

COUNCILMAN OH: Thank you very much, Mr. Chairman.

I have more of a comment which could draw a response than I do a question, but I do support the bill. Let me just say that, first of all, what I do find problematic is that there's a great inconsistency between Philadelphia and the surrounding counties. I live right next to Delaware County. And when the restaurants were closed in this City, I discovered all kinds of new

places in Delaware County where I take my family and we have dinner, we sit down, we engage in conversation and all of those things, limited seating, you know, they spread out the space.

I don't really understand absolutely the benefits of having such a different policy here in the City and right next door in our surrounding counties. I also don't understand exactly the great benefits -- I understand there's some benefits -- of basically sitting indoors, outdoors, like putting up a tent and then sitting in it with heat, you're duplicating indoors outdoors. Would it not just be better to kind of regulate the existing restaurants? They can't all have outdoor seating. They all can't set up tents. They have access to bathroom and sanitation and other things. So I'm not clear on those policies.

What I will say is I would love to hear from the restaurant people because there is competition. There's

always competition when we are in such close proximity. There's also people who in order to survive tend to bend the rules and break the rules. In other words, there are people who do that in Philadelphia and the people that get -- so I'm not sure how that exactly helps. And I think that the government policy here, it's never going to make up for the industry issues.

We want to be safe. We want to protect people and people are protecting themselves. But we should let the industry somewhat have a greater role and they can talk to us, and I mean us, I mean City Council. We're very accessible. I do want to in the future establish a better working relationship with the Administration so that we can bring some of these issues to the Administration in terms of how -- I understand what the Governor is doing.

I understand the Governor is setting a policy. I'm not exactly sure how the City of Philadelphia diverges

from that policy. I understand the reasoning. I hear the logic. Again, I have great issues with the fact that as Councilman Curtis Jones says, none of us are as smart as all of us. So put our heads together and come up with solutions that include more input from folks. Thank you.

COUNCILMAN SQUILLA: Thank you, Councilmember Oh and Councilmember Jones.

Ellen, I see your hand is raised, if you want to respond.

MS. YIN: Yes. I just want to say that I fully agree with Councilman Domb with regard to creating a demand, but it's still going to be up to the consumer. And, Councilman Oh, one of the things is our customers don't want to eat inside. Our customers want to eat outside. They don't feel comfortable and our staff don't feel comfortable necessarily waiting on more than 50 percent indoors as well.

That is a huge problem with the

outer counties as well as people who aren't following the rules, because I had a group the other day, they were 14 people. I sat them in tables of four. My staff all wore shields. They would not wear masks when they were not eating and drinking, and they told me that another restaurant down the street allowed them to dine without their masks on. So what am I supposed to -- first of all, I had to step in because my staff didn't feel comfortable approaching the guests, but this was an out-of-town foundation doing business in Philadelphia. They wanted to have a large group and they didn't understand why things were different at different locations.

So I fully agree that these things have to be made very clear to all of the operators and there should be some sort of penalty for not complying. But then again, I know I'm losing business to the suburbs. And I have to figure out this winter, that's my

biggest challenge, how am I going to get my product out to my customer. Thank you.

COUNCILMAN OH: Thank you.

COUNCILMAN SQUILLA: Don, I see your hand raised physically.

MR. NOGOWSKI: Thank you. Councilman Oh, you are correct that the City restaurants have lost a lot of business to our suburban competitors. Regulation and enforcement regulation, and I would probably emphasize enforcement more has been certainly much more laxed in the suburbs.

And as Ellen said, there are some clients and customers that will not sit inside, that don't want to sit inside, but there are some that do. I've seen it. I've experienced it. I've done it myself if I thought it was being done in a safe manner. So as long as social distancing and/or barriers are maintained and the restaurant is staffed, is working appropriately, there is a demand I think for at least 50

percent occupancy.

Our experience has been so far if it's 70 degrees out, most people will want to sit outside. If it's 50 degrees or 55 degrees, a lot more will accept sitting inside as an option if safety and social distancing is being maintained.

And as to what both Councilman Oh and Councilman Domb mentioned, you're right, we have to have safe environments. We have to have people feel safe and it's okay to come back to their offices. From our investigation, it appears that air quality is a significant issue. Being able to ensure that there is, for example, at least six air exchanges per hour has been shown to promote air safety. Having filtration and UVC lighting and other things, which are things that were implemented in our restaurants, we're putting special standalone air filtration systems that cost thousands of dollars into our sit-down restaurants, perhaps having

some programs to help businesses finance and pay for that equipment, to help office buildings and owners, maybe something through PIDC, some type of special financing if grants aren't possible, to help office building owners create a safe environment. Because you're right, if office workers don't come back, we're all going to have to redo our model here, I think.

COUNCILMAN SQUILLA: Thank you, Don, and thank you all for your testimony. Obviously, this is not the answer to stop every problem. We have a lot more work to do and continue to work with the industry and with Commerce and the City departments to try to come up with some more options and opportunities for our businesses.

Councilmember Gilmore Richardson.

COUNCILWOMAN GILMORE RICHARDSON: Thank you so much, Mr. Chair, and thank you for this dialogue. And I want to thank the

bill's sponsor for this legislation.

I have a brief question regarding what other forms of assistance we can offer from a City perspective for the industry around restaurant regulation, specifically around the outdoor regulations. Now, I heard from restaurant owners recently that they were fined by the City over the height of their umbrellas for instance. So what other assistance can we offer to all of you to ensure we all know what the rules and regulations are in this moment so that we are not further impacting you in this very difficult moment?

MS. BOVA: I can start --

COUNCILMAN SQUILLA: Please state your name again, Melissa.

MS. BOVA: Melissa Bova with the Pennsylvania Restaurant & Lodging Association. Yes, enforcement is feared right now. And we're seeing kind of $75 tickets for umbrellas that are half an inch too short, but that's because the

sidewalk isn't level and people are getting fined for something like that.

We are seeing people that are getting fined because they have outdoor string lights and they're getting fined for things like that. So I think that there's -- in an ability for the City to keep our residents safe and the street closures safe, I think that there is some overenforcement that's occurring without kind of in the back of their minds thinking, okay, maybe you don't need to do all of this, if it's all these fines on businesses that are struggling for items that really aren't concerning.

So, for example, you need 6 feet of distance on a sidewalk. If it's 5¾ feet, we're seeing people get fined. So there seems to be a lack of that commonsense, are they purposefully breaking the rules or is it a mistake or is it something that can be fixed or is it something that's really not worth that overzealous enforcement. And we

have actually requested a meeting with the City to talk through those some of those items. Because at a time like this, I can tell you it's very frustrating when I have restaurants who are calling me because they've been fined with two $75 tickets for reasons that are just mindboggling to me. So, yes, that's a huge thing that we would love to work with you on.

And as the Chairman said, this bill is not going to fix everything. It's a good step and we still have a long ways to go and we still would like to have a number of conversations with all of you on how we can bring this industry back, because I know on behalf of the industry we want to come back from this.

COUNCILWOMAN GILMORE RICHARDSON: Thank you. Thank you very much, Melissa, and we'll definitely follow up with you. But I heard this from multiple business owners. I had been out in the community over the past

several weekends and I heard this from quite a few owners around the fines that they were receiving, specifically around sidewalk space, height of umbrellas and that was concerning. So thank you very much for that feedback.

MS. BOVA: Thank you.

COUNCILMAN SQUILLA: Thank you. Thank you all for your input on this bill.

Seeing that there's no other questions, Mr. McMonagle, will you read the next witness.

THE CLERK: Yes. Can we please have Kim Barema.

(No response.)

COUNCILMAN SQUILLA: Kim is not available. Kim, are -- she's not there, Sean. Read the -- go to the next witness.

THE CLERK: Okay. I will go on to Bill No. 200544 and can we have Kate Dugan please, who I understand is going to share her screen.

MS. DUGAN: Good morning. Can

you hear me? So I'll be sharing my screen. CLS will be giving testimony and then we have video testimony from our client. So good morning, members of the Committee. My name is Kate Dugan. I'm an attorney at the Homeownership and Consumer Rights Unit at Community Legal Services, and I'm really pleased to testify in support of Council Bill 200544 today.

As Council knows, Community Legal Services was established by the Philadelphia Bar Association in 1966 to provide civil legal representation to low-income Philadelphians. As the City's largest provider of free legal services, CLS serves approximately 12,000 of Philadelphia's poorest residents every year with their legal problems.

In the past several years, homeowners in the City have been increasingly harassed, annoyed and threatened by repeated, unwelcomed communications from people offering to

buy their houses in quick cash deals. These are the same people who plaster our City with We Buy Housing signs illegally bolted to telephone poles and street signs.

These residential property wholesalers use high pressure and deceptive sales techniques to convince homeowners for far less than market value. Many homeowners, including many of our clients, have been victims of these predatory and aggressive techniques. They are being dragged into court to perform under contracts they didn't understand or that they signed after being subjected to high-pressured sales techniques.

Often wholesalers' target are most vulnerable residents, seniors, those who can't read or speak English, heirs who are still grieving lost family members and those who are at risk of mortgage or tax foreclosure. Typically, these wholesalers who operate largely anonymously behind buyers of LLCs are

not the ones buying someone's house. Instead they make an offer to a person to buy their house and then turn around and assign that agreement of sale or sell that agreement of sale to somebody else for a higher price.

The homeowner is left with far less than their house is worth and the wholesaler walks away with tens of thousands of dollars in profit. That profit represents equity, equity that's been built up over generations and decades and that suddenly gets stripped away with a stroke of a pen.

Nationally, as members of this Committee are probably aware, there's a dramatic wealth gap between Black and White households. The median Black household has only (inaudible) the wealth of the median of a White household. Predatory homebuyers are especially an acute threat to Black homeowners and Black communities since family wealth is more likely to be tied to their family home and who, therefore,

stands to lose so much more by signing away their home.

Philadelphia has historically been a city where families of all income levels could achieve homeownership and build intergenerational wealth. This is becoming less true in many areas of the City, increasingly putting homeownership out of reach for many families, especially lower income ones.

Many people who sell their homes to predatory buyers find that they don't have any good options for staying in their communities after they sell, and often will not have the chance to purchase another home and start building wealth again.

CLS has long believed that the most affordable housing for most people is the home they're in. Keeping Philadelphians in their homes right now or if they want to relocate, making sure they get fair prices when selling is critically important as this country enters the eighth month of the COVID-19

pandemic, and the economic security of so many of our friends and neighbors is uncertain.

The good news is that thanks to the efforts of City Council there's help for homeowners who want to stay in their community and keep their homes. The Basic Systems Repair program and Restore, Repair, Renew help with home repair and maintenance. City Council's investment in the nationally renowned Mortgage Foreclosure Diversion Program helps families facing foreclosure. Homeowners who are at risk of tax foreclosure has the option of paying their delinquent taxes through the Owner-Occupied Real Estate Payment Agreement. Register of Wills Tracey Gordon is taking important steps to make it easier and more affordable for heirs to properly raise their loved one's estate and keep family homes in the family.

A continued commitment by Council for helping homeowners will

further equip people to stay in their homes. Over the past year, CLS has worked with various community partners, some of whom are testifying today, to educate homeowners about their options, whether they want to sell or not. For those who do not want to sell their homes, we give them information about the programs I just discussed. For those who do want to sell their homes, we explain the importance of knowing the market value of one's home before agreeing to an offer, and we discuss the benefits of working with a real estate agent, who unlike a wholesaler has a duty to act in the homeowner's best interest.

However, education alone isn't enough to protect vulnerable homeowners from aggressive and predatory techniques. These wholesalers operate completely outside any ethical or professional scrutiny, as they're almost never attorneys, real estate agents or realtors. This lack of oversight allows

wholesalers to operate unchecked and in whatever way makes them the most profit. This bill represents multiple approaches to the problem.

Currently, if a homeowner puts a real estate agent on notice that they don't want to be solicited to sell their home, the real estate agent is prohibited under the Fair Practices Ordinance from contacting them again. This bill expands the prohibition to cover not just real estate agents, but any individual or entity. This is a simple, but important step in making sure that predatory homebuyers operate under the same rules as everyone else.

This bill also creates a do not call list to let wholesalers know that a homeowner does not want to be contacted. Homeowners who feel annoyed or upset by constant phone calls, letters, postcards and door hangers would finally have a tool to put a stop to these unwanted solicitations.

Philadelphia community leaders

and residents enthusiastically support the do not call list and are excited about the process of being able to put wholesalers on notice that they're not interested in selling and they want to stop being bothered. This bill requires residential or property wholesalers to obtain a professional license from the City, just like many other professionals, and adhere to simple but important ethical guidelines.

Importantly, the application requires that the wholesaler put an actual human name on the application form. This adds sunlight to the deceptive wholesalers' practices and makes it easier for homeowners to track down bad actors when they need to. Residential property wholesalers would be required to provide written disclosures to homeowners at least three days before an agreement of sale is signed. This would allow a homeowner to think about their options and discuss those options with trusted friends and

family, instead of acting on misleading salesmanship from a wholesaler.

Additionally, the disclosure would provide critical information about the importance of researching one's own -- doing one's own research and determining the real market value of their home and resources to be available if a homeowner wants to stay in their home.

I'd like to close my testimony today with a video in talking about a recent Community Legal Services client Mr. William Weary. Mr. Weary, a father of four, grandfather of 12 and great-grandfather of one moved to Philadelphia from his family farm in South Carolina in 1956 with a 3rd grade education and all of his belongings stuffed into a paper bag. He was 23 years old and newly married.

Although he had trouble reading and only a 3rd grade education, Mr. Weary began working in maintenance at the hospital of the University of

Pennsylvania. He would work there for 39 years before retiring. In retirement, he enjoyed riding horses stabled at Fairmount Park. He even owned his own horse named Joe. Mr. Weary owned a small two-story rowhouse near La Salle University and received an almost daily torrent of calls from solicitation to sell his home.

One day out of curiosity, he called one of their numbers. That led to a series of high pressure and deceptive sales tactics from a residential property wholesaler. Ultimately, he signed an agreement of sale to sell his house for about a third of what it was worth, thinking it was just a no-obligation offer. Sadly, Mr. Weary died last year. But his sister-in-law Cynthia Taylor was eager to testify in support of this bill.

Ms. Taylor works as a full-time home health aide and was not able to attend this morning's hearing, but we

have a brief video that I'd like to play of the conversation she had with my colleague Michael Froehlich. So I'm going to share my screen now.

(Video playing.)

COUNCILMAN SQUILLA: Kate, I'm not sure. We don't have any volume on this. We can read it, but there's no volume on the screen and share.

MS. DUGAN: Oh, let me try again because we did figure this out during the...

(Video playing.)

COUNCILMAN SQUILLA: There you go.

MS. DUGAN: I'll start it over. Sorry about that.

(Video playing.)

MS. DUGAN: I also would like to thank the community group who have worked with us on this important issue. We would like to thank the Greater Philadelphia Association of Realtors in whom we've found strong and supportive partners and real estate professionals

who want to do right by their clients and their City.

We would also like to thank -- extend its gratitude to Councilmember Domb and his staff who've been a pleasure to work with for championing this important issue and this important legislation. This bill is a step to preserving homeownership, increasing intergenerational wealth in closing the wealth gap in Philadelphia and we look forward to continuing to work with City Council on these issues, and I'm happy to answer any questions the Councilmembers have.

COUNCILMAN SQUILLA: Thank you, Kate. Thank you for your testimony.

Councilmember Domb.

COUNCILMAN DOMB: Thank you, Chairman Squilla. And thank you for your testimony, Kate. It was great. And also, Chairman Squilla, thank you for holding this hearing today and also for sponsoring Bill No. 200544. And I also would like to thank my other

cosponsors on this bill, Councilmembers Kathy Gilmore Richardson, Maria Quinones-Sanchez, Kenyatta Johnson, Jamie Gauthier, Cherelle Parker, Isaiah Thomas, Derek Green, Kendra Brooks and Helen Gym.

I also want to thank Community Legal Services and thank you, Kathy, and thank you, Michael, and the Greater Philadelphia Association of Realtors, Matt Braden and Samar Jha for all their hard work and input to ensure we establish this sound policy that will protect our most vulnerable Philadelphians.

And lastly, I want to thank the Administration, namely the Philadelphia Commission on Human Relations, Rue Landau. Great job, Rue. And the Law Department, Russell, thank you for all your hours of work and their valuable input of this bill. The goal of this legislation is to establish fair rules and expectations for these wholesalers who are buying and selling homes in our

communities.

When I introduced this legislation in October, I mentioned the signs we all see all over the City of Philadelphia, We Buy Houses signs plastered all over telephone poles. And when we see these signs in neighborhoods all over the City, I'm very concerned that many of our residents, as we just saw in the video, are being taken advantage of in this market.

Many of us in City Council who have experienced working to help someone who didn't understand the process, the homebuying or selling process, and unfortunately ended up losing a home that they may have wanted to keep, and we just saw that in the example where CLS was called in. Sometimes they don't get the right price for the home, and I can give you some examples of that, where a home was purchased for a very low value, $20,000 or $30,000, and then a month or two later it's flipped for $80,000 or $100,000 with no work.

Every Philadelphia homeowner deserves to receive the market value of their home, especially today. And in the United States and in Philadelphia, your home has been the biggest generator of wealth and families by far. So it's important that all of us keep this in mind and make sure that people get a fair price, especially when that time is right for them to sell. And as I've said before and I'll say it again, making an offer to buy someone's home is not illegal and it's certainly not illegal to sell your home for any price or for any reason you see fit. However, we have to be sure that everyone at the table is abiding by a shared set of standards and ethical rules that we all deem reasonable and responsible. Wholesalers currently work in the market with no real oversight, and it's time we established some fair practices and oversight for them to abide by.

A wholesaler by the way is not the same as an investor. An investor is

someone who -- or an entity, it could be a person or an entity that buys a home usually with a real estate agent or an attorney, is held to standards set by the Commonwealth of Pennsylvania, that's the real estate or attorney and they typically, the investor, invest money into the property by adding value. They might update a kitchen, a bathroom, remodel, to do something to improve the value of the home, and that could take a few months to do that and then they sell down the road.

A wholesaler is typically someone or an entity that buys a home with cash with no standards for information sharing or behavior in the market. Their goal is to immediately, immediately sell the property at a higher price to an investor or homebuyer.

Where the good actors in the wholesaling business have existed, this is simply people who try to buy low and sell high in the market. But because

this practice is based on that premise, it is inherently -- it encourages wholesalers to look for sellers or areas of the City where they can take advantage of the market and the residents of Philadelphia. That's really the big issue here. The bad actors in this business are looking to take advantage of our residents and they're really not making their money on the market. They're making their money on the lack of information of sellers.

They're looking for those homeowners who lack that knowledge of the value of their homes, as we just saw in that example, $500, that's like unbelievable or have other financial issues and the immediate cash is too attractive to question what the real value is. We've seen how many neighborhoods are targeted with this activity and, therefore, are at risk of being taken advantage of by people who understand the market trends and real estate at a far greater level than other

Philadelphia residents.

Whenever I drive all over the City, you'll see -- and I'm sure all my colleagues have seen these signs all over the City -- Cash For Homes, We Buy Houses, and that's what's going on. Not everyone, but there's a lot of bad actors in this process.

This bill will provide the following: One, create a licensing system and a set of standards of contact for wholesale buyers. Number two, explicitly prohibit unethical conduct by wholesalers by defining a code of conduct similar to those used for other real estate professionals; and three, require a disclosure to the seller informing the solicited homeowners of resources so they can evaluate the real value of their property or seek representation from a professional; four, we are creating a do not solicit list of homeowners; and five, establish enforcement mechanisms and penalties for those who violate these regulations.

And with that, Mr. Chairman, I'd like to turn it back over to you. And I look forward to hearing from our partners in this effort, members of the public who agreed to share their stories and all the individuals that are here today to testify. Thank you. And I look forward to working with my colleagues to educate our residents of Philadelphia and set these new standard for wholesalers doing business in Philadelphia.

Thank you, Mr. Chairman.

COUNCILMAN SQUILLA: Thank you, Councilmember Domb, and appreciate all your hard work on this legislation.

Just for the record, to let everybody know we have a hard stop because of the Mayor's press conference at 12:30 so what we're going do is I know Councilmember Gauthier has a question, but what we'll do is let people testify for this bill and then we'll ask the questions right at the end after all the testimony is heard.

Councilmember Gauthier.

COUNCILWOMAN GAUTHIER: Thank you. I just wanted to take a moment to commend Councilmember Domb for his work on this bill. This is a huge issue in my District where neighborhoods are changing. Residents are harassed on a daily basis by text, by phone, the signs everywhere. I even seen saw one wholesaler designing their solicitations to look like parking tickets, so it's really kind of out of control. And I think this bill will go a long way towards letting people remain in the neighborhood in peace if that's what they want to do or get what they deserve for their home, so thank you so much. And I also wanted to thank CLS and everyone else who worked so hard on this.

COUNCILMAN SQUILLA: Thank you, Councilmember.

Mr. McMonagle, please read the next witness please.

COUNCILMAN JONES:

Mr. Chairman?

COUNCILMAN SQUILLA:

Councilmember Jones.

COUNCILMAN JONES: Yes. I want to echo Councilmember Gauthier's point. Member Domb, this is a plague on our community, our District as well. I have seen wholesalers come into communities as if they were on safari looking for the big deal opportunity to take advantage of often senior citizens who no longer can afford some of the maintenance and upkeep of their property and take pennies on the dollar to take advantage of them. I think this bill goes a long way in stabilization. Not that change should not come, but change should not come at the expense of exploitation of long-term residents, so I commend you as well.

