

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON HOUSING, NEIGHBORHOOD
DEVELOPMENT AND THE HOMELESS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 16, 2024
2:18 p.m.

PRESENT:

COUNCILWOMAN JAMIE GAUTHIER, CHAIR
COUNCILWOMAN RUE LANDAU, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN MICHAEL DRISCOLL
COUNCILMAN CURTIS JONES, JR.

ALSO PRESENT:

COUNCILMAN NICOLAS O'ROURKE

BILL: 240823

1 - - -

2 COUNCILWOMAN GAUTHIER:

3 Good afternoon, everybody. Please
4 find a seat and we'll get the
5 hearing started. Good afternoon,
6 everyone.

7 (Good afternoon.)

8 COUNCILWOMAN GAUTHIER: I
9 now note that the hour has come and
10 this hearing is called to order.
11 This is the public hearing of the
12 City Council Committee on Housing,
13 Neighborhood Development and The
14 Homeless. The purpose of this
15 public hearing is to hear testimony
16 on Bill No. 240823.

17 Ms. Jones, will you please
18 call the roll.

19 THE CLERK: Councilmember
20 Bass.

21 COUNCILWOMAN BASS:
22 Present.

23 THE CLERK: Councilmember
24 Driscoll.

25 COUNCILWOMAN DRISCOLL:

1 Present.

2 THE CLERK: Councilmember

3 Squilla.

4 (No response.)

5 THE CLERK: Councilmember

6 Jones.

7 COUNCILMAN JONES: Present.

8 THE CLERK: Vice-Chair

9 Landau.

10 COUNCILWOMAN LANDAU:

11 Present.

12 THE CLERK: Chair Gauthier.

13 COUNCILWOMAN GAUTHIER:

14 Present. Thank you, Ms. Jones. I
15 want to note for the record that
16 joining us is also Minority Whip
17 Councilmember Nicolas O'Rourke, who
18 is also the chief bill sponsor. I
19 now note for the record that a
20 quorum of this Committee is present
21 and this hearing is called to
22 order. So I'll just start with
23 some brief remarks.

24 Good afternoon, fellow

25 Committee members, witnesses and

1 Philadelphians watching here and at
2 home. Welcome to this meeting of
3 the Committee on Housing,
4 Neighborhood Development and the
5 Homeless. I want to start by
6 thanking Minority Whip Nicolas
7 O'Rourke both as the Chair of this
8 Committee and as a renter myself
9 for leading the fight to end rental
10 price fixing.

11 I am very proud to
12 cosponsor the bill being considered
13 here today. Safe, stable and
14 affordable housing is the bedrock
15 of a successful life, healthy
16 communities and a vibrant city.
17 But as we've all said and hear
18 many, many times, the rent is too
19 damn high, so high that
20 Philadelphians pay about \$900
21 million more on rent every year
22 than they can afford to and it's
23 only going to get higher if we
24 don't put an end to the anti-
25 competitive and anti-American

1 practice of large national
2 corporate landlords using software
3 to artificially inflate rental
4 prices at the expense of tenants
5 and mom-and-pop landlords who play
6 by the rules.

7 The Justice Department and
8 Attorney's General from states
9 ranging from California to
10 Tennessee to Minnesota filed anti-
11 trust lawsuits against companies
12 like RealPage, Inc, which creates a
13 monopoly by artificially inflating
14 rental prices across national
15 corporate landlords that own tens
16 of thousands of units, all but
17 guaranteeing that tenants have no
18 alternatives.

19 This algorithm is so
20 insidious that it brands property
21 managers charging even a single
22 cent less than its computed price
23 as "rogue landlords." We know that
24 the expansion of price-fixing
25 software in Philadelphia will have

1 potentially life-threatening
2 consequences.

3 As I just mentioned, our
4 constituents already spend \$900
5 million more on rent every single
6 year than they can actually afford
7 to. This is not money that comes
8 out of thin air. It's \$900 million
9 that should be going to essentials
10 like health care and food into our
11 local economy. And as our City's
12 latest point-in-time count proved,
13 homelessness is worsening at a
14 rapid pace, thanks in large part to
15 a lack of affordable housing.

