

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Via Microsoft Teams
Philadelphia, Pennsylvania
Thursday, April 22, 2021
1:01 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER, CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN DEREK S. GREEN
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILMAN MARK SQUILLA
COUNCILMAN ISAIAH THOMAS

RESOLUTION 210295 - Resolution authorizing the
Committee on Law & Government to hold hearings
examining the decision to permanently move
sheriff sales online...

- - -

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2 COUNCILWOMAN PARKER: Thank
3 you. I understand that state law
4 currently requires that the following
5 announcement be made at the beginning of
6 every remote public hearing as follows:

7 Due to the current public
8 health emergency, City Council committees
9 are currently meeting remotely. We are
10 using Microsoft Teams to make these
11 remote hearings possible. Instructions
12 for how the public may view and offer
13 public testimony at public hearings of
14 Council committees are included in the
15 public hearing notices that are published
16 in the Daily News, Inquirer, and Legal
17 Intelligencer prior to the hearings, and
18 can also be found on PHLCouncil.com.

19 I now note that the hour has
20 come. Rachel, will you please call the
21 roll to take attendance. Members that
22 are in attendance will please indicate
23 that you are present when your name is
24 called. Also, please say a few brief
25 words when responding so that your image

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2 will be displayed on screen when you
3 speak.

4 And, Rachel, I'm going to ask
5 that you start with members of the
6 Committee, but there are also several
7 other members of Council who are joining
8 us who are not formally members of
9 Council but will be participating in this
10 hearing as if we were in our Council
11 Chambers.

12 Thank you.

13 THE CLERK: Councilmember --
14 excuse me; Vice Chair Derek Green.

15 COUNCILMAN GREEN: Thank you,
16 Madam Chair. I am present and looking
17 forward to today's conversation.

18 THE CLERK: Councilmember -- I
19 don't believe Councilmember David Oh is
20 on yet.

21 Councilmember Helen Gym.

22 COUNCILWOMAN GYM: Good
23 afternoon, Madam Chair. Good afternoon,
24 colleagues. I'm here.

25 THE CLERK: Councilmember

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2 Curtis Jones.

3 (No response.)

4 THE CLERK: Councilmember Brian
5 O'Neill.

6 (No response.)

7 THE CLERK: Councilmember Maria
8 Quinones-Sanchez.

9 (No response.)

10 THE CLERK: And Councilmember
11 Mark Squilla.

12 COUNCILMAN SQUILLA: Good
13 afternoon, Madam Chair and colleagues. I
14 am present. I was muted.

15 Thank you.

16 THE CLERK: We are also joined
17 by Councilmember Gilmore Richardson.

18 COUNCILWOMAN RICHARDSON: Good
19 afternoon, Madam Chair. Good afternoon,
20 colleagues. Thank you so much for this
21 very important hearing. Thank you for
22 your work.

23 THE CLERK: Councilmember Allan
24 Domb.

25 COUNCILMAN DOMB: Good

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2 afternoon, Madam Chair and colleagues and
3 Rachel.

4 THE CLERK: Councilmember
5 Isaiah Thomas.

6 COUNCILMAN THOMAS: Good
7 afternoon, Madam Chair. Good afternoon,
8 colleagues.

9 THE CLERK: Councilmember Jamie
10 Gauthier.

11 COUNCILWOMAN GAUTHIER: Good
12 afternoon, Madam Chair. Good afternoon,
13 colleagues and Philadelphia. Present.

14 THE CLERK: Councilmember
15 Kendra Brooks.

16 COUNCILWOMAN BROOKS: Good
17 afternoon, Madam Chair and colleagues.

18 THE CLERK: And I believe that
19 is all the Councilmembers who are
20 currently on.

21 Councilwoman Parker, are you
22 having issues with your technology?

23 COUNCILWOMAN PARKER: Can you
24 all hear me now?

25 THE CLERK: Yes.

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2 COUNCILWOMAN PARKER: Okay.

3 Thank you. Thank you. A quorum of the
4 Committee is present and this hearing is
5 now called to order. This is the
6 continued public hearing of the Committee
7 on Law and Government regarding
8 Resolution No. 210295.

9 Rachel, will you please read
10 the title of the resolution.

11 THE CLERK: A resolution
12 authorizing the Committee on Law and
13 Government to hold hearings examining the
14 decision to permanently move sheriff
15 sales online, and further to explore the
16 ramifications of and any unintended
17 consequences that may arise from this
18 decision.

19 COUNCILWOMAN PARKER: Thank
20 you.

21 Before we begin to hear
22 testimony from the witnesses we have for
23 today, everyone who has been invited to
24 the meeting to testify should be aware
25 that this public hearing is being

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2 recorded. Because the hearing is public,
3 participants and viewers have no
4 reasonable expectation of privacy. By
5 continuing to be in the meeting, you are
6 consenting to being recorded.

7 Additionally, prior to
8 recognizing members for the questions or
9 comments they have for witnesses, I will
10 note for the record at this time that we
11 will use the Chat feature available in
12 Microsoft Teams to allow members to
13 signify that they wish to be recognized.
14 In order to comply with the Sunshine Act,
15 the Chat feature must only be used for
16 this purpose.

17 Now, before Rachel calls the
18 first panel, I want to make a few opening
19 comments, and the first one is,
20 colleagues, you saw me get kicked off at
21 the end of Council. My internet went
22 out. If in fact it were to do such in
23 the midst of this hearing, our Vice
24 Chair, Derek Green, has been given the
25 script for this hearing and we will be

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2 moving along.

3 With that being said, I want to
4 be very clear in stating for the record
5 what this hearing is not about. And I
6 want to repeat, is not about. It is not
7 whether sheriff sales should resume, and
8 it is not an attack on the Sheriff or her
9 office. It is solely about the vehicle
10 through which the Sheriff has chosen as
11 an independently elected official in the
12 City of Philadelphia to conduct the
13 sales, which have been ordered by the
14 court.

15 On April the 8th, I introduced
16 a resolution authorizing this Committee
17 to hold hearings examining the decision
18 to permanently move sheriff sales online,
19 and further to explore the ramifications
20 of and any unintended consequences that
21 may arise from this decision.

22 Now, as many of you know,
23 sheriff sales resumed virtually on April
24 the 6th using a firm called Bid4Assets.
25 Now, while the Sheriff's Office has

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2 recently indicated that the move to
3 virtual sales is a pilot instead of a
4 permanent move, the questions contained
5 in the resolution still remain.

6 The decision to conduct sheriff
7 sales via an online platform could have
8 much larger land use implications beyond
9 just even individual homeowners, and we
10 need to understand how this new system
11 will impact both homeowners and the
12 neighborhoods in which they live.

13 Now, I know my colleagues share
14 my concern that if the process changes
15 too much and too quickly, this could
16 accelerate and exacerbate negative
17 trends, such as homeowner displacement,
18 neighborhood instability, and a
19 proliferation of investor-owned rental
20 properties.

21 In fact, many of my colleagues
22 who are not members of this Committee
23 asked to join the hearing today
24 specifically because they are so
25 concerned, and I want to for the record

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2 let them know that I appreciate them
3 taking the time to participate in the
4 discussion on this very important issue.

5 I hope that today we can get to
6 the bottom of the numerous questions and
7 concerns that have been raised.

8 I want to for the record thank
9 the Sheriff's Office for coming to
10 testify and for communicating so well
11 with my office in preparation for this
12 hearing.

13 I also want to thank all of the
14 panelists who are prepared to testify
15 today, representatives from other
16 jurisdictions, including Allegheny County
17 and Cleveland, Ohio; the legal aid
18 organizations; other governmental
19 entities, including State Rep Jason
20 Dawkins and Angel Rodriguez from the Land
21 Bank; neighborhood and community groups;
22 local purchasers; and concerned and
23 interested constituents. And I want you
24 to know for the record that if you
25 submitted your testimony in advance and

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2 as we circulated it through Council, we
3 spent last night reading every single
4 piece of testimony that was submitted to
5 this Committee, and we're going to make
6 sure that we hear each of you.

7 This may be a little lengthy.
8 If in fact for any reason you have to
9 jump off, we understand. We'll make sure
10 your testimony is, of course, included on
11 the record, but I am asking you,
12 wholeheartedly asking you, to do your
13 best to stay with us so that you can read
14 your own testimony and put it on the
15 record.

16 I want this hearing to proceed
17 in a respectful manner. As City Council,
18 we respect that the Sheriff is an
19 independently elected office, but we are
20 also exercising City Council's authority
21 to ask questions.

22 Now, for those of you who are
23 viewing at home, again, this may be
24 pretty lengthy, and I expect it to go
25 well past 5:00. We will hear from a

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2 series of panels of testifiers and then
3 allow public comment, where constituents
4 who have reached out to my office in
5 advance of this hearing will be dialed
6 into the hearing by Council's tech
7 support.

8 I appreciate everyone's
9 patience and giving this issue the
10 thorough examination that it requires.

11 I also want to note that for
12 those who were interested in speaking
13 during the public comment period, the
14 deadline, according to Council's standard
15 operating procedure, was Tuesday,
16 Tuesday. That was the deadline to call
17 to note for the record that you were
18 interested in participating during the
19 public comment period, and I just needed
20 to say that for the record.

21 With that being said, Rachel,
22 will you please call the first panel we
23 have to testify this afternoon on
24 Resolution No. 210295.

25 THE CLERK: I think

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2 Councilmember Gym has a quick comment.

3 COUNCILWOMAN PARKER: Sure.

4 The Chair recognizes

5 Councilmember Gym.

6 COUNCILWOMAN GYM: Thank you
7 very much, Madam Chair, and I just also
8 wanted to thank you for your leadership
9 on this issue and for holding this
10 hearing and for laying out what I believe
11 will be a very thorough and lengthy
12 discussion of the importance of the
13 proposal that the Sheriff has made.

14 A couple of things that I also
15 wanted to note, I also had a chance to
16 talk to Sheriff Bilal and again repeat
17 your comments, that we absolutely respect
18 the independence of the office, but the
19 important thing about this issue is that
20 sheriff sales not only impact the broader
21 residents of the City of Philadelphia but
22 we have a devoted Land Bank, we have the
23 City of Philadelphia, we have the School
24 District of Philadelphia, we have
25 Philadelphia Gas Works. We have entities

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2 that are deeply tied to this issue.

3 So it is important for us to
4 have this be fully discussed, and we
5 expect a really robust conversation, and
6 I look forward to that.

7 Thank you very much, Madam
8 Chair.

9 COUNCILWOMAN PARKER: Thank
10 you, Councilmember Gym, for your
11 comments. They are greatly appreciated.

12 The Chair for the record also
13 wants to recognize that I just see that a
14 member of this Committee, Councilmember
15 David Oh, has just arrived.

16 Thank you, Councilmember Oh,
17 and your name will be added to the
18 attendance.

19 COUNCILMAN OH: Thank you very
20 much, Chairwoman.

21 COUNCILWOMAN PARKER: Rachel,
22 you can please call the first panel here
23 to testify.

24 THE CLERK: Sheriff Rochelle
25 Bilal.

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2 SHERIFF BILAL: Good afternoon.

3 Can you hear me?

4 COUNCILWOMAN PARKER: Yes,

5 ma'am. I can hear you well. Good

6 afternoon, Sheriff.

7 SHERIFF BILAL: We made sure
8 our whole team came in here today, so you
9 can probably see everyone. That's
10 technology for you.

11 So let me open up.

12 Dear Committee members and
13 Councilpeople, we appreciate this
14 opportunity to address your concerns
15 about the sheriff sales going virtual. I
16 will summarize the packet that was sent
17 over to you, over to the Committee, and
18 after that, we will welcome any questions
19 and suggestions that you may have to help
20 us with this process.

21 First, let me introduce you to
22 my team that helped put this all
23 together. Curtis Douglas, Esquire to the
24 right is the Undersheriff.

25 MR. DOUGLAS: Good afternoon.

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2 SHERIFF BILAL: Tariq

3 El-Shabazz, Esquire is Undersheriff

4 Apprentice. That's what we call him.

5 MR. EL-SHABAZZ: Good

6 afternoon, everyone.

7 SHERIFF BILAL: Jenne Ayers,

8 Esquire that is sitting to my left is my

9 Chief of Staff. Darrell Stewart,

10 Director of Real Estate.

11 Darrell, raise your hand so

12 they --

13 MR. STEWART: Right here.

14 SHERIFF BILAL: Melissa Simpson

15 is Deputy Director of Real Estate.

16 MS. SIMPSON: Good afternoon.

17 SHERIFF BILAL: Greg Salisbury,

18 Public Information Officer.

19 MR. SALISBURY: Good afternoon.

20 SHERIFF BILAL: William Swank,

21 IT. He should be on electronically from

22 another location.

23 MR. SWANK: Good afternoon.

24 SHERIFF BILAL: And Teresa

25 Lundy is our communications person.

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2 In March of 2020, the City shut
3 down due to COVID-19 pandemic. I
4 repeatedly asked the courts, which were
5 also closed, to postpone sales because
6 there was no place for us to hold them
7 while keeping our staff and bidders safe
8 from COVID-19. During this time when
9 sales were put on pause, we researched
10 alternative ways to fulfill our legal
11 duties.

12 The sheriff sales generated
13 revenue for the City, so it was crucial
14 for us to determine how we were going to
15 proceed safely and efficiently according
16 to the rule of law, while also keeping in
17 mind the citizens who have been affected.

18 I established a Constituent
19 Service Department to better provide and
20 offer information and assistance to those
21 in need. This department was created to
22 serve the homeowners, from providing them
23 with information and resources on how to
24 save their homes, to informing them about
25 how to recover any excess balance

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2 resulting from the sale of their home.

3 In your packets, you have the
4 statement from the Undersheriff, Curtis
5 Douglas, that explains why and how we
6 chose Bid4Assets as our platform compared
7 to the other online platforms we
8 investigated. Bid4Assets was clearly the
9 best choice to produce a virtual sale
10 that most closely mirrored our in-person
11 sales.

12 Throughout the process of
13 transitioning to virtual sales, I did my
14 best to postpone all sheriff sales, but
15 in December of 2020, we received Court
16 Order 67 and 68, which clearly stated
17 that all sheriff sales must resume April
18 of 2021. These orders also stated
19 sheriff sales will be conducted via
20 virtual platform.

21 With those orders in hand, my
22 team worked diligently for months to make
23 sure we had a secured and manageable
24 platform and that all the protections,
25 and I mean all the protections, for

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2 homeowners was still intact.

3 During this process, we made
4 sure to take into consideration the issue
5 that the City had, such as LLCs buying
6 properties. Accordingly, we made it
7 mandatory that LLCs had to submit a real
8 person's name, address, phone number, et
9 cetera, in addition to their corporate
10 information. We added a fraud alert and
11 suspicious activity division as well to
12 report any observed patterns of concern.

13 Initially I stated the virtual
14 sales were permanent. I walked this
15 statement back on numerous occasions in
16 the media. In government, nothing is
17 ever permanent, and there is always room
18 for improvement.

19 During the implementation of
20 this new platform, my office must review
21 the metrics to determine if this process
22 is the most beneficial to our city. And
23 if we determine that it is not, then we
24 will proceed accordingly.

25 If you look at Bid4Assets'

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2 contract, you will see that it gives the
3 Sheriff Office leeway to opt out if
4 virtual sales are not good for our city,
5 and we can do that without penalties.

6 I am a person who strongly
7 believes in efficiency and proactivity,
8 identifying and preventing potential
9 problems. I focus on resolving problems
10 and finding new ways to make the Sheriff
11 Office more structured, successful, to
12 ensure efficiency and transparency.

13 The primary reason we decided
14 to go virtual is simple. We were faced
15 with a pandemic and we did not have a
16 space to safely hold in-person sales. We
17 now have a cost-efficient,
18 state-of-the-art platform that allows us
19 to save money by removing the cost of an
20 auctioneer, the rental space, and fees so
21 that homeowners can benefit more from the
22 resulting excess funds, and my staff can
23 maintain their jobs in my budget.

24 I was elected by the citizens
25 of Philadelphia to bring change to the

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2 Sheriff Office. Part of my mandate
3 includes making changes to the sheriff
4 sale process, changes that will result in
5 more excess money to give back to those
6 who have lost their homes to the
7 foreclosure process.

8 I am willing to work with this
9 Committee and review the metrics, and
10 look forward to receiving feedback and
11 suggestions to improve the virtual sales
12 for the City and the County of
13 Philadelphia.

14 I am a child of Philadelphia.
15 I grew up in the neighborhoods of this
16 City. I understand wholeheartedly the
17 spirit of everybody's suggestions and the
18 impact that they believe this may make.
19 We will take all suggestions, and we will
20 work with your Committee to tweak, if
21 need be. We will work with your
22 Committee to review those metrics, and we
23 will move on from there.

24 Thank you, Council and
25 Committee. I appreciate the opportunity.

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2 COUNCILWOMAN PARKER: Thank
3 you, Sheriff Bilal, for your testimony.

4 I'm getting a little feed --
5 okay. It just went away, whatever you
6 all did.

7 Thank you for your testimony,
8 Sheriff Bilal. I'm going to start with
9 this first question. One, I just want to
10 state for the record, you know, I heard
11 you just state just now that you have
12 walked back that the decision to move to
13 the virtual platform was a pilot and that
14 it was not permanent, and you said you --
15 you've said that to me verbally on two or
16 three different occasions. You said you
17 said that in news articles, but I want to
18 say for the record that your website
19 still implies that it's permanent. So
20 hopefully we can update that whenever
21 your team possibly can.

22 But let me get to my first
23 question. Twelve members of Council sent
24 you a formal letter, Sheriff, after we
25 had our briefing where we, in a very

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2 informal manner -- and this is extremely
3 important to get on the record for the
4 benefit of the public -- that before we
5 get to the point of hosting a public
6 hearing or even having to formally write
7 a letter to a department, it's standard
8 operating procedure amongst this
9 legislative body to do our best to work
10 with the Administration, all of the
11 independent offices to see if we can
12 hammer out a compromise, work
13 diplomatically when any of us have any
14 questions or concerns about any actions
15 being proffered by any office.

16 And it's with that in mind,
17 Sheriff, that I'm trying to understand
18 when 12 members of Council sent you a
19 letter asking you to request from the
20 courts a postponement of sheriff sales in
21 April and May, after we learned about the
22 fact that you were planning to move to
23 this virtual platform in a newspaper
24 article, not because we were a part of
25 any previous discussions or planning, and

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2 we wanted that postponement so that we
3 could have this hearing first.

4 We also, Sheriff, got a letter
5 from the courts in preparation for this
6 hearing that we're having today, and it
7 is being submitted on the record today,
8 and the courts' record -- the courts'
9 letter implies that all you as the
10 Sheriff had to do was to ask for a
11 postponement and the courts would have
12 granted it.

13 But it appears, Sheriff, that
14 you chose -- and we talked when Council
15 had a briefing. You remember I formally
16 asked on behalf of Council during that
17 briefing. You checked and said that that
18 was not something that you could even do,
19 but the courts have just told us that you
20 and only you, in essence, had the power
21 to change the date.

22 So I would like to know,
23 Sheriff, your rationale or reasoning
24 behind not even attempting to make the
25 ask as a courtesy to this legislative

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2 body and to the Philadelphia community,
3 many of whom learned about this move via
4 newspaper articles. And I'm going to go
5 on mute and listen, Sheriff, to your
6 response.

7 SHERIFF BILAL: Okay. Thank
8 you for that. And I've said over and
9 over and over again to you and to, I
10 think, a few Councilpeople that came on a
11 conversation that we sent out for Council
12 to come on to have this discussion, in
13 order for me to postpone the sale, I had
14 to have a legitimate reason. One of the
15 reasons I was not going to do was lie.

16 I basically stated that the
17 court order said that we are going in
18 April. I couldn't come up with a
19 legitimate reason or a truthful, honest
20 one to postpone it, because I could not
21 lie and say there was a problem, because
22 there wasn't. I couldn't lie and say
23 that any technical stuff was going on.
24 There wasn't.

25 The reason why I asked for

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2 postponement for the whole year was
3 basically because we could not do our
4 legal duty because of the pandemic and
5 not being able to find a space big enough
6 to hold the sales. That's basically what
7 I stated to you, and I'll continue to
8 state that.

9 And I got a copy of what the
10 legal department, the judge sent to you,
11 and it basically does not say in it --
12 let me bring it up so we can be straight
13 on that.

14 Can you bring up the legal
15 part?

16 MS. SIMPSON: Can we share our
17 screen?

18 SHERIFF BILAL: Yes, please.

19 May we share the screen for the
20 judge's letter?

21 COUNCILWOMAN PARKER: Yes.

22 I'll ask our tech staff. We should have
23 the ability to share the screen.

24 COUNCIL SUPPORT: Yes. Just
25 give me one moment so we can coordinate

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2 sharing of the screen.

3 COUNCILWOMAN PARKER: Sheriff,
4 let me just state for the record that you
5 and your team feel free in your response
6 to identify any particular pieces of this
7 letter that you deem appropriate, but I
8 do just want to say for the record that
9 the Sheriff's Office can have one
10 interpretation of this letter. We have
11 another. But plainly the letter says
12 that the Sheriff's Office chooses the
13 dates. The Sheriff's Office chooses the
14 dates.

15 SHERIFF BILAL: I think the
16 interpretation may be understood by us
17 and not understood by you. We actually
18 choose the dates in which the sale is
19 held, but as far as postponing the sales,
20 it does not state that. I'm the only one
21 that can postpone the sale for a
22 legitimate reason. The dates fall in the
23 category of tax lien sales, tax sales,
24 and mortgage foreclosure.

25 COUNCILWOMAN PARKER: So,

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2 Sheriff, I thank you so very much --

3 SHERIFF BILAL: Wait. We
4 haven't finished responding to that.

5 COUNCILWOMAN PARKER: One
6 second, Sheriff. Let me just state for
7 the record that I thank you so very much
8 for letting me know what I don't
9 understand. Thanks so much for -- we're
10 going to go on mute and listen.

11 SHERIFF BILAL: Look,
12 Councilwoman, I'm not saying that you
13 don't understand. I'm just saying we
14 understand it one way. You may
15 understand it another way. So I'm not
16 trying to get in a fight with you at all.
17 I'm just making clear as to how we
18 understand it versus that. And I'm
19 dealing with my real estate people as far
20 as the date, so I'll let Darrell answer
21 that.

22 Darrell.

23 MR. STEWART: Hello. Thank you
24 for this opportunity to speak.

25 Once we receive a court order

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2 from whether it's from the attorneys
3 representing the banks or it's the
4 Linebarger Goggin Blair and Sampson or
5 GRB, which are tax lien servicers for the
6 City of Philadelphia, and the City Law
7 Department to schedule sales, we receive
8 a mortgage -- for our mortgage
9 foreclosure, we'll receive a writ of
10 execution, and their writ of execution
11 expires within three months. So the
12 attorneys are given a sales date. They
13 decide when they want to send us a writ
14 for us to follow all the court -- the
15 statutes to expose that property to
16 sheriff sale.

17 It's a very lengthy process,
18 and normally it takes about three months
19 for that property to be exposed for
20 sheriff sale. And we can't actually pick
21 a date, you know, but we have to honor
22 the court order and schedule that
23 property within that three-month time
24 period. Normally it's three months.

25 The same thing is expected of

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2 us for the decrees that come over from
3 the tax servicers, Linebarger Goggin
4 Blair and Sampson and GRB. They send us
5 over decrees. The decrees have an
6 expiration date of three months, and
7 that's when we schedule the properties.

8 We advertise the properties
9 pursuant to the Rules of Civil Procedure
10 at least three times prior to the
11 auction. We have to print up handbills
12 that we post on properties at least 30 to
13 21 days prior to the sale, and at that
14 expiration, we will then schedule it for
15 sheriff sale.

16 But that writ or that decree
17 does have an expiration date set forth by
18 the courts, the Court of Common Pleas.

19 COUNCILWOMAN PARKER: Thank
20 you. Listen, I appreciate you giving
21 that explanation and putting it on the
22 record.

23 I want to state for the benefit
24 of the viewing public it is very
25 unfortunate from my perspective that an

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2 informal and formal ask by the members of
3 the City Council of Philadelphia
4 responsible for appropriating the budget
5 of the Sheriff's Office, responsible for
6 doing our best to preserve and enhance
7 the quality of life amongst neighborhoods
8 throughout the City of Philadelphia learn
9 about a process via a news article,
10 informally and formally asking for the
11 Sheriff's consideration in delaying the
12 months of April and May so that we could
13 have this hearing and, in a very
14 transparent process, walk through the
15 decision-making and the rationale around
16 why we were doing this.

17 It is very disheartening to me
18 today to learn that that in and of itself
19 is not -- Sheriff, I think you called it
20 a legitimate reason to request a
21 postponement and particularly as it
22 related to April and May.

23 With that in mind, I want to
24 say this: Our interpretation of the memo
25 from the courts may differ, but it is my

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2 understanding that all the Sheriff, who
3 has the power to select the dates, had to
4 do was to ask for a postponement and it
5 could have occurred. And I now
6 understand your answer on the record, and
7 that reason is that you felt like you had
8 no legitimate reason to ask for a
9 postponement, but I appreciate you
10 admitting on the record, Sheriff, that
11 you could have, but you chose not to.

12 So I just wanted to just say
13 that for the record.

14 In addition to that, Sheriff,
15 help me with the next --

16 SHERIFF BILAL: Ma'am, Council
17 Chairperson, I will now respond to that.
18 I'll have Tariq respond to that.

19 COUNCILWOMAN PARKER: Sure.

20 MR. EL-SHABAZZ: Good
21 afternoon. So that we're clear, each of
22 the times in which the sheriff sale was
23 postponed or the Sheriff requested by
24 letter or by meeting with the court to
25 postpone the sheriff sale, it was due to

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2 the inability to carry out an order of
3 the court. When in fact a request of a
4 court order is made to postpone, there
5 are several things that are taken into
6 consideration. You're asked why.

7 Now, I think that there's a
8 misunderstanding, I would submit, with
9 the term "legitimate." I think that the
10 term -- a better term to use may be
11 "legal" reason to do so.

12 For example, if we couldn't do
13 it because we couldn't carry out the
14 function because we didn't find a
15 property or if in fact the paperwork
16 wasn't done in a proper manner and we
17 couldn't carry out the function, or if in
18 fact the paperwork requiring that a
19 mortgage sale take place within a certain
20 period of time had expired and we
21 couldn't carry out the function, those
22 are all legal reasons to request of the
23 court to postpone or to continue an order
24 and to not carry out that particular
25 function.

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2 I don't think that -- and I'm
3 going to be very, very clear, and I don't
4 think I'm taking for granted the feelings
5 of the Sheriff. I will submit to you
6 that we've spent a lot of time on this
7 and I understand her feelings.

8 I don't think that the Sheriff
9 meant to imply and so that this record
10 can be clear, I don't think the Sheriff
11 meant to imply that this was not a
12 legitimate reason. I think that the
13 better term to use is, it wasn't a legal
14 reason. You can't just go before a court
15 who has ordered you to carry out a
16 function that is part of your
17 responsibility and say, Judge, we need to
18 continue this because we need to have a
19 conversation to explain further to
20 Council or that we need to have a
21 hearing, because although that is a
22 legitimate reason to say, Court, you
23 know, look, can we do it this way, we
24 have to say to them that we can't carry
25 out that function.

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2 There was nothing that existed
3 that would prohibit the Sheriff's Office
4 from carrying out its ordered function.
5 So we have to look at it in that vein,
6 and I'm not submitting -- there are
7 people that are on this Council that I'm
8 very familiar with that are attorneys,
9 and so they're familiar with the
10 processes of continuing cases or
11 continuing particular actions.

12 We're not saying to you, not at
13 all, that it's not legitimate questions
14 or concerns. In fact, we had the
15 initial, I believe, teams trying to kind
16 of allay some of the feelings. It could
17 have been done in a different manner in
18 terms of discussing it with City Council.
19 There's no doubt about that. But I think
20 to make sure that the record is clear,
21 the Sheriff is not -- if it was taken
22 that way, let me clarify. The Sheriff is
23 not saying that concerns of City Council
24 or the citizens of Philadelphia is not
25 legitimate. It's not what she's saying,

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2 or it's not what she meant. The better
3 way or the better term to use is that
4 there was no legal reason.

5 We have to understand that the
6 mortgage companies, the banks, they have
7 a right when they have an order to
8 receive money for their debt and they got
9 a legitimate order from the court to have
10 that order exercised, and if we try not
11 to exercise that matter, that order in a
12 timely manner, we expose the Sheriff and
13 the City of Philadelphia to civil
14 liability. That is a concern that we
15 have in the Sheriff Department that is
16 different than maybe the major concerns
17 that maybe City Council would have with
18 respect to constituents.

19 We're concerned with them as
20 well. We're concerned with their
21 feelings as well. That's why there was
22 literature put out. That's why we had
23 classes on how to do this. That's why
24 each time the Sheriff goes out for
25 delivering food and doing things during

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2 the pandemic, we handed out pamphlets
3 telling people where to go. We're
4 concerned about that as well.

5 But I submit to you that what
6 we're saying and what the records should
7 clearly reflect, that the Sheriff is not
8 saying that she's not concerned about the
9 questions that you may have or the
10 legitimate questions that anyone may
11 have, but we are saying that we had no
12 legal reason, no legitimate and legal
13 reason. And being concerned about giving
14 information out is not a legitimate legal
15 reason for postponing an order, at least
16 I haven't found that in my 30-plus,
17 33-plus years of practice going before a
18 judge and saying, Judge, I just want to
19 continue the case so that I can have a
20 discussion for two months. I want to
21 continue your order. I want you to delay
22 your order so that I can have a
23 discussion.

24 This letter does not say that
25 all the Sheriff had to do was write a

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2 letter and request that it be continued.
3 In fact, the letter says that the Sheriff
4 continued it, but the reason for the
5 continuance was, one, federal and state
6 and city agencies weren't doing any of
7 this at that time, and then when it
8 became available and the order was set,
9 we had to do it in a timely fashion.

10 So I would like the record to
11 reflect that, and I presume that the
12 letter from the judge will be part of
13 this record as well.

14 And I don't want to talk any
15 longer than that.

16 COUNCILWOMAN PARKER: Thank you
17 so very much for your response, and we
18 appreciate you getting all of that on the
19 record. The judge's letter, the letter
20 from the courts, will be included as a
21 part of the public record.

22 I also appreciate your
23 acknowledging that this could have been
24 handled in a more conciliatory,
25 informative perspective, from a different

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2 perspective, with a strong
3 intergovernmental cooperation and
4 planning spirit to it.

5 With that being said, Sheriff,
6 although, again, the website still says
7 permanent, you are saying the program is
8 going to be a pilot.

9 And Councilmembers Gym and
10 Gauthier, I want you to know I see you in
11 queue, and I'm coming to you in a second.

12 You said that it will be a
13 pilot. What's the pilot period and how
14 are you going to evaluate the program?
15 What factors are you going to use to
16 determine whether or not this change
17 should remain a pilot or stay permanent?

18 SHERIFF BILAL: This was one of
19 the questions -- can you hear me?

20 COUNCILWOMAN PARKER: Yes. I
21 can hear you now. Yes.

22 SHERIFF BILAL: That was one of
23 the concerns asked what the metrics are.
24 We are coming back probably about six
25 months. We said three to six months so

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2 that we'll be able to measure how this is
3 working for Philadelphia, and it all
4 still depends on whether we are opened up
5 if we need to go to another plan. And it
6 gives you the metrics. I think that is
7 Exhibit-I. In your packet Exhibit-I
8 gives you the metrics that we're going to
9 be looking at.

10 Added to those metrics -- let
11 me get "I" up for you so I can read it
12 basically from there.

13 In this metrics for virtual
14 sheriff sales, we're looking at
15 properties - addresses of properties for
16 sale. Buyers - buyers' names and
17 residence, city and state; ratio of LLC
18 buyers to individual buyers; number and
19 type of buyers of multiple properties per
20 sale. Bidding process and sales - number
21 of registered bidders; number of bids per
22 transaction; number of unique bidders per
23 transaction; mortgage foreclosure sales,
24 percentage of properties sold to third
25 parties, percent increase of sales price

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2 over reserve price; tax lien sales,
3 percentage of properties sold. Homeowner
4 protections - number of stays prior to,
5 during, and after the sale; number and
6 type of constituent inquiries re: virtual
7 sales; also tracking our office response
8 to these inquiries.

9 If there are any other metrics
10 that your Committee thinks that we need
11 to look at, you can basically submit that
12 to our office and we will include that as
13 part of the metrics.

14 COUNCILWOMAN PARKER: So thank
15 you. Thank you, Sheriff, for your
16 response to that question.

17 My last question before I go to
18 Councilmember Helen Gym and we'll come
19 back around in a round robin, you stated
20 that the only thing changing about the
21 sheriff sale process is the venue when we
22 had our briefing. Yet, the following
23 aspects of the process have changed,
24 which are pretty significant, and I want
25 you to describe for me why the changes

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2 were made and like the decision-making
3 process that your office engaged in in
4 order to make them.

5 A deposit requirement. In
6 order to bid, \$10,000 for foreclosure
7 properties and 1,500 for tax foreclosure
8 properties. The buyers premium, which
9 for the benefit of the public, is on top
10 of the sales price, 1.5 percent for
11 mortgage foreclosure properties and 10
12 percent for tax foreclosure properties.
13 And then now the full payment by a
14 winning bidder is due within 15 calendar
15 days instead of the 30 calendar days.

16 What's the rationale behind
17 that decision-making and why were those
18 decisions made, Sheriff?

19 MR. DOUGLAS: Good afternoon,
20 Councilpersons. My name is Curtis
21 Douglas. I'm the Undersheriff, and I'm
22 going to talk about the types of sales
23 that we have.

24 First let's talk about the
25 mortgage foreclosure sales. The mortgage

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2 foreclosure sales require a \$10,000
3 deposit. One of the reasons that we
4 required the \$10,000 deposit is that we
5 have many properties. The properties are
6 priced very high in this day and age, and
7 so we felt that 10,000 was a good metric
8 when it came to keeping people who may
9 not be able to pay the full amount out of
10 the bidding process. And what that means
11 is this: At one of our last sales, we
12 had 204 people who actually came up with
13 \$10,000 and put it into the system to
14 bid. If you cannot afford \$10,000, I'm
15 not sure that you would have been able to
16 outbid any of the 204 people who actually
17 did come to that sale.

18 So it was a way to prevent
19 persons who do not have money from making
20 a bid, getting a bid, and not being able
21 to put in the rest of their money,
22 because as you'll read in our conditions
23 of sale, if you do not -- if you're
24 unable to come up with the 10 percent the
25 day after the sale, you lose whatever

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2 deposit you have. And if you cannot come
3 up with the full amount at the end of the
4 15 days, you will lose whatever deposit
5 you have.

6 So the Sheriff felt that it was
7 not fair to the small person to have them
8 come forward and bid against those who
9 could put that kind of money there and
10 actually end up losing their money to the
11 Sheriff. As the Sheriff always says to
12 us, we're not in this to actually take
13 money from the taxpayers, be they bidders
14 or the homeowners.

15 So that's how we arrived at
16 that conclusion.

17 As for the tax sales, it's
18 \$1,500. That's the minimum bid. Because
19 we have lots of other priced properties
20 that are low price, we felt that would be
21 a good starting point. So persons who
22 bid for that, again, \$1,500 and you have
23 to pay. And the reason that we came up
24 with these fees or the add-ons, the 10
25 percent to Bid4Assets, the 1.5 percent

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2 Bid4Assets, is that we found a company
3 that could mirror our sales and not
4 charge us anything, and the way that they
5 are not able to charge us anything is
6 that they add a buyer's premium. And
7 that buyer's premium is what you get with
8 the 1.5 percent on the mortgage
9 foreclosure sale or the 10 percent on the
10 tax sales.

11 I think I have answered your
12 question. I'm not sure if there's
13 anything else, Councilperson.

14 COUNCILWOMAN PARKER: The last
15 thing was the full payment by the winning
16 bidder due within 15 calendar days
17 instead of 30.

18 MR. DOUGLAS: I'm sorry. Yes.
19 One of the reasons that we did that is,
20 we were looking at a way to get the money
21 into the coffers of the City and we found
22 that 15 days would work better for us.
23 It's also becoming a pretty big
24 accounting nightmare if we had to go
25 through 30 days. So what we chose was

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2 something that would help us in the
3 accounting function as well as putting
4 money in the coffers of the City, so we
5 chose 15 days.

6 COUNCILWOMAN PARKER: Thank
7 you.

8 Sheriff, is it still standard
9 operating procedure that we will not have
10 any bidders who are tax delinquent in the
11 City of Philadelphia? Is that still your
12 standard operating procedure?

13 SHERIFF BILAL: That's correct.

14 COUNCILWOMAN PARKER: So no one
15 should be bidding that is tax delinquent
16 in the City of Philadelphia? I just want
17 to make sure that's clear.

18 SHERIFF BILAL: No. The
19 process goes this way: You could bid,
20 but in order for you to come in and
21 finish out the sale, you have to get a
22 certification from the City to ensure
23 that you are not tax delinquent. So they
24 have to get a certificate to basically
25 prove that they are not tax delinquent in

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2 the City.

3 COUNCILWOMAN PARKER: Okay. So
4 you wouldn't have any bidders that are
5 tax delinquent?

6 SHERIFF BILAL: You will
7 have -- see, it's not about whether you
8 bid; it's about finishing up the sale.
9 That means you could bid, but before you
10 could come in and pay the balance on the
11 property that you are buying, if you're a
12 winning bidder, then you have to have a
13 certificate from the City that says you
14 are not tax delinquent. If you are tax
15 delinquent, then you cannot finish up
16 that sale without paying up the taxes
17 that you owe the City.

18 COUNCILWOMAN PARKER: So
19 they're not vetted pre-sale, I guess, is
20 what I'm -- so that's what I want to make
21 sure of. Somebody is not going to be
22 taking up the space of another resident
23 and bidding and they're tax delinquent,
24 right? So they could knock me out.
25 They're tax delinquent. So are they

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2 pre-vetted?

3 I get what you're saying, that
4 they can't make it to the process unless
5 they're certified. They can't make it
6 until the end. But am I allowed to
7 participate in the process if I'm tax
8 delinquent and potentially knock out
9 someone else who is interested in the
10 same property, and then --

11 SHERIFF BILAL: Let's just
12 answer.

13 MS. SIMPSON: Just so that
14 we're clear, in a live sale, anyone could
15 show up and bid. The same thing goes
16 with the virtual sale. Anyone can show
17 up and bid.

18 There was no vetting of whether
19 people were tax delinquent in the live
20 sale. If they weren't tax compliant by
21 the time they came to pay their balance,
22 they were not able to complete the sale.
23 That has not changed. That is the
24 procedure of those tax sales, that anyone
25 can bid. It's a public auction. We

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2 cannot stop people from bidding, but they
3 have to be tax compliant with the City
4 before they are allowed to complete that
5 sale and we issue a deed into their name.

6 COUNCILWOMAN PARKER: Got it.
7 I think that's what was happening, is
8 that some bidders -- and we'll come back
9 to this -- they're using LLCs to try to
10 get around that, but we'll come back to
11 that.

12 The Chair recognizes
13 Councilmember Gym for questions.

14 COUNCILWOMAN GYM: Thank you
15 very much, Madam Chair.

16 So I think one of the questions
17 that came up was what would be a
18 legitimate reason to postpone the
19 implementation of this, and I feel like a
20 very important legal and legitimate
21 reason to postpone would be to ensure
22 that whatever the new process was, that
23 it would have to be compliant with laws
24 and regulations on the books. And it
25 sounds like there are significant

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2 concerns that have been raised,
3 particularly around the Land Bank, and
4 Angel Rodriguez will be testifying later
5 about it, but I want to be able to put
6 Mr. Rodriguez's concerns forward.

7 Are you aware of the concerns
8 that have been laid out by the Land Bank,
9 and did you have a conversation with the
10 Land Bank prior to the implementation of
11 this process?