COUNCILMAN SQUILLA: Thank you, Councilmember.

Mr. McMonagle, please read the next witness.

THE CLERK: Rue Landau, please.

MS. LANDAU: Thank you. Thank you, everybody. Thank you, Chairperson Squilla, Vice-chair Domb for championing this effort and members of the Commerce and Economic Development Committee for the opportunity to testify in support of Bill No. 200544. I'm Rue Landau, Executive Director of the Philadelphia Commission on Human Relations. The Commission enforces the City's Fair Practices Ordinance, the law that prohibits discrimination in housing and real property, employment and public accommodations. With me today is Sarah Adamo from Licenses and Inspections in case there are any L&I questions.

Bill 200544 provides protections to homeowners and regulates the solicitation of purchases of real property by residential property wholesalers by expanding and strengthening the law and making it more relevant to current day housing practices. In the first half of the 20th century, Philadelphia was deeply

affected by federally supported discriminatory housing and lending policies and practices that resulted in racially segregated neighborhoods. From redlining to blockbusting and white flight, the White suburbs grew and prospered why Black and Brown urban neighborhoods deteriorated with active disinvestment.

These discriminatory practices did not become illegal until the passage of the Fair Housing Act in 1968. Regardless, the damage created by these practices continues. In the latter half of the century as some of Philadelphia's neighborhoods have transitioned from disinvestment to gentrification, we've witnessed a new kind of blockbusting in Philadelphia, and exploitative individuals and companies have tried to cash in on that change.

To offset the harmful effects of some of these practices, Philadelphia added a provision to its Fair Practices Ordinance, making it illegal for any

real estate broker, agent or its employees to solicit a property for sale after they are put on notice that the owner does not desire to sell the property. While that section of the law helped to protect homeowners for a while, the problem of unscrupulous housing solicitation has evolved today.

A new set of unregulated actors called property wholesalers have entered the marketplace seeking to buy and quickly flip profits for a profit. Property wholesalers bombard homeowners with solicitations through calls, emails, text messages, postcards and flyers, as you've heard of already today. They make low-ball offers and far too often mislead vulnerable homeowners about the legal consequences of documents they present for signing.

Bad individual actors hide behind complex corporate structures making it hard to hold them accountable. Homeowners need information about the value of their homes, transparency about

the entities behind these schemes and protection from the unfair practices that leave them displaced from their communities, while losing significant equity from the value of their homes. Property wholesalers appear to target homeowners of color and the elderly. And since the family home is the primary source of generational wealth, stopping these abusive practices is a matter of racial and economic justice.

The proposed changes contained in this bill today would address these problems. The bill has three primary goals: To license previously unregulated actors, to establish a code of conduct for property wholesalers, and to create a universal do not solicit list.

And I know Councilmember Domb, Vice-chair Domb went through the details of the bill, I hope you can cut me off if you need me to do, but I wanted to just proceed with some of the details as well. Under the existing Fair Practices

Ordinance, only real estate brokers and agents must honor a homeowner's request not to be solicited to sell or rent a property. The bill expands this scope of this protection to include any individual or entity engaging in the practice of soliciting a property for sale or rent.

It also authorizes the Commission or another entity to maintain a public do not solicit list of owners who have expressed desire not to be solicited to sell or rent their properties. While we appreciate the potential effectiveness of a do not solicit list, we will need funding to create and maintain it.

For licensing, the bill requires all property wholesalers to obtain licenses through the City of Philadelphia. The expanded definition of wholesalers in this section includes exceptions for the City and public officials, people or entities who purchase properties and substantially

improve them for resale and attorneys and licensed real estate professionals when acting within the scope of their licensed practice areas.

To obtain a license, an applicant must supply a name and address or if the applicant is not a natural person, supply the name and address of a responsible party. Provide proof of insurance and disclose any equity interest in other Pennsylvania corporations.

A license may not be issued to an applicant convicted of a crime of fraud, dishonesty and deceit in the past six years. For code of conduct under the bill, the property wholesalers may not knowingly make any substantial misrepresentations or false promises, untruthfully advertise or engage in any conduct which demonstrates bad faith, dishonesty, untrustworthiness or incompetency. An applicant also may not knowingly give false and misleading information to obtain a license.

Finally, it requires property wholesalers to provide homeowners with important disclosures three days prior to making an offer to purchase the property. The disclosure must inform the homeowner of resources that can be used to assess the fair value of residential properties as well as information regarding the homeowner's right to hire a real estate agent, to seek legal counsel or other resources deemed appropriate.

I want to give a quick shout-out to the Chair of our Commission Shalimar Thomas who runs the North Broad Renaissance, who already did some of this outreach with these postcards that they dropped door-to-door informing homeowners of all the resources that they need in order to figure out the fair market value of their properties.

Finally, just to touch on enforcement, along with the enforcement authority already vested in the Fair Practices Ordinance for the unlawful

housing solicitation, the bill creates two new enforcement mechanisms, a violation of the prohibited contact will be cause for the City to revoke or refuse a license. In addition, any agreement of sale entered into by a wholesaler who is not licensed at the time of solicitation may be rescinded at any time prior to the transfer of title to the property.

Finally, any violation of any of these provisions is a Class III offense under the code subject to fines. If passed as amended, the law will take effect on February 1, 2021. Bill 200544 would significantly curtail the practice of unregulated property wholesalers who prey on low-income homeowners through speculation, gentrification and modern day blockbusting. It would provide homeowners who want to sell their property the information they need to determine the fair market value of their home and key protections against unfair and deceptive practices. And homeowners

who do no want to sell their homes will be protected from unwanted solicitation. Thank you very much for the opportunity to testify. I'm available for any questions.

COUNCILMAN SQUILLA: Thank you, Rue, for your testimony. I'm hearing a echo. I'm not sure why that is. Make sure everybody is on mute.

Right now what we're going to do is we're going to switch -- we have one person who needs to testify on Bill No. 200353. I'll ask Mr. McMonagle to call up Mr. Epps to have his testimony on that bill, and then we'll go back to unfortunately Bill No. 200544.

Rue, thank you for your testimony. If there's any questions for Rue and the people who testified, we can hear them now. And then we'll go to Mr. Epps on Bill No. 200353.

(No response.)

COUNCILMAN SQUILLA: Seeing none, Mr. Epps, would you like to state your name for the record and then give

your testimony for Bill No. 200353.

MR. EPPS: Chairman Squilla and Committee members, good morning. I am pleased to say that I have worked with most of you and I am here in complete support of Bill 200353. I presently serve as Senior Advisor for Economic Development at Bellevue Strategies. Prior to that, most of you are aware that I had the privilege to serve as the Commerce Director for the City under Mayor Kenney in his first term. And prior to that I was President and CEO of PRWT Services, the largest minority-owned firm in the country. And it's with all of those experiences that provides me ample perspective of the challenges that confront local and Black and Brown businesses and their ability to compete and win business with the City of Philadelphia, and I would say in a region at large. So again, as a result of these experiences, I am in total support of Bill 200353.

The reasons I'm in total

support is the bill provides increased opportunity for local and Black and Brown businesses to successfully compete and win contracts. The bill provides additional levels of accountability and transparency and Lord have mercy, we surely need that.

And finally, the deck is stacked against Black and Brown businesses and they need all the support that the system can provide and I think that this bill begins to provide additional levels of protection. So a longer testimony has been submitted. I've learned that through coming before you in the past, no need to read it and I am open for any questions that you may have as I again affirm my support for this bill. Thank you, Mr. Chairman.

COUNCILMAN SQUILLA: Thank you, Mr. Epps. And I know Councilmember Thomas was also on the line for this bill as a sponsor.

Because we went out of order here, if there's any questions to

Mr. Epps on this bill, I know there's other people to testify on this bill but we have to go back to the previous bill because Mr. Epps has to leave.

What we're going to do real quick is we're going to break out of the hearing and go into a public meeting because Councilmember Oh has to disperse, and then we're going to come back into the public hearing after we go into the meeting.

So thank you all for your testimony at this point. I think what we're going to do now -- this will conclude the hearing for the moment and we'll go into a public meeting.

Mr. McMonagle, can you please read the roll.

THE CLERK: Councilwoman Brooks.

COUNCILWOMAN BROOKS: Present.

THE CLERK: Councilmember Domb.

COUNCILMAN DOMB: Present.

THE CLERK: Councilmember Gauthier.

COUNCILWOMAN GAUTHIER:
Present.
THE CLERK: Councilmember
Gilmore Richardson.
COUNCILWOMAN GILMORE
RICHARDSON: Good morning. I'm present.
THE CLERK: Councilmember
Green.
Councilmember Johnson.
Councilmember Jones.
COUNCILMEMBER JONES: (Muted).
THE CLERK: You're muted. He's
present.
COUNCILMAN JONES: Present.
THE CLERK: Councilman Oh.
COUNCILMAN OH: Present.
THE CLERK: And, Councilman
Squilla.
COUNCILMAN SQUILLA: Present.
THE CLERK: Okay. You have a
quorum.
COUNCILMAN SQUILLA: A quorum
of Committee members are present.
Chair recognizes Councilmember
Domb for a motion to approve the

amendments to the bills that are being considered today, on Page 5.

COUNCILMAN DOMB: Okay. Thank you, Mr. Chairman.

I move that Bill No. 200353 including any amendments that have just been approved be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of these bills at the next session of Council.

COUNCILMAN JONES: Second.

COUNCILMAN SQUILLA: Hold on one second there. What we're going to do is we're going to read all of the amendments, I think the amendments to Bill No. 200544 and to 200574, the amendments --

COUNCILMAN DOMB: Include those too?

COUNCILMAN SQUILLA: Yes.

COUNCILMAN DOMB: Okay. I'll redo it. Thank you, Mr. Chairman.

I move that Bill Nos. 200353,

200544 and Bill No. 200574 including any amendments that have just been approved be reported from this Committee for a favorable and further move that the rules of Council be suspended to permit first reading of these bills at the next session of Council.

COUNCILWOMAN GILMORE RICHARDSON: Second.

COUNCILMAN SQUILLA: All right. The amendments to Bill Nos. 200544 and 200575 have been seconded.

All in favor?

(Aye.)

COUNCILMAN SQUILLA: Any opposed -- all in favor?

(Aye.)

COUNCILMAN SQUILLA: Any opposed?

(No response.)

COUNCILMAN SQUILLA: The ayes have it and the motion carries and the amendments have been approved.

The Chair again recognizes a motion the bills be considered today,

Councilmember Domb, on Page 6.

COUNCILWOMAN GILMORE

RICHARDSON: Mr. Chair?

COUNCILMAN SQUILLA: Yes.

COUNCILWOMAN GILMORE

RICHARDSON: Point of clarification for the Administration and the witnesses. We are addressing the amendments so that Councilmember Domb can vote on the bills before he departs the hearing; is that correct -- Councilmember Oh will be departing the hearing, right?

COUNCILMAN SQUILLA: Yes, correct.

COUNCILWOMAN GILMORE

RICHARDSON: Okay. So we are going to go back into testimony, but we're allowing Councilmember Oh to have an opportunity to vote on the bills --

COUNCILMAN SQUILLA: That's correct.

COUNCILWOMAN GILMORE

RICHARDSON: -- and then we're going back into the hearing. Okay. Thank you, Mr. Chair, for that point of

clarification.

COUNCILMAN SQUILLA: Thank you. So we just approved the amendments and now we're going to approve the bills. This will conclude the meeting and then we'll go back into the hearing even though the bills have been approved, and the amendments and the bills would have been approved.

COUNCILMAN DOMB: So the first one was we approved the amendments. And now we're approving the amendments and the bills; is that correct?

COUNCILMAN SQUILLA: Correct. Yes.

COUNCILMAN DOMB: I'll read it again. I move that Bill Nos. 200353, 200544 and 200574 including any amendments that have just been approved be reported from this Committee with a favorable recommendation and further move that rules of Council be suspended to permit first reading of these bills at the next session of Council.

COUNCILWOMAN GILMORE

RICHARDSON: Second.

COUNCILMAN SQUILLA: Thank you. The bills have been properly seconded. The bills just read by Councilman Domb including any amendments that have been approved today be reported from this Committee with a favorable recommendation and to further move that the rules of Council be suspended to permit the first reading of these bills at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMAN OH: Can I interrupt, Mr. Chairman?

COUNCILMAN SQUILLA: Sure.

COUNCILMAN OH: I'm sorry, because I seem to be the cause of this problem. I was seeking to be recognized simply to request being excused and recorded as voting aye on all bills and amendments. I know that the Committee has yet to hear the testimony on some of the bills and amendments, and that is

actually -- procedurally, I have read the bills, I am comfortable and my question is do you want to have the Committee hear the rest of the testimony before voting on the amendments and the bills or --

COUNCILMAN SQUILLA: I think we're voting them all out at this point, Councilmember.

COUNCILMAN OH: Okay.

COUNCILMAN SQUILLA: And then we're going to go back into the hearing with the bills approved.

COUNCILMAN OH: Okay. All right. Thank you very much, Chairman.

COUNCILMAN SQUILLA: Thank you. And we also had Councilmember Green present also. So all in favor?

(Aye.)

COUNCILMAN SQUILLA: Any opposed?

(No response.)

COUNCILMAN SQUILLA: The ayes have it and the motion carries.

That will conclude our meeting,

but we will go into a public hearing. And Councilmember Green was present. We voted the amendments and the bills out of Committee with a favorable recommendation to be read at the next session of Council.

We will now go back into a public hearing to hear the testimony and complete that hearing process. Thank you.

Mr. McMonagle, can you please read the person testifying on Bill No. 200544 after Ms. Landau.

THE CLERK: Yes. Can we please have Tanetta Graham.

MS. GRAHAM: I am here.

COUNCILMAN SQUILLA: Can you please state your name for the record and proceed with your testimony.

MS. GRAHAM: Sure. My name is Tonetta Graham and I thank you guys for hearing my testimony today on Bill No. 200544. One of the main plans contributing to the decline of Black homeownership in Philadelphia is the

predatory practices of the we-buy-homes solicitors market.

Since 2012, thousands of Black families in low-wealth neighborhoods have been targeted by this industry. They use pressure tactics and deceptive advertising to convince homeowners to sell their properties for less than market value. Strawberry Mansion, a predominantly Black community, is in the midst of a battle to educate and protect property owners against these wealth-draining entities.

In Mansion, homeowners are inundated daily with street signs, door knockers, postcards, emails, phone calls -- yes, even on cell phones -- text messages and canvassing caravans prompting them to sell their homes as is. The language in these communications range from super friendly, hi, neighbor, I was just admiring your property, to very abrasive, this is my final attempt to reach you.

The appearances range from a handwritten note to an official appearing note with a seal. Residents contact me often about these calls and letters. Seniors especially are taken in by the official look of the notices and out of fear or pressure, they make a connection with one of the many players in the web only to ultimately have them visit their homes and convince them to sign agreements of sale. These notices come so often, the neighbors are concerned that they are being watched. They feel undersieged and they are more determined to stay in their homes.

That's why the Strawberry Mansion CDC, of who I am the President, began our Not For Sale Community initiative with promotional hashtags, #wereheretostay, #makingstrong and #saveownhomes. We need your help to make this initiative stronger. The passage of this bill will amend the Fair Practice Ordinance and allow it to apply to all wholesalers so that they will

curb their harassing communication with residents who don't want to be bothered, especially with ghost entities.

Quick cash offers are tempting and problematic for homeowners with vulnerable properties. Many homeowners find themselves entering into agreements with limited knowledge and thereby cheating themselves of income from their valuable asset. Strawberry Mansion CDC is encouraging them to explore options to stabilize their properties with programs like the Strawberry Mansion Historic Home Repair program, Basic System Repairs, the RR&R loan, weatherization, et cetera, with the understanding that in Philly's housing market, the most affordable home is your own.

Should a homeowner so choose to sell their asset, then we want to ensure that they are employing trusted services and garnering the best price for their property. I work with neighboring organizations, Community Legal Services

and Councilman Allan Domb to draft legislation that will regulate the industry and create standards and licenses like those in the realtor world, shows our commitment to empower citizens to make informed decisions.

It's time for this work to be anchored and legislation like this that will require wholesalers to identify themselves, obtain a license, in addition to providing information on available homeowner assistance programs and giving the homeowner time to make the best choice. Enough is enough. Far too long homeowners have been subjected to these unwarranted, unsolicited practices. It's time to put this industry on notice that we are not going to let them push the displacement gentrification agenda without exposing their practices and providing legal protection and recourse for our residents. Thank you for your time and care and considering the passage of this legislation.

COUNCILMAN SQUILLA: Thank you so much for your testimony. I appreciate your input.

Are there any questions? I see that we have a comment from Councilmember Gilmore Richardson.

COUNCILWOMAN GILMORE RICHARDSON: Yes, thank you so much, Mr. Chair.

I too wanted to commend my colleague Councilmember Domb for this legislation and his staff for all of their work. I have been very proud to co-sponsor this legislation, and again wanted to thank Ms. Graham for all of her work with Strawberry Mansion CDC. My family is from that community and we have been inundated with calls, and I even received text messages on my cell phone regarding my grandparents' property in the Strawberry Mansion community.

So I just wanted to thank you, Ms. Graham, for the work of Strawberry Mansion CDC and Councilmember Domb for

this legislation because it will make the difference for residents who have been long-time owners, occupying homeowners in that community. It's very stressful, particularly for the seniors who have lived there for a very long time to be contacted through a variety of mediums and I know that this legislation will set the ground rules and make a difference for all of them. So I just wanted to thank you so much for your work and thank you so much to Strawberry Mansion CDC.

COUNCILMAN SQUILLA: Thank you, Councilmember Richardson.

Councilmember Domb.

COUNCILMAN DOMB: Thank you, Mr. Chairman.

Tonetta, I wanted to thank you also for your testimony today, and thank you to my colleague Kathy Gilmore Richardson Councilmember for your work on this and support, I really appreciate it. And I will say this, I'm getting texts for my own homes right now. I

don't know what's going on, but this thing is out of control. So if we get this resolved, I think it will help everybody. Thank you all. Thank you very much.

COUNCILMAN SQUILLA: Thank you, Councilmember.

Mr. McMonagle, please read the next person to testify.

THE CLERK: Yes. Can we please have Blondell Murphy who is on the line.

COUNCILMAN SQUILLA: Blondell, if you can just state your name for the record and proceed with your testimony.

(No response.)

COUNCILMAN SQUILLA: Maybe we can go back to Ms. Murphy.

Mr. McMonagle, will you please read the name of the next person to testify.

THE CLERK: (Muted).

COUNCILMAN SQUILLA: You're muted.

THE CLERK: Sorry about that. Can we please have Stephanie Beillo or Biello. I apologize.

(No response.)

COUNCILMAN SQUILLA: Is there anyone else here to testify on Bill No. 200544?

MR. LOMELI: Good afternoon. This is Marcus Lomeli. I'm here to testify on that bill. Thank you.

COUNCILMAN SQUILLA: Marcus, just state your name for the record and then you could proceed, and then I think we have Katie also after you.

MR. LOMELI: Good morning. My name is Marcus Lomeli. I'm a Program Coordinator at Ceiba. Thank you for giving us the opportunity to testify today on Bill 200544. Ceiba is a coalition building Latino organization. Our mission is to promote the economic development of the Latino community and ensure their access to quality housing. In line with our mission, we're asking Council to pass this bill, as it will implement protections for homeowners in our community and help them preserve their homes and their wealth.

As you know, Latinos have the highest rate of poverty of any ethnic group in Philadelphia. In the age of social distancing when housing is essential to health care, this data is especially worrying. According to reports from the Economy League and the Federal Reserve Bank of Philadelphia, Latino residents are disproportionately impacted by COVID-19.

Unscrupulous real estate and wholesale professionals have long known the usefulness of targeting the most vulnerable members of the Latino community. The promise of cash now can be very alluring to a senior that depends on an ever dwindling Social Security check or a family who has recently lost a loved one and does not know how to manage their property. However, for many families in our community, these homes are their only source of wealth.

In the 19122 and 19133 zip codes, the heart of El Barrio, new

zoning ordinances facilitating residential development in industrial zones and a planned rehabilitation of the North Philly Amtrak station have attracted aggressive development proposals that will soon transform our neighborhoods demographics. Rising property taxes and increasing population density, not to mention structural damage from adjacent poorly planned new construction are destabilizing vulnerable homeowners. The unregulated wholesale real estate business is a major threat to long-time low-income homeowners who are the backbone of our culture and economy, especially elderly homeowners with limited English proficiency and their adult heirs.

This bill will confirm the City's commitment to help prevent what little wealth our community has acquired from passing into the hands of faceless, soulless development companies whose sole interest is to make a quick buck, but we must go beyond that.

We urge the City to work together with community-based organizations to ensure that our residents are well-informed of their rights by providing fully bilingual guidance and official documentation. We have appeared before Council many times in the past to ask for increased funding for housing counselors who work for this CBOs and who know their community housing needs better than anyone.

By leveraging our community ties, we can together empower homeowners with the knowledge to protect themselves from unwanted solicitation and ensure that wholesalers who do not follow the law are held accountable. This bill, if passed, will represent an important first step on the path to securing our communities economic future. We thank you for taking it up and for allowing us to testify on it. Thank you very much.

COUNCILMAN SQUILLA: Thank you, Marcus, for your testimony.

Kate, if you're there, if you

want to state your name for the record and proceed with your testimony.

(No response.)

COUNCILMAN SQUILLA: Can you hear us? Okay. I see in the chat that Katie was there to testify on this bill. But if she comes back, we'll allow her to testify.