16 Homes are not investment
17 assets to be traded willy-nilly
18 like stocks or bonds. They are the
19 very foundation of someone's life
20 and of our neighborhoods. City
21 Council has an obligation to take
22 preventative measures to prevent an
23 algorithm from assuming control of
24 our City's rental market so that we
25 can protect tenants and mom-and-pop

1 landlords that do right by our
2 communities. Thank you so much.

3 And I'd like to give an
4 opportunity to the bill's sponsor
5 to also offer opening remarks.

6 COUNCILMAN O'ROURKE: Thank
7 you, Madam Chair. And thank you to
8 my colleagues all of you all
9 sitting up there looking popular
10 and fancy as I sit over here in the
11 chair as well as our guests in
12 Council chambers today. Really
13 grateful for you all as well as you
14 all for being here.

15 I am proud to be taking the
16 next step toward establishing Bill
17 No. 240823, banning rental price
18 fixing in digital and manual forms.
19 This particular legislation like
20 all of the housing action that this
21 body takes has a context, the
22 housing affordability crisis and
23 the housing access crisis that
24 faces this country in general and
25 this pillar American city in

1 particular.

2 This crisis shows up
3 differently in different places,
4 but here at home it looks like
5 historically high rents, year-over-
6 year increases in homelessness,
7 regular policy rescue efforts for
8 low-income homeowners faced with
9 rising property taxes and
10 low-income renters facing a
11 regressive tax system that takes
12 too much money out of their pockets
13 and that's really only skimming the
14 surface. And on Council we all
15 recognize the ongoing task of
16 equitably navigating this landscape
17 because as has been said far too
18 many times and we have to keep
19 saying it, the rent is too damn
20 high.

21 I see this bill as another
22 piece of the forward-thinking
23 policies Council has approved to
24 address hurdles in this housing
25 crisis as they approach us. Rental

1 price-setting software is one such
2 obstacle to clear before it becomes
3 a massive issue. We see the impact
4 these software services ultimately
5 have in multi-family housing across
6 metro areas. Algorithmically-
7 generated recommendations keep unit
8 prices pressed up against the price
9 ceiling for local markets
10 regardless of the state of the
11 market or the tenants who have
12 historically resided in those areas
13 and it's the tenants that I have
14 and many of us have been elected to
15 protect.

16 Tenants with landlords
17 using these services pay more in
18 rent than their neighbors who don't
19 have a landlord or an AI co-pilot,
20 if you will, that they just so
21 happen to agree with 90 percent of
22 the time. And ultimately, the fact
23 that this is facilitated through
24 the pooling of nonpublic competitor
25 data is what actually got the U.S.

1 Department of Justice involved in
2 its recently filed anti-trust suit
3 against these revenue management
4 companies.

5 Now is the right time to
6 make this intervention in multi-
7 family housing. It's always the
8 right time to do what's right.

9 Remember that all of those
10 apartment projects that moved
11 forward when the tax abatement was
12 winding down, they're getting
13 filled. A new report put them at
14 65 percent occupied just on
15 projects completed since 2021.

16 I for one am not scared of
17 a denser Philadelphia, which that
18 and other reports point to a real
19 demand for. However, setting the
20 right conditions for all of our
21 residents to have true access as we
22 get there matters deeply to me.
23 The central questions for me
24 remain: Not should we build, but
25 how are we building, what are we

1 building and who are we building
2 for.

3 It's my belief that this
4 bill will help us answer those
5 questions and demonstrate the value
6 of local government getting ahead
7 of big techs tendency to scale
8 first and then ask questions later.
9 We've got to stop that. I'm glad
10 to have the co-sponsorship of 11 of
11 our colleagues, including all the
12 members of this Committee.

13 I'm grateful to all the
14 different stakeholders that we've
15 fruitfully engaged since
16 introducing this bill and I look
17 forward to an informative hearing.
18 Thank you to everyone who will
19 speak today for adding your voice
20 and your thoughts, your views
21 concerning tenant protections here
22 in the City of Brotherly Love,
23 Sisterly Effectiveness and Sibling
24 Solidarity. God bless you.