12 MR. STEWART: Yes. We took --
13 Darrell Stewart, the Director of Real
14 Estate.

15 We are very familiar with Land
16 Bank's procedures and the agreement that
17 they entered into with the City of
18 Philadelphia and Linebarger Goggin Blair
19 and Sampson as well as GRB. The same
20 rules apply. We've mirrored this --

21 COUNCILWOMAN GYM: Before you
22 continue, sir, could you answer my
23 question? Did you enter into a
24 conversation with the Land Bank prior to
25 the implementation of an announcement of

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2 this process?

3 MR. STEWART: No, we did not.

4 COUNCILWOMAN GYM: Okay. Now
5 you can proceed with your comment. Thank
6 you.

7 MR. STEWART: We didn't have a
8 conversation with them, but as I said
9 before, we are very familiar with their
10 practices, and we took into consideration
11 with our Bid4Asset that Land Bank would
12 be participating in the auction. So just
13 as Land Bank would --

14 COUNCILWOMAN GYM: Excuse me.
15 Can I get a clarity on this? It's not
16 that the Land Bank would be participating
17 in the auction. It's that the Land Bank
18 has the right to participate in every
19 auction. Is that your understanding?

20 MR. STEWART: That is my
21 understanding. They entered into an
22 agreement with the City of Philadelphia
23 and, as I said, the tax lien servicers,
24 and we understand that they are going to
25 participate in the sale. So the only

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2 thing that Land Bank, they need -- they
3 will follow the same procedures that they
4 followed in the past. Nothing has
5 changed. They will give us -- they will
6 provide us a list of all the properties
7 that they have an interest in. We will
8 enter that information into our systems,
9 and we will follow the same protocols,
10 rules, and regulations that we followed
11 during the live auction.

12 COUNCILWOMAN GYM: Okay. So
13 one of the obligations that the Land Bank
14 has laid out is that the Land Bank's
15 potential bid must be included in all tax
16 sale notices on the Sheriff's website.
17 That is a requirement, correct?

18 MR. STEWART: That's correct.

19 COUNCILWOMAN GYM: So this
20 notice should be, in my opinion, quite
21 prominent, and in the past, it should be
22 well notified to all participants in a
23 sale that the Land Bank has the right to
24 bid and can submit its bid at the
25 beginning of each virtual sale; is that

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2 correct?

3 MR. STEWART: That is correct.

4 COUNCILWOMAN GYM: Okay. Why
5 then is the Land Bank's notification at
6 the very bottom of like a 21 paragraph
7 information form on the website? Why is
8 it not more prominently displayed? If
9 that is your understanding and if that is
10 the Land Bank's understanding, why did
11 you bury that information?

12 SHERIFF BILAL: Bury? Excuse
13 me.

14 COUNCILWOMAN GYM: Nineteen out
15 of 21 paragraphs would be pretty low,
16 right?

17 SHERIFF BILAL: Well, I don't
18 think you can say -- Councilwoman Gym,
19 let me just say this: The Land Bank has
20 an agreement with the City Law Department
21 in reference to the tax sales and tax
22 lien sales in reference to properties.
23 Their agreement is with them. Their
24 agreement is not with the Sheriff Office,
25 though we understand that they are listed

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2 on every sale. But when it came to this
3 sale, my understanding, and check me if
4 I'm wrong, that the Land Bank had no
5 funds in order to enter into any of these
6 sales at this time. But we did see that.
7 But if you say that -- if you're saying
8 they're at the bottom and I didn't see
9 that, then I don't have a problem with
10 making sure that they are up in it.

11 Look, we are into correcting
12 mistakes. If that's a mistake that we
13 made, we don't have a problem with
14 correcting it.

15 COUNCILWOMAN GYM: I think that
16 the issue is is that -- and to be clear,
17 bury is my terminology, but the belief
18 that if you appear in Paragraph 19 out of
19 21 paragraphs on an information form,
20 when you can be a primary bidder, would
21 be something that the Land Bank itself
22 has concerns about.

23 The concerns I'm raising to you
24 are not about personal opinion. The
25 Memorandum of Agreement is also not with

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2 the Law Department. The Memorandum of
3 Understanding between the City of
4 Philadelphia and -- is with the City of
5 Philadelphia and the Land Bank and also
6 involves other entities, which includes
7 the School District of Philadelphia,
8 Philadelphia Gas Works, multiple law
9 firms. If there needs to be a change in
10 the process that impacts the Memorandum
11 of Understanding, why wouldn't the
12 Sheriff's Department have talked to the
13 Land Bank ahead of this? And it sounds
14 like you have multiple issues to work out
15 with them.

16 SHERIFF BILAL: Well, we didn't
17 change the process in reference to the
18 Land Bank. You're saying it's just not
19 listed in the top.

20 COUNCILWOMAN GYM: No. I have
21 multiple concerns. Look, I'm asking
22 these questions because Mr. Rodriguez is
23 going to testify after this.

24 SHERIFF BILAL: Okay.

25 COUNCILWOMAN GYM: These

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2 questions need to be brought to the
3 forefront. You are asking why should you
4 postpone, and one of the reasons to
5 postpone is because a very important
6 partner on this, which is the Land Bank,
7 and all of us are here because we do not
8 want to see distressed properties being
9 snapped up irresponsibly by large-scale
10 operators who have tanked the real estate
11 industry time and time again in other
12 cities. This is what we saw happen
13 post-2008. This is what we could see
14 happen post this pandemic, and it is our
15 responsibility to work collectively to
16 ensure that the City of Philadelphia does
17 not fall victim to larger schemes that
18 have been in place before.

19 We've seen this before. This
20 is not about fearmongering or anything
21 like that. We know this is a process
22 that frequently happens.

23 You have made dramatic changes
24 that Councilmember Parker laid out that
25 have profound impact on the ability of

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2 the Philadelphia Land Bank to be able to
3 be a participating partner. Not only are
4 there issues that were laid out in terms
5 of the fact that the Land Bank being a
6 right to bidder and is able to present
7 its bid ahead of time, not only is that
8 not clearly presented in your
9 informational work, but that the Land
10 Bank bids must be presented at the
11 beginning of a sale as required. It is
12 at the beginning --

13 SHERIFF BILAL: Listen --

14 COUNCILWOMAN GYM: Second of
15 all, and I'd like to finish.

16 Second of all, the Land Bank is
17 now, as Councilmember Parker laid out,
18 must now submit a deposit and a
19 registration fee, and most shockingly, it
20 must now pay a 10 percent premium if
21 winning a bid.

22 Now, those dollars -- the Land
23 Bank is meant to protect Philadelphia
24 properties, to use it for responsible
25 purposes, and to potentially move it into

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2 affordable housing, to be able to move it
3 to community gardens. It could go out to
4 non-profits that could use it for
5 purposes other than just a massive -- I
6 don't know what people want to build
7 these days, but it's not just in those
8 hands. But the Land Bank paying a 10
9 percent premium that had never been done
10 before, when it's Philadelphia tax
11 dollars in place, this has serious
12 issues.

13 SHERIFF BILAL: Let us respond
14 to that. Let the Deputy Director of Real
15 Estate.

16 MS. SIMPSON: Councilwoman Gym,
17 with all due respect, the information
18 that you received regarding the Land Bank
19 and this process is incorrect. We spoke
20 with the tax lien services that we deal
21 with, GRB, Linebarger Goggin Blair and
22 Sampson, and the City Law Department.
23 The process within which Land Bank
24 purchases properties has not changed.
25 They never dealt directly with our office

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2 with discussing which properties they
3 wanted to purchase. They dealt directly
4 with --

5 COUNCILWOMAN GYM: Did you have
6 a conversation with the Land Bank?

7 MS. SIMPSON: Can I finish?

8 SHERIFF BILAL: Look, we are
9 trying to respect you and not interrupt
10 you, so allow her to finish her
11 conversation, please, Councilwoman.

12 COUNCILWOMAN GYM: I'm sorry.
13 So let me just explain --

14 MS. SAMPSON: Can I finish?

15 COUNCILWOMAN PARKER: No, no,
16 no, no, no. Point of order. Point of
17 order, please. This is not what we do in
18 hearings in the City Council of
19 Philadelphia. Please. We're going to
20 make sure we're respectful and we're
21 going to listen to each other.

22 Councilmember Gym, please make
23 your comment, and then we're going to put
24 ourselves on mute and allow the Sheriff's
25 Office to respond.

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2 COUNCILWOMAN GYM: So what I
3 want to make clear is that one of the
4 things that is at issue here is that this
5 is not about what we understand the
6 interpretation to be. The issue is is
7 that the Philadelphia Land Bank is a
8 major partner. It is an investor in this
9 city, and it has a responsible role to
10 play in the long-term growth.

11 I don't actually -- I
12 understand that you want to clarify that
13 with me. I think the issue is is that
14 you need to clarify it with the Land
15 Bank, with a sit-down discussion with
16 them and potentially with other
17 Councilmembers in place, but this needs
18 to be a broader discussion with them.

19 That is the issue that's here,
20 and I understand that you may explain
21 what Linebarger has said or what your tax
22 lien attorney has said or what anybody
23 else has said, but the issue
24 fundamentally is not so much whether you
25 can explain all these things, but that

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2 conversation needs to happen with them.

3 And because there are significant

4 responsibilities, regulations, including

5 a formal Memorandum of Understanding in

6 place with public agencies and entities,

7 that this requires the Sheriff's

8 Department to step back for a moment,

9 take time and meet with them. Could you

10 agree that that may be a process?

11 COUNCILWOMAN PARKER:

12 Councilmember Gym, we're going to, before

13 the Sheriff's Office responds, the Chair

14 recognizes Councilmember Quinones-Sanchez

15 for a point of information on this

16 matter.

17 COUNCILWOMAN SANCHEZ: I'll let

18 the Councilwoman finish that statement,

19 because I want a point of clarification

20 on the sequence. So let her finish that.

21 I'm good.

22 COUNCILWOMAN PARKER: Thank

23 you. Okay.

24 Councilmember Gym.

25 COUNCILWOMAN GYM: Yes. So my

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2 question to the Sheriff's Office is not
3 to necessarily explain what Mr. Rodriguez
4 is going to testify to later, but can you
5 agree that you should postpone so that
6 you can have a longer, fuller
7 conversation with the Land Bank, with its
8 partners, and with the City to work out
9 some of the concerns that have been
10 raised?

11 COUNCILWOMAN PARKER: Yes.
12 Please respond, Sheriff.

13 SHERIFF BILAL: Melissa.

14 MS. SIMPSON: Okay. So with
15 reference to the Land Bank, when we first
16 started taking on Land Bank purchased
17 properties, that was something that the
18 City talked to the Sheriff's Office and
19 stated that we were required to do.

20 The Land Bank communicates
21 directly with the tax servicers. They
22 let them know in advance what properties
23 they want to buy from sheriff sale. The
24 process is that they then give us that
25 information. So Linebarger, City Law,

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2 and GRB, they provide us with the
3 information of what properties Land Bank
4 is purchasing, and we then announce that
5 at sale.

6 We still have that procedure in
7 place to where whatever properties Land
8 Bank is going to purchase will be shown
9 on the website. That is something that
10 because the discussion initially with
11 regard to Land Bank happened with City
12 Law and the tax servicers happened, we
13 discussed that concern with them.

14 So that procedure, the way that
15 it has been happening since the
16 institution of the Land Bank in
17 purchasing sheriff sale property, the
18 procedure is the same. Land Bank does
19 not come directly to us with regard to
20 what properties they would like to
21 purchase.

22 SHERIFF BILAL: And let me
23 respond. The answer is no, because Land
24 Bank properties don't even come to
25 sheriff sales. They're not responsible

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2 for 10 percent, nothing. They don't have
3 to put down a deposit of anything. That
4 process starts before those properties go
5 up for sale. They pull them off the
6 list. They do not even go on the list,
7 because the Land Bank pulls them off the
8 list from the beginning. They don't even
9 go into a registration part. They don't
10 go into a 10 percent, nothing. That's
11 been the process in person and that's the
12 process virtually.

13 MS. SIMPSON: Right. Land Bank
14 has never had to make a deposit on sale.
15 They pay the balance once they state that
16 they want to purchase the property.

17 COUNCILWOMAN GYM: So the Land
18 Bank is essentially exempt from the
19 entire virtual process?

20 SHERIFF BILAL: That's correct.

21 MS. SIMPSON: Yes.

22 COUNCILWOMAN GYM: So any
23 properties that would be listed by the
24 Land Bank would then be immediately
25 removed?

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2 MS. SIMPSON: Yes. They are
3 shown on the website as sold to Land Bank
4 at their purchase price. There's no
5 bidding allowed on any of the properties
6 that the Land Bank is interested in.

7 COUNCILWOMAN GYM: Okay. And
8 then how is that going to be
9 communicated? Because I think one of the
10 concerns that the Land Bank has laid out
11 very clearly is that they're not aware
12 of -- like they were not necessarily made
13 aware of the most recent sale, because
14 you put it up on the virtual sale.

15 COUNCILWOMAN SANCHEZ: Madam
16 Chairwoman, this is one of the points of
17 clarification, if I can get in here a
18 little bit. Look, I completely
19 appreciate the fact that we are talking
20 about a process, notification. I
21 appreciate the Sheriff acknowledging all
22 of these things.

23 I just want to make it clear
24 that tax sales are derived by our Revenue
25 Department and our Law Department. And

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2 so we have some issues around connecting
3 the dots around the sheriff sale that are
4 fully on the Administration side. The
5 Revenue Department decides what
6 properties go to tax sales for the
7 purposes of Land Bank being able to bid
8 on them.

9 So I just want to make sure
10 that we separate those issues. This is
11 why -- and, by the way, I am totally
12 against the MOU that we have to even go
13 through this process, right? But I just
14 want to kind of clarify that the person
15 who makes the decisions for tax sales is
16 the Revenue Commissioner and our Law
17 Department. So I just want to clarify
18 that.

19 COUNCILWOMAN GYM: Thank you
20 very much.

21 COUNCILWOMAN PARKER: Thank you
22 for your point of information. And I do
23 want to just state for the record that
24 all of the questions and concerns that
25 you've heard Councilmember Gym

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2 acknowledge today, these are sort of not
3 just her pulling those concerns off the
4 top of her head. When the Land Bank gets
5 the opportunity to testify themselves,
6 you will get to hear about these concerns
7 that they've clearly laid out in their
8 testimony and, Sheriff, you know we did
9 send that to you, along with all members
10 of your team.

11 Councilmember Gym, any more
12 questioning?

13 COUNCILWOMAN GYM: I mean, I
14 think the only last question that I would
15 have is, what is the amount of estimated
16 sales that the sheriff sale totaled in
17 2019?

18 SHERIFF BILAL: You're saying
19 all the sales?

20 COUNCILWOMAN GYM: Right. What
21 would be a total amount?

22 SHERIFF BILAL: 62,493,109.

23 COUNCILWOMAN GYM: So based on
24 that, Bid4Assets in 2019 would have
25 received a \$6.2 million contract from the

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2 Department; is that right? That would
3 have effectively been, quote/unquote, the
4 cost of the contract?

5 SHERIFF BILAL: No. That's not
6 correct.

7 COUNCILWOMAN GYM: How do
8 you --

9 SHERIFF BILAL: You're talking
10 about --

11 COUNCILWOMAN GYM: How do you
12 calculate it?

13 SHERIFF BILAL: Mortgage
14 foreclosures is 1.5. Tax lien sales is
15 10 percent. So there's a difference in
16 what you're saying, because you're going
17 straight to 10 percent, and that's not
18 correct.

19 COUNCILWOMAN GYM: Okay. So
20 how would you have calculated it? Based
21 on that figure, what would you have
22 calculated Bid4Assets?

23 SHERIFF BILAL: I haven't
24 calculated it. You just asked me that.
25 But I can break that down and send that

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2 to you, but I haven't calculated because
3 Bid4Assets was not a part of this
4 contract in 2019.

5 COUNCILWOMAN GYM: I'm aware of
6 that. I'm trying to understand based on
7 a 2019 model what would be the estimated
8 amount of money that Bid4Assets would
9 have been able to have collected.

10 SHERIFF BILAL: Since I have
11 these figure here, I didn't calculate
12 that percentage, but I will calculate
13 that and give that to you before we
14 finish.

15 COUNCILWOMAN GYM: Okay. Thank
16 you very much.

17 Those are all my questions,
18 Madam Chair.

19 I'll just say that I would urge
20 the Sheriff's Department to have a fuller
21 conversation to settle the questions with
22 a number of different groups. These are
23 not -- they are compelling reasons for
24 the Sheriff's Department to get this
25 right.

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2 Sheriff Bilal, you were very
3 passionate when you ran for office that
4 you wanted to take control of these
5 sheriff sales, because you know what they
6 can do to families, and especially
7 children and families and women, and what
8 I want us to be careful about is that we
9 have covered our bases and we are
10 changing a system for the better, not to
11 just make it more efficient. We can make
12 things more efficient and we can make it
13 terrible for the people who experience
14 it. Our job is to change things for the
15 better. I'm not convinced that this move
16 will do that, and I have serious concerns
17 about that as a result.

18 Thank you very much, Madam
19 Chair.

20 COUNCILWOMAN PARKER: Thank
21 you, Councilmember Gym.

22 The Chair recognizes
23 Councilmember Gauthier.

24 COUNCILWOMAN GAUTHIER: Thank
25 you, Madam Chair.

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2 Good afternoon, everyone. I'd
3 like to hear about the steps the
4 Sheriff's Office has taken to address the
5 concerns voiced by both residents and
6 Council about the accessibility of the
7 new online process. And by this I mean
8 the fact that many of our residents don't
9 have internet access and that many people
10 may not be as technologically literate.
11 Can you speak to that?

12 MR. DOUGLAS: First I will say
13 this: What we have done is this, for all
14 those persons -- and, again, it's Curtis
15 Douglas here, the Undersheriff.

16 For all those persons who are
17 not technologically savvy, and I consider
18 myself one of those persons, we do have a
19 form for those. It's a manual form, and
20 that can be submitted to Bid4Assets.
21 That helps.

22 Another thing that I would
23 suggest is this, and the Sheriff has also
24 suggested this, is that we're attempting
25 to train persons, because what we feel is

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2 this: Senior citizens who are most
3 likely affected, it's a really difficult
4 ride for them to actually get on the
5 train or get on SEPTA and go somewhere
6 where there's 600 people and actually put
7 in a vote or a bid that would get them a
8 property. So we would like to help with
9 the training for those so that they too
10 could get on and get on the system, learn
11 the system, and make a winning bid. So
12 we would like to do that also.

13 I'm not sure --

14 COUNCILWOMAN GAUTHIER: You
15 would like to or did you? You would like
16 to do that. Have you done any of this
17 training?

18 MR. DOUGLAS: Have we gone out
19 to anyone; is that what you said?

20 COUNCILWOMAN GAUTHIER: You
21 said we would like to hold training for
22 residents. Have you hosted any?

23 MR. DOUGLAS: Yes. We have
24 trained. We have done demos, and those
25 are posted on our website. We have done

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2 multiple demos that are posted on our
3 website. So it is available to those who
4 want to see it.

5 SHERIFF BILAL: Let me answer
6 that. We have -- as far as given out to
7 the people, we are in the process of what
8 we've done so far; that is, not only on
9 our website, it's also on Bid4Assets'
10 website. And if you do not, if you
11 cannot get on the internet and if you're
12 not technologically savvy, which a lot of
13 people may not be, there is a manual bid
14 form that is basically on the website or
15 call in our office or picking it up in
16 person here at the Sheriff Office on the
17 5th floor. We have those available.
18 What we need to do is get it out to all
19 the Councilpeople's offices so that you
20 will have it available.

21 Now, what we plan to do as far
22 as the continued outreach as we get this
23 out in this community is basically come
24 to every district or wherever people want
25 us at to go step by step on the process

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2 with them. But right now if you are
3 technologically savvy, you can go on
4 Bid4Assets and there's videos that take
5 you through the process step by step.

6 So we're looking at other
7 suggestions on how to get it out. We
8 don't have it all, but if you have ideas,
9 you can just send it to us and we will
10 act on it.

11 COUNCILWOMAN GAUTHIER: It
12 seems to me that the methods that you
13 listed were mostly online methods for
14 people who have access and who are savvy,
15 but we know that in our city there are
16 lots of people, particularly the most
17 vulnerable people, who might not fall
18 into that category.

19 Can you talk about your efforts
20 to reach those people and to make this a
21 more accessible, friendly process for
22 them? And can you also just give your
23 general opinion on whether you think it's
24 good to launch into this big of a change
25 without having done that outreach

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2 beforehand.

3 SHERIFF BILAL: Can you hear
4 us? I'm looking up. We're muted.

5 Can you hear us now?

6 COUNCILWOMAN GAUTHIER: I can
7 hear you. Can you hear me?

8 SHERIFF BILAL: Yes.

9 I'll let Greg, our Public
10 Information Officer, answer that,
11 Councilwoman.

12 MR. SALISBURY: We are
13 currently hampered by the fact that we
14 are still in the pandemic and we cannot
15 safely have these mass in-person
16 gatherings to do that kind of
17 instruction. In its place, we have done
18 massive outreach on our YouTube channel
19 on the sheriff's site as well as our
20 social media channels through media. We
21 also, as the Sheriff indicated, we've got
22 multiple ways for people who don't have
23 internet access to get the paper bidding.
24 We have copies of it here at the
25 Sheriff's Office. People can call and we

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2 will mail it out to them. If they have
3 friends or family who do have internet
4 access, we have it listed in multiple
5 places on our website where they can
6 download it and print it out for them.
7 And we are also in the process of working
8 on an app for phones that will also help
9 people get easier access to that, in
10 addition to the numerous ways that
11 Bid4Assets has provided instruction on
12 their website.

13 MR. EL-SHABAZZ: Additionally,
14 if I may, this was a creation of an
15 emergency situation. It's a pandemic.
16 So as a result of the pandemic, we had to
17 create a way to carry out the order, and
18 I know that everyone knows that. That's
19 why we're here. I understand that. But
20 I want us to keep focused on that when
21 we're talking about or have some of the
22 questions that we have.

23 I've heard mentioned several
24 times that, you know, you chose to do
25 this and create this new vehicle. The

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2 vehicle was created out of necessity, not
3 because someone came in and decided that
4 they just wanted to do virtual.

5 So there are a lot of things
6 that we were able to do virtually and we
7 were able to inform people virtually, and
8 I'm talking about the people in the
9 community and tutorials processes, et
10 cetera, but there are other things that
11 we are hampered from doing that.

12 Now, unfortunately, until we
13 improve in how we're dealing with one
14 another in the pandemic, we're not going
15 to be able to do it other than to supply
16 each Councilmember with our copy or they
17 can go on the website and pull out the
18 manual ones. We can actually deliver
19 them. We can make DVDs if you think that
20 would be more appropriate to hand to
21 individuals so that they can have that
22 available to them, but at the end of the
23 day, this was the growth process out of a
24 tragedy that has faced this nation called
25 the pandemic, and based upon that, the

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2 birth of this process has begun.

3 COUNCILWOMAN GAUTHIER: I would
4 just say you're claiming having to move
5 to this process as an emergency because
6 we're in a pandemic, but residents who
7 have lost their jobs, who may be at risk
8 of losing their homes, who do not have
9 the access, the internet access and maybe
10 sometimes the technological skills to
11 participate in this process, that's also
12 an emergency. So I don't understand --
13 and, frankly, I've heard the conversation
14 about us not having a legitimate reason.
15 I don't understand why that is not a
16 legitimate reason for us to delay this
17 process. The situation that our
18 residents find themselves in at this
19 moment is also an emergency.

20 MR. EL-SHABAZZ: Absolutely.
21 And let me say for the record, I agree
22 with -- not to delay. I agree with what
23 you have said with respect to the urgency
24 of the pandemic and the effect that it
25 has on our community and on the community

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2 of the people in the City and County of
3 Philadelphia, but let us say one thing.
4 There isn't a property -- and let me say
5 this three times. There isn't a
6 property, there isn't a property that
7 came up for tax or sheriff sale that got
8 in that condition based upon the
9 pandemic. All of these sales that took
10 place thus far and that are scheduled to
11 take place within the next month or so
12 are pre-pandemic. Some of these
13 properties and some of these lots are as
14 a result of six years of litigation,
15 three years of litigation, or at least
16 two years of litigation.

17 So, again, I don't -- I
18 understand your position, accept that
19 position that is to be the truth, with
20 the exception of continuing or postponing
21 it, because these are not the individuals
22 that are having their properties up for
23 sheriff sales. The people that are
24 having their properties up for sheriff
25 sales, their properties were up for

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2 sheriff sales prior to the pandemic, and
3 in fact, had it not been a moratorium or
4 a closing of the City back in March, had
5 it been an opportunity to have sheriff
6 sales in March and in April and May of
7 2020, they would have happened. They
8 didn't happen because we couldn't.

9 So these are not new people
10 being targeted, respectfully. These are
11 individuals that already had an order and
12 already went through the system.

13 And then I call again, if
14 everyone has an opportunity, to look at
15 the letter from President Judge Fox and
16 Administrative Judge Shirdan-Harris that
17 puts down the procedure of how we get to
18 this point so that we can have a
19 reference and when we're saying about
20 what people -- because everyone is
21 suffering, including the landlords that
22 own the property that's not getting the
23 rent, including the banks that are not --
24 everyone is suffering.

25 COUNCILWOMAN GAUTHIER: Well, I

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2 would submit it doesn't matter if people
3 were struggling before the pandemic.
4 They're struggling worse now, and it
5 seems --

6 MR. EL-SHABAZZ: Well, you have
7 a problem then with sheriff sales, not a
8 problem with -- you have a problem with
9 sales.

10 COUNCILWOMAN GAUTHIER: No.

11 MR. EL-SHABAZZ: Not a problem
12 with virtual.

13 COUNCILWOMAN GAUTHIER: Sir?
14 Sir?

15 MR. EL-SHABAZZ: Because --

16 COUNCILWOMAN PARKER: Excuse
17 me, Mr. Shabazz? Mr. Shabazz? Mr.
18 Shabazz?

19 MR. EL-SHABAZZ: Yes, ma'am.

20 COUNCILWOMAN PARKER: Can we
21 allow Councilwoman Gauthier to respond?

22 MR. EL-SHABAZZ: Absolutely.
23 And, Councilwoman, I apologize for
24 interrupting you.

25 You're absolutely right,

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2 Councilwoman Parker.

3 COUNCILWOMAN GAUTHIER: So I'm
4 not pushing back on the fact that people
5 were struggling before the pandemic. I
6 understand that. But people are in an
7 even worse position now, and it seems to
8 me that we're moving full steam ahead to
9 make investments in our city's
10 efficient -- in an efficient, fast way
11 for our city to take away property,
12 without making corresponding investments
13 in our residents' ability to even
14 understand this process.

15 Every question that I asked you
16 all about how we're helping people to
17 understand the process was either you're
18 putting things online or you're going to,
19 you're going to, you're going to, you're
20 going to. We can't move full steam ahead
21 on taking the property away without
22 making a corresponding investment in our
23 residents' ability to participate in this
24 system. That's equally as important as
25 efficiency and as money that we're

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2 saving.

3 I just have one more question.

4 MR. DOUGLAS: Could I just
5 answer that very quickly? Your question
6 before was how do we get the people into
7 the process, and when you said "the
8 process," we thought you meant the
9 virtual sale process. If you're asking
10 us how do we get those persons in the
11 process to prevent having their homes
12 taken from them, I think if you look at
13 the document that Mr. El-Shabazz just
14 showed, the judge shows the process that
15 it takes.

16 And before I leave, I also want
17 to say this: We've had the CARES Act,
18 which also helped save those persons who
19 were not doing well and it prevents their
20 homes from being taken. There are also
21 other options that were available. We
22 had the banks actually opt in to the
23 program when we foreclosed -- sold the
24 foreclosed homes, meaning if they did not
25 want to put their property up for sale,

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2 they did not have to opt in to the sale.

3 So we put things in place to
4 help those homeowners who were doing bad
5 if in fact they can. But you have to
6 understand this: Our job is to sell the
7 property. Once the judge makes that
8 decision that this property is up for
9 sale, it's up to us to sell the property.
10 We can't just stop it. But we have made
11 that available, and I end with that.

12 MR. SALISBURY: And,
13 Councilmember, I did just want to make
14 sure you understand our outreach is not
15 entirely limited to the digital domain.
16 All of our town halls regarding this
17 process and the transition are on Channel
18 64.

19 COUNCILWOMAN GAUTHIER: Okay.
20 Thank you.

21 I have one last question. We
22 read in some of the testimony that it
23 seems that Bid4Assets is maybe not
24 updating the list of properties for sale
25 in as timely a fashion as people would

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2 like. So I think we read in the
3 testimony from Save Your Home Philly that
4 the May 4th properties are listed on the
5 site as preview when these sales have
6 actually been postponed by the court or
7 dismissed outright, which has caused a
8 lot of stress to people. Can you talk
9 about that process and maybe changes that
10 we could make to that?

11 MS. SIMPSON: So as soon as we
12 receive the information from the
13 attorneys who are putting the properties
14 up for sale, we update that information
15 in our system. That then updates two or
16 three times a day on Bid4Assets' website.
17 However, if we do not receive that
18 information from the attorneys in a
19 timely fashion, then it doesn't get
20 updated. Such as with our tax sales, we
21 usually end up getting a lot of
22 last-minute stays and postponements the
23 night before the sale, and we go in,
24 update that information so that the
25 morning of the sale that information is

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2 in.

3 But, I mean, you would need to
4 speak with the attorneys to have them get
5 that information to our office, because
6 as I said, as soon as we get that from
7 the attorneys, we are putting that
8 information and staying and postponing
9 sales.

10 MR. DOUGLAS: And that would be
11 the same in the live auction system also.

12 COUNCILWOMAN GAUTHIER: Okay.
13 But from your perspective, is there
14 anything that we can do to address that?

15 SHERIFF BILAL: Councilwoman,
16 we would look at when they need to be to
17 update it, but it's basically updated
18 when we get it from them. We can't
19 update it unless the attorneys -- because
20 the attorneys send in stays,
21 postponements, and we want to make sure
22 that this information gets in, but if
23 they don't give it to us, we can't put it
24 up there.

25 Just note this: The protection

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2 is still there. If any of your
3 constituents or people that you know have
4 postponed or got a stay, then that
5 information, whether it gets updated on
6 the website or not, it is still their
7 protection. It's still there. So what
8 we don't want people to do is get in
9 anxiety about it, because if they have
10 it, that protection is there. Even if
11 it's on the website, it doesn't matter,
12 because the protection is still there.
13 If we get it after the sale, that
14 protection is still there, and all those
15 funds will be funded back to whoever.
16 None of these protections go away.
17 They're all still there. So if they have
18 it, it's there.

19 MS. SIMPSON: And I would just
20 like to add to that. One thing that we
21 did institute with the change to virtual
22 sales is the ability of the attorneys to
23 send us numerous faxes the night before a
24 sale. In the in-person sale, we could
25 get 100 or so faxes overnight staying or

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2 postponing a sale. In this instance, we
3 have -- the attorneys themselves are
4 allowed to go in during the sale to stay
5 or postpone that property, and we have
6 dedicated phone lines here. We also have
7 a dedicated e-mail for anyone to send in
8 that information as far as a bankruptcy
9 or anything so that we can stay or
10 postpone a sale during the sale. So as
11 soon as we get the information, we will
12 update the system.

13 COUNCILWOMAN GAUTHIER: Thank
14 you.

15 No more questions this round,
16 Madam Chair.

17 COUNCILWOMAN PARKER: Thank you
18 very much, Councilmember Gauthier.

19 The Chair recognizes
20 Councilmember David Oh for questions, but
21 before he comes on, let me just state for
22 the record for the benefit of the public
23 that we will be hearing from Allegheny
24 County, which also went virtual, and they
25 chose what some would consider to be

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2 user friendly and much more friendly to
3 the people of Allegheny County, but
4 you're going to get a chance to hear the
5 opposite side of the spectrum as well.

6 Please proceed, Councilmember
7 Oh.

8 COUNCILMAN OH: Thank you very
9 much, Chairwoman.

10 As Tariq El-Shabazz mentioned,
11 I am an attorney. I've been an attorney
12 for 36 years. I haven't practiced for
13 the last nine or ten years while I've
14 been on City Council, but I will say that
15 my knowledge of sheriff sales
16 unfortunately comes from representing the
17 average citizen, the unfortunate person
18 that finds themselves in a situation
19 where their property is being sold. And
20 back in those days, the issue was that,
21 for example, they owe \$100,000. I'm just
22 making up a number. And when the process
23 was said and done, someone bid \$20,000
24 and got their property, and they still
25 owed \$80,000. The question was always,

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2 how come nobody was there to bid on my
3 property? And their questions were
4 always around the fact is this fixed? Is
5 something going on? Is there corruption?
6 Did they just notify their friends? Are
7 they intentionally selling my property
8 for cheap?

9 So my questions kind of go
10 along that line informationally. My
11 first question, and you don't have to
12 give me long answers, my first question
13 is, is there more participation by the
14 public, potential bidders, people in the
15 community neighborhoods, by going online
16 or is there less participation?

17 MR. EL-SHABAZZ: Thank you,
18 Councilman Oh, for those questions.

19 First, there is absolutely more
20 participation by going virtual.
21 Yesterday's tax sale drew 4,000 bids,
22 4,216 bidders. So people had the
23 opportunity to bid from home, from work,
24 from different places. It actually takes
25 away, I would submit to you, the

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2 intimidation that you may feel sometimes
3 by some people in a crowded room.

4 I also would answer in answer
5 to the question, because the first time
6 it was about the hundred thousand dollar
7 home and the \$20,000 purchase price.

8 Well, the opposite seems to be happening
9 here. What seems to be happening here is
10 that you're getting people into bidding
11 contests where the highest bidder is
12 going -- in fact, yesterday's auction
13 ended after 3:00 and it was supposed to
14 end at 1:00, but if people continued to
15 bid within five, it gets extended and
16 extended and extended. So that person
17 that may have -- let me do the
18 opposite -- may have a \$20,000 debt on
19 their neck, but their home is sold now
20 for \$120,000. After bills and tax liens
21 and things are paid, that money, that
22 excess money, goes to that particular
23 person. If the person has \$80,000 by
24 virtual and 60,000 is sold, they would
25 have a \$20,000 debt if it's sold for

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2 \$60,000.

3 But that's not anything that we
4 can do with respect to that that can't be
5 done in an actual live sale. But it
6 appears right now -- and that's why we
7 want to look at the matrix and that's why
8 it's important to see what's going on
9 here, because we're going to see -- we
10 may see some problems, but we're going to
11 see some things that are progressive as
12 well, and what we're seeing so far in
13 just four virtual sales, we're seeing
14 bids of \$4,000 -- 4,000 people, 4,000
15 bids, I should say. We're seeing -- are
16 we talking numbers now? We're seeing
17 generally approximately \$7,000 -- I'm
18 sorry; did I say 7,000? \$7 million in
19 those sales, and that's not just because
20 prices are higher, because they do bid
21 and they go up higher, but we're able to
22 bid -- they're able to bid on multiple
23 properties at one time.

24 In other words, you put all the
25 properties up there, and so you're able

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2 to bid without -- if you go to the
3 bathroom, you don't have to worry about
4 it. You can come back and keep bidding
5 on your particular property. Whereas at
6 the live auction, if you left your seat
7 and went to the bathroom or if you came
8 late, something held you up in traffic or
9 what-have-you, you would have missed your
10 property. You don't have that now. Or
11 you're at lunchtime. You bid on your
12 property at lunch while you're working.

13 COUNCILMAN OH: All right.

14 MR. EL-SHABAZZ: What people
15 have been doing is waiting -- I'm sorry.
16 I went too far.

17 COUNCILMAN OH: No, no, no.
18 It's a very thorough explanation, but I
19 got the point, so I'm going to move on,
20 because I don't want to take up more time
21 than I need to, but I get the point that
22 people have internet access, for example,
23 on their cell phone or in a library or
24 now with kids with virtual school.
25 Rather than going to a location, which is

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2 kind of intimidating, they can just get
3 on a platform. There's a level of
4 transparency. So you're saying there's
5 more participation, not less.

6 My next question is this: Why
7 does the money go to the City? I mean,
8 the sheriff sale is a function of a court
9 order, and where does the money end up?

10 MS. SIMPSON: So the reason why
11 we have the sheriff sales is because of a
12 judgment or delinquency. So in the
13 instance of the tax lien sales or tax
14 delinquent sales, that's money we're
15 collecting for the City. So the money
16 that we collect on the sale of that
17 property goes to pay off those delinquent
18 taxes, that delinquent water bill, that
19 delinquent gas bill --

20 COUNCILMAN OH: That part I
21 understand. Is that it? There isn't a
22 passthrough with the City? It doesn't
23 end up anyplace else? You're just
24 talking about what is owed to the City?

25 SHERIFF BILAL: Basically,

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2 because you're talking about Exhibit-E, I
3 think it is. In your package on
4 Exhibit-E, you have what you call the
5 sheriff fees, and it basically tells you
6 where those fees come from. The
7 following fees are charged on all cases
8 except the City Law Department delinquent
9 tax sales. The only thing the Sheriff
10 gets is the writ processing fee and then
11 you have a conduct fee of 300. Those
12 funds are paid to the City of
13 Philadelphia.

14 The following fee is charged on
15 every sold property and it's paid to the
16 City of Philadelphia. It's called
17 poundage, which is calculated as 8
18 percent on the first 5,000 of the winning
19 bid and 2 percent on the remaining amount
20 of the winning bid above 5,000. So those
21 also go to the City. We conduct the
22 sales for the City.

23 COUNCILMAN OH: Okay.

24 MR. DOUGLAS: Councilperson,
25 could I also say this? Once we've

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2 exhausted all those funds, if there are
3 any funds left over, they go to the
4 homeowner whose home was taken. So I do
5 want you to understand that person stands
6 to gain money also.

7 COUNCILMAN OH: Right. Okay.

8 The next thing I'm going to say
9 is this: I understood from this
10 conversation, I appreciate that people on
11 here like Councilwoman Quinones-Sanchez,
12 far more knowledgeable about land banks
13 and all its details, but what I'm kind of
14 getting after all of this is land banks
15 are exempt from this process, they don't
16 put deposits, they're not charged fees,
17 their properties are pulled off the list.
18 I know we're going to hear from the Land
19 Bank people, but basically what I'm
20 getting from the Sheriff's Office is that
21 some of the concerns raised are --
22 somehow like it's not actually in
23 question?

24 MS. SIMPSON: Yes.

25 SHERIFF BILAL: That's correct.

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2 MS. SIMPSON: That is correct.

3 COUNCILMAN OH: Okay. My last
4 really point is really this, and I do
5 understand about continuances. I think I
6 have some pretty good reasons for
7 continuances, but the judge does not
8 agree, and then we got to do the case,
9 because the judge is in charge. And I
10 understand that the Sheriff is an arm of
11 the court.

12 I will say, however, because
13 I'm going to cast some blame here, that
14 ever since I got on City Council, we have
15 been dealing with property assessments
16 with the Office of Property Assessment,
17 and Council itself did an independent
18 audit, and that came back that the
19 methodology in this City is below
20 industry standard. And I did introduce a
21 bill, for example -- and it's been a
22 concern to all of my colleagues. We've
23 all wrestled with this problem. I did a
24 bill that basically would reject the
25 taxes, the overly high taxes, based on

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2 improper assessments that I believe are a
3 very important reason why people are
4 being taxed out of their house and home
5 and threatened by sheriff sales.

6 But I would say that that is a
7 real challenge for this Administration.
8 It has been a challenge for our City
9 Council, that if we're going to deal with
10 the root of gentrification in this city,
11 it has a lot to do with overly high,
12 improper, in my opinion, illegal taxes on
13 people's property, mostly the vulnerable.

14 With that, Council Chair, I
15 will stop my questions. Thank you.

16 COUNCILWOMAN PARKER: Thank
17 you.

18 The Chair recognizes
19 Councilmember Sanchez.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, Madam Chair, and thank you to the
22 Sheriff. I want to state for the record
23 why I supported this resolution and this
24 hearing, and I want to thank the Sheriff
25 for recognizing some of the reasons why

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2 we're here in this public discussion.