Any other questions? Is there anybody else left to testify?

THE CLERK: Kate is on, but I don't know if she's muted.

COUNCILMAN SQUILLA: Okay. Star 6 if you called in, I think, to unmute.

MS. MURPHY: Good morning. My name is Blondell Murphy. Can you hear me?

COUNCILMAN SQUILLA: Okay. Blondell, yes. Just state your name for the record and proceed with your testimony on Bill No. 200544.

MS. MURPHY: Certainly. My name is Blondell Murphy and I am currently retired. In 1959, my parents

purchased our family home on North 10th Street in North Philadelphia, just north of Temple University. I was 4 years old when they bought the house and I lived there until I moved out when I was 21 years old. My father passed away in 1989. My mother passed away in 1997. After that, my siblings and I all inherited the family home. However, my older brother was living in the home alone.

Unfortunately, my brother who is now 81 years old has memory loss. He has no knowledge of real estate. One day a man came to my brother's house and placed a business card in the door. The man convinced my brother that my brother had the authority to sell our family home to this man. Even though my brother did have the authority, this man drove my brother in his car to City Hall and had my brother sign paperwork stating that my siblings and I had no interest in our family home. This was false. But my brother did not know any

better.

This man took my brother into signing papers to sell our family home for only $31,000. Now, I've been told that according to the website Zillow.com, our family home is worth over $200,000. Later my brother and I were talking and he told me about the papers that he signed. We called the man and told him that we would not be selling the house.

The man then filed a lawsuit in court to force my brother to sell the home to him. My brother and I needed to hire an attorney to force the man to drop his lawsuit against us. I support this bill in order to prevent other people from going through what we went through. Thank you very much for hearing my testimony.

COUNCILMAN SQUILLA: Blondell, thank you so much for your testimony and it speaks to the heart of why it's so important to have this bill heard today and passed by Council.

Katie, are you available to testify? I see you're trying to speak. It says you're unmuted. I'm not sure why I can't hear you. Still can't hear you. We could hold to try to get your testimony. If you'd like, maybe you want to reboot your computer and then re-enter Teams. That may help to free up your microphone and then we could come back and listen to your testimony. Give us a chat -- let us know in the chat you're back and we could try it then, but we still can't hear your audio.

Mr. McMonagle, is there anybody else here do we know to testify on Bill No. 200544?

THE CLERK: Yes. Can we please have Stephanie Biello or Beillo. I apologize.

(No response.)

THE CLERK: Stephanie, are you muted? I don't know if we're having issues because that's the second guest that we can't hear.

COUNCILMAN SQUILLA: Modesto? Is Modesto still on the line?

COUNCIL TECH SUPPORT: Yes, I am. It looks like Stephanie is in as guest and she's not muted.

COUNCILMAN SQUILLA: I know. But she's speaking and we can't hear her. It could be -- maybe it could be on their end. I'm not sure.

COUNCIL TECH SUPPORT: Yeah. I'm not sure if Stephanie is here.

If you could please just reboot your PC and just join us once again. That could fix the problem that she's having.

COUNCILMAN SQUILLA: Sorry, Stephanie. We cannot hear your testimony. If you want to try to reboot, we will be hearing other testimony on other bills also but we will allow you to testify. If you come back in, just let us know in the chat and we'll hopefully be able to hear you at that point.

Mr. McMonagle -- Councilmember

Domb, if you have a comment and then we'll get ready for the next bill.

COUNCILMAN DOMB: I don't know if this is helpful. I have the testimony of both of these people. Do you want me to just read it for their benefit or should we wait until they try to get back on?

COUNCILMAN SQUILLA: Let's wait because I think they really would like to testify. And then if we can't get them, we'll add that at the end of the hearing and we'll have you read that through.

COUNCILMAN DOMB: Okay. I just wanted to mention something else. I wanted to thank Sarah Adamo, our Legislative Affairs Manager & Zoning Administrator, for all her work on this bill, along with Rue Landau of course and along with CLS and GPAR. It was great to see a collaboration, and all of my colleagues and everyone in the Administration really work hard on this as a team which is really -- I wanted to

thank everybody for that and give everyone a real special thank you. You did a great job.

Thank you, Mr. Chairman.

COUNCILMAN SQUILLA: We want to thank you, Councilmember, too because as you can hear from this testimony how much this is needed, so thank you so much for that.

Stephanie, do you want to try again?

(No response.)

COUNCILMAN SQUILLA: We still can't hear you. All right. If you want to try to reboot your computer and then shut it down, then turn it back on and then see if you can get into Teams and then we'll let you testify. If not, we'll have Councilmember Domb read your testimony.

Mr. McMonagle, please read the next bill or next person to testify.

THE CLERK: Yes. Bill No. 200353, can we please have Stephanie Tipton.

COUNCILMAN SQUILLA: From the Administration, Stephanie, just state your name for the record. And I see we have Jeff Hornstein after you.

MS. TIPTON: Sure.

COUNCILMAN SQUILLA: Sorry about the technical difficulties.

MS. TIPTON: No worries. Good morning, Councilmember Squilla, Chair of the Committee of Commerce and Economic Opportunity, Councilmember Domb, Vice-chair, other members of the Committee as well as the bill sponsors. My name is Stephanie Tipton. I am the Chief Administrative Officer for the City of Philadelphia. I am joined by Monique Nesmith-Joyner, who is our Procurement Commissioner, and we are here to testify in support of Bill No. 200353 as amended. I believe you all have the amendments that were circulated either last night or this morning.

The Office of the Chief Administrative Officer, my office, the CAO, we are charged with oversight of

the City's core administrative departments, including the Procurement Department. And we work to ensure that City services are efficient and effective, inclusive and equitable, transparent and conducted with integrity.

Additionally, the Procurement Department is the central purchasing and materials management agency for the City. Procurement's goal is to acquire services, supplies, equipment and construction through a fair and open process and at the best value to the City.

Procurement seeks to leverage the use of taxpayer dollars in a way that upholds trust by using sound procurement practices. Bill No. 200353 as amended updates the reporting requirements of Section 17-109 of the Code, entitled "Local Business Preferences -- or Bidding Preferences," by requiring the establishment of local business participation goals, and

regular reporting on the achievement of such goals is a way to assist local businesses in recovering from the COVID-19 pandemic.

The CAO and Procurement strongly support any effort in its supporting local business entities as well as minority, women and disabled owned businesses. In promoting transparency and accountability, we recognize the importance of reinvesting locally and providing for an inclusive procurement process that provides greater access and transparency, particularly for businesses that have historically been disenfranchised.

The CAO and the Procurement Department have led and supported various initiatives that are specifically aimed at increasing LBE and M/W/DSBE access to City contracting, so we certainly welcome the addition of this bill. We have worked with the Office of Economic Opportunity as well as Councilmember Green to develop the

Local Business Purchasing Initiative or LBPI for short.

Councilmember Green sponsored an amendment to Section 8-200 of the Charter, which was approved by the voters in November of 2019. And what that does is it raises the formal bid threshold required for contracts from 34,000 to 75,000, and from 34,000 up to 100,000 for opportunities that are only open to certified local business entities.

The Procurement Department developed regulations as companion to this legislation that require departments to actively solicit at least minority-, women-, disabled-owned or alternative diverse businesses as part of these solicitations. And the regulations also require that we provide additional annual reporting on LBE and W/D/SBE participation on any of the contracts that are issued under the LBPI program. It officially launched this fall, and I'm happy to report that LBE

applications have already increased despite the pandemic and economic conditions.

Additionally, I'm happy to also report that as part of this initiative we launched a contracts-hub website on the phila.gov home page, which makes it easier to search for opportunities with the City. It really serves as the central location, a search for listings of both professional services and procurement opportunities as well as successfully navigate the contracting process, including how to register as a local business entity or minority women- or disabled-owned business entity.

Additionally, the Procurement Department also reports on performance metrics related to the award of LBE contracts. In FY20, 62 percent of all public works contracts were awarded to a local business entity. Additionally, in October of 2018 the City issued a policy establishing the Local Contract Opportunity Review Committee, which

reviews most professional services and nonpublic works best value RFPs that are valued at $2 million or more to ensure that these RFPs are maximizing opportunities for local diverse business entities.

With the implementation of this bill, it will work in conjunction with these other initiatives in order to grow and increase participation by local businesses. The CAO and Procurement will work very closely in partnership with the Office of Economic Opportunity to develop the LBE goal, which will take into account findings from OEO disparities study and existing minority-, women- and disabled-owned business goals, and also leverage OEO's existing systems and processes.

We're committed to collaborating with City Council, OEO of Commerce as well as diverse and local businesses and other stakeholder organizations to maximize LBE and M/W/DSBE participation on City

contracts. This concludes our testimony and we are happy to answer any questions from the Committee.

COUNCILMAN SQUILLA: Thank you, Stephanie, for your testimony.

Mr. Hornstein, are you available to testify on this bill?

MR. HORNSTEIN: I am, my friend.

COUNCILMAN SQUILLA: Thank you. Sorry for the delay and thank you for being here to testify. Just state your name for the record and then proceed with your testimony.

MR. HORNSTEIN: Jeff Hornstein, Executive Director of the Economy League of Greater Philadelphia. So good morning -- is it still morning, yeah. Good morning, Chairperson Squilla, members of the Committee. I'm Jeff Hornstein. I run the Economy League of Greater Philadelphia. We're 110-year-old nonpartisan independent think-and-do tank supported by a Board or nearly 60 area enterprises that represent a true

cross-section of our region's economy.

As several folks have referenced, some of the reports we do, we produce nonpartisan independent research and analysis aimed at helping you all make data-informed decisions. We also run several programs designed to advance racial equity, promote innovation and build what we call civic muscle across our region. So glad to be here to testify on this bill.

As Stephanie knows, we have done a lot of work on promoting local procurement, and I'll just talk a little bit about that in a minute. And really to us the question at hand this morning from our point of view is whether one can manage what isn't measured. If it's the intention of the City of Philadelphia to use its hundreds of millions of dollars in annual purchasing power to promote inclusive growth and shared prosperity, especially in a City as we all know that's marked by unconscionably high poverty rates among

its Black and Brown residents as well as tremendous racial wealth gaps only made worse of course by the ongoing pandemic and it was heartwrenching to sit through this hearing and listen to the predatory practices of folks getting their homes stolen and our good friend Ellen Yin talking about the plight of the restaurant industry before that. You know, we're in a general crisis here and anything the City can do to help is definitely worth looking at.

So if we're going to use procurement as a lever, we need to set ambitious but justifiable targets. We also have to really check and track progress. And one of the things I like about these amendments is that it makes constant improvement into its accountability rubrics so these gaps begin to close. I think it goes without saying right now, but we will never close our gaps and deal with the structural racism that has been at the heart of our economic divide if we are

not going to help our Black and Brown residents reach their economic potential.

So Bill No. 200353 as amended by Councilmember Thomas aims to accomplish these important accountability provisions. So the Economy League urges Council to adopt it with a few caveats. One, that there be an accurate and granular accounting by diversity category. We've seen far too many instances both in the public and private sector where diversity, where WBEs, MBEs and other categories are lumped together. We need granular reporting. We really need to understand at this particular moment how our Black- and Brown-owned businesses in the City of Philadelphia are benefiting from the local purchasing initiative.

Also, we would suggest that local be defined in wealth building terms, that is, do the revenues flow to Black and Brown owners who will reinvest in their communities. That's the whole

point of this work, so we really need to keep the focus on that and whatever reports ar put out need to keep that squarely in mind. We also need to track whether local firms are growing and whether we are forming new firms due to these efforts, because if we're just recycling dollars to the same eight or ten firms, we are not really going to be creating new wealth and new opportunity.

And finally I'll say this and this is really important based on my years of experience working with OEO and others, and obviously Harold Epps is one of my mentors in this role and Sylvie's doing a great job and so is Iola, but we really need to be reinvesting and investing in programs that help local firms, particularly those owned by people of color to develop the capacity they need to compete effectively to grow to create jobs and wealth, because again, if we are just supporting the same eight or ten firms that get a lot of the contracts, we're not moving the

needle forward.

So we applaud the City for this initiative. As many of you know, for several years we've been the backbone organization behind Philadelphia Anchors for Growth and Equity or PAGE, an initiative that has worked to encourage large institutional purchasers like our world-class hospitals and universities and headquartered corporations to spend more of their billions of dollars in annual spend with Black- and Brown-owned local firms.

This summer we held a procurement roundtable that brought together Aramark, CHOP, Comcast, Drexel, Independence, Jefferson, PECO, Penn and Temple with the shared goal of increasing local spend, and these institutions are stepping up to the plate pledging tens of millions of dollars in spend shifting. My colleague J'nelle Lawrence who couldn't be with us this morning, runs our PAGE initiative, has been working tirelessly to pull

together a series of spend shift plans, and we will be releasing a report shortly on the aggregate spend shifts, but it will be in the tens of millions of dollars of shifts from majority-owned, out-of-town corporations to local Black-and Brown-owned businesses, something we're very proud of, and it's been great to get to know Stephanie and Monique and other folks in the procurement apparatus in the City as they have sat in on our procurement directors meetings and really learned from some of the best of the best like Comcast and Penn and Independence about how to do this work, and CHOP.

Again, pleasures are only meaningful if there's accountability and a plan to continue to move the needle. Harold Epps and Maria Roberts are the Co-chairs of our PAGE initiative and they are keeping us honest. But it's critical that when we find categories in which local firms lack capacity, that we build structures to help folks out. So

we've got a program called PAGE Prep and another called PAGE Capital that are helping provide firms the business support and capital they need to survive.

So again, I am heartened by the conversations we've been having recently with public and private entities that are looking at themselves in the mirror, asking how they can use their purchasing power to advance racial equity in our region. And again, we commend the City for its seriousness of stated intent and we look forward to helping to hold it accountable. This amendment's a welcome tool toward that goal. So I thank you, Chairman Squilla, Councilmember Thomas for these amendments, Vice-chair Domb and all the other folks on this Committee for the opportunity to speak today.

COUNCILMAN SQUILLA: (Muted).

MR. HORNSTEIN: You're on mute, Mark.

COUNCILMAN SQUILLA: Thanks,

Jeff. Thank you for your testimony.

Councilmember Thomas, would you like to be recognized?

COUNCILMAN THOMAS: Thank you, Mr. Chair. I just wanted to briefly say thank you to all the different partners who helped make this bill where it is today. The coronavirus crisis has created a number of problems and we talk often about the physical one. I know I do a lot of screaming and hollering about the impact it has on our children, but we all have to take a deep look at the fiscal side and try to do our part to help reinvest in Philadelphia and I appreciate everyone's support.

I think this is a step in the direction along with several other bills that's been passed, but hopefully this gets added to the list, as bills that show our intentional effort to reinvest in Philadelphia, support Philadelphia businesses and assure that we come back stronger and better once we beat this coronavirus crisis.

So thank you, Mr. Chairman. I appreciate you. Thank you to all the partners. Thank you to the Committee members. And of course, thank you to everybody who came to testify in regards to this bill. It's very much appreciated.

COUNCILMAN SQUILLA: Thank you, Councilmember. I appreciate all your work on this bill.

Are there any other questions for the testifiers, panels?

(No response.)

COUNCILMAN SQUILLA: Seeing none, Mr. McMonagle, is there anybody else to testify on this bill?

THE CLERK: So we have -- is Monique Nesmith-Joyner going to testify or was she included in Stephanie's testimony?

MS. NESMITH-JOYNER: I am present, but I was included in Stephanie's testimony.

THE CLERK: Thank you, Monique.

MS. NESMITH-JOYNER: Sure.

THE CLERK: We also have Malcolm Ingram then.

MR. MAYNARD: Sean, I apologize. This is Dave Maynard from Councilmember Thomas' office. Malcom, the African American Chamber and the Philly Chamber both had to leave because of the meeting schedule.

THE CLERK: Thank you, David. Sorry about that. I guess we can jump back to those that wanted to testify on Bill No. 200544 then.

COUNCILMAN SQUILLA: Yes. I think Katie, do you want to try Katie to see if -- and then Stephanie after Katie.

Katie, we still can't hear you.

MS. McGRATH: I also called in.

COUNCILMAN SQUILLA: Oh, good. I can hear you called in.

MS. McGRATH: Hello, everyone.

COUNCILMAN SQUILLA: Thank you. Councilmember Domb was willing to read your testimony but we wanted to hear from you. So thank you. State your

name for the record and you can proceed with your testimony.

MS. McGRATH: I appreciate that and thank you for your patience. My name is Katie McGrath. I am a realtor and the Director of Operations and a partner at Elfant Wissahickon Realtors, a real estate firm with five offices throughout the Philadelphia area. I'm also a parent of two boys attending public schools in the City. I'm a Germantown lifer and an advocate for my community and my industry. I'm very happy to speak to you today in support of Bill No. 200544.

I believe that our role as realtors is to defend the equity of the Philadelphia homeowner. We work hard to support and increase homeownership and help build and preserve the intergenerational that comes with it. We as licensed real estate professionals have a fiduciary responsibility to act in an open, honest and competent way towards the best financial result for

our clients.

Predatory homebuyers do not require those requirements or responsibilities and in most cases are actively working against the best financial interests of the sellers they relentlessly pursue. Unethical wholesalers are depressing property values and stripping wealth from vulnerable communities and depriving the City of much needed tax revenue in the process. Not only are most equitable interest sales undersold, but these are essentially assignments of contracts not subject to transfer tax.

There is a time and place for selling your property to a wholesaler. There is a value you can assign to the speed and ease of a quick no-questions-asked cash transaction, but there are opportunity costs. Consumers deserve representation no matter whom they are selling to and should be empowered to make informed decisions without pressure and with full knowledge

of the facts.

Again, licensed real estate professionals abide by disclosure laws, ensuring a seller knows the potential market value of their home prior to sale. Realtors abide by a code of ethics with a disciplinary process in place for any who might violate this code. State advertising regulations require identifying any realtor involved with their brokerage name and number prominently displayed with much more information that you'd find on the we buy houses-bandit sign on a telephone phone with a throw-away phone number.

Bill 200544 does not restrain trade. It asks the City to hold these wholesalers to reasonable professional standards. It asks wholesalers to stand by the service they offer and to perform it ethically and in a transparent manner. The tactics of these predatory homebuyers are that, predatory. They discourage consumers from seeking representation with a promise of saving

money, when in fact they hope to prevent sellers from accessing free information that shows the fair value of their home.

Our duty is to protect the interests of our clients and make our best efforts to help sellers obtain that fair market value. Addressing this issue will require more than just this bill, but it is a really important start. Fighting predatory homebuying requires a multi-pronged approach. This legislative remedy in concert with community engagement and an educational campaign will protect homeowners and their families, keep homeownership rates high and values protected and ensure there's a recourse for sellers who may have fallen prey to deceptive or high pressure tactics.

It has been a true partnership between Community Legal Services and GPAR, respectfully included in voices of stakeholders and neighborhood associations and the business community. It adds sunlight, the best disinfectant,

on practices that frankly do not hold up to basic scrutiny. I thank the team at Councilman Domb's office, at the Greater Philadelphia Association of Realtors and at Community Legal Services for this thorough and thoughtful legislation.

These wholesalers should not represent the real estate profession, undermining consumer confidence and depriving families of the fair value of their home. I urge the members of the Committee to approve the bill and thank you very much for your consideration and for letting me try three times.

COUNCILMAN SQUILLA: Well, thank you, Katie, for your testimony. I know it's been a challenge with you and Stephanie, but we want to hear the voice of all the people out there. And then brought to my attention, one of our RCOs, one of our communities, up in Harrowgate, they actually give a gift card to the people who bring in the most bandit signs. You know bandit signs are illegal in the City of Philadelphia. So

whoever brings in the most gets a gift card every month. So there are people out there actively collecting them, so hopefully that doesn't allow these people to prey on some of our most vulnerable folks. So thank you for your testimony.

Stephanie, are you able to speak?

MS. BIELLO: Can you hear me now?

COUNCILMAN SQUILLA: Yes.

MS. BIELLO: Wonderful. Okay. Well, thank you, Chairperson Mark Squilla and members of the Committee on the Commerce and Economic Development. My name is Stephanie Biello and I am a realtor in the City of Philadelphia and I am the 2020 President of the Greater Philadelphia Association of Realtors, GPAR.

With more than 3,000 hardworking members throughout the region, GPAR has served as the voice of real estate in Philadelphia since 1908.

We have a proven track record of advocating for policies that protect the rights of property owners and benefit the entire City, not just our realtor community. Thank you for the opportunity to testify today in support of Bill No. 200544, which seeks to create a licensing requirement for individuals and entities engaging in wholesaling of residential property in the City of Philadelphia and require certain disclosures by such wholesalers.

The bill also proposes to expand the rules regarding the solicitation of purchases of real property. We are in favor of the bill as we believe the bill provides protections for property owners and makes property owners' rights stronger.

Through our research, member engagement and our collaboration with Community Legal Services, we have determined that certain entities and individuals who are in the business of wholesaling are engaging in predatory

homebuying practices. These wholesalers are typically preying on property owners among other people who are financially-constrained, elderly residents or property owners struggling to pay their mortgage.

Additionally, our research has shown that these predatory homebuying practices are more prevalent in minority and low-income neighborhoods of the City. Typically, a wholesaler exploits the vulnerability of a property owner's circumstances and offers to buy their property at a significantly lower price compared to the fair value of the property. This practice results in property owners losing generational equity and increasing gentrification and the loss of appropriate transfer tax revenue to the City of Philadelphia.