25 COUNCILWOMAN GAUTHIER:

1 Thank you so much.

2 Councilmember Jones.

3 COUNCILMAN JONES: Thank
4 you, Madam Chair.

5 And thank you to the author
6 of this needed discussion and I say
7 that from being a long-term
8 advocate of affordable housing and
9 access to housing. I was part of a
10 group of people that along with
11 former Councilmember, the near and
12 dear Marian Tasco, to do a ceasing
13 decision on all evictions which
14 created the Mortgage Diversion
15 Program, which evolved into the
16 Rental Assistance Program.

17 Now, let me say this, that
18 when I voted for the housing bills
19 during the pandemic that stopped
20 massive homelessness, I remember
21 that vote, saying on the record
22 that I want you to remember this
23 point, to remember that landlords
24 are people too, that they provide
25 the affordable in affordable

1 housing often and that without that
2 kind of advocacy for them, whether
3 it was rent subsidies during COVID,
4 they would be out of business.

5 I know way too many people
6 who invested their whole life
7 savings fixing up grandmom's house
8 to rent out to people in need. And
9 many of them, many of them have
10 decided to sell those properties to
11 some of the conglomerates that you
12 speak of because the regulations,
13 whether it's taxation or sanitation
14 and trash, whether it's some of the
15 things that they have to do just to
16 break even.

17 One of them that was
18 brought up to me was the difference
19 between squatters and tenants and
20 being able to define that
21 difference so that people's
22 properties weren't just stolen
23 from the -- the DA's office will
24 tell you that all too often someone
25 will wait until someone's on the

1 hospital unit to move in, do a
2 false lease and rent out a property
3 that they have no rights over. We
4 have to look at what you're talking
5 about in a continuum of protections
6 for both tenants and people that do
7 investments in our neighborhoods.

8 I will say to you that I
9 know you care. You walked around
10 Brith Sholom. You went to Brith
11 Sholom. You fought and gave me
12 advice on how to save 300 units of
13 affordable housing, for which I am
14 indebted to you guys for. You
15 fought 10 toes down and we came up
16 with \$23 million to save people.

17 In the last 24 hours, I had
18 a proud man at the security station
19 trying to get in to see someone.
20 He had two kids in tow and he did
21 not know where he was going to
22 sleep that night because of a
23 broken system of placement. I
24 found out quickly whose District he
25 was in and my Chairwoman's

1 competent staff jumped right on it.
2 That's real help for real people.
3 And I thought that was an outlier,
4 but it wasn't.

5 The next day I have another
6 young lady who's here with her
7 children. At the beginning of this
8 day she did not know where she was
9 going to lay her head, and for them
10 it is real. The difference in this
11 weather being under a bridge is
12 life and death so we can't just
13 disjointedly take a look at one
14 thing. There's a saying that says
15 we shall do no harm. And we have
16 to fix the continuum of housing.

17 So as I listen today, as I
18 learn from you, as I've always
19 learned from you, I want to include
20 looking out for people who provide
21 the valuable service of these
22 housing so that we don't wind up
23 like Seattle where people have to
24 travel -- I'm going to stop real
25 quick -- for an hour because they

1 work in the city but can't afford
2 to live in the city. So as we look
3 at all of these things, they are
4 connected and I hope that we will
5 consider all aspects of this
6 problem.

7 Thank you, Madam Chair.

8 COUNCILWOMAN GAUTHIER:

9 Thank you so much, Councilmember.

10 Are there any other opening
11 comments from members on the
12 Committee?

13 (No response.)

14 COUNCILWOMAN GAUTHIER:

15 Okay. Ms. Jones, will you now read
16 the title of the bill.

17 THE CLERK: Bill No.
18 240823, amending Chapter 9-800 of
19 The Philadelphia Code, entitled
20 "Landlord and Tenant," to add
21 prohibitions and penalties related
22 to anti-competitive rental
23 practices, all under certain terms
24 and conditions.