3 First of all, it is Council's
4 job to call for a public discussion on
5 issues that it has concerns, and prior to
6 this particular Sheriff's Office,
7 administrator Sheriff Bilal, historically
8 Council has had a tenseful conversation
9 with anybody who has been in the
10 Sheriff's Office about process,
11 procedures, equity, and access, right?
12 So this is a structural problem that has
13 been ongoing, and City Council has done
14 tremendous work. I know the Chairwoman
15 has even prior to getting elected around
16 we want to keep people in their homes.
17 The best homelessness prevention strategy
18 is keeping people in their homes, and I
19 know the Sheriff shares that goal.

20 I wanted to just go on the
21 record and say as someone who has watched
22 this particular system and there's a lot
23 of flaws to it, from the judges making
24 decisions and how we hold them
25 accountable around how they issue

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2 judgments, to the point that I brought up
3 around the issue of the tax sales, the
4 Department of Revenue and Law
5 Department's role in determining that as
6 part of their collection strategy, the
7 sale of tax delinquency should go through
8 this process, and that I would submit to
9 Madam Chair that we really need to have
10 Law and Revenue tell us why they feel
11 that as we're still in this recovery
12 space, they have to do this.

13 But one of the points that I
14 think is hugely important, and I
15 appreciate the fact that you have to
16 start this up again, virtual sales to me,
17 even in this post-COVID world, are not
18 going to lead us to equitable process and
19 access.

20 And so I just want to go on the
21 record that I will wait until the
22 three-month pilot. Thank you again,
23 Sheriff, for acknowledging that this is
24 going to be a pilot and that you're
25 entitled as an independent elected person

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2 to go through the process, but I'm going
3 to caution on some issues that I think
4 are really, really dangerous in this
5 process.

6 One is that while you want
7 efficiency around payment and the
8 deposits and who bids, if by law you are
9 permitted to create a different tiered
10 system for LLCs that have become
11 extremely problematic in this
12 gentrification of flipping process, that
13 you do so. We want individuals to have
14 access to the sale, but a \$10,000
15 deposit, a 15-day settlement I subscribe
16 to you is not going to help in the
17 process. It may help you in an efficient
18 process, but I don't think it really adds
19 to equity as it relates to that.

20 So if legally you can do that,
21 I'm going to strongly encourage you to
22 consider creating a two-tier system for
23 LLCs and corporations versus that.

24 The mortgage conversation is a
25 broader one around -- because we don't

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2 have control over mortgages in City
3 Council, but we really do need to have a
4 conversation even pre-pandemic.

5 So my question is, please walk
6 me through the conversation with the Law
7 Department to get us to the sale. What
8 were the recommendations of the City
9 Solicitor that you shared with this body
10 that got us here, and what we in Council
11 can do to get to a more equitable,
12 transparent space. If your hands are
13 tied, what do we need to do? Because
14 people are against sheriff sales.
15 They're against sales right now in this
16 recovery. So what is it that -- what was
17 the discussion with Law and then where
18 are your hands tied that legislatively we
19 need to act on?

20 MR. EL-SHABAZZ: Thank you
21 again, Councilwoman Quinones, for your
22 question, and I'm going to try to be
23 brief, because I'm kind of longwinded.

24 Basically what aids us is
25 orders of the court. For example, if in

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2 fact the Law Department saw fit to say,
3 well, even though the sheriff sale is
4 starting again, we want to, the City of
5 Philadelphia, want to impose a moratorium
6 so that we do not go on participating in
7 something that is more stressful that is
8 against the economic, I will say,
9 situation of the majority of people in
10 the City of Philadelphia, they could have
11 at that point, at their choosing,
12 indicate that we want to suspend the sale
13 of the tax lien sales or the tax sales
14 now.

15 Once they give us that order,
16 then obviously we are free and clear not
17 to participate in that. It's a little
18 bit more complicated.

19 COUNCILWOMAN SANCHEZ:

20 Question, the list that they gave you,
21 are you able to put conditions on the
22 list that they gave you for tax sales?
23 Could you, do you have the authority to
24 pull owner-occupieds? What authority do
25 you have for that list? Or you must take

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2 everything that the judgment gives you?

3 SHERIFF BILAL: Let me do it.

4 The conversation between the
5 Undersheriff and the Law Department in
6 tax lien sales was back and forth for
7 months as to making sure that -- they
8 were supposed to be making sure that they
9 were not homeowner occupied. And so the
10 list in that area went extremely -- they
11 pulled about 100-and-something off there.
12 So they were going back and forth during
13 this pandemic to try to make sure that
14 none of them was occupied.

15 The other thing that --

16 COUNCILWOMAN SANCHEZ: Was that
17 your decision or was that the Revenue
18 Department's and Law Department's?

19 SHERIFF BILAL: Well, our
20 conversation with them is if they're
21 putting this list together and our
22 Undersheriff basically tells me that the
23 conversation was that we got to not --
24 make sure that they were not home
25 occupied basically so that they can pull

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2 them. They're the only ones that can
3 pull those out of there. We don't have
4 the authority to do that. They can.

5 And so if we have a
6 conversation with any of the lawyers in
7 the Law Department, if -- let's say you
8 call us and say, This property is up for
9 sale, but it's been taken care of by the
10 community, can you do anything to help,
11 our conversation is with the Law
12 Department. Look, this is property, the
13 community is taking care of it, it's a
14 garden, what can you do to make sure --
15 you know, the community is dealing with
16 it. They decide to pull it off of there.
17 We can have that conversation, but they
18 got to make that decision.

19 COUNCILWOMAN SANCHEZ: Because
20 I know we submitted a list of our
21 concerns around the U.S. Bank liens, and
22 I think some of the folks who are going
23 to testify are going to speak to these
24 thousands of U.S. Bank liens that we're
25 not allowed to bid on with the Land Bank.

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2 So I'll leave that discussion for when
3 those folks come on.

4 Is there an articulated
5 agreement between you and the Law
6 Department that owner-occupied folks --
7 because all of those folks would be
8 eligible for OOPA, which is legislative
9 work that Council did. Is there an
10 articulated agreement that they would be
11 put on, and who is going to be held
12 accountable to that?

13 SHERIFF BILAL: It's not a
14 written agreement between us and the Law
15 Department. That was a conversation as
16 we started this process, and maybe we
17 need to look into a written agreement
18 about that, and so I will make note of
19 that so that our legal department -- what
20 did you say?

21 MS. SIMPSON: I just wanted to
22 add to that. After the discussion that
23 our department had with the Law
24 Department, yesterday's sale for tax
25 delinquent went from 356 properties down

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2 to 28.

3 SHERIFF BILAL: So we can have
4 that discussion, and maybe we will pass
5 that over to a conversation to give an
6 MOU, because I found out in this office
7 one day looking through a bunch of boxes
8 that there's a bunch of MOUs around here,
9 and just being a newly elected person,
10 there's no playbook. But we can probably
11 have that conversation to develop that
12 MOU with the Law Department.

13 COUNCILWOMAN SANCHEZ: Well, I
14 mean, I encourage you to explore that,
15 but I encourage Council -- and, again,
16 this would have to come through Law and
17 Government and our Chairwoman -- I would
18 suggest that we really as a legislative
19 body really need to look at how do we
20 legislate some of that framework, Madam
21 Chairwoman, because this is being left up
22 to too much chance, too many MOUs as
23 opposed to what is going to be the policy
24 of how we protect people.

25 Council has spent the last

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2 decade-plus putting together measures to
3 protect people and their homes, and what
4 we don't want is conflicting goals around
5 tax collections to lead us to a situation
6 where people are checking off the box and
7 not connecting the dots.

8 There should be very few people
9 who are not eligible for relief programs
10 that this Council has put forward, but
11 what you're telling me is that ultimately
12 the Revenue Department and the Law
13 Department still have the discretion,
14 right, to not ensure that people get on
15 OOPA and other things? That's something
16 that legislatively -- you can do your
17 MOU, but we're going to have to look at,
18 Madam Chair.

19 And I'll reserve the rest of
20 the questions with some of the other
21 folks that will come forward.

22 Again, we are doing our jobs
23 and having a public discussion. Again, I
24 appreciate that both the Chairwoman and
25 the Sheriff have worked through some of

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2 the major issues around communication,
3 how do we strengthen it, how do we make
4 sure we're -- we're one government. So
5 when people out there, they don't -- this
6 is not the Administration, Council, the
7 Sheriff's Office. It's us, right? We're
8 all elected, and it's an "us." And
9 sometimes these public conversations need
10 to happen for us to get kind of on the
11 same page around this stuff, but many of
12 us believe that this Sheriff process and
13 the discretion both by judges, the
14 mortgage people who have a lot of money
15 and influence, all of those folks are not
16 always in the best interest of the
17 consumer and our residents, and that is
18 our job to figure out what we need to do.

19 So I hope these hearings lead
20 to some legislative fixes around how do
21 we ensure some of this process, Madam
22 Chair, and I am ready and willing to work
23 with all of you to get to that place.

24 Thank you.

25 COUNCILWOMAN PARKER: Thank

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2 you, Councilmember Sanchez.

3 The Chair recognizes

4 Councilmember Brooks.

5 COUNCILWOMAN BROOKS: Thank you
6 so much, Madam Chair and -- thank you so
7 much, Madam Chair. I do have a series of
8 questions, but I just want to frame it
9 first, that I am -- I do have a problem
10 with sheriff sales, and as I talk about
11 this, please do not take my passion as
12 anger, and I'm talking about more process
13 issue. I said before in signing onto
14 this hearing, I said that I would try to
15 go through the process for clarity. So
16 my questions are coming based on the
17 process.

18 There was a property I had my
19 staff looking into since March of 2020.
20 Then it came up for sheriff sale and the
21 sign was on the gate, and we looked at
22 the gate, made the phone calls to move
23 that forward, and I decided that I would
24 go through the process so when we had the
25 opportunity, I can ask questions more

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2 about the process, and hopefully you'll
3 be supportive of some of the public folks
4 that are listening. And I think I
5 consider myself and my staff to be pretty
6 tech savvy and computer literate in
7 navigating this process.

8 So I'm going to start with the
9 process questions around Bid4Assets and
10 then I'll go into some of the logistical
11 questions that I have about the process
12 of the sheriff sale that just happened, I
13 think it was, April -- the first tax lien
14 sheriff sale.

15 So my first question is, your
16 testimony indicates that \$6 million in
17 gross sales from three virtual sales
18 since April 6th of 2021. What was the
19 average number of bidder participants who
20 funded a deposit in order to bid in each
21 of these online auctions, and how many
22 bidders typically would have attended
23 pre-COVID for a live auction?

24 MS. SIMPSON: Thank you for
25 your questions, Councilwoman. If you

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2 look at Exhibit-H. So we have provided
3 our sale reports for our first three
4 sales, and we had a sale yesterday, which
5 didn't end until 3 o'clock, so that
6 information is not finalized. However,
7 for the first sale, we had 204 registered
8 bidders, and that is for the mortgage
9 foreclosure sale with a \$10,000 deposit.
10 For the April 9th sale, we had 254
11 registered bidders, and for the
12 April 14th sale, we had 307 registered
13 bidders, and that is at the \$1,500
14 deposit amount.

15 We do not have figures from our
16 live sales because we did not count how
17 many people attended those sales. So we
18 can't give you a figure to compare to.
19 However, the participation that we have
20 has been overwhelming to our expectations
21 based on all of the scrutiny that we
22 received about the ability of people to
23 pay the deposit.

24 So for the mortgage foreclosure
25 sale, we had nine winning bidders. Four

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2 of them were from Philadelphia. For the
3 April 9th sale, we had 62 winners, and 52
4 of them were from Philadelphia. For the
5 April 14th sale, we had 33 winners, and
6 18 of them were Philadelphians. However,
7 overall 29 of them were Pennsylvanians.
8 And what the trend that we're seeing is
9 those same bidders that would attend our
10 in-person sales and purchase properties
11 are the same bidders that are attending
12 these virtual sales and purchasing
13 property.

14 COUNCILWOMAN BROOKS: Are some
15 of these LLCs or are they individuals, or
16 you don't differentiate between the two?

17 MS. SIMPSON: That information
18 is provided in Exhibit --

19 SHERIFF BILAL: H in this
20 statement here.

21 MS. SIMPSON: -- Exhibit-G
22 where we gave you a list of all of the
23 persons who purchased property, and as
24 you see, we do have quite a few
25 individuals on there that have purchased

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2 property over the past three sales.

3 COUNCILWOMAN BROOKS: I also
4 would like to talk about the revenue that
5 Bid4Assets collects per sale. For
6 premiums, Bid4Assets collects 1.5 percent
7 on foreclosure auctions and 10 percent on
8 tax foreclosure auctions from buyer
9 premiums; am I correct?

10 MS. SIMPSON: Yes.

11 COUNCILWOMAN BROOKS: So before
12 adopting an online bidding platform, did
13 you research whether this premium is
14 applied in all jurisdictions conducting
15 online sales with Bid4Assets?

16 MR. DOUGLAS: Thank you,
17 Councilperson. Thank you for that
18 question. We did not ask -- did not find
19 out if that was the bid for all of the
20 counties. However, I did speak to
21 Montgomery County, and I do not believe
22 they had it in Montgomery County.
23 However, we did -- given the size and the
24 complexity of the sale that we have here,
25 sales that we have here we did not think

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2 it was unreasonable.

3 COUNCILWOMAN BROOKS: Okay. So
4 it seems like the Sheriff's Office is
5 imposing the cost of the sheriff sales on
6 bidders or those that are losing their
7 properties or homes. Can that be stated?

8 SHERIFF BILAL: No. No.
9 You're saying bidders. Bidders are the
10 ones that bid on the property, not
11 homeowners. Homeowners -- the person
12 that owns the home that may have lost the
13 property, there's no charge on the
14 homeowners. These are the people that
15 you may see LLCs or individuals that want
16 to buy properties. So they pay that
17 premium price, the bidders, not the
18 homeowners.

19 COUNCILWOMAN BROOKS: So the
20 winners of the auction are the ones that
21 pay the cost?

22 SHERIFF BILAL: Say it again.

23 MR. DOUGLAS: Yes.

24 COUNCILWOMAN BROOKS: The folks
25 who -- the winner ends up absorbing the

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2 cost of --

3 SHERIFF BILAL: That's correct.

4 COUNCILWOMAN BROOKS: All

5 right. Thank you for the clarity.

6 So for the fees, you said

7 roughly 1,000 online bidders have

8 participated and put their deposits in,

9 correct?

10 MS. SIMPSON: Correct.

11 COUNCILWOMAN BROOKS: About a

12 thousand, okay.

13 And each bidder pays a bid

14 deposit per storefront \$35 administrative

15 fee for Bid4Assets, and that is different

16 from the \$35 per-parcel one

17 administrative fee; am I correct? I

18 think it's in Exhibit-C from the

19 information that you sent.

20 MS. SIMPSON: Yes, that is

21 correct.

22 COUNCILWOMAN BROOKS: Okay. So

23 if you do the math with me quickly, if we

24 had 1,000 participants who funded a

25 deposit in order to bid, approximately

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2 how much did Bid4Assets collect in the
3 deposits per storefront administrative
4 \$35 fee? And was the fee charged to the
5 bidders a typical -- was that same fee
6 pre-COVID? This \$35 fee, was it
7 something that they would have done
8 before COVID, like the Sheriff's Office?

9 SHERIFF BILAL: There was no
10 in-person sales cost, no.

11 COUNCILWOMAN BROOKS: No
12 in-person sales cost, correct.

13 MR. DOUGLAS: And, again,
14 Councilperson, only the bidders or buyers
15 would pay that, and that is actually a
16 processing fee that Bid4Assets pays to
17 process the monies that they receive as
18 well as setting the buyer up for the
19 sales.

20 COUNCILWOMAN BROOKS: So it
21 seems like Bid4Assets will be collecting
22 large revenues by imposing fees on
23 bidders who may not have any winnings,
24 because the \$35 is non-refundable; am I
25 correct?

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2 MR. DOUGLAS: Correct.

3 COUNCILWOMAN BROOKS: Okay. So
4 when you executed this agreement between
5 Bid4Assets, did you ask about this bid
6 deposit per storefront financial fee and
7 was it -- is it standard in terms of all
8 agreements that they have participated in
9 in the past?

10 SHERIFF BILAL: Can you speak
11 up a little bit? Because I'm not
12 understanding your question.

13 MR. EL-SHABAZZ: You're
14 breaking up a little bit.

15 SHERIFF BILAL: And you're
16 breaking up.

17 COUNCILWOMAN BROOKS: I've been
18 having internet connectivity issues all
19 day. It should be ending in a few
20 minutes because school should be over, so
21 bear with me.

22 So when executing the agreement
23 between Bid4Assets, did you ask if the
24 bid deposit per storefront financial fee
25 was a standard term in all agreements

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2 made with cities that partnered with
3 Bid4Assets?

4 MR. DOUGLAS: We did not, and
5 what we did when we spoke to Bid4Assets
6 was talk to Bid4Assets not about other
7 cities but how they could make their
8 virtual sales mirror our live sales. So
9 that was not something that we discussed.
10 The fees that they charge to other
11 cities, we did not discuss that with
12 them.

13 COUNCILWOMAN BROOKS: Okay. So
14 I'm going to just go into my experience.

15 When I attempted to bid in a
16 tax foreclosure auction, I was charged an
17 additional hundred dollar fee that I did
18 not see except on Bid4Assets, and I don't
19 recall that being mentioned in the town
20 hall. Do you know what was the purpose
21 of this additional hundred dollar fee?

22 SHERIFF BILAL: A bid, you put
23 down a \$1,500 deposit and then your \$100
24 is your additional -- your first hundred
25 dollar bid on the property. That's my

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2 understanding. If it's different --

3 COUNCILWOMAN BROOKS: But it
4 wasn't stated in all the other documents.

5 I did not see until I went through the
6 Bid4Assets' website and gave them
7 originally 1,535, and then once I
8 realized that the 1,535 wasn't enough, I
9 went back to the bank and put another
10 hundred dollars -- I'm sorry; another
11 thousand dollars in to do a money wire,
12 but none of these fees were mentioned in
13 the earlier information that we did in
14 the briefings and it wasn't easily
15 available on the initial sheriff sale
16 website. I didn't see it until I got the
17 details with Bid4Assets. Do you know
18 what the purpose of that additional
19 hundred dollar fee is?

20 SHERIFF BILAL: It's in our
21 conditions for sale. When you go onto
22 the website, what we stress is you read
23 the conditions of sale. The conditions
24 of sale states that and all the fees
25 under the conditions for sale, and it

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2 tells you you bid in \$100 increments.

3 That's where that information is.

4 MR. DOUGLAS: Councilperson,
5 can I just say this? One of the things
6 that's stated in the conditions of sale
7 is that there's a \$1,600 minimum for all
8 tax sales. So you only placed 1,500 in
9 reserve, so it would require an extra
10 hundred on any bid to start anyway.

11 COUNCILWOMAN BROOKS:
12 Absolutely. That's what I said. I did
13 the 1,535, and then once I had already
14 went and wired the money, I came back and
15 saw something else. So I went back and
16 put more money to wire to be able to
17 participate in the bid, but that wasn't
18 clear up front when I did the first
19 initial deposit.

20 The reason I'm kind of laying
21 this out is because some of this
22 conversation is making it seem like it's
23 so much easier for working people. I was
24 actually on a Council hearing when I
25 discovered that I did not have enough

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2 money and had to go back to the bank to
3 complete a money wire in order to
4 participate in this process as a
5 layperson.

6 So that's why I said I just
7 want to go through the process just for
8 clarity, and that's kind of why I'm going
9 through in this way, because I'm going
10 through personal experience that I
11 actually went through the whole process.

12 So my other question is, how
13 did you arrive at the 1,500 deposit cost
14 requirement, and did you consider the
15 ability for all Philadelphians to
16 participate in the auctions with this
17 deposit requirement?

18 MR. STEWART: Yes, ma'am.
19 \$1,500 is the opening bid for all City
20 delinquent tax sales. So, once again, we
21 wanted to mirror what we've done live or
22 in-person to the online auction. So that
23 is the opening bid for all properties
24 scheduled by the City of Philadelphia
25 delinquent tax department, and you bid in

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2 \$100 increments.

3 COUNCILWOMAN BROOKS: Who sets
4 that deposit amount?

5 MR. STEWART: The City's Law
6 Department.

7 COUNCILWOMAN BROOKS: The
8 City's Law Department, okay.

9 MS. SIMPSON: Yes. They
10 determined that that would be the minimum
11 bid amount for every property that they
12 sell.

13 COUNCILWOMAN BROOKS: Okay. So
14 before adopting an online bidding
15 platform, did you research whether online
16 auctions on sheriff sale raised the
17 average price of auctioned properties
18 relative to the in-person auction, and if
19 you did, how much?

20 SHERIFF BILAL: You're breaking
21 up, and we're trying to make sure we have
22 your question clear.

23 COUNCILWOMAN BROOKS: Okay.

24 SHERIFF BILAL: Can you repeat
25 that again?

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2 COUNCILWOMAN BROOKS: Sure.

3 Before adopting an online bidding
4 platform, did you research whether online
5 sheriff sales raised the average price of
6 auctioned properties average -- I mean
7 relative to in-person auctions?

8 MR. DOUGLAS: Yes, we did.

9 What we did was, we looked at several
10 counties in which Bid4Assets had been the
11 virtual sales supplier or provider, and
12 we saw that there were substantial
13 increases in the number of properties
14 that were sold percentage-wise. So we
15 did do that, yes.

16 COUNCILWOMAN BROOKS: And like
17 how much did you anticipate the increase
18 on average auction rising to?

19 MS. SIMPSON: Can you repeat
20 that? I'm sorry.

21 MR. DOUGLAS: Can you repeat
22 that? I'm sorry.

23 COUNCILWOMAN BROOKS: So the
24 question was about the average price, the
25 increase in the average prices. Do you

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2 have a number on your anticipated price,
3 the price of the auctioned properties, a
4 percentage maybe?

5 MR. DOUGLAS: We do not, and
6 part of the problem is because we have no
7 idea what properties we're going to get.
8 It's sort of a function of the homes that
9 we get and where they are and what they
10 look like at the time. So it's pretty
11 difficult to say that -- the only thing
12 that I think our office can say is that
13 in terms of the percentage actually sold,
14 that would increase, but the percentage
15 of price per property would be very
16 difficult.

17 COUNCILWOMAN BROOKS: Which
18 other counties did you look at? Were
19 they comparable to Philadelphia?

20 MR. DOUGLAS: There are no
21 counties comparable to Philadelphia in
22 Pennsylvania. However, we did look at
23 the surrounding counties, and what we
24 found was several things. One,
25 Bid4Assets was familiar with our internal

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2 accounting system, so they were somewhat
3 familiar with the nomenclature that we
4 used in our sales. They had been exposed
5 to it. They were able to also mirror
6 what we wanted. Now, they had different
7 processes that they use, but when we
8 spoke to them about the processes that we
9 wanted, they were able to at least talk
10 to us effectively about how to make it
11 happen. So that was one of the big
12 things for them.

13 COUNCILWOMAN BROOKS: Did you
14 anticipate more properties being sold in
15 the online auction than in in-person?

16 MR. DOUGLAS: Yes. Yes. It
17 would stand to reason that since we're
18 reaching more potential buyers, that we
19 would sell more properties.

20 COUNCILWOMAN BROOKS: So the
21 main argument given for the online
22 auction sales that I've heard is about
23 increased access. Can you tell me more
24 about how you have balanced this concern
25 with us being the poorest biggest city in

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2 the U.S., and this move to increase
3 access will be very likely to like price
4 Philadelphians out of communities,
5 whether it's community gardens or lots or
6 even properties, and give more advantage
7 to out-of-town developers. And like in
8 my case, it was a lot across the street
9 from my house that we could have used for
10 a park, and it had been vacant for quite
11 some time, and even with me being willing
12 to put \$2,500 up to \$5,000 on the
13 property across the street from my home,
14 it went in auction for \$25,000. Most of
15 my neighbors cannot afford a \$25,000 lot,
16 including myself.

17 So what consideration was given
18 to maintain affordability or to -- I
19 think Councilwoman Sanchez alluded to it,
20 to make sure that neighbors and community
21 members are able to participate in this
22 auction fairly?

23 SHERIFF BILAL: Let me start
24 with answering that. We looked at the
25 in-person sales and it would have been

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2 the same thing as a virtual sale, that
3 people come in and buy, whether it's LLCs
4 or whether it's somebody drives in from
5 another city or whether they send in a
6 surrogate. It's the same amount that
7 is -- the same participation in that area
8 as far as in-person sales.

9 And I'll let Melissa take it
10 from there.

11 MS. SIMPSON: I've been here
12 for about seven years, and when I first
13 started, the properties were not going
14 for high prices at the tax sales.
15 However, over the past few years, those
16 prices have drastically increased as to
17 how much you would need in order to
18 purchase a property from sheriff sale.
19 So the amounts that we're seeing now are
20 not much different from the in-person
21 sale, because we had a lot of people who
22 would come down from New York, we had
23 people flying from the West Coast coming
24 over here to attend our sales in person
25 to purchase property.

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2 So there hasn't really been a
3 change in who attends the sales online
4 compared to in-person, because they were
5 doing it anyway.

6 COUNCILWOMAN BROOKS: So --

7 SHERIFF BILAL: And let me just
8 finish on that. If we can find a way
9 legally, and I understood Councilwoman
10 Quinones-Sanchez as far as the Council is
11 concerned, legally to be able to figure
12 out a way to make that happen in the
13 manner in which that you're expressing to
14 us, then we don't have a problem with
15 that.

16 What we're trying to do -- and
17 this is the reason why we only advertise
18 here. We didn't advertise around the
19 country. We advertise here. The media
20 ads went out on radio stations here,
21 community papers here. And so that's the
22 only area that we actually promoted these
23 sales to, and I think that's why we got a
24 lot more Philadelphians.

25 But if there's a legislative

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2 way that you can make that happen, we
3 don't have any problem with that. We are
4 just -- what we're trying to do, and this
5 is -- I have my discretion if you look at
6 the bill of sales on these websites. We
7 are looking at strategies on how people
8 are trying to purchase these properties.
9 We are looking at those who may be
10 attempting to commit fraud, and I am the
11 one that makes the decision to ban them
12 from sale.

13 And so we are tracking this.
14 We're not letting it go as to -- some
15 people trying to come up with a strategy.
16 No different than how they got together
17 in in-person sales.

18 MR. EL-SHABAZZ: And if I may,
19 Councilmember Parker asked and received a
20 memorandum from the City Solicitor that I
21 think was excellent that outlined
22 limiting out-of-state participation at
23 the sheriff sales; in other words, how
24 can we do that, and it actually mirrored
25 the law that we found, and it's just --

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2 there's no federal, state, or local law
3 that will allow us to do that, because
4 the definition legally of an open
5 auction, especially a sheriff sale, is
6 that the property can go to the highest
7 bidder. So that it actually puts us in a
8 quandary with respect to Philadelphia
9 residents or not.

10 But as I said to Councilmember
11 Parker, Chairman Parker at another --
12 during another conversation, we are
13 looking very hard and very diligently for
14 creative ways that will legally allow us
15 within the power of the Sheriff -- I've
16 been directed by Sheriff Bilal as one of
17 the people that is responsible for trying
18 to come up with legal ways that we can
19 kind of ensure that we are protecting the
20 interest of Philadelphians in this
21 virtual sale. And I am. Unfortunately,
22 I've been running against roadblocks
23 legally that will expose us, expose the
24 City, expose the Sheriff. And if anyone,
25 if any Councilmember has any of their

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2 aides or anyone that in fact is coming up
3 with a strategy that legally we can use
4 that will allow us to do that, we welcome
5 that. We welcome that. I just haven't
6 found it.

7 When I worked with Curtis, the
8 Undersheriff, together we haven't found
9 it. Individually we haven't found it.
10 And when we worked with the Chief of
11 Staff, we still haven't found it, but if
12 someone has a way to do it as a sheriff
13 sale, we welcome that.

14 COUNCILWOMAN BROOKS: So -- my
15 last one.

16 COUNCILWOMAN PARKER: Thank
17 you, Councilmember.

18 COUNCILWOMAN BROOKS: I just
19 want to close up with this.

20 One of the things to that about
21 eliminating barriers is definitely talk
22 about those administrative fees that are
23 imposed on folks not winning the bids
24 similar to that in other jurisdictions
25 that Bid4Assets work on. And I also

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2 said -- you mentioned that you
3 anticipated higher prices and more sales
4 with the online prices -- I mean, with
5 this online process, and I would really
6 just -- like how can we reconcile this in
7 a way to be more equitable for all
8 Philadelphians.

9 Madam Chair, that concludes my
10 line of questioning.

11 COUNCILWOMAN PARKER: Thank you
12 so very much, Councilmember Brooks, and
13 thank you for putting on the record your
14 personal experience with this process.
15 It's greatly appreciated.

16 The Chair recognizes
17 Councilwoman Gilmore Richardson for
18 questions.

19 COUNCILWOMAN RICHARDSON: Thank
20 you. Thank you so much, Madam Chair, and
21 again, thank you for your work on this
22 hearing and on this topic, which is
23 vitally important to our ability to
24 preserve homeownership here in the City
25 of Philadelphia, particularly for our

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2 longtime residents.

3 A number of the questions I had
4 have already been asked, so I want to
5 specifically focus on the post-sale
6 report that we received, the Philadelphia
7 County Sheriff, April 6, 2021 Post-Sales
8 Summary. I wanted to zero in
9 particularly around the bidder statistics
10 that were in the upper right-hand corner
11 of that exhibit, and I think this
12 question was asked by my colleague
13 Councilmember Brooks, but wanted to again
14 get this on the record.

15 Can you give us any data about
16 the demographics of the individuals who
17 have signed up with Bid4Assets to be
18 bidders in Philadelphia County? And is
19 there any way for us to have a chart that
20 we can look at all the sales that have
21 happened thus far to look through exactly
22 what you've notated around where these
23 bidders are from, how many properties
24 they've bid on, and how many they've won?

25 And then also if you could

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2 provide us with a map of where those
3 properties or parcels are located in the
4 City, because I think that information
5 will be helpful, particularly to our
6 district colleagues.

7 SHERIFF BILAL: You have a
8 spreadsheet. On that spreadsheet it has
9 the mortgage foreclosure, which was April
10 the 6th, '21. It has the broken writ,
11 which is the numbers that we go by. It
12 has the property address. It has the
13 reserve price. The reserve price is the
14 price that the mortgage companies'
15 attorneys set. It's all their fees or
16 all their liens, all the money they're
17 expecting to get back on that property.
18 And then you have the winning bidder,
19 which is next to that, which is the total
20 amount of what the properties went for.
21 Then you have the high bidder name. You
22 have their name. In the next line you
23 have their company. In the next place
24 you have their address. And this is the
25 mortgage foreclosure. You have the city,

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2 the state, and the zip code. You also
3 have where you may see is the LLCs.

4 Just note in the higher bidder
5 where it says sold to the plaintiff, that
6 means the bank bought it back, and that's
7 in the mortgage foreclosure sale.

8 COUNCILWOMAN RICHARDSON: Yes.

9 SHERIFF BILAL: So when you go
10 down -- so this is the information that
11 we are pulling off. And I hear what
12 you're saying. If we need to pull off
13 more, we do have other things that we can
14 pull off from dealing with our metrics
15 and what we'll be looking at.

16 And so when you go down to the
17 Linebarger tax lien sales, which was
18 April the 9th, '21, you have the same
19 thing, the property address, the minimum
20 bid, which is set by the City Law
21 Department, the winning bid amount, and
22 who is buying and whether they're LLCs,
23 their physical address, because I stated
24 in this LLCs now have to have a physical
25 address, name, and phone number, contact

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2 information.

3 And, by the way, we do vet
4 that, and because we're a law enforcement
5 agency with just dealing with the sales,
6 but we are a law enforcement agency, we
7 have other avenues that we can deeply vet
8 that information, because it's in our
9 purview that we can do, and it tells you
10 what city and state and zip code they
11 were from that were the winning bidders.

12 COUNCILWOMAN RICHARDSON:
13 Excellent.

14 SHERIFF BILAL: So that has
15 that on -- I think you got about four
16 pages of all that information -- five
17 pages. I think the Chairwoman asked us
18 for that in the list of things that we
19 needed to send over, and we sent that
20 over to you.

21 COUNCILWOMAN RICHARDSON: Yes,
22 ma'am. And I think it's important,
23 though, for our understanding, because
24 this may come to us, this process, as
25 easy because we do this every day, but I

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2 think it's important for the record and
3 for the listening public and for
4 Philadelphians who are tuning into this
5 hearing currently and those that will
6 watch later to have some of this
7 information verbally put on the record by
8 your office.

9 So if you could provide some of
10 that broken down by Council district,
11 that would be helpful.

12 And then, secondly, what I
13 wanted to ask on the record, and I know
14 my colleagues have covered this already,
15 but I think it's important to ask you
16 this question again. Until we have
17 further clarity around the ability for
18 Council and for you as an independently
19 elected official to work together more in
20 this process to protect Philadelphians on
21 sheriff sale, knowing the real estate
22 environment that we are dealing with, and
23 I think Melissa Simpson from your office
24 talked about how when she started in the
25 office seven years ago, that the

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2 properties were not going for as much as
3 they are going for now, so you understand
4 the real estate frenzy that we are
5 dealing with.

6 So, Madam Sheriff, is there any
7 way for you to halt sheriff sales -- I
8 mean to request to halt sheriff sales
9 until we were able to work through some
10 of the nuances of this with you? Is that
11 something that you can do? Can you make
12 a request of the courts?

13 SHERIFF BILAL: That's
14 something that we cannot do, because we
15 are basically going on the court orders
16 from the court, but if the City Council
17 Committee can basically come up with
18 something legislative to halt all sheriff
19 sales, we will abide by that court order.
20 We don't have any problem with that.

21 COUNCILWOMAN RICHARDSON: So my
22 question, Madam Sheriff, though, is
23 specifically regarding your ability to
24 send communication directly from your
25 office to the courts. Will you be

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2 willing to do that, for the record, for
3 the public?

4 SHERIFF BILAL: For the record
5 to send something to the courts? I would
6 need to have a legal reason why, and we
7 explained that at the beginning of
8 Council.

9 Oh, she's asking the Chair to
10 send it, not me?

11 COUNCILWOMAN RICHARDSON: No.
12 I was asking you, Madam Sheriff.

13 SHERIFF BILAL: Sheriff. You
14 sound like you're saying Chair and
15 Sheriff.

16 COUNCILWOMAN RICHARDSON: Oh,
17 yes. Madam Sheriff Bilal. I'm asking
18 you if you would be able to send
19 something to the courts while we are
20 working through this process with you
21 because of the timing that we received
22 this information? Can you just send
23 something to the courts requesting that
24 all sheriff sales be halted in the City
25 of Philadelphia until we have an

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2 opportunity to work through this and
3 understand what was happening obviously
4 behind the scenes before Council had any
5 involvement in this process at all? In
6 your purview and under your perspective
7 and with the powers that have been
8 bestowed upon you when taking oath of
9 office, can you send a communication
10 directly to the courts and to all the
11 court officers requesting that sheriff
12 sales be halted until you have an
13 opportunity as an independent elected
14 official to work with the legislative
15 branch of government around what is
16 happening with sheriff sales in
17 Philadelphia?

18 It is under my understanding
19 that you have the ability to do that.
20 You can do that. You can make the
21 request, and if they say no, they say no,
22 but you can make the request.

23 MR. EL-SHABAZZ: Thank you,
24 first of all, for the question and for
25 the follow-up explanation statement. I

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2 think the record is replete -- or
3 actually I shouldn't say replete; is
4 filled with the reasons and the rationale
5 as to why asking the court to postpone a
6 legitimate order when the Sheriff can
7 conduct with COVID protocol a sheriff
8 sale based on communications or I would
9 say even to some degree a lack of
10 communication with respect to the
11 legislative branch and the Sheriff, the
12 independent office, I would submit is not
13 a legal reason to ask to halt the sheriff
14 sales. Why? And I'll try to be quick,
15 because I'm longwinded.

16 One, because the mortgage
17 companies, as was explained earlier,
18 these are time-sensitive sales that have
19 to take place within the time of a writ
20 being issued or a court order.

21 Two, the debtor or the
22 mortgager having a legal order that
23 allows them to collect to pay off a debt
24 and having us ask to continue or to
25 postpone that without a legal reason

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2 exposes the Sheriff to being sued and
3 subsequently the City to being sued,
4 because the only thing that we're trying
5 to do is, in their eyes, is delay the
6 process without a legal -- and I don't
7 want to say legitimate. Definitely
8 there's a reason that's legitimate, but a
9 legal reason. So it puts us in a
10 position that we can't.

11 What we will do and what the
12 Sheriff has indicated that she's willing
13 to do is to continue what we're doing
14 now, the dialogue and working together to
15 work through the concerns and explain the
16 concerns and even to adapt the virtual
17 sales if in fact it is shown through the
18 matrix and through what we're
19 understanding and through the community
20 that it's causing an issue that is unfair
21 and that can be directed -- or be
22 corrected. We're willing to do that.
23 But I think that -- I appreciate, we
24 appreciate the request, but just for the
25 record and the public, this isn't

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2 something that the Sheriff can do, no
3 more than anybody else that will deny
4 carrying out an order of court. It's
5 called her being found in contempt.

6 COUNCILWOMAN RICHARDSON: Thank
7 you so much for that response.

8 Madam Chair, just for the
9 record, I need to get this on the record.

10 COUNCILWOMAN PARKER: Go ahead.

11 COUNCILWOMAN RICHARDSON: Thank
12 you, Madam Chair.

13 Mr. Shabazz, I respectfully
14 disagree with that interpretation. I do
15 think we should be able to get a
16 communication from our Sheriff directly
17 to the courts posing and asking the
18 question. As you see or as you will hear
19 in the testimony that has been offered in
20 this hearing from all the testimony we
21 received and that I've read through,
22 there are significant concerns from all
23 aspects of not only City government but
24 folks that interface with us to move
25 property sales in and around our city,

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2 and that's down to the community gardens,
3 the Land Bank. All different
4 organizations have talked about how
5 challenging this new process is and their
6 lack of clarity around the process and
7 not being included in the process at the
8 onset.

9 So I do respectfully disagree
10 with that interpretation, particularly
11 because I was a legislative aide here in
12 City Council and this body when this body
13 worked on the Mortgage Foreclosure
14 Prevention Program with Councilmember
15 Jones. So I remember how that happened,
16 thinking back to COVID-19 and how all the
17 sheriff sales were stayed last year.
18 It's a simple request.

19 So I will respectfully disagree
20 with that interpretation for the public
21 for the record, and think it's important
22 to note that, yes, Madam Sheriff, you can
23 send a communication at least to ask
24 until we are able to work through some of
25 the challenges that have been notated in

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2 the testimony that we have received and
3 that we will hear and you will hear this
4 afternoon in the remainder of this
5 hearing.

6 Thank you very much, Madam
7 Chair, for your latitude and thank you,
8 Madam Sheriff, and your team.

9 COUNCILWOMAN PARKER: Thank you
10 so much, Councilwoman --

11 SHERIFF BILAL: Can I respond
12 to that?

13 COUNCILWOMAN PARKER: One
14 second.

15 Thank you, Councilmember
16 Gilmore Richardson, for your testimony.
17 Not only did you just formally ask on the
18 record here, but you will remember that
19 we as a Council, as I opened up this
20 hearing, noted for the record that we did
21 ask for the Sheriff to use the powers
22 that are bestowed upon her to simply ask
23 the courts whether or not we could have a
24 stay, not permanently but just for two
25 months, so that all of the testimony that

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2 has been provided -- we will have lost
3 some people, but several organizations
4 have provided testimony in writing, and
5 out of all the testimony from the
6 community-based legal organizations,
7 SeniorLAW, the Unemployment Project, and
8 many others, if that does not provide a
9 legal justification as to why we believe
10 there could and should be a formal ask by
11 the Sheriff's Office directly to the
12 courts instead of just thinking about how
13 the courts are going to respond to our
14 request as if they're going to deny it.
15 We don't know if they're going to deny
16 the Sheriff's request until she makes a
17 request, if in fact she did make a
18 request of the courts.