We consider such practice unethical and against the realtor code of ethics, which expressively prohibits realtors from engaging in predatory homebuying practices and requires

realtors to have a fiduciary duty to represent their client to the best of their abilities. For a realtor, failure to adhere to the realtor code of ethics may result in censure and fine, thereby preventing appropriate checks and balances in our profession.

Unlike real estate agents, realtors who are also licensed real estate agents and attorneys, certain wholesalers do not adhere to any process, regulation or ethical guidelines to conduct their business. Therefore, the bill proposes to require the wholesalers to apply for a license to conduct wholesaling business and provides certain disclosures to property owners.

The purpose of the bill is threefold: Firstly, to identify the wholesalers conducting their wholesaling business in the City of Philadelphia; secondly, to require the licensed wholesalers to provide disclosures to property owners upon solicitation that

states the various options a property owner has for seeking advisory opinion from an attorney or a licensed real estate agent and resources to research the fair value of their property before the property owner makes a decision to sell their property; and lastly, to protect the property owner's right from predatory homebuying practices.

We would like to thank the Community Legal Services and Councilman Allan Domb and his staff for working with GPAR to draft the bill. We believe the bill is a result of the robust and yearlong collaborative process that included various stakeholders with neighborhood community development corporations, nonprofits and City officials.

We believe the bill is a model legislation for other states, cities and counties in the country to replicate. We have already been contacted by local and state realtor associations about the bill and the drafting process that we

undertook. Therefore, we urge the members of the Committee on Commerce and Economic Development to approve the bill with a favorable consideration and move through legislative process. Thank you for your consideration of the thoughts expressed by me and on behalf of GPAR.

COUNCILMAN SQUILLA: Thank you, Stephanie. Thank you for your patience and willingness to work through the technical difficulties.

I know Councilmember Domb wants to be recognized.

COUNCILMAN DOMB: Thank you, Mr. Chair.

Just briefly, I wanted to thank everybody for their testimony today. And also want to give a little shout-out to Stephanie Tipton who had a new baby boy in July. Congratulations, Stephanie, on behalf of all of us and welcome back. Great news. Thank you.

MS. TIPTON: Thank you.

COUNCILMAN DOMB: We'd like to see a picture of the baby by the way on

the screen if you can get the baby now.

MS. TIPTON: He is thankfully napping. And I also just want to say since you brought it up, Councilman Squilla, your wife was in the delivery room with me and she was absolutely amazing and wonderful and took so many pictures for me and my husband. So I just want to put that on the record. She was such a lovely, wonderful person to have that.

COUNCILMAN SQUILLA: Well, congratulations.

MS. TIPTON: Thank you.

COUNCILMAN DOMB: That's amazing. Constituent services always.

COUNCILMAN SQUILLA: Yes, we work all angles. So thank you.

And Councilmember Domb, thank you, and thank you, Councilmember Thomas, for these bills and Councilmember Henon. It's really important to see how Council is working even through in these touch times making sure that we're paying attention to what

is needed here in the City of Philadelphia.

If there's any other questions or comments?

(No response.)

COUNCILMAN SQUILLA: Seeing none, that will end our hearing. I want to thank everybody. If you weren't on previously, we did go into a public meeting and we voted all bills out with a favorable recommendation to be heard at the next session of Council. All members who were present had voted unanimously.

So thank you all for your time today and effort and looking forward to continuing work together. Thanks. Have a great day.

COUNCILMAN DOMB: Thank you, Mr. Chair and colleagues. Thank you.

(Committee on Commerce and Economic Development concluded at 11:45 a.m.)

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 this is a correct transcript of the same.

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Court Reporter - Notary Public

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A
a.bar 25:17
a.kitchen 25:17 26:7 26:13
a.m 1:6 132:23
abated 16:2
abatement 27:2
abates 14:15
abide 58:23 122:3,6
abiding 58:17
abilities 128:3
ability 9:20 10:18 15:5 18:25 31:9 41:7 74:19
able 9:5,15 12:14,19 13:13,15,21 19:21 25:9 26:9 27:2 27:15 38:16 51:3 53:24 100:23 125:8
abrasive 85:24
absolutely 33:7 131:6
absolve 9:11
abusive 68:10
accept 38:5
access 33:20 92:20 105:14,21
accessible 34:17
accessing 123:2
accommod... 65:14
accomplish 112:6
account 108:15
accountabil... 75:5 105:10 111:20 112:7 115:18
accountable 67:23 95:17 116:15
accounting 112:10
accurate 112:10
accurately 133:4
achieve 47:5
achievement 105:1
acquire 104:11
acquired 94:21
act 7:6 49:16 66:12 120:23
acting 52:1 70:3
action 2:24 15:3
active 66:8
actively 106:16 121:5 125:3
activity 60:22
actors 51:18 59:22 60:8 61:8 67:9 67:21 68:16
actual 51:14
acute 46:22
Adamo 65:15 101:17
adapt 21:21
add 101:12
added 66:24 117:20
adding 5:12 59:8
addition 72:5 88:11 105:22
additional 75:5,13 106:21
Additionally 6:23 52:3 104:8 107:4 107:17,22 127:7
address 5:3 68:13 70:6 70:8
addressing 80:8 123:7
adds 51:15 123:25
adhere 51:10 128:4,11
adjacent 94:10
Administra... 34:19,21 56:17 80:7 101:24 103:2
administra... 103:15,24 104:1
Administra... 101:19
admiring 85:23
adopt 112:8
adult 94:18
advance 110:8 116:11
advantage 57:11 60:5 60:9,23 64:11,15
advertise 70:20
advertising 85:7 122:9
Advisor 74:7
advisory 129:2
advocate 120:12
advocating 126:2
Affairs 8:2 101:18
affirm 75:18
afford 64:12
affordable 47:19 48:20 87:18
African 119:6
afternoon 92:5
age 93:3
agency 17:16 104:10
agenda 88:20
agent 49:15 50:6,8 59:3 67:1 71:10 129:4
agents 49:24 50:12 69:2 128:8,10
aggregate 115:3
aggressive 45:12 49:20 94:5
ago 9:8
agree 25:19 35:15 36:19
agreed 62:5
agreeing 49:13
agreement 46:4,5 48:18 51:22 53:16 72:6
agreements 86:11 87:7
ahead 7:22 11:25
aide 53:24
aimed 105:20 110:5
aims 112:5
air 38:15,18 38:19,23
alive 13:5,21 14:14
Allan 1:11 88:1 129:12
allow 7:3 27:14 51:23 86:24 96:7 100:21 125:4
allowed 36:9
allowing 8:6 10:21 25:24 80:18 95:21
allows 20:7 49:25
alluring 93:16
alternative 106:18
amazing 131:7,16
ambitious 111:15
amend 6:3 86:23
amended 72:14 103:20 104:20 112:4
amending 5:2 5:9,18,25
amendment 8:8 106:4
amendment's 116:15
amendments 78:1,6,17 78:17,19 79:2,11,23 80:8 81:3,8 81:11,12,19 82:5,23,25 83:5 84:3 103:21 111:18 116:18
American 119:6
amount 28:15
ample 74:17
Amtrak 94:4
analysis 110:5
anchored 88:8
Anchors 114:5
and/or 37:22 133:23
angles 131:18
announcem... 2:4
annoyed 44:23 50:20
annual 106:21 110:21 114:12
anonymously 45:25
answer 10:22 23:23 24:5 24:15 39:14 55:14 109:2
anybody 30:21 96:10 99:15 118:15
anyway 13:3
apart 18:7
apologize 91:25 99:20 119:4
apparatus 115:11
appear 68:6
appearances 86:1
appeared 95:7
appearing 86:3
appears 38:15
applaud 114:2
applicant 70:6,7,14 70:23
application 51:12,14
applications 107:1
applied 19:9
apply 19:7 86:24 128:15 133:21
appreciate 26:1 62:15 69:14 89:3 90:23 117:16 118:2,9 120:3
appreciated 118:7
approach 15:19 23:7 123:11
approaches 50:3
approaching 36:13
appropriate 71:12 127:19 128:6
appropriat... 37:24
approve 77:25 81:4 124:12 130:3
approved 78:7 79:2 79:23 81:3 81:7,9,11 81:19 82:6 83:13 106:5
approving 81:12
approxima... 44:17
ar 113:3
Aramark 114:16
architect 29:3
area 22:19 109:25 120:9
areas 22:7 47:7 60:3 70:4
asking 16:12 30:19 92:21 116:10
asks 122:17 122:19
assess 71:7
assessed 9:19
asset 87:10 87:21
assets 23:2
assign 46:4 121:18
assignments 121:14
assist 6:6 105:2
assistance 8:18 10:4 24:24 40:3 40:11 88:12
Association 8:3 24:18 40:22 44:13 54:23 56:10 124:4 125:20
associations 123:24 129:24
assume 31:12
assure 117:23
attacked 24:23
attempt 85:24
attend 53:25
attendance 2:25
attending 120:10
attention 124:20 131:25
attorney 14:20 44:6 59:4,6 98:15 129:3
attorneys 49:24 70:1 128:10
attracted 94:5
attractive 60:19
audio 99:14
August 26:13
authority 22:5 71:24 97:18,20
authorizes 69:9
available 7:2 43:18 52:8 73:4 88:12 99:1 109:7
Avenue 20:6
avoid 16:17
avoided 29:25
award 107:19
awarded 107:21
aware 6:16 18:14 46:16 74:9
aye 79:14,17 82:13,14,22

83:19
ayes 79:21 83:23

B

baby 130:19 130:25 131:1
back 8:21 9:14 10:19 16:12 29:8 30:18 31:19 31:20 32:8 38:13 39:9 41:11 42:17 42:18 62:2 73:15 76:3 76:10 80:17 80:24 81:6 83:12 84:7 91:17 96:7 99:10,12 100:22 101:8 102:16 117:23 119:11 130:22
backbone 94:15 114:4
bad 51:18 60:7 61:7 67:21 70:21
bag 52:20
bakery 27:6
balances 128:7
band-aids 32:6
bandit 124:24,24
Bank 93:8
banks 27:16
Bar 12:9,16 44:13
Barema 43:15
barriers 37:22
Barrio 93:25
based 26:19 31:22 60:1 113:12
basic 48:8 87:14 124:2
basically 33:13
basis 63:8
bathroom 33:20 59:9
battle 85:11
beat 117:24
becoming 47:7
began 52:24 86:18
beginning 2:5 8:23 9:2 30:3
begins 75:12
behalf 42:17 130:7,21
behavior 28:17 59:17
Beillo 91:24 99:19
believe 17:6 103:20 120:16 126:17 129:13,20
believed 47:18
Bellevue 74:8
belongings 52:19
bend 34:3
beneficial 13:24
benefit 10:8 101:7 126:3
benefited 12:17 26:6
benefiting 112:19
benefits 33:7 33:11,12 49:14
best 10:11 15:7 49:16 87:23 88:14 104:14 108:2 115:14,14 120:25 121:5 123:6 123:25 128:2
better 15:6 19:19 20:2 20:8,18,20 33:17 34:18 95:11 98:1 117:24
beyond 94:25
bid 21:7 106:7
Bidding 6:2 104:23
Biello 91:25 99:19 125:10,13 125:17
big 29:7 60:7 64:10
biggest 37:1 58:5
bilingual 95:5
bill 4:19,20 5:1,9,25 7:13 8:7 9:10,18,24 10:6 15:4 16:20 23:25 25:25 27:14 32:10,18 42:12 43:10 43:22 44:9 50:3,11,17 51:6 53:22 55:8,24 56:1,22 61:9 62:23 63:5,13 64:15 65:7 65:17 68:13 68:14,22 69:4,18 70:17 72:1 72:15 73:12 73:15,16,21 74:1,6,24 75:1,4,12 75:19,23 76:1,2,3 78:5,18,25 79:1,11 81:17 84:12 84:22 86:23 92:3,7,16 92:22 94:19 95:17 96:6 96:22 98:17 98:24 99:16 101:2,20 102:22,23 103:13,19 104:19 105:23 108:8 109:7 110:11 112:4 117:7 118:6,10,16 119:12 120:15 122:16 123:9 124:12 126:7,13,16 126:17 128:14,19 129:13,14 129:20,25 130:3
bill's 40:1
billions 114:11
bills 1:17 4:25 78:1 78:11 79:6 79:25 80:9 80:19 81:4 81:7,8,13 81:23 82:3 82:4,10,22 82:25 83:2 83:6,13 84:3 100:20 117:18,20 131:21 132:10
bit 14:15 17:12 28:7 110:15
Black 46:17 46:18,22,23 66:7 74:18 75:2,9 84:24 85:3 85:10 111:1 112:1,24
Black- 112:17 114:12
Black-and 115:7
blanket 10:4
blockbusting 66:5,18 72:20
Blondell 91:11,12 96:17,20,24 98:21
Board 109:24
body 17:9
bolted 45:4
bombard 67:13
Bombon 12:9 12:16
bothered 51:6 87:2
bought 97:4
Bova 7:14,15 7:25 8:1 24:5,16,16 29:22 30:1 30:19 40:17 40:20,20 43:7
boy 130:20
boys 120:10
Braden 56:11
break 18:24 34:4 76:6
breaking 41:22
brief 3:3 40:2 54:1
briefly 117:5 130:16
bring 34:20 42:16 124:23
brings 125:1
Broad 71:15
broker 67:1
brokerage 122:11
brokers 69:1
Brooks 1:12 3:8,9 56:5 76:20,21
brother 97:10,12,17 97:17,20,21 97:22,25 98:2,7,13 98:14
brother's 97:15
brothers 19:8
brought 114:15 124:20 131:4
Brown 66:7 74:19 75:3 75:9 111:1 112:1,24
Brown-ow... 112:18 114:12 115:7
buck 94:24
budge 27:4
build 47:6 110:9 115:25 120:20
building 39:6 47:16 92:17 112:22
buildings 24:12 31:15 31:16 39:3
built 46:12
bus 19:17
business 6:4 26:20 36:14 36:24 37:10 42:24 59:23 60:8 62:11 74:20 94:13 97:16 104:22,25 105:7 106:1 106:11 107:15,16 107:22 108:5,18 116:3 123:24 126:24 128:13,16 128:22
businesses 5:6,11 6:7 8:15 9:3,4 13:21 14:14 39:1,19 41:14 74:19 75:3,10 105:3,9,15 106:18 108:11,23 112:18 115:8 117:23
buy 45:1,3 46:3 57:5 58:12 59:24 61:5 67:11 122:14 127:13
buyers 45:25 47:12 61:12
buying 46:1 56:25
buys 59:2,15

C

C 133:1,1,12
call 2:24 7:9 7:10 30:8 50:18 51:2 73:14 110:9
called 3:2 4:16 53:12 57:19 67:10 96:14 98:9 116:1,2 119:18,20
calling 42:6
calls 50:21 53:9 67:14 85:17 86:4 89:18
campaign 123:14
canvassing 85:18
CAO 103:25 105:5,17 108:11
cap 9:15
capacity 113:20 115:24
capital 116:2 116:4
car 22:24 97:21
caravans 85:18
card 97:16 124:23 125:2
care 88:24 93:5
Carolina 52:18
carries 79:22 83:24
CARROLL 133:12
case 65:16
cases 121:4
cash 45:1 59:16 60:18 61:5 66:21 87:4 93:15 121:20
casual 12:7 12:14
catch 9:21 31:7,9
categories 112:14 115:23
category 24:2 112:11
cause 72:4 82:19
causes 17:12
caveats 112:9
CBOs 95:10
CDC 86:17 87:10 89:16 89:25 90:13
Ceiba 92:14 92:16
cell 85:17 89:19
censure 128:5
Center 20:2
central 104:9 107:10
century 65:25 66:15
CEO 74:13
certain 5:7 5:16,24 6:8 22:18 126:12,23 128:10,17
certainly 11:19 18:15 37:13 58:13

96:23 105:22
certainty 31:8
certification 133:20
certified 106:11
certify 133:2
certifying 133:24
cetera 87:16
CFO 12:5
Chair 1:11 3:18,23 23:21 39:24 71:14 77:24 79:24 80:3 80:25 89:9 103:9 117:5 130:15 132:20
Chairman 3:13 4:4,9 19:12 20:21 22:1 23:16 29:20 32:9 32:15 42:11 55:20,22 62:1,13 64:1 74:2 75:19 78:4 78:24 82:16 83:15 90:18 102:4 116:17 118:1
Chairperson 65:2 109:19 125:14
challenge 37:1 124:17
challenges 74:18
Chamber 119:6,7
championing 55:6 65:3
chance 47:15
change 13:2 23:1 64:17 64:17 66:21
changes 22:18 68:12
changing 21:21 63:7
Chapter 5:13 5:18
charged 103:25
Charlie 12:9 12:16
Charter 106:5
chat 7:2,6 96:5 99:11 99:12 100:22
cheating 87:9
check 93:18 111:16
checks 128:6
Cherelle 56:4
Chief 103:15 103:23
children 117:12
choice 88:14
choose 87:20
CHOP 114:16 115:16
circulated 103:21
circumstan... 20:4 127:13
cities 23:13 129:21
citizens 64:11 88:6
city 1:1 2:8 12:25 13:8 13:24 15:2 17:9 18:12 19:12 20:2 20:13 21:10 22:24 23:2 24:2 26:1,2 26:18 32:25 33:8 34:16 34:25 37:9 39:17 40:4 40:9 41:7 42:2 44:22 45:3 47:4,8 48:5,10 51:9 55:2 55:12 57:4 57:8,12 60:4 61:3,5 69:20,23 72:4 74:11 74:21 95:1 97:21 103:16 104:4,11,15 105:21 107:9,23 108:21,25 110:19,23 111:11 112:18 114:2 115:11 116:12 120:11 121:11 122:17 124:25 125:18 126:4,11 127:11,20 128:22 129:18 132:1
City's 44:16 65:10 94:20 104:1
City-owned 22:8,20
civic 110:9
civil 44:14
clarification 80:6 81:1
Class 72:12
classics 27:20
clear 33:22 36:20
CLERK 3:7 3:11,15,20 3:25 4:7,10 5:1 7:13 11:7 43:14 43:21 64:25 76:19,22,24 77:3,7,12 77:15,17,20 84:14 91:10 91:20,23 96:11 99:18 99:22 102:23 118:17,24 119:1,9
client 44:4 52:13 128:2
clients 37:16 45:11 55:1 121:1 123:5
close 13:11 20:11 34:2 52:11 111:21,23
closed 8:23 14:8 28:8 32:24
closely 108:12
closing 8:15 55:10
closure 26:8 26:16
closures 16:13 18:22 19:16,21 20:9,20 26:7 41:9
CLS 44:2,17 47:18 49:2 57:19 63:18 101:21
Co-chairs 115:21
co-sponsor 89:14
coalition 92:17
code 5:3,10 5:19 6:1 61:14 68:16 70:16 72:13 104:22 122:6,9 127:22 128:4
codes 93:25
Cohn 14:21
collaborating 108:21
collaboration 101:22 126:21
collaborative 129:15
colleague 54:3 89:11 90:21 114:22
colleagues 3:13,19,24 4:5,9 61:4 62:9 101:23 132:20
collecting 125:3
color 68:7 113:20
Comcast 114:16 115:15
come 2:22 10:10 15:24 17:4 21:20 23:14 28:23 35:6 38:13 39:9,17 42:18 64:8 64:17,18 76:9 86:12 99:10 100:21 117:23
comes 96:7 120:21
comfortable 35:22,23 36:12 83:2
coming 31:20 75:15
commend 63:4 64:20 89:10 116:12
comment 7:12 32:16 89:5 101:1
comments 6:25 11:1 132:4
Commerce 1:2 4:18 8:5 17:15 19:14 20:24 21:18 25:7 25:8 39:16 65:4 74:11 103:10 108:22 125:16 130:2 132:21
commercial 5:4 10:18 15:21 22:9 24:11 26:18 30:5
Commission 56:18 65:9 65:10 69:10 71:14
Commissio... 103:18
commitment 48:24 88:5 94:20
commitme... 27:11
committed 108:20
Committee 1:2 4:15,18 8:6,9 11:1 25:10 44:5 46:16 65:5 74:3 77:23 78:8 79:3 81:20 82:7 82:23 83:4 84:4 103:10 103:13 107:25 109:3,20 116:20 118:3 124:12 125:15 130:2 132:21
Committees 2:8,14
commonse... 41:21
Commonw... 59:5
communica... 87:1
communica... 44:25 85:21
communities 46:23 47:14 57:1 64:8 68:4 95:20 112:25 121:10 124:21
community 6:6 42:25 44:7,11 48:7 49:3 50:25 52:13 54:20 56:7 64:7 85:10 86:18 87:25 89:17,22 90:4 92:19 92:24 93:15 93:22 94:21 95:10,12 120:13 123:13,21 123:24 124:5 126:5 126:22 129:11,17
community... 95:2
companies 14:25 66:20 94:23
companion 106:14
company 15:13
compared 127:15
compete 74:20 75:3 113:21
competent 120:24
competition 33:25 34:1
competitors 37:10
complete 74:5 84:9
completely 49:22
complex 67:22
comply 7:5
complying 36:22
computer 99:7 102:15
concern 31:2
concerned 57:8 86:13
concerning 41:16 43:5
concert 123:12
conclude 76:15 81:5 83:25
concluded 132:22
concludes 9:17 109:1
conditions 5:8,24 6:9 107:3
conduct 61:13,15 68:17 70:16 70:21 128:13,16
conducted 104:6
conducting 128:21
conference 62:19
confidence 124:9
confirm 94:19
confront 74:18
congratulat... 130:20 131:13
conjunction 108:8
connection 86:8
consenting 6:22
consequenc... 67:19
consider 16:12 127:21
considerati... 124:13 130:4,6
considered 8:9 78:2 79:25
considering 18:12 88:24
constant