25 COUNCILWOMAN GAUTHIER:

1 Thank you.

2 The Clerk will please call
3 the first panel of witnesses to
4 testify on the resolution.

5 THE CLERK: LiJia Gong and
6 Madison Gray.

7 (Witnesses approached
8 Witness table.)

9 COUNCILWOMAN GAUTHIER:
10 Good afternoon. Please state your
11 name for the record and proceed
12 with your testimony.

13 MS. GONG: Good afternoon,
14 Committee Chair Gauthier and
15 members of the Committee. My name
16 is LiJia Gong. I'm the Policy and
17 Legal Director at Local Progress
18 Impact Lab. I'm so extremely
19 grateful to be here today to offer
20 insight on this critical issue, and
21 want to especially thank
22 Councilmember Nicolas O'Rourke for
23 the invitation to testify.

24 Just a little bit more
25 about me and Local Progress. Local

1 Progress Impact Lab is a nonprofit
2 organization that brings together
3 local leaders like yourselves,
4 partners and experts to build the
5 knowledge, skills and leadership
6 needed to advance racial and
7 economic justice at the local
8 level. And I have been working at
9 the intersection of public policy
10 and the law for over 15 years and
11 I've focused my efforts on
12 advancing the rights of workers,
13 consumers and tenants.

14 Most recently I've been
15 working with cities like
16 Philadelphia across the country
17 that are eager to tackle the rising
18 costs of housing and ban the
19 practice of landlords colluding to
20 raise rents and using algorithms to
21 do so. As I think we all know
22 housing is a basic human need, and
23 like nearly every community in this
24 country, Philadelphia is facing a
25 housing crisis where renters are

1 struggling to stay in their homes
2 or struggling to find a place to
3 live.

4 One of the main drivers of
5 the higher rents, increased vacancy
6 rates and more evictions is
7 consolidation and financialization
8 in the housing market. More and
9 more rental housing is now in the
10 hands of a few large corporate
11 landlords and rental property
12 managers. In fact, in 2019 one in
13 six apartments in the United States
14 were controlled by the nation's 50
15 largest property managers.

16 The share of units managed
17 by this top 50 group has increased
18 every year for the past 14 years.
19 These large corporate owners and
20 property managers treat housing
21 solely as a profit-making asset as
22 opposed to what we all know, that
23 it is a necessity, the foundation
24 of our communities and ideally what
25 makes for each of us a home.

1 These large corporate
2 investor owners hide behind limited
3 liability corporations, LLCs, so
4 that communities cannot hold them
5 accountable when they raise rents
6 unconscionably or fail to make
7 necessary repairs. The problems of
8 heightened concentration in the
9 rental market, and in particular
10 the problem of soaring rents, is
11 exacerbated significantly by price
12 fixing, especially by these large
13 corporate landlords.

14 These landlords are using
15 so-called algorithmic revenue
16 management software to collude to
17 raise rents. RealPage, a
18 corporation that's headquartered in
19 Texas, is the leader in selling
20 this technology and has 80 percent
21 of the market share when it comes
22 to commercial revenue management
23 software for conventional multi-
24 family housing rentals.

25 How does this all work

1 exactly? Landlords across local
2 markets like Philadelphia share
3 private data regarding their rental
4 properties with RealPage, including
5 current rents, lease terms,
6 available square footage and
7 vacancy levels. RealPage then uses
8 that data and combined with
9 publicly available data sets to
10 make recommendations as to rent and
11 occupancy levels. That maximizes
12 not just the landlord's revenue for
13 the specific landlord but revenue
14 across all of RealPage's clients in
15 the market.

16 RealPage's software
17 provides daily price
18 recommendations and the company has
19 intentionally designed its software
20 and services to increase compliance
21 with these recommendations. And
22 RealPage openly touts that this is
23 exactly what the software is meant
24 to do, referring to its products as
25 "driving every possible opportunity

1 to increase price, avoiding the
2 race to the bottom in down markets
3 and a rising tide raises all
4 ships." Let me just say that
5 again. RealPage aims to generate
6 more profit for all of the
7 landlords in a given market like
8 Philadelphia at the expense of
9 renters.