19 So I just wanted to get that on
20 the record, Councilmember Gilmore
21 Richardson, and thank you and
22 Councilwoman Brooks again for both of
23 your testimony. And I also want to note
24 that there are representatives from
25 organizations based in Ohio who have been

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2 at this for some time, and they will be
3 able to provide testimony as to some of
4 the unintended consequences that have
5 occurred in Ohio as a result of the move
6 to the virtual platform.

7 With that being said, the Chair
8 recognizes Councilmember Isaiah Thomas
9 for questions.

10 COUNCILMAN THOMAS: Thank you,
11 Madam Chair. I appreciate it.

12 And I guess I would just like
13 to start by saying thank you to the
14 Sheriff and the Sheriff's team for being
15 here today for this important
16 conversation. And just thinking about
17 the Sheriff's words when the Sheriff
18 talked about being new, I can definitely
19 relate. I think we were sworn in
20 together. We won together, same
21 election. And I agree, there's no
22 handbook to this.

23 And I think for me one of the
24 things that I found just being new to the
25 legislative body here is that everything

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2 is City Council's fault, and I think what
3 you're hearing today, Sheriff Bilal, is
4 just some of the frustration that's been
5 communicated to Councilmembers as it
6 relates to this process from
7 constituents, but then also some of the
8 fear that's out there. And some of those
9 things might be true, some of those
10 things might not be true, but I think
11 that's where a lot of the energy is
12 coming from here today.

13 Again, I know that there are a
14 lot of members of Council who support you
15 and the work that you're trying to do,
16 but I think that we're at a point right
17 now with this particular issue where we
18 just don't agree.

19 I do agree with Councilmember
20 Gilmore Richardson in her line of
21 questioning recently. I do think it
22 would have been a good-faith measure just
23 to put the request out, even if it was
24 just denied, just to show that we are
25 trying our best as government, because

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2 often the average everyday constituent,
3 they don't see us as any separate
4 entities. We're all government to them.
5 And especially poor people and people of
6 color in the City, they just feel like
7 government is against them.

8 As soon as these decisions were
9 made, I'm sure that my colleagues can
10 relate to people accusing us of doing
11 things and being a part of a decision
12 that we essentially had nothing to do
13 with.

14 So we're all in a tough
15 position right now with what's going on,
16 and I do -- most of my questions were
17 answered, but I do want to just ask one
18 or two questions.

19 My first question will go back
20 to the question about the company and the
21 10 percent. So I'm wondering if they did
22 not get that 10 percent based on the way
23 the process is set up, who would that
24 money go to? Is that money that's coming
25 out of the pockets of the homeowners?

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2 Because I know you talked about the fact
3 that when there's funds that are left
4 over after all past due balances are
5 paid, those dollars would normally go to
6 the person who owned the home. So with
7 this company in place, does that now take
8 away essentially 10 percent of the
9 dollars that would have gone to the
10 homeowner who sold the home or is that
11 City dollars or is that being paid by the
12 purchaser?

13 SHERIFF BILAL: Thank you,
14 Councilman Thomas. I appreciate your
15 question, and I think in your packets,
16 and we also stated this before, that that
17 does not go on the homeowners. The
18 excess proceeds go to the homeowners from
19 the sale. None of these fees go on the
20 homeowners.

21 Matter of fact, when you see in
22 your packets, we have eliminated some of
23 the fees that came out of the sale that
24 would have been on the homeowners, and
25 one of those fees were the rental of the

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2 place, the auctioneer, and the food for
3 the staff so they wouldn't be oppressed
4 or attempting to do something difficult.

5 So the fees that are -- the
6 percentage goes to -- it's on the bidder.
7 It's on those LLCs or an individual
8 investor. They pay for that. That is no
9 way on the homeowners at all.

10 COUNCILMAN THOMAS: Thank you.
11 Thank you for clarity on that.

12 Another question. I know
13 earlier we talked about some of the legal
14 side. Can you explain why we essentially
15 have this legal pressure to move forward
16 when the federal government has a
17 foreclosure moratorium that is in
18 existence until June 30th? Why are we
19 under this pressure when we have these
20 moratoriums already in existence? And,
21 again, I know that you're saying that
22 legally you feel like we don't have any
23 justification to be able to ask for some
24 level of extension. I'm wondering why is
25 the pandemic that you talked about, some

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2 of the other conditions, as well as
3 moratoriums in laws that already exist,
4 why is none of that, or anything else
5 that's been communicated today, a good
6 enough reason to ask for an extension?

7 And then on top of that, I'll
8 just go ahead and throw my last question
9 in there now just for the purpose of
10 timing. What would it take for us to
11 legally put ourself in a position to ask
12 for an extension? I'm assuming that
13 everybody that's a part of the
14 conversation on your side is just neutral
15 and you guys feel like from a legal
16 perspective, your hands are tied, you
17 must move forward. So help us
18 understand, without having to introduce
19 legislation, what will it legally take
20 for your team and your experts to change
21 their opinion and position on what's
22 going on and be comfortable saying that
23 we can go to the court and request an
24 extension?

25 MR. EL-SHABAZZ: Thanks for the

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2 question, and you said several times a
3 postponement. The same remedies that --
4 and I have to put it this way: The same
5 remedies that goes to the debtee, those
6 people that are in a mortgage sale in the
7 process of maybe losing their home or in
8 a tax sale in the process of losing their
9 home, they have remedies, and they can go
10 to the court to get those remedies, even
11 if they have legitimate legal remedies
12 after there's already been a writ or an
13 order. That court will decide whether or
14 not that remedy justifies halting the
15 sale and, therefore -- and from the
16 Sheriff, order the Sheriff not to make
17 that sale.

18 You're asking me basically what
19 is it that I feel that will allow the
20 court to give us a continuance or a stay
21 or a postponement for two months from
22 that legal order that we have to fulfill
23 our legal obligation, and now you're
24 asking me to read the court's mind. I
25 can't.

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2 But what I do know is this: I
3 can't tell legislators how to legislate,
4 but I submit that unless you're
5 practicing law or a practicing lawyer to
6 say to one person so that the public can
7 hear it that all it takes is for you just
8 to ask the question and some miracle is
9 going to happen, that the same judge and
10 judges that we have been dealing with in
11 this office since the pandemic with
12 respect to the sheriff sale is all of the
13 sudden going to say, okay, don't do it,
14 that's not reality.

15 We're dealing in the reality of
16 facts, not fear. Facts. The reality of
17 facts is if you want to get respect from
18 the court and carry out your ethical,
19 ethical obligation; therefore, ethically
20 every attorney can't go before a court
21 and ask the court to do something that
22 the attorney knows the court can't do,
23 because ethically you don't do that.

24 COUNCILMAN THOMAS: So Madam

25 Chair --

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2 MR. EL-SHABAZZ: Hold on. You
3 asked the question.

4 COUNCILMAN THOMAS: Madam
5 Chair --

6 COUNCILWOMAN PARKER: Excuse
7 me.

8 The Chair --

9 MR. EL-SHABAZZ: Wasn't I
10 answering the question?

11 COUNCILWOMAN PARKER: Excuse
12 me, Mr. Shabazz.

13 The Chair recognizes
14 Councilmember Isaiah Thomas, who was
15 trying to get a counter to just simply
16 ask you for some clarification.

17 The Chair recognizes
18 Councilmember Thomas.

19 COUNCILMAN THOMAS: Thank you,
20 Madam Chair.

21 I definitely appreciate it and,
22 again, I did try to frame this by first
23 communicating my support for the Sheriff,
24 because I think the tone of the
25 conversation is going in a direction that

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2 it really -- like we're not -- that's not
3 it. Like we just have different
4 opinions, and we're trying to get clarity
5 on the issue.

6 So I'm not questioning
7 anybody's legal opinion or legal
8 experience or anything like that. You
9 guys -- I said that I feel like listening
10 to what's going on, you guys feel like
11 your hands are tied, so I'm asking a
12 question. My question is is what would
13 make you feel comfortable? Like you're
14 telling us like I'm not comfortable doing
15 it because the circumstances that we're
16 in right now doesn't present a situation
17 where you're saying that we should be
18 making a legal request. So I'm asking
19 you to create a hypothetical scenario
20 where you will feel comfortable. What
21 would need to take place? What needs to
22 get done?

23 I'm not saying -- I understand
24 you can't tell us how to legislate, and
25 I'm also not telling you how to do your

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2 job. I'm asking you what would make you
3 feel comfortable adhering to the request
4 that at least 10 or 11, 12 Councilmembers
5 had signed up for, plus probably another
6 three hours of testimony, right? So
7 we're just saying like help us.

8 You're saying we're not there
9 yet. You're saying nobody has said
10 anything to make you change your mind.
11 So I'm asking you to help us understand
12 what would change your mind.

13 MR. EL-SHABAZZ: I'm only
14 hesitating because I want to choose my
15 words carefully, because the last time
16 the Sheriff in trying to explain her
17 position used a term as legitimate and a
18 war broke out, and that was just a
19 phrasing. I don't mean to upset anybody
20 by saying a war broke out.

21 What will make me comfortable
22 is a legal reason. And I don't know any
23 other way to put it. It can't be because
24 you think that Aunt Sally who is not
25 technically able to get on a computer is

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2 unable to participate, because we have an
3 avenue for that. It can't be because you
4 suspect that someone is going to come
5 from California and buy up everything,
6 because we have the minimum data that we
7 have right now shows that that's not
8 happening during the virtual sale. It
9 can't be the same reasons that people are
10 saying that they don't like sheriff
11 sales. It doesn't have to do with
12 virtual. It just sounds like people are
13 saying we don't like sheriff sales. And
14 I don't like them either, but the reality
15 of the situation is that the information
16 that we're hearing, that we read the same
17 things -- we read the court's opinion
18 too, and we read the opinion of the City
19 Solicitor, which gives advice to City
20 Council about legal means of what they
21 can do or can't do with respect to
22 stopping things. We get those same -- we
23 follow the same laws that the City
24 Solicitor follows, and if we're looking
25 into the law and what we're able to do,

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2 literally able to do that will be able to
3 allow us to continue for two months, we
4 would. I haven't found anything yet.

5 And what I think -- and I
6 apologize. It's not I'm upset. I'm just
7 excited in terms of what I'm talking --
8 trying to get my point across, because
9 it's not only I'm talking to City
10 Council. There are other people on here.
11 So I don't want the public to think that
12 all the Sheriff has to do is write this
13 letter, because that's the narrative, and
14 that's not true. And I don't want people
15 to think that, well, she's being
16 stubborn, she just don't want to write
17 the letter. It's much more sophisticated
18 than that. It really is. And I've said
19 this before. If there was a way --

20 COUNCILMAN THOMAS: Madam
21 Chair?

22 MR. EL-SHABAZZ: I'm sorry.

23 COUNCILMAN THOMAS: Just,
24 again, sorry. I want to just move on,
25 but I heard what they said. I heard a

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2 lot of things that they can't do, right?
3 And I can really be done with my line of
4 question if they can just give me one
5 hypothetical scenario, one something that
6 they -- like I hear what they can't find,
7 what they can't do, and what they're not
8 able to. So what would you need to find?
9 What is an example of what -- we are
10 aware that the letter of law will not
11 allow the postponement because we know
12 that the court will have to make a
13 ruling. We are clear that you are not
14 comfortable sending a letter. Like
15 that's clear. I do get that. I'm just
16 trying to figure out like what is an
17 example of something that can happen that
18 will make you feel comfortable so we can
19 kind of understand your perspective and
20 where you're coming from as it relates to
21 what would make you get to that point.

22 Madam Chair, did that make
23 sense?

24 COUNCILWOMAN PARKER: And just
25 for the record -- very much you just made

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2 sense, Councilmember Thomas.

3 Mr. Shabazz, is there an
4 example or an explanation that you can
5 give citing a reason that the Sheriff
6 would ask the courts for a postponement
7 and/or a stay?

8 SHERIFF BILAL: First of all, I
9 can't ask for a stay. That is either
10 from the lawyers on any mortgage
11 foreclosure.

12 And just to reiterate,
13 Councilman Thomas, the ones that deal
14 with tax and tax lien sales, we already
15 stated that is the Law Department. They
16 can pull all of that at any time. That's
17 not what we're dealing with. We're
18 basically focusing on mortgage
19 foreclosure sales, which are not the ones
20 dealing with the pandemic, that have been
21 there pre-pandemic. That leaves us open
22 for any lawsuits. And basically asking
23 lawyers -- if I can find a way to do this
24 and just say stop all the sales and not
25 be sued and be open for exposure that

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2 way, I would do, but --

3 COUNCILWOMAN PARKER: Sheriff,
4 you know, thank you so very much for that
5 clarity.

6 I hope you have, Councilmember
7 Thomas, gotten an answer. I think both
8 Mr. Shabazz and Sheriff Bilal have been
9 very clear in their responses. And so
10 while we may not like the response that
11 we are receiving, they have in fact been
12 as direct as direct can be to let us know
13 that even with all of the testimony in
14 preparation for this hearing that we've
15 sent to them, for all of the panels who
16 will testify, in that testimony nor in
17 the letter that we sent from Council nor
18 in any of the glitches that have --
19 because there have been technical
20 glitches, and if you read through the
21 testimony that was in the information
22 that we submitted to you, Sheriff, that's
23 in there, and with all of that, none of
24 that is enough for the Sheriff to make
25 the formal ask, and I respect that.

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2 Councilmember Thomas, does that
3 conclude your line of questioning,
4 Councilmember?

5 COUNCILMAN THOMAS: Thank you,
6 Madam Chair. And I'll just go on the
7 record to say that the tone is just a
8 little disappointing. I'm just trying to
9 get some clarity. This has been for me
10 extremely informative. We just want to
11 be able to provide citizens with quality
12 information. And I'll apologize if folks
13 feel like this is a personal attack or
14 anything like that. I think we're just
15 trying to do what we feel like is just
16 best for the people.

17 So thank you, Madam Chair. I
18 appreciate it, and I look forward to the
19 rest of the testimony throughout the
20 course of the afternoon.

21 Thank you.

22 COUNCILWOMAN PARKER: Thank
23 you. Thank you so much, Councilmember
24 Thomas, for your questions.

25 Sheriff, we're about to move to

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2 the second panel. Before we get there,
3 Sheriff, I want to state for the record
4 and for the benefit of the public that we
5 did send the Sheriff's Office a memo last
6 week requesting a litany of information
7 in efforts to prepare Councilmembers for
8 this hearing. Sheriff, thank you and
9 your team for responding to the best of
10 your ability.

11 One of the things that we asked
12 for was a copy of the executed contract
13 with Bid4Assets as well as any
14 subcontract that Bid4Assets has entered
15 into in order to carry out Philadelphia
16 sheriff sales on its platform. And,
17 again, thank you. We received the
18 contract with Bid4Assets, and it was
19 received. The contract was dated on
20 March the 16th, 2021. But we did not
21 receive any subcontracts, and apparently
22 under the contract with Bid4Assets, the
23 Sheriff has to approve subcontracts.

24 With that in mind, Sheriff,
25 aside from the direct contract with

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2 Bid4Assets, did Bid4Assets contract with
3 any subcontractors in order to carry out
4 their duties that were outlined in the
5 contract?

6 SHERIFF BILAL: No. Bid4Assets
7 has no subcontracts.

8 COUNCILWOMAN PARKER: So they
9 issued no subcontracts?

10 SHERIFF BILAL: No.

11 COUNCILWOMAN PARKER: Okay. So
12 no one else was -- Bid4Assets did not pay
13 any other subcontractors to do anything
14 associated with moving this sheriff sale
15 to a virtual platform?

16 SHERIFF BILAL: No.

17 COUNCILWOMAN PARKER: Sheriff,
18 did Bid4Assets find you or did you find
19 them, Sheriff?

20 SHERIFF BILAL: I think it was
21 a search.

22 COUNCILWOMAN PARKER: So you
23 put out an RFP and they responded and
24 multiple firms responded? How did that
25 happen?

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2 MS. SIMPSON: Curtis.

3 MR. DOUGLAS: Thank you,
4 Chairperson. That's actually a great
5 question. This is Curtis Douglas, the
6 Undersheriff.

7 As the Sheriff stated earlier,
8 there was a pandemic that started in
9 March, so what the Sheriff did was
10 started to think out of the box, because
11 we were unable to have sheriff sales. So
12 starting in August of 2020, the Sheriff
13 started looking for other avenues through
14 which we could have those sheriff sales,
15 and that started with first -- that's
16 when the virtual came up. We talked to
17 the people from Allegheny County, who I
18 believe you have current today. We
19 talked to Bid4Assets as well as another
20 auctioneer.

21 So there was a process that we
22 used. We saw the demonstrations by all
23 three, and we discussed with them what
24 they could do to make virtual sales
25 happen for us, and that's what happened.

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2 But we found Bid4Assets.

3 COUNCILWOMAN PARKER: Okay.

4 Thank you, Undersheriff. And just help
5 me again just for clarity. You put out
6 an RFP for firms that had the ability to
7 move the sheriff sales to a virtual
8 platform, and Bid4Assets was just one of
9 the firms who responded to the RFP and
10 there were three, there were three firms
11 who responded to the RFP, and after
12 review from your team, you made a
13 decision to select Bid4Assets?

14 MR. DOUGLAS: We did not issue
15 an RFP. I'm sorry, Councilperson. We
16 did not -- or Chairperson. We did not
17 issue an RFP. Because of the pandemic
18 and because we were already three, four,
19 or five months into not having sheriff
20 sales and through the use of COVID, we
21 felt that there was an emergency, because
22 the Sheriff was unable to exercise her
23 duty as dictated by the law. She was
24 unable to execute sheriff sales. So we
25 went through the process of trying to

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2 find someone who could come in and
3 execute those sheriff sales for us or
4 help us do it virtually.

5 So we went through that process
6 where, as I said, we interviewed, talked
7 to, and looked at three separate
8 providers, and Bid4Assets was the one we
9 chose.

10 COUNCILWOMAN PARKER: Thank
11 you. I just wanted the simple answer and
12 I appreciate your response, Undersheriff,
13 was whether or not you used an RFP
14 process or you did not. You interviewed
15 several firms, but there wasn't a formal
16 RFP process is what you're responding; is
17 that correct?

18 MR. DOUGLAS: That is correct.

19 COUNCILWOMAN PARKER: In
20 addition to that, Sheriff, one of the
21 things -- after we read about this in the
22 newspaper article that you had made this
23 decision to move to a virtual platform,
24 you told us afterwards when you realized
25 that we had so many concerns, you said,

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2 well, wait a minute, maybe I said
3 permanent, but I don't really mean
4 permanent. You said instead of it being
5 permanent, it will be a pilot. And then
6 in response to questions today when we
7 asked about the pilot period, you talked
8 about six months.

9 Let me ask you this, Sheriff:
10 We're looking at the contract with
11 Bid4Assets. It's dated March the 16th,
12 2021, but the contract is effective until
13 December 31st, '27 unless otherwise
14 terminated. If we viewed this and if you
15 viewed this, Sheriff, as a pilot program,
16 is there any rationale, for the benefit
17 of the public, why the contract would be
18 entered into through December 31st, 2027?
19 And I know you have mentioned to me, and
20 I do want to get this on the record, that
21 you said that there's a clause in the
22 contract that will allow you, I think, to
23 terminate it, if my memory serves me
24 correctly, because you said this
25 verbally, both you and Mr. Shabazz. I

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2 believe that was 90 days that you can at
3 any time with Bid4Assets determine that
4 you will want to terminate that contract;
5 is that accurate? And why is the
6 contract to '27 if it was temporary, if
7 it's a pilot?

8 SHERIFF BILAL: Okay.

9 Basically having a conversation and the
10 concerns that we heard and basically
11 saying permanent and really did not look
12 at the fact that we are going to be
13 reviewing this on a metric basis to see
14 how this fits for the City, so I walked
15 back permanent, because in the contract,
16 it basically says that we can terminate
17 it with a 90-day notice for any reason.

18 We want this to be permanent.
19 We want this to work out for the City,
20 because we viewed it as something that
21 benefits the City in many ways and that
22 it would be good for the City to do this
23 virtually from this point on. It's
24 basically the way of new things doing a
25 lot of things online, and this sale will

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2 be -- we want it that way.

3 So the contract is a multi-year
4 contract, but as I spoke in making it a
5 pilot program so that we can review it.
6 If we review it in six months and it
7 turns out to be excellent, there will be
8 no reason to terminate the contract. If
9 we review it and it looks like it's not
10 fitting for Philadelphia like it has
11 fitted around other cities, then we have
12 that option to terminate the contract.

13 So we didn't get into a
14 contract that will penalize us or the
15 City if it did not work out. So that's
16 the reason why, with my attorneys here
17 going over the contract, as to bring it
18 back to 70 days, I can say, well, we'll
19 just make it a pilot program, see how it
20 works.

21 We like the virtual sales. We
22 think it's a benefit for us. We really
23 want it to be permanent, but after
24 looking at it and everybody is concerned
25 and we go back and review the metrics and

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2 it's not a fit for this city, then we
3 have an option to terminate the contract
4 and move on to something else.

5 COUNCILWOMAN PARKER: Thank
6 you, Sheriff, for that response. And I
7 just wanted to know if this was something
8 that we thought would be a pilot and the
9 contract was entered into 2021, why would
10 it be multi-year and go to 2027 if in
11 fact it was a pilot, and I appreciate
12 your response.

13 Councilmember Helen Gym has a
14 point of clarification.

15 The Chair recognizes
16 Councilmember Gym.

17 COUNCILWOMAN GYM: Yes. Thank
18 you so much, Madam Chair. I think you
19 kind of hit on it, but I just want to
20 make clear for the record.

21 There was no RFP process for a
22 six-year contract with Bid4Assets; is
23 that right? There was no RFP process at
24 all?

25 MR. DOUGLAS: That's correct,

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2 Councilperson. However, I want you to
3 understand that the process that we went
4 through actually mirrors the RFP process,
5 and also we were operating under a time
6 when the Mayor had given -- had stated
7 that we were under an emergency, and that
8 the line persons or line managers, which
9 the Sheriff could be one of, was under
10 pressure to execute her duties. So
11 because of that Executive Order issued by
12 the Mayor, the Sheriff felt that in order
13 to actually perform her functions, she
14 would have to do what -- she would have
15 to go through this process.

16 And just I would say, the RFP
17 process, we would still not have been
18 able to do a live sheriff sale if we had
19 to go through a process. At this point
20 we would still not be there.

21 COUNCILWOMAN GYM: Sir, I
22 understand that. There is a fundamental
23 difference between whether an RFP process
24 formally occurred or whether you felt
25 like you went through something that

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2 mirrors an RFP process. An RFP process
3 is not from your perspective. It's from
4 the perspective of other potential
5 bidders.

6 So it does seem to be of
7 concern for me that a contract that could
8 potentially be tens of millions of
9 dollars, is embarking on new territory
10 where we have multiple individuals who
11 felt like they were not adequately
12 consulted, and entities, also do not have
13 an RFP formality to it.

14 I don't have any other
15 questions.

16 Do you have any other
17 contracts? Is it your normal process to
18 go through an RFP process for contracts
19 from the Sheriff's Office?

20 SHERIFF BILAL: Yes.

21 COUNCILWOMAN GYM: Is there any
22 other contract that you currently have
23 that did not go through the RFP process
24 that is for six years?

25 SHERIFF BILAL: No.

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2 COUNCILWOMAN GYM: And you're
3 arguing that you wanted to do a six-year
4 contract because there was an emergency
5 right now?

6 MR. DOUGLAS: That is correct,
7 that not only was there an emergency
8 right now, but based upon our research,
9 there were only four companies that were
10 capable of doing that. Three of them we
11 actually interviewed. So we felt that we
12 did a pretty fairly extensive vetting
13 process when we chose the one company who
14 mirrored us and did not charge us
15 anything.

16 COUNCILWOMAN GYM: Madam Chair?

17 COUNCILWOMAN PARKER: Yes,
18 Member Gym.

19 COUNCILWOMAN GYM: I think I'm
20 fine with my questions. Thank you.

21 COUNCILWOMAN PARKER: Thank you
22 so much.

23 The Chair recognizes
24 Councilmember Green.

25 COUNCILMAN GREEN: Thank you,

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2 Madam Chair.

3 I've been listening to the
4 conversation throughout this afternoon,
5 and I understand some of the challenges
6 and dynamics that the Sheriff had in
7 reference to trying to have a sheriff
8 sale process considering the constraints
9 of trying to find a location within the
10 City of Philadelphia to be able to have
11 that type of regular event but still
12 maintaining the restrictions dictated by
13 Dr. Farley and public health
14 perspectives, and also trying to find a
15 location that will be large enough that
16 would also not be exorbitant from an
17 expense perspective.

18 And so I guess my question is
19 that considering that dynamic and the
20 fact that the Sheriff's Office is an
21 office of the court, my understanding is
22 that considering that sheriff sales have
23 not occurred for a period of time and
24 that there was a need to have sheriff
25 sales going forward, that was a decision

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2 to go with this online format, and the
3 reason in not asking the court for
4 additional delay of sheriff sales is
5 based on the fact that there's already
6 been a delay for a period of time and
7 there was a concern regarding litigation
8 by not going forward with sheriff sales
9 and by doing sheriff sales in a virtual
10 format. Am I correct in my
11 understanding?

12 SHERIFF BILAL: You are
13 breaking up, going in and out on your
14 connection, Councilman.

15 MR. DOUGLAS: But, yes, you
16 were correct.

17 SHERIFF BILAL: But yes.

18 COUNCILMAN GREEN: And the fact
19 that because there's been a delay for a
20 period of time because of the pandemic
21 and that in the past we've had other
22 sheriffs in the Commonwealth of
23 Pennsylvania have decided to delay
24 sheriff sales because of emergency
25 situations going back to Allegheny County

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2 in the '80s and then also here in
3 Philadelphia during the predatory lending
4 perspective, the understanding I'm
5 gathering is that going to the court to
6 ask for additional delay, even though
7 we're in a pandemic, we would not be able
8 to do that because of the need to have
9 the sheriff sales because we haven't had
10 sheriff sales for a period of time?

11 MR. EL-SHABAZZ: Not exactly,
12 because we have a way to perform the
13 sheriff sale and adhere to COVID-19
14 protocol where we keep people safe, that
15 is not -- we don't have to cancel it
16 because of weather or snow or those type
17 of inclement situations that occur. So
18 we have the ability now to conduct
19 sheriff sales, and because we have the
20 ability to conduct it in a safe
21 environment and what we believe is a fair
22 environment and what we believe is a
23 secure environment, that's the reason.

24 COUNCILMAN GREEN: And there
25 are other jurisdictions within the

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2 Commonwealth that are doing the same?

3 MR. EL-SHABAZZ: That is
4 correct.

5 MR. DOUGLAS: I didn't hear
6 what you said, Councilperson. You're
7 breaking up a little bit. Could you
8 repeat that?

9 MR. EL-SHABAZZ: Other people,
10 other jurisdictions.

11 COUNCILMAN GREEN: There are
12 other jurisdictions within the
13 Commonwealth of Pennsylvania that are
14 doing the same?

15 MR. DOUGLAS: That is correct,
16 and we actually spoke to several of them
17 prior to bringing Bid4Assets on as our
18 provider.

19 COUNCILMAN GREEN: And
20 ultimately based on all that information,
21 that was, I guess, the reasoning of not
22 asking the court for additional delay in
23 having sheriff sales?

24 SHERIFF BILAL: No, no. In
25 November, I kept asking the courts to

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2 postpone because we had no place safely
3 to be able to hold sheriff sales. I
4 think it was November that the courts
5 asked me when will we be able to go, and
6 this is dealing with mortgage foreclosure
7 mostly, because of the court proceedings
8 that gets to this point, and I'm like
9 April, because we were looking at virtual
10 sales. And the comment was, we're going
11 to hold your feet to the fire.

12 And so in April, we basically
13 worked diligently to find that avenue,
14 which was virtual that we were looking
15 at, that mirrored Philadelphia sheriff
16 sales and that it's technologically able
17 to pull that information from our county
18 suite that's basically compatible to what
19 we do here even technologically, and so,
20 therefore, we was able to have an avenue
21 that kept my foot to the fire to go in
22 April.

23 COUNCILMAN GREEN: Okay.

24 Thank you, Madam Chair.

25 COUNCILWOMAN PARKER: Thank

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2 you, Councilmember Green.

3 To Sheriff Bilal and all
4 members of her team, we want to say thank
5 you so very much for your testimony here
6 today. We would, Sheriff, like it if you
7 and/or members of your team, maybe not
8 all, but if you could stay around,
9 Sheriff, because we have multiple panels
10 to testify, and if anything comes up,
11 Sheriff, and we need to sort of call on
12 you and/or members of your legal team to
13 respond to any of the information that is
14 on the record, obviously we would greatly
15 appreciate that.

16 And, Rachel Meadows, please
17 don't kill us when we do this.

18 But, Sheriff, the last question
19 that I have for you is that is Bid4Assets
20 now handling the advertising functions
21 that were previously handled by the
22 Sheriff's Office or do you still have
23 sort of control over that aspect?

24 SHERIFF BILAL: Yes, I do. No,
25 they're not.

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2 COUNCILWOMAN PARKER: Okay. So
3 they are not doing that.

4 In addition to that, is there
5 sort of any kind of auditing to ensure
6 that Bid4Assets is, in essence, remitting
7 the correct amount of funds to the Office
8 of the Sheriff?

9 SHERIFF BILAL: Yes, ma'am. We
10 built that into the system. Basically
11 prior to me coming in for Sheriff, there
12 was a whole lot of accounts all over the
13 place. Bid4Assets for each sale has its
14 own account. So, therefore, everything
15 is accountable right there now, yes. We
16 get the sheet as to what was escheated to
17 us. Everything that comes out of that is
18 on that report. So, yes, we are
19 basically making sure that nothing
20 happens there.

21 COUNCILWOMAN PARKER: So,
22 Sheriff, I want to thank you for your
23 response there and just want to note for
24 the record, just like your office had one
25 interpretation of the memorandum from the

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2 courts and also maybe a different
3 interpretation of the opinion that we
4 received from the Law Department, you
5 know, from our reading, right, of the
6 contract, that that is not what the
7 contract says as it relates to auditing.
8 And although we have to move on to the
9 second panel, one of the things I'm going
10 to do is to ask my technical team to work
11 to make sure that we send that portion of
12 the contract back to your office to
13 review, and maybe you can provide some
14 clarity, because that's not what it says.

15 Again, I do want to
16 wholeheartedly thank you for being here
17 and want to ask you if you can, Sheriff,
18 I know it's a long day, but to ask you if
19 you could just stay around for us.

20 SHERIFF BILAL: Just one more
21 thing, Madam Chair. Our auditing process
22 is within the Sheriff Department. I have
23 a CFO --

24 COUNCILWOMAN PARKER: Excuse
25 me, Madam Sheriff. Excuse me. Not for

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2 the auditing. Not for the auditing. I'm
3 sorry. I asked two questions. One was
4 as it relates to the advertising
5 functions, and then the second question
6 was about the auditing, and you answered
7 both of them, but what I was referring to
8 was not the auditing. It was the
9 advertising functions, and the contract
10 says something different about
11 advertising. But, again, I've asked my
12 team to highlight that and to send an
13 e-mail back over to your office
14 immediately, because we wanted to make
15 sure that you still controlled those
16 functions. You know the challenges we
17 had in making sure that Black and Brown
18 communities and newspapers and other
19 mediums got access to the opportunity to
20 advertise, and the contract just says
21 something different, according to our
22 interpretation, so we will forward that
23 to you.

24 SHERIFF BILAL: May I respond
25 to that? That's talking about Bid4Assets

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2 advertising in the community here in this
3 city. That's their advertisement, not
4 our advertisement. So what's in the
5 contract is telling you that they are
6 advertising in neighborhoods. That's
7 their money advertising in neighborhoods,
8 Bid4Assets virtual, not our funds that we
9 get, sheriff sale funds that we get to
10 advertise with. That's what they're
11 saying in that contract.

12 I just wanted to clear it up.
13 They do not have control over the
14 advertising. We still have control over
15 the advertising. Our responsibility is
16 only two papers, and the deal that was
17 made prior to me, that we continue to
18 advertise in community papers, and I felt
19 the need that that still should be done,
20 because the communities don't get the
21 Legal Intelligencer or they don't read
22 either one of the circulating papers in
23 the City.

24 COUNCILWOMAN PARKER: Sheriff,
25 we have not agreed on much of anything in

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2 three hours and 17 minutes, but I am
3 proud to note for the record that we have
4 finally found common ground --

5 SHERIFF BILAL: Everybody go
6 "whoa."

7 COUNCILWOMAN PARKER: -- on one
8 issue, and that is relative to that
9 advertising. So thank you.

10 Are there any questions or
11 comments from other members of the
12 Committee?

13 (No response.)

14 COUNCILWOMAN PARKER: Hearing
15 none, Rachel, I'm going to ask you -- I'm
16 not even going to call the number of the
17 panel because we've lost some people. So
18 just call the next panel that we have to
19 testify this afternoon on Resolution No.
20 210295.

21 THE CLERK: Yes. The next
22 panel is Gina Dascola from Allegheny
23 County Sheriff's Office, and I believe
24 she will be joined by a couple of her
25 colleagues.

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2 SERGEANT DASCOLA: Yes. Good
3 afternoon, Chairwoman Parker --

4 COUNCILWOMAN PARKER: Excuse
5 me, Gina. Before you go, I also see
6 Jane. Is Jane also going to be on this
7 panel? Because I know we were about to
8 lose her.

9 THE CLERK: She's going to be
10 on the next panel.

11 COUNCILWOMAN PARKER: Okay.
12 Jane, I just don't want to lose you.
13 Okay?

14 Gina, thank you all so very
15 much for being here. Good afternoon.
16 You are ready and connected. Please
17 proceed. State your name for the record.

18 SERGEANT DASCOLA: Yes. Good
19 afternoon, Chairwoman Parker and members
20 of the Committee on Law and Government.
21 My name is Sergeant Gina Dascola. I am a
22 Sergeant in the Allegheny County
23 Sheriff's Office. I've been a Sergeant
24 in charge of the Real Estate Department
25 for about seven and a half years and have

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2 conducted all of our sheriff sales for
3 the last seven and a half years. I'm
4 here to testify on Resolution 210295.

5 I've been asked just to come on
6 and explain to everyone how we move
7 forward with the virtual sale in
8 Allegheny County. So I'm going to
9 explain a little bit. I won't be long.
10 If you have questions, I'll take them,
11 and I also wanted to clarify something
12 that was submitted earlier today. I will
13 do that in the end of my presentation.

14 So we had a sheriff sale in
15 March of 2020. The pandemic hit. We did
16 not have sheriff sales in April,
17 May 2020. Sheriff Mullen says we have to
18 find a way to move forward with these.

19 Now, let me tell you, anybody
20 that knows me will tell you I hate
21 sheriff sales. That is my least favorite
22 day of the month. My predecessor who
23 trained me trained me to protect the
24 homeowner. So I have for the last seven
25 and a half years protected the homeowners

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2 of Allegheny County in losing their home.
3 I make sure the I's are dotted and the
4 T's are crossed before any properties are
5 sold.

6 So come June 2020, Sheriff
7 Mullen says we have to find a way to move
8 forward. I said, okay. I was very, very
9 against virtual. We sat down and we
10 talked about how could we do this so it
11 would be as realistic as possible as me
12 doing my normal monthly sheriff sales.

13 We played around. We looked at
14 Zoom. We looked at Google Classroom, I
15 believe it was, and we looked at
16 Microsoft Teams. We found out that
17 Allegheny County already had a contract
18 with Microsoft Teams, so we decided to
19 try and make Microsoft Teams work.

20 So what we did is, we got a
21 panel together of our local counsel and
22 some of our regular third-party bidders
23 and we did some testing on Teams to
24 figure out how we were going to do this.

25 We decided upon a PowerPoint

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2 presentation to show only the property
3 address, not the pictures of the
4 property, just the property address, case
5 number, sheriff sale number, defendant's
6 name, and attorney's name, which were all
7 stated in any open forum when we did
8 sheriff sales live in person.

9 So we worked June and July, and
10 on August 3rd, 2020, I'm happy to say
11 that with a court order from the
12 administrative judge of our civil
13 division, we were able to move forward
14 with a virtual sheriff sale. We used
15 Microsoft Teams for those that wanted to
16 bid. You had to be a registered bidder
17 in order to participate in Allegheny
18 County sheriff sales.

19 We used Teams as the bidding
20 process. Everyone bids in the Chat box,
21 except for plaintiff's counsel. They are
22 allowed to unmute and talk. We also had
23 to find public forums to use this. So
24 Facebook Live is a public forum that
25 everybody could go and watch it live. We

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2 also had to find a way for those that did
3 not have access to the internet and what
4 they were going to do. So in our court
5 order, it allowed for up to 25 people in
6 our Gold Room. Our Gold Room is the
7 biggest room in the Allegheny County
8 Courthouse, and that is where I used to
9 conduct all the sheriff sales when they
10 were in person.

11 The court order allows for 25
12 people in person to come to the Gold
13 Room. They would go to the Gold Room.
14 There's a deputy there with a laptop who
15 takes over the technology for them. They
16 verbally make their bids. The deputy
17 puts it in Microsoft Teams, and I move
18 forward with my sale.

19 We conduct sales the first
20 Monday of every month. That has been in
21 Allegheny County probably for the last
22 30 years. We haven't changed how we do
23 them. We do them once a month. They are
24 mortgage foreclosures and tax sales
25 together.

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2 We average between 300 and 400
3 sales a month. I have to say that due to
4 the pandemic and everything that's going
5 on, we probably expose somewhere between
6 75 and 100 sales per month. The majority
7 of them are absolutely pre-COVID. We
8 have a few that may have come up during
9 COVID, but the bulk of them are
10 everything that happened pre-COVID that
11 are being auctioned off.

12 Sales are advertised in the
13 Pittsburgh Post Gazette and the
14 Pittsburgh Legal Journal. We also have
15 our website, sheriffallegHENYcounty.com,
16 where we put our list. We put our list
17 that is our current sale and our list
18 that is our postponed sale that are going
19 for the following sale. We keep the
20 results from the month before on there,
21 and we have the information for the
22 upcoming month's sale.

23 Stays and postponements are
24 announced at the very beginning of my
25 sheriff sale. So when I conduct my

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2 virtual sheriff sale -- and if anybody
3 would like to see how I do it, you can go
4 on the Sheriff of Allegheny County's
5 Facebook page. You can also go on our
6 website. I believe our IT guy has put
7 one of the virtual sales on there and see
8 how I conduct it.

9 I open the sale by reading the
10 conditions of sale that are in the
11 newspaper. Our conditions of sale also
12 include the land banks. Our land banks
13 are done at the end of our sales all the
14 time. It is a sale conducted strictly
15 between myself and the land banks. No
16 one else is allowed to bid on them.

17 After I read the conditions of
18 sale of my live sale, I then move forward
19 announcing all the properties that have
20 been postponed to future months and all
21 of those that have been stayed.

22 Let me see. I'm just going
23 over a list of questions.

24 We did not have to increase any
25 staff for this virtual sale. We did not

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2 have to spend any money doing this
3 virtual sale, other than \$70 for a piece
4 of software that took the software that
5 we have now and converted it into the
6 PowerPoint presentation. So that's all
7 we have spent on it.

8 Does it take a little bit of
9 teamwork? Yes, it does take teamwork to
10 do the sheriff sale, but you know what,
11 we did teamwork when I did it live in
12 person. It's nothing new that we're
13 doing teamwork now. We did teamwork when
14 I did it live. We do teamwork when I do
15 it virtual. It's the same people working
16 virtual as it was live.

17 Everyone must register to bid.
18 They must be registered to bid the week
19 before the sale. We do have deadlines.
20 There are in our conditions of sale, and
21 they are published.

22 Registered bidders, whether
23 they're an individual or an LLC, must
24 provide to us their photo identification,
25 and if they are an LLC and they're the

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2 first time bidding, we do make them bring
3 in proof of their LLC when they come in
4 to pay their 10 percent. They must show
5 that to us. So we do have their
6 identifications.

7 We do not charge anything for
8 people to register to bid. There are no
9 fees up and above what we did before.
10 The only thing that we collect are
11 poundage and our up-front costs that we
12 have done for years and years and years.