50:21 111:19
Constituent 131:16
construction 94:11 104:13
consumer 28:17 35:18 44:7 124:9
consumers 121:21 122:24
contact 61:11 72:3 86:4
contacted 50:19 90:7 129:23
contacting 50:10
contained 68:12 133:3
continue 18:17 39:15 115:19
continued 48:24
continues 8:14 9:9 66:14
continuing 6:21 55:12 132:17
Contract 107:24
contracting 105:21 107:13
contracts 45:14 75:4 106:8,23 107:20,21 109:1 113:25 121:14
contracts-h... 107:6
contributing 84:24
control 63:12 91:2 133:23
convenient 26:16
conversation 33:3 54:2
conversatio... 42:15 116:7
converted 22:6
convicted 70:14
convince 45:8 85:7 86:10
convinced 97:17
Coordinator 92:14
copy 21:13
core 104:1
coronavirus 117:8,25
corporate 67:22
corporations 70:12 114:10 115:6 129:18
correct 37:8 80:11,14,21 81:13,14 133:6
corridor 22:9 26:18
corridors 22:5
cosponsors 56:1
cost 18:19 28:11 38:24
costs 121:21
Council 1:1 2:8,14 15:2 15:4 16:12 23:12 26:2 32:1 34:16 44:9,11 48:5,25 55:13 57:12 78:10,12 79:5,7 81:22,24 82:9,11 84:6 92:22 95:7 98:25 100:3,10 108:21 112:8 131:23 132:12
Council's 48:10
Councilman 1:11,11,13 1:14,14 2:2 3:11,12,25 4:1,2,3,7,8 4:10,12 6:10,11 7:18 8:4,10 10:23 11:3 11:9,12,16 11:21 16:22 17:14,19,23 17:25 18:2 19:11 20:22 21:25 22:2 22:3,13 23:6,15,17 24:13 25:6 29:9,16,19 30:11 31:10 32:11,14 35:4,9,15 35:18 37:4 37:5,8 38:9 38:10 39:11 40:18 43:8 43:17 54:6 54:14 55:16 55:19 62:14 63:21,25 64:2,4,21 73:6,23 75:20 76:23 77:14,15,16 77:17,19,22 78:3,13,14 78:20,22,23 79:10,15,18 79:21 80:4 80:13,20 81:2,10,14 81:16 82:2 82:4,15,17 82:18 83:7 83:10,11,14 83:16,20,23 84:17 88:1 89:1 90:14 90:17 91:6 91:12,16,21 92:2,8 95:23 96:4 96:13,19 98:21 100:1 100:6,16 101:3,9,15 102:5,13 103:1,6 109:4,10 116:22,25 117:4 118:8 118:14 119:13,19 119:22 124:3,15 125:12 129:11 130:8,14,24 131:4,12,15 131:17 132:6,19
Councilme... 7:20 11:23 17:20,21 20:23 21:23 23:18,19 29:18 32:12 32:13 35:10 35:10 39:20 55:4,18 62:15,21 63:1,4,22 64:3,5,22 68:20 75:21 76:8,22,24 77:3,7,9,10 77:11,24 80:1,9,11 80:18 83:9 83:17 84:2 89:6,11,25 90:15,16,22 91:7 100:25 102:6,19 103:9,11 105:25 106:3 112:5 116:17 117:2 118:9 119:5,23 130:12 131:19,20 131:22
Councilme... 3:10 7:17 55:15 56:1
Councilwo... 1:12,12,13 3:7,9,15,17 3:20,22 23:20 24:6 39:22 42:20 63:2 76:19 76:21 77:1 77:5 79:8 80:2,5,15 80:22 81:25 89:7
counsel 12:5 71:11
counselors 95:9
counties 32:22 33:10 36:1 129:22
country 47:24 74:15 129:22
County 32:23 33:1
couple 12:8 16:23
course 31:2 101:20 111:3 118:4
court 25:16 45:14 98:13 133:13
cover 16:5 19:3 50:12
COVID 8:13 10:2 12:11 15:22 26:22 31:12
COVID-19 6:7 47:25 93:10 105:4
create 18:25 20:16 39:7 61:10 68:18 69:17 88:3 113:22 126:8
created 66:13 117:9
creates 50:17 72:1
creating 35:16 61:22 113:10
creative 10:12
creativity 22:22
crime 70:14
crisis 8:13 9:13 10:2 10:11 111:10 117:8,25
critical 52:4 115:23
critically 47:24
cross-section 110:1
culture 94:16
curb 87:1
curiosity 53:11
curious 30:12
current 2:7 65:23
currently 2:3 2:8 50:5 58:20 96:25
curtail 72:16
Curtis 1:14 35:4
customer 37:2
customers 35:19,20 37:16
cut 68:22
Cynthia 53:21

D

D.C 15:18 16:1,25 19:1,2,7 22:15,16
daily 2:16 53:8 63:8 85:15
damage 66:13 94:10
data 19:18 20:18 24:7 25:10 93:5
data-infor... 110:6
Dave 119:4
David 1:14 119:9
day 8:16 13:24 36:3 53:11 65:23 72:20 97:15 132:18
days 18:23,23 51:22 71:3
deal 64:10 111:23
dealing 31:11
deals 16:1 45:1
decades 46:13
deceit 70:15
deceptive 45:8 51:16 53:14 72:25 85:6 123:18
decision 129:6
decisions 19:20 20:8 20:21 88:6 110:6 121:24
deck 75:8
declaration 9:17
decline 84:24
deem 58:19
deemed 71:12
deep 117:13
deeply 65:25
defend 120:17
deferral 18:13
deferred 16:7
defined 112:22
defining 61:14
definitely 42:22 111:12
definition 69:21
degrees 28:18 38:3 38:4,5
Delaware 32:23 33:1
delay 109:11
delinquent 48:16
delivery 12:15 131:5
demand 22:25 31:22 31:23 32:8 35:16 37:25
demograph... 94:7
demonstrates 70:21
density 94:9
dent 9:6
departing 80:12
Department 19:14,15 21:19 22:16 56:20 104:3 104:9 105:18 106:13 107:18
departments 39:17 104:2 106:16
departs 80:10
depends 93:17
depressing 121:8
depriving 121:10 124:10
Derek 1:13 56:5
described 23:5
deserve 63:16 121:22
deserves 58:2
designed 9:10 110:7
designing 63:10
desire 67:4 69:12

destabilizing 94:11
destination 26:21
destroying 14:9
details 68:21 68:24
deteriorated 66:8
determinat... 20:14
determine 17:10 72:23
determined 86:15 126:23
determining 52:7
devastation 12:11
develop 105:25 108:14 113:20
developed 106:14
development 1:2 4:19 8:5 65:5 74:8 92:19 94:2,5,23 125:16 129:17 130:3 132:22
dialogue 39:25
died 53:20
difference 90:2,10
different 22:5 30:24 33:8 36:17,17 117:6
difficult 40:15
difficulties 103:7 130:11
dig 9:23
dine 36:9
dining 8:24 12:17 21:5 22:7 27:6
dinner 33:2
direct 133:23
direction 117:18
Director 65:8 74:11 109:16 120:6
directors 115:13
disabled 105:8
disabled-o... 106:17 107:16 108:17
disciplinary 122:7
disclose 70:10
disclosure 52:3 61:17 71:5 122:3
disclosures 5:16 51:21 71:3 126:12 128:17,24
discourage 122:24
discovered 32:25
discriminat... 5:21 65:12
discriminat... 66:2,10
discuss 49:13 51:24
discussed 49:9
discussions 25:4
disenfranc... 105:16
dishonesty 70:15,22
disinfectant 123:25
disinvestm... 66:9,17
disparities 108:16
disperse 76:9
displaced 68:3
displacement 88:19
displayed 3:4 122:12
disproporti... 93:9
distance 41:18
distancing 23:8 37:22 38:7 93:4
District 19:24 63:6 64:7
diverges 34:25
diverse 106:18 108:5,22
Diversion 48:12
diversity 32:4 112:11,13
divide 111:25
dividers 18:17
documenta... 95:6
documents 67:20
doing 10:11 15:7 16:17 20:2 34:22 36:14 52:6 62:11 113:16
dollar 13:18 64:14
dollars 18:19 27:21 38:24 46:10 104:17 110:21 113:8 114:11,22 115:5
Domb 1:11 3:11,12 6:10 29:18 29:19 30:11 31:10 35:16 38:10 55:5 55:18,19 62:15 63:4 64:6 65:3 68:20,21 76:22,23 77:25 78:3 78:20,23 80:1,9 81:10,16 82:4 88:1 89:11,25 90:16,17 101:1,3,15 102:19 103:11 116:18 119:23 129:12 130:12,14 130:24 131:15,19 132:19
Domb's 124:3
Don 11:9 16:23 25:20 37:5 39:12
Don's 27:12
Donald 11:7 12:4
door 33:9 50:22 85:15 97:16
door-to-door 71:18
doors 8:24
draft 88:1 129:13
drafting 129:25
dragged 45:13
dramatic 46:17
draw 32:17
Drexel 114:16
dried 9:7
drinking 36:7
drive 61:2
drop 98:16
dropped 71:18
drove 97:21
due 2:6 20:12 113:6
Dugan 43:23 43:25 44:5 54:10,16,19
duplicating 33:15
duty 49:16 123:4 128:1
dwindling 93:17

E

E 133:1
eager 53:21
Earp 14:21
ease 121:19
easier 48:20 51:17 107:8
eat 35:20,21
eating 36:6
echo 64:5 73:8
economic 1:2 4:18 8:5 48:1 65:5 68:11 74:7 92:18 95:20 103:10 105:24 107:2 108:13 111:25 112:2 125:16 130:3 132:22
economy 32:4,5 93:7 94:16 109:16,21 110:1 112:8
educate 49:5 62:9 85:11
education 49:18 52:19 52:23
educational 123:13
effect 72:15
effective 104:5
effectively 113:21
effectiveness 69:15
effects 31:12 66:22
efficient 104:4
effort 17:3 62:4 65:4 105:6 117:21 132:16
efforts 26:1 48:5 113:7 123:6
eight 113:8 113:24
eighth 47:25
either 15:1 103:22
El 93:25
elderly 68:7 94:16 127:4
electric 29:5
electrical 29:4
Elfant 120:7
eligible 10:3 19:7 24:10 24:22
Ellen 25:13 29:17 35:12 37:15 111:7
emails 67:15 85:16
emergency 2:7 9:16
emotional 28:10
emphasize 37:12
employ 13:8
employees 10:13 24:4 67:2
employing 87:22
employment 65:13
empower 88:5 95:13
empowered 121:24
empty 31:17 31:17
enacted 12:11 19:2
enclosure 28:20
enclosures 18:7,18 19:5 20:17
encourage 114:7
encourages 60:2
encouraging 87:11
ended 27:8 57:16
ends 14:3
enforcement 37:11,13 40:22 41:25 61:24 71:23 71:23 72:2
enforces 65:10
engage 15:23 33:3 70:20
engagement 123:13 126:21
engaging 69:6 126:9 126:25 127:24
English 45:20 94:17
enjoyed 53:3
ensure 38:16 40:12 56:12 87:21 92:20 95:3,15 104:3 108:3 123:16
ensures 9:18
ensuring 10:16 122:4
entered 67:10 72:6
entering 87:7
enterprises 109:25
enters 47:25
enthusiasti... 51:1
entire 126:4
entities 68:1 69:24 85:13 87:3 105:7 106:12 108:6 116:8 126:9,23
entitled 5:11 5:13,19 6:2 104:22
entity 50:13 59:1,2,15 69:6,10 107:15,16 107:22
environment 39:7
environme... 38:12
Epps 73:14 73:21,24 74:2 75:21 76:1,4 113:14 115:20
equip 49:1
equipment 39:2 104:12
equitable 104:5 121:12
equity 46:11 46:11 68:5 70:10 110:8 114:6 116:11 120:17 127:18
especially 18:21 27:17 30:4 46:22 47:10 58:3 58:9 86:5 87:3 93:6 94:16 110:23
essential 13:6 14:12 15:16 93:5
essentially 121:14
establish 34:18 56:13 56:23 61:23 68:16
established 44:12 58:22
establishing

22:19 107:24
establishm... 6:4 104:24
estate 48:17 48:22 49:14 49:24 50:6 50:8,12 54:25 59:3 59:6 60:25 61:16 67:1 69:1 70:2 71:10 93:11 94:13 97:14 120:8,22 122:2 124:8 125:25 128:8,10 129:4
et 87:16
ethical 49:22 51:11 58:18 128:12
ethically 122:21
ethics 122:7 127:23 128:4
ethnic 93:2
evaluate 61:19
event 17:5
everybody 2:20 21:19 62:18 65:2 73:9 91:4 102:1 118:5 130:17 132:8
everyone's 117:16
evict 15:11 31:3
evicted 10:19 13:11 14:8 29:24 30:2
evicting 30:16
eviction 5:5 15:15 16:17 30:3 31:5
evictions 15:21 16:20 29:11 31:1
evidence 133:3
evolved 67:8
exactly 22:15 22:25 33:11 34:7,24
example 18:21 22:21 38:17 41:17 57:18 60:16
examples 29:23 30:2 57:21
excellent 27:13
exceptions 69:23
exchanges 38:18
excited 51:2
excused 82:21
excuses 15:1
Executive 65:8 109:16
existed 59:23
existing 33:17 68:25 108:16,19
exit 28:8
expand 126:14
expanded 69:21
expanding 16:14 65:21
expands 50:11 69:4
expect 8:17 8:20
expectation 6:20
expectations 56:24
expected 8:8
expense 64:18
expenses 15:9 16:6
experience 38:2 113:13
experienced 37:19 57:13
experiences 74:16,23
explain 49:11
explicitly 61:13
exploitation 64:19
exploitative 66:19
exploits 127:11
explore 87:11
exposing 88:20
expressed 69:12 130:7
expressively 127:23
extend 55:4
extent 12:16

F

F 133:1
face 22:23 26:17
faceless 94:22
facilitating 94:1
facilities 27:22
facing 31:5 48:13
fact 12:24 27:14 35:3 123:1
facts 122:1
failure 128:3
fair 5:19 47:23 50:9 56:23 58:9 58:22 65:10 66:12,24 68:25 71:7 71:21,24 72:23 86:23 104:13 123:3,7 124:10 127:15 129:5
Fairmount 53:4
faith 15:5,24 17:2,7,11 70:21
fall 24:2 106:25
fallen 123:18
false 70:19,24 97:25
familiar 12:10
families 13:16 47:4 47:9 48:13 58:6 85:4 93:21 123:15 124:10
family 33:2 45:21 46:24 46:25 48:22 48:23 52:1 52:17 68:8 89:17 93:18 97:1,9,18 97:24 98:3 98:6
far 12:25,25 29:23 31:7 38:2 45:9 46:7 58:6 60:25 67:18 88:14 112:11
fare 12:19
farm 52:17
fast 12:7,14
fast-food 24:21
father 52:14 97:6
favor 79:13 79:16 82:12 83:18 126:16
favorable 78:8 79:4 81:21 82:7 84:4 130:4 132:11
fear 86:7
feared 40:22
feasible 28:21
feature 7:2,6
February 72:15
Federal 93:8
federally 66:1
feed 13:15
feedback 43:6
feel 21:15 28:7 29:13 35:21,22 36:12 38:13 50:20 86:14
fees 9:18,21 31:3
feet 18:7 41:18,19
fellow 25:4
fiduciary 120:23 128:1
Fighting 123:10
figure 30:15 32:1 36:25 54:11 71:20
filed 98:12
filtration 38:19,23
final 85:24
finally 9:24 50:22 71:1 71:22 72:11 75:8 113:11
finance 39:1
financial 5:5 8:18 12:10 20:15 60:17 120:25 121:6
financially-... 127:4
financing 39:5
find 23:4 28:12 32:20 47:12 87:7 115:23 122:13
findings 108:15
fine 128:5
fined 40:9 41:2,4,5,19 42:7
fines 41:14 43:2 72:13
firm 14:20 74:15 120:8
firms 113:5,6 113:9,19,24 114:13 115:24 116:3
first 7:9 25:23 32:19 36:10 65:24 74:12 78:11 79:6 81:10 81:23 82:10 95:19
Firstly 128:20
fiscal 117:14
fit 58:15
five 25:14 61:23 120:8
fix 42:12 100:14
fixed 41:23
flexible 27:10
flight 66:6
flip 67:12
flipped 57:24
flow 112:23
flyers 67:16
focus 113:2
folks 23:3 35:8 110:2 111:6 115:10,25 116:19 125:6
follow 17:8 42:23 95:16
following 2:4 9:4 13:13 36:2 61:10
follows 2:6
food 13:19
foot 13:1
force 13:22 98:13,15
forced 15:20
foreclosure 45:23 48:12 48:13,15
foreclosures 13:22
foregoing 133:5,20
forestall 16:20
Fork 25:15 26:14,23 27:19
form 51:15
formal 106:7
forming 113:6
forms 40:3
Fortunately 12:13
forward 21:17 55:12 62:3,8 114:1 116:14 132:16
found 2:19 54:24
foundation 36:14
four 18:23 36:4 52:15 61:22
Franklin 25:16
frankly 124:1
fraud 70:15
free 29:13 44:16 99:8 123:2
friend 109:9 111:7
friendly 85:22
friends 48:2 51:25
Froehlich 54:3
frustrating 42:5
full 13:10 29:10 121:25
full-scale 27:18
full-service 12:8 24:9 24:19 25:3 25:21
full-time 53:23
fully 25:19 35:15 36:19 95:5 133:4
function 14:12
funding 69:16 95:8
funds 9:5,7
further 9:17 40:14 49:1 78:9 79:4 81:21 82:8
future 20:15 34:17 95:20
FY20 107:20

G

gap 46:17 55:11
gaps 10:13 111:2,20,23
garage 22:21
garnering 87:23
Gauthier 1:12 3:16 3:17 21:24 23:19,20 56:4 62:21 63:1,2 76:25 77:1
Gauthier's 64:5
gems 27:19
general 12:5 111:10
generational 68:9 127:17
generations 46:12
generator 58:5
gentrificati... 66:17 72:19 88:20 127:18
Germantown 120:12
getting 32:8 41:2,4,5 90:24 111:6
ghost 87:3
gift 124:22 125:1
Gilmore 1:13

39:20,22 42:20 56:2 77:4,5 79:8 80:2,5,15 80:22 81:25 89:6,7 90:21
give 9:12 15:3,12 19:21 20:9 20:18 22:9 22:11 49:8 57:21 70:24 71:13 73:25 99:11 102:1 124:22 130:18
given 19:19 20:24
gives 31:9
giving 44:2 88:13 92:15
glad 110:10
go 7:22 11:13 11:14,25 25:8 28:18 42:14 43:19 43:21 54:15 63:13 73:15 73:20 76:3 76:7,10,16 80:17 81:6 83:12 84:1 84:7 91:17 94:25 132:9
goal 56:22 59:18 104:11 108:14 114:18 116:16
goals 6:5,6 68:15 104:25 105:2 108:18
goes 10:16 64:16 111:21
going 13:2 14:3 16:11 23:1 24:8,9 24:20 28:16 28:23 30:7 30:21 31:20 34:9 35:17 37:1 39:9 42:12 43:23 54:4 61:6 62:20 73:10 73:11 76:5 76:6,9,14 78:15,16 80:16,23 81:4 83:12 88:18 91:1 98:18 111:13 112:1 113:9 118:18
good 3:9,10 3:12,17,18 3:23,24 4:3 4:4,5,8,9,12 5:1 7:15,16 11:15,16 15:5,23 17:2,7,11 21:13 22:14 28:14 32:10 42:13 43:25 44:4 47:13 48:4 59:22 74:3 77:6 92:5,12 96:16 103:8 109:17,19 111:7 119:19
Gordon 48:19
government 8:2 34:8
governmen... 17:16
Governor 34:22,23
GPAR 101:21 123:22 125:21,24 129:13 130:7
grade 52:18 52:23
Graham 84:15,16,20 84:21 89:15 89:24
grandfather 52:15
grandpare... 89:20
grant 19:2
grants 39:5
granular 112:10,15
gratitude 55:4
great 12:18 21:16 32:21 33:11 35:3 55:21 56:19 101:22 102:3 113:16 115:9 130:22 132:18
great-gran... 52:16
greater 12:15 34:14 54:22 56:9 60:25 105:14 109:17,22 124:3 125:19
green 1:13 3:25 11:23 20:14 56:5 77:8 83:17 84:2 105:25 106:3
grew 66:6
grievance 17:8
grieving 45:21
ground 90:9
group 12:6 25:14 36:3 36:16 54:20 93:3
grow 108:9 113:21
growing 113:5
growth 110:22 114:6
guarantee 27:24
guess 29:22 31:10 119:10
guest 99:24 100:5
guests 36:13
guidance 95:6
guidelines 51:11 128:13
guys 6:12 84:21
Gym 56:6

H

half 40:24 65:24 66:14
Hall 97:21
hammer 17:12
hand 35:12 37:6 110:16
hands 94:22
handwritten 86:2
hangers 50:22
happen 31:1
happy 3:19 10:22 55:13 106:25 107:4 109:2 120:14
harassed 44:23 63:7
harassing 87:1
hard 20:15 56:12 62:16 62:18 63:19 67:23 101:24 120:18
hardship 10:15
hardworking 125:23
harmful 66:22
Harold 113:14 115:20
Harrowgate 124:22
hashtags 86:19
headquarte... 114:10
heads 35:6
health 2:7 21:18 53:24 93:5
hear 6:13 7:16,19 14:25 33:24 35:2 44:1 73:20 82:24 83:4 84:8 96:5,17 99:4,4,13 99:25 100:7 100:17,23 102:7,14 119:17,20 119:24 124:18 125:10
heard 4:22 40:7 42:23 43:1 62:25 67:16 98:24 132:11
hearing 2:6 2:15,18 4:15,17,23 6:17,18 11:24 12:21 53:25 55:23 62:3 73:7 76:7,10,15 80:10,12,24 81:6 83:12 84:1,8,9,22 98:20 100:19 101:13 111:5 132:7
hearings 2:10 2:14
heart 93:25 98:23 111:25
heartened 116:6
heartwrenc... 111:4
heat 18:10 19:4 28:25 33:15
heaters 18:18 23:10
heavily 25:22
height 40:9 43:4
heirs 45:21 48:20 94:18
held 4:21 59:4 95:17 114:14
Helen 56:6
Hello 119:21
help 15:12 19:3 39:1,2 39:6 48:5,9 57:13 86:21 91:3 92:24 94:20 99:8 111:11 112:1 113:18 115:25 117:15 120:20 123:6
helped 67:6 117:7
helpful 19:10 101:4
helping 23:25 48:25 110:5 116:3,14
helps 34:7 48:13
Henon 8:10 131:22
hi 85:22
hiatus 15:15
hide 67:21
high 9:22 25:13,15,15 28:2 45:7 53:13 59:25 110:25 123:16,18
high-press... 45:16
higher 46:6 59:20
highest 93:2
Hill 30:5
HipCity 14:19
HipCityVeg 12:7,13
hire 71:10 98:15
Historic 87:14
historically 47:3 105:16
hit 25:22
hold 67:23 78:14 99:5 116:14 122:17 124:1
holders 15:6 27:16
holding 55:23
hole 9:23
hollering 117:11
home 46:25 47:2,16,20 48:9 49:12 50:8 52:8 52:10 53:10 53:24 57:16 57:20,22 58:3,5,12 58:14 59:2 59:11,15 63:17 68:8 72:24 87:14 87:18 97:1 97:9,10,19 97:24 98:3 98:6,14 107:7 122:5 123:3 124:11
homebuyer 59:21
homebuyers 46:21 50:15 121:2 122:23
homebuying 57:15 123:10 127:1,8,25 129:9
homeowner 46:7 50:5 50:19 51:23 52:9 58:1 71:6 87:20 88:12,13 120:18
homeowner's 49:16 69:2 71:9
homeowners 5:17,22 44:22 45:9 45:10 46:23 48:6,14,25 49:5,19 50:20 51:17 51:21 60:14 61:18,23 65:18 67:6 67:13,19,24 68:7 71:2 71:19 72:18 72:21,25 85:7,14 87:5,6 88:15 90:4 92:23 94:12 94:15,17 95:13 123:14
homeowne... 44:6 47:5,8 55:9 84:25 120:19 123:15
homes 47:12 47:21 48:7 48:22 49:2 49:8,10 56:25 60:15 61:5 67:25 68:5 73:1 85:19 86:10 86:15 90:25 92:25 93:22 111:6
honest 115:22 120:24
honor 69:2
hop 30:8
hope 68:22 123:1
hopefully 31:19,20

100:23 117:19 125:4
Hornstein 103:4 109:6 109:8,15,15 109:21 116:23
horse 53:5
horses 53:3
hospital 52:25
hospitality 25:14 26:4 26:21
hospitals 114:9
hour 2:21 38:18
hours 56:21
house 46:1,3 46:8 53:17 97:4,15 98:11
household 46:19,21
households 46:18
houses 45:1 57:5 61:6
houses-ban... 122:14
housing 45:3 47:19 65:12 65:23 66:2 66:12 67:8 72:1 87:17 92:20 93:4 95:9,11
huge 28:15 35:25 42:9 63:5
human 51:14 56:18 65:9
hundreds 110:20
husband 131:8

I

ideas 21:7,13
identify 88:9 128:20
identifying 122:10
identity 14:6
III 72:12
illegal 58:13 58:14 66:11 66:25 124:25
illegally 45:4
image 3:4
imagine 19:25
immediate 60:18
immediately 59:18,19
impact 19:16 26:22 117:12
impacted 10:7 24:20 93:10
impacting 40:15
impacts 20:19
implement 92:23
implement... 108:7
implemented 38:21
importance 49:11 52:5 105:11
important 47:24 48:19 50:14 51:11 54:21 55:7 55:7 58:7 71:3 95:18 98:24 112:6 113:12 123:9 131:23
Importantly 51:12
improve 59:10 70:1
improved 22:9
improvement 111:19
improveme... 18:8 27:22
inaudible 8:21 30:4 46:19
inch 40:25
include 35:7 69:5 78:20
included 2:15 118:19,22 123:22 129:16
includes 12:6 69:22
including 45:10 78:6 79:1 81:18 82:5 104:2 107:14
inclusive 104:5 105:12 110:22
income 47:4 47:10 87:9
incompeten... 70:23
inconsistency 32:21
increase 108:10 120:19
increased 28:5 75:1 95:8 107:1
increasing 55:9 94:8 105:20 114:19 127:18
increasingly 44:23 47:8
Independe... 114:17 115:15
independent 109:23 110:4
indicate 3:1
individual 50:13 67:21 69:6
individuals 62:6 66:20 126:9,24
indoors 33:13 33:16 35:24
industrial 94:2
industry 8:14 8:16,22 9:8 10:5 12:12 14:4,5 21:20 23:11 25:25 26:4 34:10,14 39:16 40:5 42:17,18 85:5 88:3 88:18 111:9 120:13
inform 71:5
information 20:19 49:8 52:4 59:17 60:12 67:24 70:25 71:9 72:22 88:11 122:13 123:2
informed 88:6 121:24
informing 61:18 71:18
infrastruct... 13:5 14:9 14:13
Ingram 119:2
inherently 60:2
inherited 97:9
inhouse 8:24
initiative 86:19,22 106:1 107:5 112:20 114:3,7,24 115:21
initiatives 105:19 108:9
innovation 110:9
input 35:7 43:9 56:12 56:22 89:3
Inquirer 2:17
inside 35:20 37:17,18 38:6
Inspections 19:14 65:15
instance 40:10
instances 112:12
institutional 114:8
institutions 114:20
Instructions 2:12
insurance 16:3 70:10
integrity 104:7
Intelligencer 2:17
intent 116:13
intention 110:19
intentional 117:21
interest 49:17 70:11 94:24 97:24 121:13
interested 51:5
interesting 15:19
interests 121:6 123:5
intergenera... 47:6 55:10 120:21
internal 18:5
interrupt 82:16
introduced 57:2
inundated 85:15 89:18
inventory 22:11
invest 23:9 28:22 59:7
invested 28:19
investigation 38:14
investing 113:18
investment 27:25 29:6 48:11
investments 18:11,13 19:4 20:16
investor 58:25,25 59:7,20
invited 6:15
involved 122:10
Iola 113:16
Iron 30:5
Isaiah 56:4
issue 32:7 38:16 54:21 55:7 60:7 63:5 123:8
issued 70:13 106:23 107:23
issues 31:22 32:5 34:10 34:20 35:3 55:13 60:18 99:24
items 41:15 42:3

J

J'nelle 114:23
Jamie 1:12 56:4
January 31:19
Jeff 103:4 109:15,20 117:1
Jefferson 114:17
Jha 56:11
job 56:19 102:3 113:16
jobs 113:22
Joe 53:5
Johnson 4:1 56:3 77:9
join 100:13
joined 27:1 103:16
Jones 1:14 4:2,3 17:20 17:21,23 18:2 19:11 20:23 21:25 22:3 23:15 35:4,11 63:25 64:3 64:4 77:10 77:11,14 78:13
JR 1:14
July 130:20
jump 25:12 119:10
justice 68:11
justifiable 111:15

K

Kate 43:22 44:5 54:6 55:17,21 95:25 96:11
KATHERI... 1:13
Kathy 56:2,8 90:21
Katie 92:11 96:6 99:1 119:14,14 119:16,17 120:5 124:16
keep 13:21 14:13 41:8 48:7,22 57:17 58:7 113:2,3 123:15
keeping 13:4 19:15 47:20 115:22
Kendra 1:12 56:5
Kenney 74:12
Kenyatta 56:3
key 72:24
Kim 43:15,17 43:18
kind 19:18 20:14 23:5 33:17 40:23 41:11 63:12 66:18
kinds 18:12 32:25
kitchen 59:9
knockers 85:16
know 8:12 14:22 16:23 19:12 20:24 21:23 24:1 26:22 28:3 28:21 29:13 30:5,23,25 31:14 33:5 36:23 40:12 42:17 50:18 62:18,21 68:20 75:21 76:1 82:23 90:8 91:1 93:1,20 95:10 96:12 97:25 99:11 99:16,23 100:6,22 101:3 110:24 111:10 114:3 115:9 117:10 124:17,24 130:12
knowing 49:11
knowingly 70:18,24
knowledge 60:14 87:8 95:14 97:14 121:25
known 93:12
knows 22:25 44:11 110:12 122:4

L

L&I 21:18 65:16
La 53:7
lack 41:20 49:25 60:12 60:14

115:24
lamps 18:10 19:4 28:25
land 22:8
Landau 56:19 64:25 65:1,7 84:13 101:20
landlord 17:7 17:10 27:4 27:10
landlords 9:3 14:18,22 15:3,23 16:5 17:3 27:3,15 30:16
language 85:20
large 36:16 74:22 114:8
largely 45:24
largest 44:16 74:14
lastly 56:16 129:7
late 9:18,20
Latino 92:17 92:19 93:9 93:14
Latinos 93:1
launched 106:24 107:6
law 2:3 14:20 15:11 56:19 65:11,22 67:5 72:14 95:17
Lawrence 114:23
laws 122:3
lawsuit 98:12 98:16
laxed 37:14
LBE 105:20 106:21,25 107:19 108:14,24
LBPI 106:2 106:23
leaders 50:25
League 93:7
109:16,21 112:8
learned 75:15 115:13
lease 5:7 27:8 28:9 30:14
leasehold 27:21
leases 5:4 10:18 24:11 26:25
leave 68:3 76:4 119:7
led 53:12 105:18
left 46:7 96:10
legal 2:17 44:7,12,14 44:16,19 52:13 56:8 67:19 71:11 87:25 88:21 123:21 124:5 126:22 129:11
legislation 8:11 10:16 24:25 40:1 55:8 56:23 57:3 62:16 88:2,8,25 89:12,14 90:1,9 106:15 124:6 129:21
legislative 101:18 123:12 130:5
lenders 15:22
lending 66:2
let's 21:13,14 22:23 26:17 101:9
letters 50:21 86:5
letting 63:14 124:14
level 14:15 41:1 60:25
levels 47:5
75:5,13
lever 111:14
leverage 104:16 108:18
leveraging 95:12
license 51:8 68:15 70:5 70:13,25 72:5 88:10 128:15
licensed 70:2 70:4 72:7 120:22 122:2 128:9 128:23 129:3
licenses 19:13 65:15 69:20 88:4
licensing 61:10 69:18 126:8
lifeline 16:15
lifer 120:12
lighting 38:20
lights 41:5
limited 33:4 87:8 94:17
line 75:22 91:11 92:21 100:2
list 50:18 51:2 61:23 68:19 69:11 69:16 117:20
listen 15:7 99:10 111:5
listings 107:10
little 17:12 28:7 94:21 110:14 130:18
live 32:22
lived 90:6 97:4
living 97:10
LLCs 45:25
loan 87:15
local 6:2,4
74:18 75:2 104:22,24 105:2,7 106:1,11 107:15,22 107:24 108:5,10,22 110:13 112:20,22 113:5,18 114:13,19 115:7,24 129:23
locally 105:12
location 1:5 28:13 107:10
locations 18:21 36:18
Lodging 8:3 24:17 40:21
logic 35:2
logistics 18:20
Lomeli 92:5 92:6,12,13
long 10:16 13:23 31:4 37:21 42:14 47:18 63:13 64:16 88:15 90:6 93:12
long-term 15:25 20:8 64:19
long-time 90:3 94:14
longer 16:11 64:12 75:14
look 15:17 21:2,10 23:12 31:15 55:11 60:3 62:3,8 63:11 86:6 116:14 117:13
looking 10:4 21:17 24:18 24:24 30:14 60:8,13 64:9 111:12 116:9
132:16
looks 100:4
Lord 75:6
lose 47:1
losing 36:23 57:16 68:4 127:17
loss 26:14 97:13 127:19
lost 9:25 24:3 26:12 37:9 45:21 93:19
lot 12:22 16:1 16:16 18:3 22:21 30:13 37:9 38:5 39:15 61:7 110:13 113:24 117:11
lots 22:5,8,8
love 23:12 33:23 42:10
loved 48:21 93:19
lovely 131:10
low 57:23 59:24
low-ball 67:17
low-income 44:15 72:18 94:14 127:10
low-wealth 85:4
lower 47:10 127:14
lucky 27:7
lumped 112:15

M

M/W/DSBE 105:21 108:25
main 19:23 20:6 84:23
maintain 69:10,17
maintained 37:23 38:8
maintains 23:7
maintenance 48:10 52:24 64:13
major 94:14
majority 12:18 24:8 25:21
majority-o... 115:6
making 9:20 16:13 47:22 50:14 58:12 60:10,11 65:22 66:25 67:23 71:4 131:24
makingstro... 86:20
Malcolm 119:2
Malcom 119:5
man 97:15,17 97:19,20 98:2,10,12 98:15
manage 93:20 110:18
management 104:10
Manager 101:18
mandated 15:22
mandates 18:4
manner 37:21 122:22
Mansion 85:9 85:14 86:17 87:10,13 89:16,21,25 90:13
March 26:12
Marcus 92:6 92:8,13 95:24
Maria 56:2 115:20
mark 1:11 6:10 29:7
116:24 125:14
marked 110:24
market 26:15 27:23 30:14 31:24 45:9 49:12 52:7 57:11 58:2 58:20 59:18 59:25 60:5 60:11,24 71:21 72:23 85:2,9 87:18 122:5 123:7
marketplace 67:11
markets 26:23
Marquis 12:6
married 52:21
masks 36:6,9
materials 104:10
Matt 56:11
matter 68:10 121:22 133:5
matters 5:3
maximize 108:24
maximizing 108:4
Maynard 119:3,4
Mayor 74:12
Mayor's 62:19
MBEs 112:14
McGRATH 119:18,21 120:3,5
McMonagle 2:23 3:6 4:14,24 7:8 11:4 43:12 63:23 64:23 73:13 76:17 84:11 91:8 91:18 99:15 100:25 102:21
118:15
mean 14:17 21:11 34:15 34:16
meaningful 115:18
means 9:21 13:12 133:22
measured 110:18
mechanisms 61:24 72:2
median 46:18 46:20
mediums 90:8
meeting 2:9 6:16,21 42:1 76:7 76:11,16 81:5 83:25 119:8 132:10
meetings 115:13
Melissa 7:14 7:22 8:1 10:24 24:13 24:16 25:20 29:22 40:19 40:20 42:22
member 64:6 126:20
members 2:25 6:24 7:3 8:4 11:1 16:23 44:4 45:22 46:15 62:4 65:4 74:3 77:23 93:14 103:12 109:20 118:4 124:11 125:15,23 130:2 132:13
memory 97:13
mention 94:9 101:16
mentioned

38:10 57:3
mentors 113:15
mercy 75:6
messages 67:15 85:18 89:19
metrics 107:19
Michael 54:3 56:9
microphone 99:9
Microsoft 1:5 2:10 7:3
midst 85:11
million 27:25 28:4 108:3
millions 27:21 110:21 114:21 115:4
mind 58:8 113:4
mindboggli... 42:8
minds 41:12
minority 105:8 107:15 127:9
minority- 106:17 108:17
minority-o... 74:15
minute 110:15
mirror 116:9
mislead 67:18
misleading 52:1 70:24
misreprese... 70:19
mission 92:18 92:21
mistake 41:22
mobile 10:12
model 16:25 19:1 39:10 129:20
modern 72:19
Modesto 100:1,2
moment 40:14,16 63:3 76:15 112:17
money 28:22 59:7 60:10 60:11 123:1
Monique 103:17 115:10 118:18,24
month 13:13 47:25 57:24 125:2
months 8:12 8:17,19 9:8 16:2,2 59:12
moratorium 29:11
morning 3:10 3:10,12,18 3:18,23,24 4:4,4,5,8,9 4:13 5:1 7:15,16 11:15,17 43:25 44:4 74:3 77:6 92:12 96:16 103:9,22 109:18,18 109:19 110:16 114:24
morning's 53:25
mortgage 14:25 15:6 15:12 27:16 45:23 48:12 127:6
mother 97:7
motion 77:25 79:22,25 82:13 83:24
move 30:21 78:5,9,25 79:4 81:17 81:22 82:8 115:19 130:4
moved 52:16 97:5
moving 113:25
multi-pron... 123:11
multiple 42:24 50:3
Murphy 91:11,17 96:16,17,23 96:24
muscle 110:10
mute 2:21 73:9 116:23
muted 11:10 77:11,12 91:20,22 96:12 99:23 100:5 116:22

N

N 133:1
naive 10:14
name 3:2 7:23,25 11:17,20 12:1,4 24:14 40:19 44:5 51:14 70:6,8 73:25 84:18 84:20 91:13 91:19 92:9 92:13 96:1 96:17,20,24 103:3,14 109:13 120:1,5 122:11 125:17
named 53:5
napping 131:3
nationally 46:15 48:11
natural 70:7
navigate 107:13
near 53:7
nearer 14:8
nearly 109:24
neat 21:6
necessarily 35:23
need 18:16 29:2,3,3,4 31:25 32:3 32:4 41:13 41:17 51:18 67:24 68:23 69:16 71:20 72:22 75:7 75:10,16 86:21 111:14 112:15,16 113:1,3,4 113:17,21 116:4
needed 98:14 102:8 121:11 132:1
needle 114:1 115:19
needs 73:12 95:11
negotiate 15:5 27:2 27:15
negotiated 17:7,11
negotiations 15:24 17:2
neighbor 85:22
neighborho... 26:19 63:15 123:23 129:17
neighborho... 57:7 60:21 63:6 66:4,8 66:16 85:4 94:7 127:10
neighboring 87:24
neighbors 48:2 86:12
Nesmith-Jo... 103:17 118:18,21 118:25
never 34:9 49:24 111:22
new 5:12 20:13 21:2 21:3 28:12 32:25 62:10 66:18 67:9 72:2 93:25 94:10 113:6 113:10,10 130:19
newly 52:21
news 2:17 48:4 130:22
night 103:22
no-obligation 53:19
no-questio... 121:20
Nogowski 11:7,11,14 11:19 12:3 12:4 17:5 17:18 18:14 22:13 25:1 37:7
nonpartisan 109:23 110:4
nonprofits 129:18
nonpublic 108:2
normalcy 14:16
north 71:15 94:4 97:1,2 97:2
Nos 4:19 78:25 79:11 81:17
Notary 133:13
note 7:1 86:2 86:3
noted 133:3
notes 133:5
notice 50:6 51:4 67:3 88:18
notices 2:16 86:6,11
November 1:5 106:6
number 25:2 42:15 61:12 117:9 122:11,15
numbers 53:12

O

O 133:1
obtain 51:8 69:20 70:5 70:25 88:10 123:6
obviously 39:13 113:14
occupancy 38:1
occupied 31:18
occupying 90:3
occur 14:16
occurred 31:14
occurring 41:10
October 57:3 107:23
OEO 108:15 108:21 113:13
OEO's 108:18
offense 72:13
offer 2:13 40:4,11 46:2 49:13 53:19 58:12 71:4 122:20
offering 44:25
offers 67:17 87:4 127:13
office 31:15 31:16 39:3 39:6,8 103:23,24 105:24 108:13 119:5 124:3
Officer 103:15,24
offices 32:2 38:14 120:8
official 86:2,6 95:6
officially 106:24
officials 69:24 129:19
offset 66:22
oh 1:14 4:7,8 17:22 32:13 32:14 35:10 35:18 37:4 37:8 38:10 54:10 76:8 77:15,16 80:11,18 82:15,18 83:10,14 119:19
okay 18:1 30:15 38:13 41:12 43:21 77:20 78:3 78:23 80:16 80:24 83:10 83:14 96:5 96:13,19 101:15 125:13
old 26:18 52:21 97:3 97:6,13 109:23
older 97:10
once 100:13 117:24
one's 48:21 49:12 52:5 52:6
ones 25:22 46:1 47:10
ongoing 111:3
open 8:17 20:11 75:17 104:13 106:11 120:24
operate 5:6 25:14 45:24 49:21 50:1 50:15
operating 12:20 15:9
operations 18:5 120:6
operators 36:21
opinion 129:2
opportunities 21:17 39:18 106:10 107:8,12 108:5
opportunity 9:13 64:10 65:6 73:3 75:2 80:19 92:15 103:11 105:24 107:25 108:13 113:10 116:20 121:21 126:6
opposed 79:16,19 83:21
option 38:6 48:15
options 21:5 22:10 39:18 47:13 49:5 51:24,25 87:11 129:1
order 4:16 7:5 34:3 71:20 75:24 98:17 108:9
Ordinance 5:20 50:10 65:11 66:25 69:1 71:25 86:24
ordinances 94:1
organization 92:17 114:5
organizatio... 87:25 95:3 108:24
out-of-town 36:14 115:6
outdoor