13 Let me make sure I went over
14 everything else.

15 Technical issues, anybody is
16 going to have technical issues, whether
17 you use an online platform or you do
18 something virtually live, like I do every
19 month. They are minor, very, very minor.
20 One day I couldn't get my microphone to
21 work. It took a minute or two. We got
22 it to work. We had a few technical
23 difficulties on Facebook Live, and in the
24 package that you got from the
25 Philadelphia Sheriff, I believe it's on

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2 Pages 23 to 26. The excerpts that are in
3 there are excerpts of people that are
4 just watching it on Facebook Live. They
5 are not people that are part of the sale.
6 They are just people that are watching it
7 on Facebook Live that were just
8 commenting on the sale.

9 So no matter what kind of
10 technology you use to have any type of
11 virtual sheriff sale, whether it's using
12 an online auction format or using
13 Microsoft Teams like we do, technology
14 has its glitches, but we've been able to
15 work through minor ones.

16 Before we went live in August
17 of 2020, we did have several testings
18 with our local law firms, like I said,
19 and our local third-party bidders that we
20 use all the time.

21 We have noticed an increase in
22 the amount of bidders. We have noticed
23 an increase in how much the properties
24 are selling for.

25 I think I went over just about

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2 everything. Let me just double-check my
3 notes.

4 Like I said, we didn't have to
5 spend anything additional. So we're not
6 paying any additional fees to any outside
7 third-party vendor.

8 Bid4Assets has reached out to
9 me several times, and so have several
10 other ones, but I think I have pretty
11 much stated everything.

12 I just wanted to make two
13 clarifications, and these were in --
14 whenever the Sheriff of Philadelphia did
15 observe us, when she first observed us,
16 it was very early on in what we were
17 doing. Our PowerPoint presentation does
18 not have photos of our properties. It
19 just has the property address and the
20 case caption.

21 And also there was one other
22 thing I wanted to say. We did not have
23 too many technological problems.

24 I think that's all. I think I
25 covered it all. So do you have any

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2 questions, Madam Chairman, or anybody
3 else?

4 COUNCILWOMAN PARKER: Yes.
5 Yes. Gina, one, I want to tell you thank
6 you so very much for being here with us
7 today. I want you to thank your sheriff
8 just for providing us with this
9 opportunity for us to get on the record
10 how another county was able to do it
11 without a third party and within the
12 means that you had.

13 Now, Gina, you said something
14 at the closing of your testimony that was
15 extremely interesting to me, and that was
16 that -- because I had a question, and
17 that was were you lobbied by Bid4Assets.
18 So you're saying they did call you, and
19 when they called you, what's the message
20 that you received from them?

21 SERGEANT DASCOLA: So I
22 didn't -- I'm sorry.

23 COUNCILWOMAN PARKER: Gina, and
24 why do you think you all decided to do it
25 yourselves?

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2 SERGEANT DASCOLA: So they
3 didn't lobby or call me until after I did
4 my first sale in August. I did have a
5 phone call from an auction firm that was
6 in Ohio. I did talk to them, but I was
7 pretty much upset about the amount of
8 cost it would be either for the plaintiff
9 that was bringing it to sale or the
10 third-party purchaser to pay on top of
11 what they're already paying for a
12 property. I thought that would be
13 detrimental even to the defendant if they
14 were trying to redeem their property or
15 whatever to pay any additional sales.

16 When they did call me, I said,
17 no, thank you, because when we decided to
18 go virtual, I wanted it to be as
19 realistic as possible. I wanted to stay
20 connected with the attorneys. I wanted
21 to stay connected with the people that I
22 deal with all the time. And to stay
23 connected with them and to be realistic
24 is the way I wanted to keep it. I did it
25 the way I wanted to.

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2 I have had Bid4Assets call me.

3 I have had auctions.com. I probably have
4 six or seven of them that continually
5 e-mail me and call me. It's got to the
6 point where I told my staff, tell them
7 I'm in a meeting. I'm not talking to
8 them.

9 We have successfully done this.
10 Our attorneys are happy with it. Our
11 third-party purchasers are happy with it.
12 Our homeowners are happy with it, because
13 like I said, my main goal is to protect
14 every homeowner that they are not losing
15 their property without the proper
16 paperwork being submitted and they being
17 notified properly. Like I said, if the
18 I's are not dotted and the T's are not
19 crossed, I do not move forward with that
20 sale.

21 COUNCILWOMAN PARKER: Thank you
22 so very much, Gina, for your testimony,
23 and it's really interesting when I listen
24 to you, I think about some comments that
25 we've heard from many lay people in that

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2 we do know that people who are in the
3 business of buying real estate will hire
4 folks in a particular area to actually go
5 to represent them at a sale, and it is
6 true. When we heard that earlier, that,
7 listen, people can hire people to come to
8 our in-person sales, and they in fact did
9 do that, but when you're talking to a lay
10 person, the only thing they get to see is
11 that, wait a minute, you mean to tell me
12 now that a person -- and I'm just using
13 some random locations across the world --
14 sitting in their penthouse in Manhattan,
15 in California, in China, in Russia, in
16 Germany, you mean they can buy
17 Philadelphia property just online now.
18 They don't even have to hire a person in
19 Philadelphia, which is what they would
20 normally do, because I don't want to give
21 the impression that I'm attempting to say
22 that out-of-country or out-of-state or
23 out-of-city buyers were not active prior
24 to us moving to the virtual platform, but
25 this platform is a vehicle that makes it

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2 easier for them to access our sheriff
3 sales. Would you agree?

4 SERGEANT DASCOLA: I do agree.
5 And the other thing I did not want to get
6 locked into is a contract with somebody,
7 because, you know, moving forward when we
8 can all get through this pandemic, I'm
9 hoping that one day we do go back to
10 in-person sales. I don't want to always
11 talk to somebody on a computer if I don't
12 have to.

13 COUNCILWOMAN PARKER: Got it.
14 Gina, again, thank you so very much for
15 your testimony here today.

16 In addition to that, because
17 you just learned that Allegheny County
18 has, in essence -- and, Gina, this is the
19 way I would describe it. We in the City
20 Council of Philadelphia had to find a way
21 to meet, right, virtually because we
22 couldn't go back into our Chambers, and
23 our Council President and technical team
24 did exactly the same thing that you guys
25 did. We have a contract with Microsoft

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2 Teams and we, in essence, conduct our
3 City Council hearings virtually, but we
4 use it through the Microsoft Teams
5 platform. And the technical team -- and,
6 Gina, I'm not a technical person at all,
7 but we have a very savvy technical team
8 here in the City Council of Philadelphia
9 inhouse, and we've watched them from the
10 time we just started up until now, and
11 our Council sessions, aside from
12 something during the budget, the Mayor's
13 budget address that had nothing to do
14 with us, that had everything to do with
15 them, but we've been sort of moving
16 seamlessly to host our Council sessions.

17 And I also now because
18 Bid4Assets came up, I need to state for
19 the record for the public that we invited
20 Bid4Assets to testify. We, in an effort
21 to plan and schedule for this hearing,
22 had Bid4Assets on the first panel with
23 the Sheriff to answer the questions of
24 members of this legislative body.
25 Unfortunately, after acknowledging that

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2 they did receive our e-mail the first
3 time we sent it, the invitation, we have
4 not received any communication from them.

5 So, Gina, if they are one of
6 the entities that is still e-mailing you
7 and calling you, we wish they would have
8 e-mailed and called us back as well.

9 But I also want to state this,
10 and this is relative to City Council's
11 subpoena power, the instant hearing
12 investigating the decision to permanently
13 move sheriff sales online was authorized
14 by Resolution No. 210295 that was adopted
15 by City Council on April the 21st, 2021.
16 Under our Home Rule Charter, state law,
17 and the rules for the government of
18 Council, this Council has the authority
19 in the course of its current
20 investigation to require witnesses to
21 attend hearings and to compel documents
22 and other evidence to be produced.
23 Subpoenas issued by this Committee in the
24 course of its inquiry or investigation
25 can be enforced by the court.

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2 So the last question that you
3 heard me asking the Sheriff during her
4 panel about the contract in and of itself
5 and if there were any other subcontracts
6 that Bid4Assets engaged in in order to
7 carry out the sheriff sale online and the
8 Sheriff had to answer that question, that
9 was really a question that I didn't want
10 the Sheriff to answer. We wanted
11 Bid4Assets to answer that question
12 directly, and unfortunately they chose to
13 not respond to our invitation and thus
14 decided it wasn't important enough for
15 them to be here to answer our questions.

16 So, Gina, listen, thank you so
17 very much, and we will be in contact with
18 you really soon and maybe if we need some
19 technical assistance -- oh, you have your
20 finger up. Any other --

21 SERGEANT DASCOLA: Yes. May I
22 just say one thing? And it was included
23 in your resolution, and this is very,
24 very important to me, and this is another
25 reason why I did not want an online

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2 platform. I'll make this very brief.

3 What happens with those
4 properties that are postponed and
5 continued? They are to be publicly
6 announced. I believe that's in the Rules
7 of Civil Procedure that they are to be
8 publicly announced. So I did see that in
9 your resolution, and that was definitely
10 concerning to me, because I do announce
11 those at the beginning of my sale. I
12 know that they're online and you can see
13 that they were stayed or postponed, but I
14 don't know that the rules allow you not
15 to publicly announce them.

16 So that's what I had to say in
17 conclusion, but thank you for allowing me
18 to speak.

19 COUNCILWOMAN PARKER: Thank you
20 so much, Gina.

21 Are there any comments or
22 questions from any of my colleagues?

23 (No response.)

24 COUNCILWOMAN PARKER: Hearing
25 none --

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2 SHERIFF BILAL: Madam Chair?

3 COUNCILWOMAN PARKER: Excuse

4 me. Excuse me, Sheriff. We're on
5 another panel. She is allowed to
6 testify. So we had you on the panel. We
7 asked you to be here to respond if we as
8 a Council have any questions for you, but
9 not to comment on any testimony provided
10 by any of our other witnesses. That's
11 not --

12 SHERIFF BILAL: Thank you.

13 Actually, that's what I was trying to
14 find out. Thank you.

15 COUNCILWOMAN PARKER: Sure.

16 Sure. No problem.

17 Thank you, Gina, so very much
18 for your testimony.

19 If there are no other questions
20 for this panel, Rachel, I'll ask you to
21 call the next panel scheduled to testify.

22 THE CLERK: Yes. The next
23 panel, we will start with Angel
24 Rodriguez, followed by Kate Dugan, Ebony
25 Griffin, John Dodds, and Jane Nylund.

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2 COUNCILWOMAN PARKER: First,
3 let me just start by thanking each and
4 every one of you so very much for your
5 patience with us here today.

6 We want to start with you,
7 Angel, and then we'll just go through in
8 the order Rachel identified. We'll just
9 ask you to state your name for the record
10 and please proceed with your testimony.
11 And, Angel, I heard a lot of people talk
12 about the Land Bank today, and a whole
13 lot of it was a whole lot different than
14 what I read in your testimony. So I'm
15 looking forward to listening to you.
16 Thank you.

17 MR. RODRIGUEZ: Thank you.

18 Good afternoon, Chairwoman
19 Parker and members of the Committee on
20 Law and Government. My name is Angel
21 Rodriguez, the Executive Director of the
22 Philadelphia Land Bank, and I'm here to
23 testify on the Resolution No. 210295.

24 For the record, before I go
25 into my testimony, I do want to state

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2 that our intention upon hearing that the
3 virtual sales were going to begin was
4 to -- and also I want to stipulate that I
5 did attend all of the Sheriff
6 Department's trainings, myself and my
7 staff, and our intention was to send a
8 list of these concerns because they
9 weren't addressed at the training
10 directly to the Sheriff. So I do want to
11 apologize to the Sheriff for not having
12 the opportunity to speak to them directly
13 about that.

14 But the Land Bank has
15 procedural and financial concerns about
16 the move to Philadelphia tax lien
17 foreclosure sheriff sales through a
18 virtual platform via Bid4Assets, and the
19 concern specifically about the impact of
20 this change are in the following areas:

21 The process deficiencies,
22 notice of the Land Bank priority bid and
23 announcement at sale, conditions of sale,
24 calculation of the priority bid amount
25 versus acquisition price, timeframe for

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2 provision of the deed to the Land Bank.

3 Those are five areas that we
4 had concern. Again, after hearing the
5 beginning of the testimony from the
6 Sheriff's Department, I believe that a
7 lot of this could have been resolved if
8 we had been able to have a conversation
9 prior to the beginning of the virtual
10 sales, but I will note for the record
11 that the Land Bank and myself and my
12 staff have not been -- were not contacted
13 by the Sheriff's Department prior to the
14 decision to go to -- or prior to deciding
15 to go to a virtual format. I find that a
16 little bit concerning considering that we
17 do have a Memorandum of Understanding
18 about how to exercise the priority bid,
19 which the Land Bank enjoys.

20 The second issue that we have
21 of concern, which I know Councilwoman Gym
22 notified, that the notice of the Land
23 Bank's potential bid or activity in the
24 sheriff sale notices, they are on the
25 sheriff sale's website, but not clearly

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2 outlined in Bid4Assets' platform. So
3 that is also a concern. It's also a
4 requirement under the state statute.

5 Also, there is no indication in
6 terms of sale or anywhere else on the
7 Bid4Assets' platform that the Land Bank
8 bids will be presented at the beginning
9 of each virtual sale. The Sheriff's
10 Office has not provided any information
11 to that point, other than what I heard in
12 testimony today.

13 I will state as well that in
14 the previous panel, we heard from the
15 Sheriff from Allegheny County. Typically
16 we have -- the Land Bank's acquisition
17 list is presented at the beginning, I
18 think predominantly because of the sheer
19 volume of properties that the Land Bank
20 acquires.

21 The next issue we had was
22 conditions of sale. At in-person sales,
23 the Land Bank priority bids are announced
24 at the beginning, and it's the first item
25 of business, and no other properties are

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2 announced for bid until the Land Bank's
3 bids have been announced, the sale is
4 pronounced as final for each bid, and a
5 receipt issued to the Land Bank for each
6 property.

7 Now, this brings up the issue
8 as to why we -- in-person sales, why we
9 always have Land Bank's staff in
10 attendance, and also to the point that
11 was raised that Land Bank properties
12 don't come to sale. It's a requirement
13 that they be read out at the sale so that
14 the Land Bank can actually accept the
15 properties with clear title.

16 In virtual sales, there's been
17 no indication to us that we would not
18 have to register for each sale at which
19 it intends, that we have to submit a
20 \$1,500 deposit by certified check or wire
21 transfer and pay a \$35 registration fee
22 for each sale. The Land Bank attends all
23 three tax sales per month. That would
24 mean an additional \$4,600 approximately
25 and \$55,000 a year, and this is not part

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2 of what we -- part of our agreement under
3 our MOU.

4 The next question that we had
5 about the move to virtual sales in a
6 Bid4Assets platform is and also the
7 different in-person bid amount pursuant
8 to the state statute and the Memorandum
9 of Understanding with the City, the
10 School District, and PGW is that the Land
11 Bank is responsible for all City liens,
12 and that includes real estate taxes,
13 water and sewer bills, other municipal
14 liens, including PGW liens. The Land
15 Bank does not submit deposits 10 percent
16 on any of the bid amounts that we do at
17 the time.

18 Also, the amount after the sale
19 the Land Bank is -- under our MOU, we
20 would pay the lesser of the amounts,
21 whether the OPA value or the total real
22 estate taxes, gas, and water liens. So
23 that was not clear to us.

24 Under virtual sales, as been
25 discussed today, Bid4Assets expects the

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2 bid amount, plus 10 percent premium on
3 total purchase price, which includes
4 sheriff sale costs, transfer taxes, which
5 I'd like to point out transfers into the
6 Land Bank. The Land Bank is exempt from
7 transfer taxes and any recording fee.

8 And also the other stipulation
9 that no later than the day following the
10 sale, the winning bidder must pay 10
11 percent of the total purchase price, plus
12 the \$35 to Bid4Assets does not fit with
13 the MOU where typically we are invoiced
14 by the Sheriff's Department and we then
15 make payment at that point.

16 Since I've already submitted my
17 testimony in writing, the only other
18 issue would be the timeframe for receipt
19 of deeds to the Land Bank. Though
20 typically and under the state statute the
21 Land Bank is -- the Sheriff's Department
22 is required under the state statute to
23 issue the Land Bank a deed within 30 days
24 of the sale. As it's been outlined in
25 the virtual sales, the process that's

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2 outlined on Bid4Assets' platform states
3 that the Sheriff will file in the
4 Prothonotary's Office a schedule of
5 distribution for 30 days from the date of
6 sale, and this will be followed by ten
7 days -- a ten-day period in which
8 exceptions to the proposed schedule of
9 distribution may be filed. Only
10 thereafter will the Sheriff deed be
11 acknowledged and recorded.

12 So, again, I'm going to close
13 with this statement, that I believe a lot
14 of this could have probably been
15 addressed had we had the opportunity to
16 sit down and talk before the
17 determination was made to go to virtual
18 sales.

19 And that concludes my
20 testimony.

21 COUNCILWOMAN PARKER: Thank you
22 so much, Angel, for your testimony. We
23 greatly appreciate it, and we're going to
24 ask -- we know we've held you a long
25 time. Councilmembers after this panel

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2 may have some questions. If you could
3 stay on with us, we'd greatly appreciate
4 it.

5 Next person is Kate Dugan.

6 Kate, are you on?

7 MS. DUGAN: I am. Can you hear
8 me?

9 COUNCILWOMAN PARKER: Yes, we
10 can. Thank you, Kate. State your name
11 for the record and proceed with your
12 testimony.

13 MS. DUGAN: Thank you. Good
14 afternoon, Chairwoman Parker and members
15 of the Committee on Law and Government.
16 My name is Kate Dugan and I'm an attorney
17 in the Homeownership and Consumer Rights
18 Unit at Community Legal Services. I'm
19 here to testify on Resolution 210295.
20 I'm pleased to have the opportunity to
21 provide Council with information about
22 how the decision to resume virtual sales
23 via an online platform may impact
24 homeowners in Philadelphia.

25 As Council knows, Community

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2 Legal Services was established by the
3 Philadelphia Bar Association in 1966 to
4 provide civil legal representation to
5 low-income Philadelphians. As the City's
6 largest provider of free legal services,
7 CLS assists approximately 12,000 of
8 Philadelphia's poorest residents with
9 their legal problems every year,
10 including hundreds of homeowners facing
11 mortgage and tax foreclosures that put
12 them at risk of losing their homes at
13 sheriff sale.

14 Since the beginning of the
15 COVID-19 pandemic, homeowners have
16 experienced extraordinary stress and
17 uncertainty as sheriff sales were
18 postponed multiple times by multiple
19 court orders, often with little or no
20 notice to homeowners. For the past year,
21 CLS has worked closely with the City,
22 courts, and Sheriff's Office and mortgage
23 lender attorneys to ensure that
24 vulnerable homeowners don't lose their
25 homes during this unprecedented time.

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2 Over the past year, our clients
3 have lost their jobs, their savings, and
4 their loved ones. They are trying to
5 figure out how to contact legal services,
6 navigate the court system, and reach
7 their lenders to get information about
8 their payment options. While many of the
9 problems low-income homeowners are facing
10 right now are not directly caused by the
11 move to virtual platform, this change has
12 added a layer of confusion to an already
13 overwhelming year full of new rules,
14 regulations, and options. For this
15 reason, it's especially important that
16 any significant change to the sheriff
17 sale process be accompanied by
18 accessibility, clarity, and transparency.

19 Although the change to virtual
20 sales has the potential to impact owners
21 of all kinds of properties, we're
22 especially concerned about the impact it
23 may have on owner-occupants. We're
24 grateful to the City, the Sheriff, the
25 court, and lenders' counsel for their

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2 willingness to work with us in our
3 ongoing effort to ensure that no
4 Philadelphia family loses their home
5 during this pandemic. But with the first
6 sales of Philadelphia properties
7 proceeding via the online platform just a
8 few weeks ago, much remains to be seen
9 regarding the impact of this new process.

10 While some mortgages are
11 subject to a moratorium, which prohibits
12 lenders from proceeding with a sale, many
13 mortgages are not, and there is no
14 moratorium preventing the City and the
15 its collectors from selling homes with
16 property tax delinquencies. As a result,
17 Community Legal Services represents
18 multiple clients whose homes were listed
19 for both mortgage and tax sales in April
20 and May, despite repeated public
21 statements that no owner-occupied
22 properties were listed for sale.
23 Thankfully, CLS was able to work with
24 lenders and the City to protect our
25 clients, but we fear that homeowners who

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2 heard these announcements may conclude
3 that there is no immediate need to seek
4 help to save their home and may instead
5 choose to prioritize other expenses, when
6 in reality their home is slated to be
7 auctioned this or next month.

8 When clients do realize they
9 need to take action, they may find that
10 they're too late, as access to the courts
11 is limited right now, and
12 self-represented litigants may find that
13 they don't have immediate enough access
14 to City Hall to file a timely motion or
15 petition.

16 We're also concerned, as many
17 community members are, that the change to
18 virtual sales will result in an influx of
19 out-of-town investors, who now have an
20 easier access to Philadelphia's sale
21 process. According to Bid4Assets, there
22 are 750,000 registered users on this
23 platform. It remains to be seen how many
24 new out-of-town buyers will purchase
25 property in Philadelphia. There are

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2 others testifying today who are speaking
3 to the impact this could have on the
4 community as a whole, but we're
5 particularly concerned about the impact
6 this might have on homeowners.

7 We're concerned that these new
8 out-of-town buyers will not be familiar
9 with City and Commonwealth laws relating
10 to the rights of those whose homes have
11 been sold, such as the law prohibiting
12 self-help ejectment and eviction and the
13 right to redeem following tax sales,
14 which provides former owners the right to
15 buy property back within nine months
16 after sale in certain circumstances.

17 CLS often represents homeowners
18 who are facing threats, harassment, or
19 improper attempts from the sheriff sale
20 buyers to remove them from their homes
21 during the redemption period. We're
22 concerned that this predatory and illegal
23 behavior will only increase as sales go
24 forward.

25 I am pleased to report that

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2 Bid4Assets has been supportive of our
3 efforts to educate new buyers about
4 occupants' rights, whether those
5 occupants are tenants or former owners,
6 and is assisting us in creating and
7 distributing educational materials.
8 However, we need to ensure that these
9 efforts to educate both buyers and
10 occupants are permanent and robust before
11 proceeding with sales so that no
12 Philadelphia resident falls victim to
13 illegal or predatory tactics after their
14 home is sold.

15 It also remains unclear how or
16 if the switch to virtual sales will
17 result in a financial benefit to
18 homeowners. While the Sheriff's Office
19 has noted that the use of Bid4Assets will
20 result in no fees charged to the
21 homeowner and that the office will enjoy
22 substantial cost savings, we don't yet
23 have clear information about whether
24 those cost savings will be passed onto
25 homeowners or to the public. It's

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2 essential that homeowners facing the
3 trauma of losing their homes have ready
4 access to any excess proceeds from these
5 sales.

6 We also still lack a clear
7 sense as to what, if any, information
8 about out-of-town buyers will be shared
9 with the public or former homeowners.
10 The Sheriff has announced that companies
11 registering to bid will be required to
12 share at least one natural person's name
13 with Bid4Assets, but we don't yet know
14 whether or how this information will be
15 shared publicly with former occupants or
16 with anybody else.

17 Homeowners and occupants must
18 have access to this information to
19 enforce their rights, including to redeem
20 their property or defend against illegal
21 tactics, and the public needs this
22 information to understand who is buying
23 property in their neighborhoods.

24 Finally, moving forward with
25 sales, especially on this virtual

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2 platform, has resulted in our clients and
3 community members getting repeated and
4 aggressive phone calls from investors,
5 potential buyers, and scammers. These
6 calls have intensified dramatically in
7 the past month, suggesting that moving
8 forward with sales may be driving this
9 behavior. In the best of times, dozens
10 of phone calls a day can be irritating,
11 but for vulnerable homeowners who are
12 already dealing with tax problems,
13 mortgage problems, utility bills, food
14 insecurity, repair issues, and health
15 concerns, the calls are having a much
16 more serious impact, and the risk is high
17 that homeowners may fall prey to these
18 tactics.

19 Given that this is entirely new
20 territory for the Sheriff's Office and
21 the City, CLS urges caution and asks that
22 any decision about the sheriff sale
23 process be made only after full
24 consideration of its impact on vulnerable
25 homeowners.

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2 In addition, last week the U.S.
3 Department of Treasury announced that
4 Pennsylvania will receive over
5 \$350 million to help homeowners who have
6 fallen behind on their mortgages,
7 property taxes, or utilities as a result
8 of the pandemic. This Homeowner
9 Assistance Fund was part of President
10 Biden's American Rescue Plan. With help
11 for homeowners on the way, CLS would
12 welcome the opportunity to work with
13 Council, the Sheriff's Office, and others
14 about how to ensure that homeowners don't
15 lose their homes before they have the
16 opportunity to use this funding.

17 Community Legal Services and I
18 thank Councilmember Parker and other
19 members of Council for providing a forum
20 where we can explain these concerns. We
21 thank you for your commitment to ensuring
22 that Philadelphians are informed and
23 protected, and I am happy to stick around
24 and answer any questions the
25 Councilmembers might have.

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2 COUNCILWOMAN PARKER: Thank you
3 so much, Kate.

4 The next person scheduled to
5 testify is Ebony Griffin. Ebony, are you
6 still on with us?

7 MS. GRIFFIN: Thank you. Okay.

8 COUNCILWOMAN PARKER: Thank
9 you, Ebony. State your name for the
10 record and please proceed with your
11 testimony.

12 MS. GRIFFIN: Hello, everybody.
13 My name is Ebony Griffin. I'm just going
14 to read my testimony really quickly.

15 Good afternoon, Chairwoman
16 Parker and members of the Committee on
17 Law and Government. My name is Ebony
18 Griffin and I am testifying about
19 Resolution No. 210295 in my capacity as
20 an environmental justice attorney at the
21 Public Interest Law Center. Thank you
22 for allowing me to testify today about
23 this issue, which very deeply affects my
24 practice and the preservation of green
25 space in communities of color and

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2 low-income neighborhoods in Philadelphia.
3 The Law Center commends you for convening
4 this hearing to ensure the City's sheriff
5 sales are held in an equitable way,
6 prioritizing the needs of communities
7 most impacted by COVID-19.

8 In our environmental work, the
9 Law Center uses a variety of methods to
10 ensure that Philadelphia's most
11 vulnerable residents have access to a
12 healthy, natural, and built environment,
13 but also that they have a seat at the
14 table and a voice in what happens in the
15 neighborhoods. The Law Center's Garden
16 Justice Legal Initiative accomplishes
17 this by providing pro bono legal
18 representation to urban farmers and
19 community gardens in Philadelphia in
20 efforts to protect and preserve the
21 City's green space, which is being lost
22 due to development pressure. This
23 development pressure in part stems from
24 the 1997 securitization of tax liens.

25 The 1997 tax lien

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2 securitization and remaining privately
3 held liens contribute to gentrification,
4 displacement, urban blight, and a
5 reduction in green space. Allowing
6 sheriff sales to proceed without removing
7 the obstacles caused by privately held
8 tax liens will further contribute to
9 these problems. This testimony explains
10 how and provides potential solutions to
11 the problem.

12 So for a bit of background, in
13 1997 the City bundled together 30,000 tax
14 liens and sold them to U.S. Bank, a
15 private corporation, in order to raise
16 revenue to address the school funding
17 crisis. The City lost money in this
18 effort when investors were unable to
19 collect on many of the securitized liens.
20 The Philadelphia Department of Revenue in
21 a November 2013 report described the
22 results of the 1997 sale as the
23 worst-case scenario for a tax lien
24 securitization.

25 We have heard from neighborhood

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2 redevelopers across the City that
3 properties whose liens were sold remained
4 in limbo for years, unavailable for
5 redevelopment because tax balances
6 continued to be uncollectible. Public
7 agencies could not acquire the property
8 without first paying the lienholder the
9 value of the lien, plus their fees, which
10 stymied efforts to get vacant, tax
11 delinquent properties back into
12 productive use.

13 In fact, then-Chief of Staff to
14 Mayor Rendell, David L. Cohen,
15 acknowledged the City's miscalculation
16 regarding the uncollectible amounts in a
17 quote that appeared in the 2001
18 Philadelphia Inquirer editorial. Quote,
19 The rating agencies missed it, the
20 underwriters missed it, the insurer
21 missed it, and the City missed it, end
22 quote.

23 The problem: The consequences
24 of the fallout from the 1997
25 securitization are still evident today.

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2 While the exact number is unclear, data
3 from the City estimates that between
4 3,600 and 5,500 properties in
5 Philadelphia are encumbered by U.S. Bank
6 liens. The liens on these properties are
7 between \$18 million and \$20 million, with
8 a total debt to the City of approximately
9 \$41 million. Approximately half of the
10 potential clients who reach out to us for
11 help in preserving a garden manage lots
12 burdened by a private tax lien. The
13 problems associated with private bank
14 liens on a garden parcel manifests in a
15 number of ways.

16 The Law Center regularly
17 receives requests for help from gardeners
18 threatened with losing parcels to sheriff
19 sale. Under normal circumstances,
20 removing a parcel from the sheriff sale
21 list necessitates a phone call to the
22 appropriate Councilperson's office and a
23 subsequent conversation with the
24 Philadelphia Housing Development
25 Corporation, or PHDC, about acquisition

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2 of the parcel and eventual disposition to
3 the gardener. However, more often than
4 not, we learn that the parcels are part
5 of the large-scale securitization of
6 1997. In these instances, even with
7 Council support, little can be done to
8 save the garden, as growers are often
9 unable to pay the lien and the exorbitant
10 fees that accompany it. This usually
11 leads to a developer purchasing the
12 property and replacing the garden with
13 luxury housing units out of the reach of
14 the existing community. This dynamic
15 ultimately contributes to a sharp
16 increase in property taxes and
17 displacement of long-term lower-income
18 residents.

19 One such garden in Council
20 District 7 was lost to a developer
21 because of a U.S. Bank lien. An elderly
22 resident who used the produce from the
23 garden to feed himself had been caring
24 for the garden for many years. He had
25 previously reached out to the City

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2 inquiring about a title transfer.
3 However, the presence of a U.S. Bank lien
4 made this impossible. Eventually a
5 developer purchased the garden at a
6 sheriff sale and plans to replace it with
7 a luxury condominium.

8 These private liens even make
9 it difficult for low-income gardeners to
10 use the law as a means to preserve their
11 gardens. Because of the increase in
12 gardens being lost to sheriff sale, the
13 Law Center developed a training program
14 to teach other attorneys throughout the
15 City how to represent gardens. Since
16 April 2018, we have trained hundreds of
17 attorneys interested in assisting with
18 our mission. However, large firms
19 represented on our list of volunteers
20 often have conflicts of interest and
21 cannot represent clients on parcels with
22 privately held tax liens. Unless the
23 potential client is immediately able to
24 pay the tax lien, along with the usually
25 exorbitant interest and fees, the client

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2 is left with very few options to acquire
3 the parcel.

4 Further, because the
5 lienholder's main incentive is a monetary
6 return on their initial 1997 investment,
7 they are usually reluctant to agree to
8 even a short postponement of the sale to
9 allow our clients an opportunity to raise
10 funds to purchase the properties
11 themselves.

12 Just a few weeks ago, this
13 scenario played out almost verbatim for a
14 gardener in District 3. This gardener,
15 an elderly woman who had been maintaining
16 a parcel next to her home for over
17 30 years, reached out to us frantically
18 after seeing a sheriff sale notice posted
19 on her fence. Our first step was to seek
20 to postpone the pending sale while we
21 found an attorney to assist the client
22 with filing an action to quiet title. We
23 learned quickly that the presence of a
24 privately held bank lien on the property
25 prevented the City from postponing the

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2 sale.

3 Additionally, with a
4 significantly reduced operating budget
5 and a blanket ban on acquiring these
6 types of parcels, PHDC was also unable to
7 help. We then turned our efforts to
8 finding a private attorney to take on the
9 representation. The private bank lien
10 presented a conflict of interest for
11 every firm that expressed interest in
12 helping this client. The garden
13 ultimately sold on April the 9th. We are
14 still searching for ways to return the
15 client's beloved 30-year-old garden back
16 to her and prevent it from being
17 developed into market-rate housing.

18 The presence of U.S. Bank liens
19 significantly impairs the ability of PHDC
20 to put vacant land back into productive
21 reuse. As such, long abandoned parcels
22 remain overgrown, littered with trash,
23 drug paraphernalia, and other debris.

24 Abandoned, tax delinquent
25 properties create a vicious cycle of

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2 blight in urban areas throughout the
3 Commonwealth. With approximately 43,000
4 vacant lots, the problem is particularly
5 acute in Philadelphia. The majority of
6 vacant land in Philadelphia is clustered
7 in Council Districts 3, 5, and 7. These
8 districts also have the highest poverty
9 rates in the City on average. Over
10 300,000 Philadelphians live on blocks
11 with one or more abandoned houses or
12 parcels. This large inventory of vacant
13 land not only decreases the value of
14 neighboring properties, but burdens
15 residents and local government as vacant
16 properties create significant health and
17 safety issues.

18 Suggested solutions: To
19 mitigate the inevitable and continued
20 gentrification, displacement, and loss of
21 green space facilitated by the presence
22 of U.S. Bank liens, the City must develop
23 a short-term and long-term strategy. As
24 the first step of the short-term policy,
25 the City must place a moratorium on

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2 sending garden parcels to sheriff sale
3 until it can ensure that it has the
4 ability to acquire those parcels if U.S.
5 Bank liens are present. This will
6 prevent the gardens from being lost to
7 developers while the City develops a
8 longer-term solution.

9 Secondly, we strongly encourage
10 the City to pass legislation authorizing
11 PHDC to acquire parcels with U.S. Bank
12 liens, re-empowering them to work towards
13 putting vacant, blighted parcels back
14 into productive reuse.

15 Finally, for gardens able to
16 pay a portion of the U.S. Bank liens, the
17 City must negotiate an easily navigable,
18 accessible system that eliminates
19 penalties and allows individuals to enter
20 into payment arrangements for the
21 principal balance.

22 For a long-term strategy, the
23 City must, and I repeat must, allocate
24 funds to pay off the U.S. Bank liens in
25 their entirety. The estimated total cost

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2 to the City to pay off the U.S. Bank lien
3 balance is \$41 million. However, the
4 City likely could negotiate a reduction
5 in penalties with the lienholder.
6 Additionally, while the exact amount of
7 U.S. Bank liens on garden parcels is not
8 technically yet available, the amount
9 would be significantly less.

10 Finally, the City must commit
11 to developing an equitable property tax
12 collection system that does not include
13 securitizing land containing community
14 green space or real property that
15 threatens Philadelphia's most vulnerable
16 residents.

17 The Law Center looks forward to
18 continuing the conversation around
19 eliminating private bank liens on the
20 City's vacant land, and we are happy to
21 engage and work through solutions.

22 Thank you for listening.

23 COUNCILWOMAN PARKER: Thank you
24 so very much for your testimony. We
25 greatly appreciate it. Ebony, if you

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2 could stay around, because we may have
3 some questions, if you can.

4 The next person is John Dodds.

5 I see you on my screen, John, so I know
6 you're here. State your name for the
7 record and please proceed with your
8 testimony.

9 MR. DODDS: Okay. Can you hear
10 me?

11 COUNCILWOMAN PARKER: Yes.
12 Yes. We can hear you well, John.

13 MR. DODDS: All right. Very
14 good. Thank you.

15 Good afternoon, Chairwoman
16 Parker and members of the Committee. My
17 name is John Dodds. I'm the Director of
18 the Philadelphia Unemployment Project,
19 and we are concerned, as is Council,
20 about putting sheriff sales online, which
21 we fear will open up our housing market
22 to speculators from all over the country.
23 This step needs to be studied thoroughly
24 before it is implemented. However, I
25 want to focus briefly on an immediate

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2 problem facing homeowners in Philadelphia
3 with regard to the Sheriff, the
4 resumption of sheriff sales in the City.

5 PUP has a long history of
6 working to prevent mortgage foreclosures
7 for people who are caught in recessions
8 or other economic issues beyond their
9 control. We are in another difficult
10 recession right now, and PUP is working
11 with other housing and labor groups to
12 prevent foreclosures in the period ahead.

13 We are concerned about the
14 resumption of sheriff sales that have
15 begun to take place in Philadelphia.
16 This is particularly concerning as the
17 growth of long-term unemployment caused
18 by the pandemic is reaching historically
19 high levels, as well as the coming
20 availability in Pennsylvania of over
21 \$350 million from the Homeowners
22 Assistance Fund, which was included in
23 the American Rescue Plan.

24 It is unconscionable for
25 families to lose their homes as this

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2 massive amount of funding comes to the
3 state to prevent foreclosures.

4 Pennsylvania is receiving over three and
5 a half times as much federal funding as
6 provided by the Emergency Homeowner Loan
7 Program during the Great Recession of
8 2008 to '10.

9 We believe that the sheriff
10 sales should be paused to allow
11 homeowners to apply for the new program.
12 There is much precedent for this in
13 Philadelphia. Back in 1983, sheriff
14 sales were halted by President Judge
15 Bradley while waiting for the passage of
16 the Homeowners Emergency Mortgage
17 Assistance Program in Harrisburg. He
18 acted on a request from the then-Sheriff
19 Joe Sullivan and PUP. Sheriff sales only
20 began again after the legislature enacted
21 HEMAP in December of 1983.

22 In 2008, as the housing crisis
23 of the Great Recession unfolded, Sheriff
24 John Green cancelled the sheriff sales at
25 the request of community organizations,

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2 including PUP. And President Judge
3 Darnell Jones and Judge Annette Rizzo
4 took over and held up sales until the
5 Mortgage Foreclosure Diversion Program
6 was established, which continues to this
7 day.

8 In 2010, sheriff sales were
9 halted on Christmas Eve by Judge Pamela
10 Dembe as homeowners waited for HUD to
11 complete guidelines for the new federal
12 Emergency Homeowner Loan Program. The
13 stay lasted for three months and allowed
14 HUD to complete guidelines in time for
15 families to apply for assistance. Over
16 3,000 Pennsylvania homes were saved as a
17 result.

18 We are in the same situation
19 today. Assistance is coming to protect
20 families, but sheriff sales need to be
21 halted until the aid that is coming is
22 available. We call on Sheriff Bilal to
23 pause sheriff sales and join with us to
24 petition the courts to halt sales until
25 the Homeowners Assistance Fund is

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2 available to homeowners in Philadelphia.
3 We believe the courts will be
4 sympathetic, as they have been in the
5 past.

6 We also ask City Council to
7 pass a resolution calling for the sales
8 to be halted pending this program
9 becoming operational. An initial
10 \$35 million payment to the state will be
11 made available in June from the
12 Homeowners Assistance Fund, so help is on
13 the way.

14 There is no reason for families
15 to lose their homes because of the
16 pandemic. There is no reason to rush to
17 resume sheriff sales without allowing
18 homeowners to avail themselves of the
19 American Rescue Plan that was rushed into
20 place by the Biden administration to
21 protect them.

22 We call for action by the
23 Sheriff and the courts to give people
24 time to receive the aid that is being
25 provided. Let's protect our homeowners

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2 and families.

3 Thank you very much.

4 COUNCILWOMAN PARKER: Thank you

5 so much, John, for your testimony.

6 You've been on, but please stay with us,

7 because we have some questions for this

8 panel.

9 MR. DODDS: Sure.

10 COUNCILWOMAN PARKER: Jane, are

11 you still with us?

12 MS. NYLUND: I'm here.

13 COUNCILWOMAN PARKER: Thank

14 you, Jane. Please state your name for

15 the record and proceed with your

16 testimony.

17 MS. NYLUND: Jane Nylund.

18 Good afternoon, Chairwoman

19 Parker and the members of the Committee

20 on Law and Government. My name is Jane

21 Nylund. I've been invited to testify on

22 Resolution No. 210295. I am the

23 supervising attorney of Philadelphia

24 Legal Assistance's Save Your Home Philly

25 Hotline. PLA operates the Save Your Home

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2 Philly Hotline in coordination with the
3 court and the City of Philadelphia. The
4 hotline serves as a central point of
5 contact for homeowners in Philadelphia
6 seeking legal advice and information
7 regarding mortgage or property tax
8 foreclosure or other homeownership
9 issues.