18:9,18 19:6 21:5 22:7,10 26:6,8 33:19 40:7 41:4
outdoors 33:13,16
outer 36:1
outreach 21:3 71:17
outside 35:21 38:4 49:22
overenforc... 41:10
oversee 17:17
oversight 49:25 58:21 58:23 103:25
overzealous 41:25
owed 9:6
owned 53:5,6 105:9 113:19
owner 25:13 67:4 129:2 129:6
owner's 127:12 129:8
Owner-Occ... 48:17
owners 39:3 39:6 40:8 42:24 43:2 69:11 85:12 90:3 112:24 126:3,18 127:2,5,17 128:18,25
owners' 126:19
owns 24:11

P

P.C 14:21
page 78:2 80:1 107:7 114:6,24 115:21 116:1,2
paid 9:15 16:3,7 28:1 28:3
pandemic 6:8 13:6 14:1 14:11,14 48:1 105:4 107:2 111:3
panel 7:9 11:5 23:23
panels 118:12
paper 52:20
papers 98:3,9
paperwork 97:22
parent 120:10
parents 96:25
Park 53:4
Parker 56:4
parking 22:4 22:20,24 63:11
part 14:5 106:18 107:5 117:14
participants 6:19 7:11
participate 26:17
participation 104:25 106:22 108:10,25
particular 112:17
particularly 90:5 105:15 113:19
partner 120:7
partners 49:3 54:25 62:4 117:6 118:3
partnership 108:12 123:20
party 70:9
pass 92:22
passage 66:11 86:23 88:24
passed 72:14 95:18 97:6 97:7 98:25 117:19
passing 94:22
Passyunk 20:1,6
path 95:19
patience 120:4 130:9
patterns 19:17 22:18
pay 9:14 10:19 13:10 13:14,17 15:10 16:16 39:2 127:6
paying 14:24 15:8 48:15 131:25
Payment 48:17
payments 9:12,20
PC 100:13
peace 63:15
PECO 114:17
pen 46:14
penalties 9:19,22 31:3 61:24
penalty 36:22
Penn 114:17 115:15
pennies 64:14
Pennsylvania 8:2 24:17 40:21 53:1 59:5 70:11
penny 27:5
people 13:8 13:12 28:18 28:23 32:3 33:24 34:2 34:5,6,12 34:12 36:1 36:4 38:3 38:12 41:1 41:3,19 44:25 45:2 47:11,19 49:1 58:8 59:24 60:23 62:23 63:14 69:24 73:19 76:2 98:18 101:5 113:20 124:19,23 125:2,5 127:3
percent 8:16 8:20 10:1 12:21,22 13:18 24:3 25:2 26:14 28:6 31:16 31:17 35:24 38:1 107:20
perfect 16:9
perform 45:14 122:20
performance 107:18
period 16:4,4
permanency 19:20
permanent 16:13 18:25 21:4 23:6
permanently 8:15
permit 19:6 23:6,8 78:10 79:5 81:23 82:10
permits 29:4
permitted 15:11
permitting 16:16 29:2
person 27:9 46:2 59:2 70:8 73:12 84:12 91:9 91:19 102:22 131:10
perspective 40:4 74:17
phila.gov 107:7
Philadelphia 1:1 5:3,10 5:19 6:1 12:19 14:21 20:13 21:10 21:15 24:12 25:3,17 26:2,3 27:20 32:21 34:6,25 36:15 44:13 47:3 50:25 52:17 54:23 55:11 56:10 56:17 57:5 58:1,4 60:6 61:1 62:10 62:12 65:8 65:25 66:19 66:23 69:21 74:21 84:25 93:3,8 97:2 103:16 109:17,22 110:20 112:19 114:5 117:15,22 117:22 120:9,18 124:4,25 125:18,20 125:25 126:11 127:20 128:22 132:2
Philadelphi... 14:6 19:13 44:18 66:15
Philadelphi... 44:15 47:21 56:15
Philly 94:4 119:7
Philly's 87:17
phlcouncil.... 2:19
phone 50:21 63:8 85:16 89:20 122:15,15
phones 2:21 85:17
physical 117:10
physically 37:6
picture 130:25
pictures 131:8
PIDC 39:4
piece 24:25
pile 31:4
place 121:16 122:8
placed 97:16
places 14:10 33:1
plague 64:6
plan 17:4 20:15 21:6 115:19
planned 94:3 94:10
plans 84:23 115:1
plaster 45:2
plastered 57:6
plastic 20:17
plate 114:21
play 54:1
players 86:8
playing 54:5 54:13,18
please 2:21 2:23 3:1,2 4:24 7:8,14 11:4,25 40:18 43:14 43:23 63:23 63:24 64:23 64:25 76:17 84:11,14,18 91:8,10,18 91:24 99:18 100:12 102:21,24
pleased 44:8 74:4
pleasure 55:6
pleasures 115:17
pledging 114:21
plexiglass 18:17 19:5
plight 111:8
point 15:4 22:14 64:5 76:13 80:6 80:25 83:8 100:24 110:17 113:1
poles 45:4 57:6
policies 33:22 66:3 126:2
policy 33:8 34:8,24 35:1 56:13 107:23
poorest 44:18
poorly 94:10
population 94:8
position 27:8 28:14
possible 2:11 39:6
postcards 50:21 67:15 71:17 85:16
potential 69:15 112:3 122:4
potentially 29:6
poverty 93:2 110:25
power 110:22 116:11
PPA 22:4
PPP 9:5,7
practice 5:20 60:1 69:7 70:4 72:16 86:24 127:16,21
practices 50:9 51:16 58:22 65:11 65:24 66:3 66:10,14,23 66:24 68:2 68:10,25 71:25 72:25 85:1 88:17 88:21 104:19 111:6 124:1 127:1,9,25 129:9
practicing 14:20
pre-COVID 26:11
predatory 45:12 46:21 47:12 49:20 50:15 85:1 111:5 121:2 122:22,23 123:10 126:25 127:8,24 129:9
predictabili... 19:22 20:10
predomina... 85:10
Preferences 6:2 104:23 104:23
premise 60:1
premises 5:7
Prep 116:1
present 1:10 3:1 4:13,15 7:20 11:23 67:20 76:21 76:23 77:2 77:6,13,14 77:16,19,23 83:18 84:2 118:22 132:13
presently 74:6
presents 18:20
preserve 14:13 92:24 120:20
preserving 55:9
President 74:13 86:17 125:19
press 62:19
pressure 45:7 53:13 85:6 86:7 121:25 123:19
pretty 21:6
prevalent 127:9
prevent 94:20 98:17

123:1
preventing 128:6
previous 76:3
previously 68:15 132:9
prey 72:18 123:18 125:5
preying 127:2
price 46:6 57:20 58:9 58:14 59:20 87:23 127:14
prices 47:23
primary 68:8 68:14
prior 2:18 6:23 28:6 71:3 72:9 74:9,13 122:5
privacy 6:20
private 27:6 112:13 116:8
privilege 74:10
probably 26:13 28:11 37:12 46:16
problem 32:7 35:25 39:14 50:4 67:7 82:20 100:14
problematic 32:20 87:5
problems 5:23 44:20 68:14 117:9
procedurally 83:1
procedure 17:8
proceed 7:24 11:18 68:24 84:19 91:14 92:10 96:2 96:21 109:13 120:1
proceedings 30:3,9 133:3
process 29:3 30:7 51:3 57:14,15 61:8 84:9 104:14 105:13 107:14 121:12 122:7 128:12 129:15,25 130:5
processes 108:19
procurement 103:18 104:2,8,16 104:19 105:5,13,17 106:13 107:12,17 108:11 110:14 111:14 114:15 115:11,12
Procureme... 104:11
produce 110:4
product 37:2
profession 124:8 128:7
professional 49:23 51:8 61:21 107:11 108:1 122:18
professionals 51:10 54:25 61:16 70:2 93:12 120:22 122:3
Professions 5:12
proficiency 94:18
profit 46:10 46:11 50:2 67:12
profits 67:12
program 48:8,12 87:14 92:13 106:24 116:1
programs 19:2 21:1 39:1 49:9 87:13 88:12 110:7 113:18
progress 111:17
prohibit 61:13
prohibited 50:9 72:3
prohibition 50:11
prohibits 65:12 127:23
prominently 122:12
promise 93:15 122:25
promises 70:19
promote 38:19 92:18 110:8,22
promoting 105:9 110:13
promotional 86:19
prompting 85:19
proof 70:9
properly 48:21 82:3
properties 27:1 28:1 28:20 30:14 69:14,25 71:8,21 85:8 87:6 87:12
property 5:13,16,17 28:3 45:6 51:7,19 53:15 59:8 59:19 61:20 64:13 65:13 65:20,20 67:2,5,10 67:13 68:6 68:17 69:4 69:7,19 70:17 71:1 71:5 72:10 72:17,22 85:12,23 87:24 89:21 93:20 94:8 121:8,17 126:3,10,16 126:18,19 127:2,5,12 127:14,16 127:17 128:17,25 129:1,5,6,7 129:8
proposal 18:15
proposals 94:6
proposed 22:17 68:12
proposes 126:13 128:14
prospect 27:5
prospered 66:7
prosperity 110:23
prosperous 9:1
protect 34:12 49:19 56:14 67:6 85:11 95:14 123:4 123:14 126:2 129:8
protected 73:2 123:16
protecting 10:13 34:12
protection 5:22 10:3,9 68:2 69:5 75:13 88:22
protections 5:20 65:18 72:24 92:23 126:18
prototype 20:7
proud 89:13 115:8
proven 126:1
provide 5:4 5:21 25:9 44:14 51:20 52:4 61:9 70:9 71:2 72:20 75:11 75:12 106:20 116:3 128:24
provider 44:16
provides 31:8 65:17 74:17 75:1,4 105:13 126:17 128:17
providing 88:11,21 95:5 105:12
provision 66:24
provisions 25:16 72:12 112:7
proximity 34:2
PRWT 74:14
public 2:6,7 2:12,13,14 2:15 3:14 4:6,17 6:17 6:19 14:12 62:5 65:13 69:11,23 76:7,10,16 84:1,8 107:21 112:12 116:8 120:11 132:9 133:13
published 2:16
pull 114:25
purchase 5:15 47:16 69:25 71:4
purchased 57:22 97:1
purchasers 114:8
purchases 5:17 65:19 126:15
purchasing 18:9,10 104:9 106:1 110:21 112:20 116:10
purpose 7:7 128:19
purposefully 41:21
pursue 121:7
push 88:19
put 21:6 27:17,20,24 35:5 50:23 51:3,13 67:3 88:17 113:3 131:9
puts 50:5
putting 33:14 38:22 47:8

Q

quality 38:15 92:20
question 17:21 23:22 24:6 29:7 29:21 30:20 32:18 40:2 60:19 62:22 83:3 110:16
questions 6:24 10:22 10:25 16:24 29:12 43:12 55:14 62:24 65:16 73:5 73:18 75:17 75:25 89:4 96:9 109:2 118:11
quick 16:25 45:1 71:13 76:6 87:4 94:24 121:19
quickly 18:3 67:12
Quinones-S... 56:3
quite 43:2
quorum 4:14 77:21,22

R

R 133:1
racial 68:11 110:8 111:2 116:11
racially 66:4
racism 111:24
raise 48:21
raised 35:13 37:6
raises 106:7
range 85:21 86:1
rate 93:2
rates 110:25 123:15
RCOs 124:21
re-enter 99:8
reach 47:9 85:25 112:2
reaching 6:5
read 4:25 11:5 43:12 43:19 45:20 54:8 63:23 64:23 75:16 76:18 78:16 81:16 82:4 83:1 84:5 84:12 91:8 91:18 101:6 101:13 102:19,21 119:23
reading 52:22 78:11 79:6 81:23 82:10
ready 101:2
real 5:15 16:25 32:7 48:17 49:14 49:24 50:6 50:8,12 52:7 54:25 58:21 59:3 59:6 60:19 60:24 61:16 61:19 65:13 65:19 67:1 69:1 70:2 71:10 76:5 93:11 94:13 97:14 102:2 120:8,22 122:2 124:8 125:25 126:15 128:8,9 129:3
really 24:18 24:23 29:1 31:18 33:6 41:15,24 44:8 60:7 60:10 63:12 90:23 101:10,24 101:25 107:9 110:15 111:16 112:16 113:1,9,12 113:17 115:13 123:9 131:22
realtor 88:4 120:5 122:10 125:18 126:4 127:22 128:3,4 129:24
realtors 49:25 54:23 56:10 120:7 120:17 122:6 124:4 125:20 127:24

128:1,9
reason 58:15
reasonable 6:20 17:13 58:19 122:18
reasoning 35:2
reasons 42:7 74:25
reboot 99:7 100:12,19 102:15
receive 58:2
received 9:5 53:8 89:19
receiving 43:3
recognize 10:14 11:22 13:4 105:11
recognized 7:4 82:20 117:3 130:13
recognizes 77:24 79:24
recognizing 6:24
recommen... 78:9 81:21 82:8 84:5 132:11
record 4:20 7:1,19,23 11:18,24 12:1 62:17 73:25 84:18 91:14 92:9 96:1,21 103:3 109:13 120:1 126:1 131:9
recorded 6:18,22 82:22
recourse 88:22 123:17
recover 6:7
recovering 105:3
recycling 113:8
red 20:13
redlining 66:5
redo 39:10 78:24
reduced 12:25 13:1
referenced 110:3
refuse 72:5
regard 27:13 28:17 35:16
regarding 4:19 40:3 71:9 89:20 126:14
Regardless 66:13
regards 118:5
region 74:22 110:10 116:12 125:24
region's 110:1
register 48:18 107:14
regular 105:1
regulate 5:14 33:17 88:2
regulates 65:18
regulation 5:11 37:11 37:11 40:6 128:12
regulations 40:7,13 61:25 106:14,20 122:9
rehabilitati... 94:3
reinvent 21:12
reinvest 112:24 117:15,21
reinvesting 105:11 113:17
related 5:4 5:23 15:21 107:19
Relations 56:18 65:9
relationship 27:9 34:18
releasing 115:2
relentlessly 121:7
relevant 65:23
relief 5:5
relocate 47:22
relocating 27:7
rely 12:14
remain 63:14
remedy 123:12
remodel 59:10
remote 1:5 2:5,10
remotely 2:9
Renaissance 71:16
Renew 48:9
renowned 48:11
rent 9:4,6,11 9:14 10:19 13:10,14,20 16:1,6,17 27:2 28:2,4 28:5,6 69:3 69:8,13
reoccupied 32:2
reopen 14:10
repair 48:8,9 48:10 87:14
Repairs 87:15
repeated 44:24
replicate 129:22
report 106:25 107:5 115:2
reported 78:7 79:3 81:20 82:6
reporter 133:13,24
reporting 6:3 6:5 104:20 105:1 106:21 112:16
reports 93:7 107:18 110:3 113:3
represent 14:22 95:18 109:25 124:8 128:2
representat... 44:14 61:21 121:22 122:25
represents 46:11 50:3
reprieve 9:3
reproduction 133:22
request 4:21 69:2 82:21
requested 42:1
require 5:16 6:3 61:17 88:9 106:15 106:20 121:3 122:10 123:8 126:11 128:14,23
required 51:20 106:8
requirement 17:1 126:8
requirements 6:3 104:21 121:3
requires 2:4 51:6,13 69:19 71:1 123:11 127:25
requiring 104:24
resale 70:1
rescinded 72:8
research 52:6 110:5 126:20 127:7 129:4
researching 52:5
resentful 28:7
Reserve 93:8
residential 5:13 13:14 15:20 45:6 51:7,19 53:15 65:20 71:8 94:2 126:10
residents 41:8 44:19 45:19 51:1 57:9 60:6,9 61:1 62:9 63:7 64:19 86:3 87:2 88:23 90:2 93:9 95:4 111:1 112:2 127:5
resolved 91:3
resources 52:8 61:19 71:6,11,19 129:4
respectfully 123:22
respond 35:13
responding 3:3
response 11:2 32:17 43:16 73:22 79:20 83:22 91:15 92:1 96:3 99:21 102:12 118:13 132:5
responsibili... 121:4
responsibili... 120:23
responsible 58:19 70:9
rest 83:4
restaurant 5:6 8:3,13 9:8,22 12:6 14:4,5 18:6 19:8 21:20 23:7 24:17 30:17 33:24 36:8 37:23 40:5,8,21 111:9
restaurants 9:11,25 10:10,17 12:7,8,18 13:5,7,10 13:17 14:7 16:15,16,21 18:16 19:3 19:23 20:3 20:9 22:20 23:9,24 24:1,9,19 25:3,15,21 26:5 27:17 27:18 28:13 29:23 30:13 31:5,24 32:24 33:18 37:9 38:22 38:25 42:5
restaurateu... 25:5
Restore 48:9
restrain 122:16
restrictions 20:12
result 74:23 120:25 128:5 129:14
resulted 15:25 66:3
results 127:16
retail 31:24
retired 96:25
retirement 53:3
retiring 53:2
revenue 10:1 20:10 24:3 24:22 26:10 121:11 127:20
revenues 112:23
Review 107:25
reviews 108:1
revoke 72:4
RFPs 108:2,4
Richardson 1:13 3:21 3:23 39:21 39:23 42:21 56:2 77:4,6 79:9 80:3,6 80:16,23 82:1 89:6,8 90:15,22
riding 53:3
right 7:16 8:22 13:9 15:10 17:14 17:19 18:2 29:2 30:7 30:13,22 31:7,15 32:23 33:9 38:11 39:8 40:23 47:21 55:1 57:20 58:10 62:24 71:10 73:10 79:10 80:12 83:15 90:25 102:14 111:22 129:8
rights 44:7 95:5 126:3 126:19
rip 28:9
rip-out 28:10
rise 13:25
Rising 94:7
risk 45:22 48:14 60:22
Rittenhouse 25:18
road 59:13
Roberts 115:20
robust 129:14
role 34:14 113:15 120:16
roll 2:24 76:18
room 131:6
roundtable 114:15
route 23:4
routes 19:17
rowhouse 53:7
RR&R 87:15
rubrics 111:20
Rue 56:18,19 64:25 65:7 73:7,17,19 101:20
rules 34:4,4 36:2 40:13 41:22 50:16 56:23 58:18 78:10 79:5 81:22 82:9 90:9 126:14
run 29:4 109:21 110:7
runs 71:15 114:24
Russell 56:20

S

S 1:13
Sadly 53:19
safari 64:9
safe 32:2 34:11 37:21 38:11,13 39:7 41:8,9
safety 23:8 38:6,19
salaries 13:19
sale 46:4,5 51:22 53:17 67:2 69:8 72:6 86:11 86:18 122:6
sales 8:20 45:8,17 53:14 121:13
salesmanship