10 At the start of the pandemic,
11 PLA was able to seamlessly transition
12 handling remote work with no interruption
13 of service. Paralegals on the hotline
14 continued to take live hotline calls
15 without pause. As a result, the hotline
16 has heard firsthand from homeowners who
17 struggled and who continue to struggle
18 with the economic, physical,
19 psychological, and emotional toll of this
20 pandemic.

21 Since the start of the
22 pandemic, the hotline has fielded calls
23 from more than 1,000 homeowners, and in
24 the last month alone, we've handled calls
25 from about 200 homeowners, many of whom

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2 are facing the loss of their homes at
3 sheriff sale.

4 Based on our conversations with
5 homeowners, we know that people are still
6 struggling. We also know that there has
7 been enormous confusion surrounding
8 foreclosures over the past year and that
9 homeowners have had difficulty getting
10 information about what their rights are
11 and how to access help. The confusion
12 has been particularly acute for
13 homeowners who had a pending foreclosure
14 before the pandemic hit.

15 Over the past year, previously
16 scheduled sheriff sales have been
17 postponed multiple times pursuant to
18 multiple court orders due to the
19 pandemic. As a result, it has been
20 difficult, if not impossible, for many
21 homeowners to figure out if their home is
22 actually listed for sheriff sale.

23 It is against this backdrop of
24 a year of confusion and conflicting
25 information that this Sheriff resumed

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2 sheriff sales on April 6th. Moreover, as
3 Council is aware, when the Sheriff
4 resumed sales, they did so for the first
5 time via virtual platform, contracting
6 with a company called Bid4Assets.

7 Over the past month, the
8 hotline has received numerous calls from
9 homeowners confused about the process and
10 startled to learn that their homes were
11 scheduled for sheriff sale in April. In
12 fielding these calls, the hotline has
13 discovered that the Bid4Assets website,
14 which lists the properties scheduled for
15 sheriff sale each month, is not being
16 updated until shortly before the sheriff
17 sale date. This has led to significant
18 stress and confusion among homeowners.

19 Currently, the May 4th mortgage
20 foreclosure sheriff sale list uploaded to
21 Bid4Assets includes dozens of properties
22 listed as preview rather than postponed,
23 even though we know that the court has
24 postponed the sheriff sales of those
25 properties or in some cases dismissed the

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2 case outright. We do not expect that
3 these properties will ultimately be sold
4 on May 4th. However, it has been a
5 significant source of stress for
6 homeowners to see their homes listed for
7 sale online when they've been told
8 directly by their mortgage lenders that
9 their sale has been postponed.

10 I would like to give an example
11 of a client who called the hotline
12 recently, terrified that she was about to
13 lose her home in the midst of the
14 pandemic.

15 On April 12th, one of our
16 hotline paralegals received a call from a
17 frantic homeowner. This client was
18 receiving inpatient treatment at a local
19 hospital when her son visited her and let
20 her know that a notice has been posted to
21 her door with the April sheriff sale
22 date. The client, scared of losing her
23 home and her only safe space, discharged
24 herself against medical advice from the
25 hospital to go home and figure out a way

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2 to try to save her home. In tears, she
3 contacted the Save Your Home Philly
4 Hotline. Our paralegal was able to
5 request a postponement of the sale on the
6 client's behalf and is now working with
7 this client to apply for a low-income
8 payment agreement to resolve the tax
9 delinquency, and the client was able to
10 go back to the hospital to continue
11 receiving her medical treatment.
12 However, this is just one story of dozens
13 of cases with similar stories that we've
14 handled in the last few weeks, and we
15 anticipate seeing the number of these
16 calls ratchet up as we face the much
17 longer sheriff sale lists of May and
18 April.

19 The pandemic is not over.
20 About 2.7 million homeowners are in
21 forbearance or behind on their mortgage,
22 according to a February estimate from the
23 Mortgage Bankers Association. These
24 statistics are consistent with the
25 hotline's experience speaking with

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2 homeowners. We know that many homeowners
3 are still struggling with the economic
4 effects of the pandemic. Some of these
5 homeowners may have fallen behind for the
6 first time during the pandemic, while
7 others fell behind before the pandemic
8 but the pandemic prevented them from
9 being able to get back on their feet.

10 Thankfully, help is on the way.
11 It's so close. More than 350 million, as
12 John Dodds said, in federal aid is coming
13 to Pennsylvania for homeowners
14 assistance. No homeowner should be
15 losing their home at this moment in time.
16 Federal guidance was just issued last
17 week by the Treasury Department.
18 Philadelphia homeowners can use these
19 funds to cover delinquent mortgage
20 payments as well as delinquent property
21 taxes, utilities, and so on. Many of the
22 homeowners currently facing sheriff sale
23 will likely be eligible for this fund and
24 can save their homes, if only there can
25 be widespread agreement that all sheriff

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2 sales in Philadelphia be postponed for
3 just a few more months.

4 We request Council to urge the
5 Sheriff to either use its discretion and
6 postpone the sales or petition the courts
7 to postpone the sales to allow homeowners
8 time to apply for funds that could
9 resolve their mortgage delinquency or tax
10 delinquency and save their homes that
11 have been in families for generations.

12 The Sheriff does have the
13 discretion to seek a temporary stay of
14 sheriff sales from the court when it's in
15 the public interest, and prior sheriffs
16 have done just that.

17 Philadelphia Legal Assistance
18 thanks Councilmember Parker and the other
19 members of Council for providing this
20 forum where we can express our concerns
21 about the resumption of sheriff sales via
22 virtual platform in the midst of this
23 pandemic.

24 I'm available for any questions
25 that Councilmembers may have.

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2 COUNCILWOMAN PARKER: Listen,
3 Jane, thank you so very much for your
4 testimony and each and every one of you
5 on this panel for just staying with us
6 through this long day.

7 Kate, I want to start with you.
8 In your testimony you said something that
9 we as well heard during our briefing with
10 the Sheriff's Office. When we first
11 learned about this in a newspaper, we
12 expressed our concern. The Sheriff's
13 Office worked with the Office of the
14 President, scheduled a briefing for City
15 Council, and one of the things we were
16 told is that no owner-occupied properties
17 would be included, but they were.

18 Do we know how many or how
19 frequent that was?

20 MS. DUGAN: Can you hear me,
21 Councilwoman?

22 COUNCILWOMAN PARKER: Yes.
23 Yes.

24 MS. DUGAN: So I think -- so
25 the answer as of a few months ago is

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2 those original lists, those lists that
3 were originally on Bid4Assets, had
4 numerous owner-occupied properties, and
5 that was always the understanding,
6 because while there are some mortgages
7 that are subject to a moratorium, that
8 only applies to certain kinds of
9 mortgages. So other mortgages, you know,
10 if a lender's counsel wanted to opt in
11 and proceed to sale in April or May, they
12 could with the City.

13 I will give the City credit.
14 We've been working with the Law
15 Department very closely to try to
16 identify owner-occupied properties and do
17 investigation and make sure that they
18 don't go to sale, but it's tricky to
19 identify what's owner-occupied.

20 So as the list stands now, we
21 feel reassured that the number of
22 owner-occupied properties is much lower
23 than it has been, thanks to the City
24 teaming up with us to try to make that
25 happen, but I can't say for certain that

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2 I'm absolutely sure that there are no
3 owner-occupied properties left.

4 COUNCILWOMAN PARKER: Thank you
5 for that.

6 Ebony Griffin, let me say thank
7 you for your history lesson about 1997,
8 although you made me feel ancient,
9 because I remember that sale, and when
10 cities with limited revenue-generating
11 capacity have something like their public
12 education system on the line, you're in a
13 frenzy to do what it is that you think
14 you can do, and ultimately it was
15 affirmed that that was not a good
16 decision for neighborhoods throughout the
17 City of Philadelphia. So I want to thank
18 you for giving us the history lesson.

19 John Dodds, oh, when we were
20 talking with the Sheriff earlier today,
21 when we had our briefing with the Sheriff
22 and ultimately conversations afterwards,
23 we as a Council constantly affirm that we
24 do not have the authority to, in essence,
25 ask the courts to delay sheriff sales.

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2 And so we informally asked the Sheriff
3 before we even had this hearing if in
4 fact she would ask the courts for a stay.
5 The history -- not a stay; a delay for
6 two months, April and May, so that much
7 of what each of you have described in
8 your testimony we could walk through.
9 But, John Dodds, you gave us a history
10 lesson of multiple occasions when
11 sheriffs made a decision to ask the
12 courts for a reprieve --

13 MR. DODDS: Absolutely.

14 COUNCILWOMAN PARKER: -- to
15 delay sales.

16 What is your response? What is
17 your response? And I'm going to ask each
18 of you the same question. I want each of
19 you to respond to this.

20 What is your response when you
21 hear the Sheriff's Office say there is no
22 legal reason, there is no legal reason,
23 they don't have a legal reason to ask the
24 courts to allow them to delay the sales?
25 What is your response to that statement?

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2 MR. DODDS: I would say that's
3 an elected official who represents the
4 people of Philadelphia, and she has every
5 right to petition the court to stay the
6 sales, and that was done in the '80s, it
7 was done during the Great Recession.
8 John Green stopped the sales without even
9 the court, and the courts then stepped in
10 and continued that.

11 There's no reason that she
12 should not be doing this, particularly in
13 light of the fact that there's tremendous
14 amount of resources coming to the City to
15 help people not lose their homes. And if
16 the sales go on now, a lot of people who
17 should be getting that help are going to
18 be out on the street, and I can see no
19 reason in the world why she should not be
20 doing that.

21 COUNCILMAN OH: Chairwoman,
22 you're on mute.

23 COUNCILWOMAN PARKER: Can you
24 hear me, Jennifer? Oh, now you can hear
25 me.

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2 Jennifer, I'm going to ask you,
3 because it's how I see you -- thank you,
4 Councilmember Sanchez.

5 And I'm asking you because it's
6 how I see you on the squares on my
7 screen. What is your response, Jennifer,
8 to the Sheriff's Office stating that they
9 do not have a legal reason to ask the
10 courts to delay the sales?

11 THE CLERK: I believe you mean
12 Jane.

13 COUNCILWOMAN PARKER: I see a
14 Jennifer Greenberg.

15 MS. GREENBERG: Hi. Yes.

16 THE CLERK: Jennifer has not
17 testified yet.

18 COUNCILWOMAN PARKER: So,
19 Ebony, you're the next person I see.
20 What is your response, Ebony, that
21 there's no legal reason to ask for a
22 delay in sales?

23 MS. GRIFFIN: It's hard for me
24 to really have a response without having
25 the time to kind of go through the

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2 legislation and what acceptable legal
3 excuses, I guess for lack of a better
4 word, would be. So it's really hard for
5 me to say or have an opinion on that.

6 COUNCILWOMAN PARKER: Do you
7 support a delay?

8 MS. GRIFFIN: I absolutely
9 support a delay, 100 percent.

10 COUNCILWOMAN PARKER: Thank
11 you.

12 Jane.

13 MS. NYLUND: Sure. So I do
14 know that in 2004, as John Dodds has
15 mentioned, under similar circumstances
16 the Sheriff joined a petition to postpone
17 sales of 156 properties, and that
18 postponement lasted about four months.

19 There are cases upholding the
20 Sheriff's discretion to not conduct a
21 sale when it would cause public harm or
22 unnecessary harm. And also these
23 circumstances are nearly identical to
24 what they were in 1982 when the President
25 Judge upheld the Sheriff's petition to

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2 postpone all sales of residential
3 owner-occupied properties while HEMAP was
4 being implemented.

5 COUNCILWOMAN PARKER: Thank
6 you.

7 Kate, any response?

8 MS. DUGAN: I'll just echo what
9 my colleagues said. John walked you
10 through a fabulous history that shows
11 there's precedent for this kind of thing.
12 To the extent the Sheriff or the Law
13 Department has advised the Sheriff that
14 there's not a legal basis, we'd certainly
15 be happy to follow up with them and help
16 them think through this.

17 COUNCILWOMAN PARKER: Thank you
18 so very much.

19 The Chair recognizes
20 Councilmember Sanchez for questioning.

21 COUNCILWOMAN SANCHEZ: Thank
22 you. And I don't want to prolong it. I
23 also want to thank everyone on this panel
24 for waiting and being so patient and for
25 all the work you've done all over the

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2 years. A special shout-out to Ebony.
3 We've had this discussion about the U.S.
4 Bank liens.

5 I have a map in my office,
6 Chairwoman. When people come to my
7 office and ask me why I'm against this
8 stuff, I have a map of the 1,351
9 properties, and we've lost several
10 hundred of them over the last couple
11 years.

12 So I really just want to say
13 thank you.

14 I do want to -- as it relates
15 to the mortgage foreclosure, just want
16 for clarity, and maybe, Kate, you can
17 respond to this. For the mortgage
18 foreclosure, if the Sheriff chooses to
19 file a motion or not, can Council, do we
20 have standing in using the precedence of
21 the past to say mortgage foreclosure in
22 light of the money that's coming from the
23 feds, do we have standing to do it?

24 MS. DUGAN: So I don't know if
25 my answer could differ significantly from

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2 what the Sheriff's attorneys are telling
3 you. So I guess the answer is, it
4 depends.

5 I certainly think it's
6 possible, but I think we would have to
7 defer to what the Sheriff thinks is
8 necessary. And I did hear the Sheriff
9 say earlier today that it is possible
10 that City Council passing legislation
11 could provide that legal reason basis
12 that we're looking for. So it sounds
13 like that's a possible opening.

14 COUNCILWOMAN SANCHEZ: Thank
15 you. We look forward to working with you
16 on this issue. This will not be the last
17 conversation. This recovery is going to
18 be slow. We appreciate all of the work
19 all of you do every single day for the
20 residents.

21 Thank you.

22 MR. DODDS: Councilwoman, can I
23 just say that in the past when the judges
24 have granted these stays, it has not --
25 there hasn't always -- they haven't

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2 always worried about proper standing,
3 because they realize it's a public issue.
4 I believe if City Council were to come
5 together on behalf of the citizens and
6 the homeowners, that the courts would
7 take that very kindly. And I'm not an
8 attorney, but I have seen it over the
9 years that they are very -- have been
10 willing to take similar steps, and I
11 believe that they would do it now if
12 Council were to take that step. Although
13 the courts should do it, by the way, of
14 course.

15 COUNCILWOMAN SANCHEZ: Yeah.
16 You know, years ago the courts -- we had
17 harder conversations. I will say that
18 during our pre-diversion, diversion
19 conversations, I have seen a better
20 willingness by the courts to like work
21 with us around some of these issues. So
22 I feel like we're in a better place right
23 now to be able to have those dialogues,
24 and I look forward to working with all of
25 you and the Chairwoman as we navigate

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2 this.

3 Thank you very much.

4 COUNCILWOMAN PARKER: Thank you
5 all so very much for your testimony, but
6 I do really need to state this too for
7 the record from a process perspective,
8 because this is very important for the
9 viewing public to know.

10 The reason why Council, when it
11 first learned that these sheriff sales
12 would move to a virtual platform,
13 immediately contacted the Sheriff's
14 Office, because as the independent
15 elected official in office whose
16 responsibility it is to carry out sheriff
17 sales, we in no way, shape, or form
18 wanted to attempt to usurp that power
19 and/or influence to seem as if we were
20 attempting to go around the Sheriff's
21 Office to lead this effort on our own.
22 We thought it not robbery to work in a
23 diplomatic fashion in an effort to work
24 with the Sheriff, in hopes that the
25 Sheriff and her office would in fact

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2 exercise their authority so that, John
3 Dodds, we wouldn't have to worry about
4 the issue of standing. There's no
5 question about whether or not the Sheriff
6 has any standing.

7 But, of course, we will
8 continue to work with our Law Department
9 on our next steps, but if anyone is
10 questioning, well, why didn't Council
11 just do it, because we have an
12 independently elected Sheriff and we were
13 trying to work with that office in order
14 to see this delay through.

15 With that said, I want to thank
16 each and every one of you. I think
17 Councilmember Derek Green had a question.

18 Councilman Green, or was that
19 earlier?

20 COUNCILMAN GREEN: No. Thank
21 you, Madam Chair.

22 I just want to thank this panel
23 for their testimony. I guess one of the
24 questions that I think as you all were
25 talking -- (connection issues), and I

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2 guess the question I have is that there
3 was a traditional methodology of how the
4 office was providing notice to the
5 general public, and I can't recall if I
6 heard that earlier when the Sheriff's
7 Office was testifying. But under this
8 current process of virtual sales, my
9 understanding is that notices still have
10 to be provided, and I think this may have
11 even came up in the conversation with the
12 representative from Allegheny County.
13 From my understanding, notices still have
14 to be provided in papers of general
15 circulation throughout the City of
16 Philadelphia, notices for sheriff sale,
17 and how is that occurring now with the
18 virtual process?

19 MS. NYLUND: As far as I
20 understand, that they're still including
21 sheriff sale dates published in the Legal
22 Intelligencer.

23 COUNCILMAN GREEN: But, you
24 know, in the past, my understanding, that
25 the sheriff sale notices were provided in

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2 the Legal. I think they may have been in
3 the Philadelphia Sunday Sun, the
4 Philadelphia Tribune, but now your
5 understanding is that they're just being
6 provided in the Legal?

7 MR. DODDS: The Sheriff said
8 something about neighborhood papers. The
9 Sheriff commented she had it in
10 neighborhood papers. The Sheriff is
11 there, but I believe that's what she had
12 said.

13 COUNCILMAN GREEN: And if
14 anyone from the Sheriff's Office could
15 provide that information. But it seems
16 that at one point, they were in various
17 publications, like I said, I think the
18 Sunday Sun, Tribune, other locations.
19 Now from Ms. Nylund, you're saying you're
20 just seeing them in the Legal. And even
21 the Legal Intelligencier, which is
22 something I have a subscription to, now
23 that's going virtual.

24 MS. NYLUND: I think the
25 Sheriff has --

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2 COUNCILWOMAN PARKER: The Chair
3 recognizes Sheriff Bilal.

4 SHERIFF BILAL: Thank you so
5 much.

6 We are still advertising in the
7 two legal in circulation, and we still
8 have the community papers. Because of
9 the pandemic, there's only a certain
10 amount of properties going up, so there's
11 only a certain amount of money in the
12 budget to be able to. In the past, they
13 had went over the amount allotted to
14 advertise to go into the hole. We are
15 sticking to the budget.

16 So right now because it's only
17 like 10, 12, or 17 properties,
18 circulation, and then on the wheel, one
19 of the community papers, one or two. We
20 still are advertising in that same
21 manner. I guess you're not reading the
22 Deal or the Sunday Sun -- or which one?
23 Or the Metro or those papers. We're
24 still on that.

25 COUNCILMAN GREEN: It's still

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2 in the Sunday Sun? No. Actually I have
3 the Sunday Sun right to my right, so I
4 will -- I just haven't -- the volume is
5 lower?

6 SHERIFF BILAL: Yes. Because
7 the volume to go to sheriff sale is
8 lower. So we don't go over the budget to
9 advertise anymore. We stay within the
10 budget.

11 COUNCILMAN GREEN: Okay. Thank
12 you very much.

13 Thank you, Madam Chair.

14 COUNCILWOMAN PARKER: Thank
15 you, Councilmember Green.

16 And thank you for your
17 response, Sheriff Bilal.

18 Again, to members of this
19 panel, thank you so very much for your
20 testimony. And I do want to state for
21 the record that we will be reaching out
22 to each and every one of you about
23 Council's next step, particularly for
24 those of us who have been here who fought
25 predatory lending, who worked with the

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2 Mortgage Foreclosure Diversion Program.
3 Rest assured, we know that we won't move
4 without having each of you as our
5 partners, because you're the front line.
6 You're the front-line agencies and
7 organizations who when we can't represent
8 people because we can't represent them
9 legally, even when we have attorneys in
10 our office, we have to send everyone to
11 you all. And so we will keep you abreast
12 of Council's future actions at a
13 roundtable that we will be organizing
14 shortly. So thank you.

15 Rachel, if there are no other
16 questions for members of the panel, will
17 you please call the next panel scheduled
18 to testify.

19 THE CLERK: Yes. The panelists
20 for Panel No. 4 are Jayme Lucas-Bauer and
21 Jason Powers, both from the City of
22 Cleveland.

23 COUNCILWOMAN PARKER: So,
24 Jayme, I want to say a huge, huge thank
25 you to you for being here and being

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2 present.

3 And to Jason Powers, Jason,
4 thank you so much, my fellow middle
5 neighborhood representative, and I want
6 you to know that we are a little jealous
7 here in the City of Philadelphia that
8 your position even exists in Cleveland,
9 because we don't have your counterpart
10 here in Philadelphia.

11 So, Jayme, we're going to start
12 with you. We just want you to state your
13 name for the record and proceed with your
14 testimony.

15 MS. LUCAS-BAUER: Sure. Thank
16 you for welcoming me. Good afternoon,
17 Chairwoman Parker and members of the
18 Committee of Law and Government. My name
19 a Jayme Lucas-Bauer. I am here to
20 testify on Resolution 210295. I am the
21 Neighborhood Development Project Manager
22 for Old Brooklyn CDC. Old Brooklyn CDC
23 is the non-profit community development
24 corporation that serves the Old Brooklyn
25 neighborhood of Cleveland, Ohio.

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2 Old Brooklyn is the largest
3 neighborhood in Cleveland at six square
4 miles, with 35,000 residents. We have
5 the fastest growing LatinX and African
6 American population in Cleveland, and we
7 are a quintessential middle neighborhood.

8 We never bottomed out, so not
9 so many demolitions, but it also means
10 there's not so many big redevelopment
11 opportunities. Currently stable, but at
12 risk of becoming destabilized.

13 I was asked to talk about kind
14 of what's happening with us in terms of
15 bulk buyers and out-of-town investors.
16 Bulk buyers destabilize housing values
17 for homes being purchased and nearby
18 homes. They rarely make investments in
19 properties. Homes become cash cows until
20 the homes are completely deteriorated.

21 We've looked at one of our most
22 egregious bulk buying. They're actually
23 a property brokerage and management
24 company. They have 177 homes owned by
25 117 different buyers. Over 85 of the

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2 properties, almost 50 percent, are not
3 code compliant. This particular firm
4 seeks out-of-town investors with little
5 experience as property managers so they
6 can collect all the fees on repairs,
7 leases, evictions.

8 In census block groups in Old
9 Brooklyn where 35 percent or more of
10 homes were bought by bulk buyers, there
11 was less than a 5 percent sales increase.
12 Old Brooklyn has in general 22 percent
13 bulk buying and a 13 percent sales
14 increase from 2016 to 2019.

15 Digging down more granularly,
16 on streets with 60 percent or more of
17 homes being purchased by bulk buyers, the
18 median sales price was 50,000 compared to
19 81,000 for our neighborhood overall.

20 In addition, bulk buyers are
21 buying up houses that are affordable to
22 low- and moderate-income families,
23 forcing them to be renters rather than
24 building wealth through homeownership.
25 They specifically target middle

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2 neighborhoods. They want communities
3 that are stable enough to get 800 to
4 1,100 rent, have a mix of owner-occupied
5 and rental, and have incomes of at least
6 \$40,000, and they're looking for homes in
7 a middle range price, and for Cleveland,
8 there are homes between \$60,000 and
9 \$120,000. And homes in this price range
10 are exactly the homes that our low- and
11 moderate-income families can buy.

12 Low-income families can afford
13 homes in the 50,000 to 80,000 range, and
14 that would be like 50 percent of area
15 median income for Cuyahoga County.
16 Moderate-income families can afford homes
17 in the 80,000 to 100,000, and that's
18 80 percent of area median. And
19 unfortunately once homes are in the hands
20 of these bulk buyers, they will forever
21 be rentals. They will never be
22 owner-occupied again.

23 Cuyahoga County, where the City
24 of Cleveland is located, has also begun
25 selling homes at sheriff sale online in

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2 July of 2020. We don't have specific
3 data yet on sheriff sale buyers, but even
4 before sheriff sales, there was a steady
5 and troubling increase of out-of-town
6 bulk buying activity in Old Brooklyn
7 neighborhood. They represented
8 24 percent of sales in 2019 to 2020
9 compared to 15 percent in 2017-2018.

10 Old Brooklyn CDC is working
11 with other non-profits, City of
12 Cleveland, first ring suburbs to find the
13 best practices to hold local property
14 managers for out-of-town investors
15 responsible in housing court and to make
16 it more difficult for LLCs to pop
17 properties back and forth when there are
18 property tax delinquencies. We welcome
19 ideas, solutions to curb the terrible
20 effects of rapidly increasing bulk buying
21 that we're seeing on our community.

22 Thank you for your time, and
23 I'm available for questions if there were
24 any.

25 COUNCILWOMAN PARKER: Thank

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2 you, Jayme.

3 Jason, feel free to proceed
4 with your testimony and state your name
5 for the record.

6 MR. POWERS: Thank you very
7 much. Jason Powers.

8 Good afternoon, Chairwoman
9 Parker and the members of the Committee
10 on Law and Government. I'm Jason. My
11 colleague Jayme and I worked together at
12 the CDC for a while in middle
13 neighborhoods, and I'm the Project
14 Director for Middle Neighborhoods in
15 Cleveland, and we're excited about that
16 program. We can talk about that as well.
17 I'm here to testify, though, on the
18 Resolution 210295.

19 Over the last three years, the
20 City of Cleveland has explored the
21 potential of creating policies and
22 programs dedicated to what we call middle
23 neighborhoods. Middle neighborhoods are
24 communities that are neither deeply
25 distressed nor the target of growth and

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2 investment by the private market.

3 Another way to think of them is they're
4 often the last stable communities in the
5 city or places that were stable as
6 recently as just the last decade.

7 These communities are marked by
8 their above-average housing stock, higher
9 homeownership levels, and in many cases,
10 their senior population. This last
11 quality is of particular note, as they
12 make these communities particularly
13 vulnerable to the disastrous effects of
14 foreclosure auctions where fixed incomes,
15 aging populations, and often times simple
16 errors on payments can lead to the loss
17 of long-term residents and dramatic
18 change in a community.

19 In Cleveland, we've examined
20 four neighborhoods as targets for middle
21 neighborhoods investments. In these
22 areas, our research shows that since
23 2016, 64 percent of foreclosure auction
24 properties were sold to buyers or buying
25 groups outside of the State of Ohio.

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2 Furthermore, 81 percent of purchases were
3 tracked to buyers outside of Cuyahoga
4 County.

5 Large-scale purchasing groups
6 make up as much as 70 percent of those
7 buyers. And make no mistake, these
8 companies are not interested in the
9 stability of our neighborhoods or the
10 quality of life of your residents.

11 They're attracted to cheap real estate,
12 opportunities for long-term, low-income
13 rentals, and limited risk in their
14 portfolios.

15 As you consider the change from
16 in-person to online auctions, I must be
17 clear in stating that our experience as
18 practitioners and residents in the
19 neighborhoods of Cleveland, that the
20 practice in particular of tax
21 foreclosures is devastating to
22 individuals as well as neighborhoods that
23 they live in. Whatever benefits the
24 municipality receives from revenues by
25 auctions or sales or tax liens is far

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2 outweighed by the generational
3 disinvestment that awaits your streets.

4 This is of particular concern
5 when understood from the context of race.
6 One of Cleveland's middle neighborhoods
7 is 87 percent Black and home to a
8 historically strong Black middle-class
9 community. This area has seen weaker
10 home values since its development due to
11 redlining and continued practices of
12 discrimination in real estate. As a
13 result, homes in these communities see
14 less demand from local buyers, and in the
15 last two years, auctions have been
16 attracting 90 percent out-of-state
17 buyers. Furthermore, our rental records
18 show that nearly 100 percent of these
19 properties have been turned into rentals
20 occupied by Housing Choice Voucher
21 recipients.

22 To be clear, the need for
23 supportive housing options is very real,
24 and the Housing Choice Voucher program is
25 an essential component of providing

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2 housing for low-income residents of our
3 city. However, the concentration of
4 low-income residents combined with the
5 low-investment corporation model
6 operating these properties is producing
7 dramatic and rapid destabilization in our
8 communities. This serves neither the
9 residents that are new nor the community
10 as a whole.

11 While I clearly urge you to go
12 deeper and consider options to mitigate
13 the devastating, unfair, and racist
14 practice of tax foreclosures, I
15 understand today we're specifically
16 discussing the effects of using an online
17 auction median over the traditional
18 in-person method. It is clear that the
19 devastation occurring in our communities
20 is caused by cheap and easy access to
21 real estate. While in-person auctions do
22 not eliminate the opportunity for
23 large-scale and out-of-state or
24 out-of-country buyers to intervene, they
25 do create an additional hurdle. In the

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2 marketplace of foreclosure auctions,
3 there are endless cities from these
4 buyers to consider. Those that provide
5 online access will very likely be more
6 severely targeted.

7 Additionally, the ability for
8 local buyers, especially those who
9 originally owned the home or their
10 family, deserve the opportunity to attend
11 a local auction. While online auctions
12 create ease of access for out-of-state
13 buyers, they conversely can create a
14 hurdle for elderly or families without
15 consistent internet access.

16 In Cleveland, we have seen the
17 radical effect of out-of-state investment
18 and will continue to explore all avenues
19 to reduce or eliminate these players.
20 Avoiding an online access portal is one
21 measure we deeply support. We encourage
22 you to consider this as well.

23 Thank you, and I'm around for
24 questions.

25 COUNCILWOMAN PARKER: Thank you

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2 so very much both for your testimony.

3 Jason, I want you to go a
4 little deeper for me and just give me
5 like the profile of those bulk buyers.
6 And when we talk about bulk, educate
7 Philadelphia, if you will, about how many
8 properties. When you're talking about
9 bulk buyers in Cleveland, what are you
10 guys looking at? How many are you
11 counting?

12 MR. POWERS: Yeah. So the
13 difference between the bulk buyer
14 portfolio and other types of landlords,
15 that when the traditional landlord has a
16 small portfolio, it can be a
17 moderate-income family or an individual
18 in a community that has three or four
19 homes. It's their retirement plan.

20 The bulk buyers have dozens and
21 dozens, and those are in different
22 communities and they go to hundreds and
23 hundreds. Throughout the county we have
24 some LLCs that have more than 1,000
25 properties in Cuyahoga County, but much

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2 more insidiously, these properties are
3 part of basically a transfer of income to
4 a real estate trust. So we have tracked
5 some of these LLCs out of country to
6 China, but we've also tracked them to
7 Texas and to California, where wealthy
8 individuals are using our residential
9 real estate as their version of stocks.
10 They create a cash flow incentive for
11 them by buying \$30,000 homes en mass.
12 Buying 300 homes is like buying 300
13 stocks of an equity stake. And then the
14 dividends are our rental checks. And
15 they don't care in the slightest of what
16 happens. So what they do is, they use a
17 Cleveland-based property manager or
18 developer, who this is their job. It, I
19 suppose, creates jobs in that regard, but
20 their job is to make sure that everything
21 from the roof to the windows to the
22 paychecks, all the things are taking
23 place at a bare minimum, just enough to
24 make sure that the home stays afloat, and
25 if 15 years from now those properties are

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2 gone, they don't really care because it's
3 been about the cash flow. And I know
4 Jayme sees this all the time.

5 We recognize that about
6 20 percent of a street, when it turns
7 over, that is the last leg of the street,
8 and all the sudden the homeownership
9 levels will diminish greatly and the
10 property values will follow suit. And
11 we're not going to find a way to get them
12 back without a growing county like
13 Seattle or Washington, DC.

14 COUNCILWOMAN PARKER: Jayme and
15 Jason, I want you both to answer this for
16 me. What is your response from your
17 experience, what you've studied as it
18 relates to best practices and just how
19 you would answer if you were to hear
20 someone say, well, wait a minute, these
21 same firms that the gentleman, Jason
22 Powers, just spoke about that were in
23 China and/or Texas, they could have
24 someone to represent them at an in-person
25 sale and they could still buy.

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2 How are you rationalizing or
3 how can you affirm your statement, Jason,
4 when you say that a virtual platform, in
5 essence, makes it easier for them? I
6 mean, unpack that for people in
7 Philadelphia who heard earlier during
8 testimony that these people could buy
9 anyway. So how can you blame a virtual
10 platform for sort of making the process
11 move at a more rapid pace?

12 MS. LUCAS-BAUER: So the
13 property management brokerage firm that
14 we find so egregious in our neighborhood,
15 we at least know who they are, and they
16 have real estate on our border and we can
17 find them. So if we eliminate the need
18 for them to -- well, we have eliminated
19 the need for them to go to sheriff sales.
20 Now somebody from Saudi Arabia doesn't
21 need Holton-Wise. They just can buy it
22 on their own, and we have no idea who
23 they are, what their local representation
24 is. And in our case, this is something
25 we're fighting right now, is that the

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2 City of Cleveland won't hold local
3 property managers responsible in housing
4 court for out-of-town owners, so they're
5 just sending violation notices to China,
6 California, and Saudi Arabia, which is
7 not helpful.

8 So we try to provide a
9 cautionary tale for you to avoid this
10 fate of at least we know the devil we're
11 dealing with in person, and we have no
12 idea what we're dealing with online.

13 MR. POWERS: So thank you,
14 Jayme.

15 I'll underscore what Jayme
16 said, that first off, by creating that
17 extra hurdle, and you do see them using
18 proxies and those proxies are in our
19 county. So not only do we have the
20 ability to follow up with them as we go,
21 but additionally, as we create new laws
22 in our City Council and in our County
23 Council, we are trying to find ways to
24 hold them more and more accountable. If
25 they are regionally local, we do have a

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2 better shot at that.

3 But I have been listening to
4 the earlier conversation, and I would ask
5 for you to rigorously look at the facts
6 to see exactly if that's true or not,
7 because while it's true that proxies can
8 be used, that does provide a hurdle, and
9 I would argue that if there's a half
10 dozen cities across the country that are
11 online and then another half dozen that
12 are offline, there is an incentive for
13 these organizations setting up these real
14 estate investment trusts to go where the
15 easiest money is, and I really do believe
16 they will do that. So let's set up as
17 many hurdles as we can to protect our
18 communities.

19 COUNCILWOMAN PARKER: Again,
20 thank you both so very much for your
21 testimony and just sharing the Ohio
22 experience with us. You know, we're
23 doing our best here in this City Council
24 trying to raise awareness about this
25 issue in the hopes that we can avoid the

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2 pitfalls, Jason and Jayme, that both of
3 you just described. So shout-out to your
4 City Council, your Mayor, your county
5 officials, and we're going to let them
6 know when we interact with them that you
7 all came to help out the City of
8 Philadelphia during this hearing. So
9 thank you.

10 MR. POWERS: Thank you all.
11 Take care.

12 MS. LUCAS-BAUER: Thank you.

13 COUNCILWOMAN PARKER: If there
14 are no other questions for this panel?

15 (No response.)

16 COUNCILWOMAN PARKER: Seeing
17 and hearing none, I want to ask Rachel if
18 she will call the next panel.

19 THE CLERK: Yes. This is the
20 last panel before the public testifiers.
21 We have Jenny Greenberg, Kirtrina Baxter
22 and Ashley Gripper, Joseph Tan, and Adam
23 Ehrlich, in that order.

24 COUNCILWOMAN PARKER: Thank you
25 so very much. We'll go in that order,

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2 and Jenny -- now, Jenny, I see your box.
3 You're here. We're going to start with
4 you, Jenny. I'm going to ask you to
5 state your name for the record and please
6 proceed with your testimony.

7 And, Rachel, I also want us to
8 just check with our tech team. Last
9 night when I read the Tan testimony, Tan
10 had some slides he wanted to put up, and
11 I wanted to make sure that our viewing
12 audience would be able to see the slides
13 that he submitted as part of his
14 testimony.

15 THE CLERK: Okay. Yeah. I'll
16 work to make sure that he can share his
17 screen.

18 COUNCILWOMAN PARKER: Thank
19 you, Jennifer. State your name for the
20 record and please proceed with your
21 testimony.

22 MS. GREENBERG: Sure. Thank
23 you. My name is Jenny Greenberg, and I
24 serve as the Executive Director of the
25 Neighborhood Gardens Trust, and I just

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2 wanted to thank you, Chairwoman Parker
3 and the members of the Committee on Law
4 and Government, for the opportunity to
5 speak.

6 I'm here to testify on
7 Resolution 210295, and I'd like to
8 express my concerns about how this shift
9 to all online sheriff sales will
10 exacerbate the serious threat that
11 sheriff sales already play to the future
12 of many thriving community gardens across
13 the City of Philadelphia.

14 I serve as Executive Director
15 of NGT, which is Philadelphia's land
16 trust for the protection of
17 community-managed open spaces, and it's
18 our mission to acquire and preserve
19 community gardens to enhance quality of
20 life in Philadelphia's neighborhoods.
21 We've protected almost 50 gardens to date
22 across the City and are working hard to
23 scale our efforts to meet the needs that
24 exist to secure and protect many
25 additional threatened open spaces.

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2 Most of Philadelphia's 400-plus
3 community gardens were cultivated on
4 abandoned land in neighborhoods that were
5 historically redlined and disinvested.
6 Through the cooperative efforts of local
7 residents, there are vibrant
8 community-managed open spaces that serve
9 as places of nourishment, healing,
10 community connection, and
11 self-determination across the City, and
12 these essential, safe, healthy green
13 spaces provide residents with access to
14 land to grow fresh, affordable food
15 together with neighbors, to mitigate
16 unsafe and unjust environmental
17 conditions, and the future of many of
18 these gardens is in jeopardy because of
19 gardeners don't have secure land tenure,
20 and NGT works with them to secure and
21 hold ownership for the land long term so
22 they can continue to cultivate food and
23 community.

24 For a number of years, we've
25 seen how increases in real estate

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2 development and speculation are putting
3 these gardens into jeopardy, and one of
4 the biggest threats is sheriff sales.
5 Often gardens comprise multiple parcels
6 of land with different owners, and the
7 loss of even one parcel to a sheriff sale
8 can destroy the larger garden.

9 We work closely with
10 Philadelphia Housing and Community
11 Development Corporation to secure and
12 protect all of the land within the
13 footprint of a garden. In the past three
14 years, we've been able to acquire 32
15 parcels of land at 11 community gardens
16 through nominal sale disposition from the
17 City, and we also worked with the Land
18 Bank to acquire privately owned tax
19 delinquent parcels.

20 Multiple gardens, however, have
21 tax delinquent parcels with U.S. Bank
22 liens, which is an issue that Ebony
23 Griffin was speaking about earlier. This
24 factor is the single biggest threat and
25 deterrent to our ability to save these

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2 gardens. Because of these liens,
3 Philadelphia is losing garden properties
4 to sheriff sale or through private sales
5 entered into by speculators.

6 When we see a garden is on the
7 sheriff sale list and it has U.S. Bank
8 liens, we know we're in trouble. In our
9 experience, these sheriff sales are
10 driven by Linebarger Goggin Blair and
11 Sampson, and we're left with few options,
12 if any, in order to protect the parcels.

13 At times, however, we're able
14 to obtain temporary delays that allow us
15 to find ways to save a parcel and the
16 overall garden. Through no fault of our
17 own, these temporary reprieves can
18 sometimes come in at the last minute, and
19 if Philadelphia switches to online
20 sheriff sales, we believe the opportunity
21 to save a parcel, especially when it
22 comes down to the wire, will be lost.

23 Until the U.S. Bank lien issue
24 is resolved, we call on the City to halt
25 sheriff sales, whether online or in

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2 person.

3 And I want to tell you about
4 the Five Loaves Two Fish garden. It's
5 just one example. It's a community-based
6 project to promote wellness and eliminate
7 information disparities about health and
8 nutrition in Hestonville, a low-income
9 community of color in West Philadelphia
10 where food insecurity and chronic disease
11 is here. There are more than 30 raised
12 beds for community residents to grow
13 healthy food, and working with the Land
14 Bank, NGT was able to secure five of the
15 six properties at the garden. However,
16 the last lot, which is right in the
17 middle of the garden, has more than
18 \$16,000 due to Linebarger for U.S. Bank
19 liens, with all the fees, interest, and
20 penalties, and an additional 8,000 owed
21 to the City. I dread the day we learn
22 that it's been sold online to a
23 speculator in Texas or China or New York,
24 who does not understand the value that
25 this garden has to the community.