52:2
Salle 53:7
Samar 56:11
sanitation 33:21
Sarah 65:14 101:17
sat 36:4 115:12
saveownho... 86:21
saving 122:25
saw 57:10,18 60:15 63:9
saying 82:13 111:22
says 35:4 99:3
schedule 119:8
schemes 68:1
schools 31:18 120:11
scope 69:4 70:3
screaming 117:11
screen 3:5 43:24 44:2 54:4,9 131:1
scrutiny 49:23 124:2
seal 86:3
Sean 3:14 43:19 119:3
search 107:8 107:10
seasons 9:1
seating 19:6 22:10,19 33:4,19
second 78:13 78:15 79:9 82:1 99:24
seconded 79:12 82:3
secondly 128:23
section 6:1 67:5 69:22 104:21 106:4
sector 112:13
securing 95:19
security 48:1 93:18
see 17:20 21:4 30:9 30:12 35:12 37:5 57:4,7 58:15 61:3 89:4 96:5 99:2 101:22 102:17 103:3 119:15 130:25 131:23
seeing 11:3 26:13 40:23 41:3,19 43:11 73:23 118:14 132:6
seek 61:20 71:11
seeking 67:11 82:20 122:24 129:2
seeks 104:16 126:7
seen 24:22 37:19 60:20 61:4 63:9 64:8 112:11
segregated 66:4
sell 46:5 47:11,14 49:6,7,10 50:7 53:9 53:17 58:10 58:14 59:12 59:19,25 67:4 69:3 69:13 72:21 73:1 85:8 85:19 87:21 97:18 98:3 98:13 129:7
seller 61:17 122:4
sellers 60:3 60:12 121:6 123:2,6,17
selling 47:23 51:5 56:25 57:15 98:11 121:17,23
senior 64:11 74:7 93:16
seniors 45:19 86:5 90:5
sense 23:24 31:1
series 53:13 115:1
seriousness 116:13
serve 74:7,10
served 125:24
serves 44:17 107:9
service 122:20
services 44:8 44:12,17 52:13 56:8 74:14 87:22 87:25 104:4 104:12 107:11 108:1 123:21 124:5 126:22 129:11 131:16
session 78:12 79:7 81:24 82:11 84:6 132:12
set 18:24 33:19 58:17 59:4 61:11 62:10 67:9 90:9 111:14
setting 34:24
seven 8:12
Shalimar 71:15
share 25:11 43:24 54:4 54:9 62:5
shared 58:17 110:23 114:18
sharing 44:1 59:17
shields 36:5
shift 115:1
shifting 114:22
shifts 115:3,5
short 40:25 106:2
short-term 13:7 15:15
shortly 115:3
shout-out 71:14 130:18
show 117:21
shown 38:18 127:8
shows 88:5 123:3
shut 102:16
siblings 97:8 97:23
side 117:14
sides 17:13
sidewalk 41:1 41:18 43:4
sign 86:11 97:22 122:14
signed 45:15 51:23 53:16 98:9
significant 18:20 38:16 68:4
significantly 72:16 127:14
signify 7:4 82:13
signing 47:1 67:20 98:3
signs 45:3,5 57:4,5,7 61:4 63:8 85:15 124:24,24
similar 61:15
simple 50:14 51:10
simply 59:24 82:21
sinner 12:9
sister-in-law 53:21
sisters 19:9
sit 28:24 33:2 37:17,17 38:4 111:4
sit-down 38:25
sitting 33:13 33:14 38:6
six 8:17,19 38:17 70:16
small 9:6 26:20 53:6
smart 35:5
social 23:8 37:22 38:7 93:4,17
sole 94:24
solicit 61:22 67:2 68:18 69:11,16 106:16
solicitation 5:15,23 53:9 65:19 67:8 72:1,8 73:2 95:15 126:15 128:25
solicitations 50:24 63:10 67:14 106:19
solicited 50:7 61:18 69:3 69:13
soliciting 69:7
solicitors 85:2
solution 16:10
solutions 15:25 16:9 35:7
somebody 46:5
someone's 46:1 58:12
somewhat 34:14
soon 9:14 94:6
sorry 6:12 11:22 17:24 24:15 25:13 54:17 82:18 91:23 100:16 103:6 109:11 119:10
sort 21:3,4 36:22
soulless 94:23
sound 56:13 104:18
source 68:9 93:23
South 52:18
space 30:22 33:5 43:4
speak 15:16 16:19 45:20 99:2 116:20 120:14 125:9
speaking 100:7
speaks 98:23
special 38:22 39:5 102:2
specializes 9:24
specific 24:7
specifically 40:6 43:3 105:20
specifies 10:6
speculation 72:19
speed 121:19
spend 114:10 114:12,19 114:22 115:1,3
sponsor 4:22 40:1 75:23
sponsored 106:3
sponsoring 8:11 55:24
sponsors 103:13
spread 33:5
spring 13:3 22:7
Square 25:18
squarely 113:4
Squilla 1:11 2:2 3:13 4:11,12 6:11 7:18 8:4 10:23 11:3,9,12 11:16,21 16:22 17:14 17:19,25 20:22 22:2 23:17 24:13 25:6 29:9 29:16 32:11 35:9 37:5 39:11 40:18 43:8,17 54:6,14 55:16,20,22 62:14 63:21 64:2,21 65:3 73:6 73:23 74:2 75:20 77:18 77:19,22 78:14,22 79:10,15,18 79:21 80:4 80:13,20 81:2,14 82:2,17 83:7,11,16 83:20,23 84:17 89:1 90:14 91:6 91:12,16,21 92:2,8 95:23 96:4 96:13,19 98:21 100:1 100:6,16 101:9 102:5 102:13 103:1,6,9 109:4,10,19 116:17,22 116:25 118:8,14 119:13,19 119:22 124:15 125:12,15 130:8 131:5 131:12,17 132:6
stabilization 64:16
stabilize 87:12
stabled 53:4
stacked 75:9
staff 35:22 36:5,12 55:5 89:12 129:12
staffed 37:24
stakeholder 108:23
stakeholders 123:23 129:16
stand 122:19
standalone 38:23
standard 62:10
standards 58:18 59:4 59:16 61:11 88:3 122:19
stands 47:1
Star 96:14
start 11:22 31:20 40:17 47:16 54:16 123:10
started 2:20
starting 30:9
state 2:3 7:23 11:17,25 24:14 40:19 73:24 84:18 91:13 92:9 96:1,20 103:2 109:12 119:25 122:9 129:24
stated 116:13
states 58:4 129:1,21
stating 97:23
station 94:4
stay 48:6 49:1 52:9

86:15
staying 47:13
stenographic 133:4
step 36:11 42:13 50:14 55:8 95:19 117:17
Stephanie 91:24 99:19 99:22 100:4 100:11,17 102:10,24 103:2,14 109:5 110:12 115:10 119:15 124:18 125:8,17 130:9,19,21
Stephanie's 118:19,23
stepping 114:20
steps 48:19
stolen 111:7
stop 39:14 50:23 51:6 62:18
stopping 68:9
stories 62:5
Strategies 74:8
Strawberry 85:9 86:16 87:10,13 89:16,21,24 90:13
street 16:13 18:22 19:16 19:20,24 20:6 25:13 25:15,16 26:7,15,15 27:23 28:2 29:5 36:8 41:8 45:5 85:15 97:2
streets 23:5
strengtheni... 65:22
stressful 90:5
string 41:5
stripped 46:13
stripping 121:9
stroke 46:14
strong 54:24
stronger 86:22 117:24 126:19
strongly 105:6
structural 94:9 111:24
structures 23:10 67:22 115:25
struggle 8:14 9:9
struggled 8:24
struggling 10:5 12:24 14:23 26:24 41:15 127:5
study 108:16
stuffed 52:20
subject 72:13 121:15
subjected 45:16 88:15
submitted 75:14
substantial 70:18
substantially 69:25
suburban 37:10
suburbs 36:24 37:14 66:6
successfully 75:3 107:13
suddenly 46:13
suggest 25:1 112:21
suggestions 27:13
summer 14:2 114:14
sun 13:25
sunlight 51:15 123:25
Sunshine 7:5
super 85:21
supervision 133:24
supplies 104:12
supply 70:6,8
support 8:7 16:20 25:24 29:11,13 31:24 32:18 44:9 51:1 53:22 65:6 74:6,24 75:1,10,18 90:23 98:16 100:3,10 103:19 105:6 116:4 117:16,22 120:14,19 126:6
supported 66:1 105:18 109:24
supporting 105:7 113:23
supportive 54:24
supposed 30:6 36:10
sure 21:21 23:3 25:7 34:7,24 47:22 50:15 54:7 58:8 58:16 61:3 73:8,9 82:17 84:20 99:3 100:9 100:11 103:5 118:25 131:25
surely 75:7
surrounding 32:22 33:9
survive 34:3 116:5
suspended 78:10 79:5 81:22 82:9
switch 73:11
Sylvie 20:24
Sylvie's 113:15
synopsis 25:9
system 61:11 75:11 87:15
systems 38:23 48:8 108:19

T

T 133:1,1
table 58:17
tables 18:9 36:4
tactics 53:14 85:6 122:22 123:19
take 2:24 13:19 33:1 59:11 60:4 60:9 63:3 64:10,14,14 72:14 108:14 117:13
take-out 12:15
taken 57:10 60:23 86:5 133:5
talk 34:15 42:2 110:14 117:9
talking 31:21 32:6 52:12 98:8 111:8
TANEHA 133:12
Tanetta 84:15
tank 109:24
target 45:18 68:6
targeted 60:21 85:5
targeting 93:13
targets 111:15
tax 18:13 45:23 48:14 121:11,15 127:19
taxes 15:9 16:3 48:16 94:8
taxpayer 104:17
Taylor 53:21 53:23
team 101:25 124:2
Teams 1:5 2:10 7:3 99:8 102:17
TECH 100:3 100:10
technical 103:7 130:11
techniques 45:8,13,17 49:21
telephone 45:4 57:6 122:14
tell 24:7 42:4
Temple 97:3 114:18
temporarily 22:6
temporary 19:15
tempting 87:4
ten 113:9,24
tenant 15:7 17:6
tenants 14:24 15:23 17:3 30:5,17
tend 34:3
tens 18:19 23:9 46:9 114:21 115:4
tent 33:14
tents 23:10 33:20
term 13:23 14:9 16:11 31:4 74:12
terms 5:7,24 6:8 24:24 28:1 34:21 112:23
testified 73:19
testifiers 118:12
testify 6:16 7:10 8:7 10:21 11:6 25:24 30:6 44:9 53:22 62:7,23 65:6 73:4 73:12 76:2 91:9,19 92:3,7,15 95:22 96:6 96:8,10 99:2,16 100:21 101:11 102:18,22 103:19 109:7,12 110:11 118:5,16,18 119:11 126:6
testifying 49:4 84:12
testimony 2:13 6:14 7:24 10:24 11:18 12:2 20:25 39:13 44:2,3 52:11 55:17 55:21 62:25 73:7,14,18 74:1 75:14 76:13 80:17 82:24 83:4 84:8,19,22 89:2 90:20 91:14 95:24 96:2,22 98:20,22 99:6,10 100:18,20 101:5 102:7 102:20 109:1,5,14 117:1 118:20,23 119:24 120:2 124:16 125:7 130:17
text 63:8 67:15 85:18 89:19
texts 90:25
thank 4:13 6:11 7:21 7:25 8:6,10 10:20,23 11:24 12:3 16:18,22 20:22,23 21:22 23:15 23:17,20 25:11,23 29:9,14,14 29:16,19 32:9,10,11 32:14 35:8 35:9 37:2,4 37:7 39:11 39:12,23,24 39:25 42:21 42:21 43:5 43:7,8,9 54:20,22 55:3,16,17 55:19,20,22 55:25 56:7 56:8,9,16 56:20 62:7 62:13,14 63:2,17,18 63:21 64:21 65:1,1,2 73:3,6,17 75:19,20 76:12 78:3 78:24 80:24 81:2 82:2 83:15,16 84:9,21 88:23 89:1 89:8,15,23 90:11,12,14 90:17,19,20 91:4,4,6 92:7,14 95:20,22,23 98:19,22 101:17 102:1,2,4,6 102:8 109:4 109:10,11 116:16 117:1,4,6 118:1,2,3,4 118:8,24 119:9,22,25 120:4 124:2 124:12,16 125:6,14 126:5 129:10 130:5,8,9 130:14,16 130:22,23 131:14,18 131:19,20 132:8,15,19 132:20
thankfully 131:2
thanks 48:4 116:25 132:17
thing 8:23 42:9 91:2
things 19:4 21:9 22:12 23:11 33:4 33:21 35:19 36:17,20 38:20,21 41:6 111:17
think 11:10 20:20 21:8 21:16 34:8 37:25 39:10 41:6,9 51:24 63:13 64:15 75:11 76:13 78:17 83:7 91:3 92:10 96:14 101:10 111:21 117:17 119:14
think-and-do 109:23
thinking 30:16 41:12 53:18
third 53:17

Thomas 7:20 56:5 71:15 75:22 112:5 116:17 117:2,4 131:21
Thomas' 119:5
thorough 124:6
thought 22:4 27:12 37:20
thoughtful 124:6
thoughts 130:6
thousands 13:8 18:19 23:9 38:24 46:10 85:3
threat 46:22 94:14
threatened 44:24
three 18:22 51:21 61:16 68:14 71:3 124:14
threefold 128:20
threshold 106:8
throw-away 122:15
tickets 40:24 42:7 63:11
tied 46:24
ties 95:13
time 7:1 13:2 16:4,18 42:3 58:9 58:21 72:8 72:9 88:7 88:13,17,23 90:7 121:16 132:15
times 12:22 21:22 95:7 124:14 131:24
Tipton 102:25 103:5,8,14 130:19,23 131:2,14
tirelessly 114:25
title 5:2,10 72:9
titles 4:25
today 3:19 6:15 8:7 10:21 20:11 30:6 44:10 49:4 52:12 55:23 58:3 62:7 65:14 67:8,17 68:13 78:2 79:25 82:6 84:22 90:20 92:16 98:24 116:21 117:8 120:14 126:6 130:17 132:16
today's 4:23
told 36:7 98:4 98:8,10
tomorrow 20:11
Tonetta 84:21 90:19
tool 50:23 116:16
torrent 53:8
total 74:24,25
touch 71:22 131:24
toured 19:23
tourism 26:20
Tracey 48:18
track 19:15 51:17 111:16 113:4 126:1
trade 122:17
Trades 5:12
traffic 12:25 13:1 19:17 22:18,23,24 23:3,4
transaction 121:20
transcript 133:6,21
transfer 72:9 121:15 127:19
transform 94:6
transition 28:12
transitioned 66:16
transparency 67:25 75:6 105:10,14
transparent 104:6 122:21
Transporta... 22:17
treated 18:11
tremendous 111:2
tremendou... 26:6
trends 60:24
tried 66:20
trouble 52:22
true 20:5 47:7 109:25 123:20
trust 104:18
trusted 51:25 87:22
try 10:20 14:12 39:17 54:10 59:24 99:5,12 100:18 101:7 102:10,15 117:14 119:14 124:14
trying 30:15 99:2
Tuesday 1:5
turn 46:3 62:2 102:16
two 26:25 27:1 42:7 57:24 61:12 72:2 120:10
two-story 53:6
type 18:5 39:4
types 18:7
typically 26:10 45:23 59:7,14 127:2,11

U

ultimately 53:16 86:9
umbrellas 40:10,24 43:4
unable 13:9
unanimously 132:14
unbelievable 60:17
uncertain 48:3
uncertainty 28:16
unchecked 50:1
unconscion... 110:25
undermining 124:9
undersieged 86:14
undersold 121:13
understand 2:3 27:11 33:6,10,12 34:22,23 35:1 36:16 43:23 45:15 57:14 60:24 112:16
understand... 87:17
undertook 130:1
unethical 61:13 121:7 127:22
unfair 68:2 72:24
unfortunat... 9:7 57:16 73:16 97:12
unique 21:11
Unit 44:7
United 58:4
universal 68:18
universities 114:9
University 52:25 53:7 97:3
unlawful 5:21 71:25
unmute 96:15
unmuted 99:3
unregulated 67:9 68:16 72:17 94:12
unscrupulo... 67:7 93:11
unsolicited 88:16
unsympath... 14:18
untrustwor... 70:22
untruthfully 70:20
unwanted 50:23 73:2 95:15
unwarranted 88:16
unwelcomed 44:24
update 59:9
updates 104:20
upholds 104:18
upkeep 64:13
upset 50:20
urban 66:7
urge 95:1 124:11 130:1
urges 112:8
usage 6:5
use 7:2 18:17 23:2 45:7 85:6 104:17 110:20 111:13 116:10
usefulness 93:13
usually 59:3
UVC 38:20

V

valuable 56:21 87:10
value 45:10 49:12 52:7 57:23 58:2 59:8,11 60:15,20 61:20 67:25 68:5 71:7 71:21 72:23 85:9 104:14 108:2 121:18 122:5 123:3 123:7 124:10 127:15 129:5
valued 108:3
values 121:9 123:16
variety 90:7
various 49:3 105:19 129:1,16
vast 24:8
vending 30:24
Vernick 27:18
vested 71:24
vibrant 14:4 14:5
Vice-chair 1:11 65:3 68:21 103:12 116:18
Vice-presid... 8:1
victims 45:11
video 44:3 52:12 54:1 54:5,13,18 57:10
view 2:13 110:17
viewers 6:19
viewing 4:5
violate 61:25 122:8
violation 72:3 72:11
violence 31:13
visit 86:10
voice 124:18 125:24
voices 123:22
volume 54:7 54:9
vote 80:9,19
voted 84:3 132:10,13
voters 106:6
voting 82:22 83:5,8
vulnerability 127:12
vulnerable 45:19 49:19 56:14 67:18 87:6 93:14 94:12 121:10 125:6

W

W/D/SBE 106:22
wait 101:7,9
waiting 35:23
walks 46:9
want 7:22 10:10 14:3 14:25 15:17 28:22,23 29:1 34:11 34:11,17 35:13,14,19 35:20 37:17 38:4 39:25 42:18 47:22 48:6 49:6,7 49:10 50:7 50:19 51:5 55:1 56:7 56:16 63:16 64:4 71:13 72:21 73:1 83:3 87:2 87:21 96:1 99:7 100:18 101:6 102:5 102:10,14 119:14 124:18 130:18 131:3,9 132:7
wanted 23:23 36:15 57:17 63:3,18 68:23 89:10 89:15,23 90:11,19 101:16,17 101:25 117:5 119:11,24 130:16
wants 52:9 130:12
watched 86:13
way 6:6 10:16 18:11 18:13 31:11 32:2 50:2 58:24 63:13 64:16 104:17 105:2 120:24 130:25
ways 21:20 23:4 29:12 42:14
WBEs 112:14
we'll 42:22 62:22,24 73:15,20 76:16 81:6 96:7 100:23 101:2,12,13 102:18,19
we're 10:3 14:3,9 16:11 24:23 26:14,17 31:11,21 32:5 34:16 38:22 39:9 40:23 41:19 62:20 73:10 73:11 76:5

76:6,9,14 78:15,16 80:17,23 81:4,12 83:8,12 92:21 99:23 108:20 109:22 111:10,13 113:7,25 115:8 131:25
we've 27:20 28:19 54:24 60:20 66:17 112:11 114:4 116:1 116:7
we-buy-ho... 85:1
wealth 46:17 46:20,24 47:6,17 55:10,11 58:6 68:9 92:25 93:23 94:21 111:2 112:22 113:10,22 121:9
wealth-drai... 85:13
wear 36:6
Weary 52:14 52:14,24 53:6,20
weather 20:12 28:24
weatheriza... 87:16
web 86:9
website 98:5 107:6
week 18:23
weekends 26:9 43:1
welcome 105:22 116:15 130:22
well-docum... 13:20
well-infor... 95:4
went 68:21 75:24 98:18
werehereto... 86:20
weren't 132:8
West 25:17
wheel 21:13
white 46:18 46:20 66:5 66:6
who've 55:5
wholesale 61:12 93:12 94:13
wholesaler 46:9 49:15 51:13 52:2 53:15 58:24 59:14 63:10 72:7 121:17 127:11
wholesalers 5:14 45:7 45:24 49:21 50:1,18 51:4,7,19 56:24 58:20 60:3 61:14 62:11 64:8 65:21 67:10 67:13 68:6 68:17 69:19 69:22 70:17 71:2 72:17 86:25 88:9 95:16 121:8 122:18,19 124:7 126:12 127:1 128:11,15 128:21,24
wholesalers' 45:18 51:16
wholesaling 59:23 126:10,25 128:16,21
wife 131:5
William 52:14
willing 27:4 119:23
willingness 130:10
Wills 48:18
win 74:20 75:4
winter 13:23 28:16 36:25
wish 7:4
wished 30:22
Wissahickon 120:7
witness 43:13 43:20 63:24 64:24
witnessed 66:18
witnesses 6:14,25 7:9 11:5 80:7
women 105:8
women- 106:17 107:15 108:17
wonderful 125:13 131:7,10
words 3:3 34:5
wore 36:5
work 13:12 14:19 17:4 21:8,8 23:12 39:15 39:15 42:10 53:1 55:6 55:12 56:12 56:21 57:25 58:20 62:16 63:4 87:24 88:7 89:13 89:16,24 90:12,22 95:1,9 101:19,24 104:3 108:8 108:12 110:13 113:1 115:16 118:10 120:18 130:10 131:18 132:17
worked 22:16 49:3 54:21 63:19 74:4 105:23 114:7
workers 39:8
working 20:25 21:12 21:18 23:3 34:18 37:24 49:14 52:24 57:13 62:8 113:13 114:25 121:5 129:12 131:23
works 17:15 23:14 53:23 107:21 108:2
world 88:5
world-class 114:9
worries 103:8
worrying 93:6
worse 111:3
worth 41:24 46:8 53:18 98:6 111:12
wouldn't 21:8 24:21
written 20:25 51:20

X

Y

yeah 100:10 109:18
year 9:16 14:2 28:4,6 44:19 49:2 53:20
yearlong 129:15
years 16:8 27:24 44:21 52:21 53:2 70:16 97:3 97:6,13 113:13 114:4
Yin 25:12,13 29:10 35:14 111:7
York 21:2,3

Z

Zillow.com 98:6
zip 93:24
zone 20:13,14
zones 94:3
zoning 94:1 101:18

0

1

1 28:3 72:15
10 1:5
10,000 19:2
100 13:18 24:4
100,000 57:25 106:10
10th 97:1
11:45 132:23
110-year- 109:22
12 16:2 52:15
12,000 44:18
12:30 62:20
14 36:3
15 31:17
17-109 6:1 104:21
18 16:2
1908 125:25
19122 93:24
19133 93:24
1956 52:18
1959 96:25
1966 44:13
1968 66:12
1989 97:7
1997 97:7

2

2 27:25 108:3
20,000 29:6 57:23
200,000 98:7
200353 1:17 4:20 5:25 73:13,21 74:1,6,24 78:5,25 81:17 102:24 103:20 104:19 112:4
200382 1:17 4:21
200544 1:17 4:20 5:9 43:22 44:10 55:24 65:7 65:17 72:15 73:16 78:18 79:1,11 81:18 84:13 84:23 92:4 92:16 96:22 99:17 119:12 120:15 122:16 126:7
200574 1:17 4:19 5:2 7:13 8:8 9:10 78:18 79:1 81:18
200575 79:12
2012 85:3
2018 107:23
2019 106:6
2020 1:5 125:19
2021 72:15
20th 65:25
21 97:5
23 27:24 52:20
25 12:21

3

3,000 125:22
30,000 57:23
31,000 98:4
34,000 106:9 106:9
39 53:2
3rd 52:18,23

4

4 97:3
40 26:14

5

5 41:19 78:2
50 10:1 12:21 24:3 28:6 28:18 35:24 37:25 38:4
50-degree 28:24
50,000 28:11
500 60:16
55 38:5

6

6 18:7 41:17 80:1 96:14
60 109:24
60,000 28:5
62 107:20
66 8:16

7

70 38:3
75 25:2 40:23 42:7
75,000 106:9
78 8:19

8

8-200 106:4
80,000 57:25
81 97:13
85 31:16

9

9 5:2,10
9-1100 5:18
9:30 1:6
90 13:18