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2 Since a system-wide solution
3 seems far off, in 2018 NGT tried to take
4 matters into our own hands to resolve the
5 issue by submitting a proposal to U.S.
6 Bank, asking them to assign us their
7 liens on ten properties within threatened
8 gardens for nominal consideration in
9 order to further our preservation
10 efforts. The proposal was that they do
11 so as a charitable donation.

12 And after extensive research,
13 we were unable to get a contact directly
14 at the bank and were directed to submit
15 the proposal to Linebarger locally, who
16 said they would pass it along to their
17 client for consideration. At first,
18 Linebarger said they would have an answer
19 to us within a month, and ultimately they
20 never got back to us with an answer and
21 stopped responding to my e-mails. I feel
22 like we're in a position of just waiting
23 to hear that another key parcel at
24 another high priority garden has been
25 lost.

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2 Until the City of Philadelphia
3 is able to develop a system-wide solution
4 to the U.S. Bank lien issue, sheriff
5 sales should not continue online or in
6 person. This is a moment for
7 Philadelphia to take control of its
8 future and be intentional in supporting
9 community-oriented land uses that provide
10 for a more sustainable and equitable
11 future for our city and its residents.

12 COUNCILWOMAN PARKER: Thank
13 you, Jenny, for your testimony. And if
14 you can, I know you've been waiting a
15 long time, but if everyone on this panel
16 could agree to just stay around for
17 Councilmembers' questions, we'd
18 appreciate it, because I already have one
19 Councilmember queued up.

20 The next person is Ms. Baxter.
21 Are you here? It's Kirtrina Baxter.

22 MS. BAXTER: Yes, I'm here.

23 COUNCILWOMAN PARKER: Okay.
24 Thank you, Kirtrina. Please state your
25 name for the record and proceed with your

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2 testimony.

3 MS. BAXTER: I'm here with
4 Ashley Gripper, and she's going to be
5 going first.

6 COUNCILWOMAN PARKER: Thank
7 you.

8 Ashley, state your name for the
9 record and proceed with your testimony.

10 MS. GRIPPER: Good afternoon,
11 everyone. My name is Ashley Gripper.
12 Thank you, Chairwoman Parker and members
13 of the Committee on Law and Government.
14 I'm here with Kirtrina Baxter to testify
15 on Resolution No. 210295.

16 We are speaking on behalf of
17 Soil Generation, a Black and Brown-led
18 farmer coalition working towards
19 community control of food and land here
20 in Philadelphia. Currently, we are
21 working with Parks and Rec on a city
22 contract to create an urban agriculture
23 plan for the City of Philadelphia.

24 I'm not sure if you are all
25 aware, but there is a growing movement of

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2 Black folks striving to reclaim the
3 legacy of agrarianism, growing food and
4 living on the land. A different
5 narrative has started to surface, power
6 being owning land and controlling what
7 you eat. However, a century of land loss
8 has been compounded by escalating real
9 estate prices.

10 In 1910, Black farmers owned 20
11 million acres of land. As many as 80
12 percent of Black middle or upper-middle
13 class were farm owners. However, due to
14 racist policies and overt violence, fewer
15 than 10 percent of that land remains, and
16 only 1.7 percent of total farms are Black
17 owned. This leads to enormous transfer
18 of wealth from Black people to White
19 people.

20 The total economic hit to Black
21 wealth from land loss could be in excess
22 of \$300 billion, a significant
23 contributor to the racial wealth gap.

24 Land is at the center of
25 healing for Black and Brown communities.

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2 I understand that many of you may not
3 know the mental, physical, and spiritual
4 impacts that land and agriculture has on
5 people's health, but they are real, I
6 assure you. Not only have I and my
7 comrades experienced these benefits in
8 our personal lives, but through my
9 academic research at Harvard, I have
10 assessed the impacts of urban agriculture
11 on the mental health, spirituality, and
12 resilience of Black folks.

13 Our farms and gardens are at
14 the center of our collective healing, our
15 resource sharing, and our cultural
16 heritage. Recognizing the value of land
17 and agriculture for Black people in
18 Philly and across this country is
19 partially what led me to start Land Based
20 Jawns.

21 My dad and his life were also
22 inspiration for creating this
23 organization that focuses on food
24 sovereignty, carpentry, and self and
25 community healing for Black folks in

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2 Philly. My dad, Paul Gripper, was an
3 incredibly well-known basketball coach
4 throughout Philly and the tri-state area.
5 He's known in the streets as Coach Paul
6 or Uncle P. He showed up for so many
7 young Black men, and always gave his last
8 resources to feed his players or make
9 sure they could make a tournament.

10 My dad passed away in April of
11 last year due to systemic racism and due
12 to food apartheid. So to honor him, my
13 brothers, my aunt, and I want to expand
14 on his legacy by hosting an annual
15 memorial tournament in his neighborhood,
16 which features a basketball tournament, a
17 cookout, and a community garden in his
18 name. We want to establish the Paul
19 Gripper Community Garden on the block
20 where he grew up in North Philly.

21 My family has actually been on
22 this block in North Philly for four
23 generations, since the '40s. There are
24 five vacant lots on the block and they
25 are all owned privately by investors or

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2 held by the City. Trash accumulates in
3 these lots, while my neighbors' primary
4 nearby food source is a corner store that
5 sells mostly fast food and little to no
6 fruits and veggies. These lots could and
7 should be used for community growing
8 spaces for our neighborhood.

9 We are already struggling to
10 compete with local developers and an
11 inefficient Land Bank. Expanding sheriff
12 sale online will make it just about
13 impossible for my family, who has been on
14 this block in North Philly since the
15 '40s, to compete with developers and
16 investors and continue our legacy on this
17 lot. This process already doesn't work
18 for us. The current process is
19 inherently exclusive as we, the neighbors
20 on the block, barely see the owners as
21 is.

22 There's a history of memorial
23 gardens promised by City Council being
24 torn down in this city. Similarly, Land
25 Based Jaws recently turned a

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2 trash-ridden vacant lot into a garden in
3 West Philly at the request of most of our
4 neighbors. This lot is privately owned
5 by someone who is not from our community
6 and does not live in our community.

7 We already have to compete with
8 local developers and investors who buy
9 property for the sake of profit over
10 people's well-being. Just think about
11 how much harder it would be on community
12 folks if we then also have to compete
13 with out-of-state and out-of-country
14 developers and investors.

15 Data shows that 141 gardens and
16 farms have already been lost in the City,
17 many of which have been sold through
18 sheriff sale. At the most recent virtual
19 sheriff sales, around eight gardens were
20 listed for sale. Most of them had U.S.
21 Bank liens, further complicating the
22 process to prevent them from being sold.

23 The Land Bank was set up for
24 community reuse of land. Every spring
25 many lots drop into sheriff sale,

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2 particularly those with U.S. Bank liens.
3 The only process we have is the Land Bank
4 intervening at the actual sale, which is
5 already incredibly flawed.

6 These are some of the barriers
7 we face as growers that we have been
8 asking the City to rectify and address
9 for years, and proposed changes like
10 these actively work against us.

11 Thank you.

12 MS. BAXTER: Hi. I'm Kirtrina
13 Baxter. Thanks again for this
14 opportunity to testify.

15 When we first won Land Bank
16 legislation, I had just started working
17 at the Public Interest Law Center, and my
18 colleagues and City folks had convinced
19 me that this was going to be a bridge
20 between the community and the City and
21 that this would help restore the faith
22 that the community had with regards to
23 City and land. Meanwhile, I consistently
24 met elders in the community who told me
25 that I was wrong, that they had seen

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2 these things consistently not pan out for
3 us.

4 Now, I know this isn't a Land
5 Bank situation today, right, but what we
6 are talking about is the inability -- the
7 continued inability of Black people to
8 access land and the resources that we
9 need to thrive and create enterprise for
10 ourselves.

11 Today is about the continued
12 disenfranchisement of Black people.
13 Sheriff sale is historically one of the
14 biggest threats to Black land ownership,
15 and that includes our gardens. The Land
16 Bank was supposed to help with that, and
17 considering we have yet to see how
18 community farmers can get access to land
19 or for gardens through the Land Bank,
20 outside of NGT, despite advocates asking
21 for more front-door opportunities and
22 more transparency, the Land Bank law
23 stating that there should be a majority
24 of gardens in the City, particularly in
25 Black communities, have no front door to

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2 access land for growing food. So in this
3 scenario, even when the Land Bank is not
4 given priority, how much more will this
5 affect Black farmers?

6 Today I heard at least four
7 more layers of complications for growers
8 to get access to land over and above
9 racial discrimination. So over seven
10 years that we've been attending hearings
11 on land use and asking for more
12 transparency and better access, each time
13 we're placed in the last of these groups,
14 like today. Each time this
15 categorization reminds us just how little
16 this City values our Black farmers.

17 So we keep pushing, and we keep
18 getting erased in the power dynamics, it
19 seems, of something that's really greedy,
20 when all we are trying to do is feed
21 people and make a living.

22 When Black people are offered
23 the same opportunities as others to
24 determine their future, that's when we'll
25 stop fighting. We would ask that there

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2 be a moratorium on the sale of gardens.

3 Again, we're asking the City to

4 permanently remove garden parcels on the

5 list that we gave them three years ago.

6 You heard from our colleagues

7 earlier today that there's been a ramp-up

8 of sheriff sales because of U.S. Bank

9 liens over the last few years. We've

10 been actively working against that and

11 trying to -- there's a list of the

12 gardens that we know that needs to be

13 protected that the City has access to.

14 We're asking to take those lists off of

15 the sheriff sale, take it and put those

16 in moratorium until we can create

17 solutions for our folks to have

18 front-door access to that.

19 So currently what we know is

20 that the urban ag plan is going to come

21 out with recommendations this fall and

22 that those recommendations will have in

23 them proper procedures for us to be able

24 to access land in a better way.

25 So today is Earth Day. I don't

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2 know if you all know that, but as we sit
3 here and discuss land, it's a fitting
4 conversation, right, but we're not
5 outside celebrating. We're inside. I'm
6 here on my Zoom with all y'all lovely
7 folks for hours now, but instead I'm
8 trying to -- I'm choosing to honor land by
9 standing up here and saying that Black
10 land displacement and land loss have been
11 harming Black communities for decades in
12 this country since the beginning of our
13 history here. We cannot celebrate Earth
14 Day without centering Black freedom and
15 liberation.

16 Black communities are
17 disproportionately vulnerable to climate
18 hazards. They live closer to toxic waste
19 sites as well as impacts from hurricanes
20 and flooding. It is not only policing
21 and prisons by climate crisis but a
22 climate crisis that attempts to cut Black
23 life short. So justice for Black
24 communities and communities is a key
25 pillar for building a regenerative and a

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2 sustainable future for Black farmers.
3 And Black farmers are a huge part of
4 making a sustainable future happen.

5 COUNCILWOMAN PARKER: Thank you
6 for your testimony.

7 MS. BAXTER: I'm sorry. I'm
8 sorry. We have a little bit more to talk
9 about.

10 COUNCILWOMAN PARKER: Okay. I
11 thought -- it was a long pause, Kirtrina.

12 MS. BAXTER: It was a pause.

13 COUNCILWOMAN PARKER: It's
14 important. It's okay. I thought you
15 were through.

16 MS. BAXTER: No. Ashley is
17 coming back.

18 COUNCILWOMAN PARKER: Please
19 proceed.

20 MS. GRIPPER: Hello again,
21 everyone. This year Senators in the U.S.
22 Congress introduced a landmark bill to
23 support the preservation and support of
24 Black farmers and land in this country.
25 After one of the most devastating years

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2 to Black communities, in 1920, as we
3 mentioned earlier, there were one million
4 Black farmers in the United States.
5 Today, due to a history of
6 discrimination, it is estimated that
7 there are less than 50,000 remaining
8 Black farmers.

9 While the urban agriculture
10 community here in Philly is always being
11 treated as the stepchild in the room when
12 it comes to land access, Philly boasts
13 one of the most organized and robust
14 Black-led urban growing centers in the
15 country. This speaks to the right of all
16 people to have access to food, but in
17 order for that to happen, we must have
18 access to the land.

19 Senator Booker has stated,
20 Overtly discriminatory and unjust
21 policies have robbed Black families in
22 the United States of the ability to build
23 and pass on intergenerational wealth.
24 When it comes to farming and agriculture,
25 we know that there's a direct connection

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2 between discriminatory policies and the
3 enormous land loss we have seen among
4 Black farmers over the past century. The
5 Justice for Black Farmers Act will
6 address and correct discrimination and
7 take bold steps to forgive debt and
8 restore the land that has been lost in
9 order to empower a new generation of
10 Black farmers to succeed and thrive.

11 MS. BAXTER: Right. And so
12 earlier we heard the Sheriff Office say
13 that sales -- that these sales -- they
14 had sales that will enable neighbors --
15 that sales online would enable neighbors
16 to purchase the lots on their blocks, but
17 that is rarely the case. We know that.
18 There's no real historic precedent that
19 shows the City supports community
20 purchase of land, much less gardens and
21 farms. The public feels that the truth
22 is -- that that's the truth and that's
23 evident.

24 The community is not being
25 prioritized. I think we heard that over

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2 and over again earlier today as well,
3 right? The urgent pace at which the
4 Sheriff's Office is moving this process
5 online feels deeply troubling, as this is
6 a flawed buying process, period, and it's
7 bypassing community members' concerns.
8 It's ignoring the harms that many have
9 raised. Moving sheriff sales online will
10 exasperate the existing systemic issues
11 of the processes that disproportionately
12 impacts Black and Brown community
13 members, who are currently seeing their
14 neighborhoods change overnight.

15 Bid4Assets had said in their
16 website that the benefits of moving
17 online will be the drastic increase of
18 bidders per sale, maximizing proceeds as
19 well as the proposed efficiency of the
20 system. But maximizing proceeds at the
21 expense of Black and Brown residents is
22 just the same profit over people.

23 The testimony of the Sheriff's
24 Office was compelling, saying that there
25 were many avenues for community to engage

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2 the sale process. However, we know this
3 story neglects the actual facts on the
4 ground. I know just recently three
5 people's grandparents who lost their
6 homes through sheriff sales, and this is
7 with enacting the power to petition the
8 sale and with also legal assistance.

9 So let me give you a little bit
10 of a personal story. I grow at a
11 community farm in West Philly, One Art
12 Community Center, and One Art Community
13 Center for over 20 years has been a
14 resource in the Black community of West
15 Philadelphia. They boast a community
16 center, they have a burgeoning
17 farm-to-table restaurant, and they also
18 have the community farm, right? So One
19 Art has been also a hub for community
20 commerce. So they provide space for
21 entrepreneurs, Black entrepreneurs, who
22 are not allowed -- who will not be able
23 to get space in other places elsewhere.
24 Malaika Gilpin and her husband and four
25 children have created a huge safe haven

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2 in that city for over 20 years, and they
3 have been working with former
4 Councilperson Blackwell to save these
5 properties that they have been
6 stewarding, right, in order for them to
7 purchase those lots, and last summer, in
8 2019, those lots got sold in sheriff sale
9 without any of our knowledge, not the
10 Councilwoman's knowledge, not Malaika's
11 knowledge, not the community's knowledge
12 who have been actively working and paying
13 attention to these things for at least
14 seven years, and not the Land Bank's
15 knowledge. So there was no notification
16 posted, and the only time we found out is
17 when the developer walked up onto the
18 property and realized that there was a
19 farm here with chickens and a beautiful
20 horse and people gathering around, and he
21 said, I own the lot, right in the middle
22 of where we have been congregating for
23 years. And so now the process thickens,
24 right?

25 There's two other -- and we

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2 found out there's two other lots were
3 sold as well. So three lots were sold
4 out of the lots they've been working and
5 stewarding for over 20 years. And these
6 lots were supposedly put to the side in
7 the Land Bank for community reuse for
8 them specifically to be able to purchase.
9 So in the meantime, they were sold off.
10 And currently because the situation is so
11 complicated, we still have no resolution
12 for that scenario, even when the
13 developer was clear that he was willing
14 to make -- that he was willing to make a
15 deal and go somewhere else. There's
16 still not a process. There's still been
17 some kind of complication with them being
18 able to access that land, right?

19 So now our communities have
20 long been growing as a means to become
21 self-reliant and resilient to the shocks
22 of our global system. The Sheriff said
23 that there were no properties on this
24 list that are owner-occupied. The idea
25 of owner-occupied we think is too narrow.

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2 So in reality, gardens and green spaces
3 are occupied by the community, though
4 that doesn't show up on a list somewhere
5 on a computer screen, right? They play a
6 critical role in our neighborhoods. We
7 are feeding our residents with fresh
8 organic produce.

9 A year ago when grocery store
10 shelves were empty and people found their
11 stores boarded up, these gardens provided
12 fresh and affordable produce to our
13 people. Not only that, but I saw farmers
14 distributing food across the City, along
15 with our Council folks, all last year,
16 more food than we've ever given out
17 before.

18 These spaces need to be
19 permanently preserved. The practices of
20 community gardening and farming have been
21 an integral part of the survival and the
22 independence of communities for
23 generations. We hope to underscore that
24 the urgency to continue to support that
25 work is very needed now.

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2 So, more importantly, Soil
3 Generation is working -- in closing, Soil
4 Generation is working with the
5 City-funded urban agriculture strategic
6 plan. Right now this is the first ever
7 urban ag strategic plan for the City.
8 We've been working really hard to gather
9 community input data and stories to
10 develop a set of recommendations that the
11 City can clearly work towards.

12 Again, we're asking that the
13 City protect our Black farmers while you
14 figure out this process by placing a
15 moratorium on community farms and gardens
16 right now and make moves to permanently
17 remove garden parcels from the sheriff
18 sale list, recognizing that we will be
19 providing the City with a set of
20 recommendations this fall that will
21 outline a community-informed process for
22 gardens, designed to prioritize community
23 members first and foremost. These
24 recommendations will help enable the City
25 to shift from being reactive to harmful

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2 practices to actively facilitating a
3 process that can help Black and Brown
4 farmers thrive.

5 And I just want to say that as
6 I sat here today and watched this
7 hearing, it was not missed on me that it
8 is harmful U.S. policies that turn Black
9 folks against Black folks by putting the
10 difficult decisions before us to either
11 protect our neighbors to stay in their
12 homes or protect ourselves as Black
13 people from being employed, because we
14 are always the first ones on the cutting
15 block.

16 Thank you.

17 COUNCILWOMAN PARKER: So, one,
18 I want to state for the record for the
19 benefit of the viewing public, this is
20 the final panel, but our last two
21 speakers are going to be Joseph Tan and
22 Adam Ehrlich.

23 And so now I just quickly want
24 to say to you, Jenny, Kirtrina, and
25 Ashley, thank the three of you so very

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2 much for your testimony and for affirming
3 how the sheriff sales moving to a virtual
4 platform will impact the preservation of
5 community gardening, particularly while
6 we are in the midst of what you describe
7 as the first and historic urban ag
8 strategic plan for the City of
9 Philadelphia.

10 So I want to thank you for
11 that. I want to thank you for your work
12 and thank you for hanging in.

13 Ashley, I don't know Paul
14 Gripper, but listening to you talking
15 about your family's history in North
16 Philadelphia since the '40s and his
17 commitment to young people was extremely
18 moving, but for you and Kirtrina, I have
19 to push back on something you all said
20 that really moved me the wrong way, and
21 that was you said where you were in this
22 hearing wasn't lost on you and that you
23 were last. I just have to, right --
24 because now I want you to know how hard
25 my team has worked to cross the T's and

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2 dot the I's to make this happen, to make
3 this hearing happen.

4 This is the final panel because
5 you are in order by the time that we were
6 in contact with you. As a matter of
7 fact, you signed up last Friday and my
8 staff met with you on this Tuesday. And
9 we credit Ebony Griffin, who gave the
10 dynamic testimony on our second or third
11 panel giving us the history about the tax
12 lien sale from 1997 and its negative
13 impact on the City of Philadelphia, and
14 we thanked her for putting that on the
15 record, but Ebony, because she represents
16 a legal aid organization, was placed on
17 the legal aid panel.

18 So Ashley and Kirtrina, you
19 know, leaders of this Land Based Jawns,
20 with you 1,001 percent. Looking forward
21 to the urban ag strategic plan -- I know
22 all of my colleagues are -- to see how we
23 can be supportive of you, but I got to
24 push back on that one for the record,
25 because where you are placed in no way,

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2 shape, or form affirms how we value your
3 perspective and your contribution to this
4 discussion. So that's important to me.

5 I now want to recognize my
6 colleague Councilmember Katherine Gilmore
7 Richardson. And I can't remember if it
8 was Ashley or Kirtrina who said that it
9 wasn't lost on you all that this was
10 Earth Day, so this conversation was
11 appropriate. Well, we know that it's
12 Earth Day because our colleague
13 Councilwoman Katherine Gilmore Richardson
14 took the lead during our session today to
15 remind folks, and several of our
16 Councilmembers honored Earth Day today in
17 their own meaningful way.

18 So Councilwoman Katherine
19 Gilmore Richardson, are you still present
20 and do you have a question or comment?

21 COUNCILWOMAN RICHARDSON: Yes.
22 I have a quick comment, Madam Chair and
23 our Majority Leader, and I just want to
24 thank you for recognizing the hard work
25 that was done relative to the resolutions

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2 in commemoration for Earth Day today.
3 And I also want to thank you and your
4 team for your work, your dynamic and
5 dedicated work, in preparation for this
6 hearing and all the exhibits that were
7 shared and the meticulous way in which
8 you have put together these panels.

9 I rise to say thank you to the
10 panelists from Panel 5, who are really
11 community garden leaders and leaders in
12 this space, particularly Jenny. Jenny, I
13 think you've been with us all day.
14 You've been with us since we talked about
15 the resolution honoring and recognizing
16 our community garden leaders for their
17 stewardship and service on the occasion
18 of Earth Day.

19 And to Kirtrina and to Ashley
20 and everyone on this panel, I thank you
21 for your testimony, because we have to
22 recognize particularly today that the
23 crisis of climate change will continue to
24 threaten the health and well-being of our
25 planet. We are continuing to deal with

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2 food access and food insecurity,
3 particularly as it relates to what we've
4 experienced with COVID-19. And you are
5 correct in that the farmers were helping
6 us to ensure we receive fresh fruits and
7 fresh vegetables that we were giving out
8 all across the City of Philadelphia, and
9 community gardens really has allowed us
10 to address a number of challenges that
11 we're facing in the City of Philadelphia
12 by creating safe, community-driven green
13 spaces where residents can grow fresh and
14 nutritious food where they gather, right?
15 It's a gathering spot. It's a common
16 ground for our neighbors and for our
17 community members where we all can
18 partake in not only physical activity but
19 skill-building for our community.

20 So I just wanted to thank this
21 panel in particular for your work and for
22 your service and Jenny for being with us
23 all day on the Council session and then
24 for this hearing.

25 Thank you very much, Madam

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2 Chair.

3 COUNCILWOMAN PARKER: Thank
4 you, Councilmember Gilmore Richardson,
5 and we appreciate you, your leadership in
6 this Council, particularly as it relates
7 to the environment, climate change, and
8 again making sure we didn't forget that
9 today is Earth Day and we needed to lift
10 that up.

11 The Chair now recognizes
12 Councilmember Isaiah Thomas.

13 Ashley, you heard me mention
14 that I didn't know Paul Gripper, but I'm
15 proud to say that we've got a Council
16 colleague who does know him well.

17 Councilmember Thomas, are you
18 still with us?

19 COUNCILMAN THOMAS: Yes. Thank
20 you, Madam Chair. I appreciate you, and
21 I too appreciate the testimony of the
22 witnesses, and I'll start by thanking
23 Ashley and still offering my condolences
24 to her family based on what happened to
25 who we used to call Uncle P, Paul

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2 Gripper, a great guy in the City of
3 Philadelphia.

4 Madam Chair, if we were in a
5 position when Mr. Gripper unfortunately
6 passed away last year to be able to pass
7 a resolution in his honor, we would have,
8 because his work was that significant,
9 but we were at the stage of things where
10 we were still trying to figure out
11 legally what we were able to introduce
12 and what we weren't. And if you
13 remember, last spring when the
14 coronavirus crisis first hit, we could
15 not introduce resolutions. We could only
16 introduce legislation that spoke to a
17 state of emergency.

18 So seeing Ashley here today and
19 thinking about the great work that her
20 father has done and her -- and his son
21 Joey is kind of carrying that torch right
22 now. Last I talked to him he was
23 coaching at Coppin State. That was
24 before the pandemic. I don't know if
25 he's still there or not, but I heard

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2 Ashley speak about her and her brother
3 looking to carry that torch and continue
4 that legacy. So that just warms my
5 heart. In the midst of a lot of the
6 things that we heard today that wasn't
7 necessarily good news, that's great to
8 hear.

9 And I did want to offer my
10 support to her and her family. If
11 there's anything that we can do as a
12 legislative body to support them, we are
13 here. I hear her advocacy, so I know she
14 has that same fight that her father had.
15 And she wasn't lying when she talked
16 about the fact that he would give the
17 shirt off of his back for a child in the
18 City of Philadelphia. In the climate
19 where we've seen a lot of folks looking
20 to make a dollar off our children, you
21 know, that really just wasn't his agenda.

22 And then also I wanted to thank
23 Kirtrina as well too. I know she talked
24 about this advocacy, and she mentioned my
25 former colleague at Sankofa, Malaika, who

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2 I had the pleasure to work with for years
3 together, and I know her advocacy and her
4 family's advocacy through the One Art
5 establishment, which I believe is in
6 Councilmember Jones' district, and the
7 great work that they're doing out there.

8 So I just wanted to say thank
9 you and, most importantly, pay homage to
10 former Coach Gripper and Uncle P. And,
11 Madam Chair, maybe we should revisit that
12 resolution now that we are able to
13 actually do that.

14 Thank you for the time. I
15 appreciate it. And I agree with Madam
16 Chair. You are not at all at the bottom
17 totem pole as it relates to your
18 advocacy, your work, and I can tell you
19 firsthand that your testimony touched my
20 heart and it will be something that I'll
21 remember.

22 Thank you, Madam Chair.

23 COUNCILWOMAN PARKER: Thank you
24 so very much, Councilmember Thomas. And,
25 Councilmember Thomas, you make sure you

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2 let all members of Council know.

3 Ashley, now we don't usually do
4 it this way, but you're going to save us
5 some time now. We're going to ask you to
6 forward to us a copy of your father's bio
7 and all of the information that you have
8 for him, and our Councilmember Thomas,
9 who knew him personally, give our City
10 Council of Philadelphia the ability to
11 recognize the giant that your dad was in
12 our city.

13 And so Rachel in my office will
14 contact you, and David Maynard,
15 David.Maynard@phila.gov from
16 Councilmember Thomas's office just typed
17 in the Chat. You can get his e-mail
18 directly, but we will also contact you
19 just to make sure we don't get lost in
20 the loop.

21 The Chair now recognizes
22 Councilmember Kendra Brooks for a
23 comment.

24 COUNCILWOMAN BROOKS: Thank you
25 so much, Madam Chair.

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2 I want to thank Ashley for
3 sharing your story too about Land Based
4 Jawns, your family's time on your block,
5 and the great history of Black farmers in
6 the City and how racist policies have
7 shifted generational wealth away from
8 Black farmers.

9 Your testimony in honor of your
10 father, Coach Paul, is inspiring to me,
11 and I look forward to co-sponsoring the
12 resolution in his honor. And I also look
13 forward to working with you and Kirtrina
14 to pursue a moratorium on gardens to help
15 create green space that honors your
16 father's block in North Philadelphia.

17 And also, Kirtrina, thank you
18 for the work that you've done for years
19 with community gardens and the urban
20 agriculture strategic plan. And I hear
21 your urgency, and I hope we can continue
22 to work together to highlight the
23 community efforts to preserve Black and
24 Brown gardens and farms.

25 Some of you guys already know,

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2 I have like a mini passion for farming
3 and gardening, and I was looking to
4 expand and grow that whole concept, but I
5 know that I can continue my work with you
6 guys and doing it in a different
7 capacity, maybe further away from home.

8 But we're in this together. So
9 I'm really excited to actually continue
10 to work with my step-father, who did
11 urban farming and gardening in our
12 neighborhood. He went on to move to
13 Florida where he could really have some
14 space. But thank you, and I look forward
15 to working with you guys.

16 COUNCILWOMAN PARKER: Thank you
17 so much, Councilmember Brooks.

18 The Chair now recognizes
19 Councilmember Gym for a comment.

20 COUNCILWOMAN GYM: Thank you
21 very much, Madam Chair.

22 And I'll just be brief, because
23 I think my colleagues said a lot, but
24 first I want to again thank everybody for
25 the passionate testimony that you brought

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2 forward. Ashley and Kirtrina, the work
3 that you've done at Soil Generation and
4 beyond has been completely transformative
5 for many communities, but I'm so grateful
6 to be able to hear just more of the
7 personal story that Ashley shared, and I
8 will also look forward to co-sponsoring,
9 being a partner with you to realize
10 something different here in the City of
11 Philadelphia.

12 I also just wanted to speak to
13 some of the frustration. This hearing
14 has been a real investment, and I want to
15 thank the Chair and the sponsor of the
16 resolution for just extending this amount
17 of time to it. And it's unfortunate that
18 it's taking the kind of impending nature
19 of these potentially mass sheriff sales
20 to restart this conversation again, but
21 we hear your frustration. We are going
22 to exercise as much as we can, and we
23 just want you to know that you'll have
24 partners no matter what moves forward.

25 So thank you all so much for

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2 being on here and for staying with it,
3 with this hearing in particular. We're
4 just really incredibly grateful for you.

5 Thank you, Madam Chair.

6 COUNCILWOMAN PARKER: Thank
7 you, Councilmember Gym.

8 The Chair now recognizes
9 Councilmember Green.

10 COUNCILMAN GREEN: Thank you,
11 Madam Chair.

12 I want to thank this panel for
13 their testimony. As you were testifying,
14 it made me really reflect on a phenomenal
15 book by Isabel Wilkerson, the Warmth of
16 Other Suns, and the great migration of
17 African Americans over the history of
18 this country.

19 Many people in this city have
20 strong connections to North Carolina, and
21 that was a migration point, just like
22 Virginia to New York or Mississippi to
23 Chicago. Philadelphia became the home of
24 many North Carolinians. I know it's
25 something for me, it's a very close

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2 family connection. And so when anyone
3 talks about farming, as a
4 third-generation farmer, we still have
5 our family farm outside of Greenville,
6 North Carolina and I can reflect on
7 growing up and my aunt and uncle, who
8 lived on Ontario Street, having their
9 little plot in the back of the house
10 where they would grow tomatoes. And so
11 many African Americans have that same
12 history. And so the need to continue
13 locations, and that's why I'm so
14 supportive of Community Land Trust as a
15 way to maintain urban gardens in our
16 city, and I think about the Glenwood
17 Gardens from the time I was at Meridian
18 Bank.

19 So the work that you're doing
20 and your testimony really speaks to the
21 history and the lineage in this city of
22 farming, especially Black farming, and
23 then when you tie that to the loss of
24 economic wealth is something that's also
25 very poignant to me, because I have done

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2 a significant amount of research on the
3 history of the loss of Black farms across
4 the Southeast part of this country,
5 especially as many people were forced off
6 their land through legal dynamics and
7 others.

8 So thank you for your testimony
9 and thank you for your work, and look
10 forward to continuing the conversation as
11 well as continuing your work as we're
12 working with our colleague Councilmember
13 Gauthier regarding Community Land Trust.
14 So thank you for being here and providing
15 that point, especially on a day like
16 today is Earth Day, and shows the
17 connection that African Americans have
18 had to this concept of sustainability and
19 investment in the earth.

20 Thank you, Madam Chair.

21 COUNCILWOMAN PARKER: Thank
22 you, Councilmember Green.

23 I don't see any other
24 questions. I'm going to ask if there are
25 any other questions for this panel and/or

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2 comments?

3 (No response.)

4 COUNCILWOMAN PARKER: Hearing
5 none, again, Jenny, Ashley, and Kirtrina,
6 thank you all so very much for being
7 here.

8 Rachel, the next two people I
9 believe are Joseph Tan and Adam Ehrlich.

10 Joseph, we'll begin with you.
11 If you could just state your name for the
12 record and feel free to proceed with your
13 testimony. And I think our technical
14 team has given you the ability to show
15 your screen. When I was reading your
16 testimony last night, I said, wow, thank
17 you for investing the time and even
18 putting it together in slides. I thank
19 you for that, because that signals how
20 important moving sheriff sales to this
21 virtual platform and the concerns that
22 were raised are important to you. So
23 feel free to proceed with your testimony.

24 MR. TAN: Great. Thank you.

25 Good evening, Chairwoman Parker

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2 and members of the Committee on Law and
3 Government. My name is Joseph Tan. I'm
4 here to testify on Resolution 210295.

5 I've submitted the points I'm
6 about to review in my testimony, so let
7 me see if I can share my screen.

8 Can you all see my screen?

9 COUNCILWOMAN PARKER: Yes, we
10 can see it.

11 MR. TAN: Great. So I'm a
12 Pennsylvania resident who lives right
13 outside Philadelphia. I've been an
14 individual local investor who has been
15 investing in Philly for almost ten years.
16 I've been to the auctions in person, and
17 I've tried to use the Bid4Assets in the
18 last two auctions. So my experience
19 using Bid4Assets was frustrating and it
20 mirrors that of Councilwoman Brooks'
21 experience with it. I agree with her in
22 that there are significant obstacles that
23 will prevent local individuals from
24 participating in the virtual auctions.
25 But just as important, I think the

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2 current setup with Bid4Assets is bad for
3 the City for several reasons that I'm
4 about to present.

5 So if you look at the
6 presentation I have up, the first point
7 I'd like to present is the high fee being
8 charged by Bid4Assets. I've looked at 45
9 cities and counties that are using
10 Bid4Assets for their auctions, which
11 include the five counties in
12 Pennsylvania. Philadelphia is by far the
13 largest city by volume, and it has the
14 highest fees at 10 percent for tax sales
15 and 1.5 percent for closure sales.

16 And the next two points I'd
17 like to make are these: Given the high
18 fees involved, if you look at the
19 projections using 2017 numbers from the
20 Revenue Commissioner, Bid4Assets would
21 have received 2.4 million just from tax
22 sales, and I'm estimating that Bid4Assets
23 will receive over \$4 million in fees from
24 tax and foreclosure sales if this were to
25 continue for the current year. And I

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2 think it was mentioned in the Sheriff's
3 testimony earlier that in 2019, I believe
4 it was, they had about 60 million in
5 sales total. So part of that I
6 understand to be foreclosure sales, which
7 would have a lower fee, but it will
8 definitely be in the millions that
9 Bid4Assets will be receiving in fees if
10 this were to continue.

11 The fourth point I'd like to
12 present is the true bearer of the cost
13 for using the online platform. The
14 Sheriff's Office has stated that using
15 Bid4Assets, it's a win-win for everyone
16 because they're saving money from holding
17 the auctions in person by using the
18 website and that only the buyers are
19 paying the buyer's premium fee. But
20 that's not entirely correct. So what the
21 Sheriff's Office hasn't made clear is
22 that the cost is now transferred to the
23 property owners who are losing their
24 homes. So let me connect the dots for
25 everyone and make this clear.

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2 Like every buyer investor, I
3 determine how much I want to pay for a
4 property based on all the costs, and
5 because now there's an additional 10
6 percent fee for tax sales and 1.5 percent
7 for foreclosure sales, I'm going to set
8 up a lower price because of that
9 additional fee. So this means that the
10 homeowners will recover less at the end.
11 So if Bid4Assets collects over \$4 million
12 per year, that means homeowners
13 indirectly will be losing \$4 million per
14 year.

15 So if the City were to select a
16 vendor to do this, would they really be
17 willing to select a vendor and pay
18 \$4 million a year for that vendor to
19 perform this function? And if the City
20 isn't okay with that, why is it okay for
21 this cost to be shifted to the homeowners
22 who are losing their homes?

23 Now, the last point I'd like to
24 present is the real cost for using
25 Bid4Assets. I've submitted an article

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2 for the hearing for a county that
3 contracted with Bid4Assets last year, the
4 Lake County, California. In the article
5 they state that the contract was for
6 \$260,000 per year to have Bid4Assets
7 perform their auctions for their tax
8 sales.

9 So as you can see, there's a
10 big discrepancy between what it actually
11 costs to what the City of Philadelphia is
12 actually paying indirectly.

13 So, Chairwoman Parker and
14 members of the Committee on Law and
15 Government, I appreciate the Council
16 looking into this matter. I think having
17 an independent entity look into this is
18 important.

19 Thank you for including my
20 testimony for today.

21 COUNCILWOMAN PARKER: Thank you
22 so very much for being here, Joseph.
23 And, again, I thank you just for the time
24 you put into preparing not just your
25 testimony, sharing it with us, but also

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2 the research and the article that you
3 found for us. That will help us as we as
4 a Council gather to figure out what our
5 next steps will be. So thank you so very
6 much.

7 Adam, are you still on with us,
8 Adam?

9 MR. EHRLICH: I am.

10 COUNCILWOMAN PARKER: Thank
11 you, Adam. Please state your name for
12 the record and proceed with your
13 testimony.

14 And, Joseph, if you're still
15 with us, don't leave. Councilmembers may
16 have questions for you, so we'll need you
17 to stay on if you're still here. Thank
18 you.

19 Please proceed, Adam.

20 MR. EHRLICH: Hi. Am I coming
21 through?

22 COUNCILWOMAN PARKER: Yes. I
23 can hear you well. Just state your name
24 for the record and proceed with your
25 testimony.

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2 MR. EHRLICH: Thank you. Good
3 afternoon, Chairwoman Parker, Sheriff
4 Bilal, and the members of the Committee
5 of Law and Government. My name is Adam
6 Ehrlich. I am the President and chief
7 problem solver of Trading Places, LLC and
8 I am here to testify on Resolution No.
9 210295.

10 Just a little background on me,
11 I'm a Philly guy born and raised. I have
12 a lot of pride in my city, and I'm happy
13 to be doing whatever I can in my part to
14 help sustain and improve the City of
15 Philadelphia in an ethical and
16 responsible manner.

17 I started participating in
18 sheriff sales back in 2012, and it is my
19 belief that from 2013 through 2019, I've
20 been the largest purchaser based on the
21 number of properties, not total value of
22 the properties, but I have been the
23 largest purchaser of vacant land and
24 properties in general at tax sale. And
25 before everyone starts booing at me, I

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2 would like to make clear that a matter of
3 principal and personal moral code, I have
4 never evicted a single person in
5 Philadelphia or anywhere. This is based
6 on my personal moral code and belief that
7 the sheriff sale and eviction process is
8 in fact highly flawed.

9 So in order to still wanting to
10 participate in Philly real estate and
11 trying to do -- help out in my community,
12 I only focused on vacant land and
13 unlivable shells that are in the worst of
14 conditions.

15 My number one criteria when
16 deciding whether or not I want to bid on
17 a property is, to the best of my
18 knowledge, is this an owner-occupied
19 property, and when it is, I either avoid
20 the sale or back when properties were
21 cheap enough, used to get things cheap
22 enough to then offer them back to the
23 homeowners to allow them an opportunity
24 to get their houses at a severely
25 discounted between taxes, water, all the

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2 liens are on there, that if I could go
3 and help somebody maintain their
4 properties, that was most important for
5 me.

6 For me it's not about trying to
7 make the most money you always can. It's
8 about trying to do the right thing
9 whenever possible. And I've been lucky
10 that I found a nice little niche that
11 it's possible to make money while doing
12 the right thing if you care to do so,
13 which I do.

14 I don't have -- I have also
15 created around 40 to 50 first-time
16 homeowners in the process, especially
17 back when properties were on the cheaper
18 end. You know, properties used to sell
19 for \$2,500, and for me to help somebody
20 who didn't maybe have credit, didn't
21 necessarily know about the process, to
22 help people maintain houses in their
23 community was something that I found that
24 I was able to go and do and was, in my
25 opinion, a very good service.

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2 I am never going to put grandma
3 out on the street. I think that there's
4 a lot of the process that could be
5 helped -- could be changed, but for me
6 that method was by going into the process
7 and participating on the buyer's side.

8 I will say that my first big
9 issue is, I can't imagine if at the live
10 sheriff sales if there was a \$35 cover
11 charge to get in, and if you went and you
12 told the participant showing up if you
13 didn't pay us \$35 in advance, you're not
14 allowed to participate in the auction.
15 Right now in order to participate, first
16 of all, you need to go and wire your
17 money in seven days in advance. Now,
18 that creates tons of problems. First of
19 all, for people who don't have a lot of
20 disposable income, taking that \$1,535 and
21 tying it up when you don't know if you're
22 going to buy any properties or not is a
23 financial burden. If there are four
24 different sales, they want you to make
25 four different deposits. That's now

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2 \$6,000 and change just to show up and be
3 able to participate. And that \$35 number
4 is really -- you have to make three
5 different deposits in order to actually
6 finish and complete a sale. So that's an
7 extra \$105, which Bid4Assets takes, I
8 think they say, to defer their costs, but
9 they're going to make millions and
10 millions on this. So to put that extra
11 barrier to entry, that's something with
12 all the money they're making, they should
13 be able to absorb in order to go and help
14 making this accessible to more people.

15 Also, if Bid4Assets wants to go
16 and run sheriff sales in Philadelphia,
17 they really should have a presence in
18 Philadelphia. Right now in order to go
19 and get money to Silver Springs, Maryland
20 and that takes more time -- a lot of
21 people if you don't have the financial
22 literacy to wire money to -- I mean, a
23 lot of people show up to sheriff sales
24 with money orders instead of cashiers
25 checks because they don't have the

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2 accounts necessary to get the necessary
3 money orders, and getting a wire transfer
4 is significantly more -- it's a harder
5 process, much more costly, in addition to
6 all the fees charged by Bid4Assets.
7 Financial institutes usually will charge
8 \$25 per wire.

9 Now, that's just the tip of it.
10 I mean, 10 percent premium that they're
11 charging for real estate is insane. In
12 any measure, any property auction, 10
13 percent -- I mean, on all real estate
14 that's sold at tax sales? I can't even
15 imagine that. And part of the reason
16 that number is high is, it doesn't really
17 appear that anybody was advocating for
18 the cost. It's always just assumed, oh,
19 those buyers, they can just spend more
20 money, it doesn't matter. But as was
21 brought up as a very valid point, that
22 takes away from how much we're willing to
23 spend on a property, and that means less
24 money to the City to cover the taxes and
25 ultimately less money, if there's any

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2 money left over, for those people who are
3 losing their properties.

4 I think Bid4Assets should have
5 a location in Philadelphia where someone
6 could come in person and make a deposit
7 and not have to do those wiring fees. I
8 mean, I think Philadelphia -- all that
9 money, Philadelphia isn't going to
10 receive any tax money from those
11 earnings, let alone the State of
12 Pennsylvania. I think that they should
13 be, or whoever is conducting these,
14 should be based in Philly and paying
15 those Philadelphia taxes.

16 I was going to say -- I missed
17 part of the earlier questions, but I
18 would want to make sure that that 10
19 percent, nobody is getting any kickbacks.
20 Is any of that money going to -- if it's
21 going to the Sheriff's Office directly,
22 are they allowed to receive any more
23 money than just poundage that they would
24 normally go and collect at the auctions?
25 And if individual people are going and

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2 getting these funds, I mean, that's
3 obviously a whole other avenue of issues
4 that need to be addressed.

5 Let's see. There is an issue
6 with how -- with the sales, first of all,
7 you don't know who is the winning bidder.
8 Part of participating in a sale was you
9 had an opportunity to meet all of the
10 other Philadelphia residents who were
11 there and participating, the other
12 developers, which meant you got to hear
13 about other projects, you got to go and
14 learn about more things happening in the
15 City, and that is useful to go and make
16 sure that people developing in certain
17 areas can try to complement and help each
18 other whenever is necessary.

19 Right now when there's a
20 winning bid, you get a whole bunch of
21 stars. You have no idea who won that
22 property. I know that if I had a vacant
23 lot and the lot next door went up for too
24 much money, I could physically walk to
25 that person and say, hey, I have the

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2 property next door to yours, if you're
3 trying to do a project, I'm the person,
4 I'm your neighbor and maybe we can
5 collaborate, maybe I can help you out.
6 Now there's no means for me to know who
7 the winning bidder was, and I don't think
8 you can even go onto the website for more
9 than a month to even see what sale prices
10 were, who the winners were. At least on
11 the Philadelphia Sheriff site, you could
12 go and when a property is sold, you would
13 have a record, a historical record, of
14 who the winning bidders were, what those
15 prices were.

16 Unfortunately, when the new
17 Administration took over, it appears as
18 though all that historical information
19 from Sheriff Jewell Williams' term was
20 erased or moved or some way not
21 accessible, but going forward, I'd love
22 to see that back, but also going forward,
23 that should be public information. You
24 can't have people bidding where you have
25 no idea who the bidders are, are they

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2 people, are they corporations, are they
3 local, is it foreign countries, et
4 cetera.

5 Right before the sale started,
6 I actually contacted Jesse from
7 Bid4Assets, because I had a ton of
8 questions and concerns, and actually
9 spoke to them for around two and a half
10 hours on a Zoom conference discussing a
11 whole bunch of issues. I am shocked that
12 they didn't find this meeting and City
13 Council and this process important enough
14 to participate. I'm pretty sure there's
15 somebody here listening in and hearing
16 what we have to say, but to not recognize
17 the importance of their participation
18 either shows a lack of understanding of
19 Philadelphia or of the importance of City
20 Council or just a lack of interest in
21 being a part of the community in that
22 nature, which to me creates an issue.

23 One thing, when you have sales,
24 local buyers, you can usually tell if a
25 homeowner or someone is trying to go and

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2 purchase a property on the block or on
3 their neighborhood, and it's not uncommon
4 for the local regular participants to,
5 when they notice that a community member,
6 someone from the block is looking to do
7 that, to step back and to allow those
8 non-regular purchasers who obviously have
9 a specific interest in a property to in
10 fact participate, and to me that's a very
11 good -- very good that people want to do
12 that. Right now we have bidding, it's
13 like bidding with internet trolls, who
14 don't have that caring.

15 Now, one thing for me as a
16 sheriff sale participant -- first of all,
17 I completely agree with everything that
18 Soil Generation said, very, very
19 important about the gardens. And as a
20 participant in those Linebarger 6,000
21 sales, I know that tons of these lots
22 have come up for sale. One thing that
23 I've done is help those homeowners try to
24 acquire those lots whenever possible.

25 For example, there was -- the

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2 first speaker in this panel was supposed
3 to be a woman named Aviva, who is from
4 the Arts and Humanities -- the Village
5 for Arts and Humanities. They have
6 mosaics set up all throughout the City.
7 You might be familiar with the Secret
8 Gardens on South Street, but if you
9 travel into North Philly on Oliver
10 Street, on 10th Street, there are a whole
11 bunch of these artwork installations
12 available to the public for free out on
13 their property.

14 When in 2017 by error a couple
15 of their lots were sold at sheriff sale,
16 I made a point of acquiring them solely
17 to make sure that the organization was
18 able to get them back and, through that
19 process, was able to get those sales
20 cancelled and have them get those
21 properties.

22 More importantly, has everyone
23 seen Concrete Cowboy yet having to do
24 with the core stables and urban riders up
25 on Fletcher Street? It's a movie that

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2 came out on Netflix and it highlights the
3 Black cowboys who have been there for
4 around 130-plus years, and one of the
5 issues is, they've never owned land of
6 their own.

7 Back in 2015, I donated a 7,500
8 square foot lot to them just to make sure
9 with all the gentrification coming that
10 they had some land and real estate so
11 they could have a voice and be part of
12 that game. Since then, I've acquired
13 about half of Fletcher Street solely to
14 make sure that developers don't come and
15 build on those properties. And I wish
16 the City had a way to step in and secure
17 these properties for them, but as a
18 community member seeing that this was
19 definitely a flawed part of the process,
20 wanted to make sure that I could go and
21 do my part.

22 One thing that for people who
23 saw the movie might not know is that
24 those horses, they're featured on the
25 Barnes Foundation documentaries in this

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2 movie. Just recently the City of
3 Philadelphia tore up all of Fletcher
4 Field, and I have photos which I
5 submitted. Unfortunately, I don't know
6 how to share these, but the land that
7 those horses that were featured in the
8 movie used to run around was taken away
9 from them, even though I and many people
10 wanted to get historical designations,
11 wanted to go and make sure that Black
12 culture was understood and preserved.

13 Right now -- and they go and
14 they have animals and goats and chickens,
15 and they go and -- and right now it's
16 hard -- to me being a local participant
17 means that I can go and help do right by
18 Philly.

19 I'm not a big fan of
20 gentrification. For me I think a lot of
21 parts in the City can be improved, but
22 they need to be improved for the people
23 already in the neighborhood.

24 COUNCILWOMAN PARKER: Adam,
25 listen, I'm going to have to give you one

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2 minute, Adam, and you're going to have to
3 wrap it up.

4 MR. EHRLICH: Okay. Well,
5 anyway, I want to say one of the issues
6 with the online sheriff sale process is a
7 lot of the information is incorrect on
8 City records. Right now part of the
9 sheriff sale process, before each sale,
10 they would make an announcement, this
11 property has been demolished, this
12 property is imminently dangerous, this
13 one is unsafe. The Sheriff's Office
14 never gives out information that they
15 don't need to. Everything that they
16 provide they are legally obligated to do
17 and won't tell you anything else.

18 Right now with the last sale,
19 there's a property I was interested in
20 and I did my research, but it was at 2368
21 North Colorado Street. When the list
22 came out, there were no violations on the
23 property. On April 6th, L&I turned this
24 into an imminently dangerous property,
25 from no violations to imminently

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2 dangerous. There was no notification.

3 The bidding -- one of the
4 reasons bidding goes up a lot higher for
5 these online sales is, people don't know
6 the properties are demolished. People
7 don't know that they have these
8 conditions, because they're not presented
9 as they are legally obligated to do,
10 which is a huge issue.

11 Now, a lot of times what you
12 would do is, you'd put up a deposit, and
13 if you had to lose that deposit, which
14 happened a lot because there was
15 something wrong, some issue with the
16 sale, you'd lose your deposit, but you'd
17 move on with your life. The way
18 Bid4Assets has it set up, if at any point
19 you do not settle on a single property
20 you purchase through them, you will be
21 banned from participating in Bid4Assets
22 indefinitely, which means if somebody
23 went and bought the lot on Arrott Street
24 which shows there being a \$160,000 house
25 and didn't know that the house had been

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2 demolished for at least six years, if
3 they didn't follow on that winning bid
4 based on the incorrect information and
5 the fact that Bid4Assets did not share
6 the defects in the property, then that
7 person will not be able to participate
8 any further, which is going to create
9 additional issue, create legal
10 liabilities.

11 You say you want to take out
12 everyone who is a homeowner. You could
13 take a look who has a homestead
14 exemption. There are multiple properties
15 that had homestead exemptions, which is a
16 clear sign that that is an owner-occupied
17 property, that still --

18 COUNCILWOMAN PARKER: Adam,
19 I've been more than generous, Adam, with
20 the time just because you guys hung
21 around with us all day today, but we
22 still have a group of folks who are
23 scheduled to give us public testimony,
24 and they are on, waiting as well. So
25 what I am going to ask you to do, Adam,

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2 is any additional comments -- I'm going
3 to let you complete your testimony with
4 two sentences right now, and then
5 anything additional that you want to add
6 to the record, I want you to feel free to
7 give it to me. I'm going to take
8 responsibility to make sure the
9 stenographer gets it and it becomes a
10 part of the formal historical record for
11 this hearing and will help inform our
12 future efforts. So please give us your
13 last two sentences.

14 MR. EHRLICH: Bid4Assets is a
15 hot mess, and I would love to see
16 in-person -- there's so many reasons to
17 have it in person, and I will be more
18 than happy -- this is my contact
19 information. I invite anybody from the
20 process, any City Council to reach out to
21 me where I can give any additional
22 information about the minutia issues with
23 the properties. They don't have tracts
24 of assets --

25 COUNCILWOMAN PARKER: Okay.

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2 Adam?

3 MR. EHRLICH: Yes. I'm sorry.

4 COUNCILWOMAN PARKER: Thank you
5 so much. And if there was anything you
6 said today, Adam, that I will make sure
7 and I know my colleagues paid very close
8 attention to, we have to pay very close
9 attention to those folks -- you heard me
10 ask the Sheriff a question about those
11 folks bidding on property who are tax
12 delinquent in the City of Philadelphia,
13 and she affirmed us that she can't stop
14 anyone from bidding, but they won't be
15 able to get through the process without a
16 certification noting that they are not
17 tax delinquent in the City of
18 Philadelphia. And so what you've
19 reminded us that we need to do, Adam, and
20 I want to say that I appreciate this, is
21 that we have to pay very close attention
22 to those people who are tax delinquent in
23 the City of Philadelphia, but they also
24 buy lots of land, right, through
25 different LLCs, so their tax delinquency

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2 may not come up. So we're going to make
3 sure that we pay close attention to that.
4 And, again, any additional comments that
5 you want to put on the record, feel free
6 to send them to our office.

7 With that being said, let me
8 ask whether or not there are any more
9 comments or questions. I'm looking in
10 the Chat box for my colleagues. Hearing
11 and seeing none, Adam and Joseph, I want
12 to thank you so, so very much for your
13 testimony.

14 Are there any other comments or
15 questions from members of the Committee?

16 (No response.)

17 COUNCILWOMAN PARKER: Okay.
18 Hearing none, we will now move into our
19 public testimony portion of the hearing.

20 Adam and Joseph, you can
21 disconnect.

22 This is where individuals who
23 called my office to sign up to testify
24 will be dialed into the hearing. So
25 we're going to take a brief few minutes

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2 recess to give our technology
3 professionals some time to connect the
4 individuals who signed up.

5 I do want to note for the
6 record as we're getting ready to work to
7 do this, that Sandra Camacho or
8 Camacho -- I hope I did not mispronounce
9 your name -- we have been attempting to
10 reach you non-stop, but unfortunately no
11 one is answering. So I just want to let
12 you know that we've been trying to reach
13 you.

14 We're now going to take a quick
15 break and give our tech team the time to
16 do what they need to do.

17 Thank you all so very much for
18 your patience.

19 (Brief pause.)

20 COUNCILWOMAN PARKER: Thank you
21 so very much. We are now in our public
22 testimony portion of this hearing.

23 Rachel, I'm going to ask that
24 you please call the first individual who
25 signed up to speak.

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2 I also want to note for the
3 record that public testimony is limited
4 to two minutes. Thank you all so very
5 much for your patience and for just
6 staying and making yourselves available
7 for this hearing.

8 Rachel.

9 THE CLERK: Sandra Camacho.

10 (No response.)

11 COUNCIL SUPPORT: The first two
12 people are not on the line, but if they
13 call back, I'll let you know.

14 THE CLERK: Thank you.

15 Sam McCafferty.

16 MS. MCCAFFERTY: Good evening.

17 My name is Sam and I'm an African
18 American female millennial who is
19 currently in pharmacy school in UST.

20 Over one-third of
21 Philadelphians are millennials, so
22 approximately 528,000 millennials live in
23 Philadelphia. We represent the largest
24 generation of cohort in the City. I
25 mention this because not once did I hear

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2 any Councilmember mention how these
3 properties can benefit us.

4 As a millennial, I contribute
5 to my community every single day by
6 furthering my education, by working in a
7 pharmacy in our urban areas, and by
8 safely paying my taxes.

9 I was raised in Southwest
10 Philly, went to high school and now
11 college in West Philly, and currently
12 live back at home with my parents in
13 Southwest. So I see abandoned homes
14 every day. I have to legally sell
15 needles at the pharmacy in which they go
16 into those vacant homes and shoot up.
17 Not only do I live in these areas, I'm
18 aware of the struggle Philadelphians face
19 during these times.

20 However, I represent those
21 millennials that will rebuild our
22 community, be the first in their families
23 to have home and business ownership. We
24 will be that generation that will
25 renovate those vacant homes and rebuild

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2 our hoods. We are the generation that
3 invests, have better opportunities than
4 our parents, and have the higher rate of
5 graduating from college. We have
6 investment plans, and we can receive
7 funding for homes.

8 Madam Chair Parker, you
9 established a program, Power Up Your
10 Business at CCP, to help new business
11 owners to receive assistance. Ninety
12 percent of students at CCP are
13 millennials and Generation Z. So why
14 assist us when obviously right now you
15 don't want to hold us back from owning?

16 I guarantee you, more than 90
17 percent of the panel members today went
18 to college and have the same mindset that
19 I have now, to graduate, to start a
20 career, and to own their own home.

21 I work eight- to 12-hour shifts
22 at Rite Aid Pharmacy. I'm here now about
23 to administer Moderna shots. So I don't
24 have free time. When I discovered the
25 Sheriff Office was taking an innovative

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2 route to virtual sales, I was pleased
3 with my community finally growing with
4 times and accommodating the younger
5 generation, who have proven to be the
6 generation of change. I was ecstatic to
7 know that I can try and find my first
8 home in the comfort of my house or at the
9 convenience on the phone or land swap at
10 work or school.

11 Councilmember Gauthier, you
12 stated that the citizens didn't know how
13 to use this virtual site and that manual
14 was confusing. You know why? Because
15 nine times out of ten, they weren't
16 millennials. They were older citizens
17 who failed to learn or adapt to
18 technology. Millennials were raised on
19 the internet. We learn from the
20 internet. So we support technology.

21 As a millennial, I represent
22 progression, innovation, and
23 effectiveness. This City Council
24 Committee has been established since
25 1951, but only a few years ago elected

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2 its first millennial Councilmembers. How
3 are you here to understand community
4 needs, protect the public interest, and
5 make sure we are all treated fairly if
6 you do not hear from the millennials who
7 take up a majority of the City?

8 Councilmember Gym, you named
9 every scenario these properties could go
10 for, low-income housing, community parks,
11 and non-profit organizations, but not
12 once mentioned a millennial who just
13 graduated or has a successful business to
14 own these properties.

15 Madam Chair, you have --

16 COUNCILWOMAN PARKER: Sam?

17 MS. McCAFFERTY: Yes. Yes.

18 COUNCILWOMAN PARKER: Okay.

19 Sam, I'm going to have to ask you -- you
20 heard the timer from our team, so I want
21 to give you a second to wrap up your
22 testimony, Sam.

23 MS. McCAFFERTY: Okay. I just
24 want to let you guys know, Madam Chair,
25 millennial are professionals,

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2 entrepreneurs, investors, and realtors.
3 We're hard workers who have the funds to
4 purchase their first home or business.
5 So give us an opportunity to bid on
6 properties through a platform that we,
7 millennials, know best, the internet.
8 The internet is powerful, and it's not
9 going anywhere.

10 So if this Committee continues
11 to ignore the needs and progression of
12 millennials, I'll make sure every
13 Philadelphia social media platform be
14 aware that the members that we elect and
15 serve us are not truly here for us in the
16 advancement of Philadelphia.

17 Thank you.

18 COUNCILWOMAN PARKER: Thank
19 you, Sam, for your testimony.

20 THE CLERK: Next up is Jessie
21 Dikes.

22 COUNCIL SUPPORT: The next two
23 people have not called back in, and I
24 believe the next person is on Teams.

25 THE CLERK: Yes. I believe

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2 Benjamin Miller somehow connected via
3 Teams.

4 COUNCILWOMAN PARKER: Benjamin,
5 are you present?

6 (No response.)

7 COUNCILWOMAN PARKER: Benjamin
8 C. Miller, are you present? Can you hear
9 us?

10 (No response.)

11 THE CLERK: We can move on. If
12 he's available, let us know.

13 And I believe Conor Rodgers is
14 not available, correct?

15 COUNCIL SUPPORT: That's
16 correct. He will send in an e-mail. The
17 next person on the list was Ms. Walker.

18 THE CLERK: Wanda Walker.

19 COUNCILWOMAN PARKER: Thank
20 you.

21 Ms. Walker, are you connected?

22 MS. WALKER: Yes, I am. Thank
23 you for having me. I've been waiting
24 since 1:00 p.m. to talk. I know I have
25 two minutes, so I want to start with

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2 saying thank you to our Sheriff, Rochelle
3 Bilal --

4 COUNCILWOMAN PARKER: Excuse
5 me. Excuse me, Ms. Walker. Ms. Walker,
6 good evening. You are connected. Please
7 proceed, but state your name for the
8 record and proceed with your testimony.

9 MS. WALKER: Okay. My name is
10 Wanda Walker and I am calling because I
11 want to say thank you to Rochelle Bilal,
12 the Sheriff, because I have a personal
13 experience with the Sheriff's Office.

14 I don't agree with the sales
15 being online 100 percent. I think that
16 we should have several different ways,
17 the old way and the new way, so the
18 millennials can do it from home and the
19 older people that we should honor and
20 respect that aren't tech savvy can still
21 have access.

22 And I also think that something
23 should be put in place where citizens of
24 Philadelphia get first dibs on properties
25 being sold in their community, so that

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2 creates reinvestment, pride, and it stops
3 the plight.

4 With my situation as a
5 landlord, I sold two properties
6 February 2020, February the 7th and
7 February the 27th, two properties that
8 were generational wealth that was slated
9 to go to two of my children and gave the
10 City over \$80,000, and that was February.
11 Six months later, they lost and misplaced
12 50,000, didn't know where it was, and I
13 was told when I called them to try to pay
14 licenses, that they were going after two
15 more of my properties. So I stood to
16 lose four properties that I had since
17 1993 and 2007 within one year, and all of
18 my properties are generational wealth.

19 So as a small Black/Brown
20 business person in the City of
21 Philadelphia, we only represent
22 2.5 percent of the business population,
23 yet we're 50 percent of the City
24 population. And when these decisions are
25 made and were not considered, bad things

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2 happen and it creates a ripple effect.

3 So it was only the Sheriff's
4 Office that was able and willing to help
5 me during this time. I think it was June
6 last year. June, July, August I was
7 calling just about everybody. I didn't
8 call you, Cherelle, but I called a few
9 others. I'm not going to mention the
10 names, but no one was able or willing to
11 help me. It was Bilal's office who
12 actually put me in touch with the proper
13 people and stopped my sheriff sale.

14 I also want you all to know
15 that the sheriff sale is the end product
16 or result of the bigger problem that
17 keeps going on with property owners
18 losing their property.

19 Thank you. I think the thing
20 is buzzing for me to stop.

21 COUNCILWOMAN PARKER: Yes.
22 Thank you, Ms. Walker, and we appreciate
23 you just staying with us and being on all
24 day long, and thank you for putting your
25 testimony on the record.

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2 Rachel, the next person on the
3 list?

4 THE CLERK: Yes. The next
5 person is Jihad Ali.

6 COUNCILWOMAN PARKER: Jihad,
7 are you with us, Jihad?

8 MR. ALI: Yes, Councilmember.

9 COUNCILWOMAN PARKER: Jihad
10 Ali, good evening. Thank you so much for
11 being with us. You are connected. State
12 your name for the record and proceed with
13 your testimony.

14 MR. ALI: My name is Jihad Ali.
15 I'm here to testify on Resolution 210295.
16 I'm a member of the African American Real
17 Estate Developers Group.

18 Good evening, Councilmember
19 Parker, and thank you for having this
20 hearing, and good evening to all the
21 other Councilmembers.

22 I'm here to answer one question
23 that -- you had several questions in the
24 resolution on Page 2 in the second
25 paragraph, and one question was how will

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2 the online sales process impact local
3 non-professional bidders. I do like the
4 online sales. I think the Sheriff did --
5 I think that's an initiative that's
6 timely. I do like the disclosure
7 requirement for the owners and LLCs and
8 all the comments that were made about the
9 owners of vacant property sometimes and
10 vacant lots. It's hard to find them, so
11 all communities are concerned about that.

12 I think one tweak that I would
13 have is on the listing, that they were
14 separated by zip codes, because zip codes
15 is another way that they could separate
16 as a separate line item.

17 I think the issue about bank
18 transfer, the transfer of funds document,
19 was difficult to find on that site, and
20 also there's a 15-day hold should you not
21 win a bid, there's a 15-day hold on those
22 funds. I think that's excessive. And I
23 think that if the issue is -- if we're
24 trying to encourage Black and Brown
25 people, developers, homeowners, to bid on

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2 properties, the \$10,000 requirement per
3 bid could be excessive. It seems like
4 there could be a way that -- if you're
5 not the successful bidder, they could
6 roll that over into something else.

7 So I think there's a lot of
8 tweaks that could happen, but I do want
9 to say before I close that I think that
10 Sheriff Bilal is as dedicated a public
11 servant as the Sheriff from Allegheny
12 County, and I think that she's only as
13 good as her team. And to hear her Deputy
14 Sheriff talk about the way that they
15 chose this firm didn't leave me a sense
16 of confidence.

17 I think the attorney -- I think
18 I agree with the Councilmember that said
19 that he was upset at the tone of the
20 thing, and I would agree with that. And
21 I think that the testimony of Mr. Dodds
22 was outstanding, and I think he answered
23 the question for the Sheriff attorney.
24 He gave him reasons to go to the court.

25 But I do think it's a step in

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2 the right direction. I'm not taking away
3 from any of the panel. I think it was
4 outstanding at the end of the day.

5 Thank you.

6 COUNCILWOMAN PARKER: Jihad
7 Ali, thank you so very much for your
8 very, I believe, well-balanced testimony.
9 You made clear your perspective, but you
10 also identify some important issues, as
11 did the other people calling in for
12 public testimony. So I personally just
13 want to say thank you for that.

14 MR. ALI: Thank you.

15 COUNCILWOMAN PARKER: Rachel,
16 the next person.

17 THE CLERK: Next up is Patricia
18 Sanford.

19 COUNCILWOMAN PARKER: Are you
20 connected, Ms. Sanford?

21 MS. SANFORD: I am. Thank you.

22 COUNCILWOMAN PARKER: Thank you
23 so much, Ms. Sanford. State your name
24 for the record and feel free to proceed
25 with your testimony. You'll hear the

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2 buzzer when the time is up.

3 MS. SANFORD: You got it.

4 Thank you, Chairwoman and

5 Councilmembers. My name is Patricia

6 Sanford. I'm the CEO of Alexander Perry,

7 Inc., a minority and woman business

8 owner, and I came here to know that there

9 was a constituent services in the

10 Sheriff's Office through my PR lobbyist,

11 Bellevue Strategies, who then put me in

12 touch with Wanda Daniels from the

13 Constituent Department of the Sheriff's

14 Office.

15 I had encountered a large tax

16 company who attempted to conduct a

17 sheriff sale on my small business office

18 as well as my small business bank account

19 during a pandemic, and this was last

20 year. I had not received PPP funding or

21 anything, and so I was definitely

22 appreciative of the services that were

23 provided.

24 The Constituent Services

25 Department quickly intervened, and that

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2 was Wanda Davis who quickly intervened
3 and asked appropriate questions, allowed
4 me to know what my protection rights
5 were. And so at this point because of
6 it, I was able to delay anything
7 happening, and now my case, where it was
8 turned down at the City level, is now
9 being reviewed at the Supreme Court of PA
10 level to have the factor company prove
11 that I owe the money that I have
12 paperwork to prove I did not.

13 So I just wanted to say thank
14 you. Because of the services that were
15 there, I was able to continue operating
16 my business without delay.

17 Thank you.

18 COUNCILWOMAN PARKER: Thank you
19 so very much for your testimony, Ms.
20 Sanford, and you and I can agree on
21 something, that Wanda Davis is awesome,
22 and she spends her life doing her best to
23 help people. So I agree with you
24 wholeheartedly. Thank you for your
25 testimony.

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2 Rachel, the next person
3 scheduled to testify.

4 THE CLERK: Emmanuel Bussie.

5 COUNCILWOMAN PARKER:

6 Mr. Bussie, are you here with us? Are
7 you connected?

8 MR. BUSSIE: Yes, I am.

9 COUNCILWOMAN PARKER: Thank
10 you, Mr. Bussie. Good evening and thank
11 you for staying with us today. Just
12 please state your name for the record and
13 proceed with your testimony.

14 MR. BUSSIE: My name is
15 Emmanuel Bussie. I'm a Different Kind of
16 Democrat and I'm a member of
17 Professionals for Progress, so is Ms.
18 Wanda Walker. I just wanted to put that
19 out there.

20 When I testify to City Council,
21 when I present myself to you guys, I'm
22 presenting myself on behalf of 80
23 activists and community organizers.
24 Sheriff Bilal participates every Sunday
25 for one hour listening to community

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2 activists and community organizers.

3 I'm going to try to paraphrase
4 what I believe was going on today, which,
5 you know, unfortunately I know some of
6 you don't want to hear this, but I'm
7 really disappointed in what I believe to
8 be the best City Council when you first
9 joined that the City has ever seen.

10 Okay. Here it is: The City
11 raises our taxes. The City also says now
12 gas and water are taxes. So when the old
13 lady down the street can't afford her
14 taxes, the City petitions the court to
15 take the old lady's property. A judge
16 says, okay, City of Philadelphia, since
17 you want me to take her property, I'm
18 going to take her property for the taxes
19 that you say she owes because she can't
20 pay.

21 The judge tells Sheriff Bilal,
22 Sheriff Bilal, take that lady's property
23 and sell it.

24 Sheriff Bilal, who campaigned
25 on I don't like sheriff sales, I want to

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2 stop sheriff sales, we shouldn't have
3 sheriff sales, campaigned on it and won,
4 says to the judge, Judge, there's a
5 pandemic, can I delay it.

6 The judge says, okay, delay it.

7 Goes to him again, can I delay
8 it? Can I delay it?

9 So for over a year, the Sheriff
10 delays the judge's orders. The judge
11 finally says, hey, the City who raised
12 the taxes on the old lady, who now made
13 water and gas that old lady has to pay
14 part of the taxes, that they can take
15 that old lady's property because she
16 can't pay water, once you take that
17 property, when can you take it, Sheriff
18 Bilal?

19 So after delays, the Sheriff
20 says, All right, Judge. I'll come up
21 with a process by April to take the
22 lady's property that the City told me to
23 take that the City raised her taxes on.

24 So in April, the City executes
25 the taking of the property.

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2 This hearing is not about not
3 taking an old lady's property. It's
4 about the process in which we take that
5 old lady's property. And what I'm so
6 disappointed in City Council is that --
7 because you guys have such potential.
8 This hearing shouldn't be about how we
9 take that lady's property. It's about
10 how we not let it go to the judge to
11 order to be taken in the beginning. Can
12 we have hearings on that.

13 COUNCILWOMAN PARKER:

14 Mr. Bussie?

15 MR. BUSSIE: Can we have
16 hearings on --

17 COUNCILWOMAN PARKER:

18 Mr. Bussie, I'm going to ask you -- I let
19 the bell ring as long as I could. I'm
20 going to ask you, sir, to close your
21 testimony with two additional sentences,
22 sir.

23 MR. BUSSIE: All right. So I
24 want to close with the two additional
25 sentences by saying this: This meeting

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2 was confrontational, combative because of
3 the leadership of this meeting. It
4 didn't have to be confrontational and
5 combative. We don't have to come at a
6 Black woman who is trying to do her job,
7 who actually said that I'm campaigning to
8 run to stop sheriff sales. Can you
9 imagine if a bank goes to court and tries
10 to sue the City for her delaying it for
11 false reasons?

12 COUNCILWOMAN PARKER:

13 Mr. Bussie, thank you so very much for
14 your testimony.

15 MR. BUSSIE: Stop screaming at
16 me. Stop screaming.

17 COUNCILWOMAN PARKER: We
18 greatly appreciate your being here today.

19 MR. BUSSIE: Cherelle, but the
20 tone. You don't have to scream at me.

21 COUNCILWOMAN PARKER: We
22 appreciate your being here today. That
23 will conclude your testimony.

24 Now I want to ask, is there
25 anyone else here to testify for the

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2 public comment period who we've missed?

3 And I see Mr. Benjamin. Yes, Mr. --

4 MR. MILLER: Yes. I'm here.

5 COUNCILWOMAN PARKER:

6 Mr. Benjamin, please state your name for
7 the record and feel free to proceed with
8 your testimony. You'll be given two
9 minutes, sir, and you'll hear the bell
10 when your time is up.

11 MR. MILLER: Thank you,
12 Councilwoman, and thank you, Council, for
13 hearing my testimony.

14 I'm a homeowner in Southwest
15 Philadelphia in 19142, and I've been able
16 to, through the old system of sheriff
17 sale, purchase a couple of the lots that
18 were next to my house for a pretty cheap
19 price, and it was a pretty simple system,
20 while I was walking there with a money
21 order in my pocket and I could bid on a
22 property that's right in my neighborhood,
23 now which I'm growing vegetables on.

24 So one of the young people in
25 my neighborhood saw me working in my new

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2 garden. He said, how did you do that?
3 How did you get into the sheriff sale?
4 So I wanted to show him how to get
5 through the system, and so I started to
6 research about the virtual system, and I
7 found that -- I felt that it was kind of
8 restrictive in the fact that you can't
9 just show up at the auction anymore. You
10 have to really be prepared at least a
11 week in advance, get the \$1,500 deposit
12 in there, and now you're not just
13 competing against people in the
14 neighborhood, but you're competing
15 against -- it could be somebody in Japan
16 that's bidding on these lots, and while
17 the City might be getting more money,
18 it's not necessarily going to help the
19 neighbors.

20 So what I did and organized,
21 along with Councilmember Brooks' office,
22 we're going to hold a teach-in right at
23 the vacant lot next to my house on Monday
24 to try to teach people in my neighborhood
25 how to get access to these auctions and

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2 so how they can bid on things, because I
3 really want the people on my block to own
4 those lots on the block and not outside
5 people that are going to sit on them and
6 wait until the neighborhood dilapidates.

7 So I think that the
8 Philadelphia people should be the
9 priorities, and I think that the access
10 and the ease of going into the system and
11 being able -- into the building and being
12 able to bid on things was actually more
13 accessible for people in the community.

14 Thanks for hearing my
15 testimony.

16 COUNCILWOMAN PARKER: Thank you
17 so much, Mr. Miller. And, Mr. Miller,
18 just for the record, I want you to know
19 when you bring up that Philadelphia
20 preference, I want you to know that we
21 were thinking along the lines of you, and
22 so we asked our Law Department to give us
23 an opinion about whether or not we had
24 the ability to do that, because we were
25 trying to figure out how we incentivized

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2 this for Philadelphians, and we'll make
3 sure we make the ruling public, but I
4 want to thank you for your testimony,
5 Mr. Miller.

6 MR. MILLER: Thank you. Yeah.
7 I would just hope that the education and
8 the information gets out there to regular
9 people how they can bid on the vacant
10 lots in their neighborhood. I think the
11 education part is really important.

12 COUNCILWOMAN PARKER: Thank you
13 so very much.

14 Rachel, is there anyone else
15 scheduled to testify for public comment
16 who has not been called?

17 THE CLERK: There is no one
18 else on our list.

19 COUNCILWOMAN PARKER: Okay.

20 THE CLERK: And I don't
21 believe -- has anyone else joined from
22 tech support, Modesto or Lonnie?

23 COUNCIL SUPPORT: No one
24 joined.

25 THE CLERK: Thank you.

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2 COUNCILWOMAN PARKER: So
3 formally for the benefit of our Chief
4 Clerk, Mike Decker, who is a stickler for
5 this, I need to ask it again for the
6 record. Is there anyone else here to
7 testify on the resolution whose name has
8 not yet been called?

9 (No response.)

10 COUNCILWOMAN PARKER: Are there
11 any final questions or comments from
12 members of the Committee?

13 And I see my colleague
14 Councilmember Katherine Gilmore
15 Richardson.

16 COUNCILWOMAN RICHARDSON: Thank
17 you so much, Madam Chair. I just wanted
18 to say thank you so much for your
19 leadership in this hearing today. As one
20 of the two first millennials on
21 Philadelphia City Council, I just wanted
22 to thank you for your leadership and how
23 you have given us the opportunity to
24 really listen to and think through the
25 challenges around the sheriff sale

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2 process here in the City of Philadelphia.

3 So I just wanted to say thank
4 you, and I'm looking forward to the
5 follow-up that we will do in this body.

6 Thank you, Madam Chair.

7 COUNCILWOMAN PARKER: Thank
8 you, Councilmember Gilmore Richardson,
9 and thank you for staying with us through
10 the end.

11 The Chair recognizes
12 Councilmember Green.

13 COUNCILMAN GREEN: Thank you,
14 Madam Chair. I'm actually in a
15 parent-teacher conference as we speak,
16 which we all can relate to for many of us
17 who are parents, but this was a very
18 educational hearing, a lot of different
19 bits of information, gave us a lot to
20 think about and also some action items
21 moving forward.

22 COUNCILWOMAN PARKER: Thank you
23 so much, Councilmember Green.

24 There being no further
25 questions from members of the Committee

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2 or no other witnesses to testify, I will
3 ask if there is anyone else present in
4 this hearing whose name we have failed to
5 call and that wishes to offer testimony
6 on the resolution being considered today?

7 (No response.)

8 COUNCILWOMAN PARKER: Hearing
9 none, I want to thank each and every one
10 of the panels and the witnesses for their
11 participation today. I want you to know
12 we value all of your opinions.

13 To our stenographer -- you
14 know, we've been here, we've been here,
15 but guess what, Michele Murphy is our
16 stenographer, and our City Council
17 technical staff, Lonnie and Modesto, and
18 Channel 64, you all worked late today.
19 You were Johnny-on-the-spot. We didn't
20 miss a beat. No technical difficulties.
21 We don't get through this without you.

22 I also want to say thank you to
23 all of my colleagues. For those of who
24 are in the viewing audience, you will
25 notice that there were several colleagues

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2 who stayed with us throughout the day who
3 are not members of the Law and Government
4 Committee, but you saw members of City
5 Council present here today because moving
6 sheriff sales to this virtual platform is
7 an issue of great concern for all
8 members, all 17 members of our City
9 Council of Philadelphia.

10 So I want to give a
11 wholehearted and heartfelt thank you to
12 all of my colleagues for their questions
13 and comments and participation today.

14 I'm going to close where Jihad
15 Ali left off, and Jihad Ali said you are
16 only as good as your team. Let me say
17 this to you: Hilary Emerson, my staff
18 lawyer; Rachel Meadows, who directs
19 policy; Heather Pierce, my Chief of
20 Staff; Kyasha Tyson, all of my staff
21 members who -- and William Bailey, who
22 made sure he was running back and forth
23 with testimonies and, you know, and this
24 binder, I got to show it. This is what a
25 well-organized hearing looks like with

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2 the tabs, and all of that comes from my
3 team, and I just need to say I love each
4 and every one of you and I thank you all
5 so very much for your efforts.

6 City Council will gather as a
7 legislative body. We will work with our
8 Law Department. We will work with the
9 Sheriff's Office. We will work with the
10 courts, but we will keep you posted on
11 our next steps as it relates to this
12 issue.

13 I might be dreaming, but I'm
14 hoping I'm going to wake up tomorrow or
15 get a call and someone is going to tell
16 me that what we are all hoping occur and,
17 that is, a delay, particularly until the
18 American Rescue Act dollars delivered to
19 the state makes it to Philadelphia, that
20 we get a delay in the sheriff sales. If
21 that does not happen, Council will be
22 exploring its next steps. And guess
23 what? When we do it, we won't do it in a
24 silo. We won't do it in a vacuum. We
25 will make sure every stakeholder, as many

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2 community-based organizations and
3 individuals as possible, the viewing
4 public, that means you, Philadelphians,
5 at home, that you know about our efforts.
6 We won't work in isolation.

7 With that being said, this
8 concludes the public hearing of the
9 Committee on Law and Government on the
10 Resolution 210295. This also concludes
11 the business entirely for the Committee
12 on Law and Government today.

13 I want to thank you all so very
14 much for your attendance and your
15 patience.

16 Thank you.

17 (Committee on Law and
18 Government concluded at 7:15 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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