10 One of the main ways they
11 do that is by encouraging landlords
12 to keep units vacant and hold out
13 for higher rents, thereby
14 constraining housing supply. The
15 need for Councilmember O'Rourke's
16 and the many cosponsors here
17 proposed ordinance is great.
18 Although it is unclear RealPage's
19 penetration into Philadelphia's
20 market, this information is
21 purposely obscured by private
22 agreements.

23 This proposed ordinance is
24 a critical preventative step to
25 ensure that Philadelphia's renters

1 have a fair playing field when it
2 comes to looking for housing. And
3 I know some of you may be wondering
4 why this local legislation is
5 necessary when litigation has been
6 brought against RealPage to stop
7 these practices, which most
8 recently has been joined by the
9 U.S. Department of Justice.

10 First, the outcome of that
11 litigation is far from certain and
12 Philadelphia has an important
13 opportunity to close an algorithm
14 loophole to anti-trust law, to the
15 extent that there is one. Second,
16 this legislation presents an
17 opportunity to expedite justice for
18 Philadelphia renters since it may
19 be years before the litigation
20 resolves.

21 And lastly, although
22 perhaps most importantly, even if
23 RealPage's practices are found to
24 be illegal in federal court given
25 the barriers of anti-trust

1 enforcement, this legislation will
2 help to ensure that a RealPage
3 copycat operating locally or
4 regionally cannot pop back up.

5 The momentum is building
6 and Philadelphia can be a leader
7 nationwide and the largest city to
8 date to pass a ban. The bottom
9 line is that we need to ban
10 algorithmic rental price fixing in
11 order to give everyone in
12 Philadelphia a fair shot at
13 housing, and we need Philadelphia
14 to set the tone for other cities
15 across the state and across the
16 country. Local governments because
17 of their ability to move nimbly in
18 response to the needs of
19 constituents are often times the
20 best poise to take on new illegal
21 practices or rather new
22 technologies that facilitate long-
23 standing illegal practices. Thank
24 you again for your time and your
25 leadership.

1 COUNCILWOMAN GAUTHIER:

2 Thank you so much.

3 Please state your name for
4 the record and proceed with your
5 testimony.

6 MS. GRAY: Hi. My name is
7 Madison Gray. I'm a staff attorney
8 at Public Interest Law Center.

9 Thank you for allowing me to
10 testify today in support of this
11 bill which would prohibit landlords
12 from using anti-competitive rental
13 practices and algorithms to drive
14 up rent costs.

15 At the Public Interest Law
16 Center we support this legislation
17 because we know that renters in
18 Philadelphia flat out cannot afford
19 for their rent to go up. The City
20 has an affordable housing crisis as
21 we all know. More than half of
22 Philadelphia's renters are already
23 cost-burdened. Meaning, they pay
24 at least 30 percent of their income
25 on housing costs, and that problem

1 is most acute for renters with
2 incomes below \$30,000 a year. 88
3 percent of those renters are cost-
4 burdened. This crisis is
5 compounded by the fact that over 20
6 percent of Philadelphia's federal
7 affordable housing complexes are
8 set to expire over the next decade.

9 At the Law Center we've
10 worked with renters who are dealing
11 with the downstream consequences of
12 this. We've worked with single
13 mothers and grandmothers who have
14 been forced to couch-surf for
15 months at a time as they
16 desperately search for safe
17 housing. We've worked with people
18 with mobility disabilities who have
19 been confined to inaccessible and
20 unsafe units for years as they
21 struggle to find an affordable,
22 accessible place to live.

23 And earlier this year we
24 were proud to work with the
25 courageous residents at Brith

1 Sholom who fought to save their
2 apartment complex because they knew
3 that if the City and PHA did not
4 step in and save the day, many of
5 them would end up with nowhere else
6 where they could afford to live.

7 Philadelphia is also a city
8 where a few landlords control the
9 majority of units. Only 2 percent
10 of Philadelphia landlords have more
11 than 25 units. But as a group,
12 these large landlords who only
13 amount to about 1,000 landlords own
14 more than half of the City's nearly
15 300,000 rental units. This small
16 group of landlords has outsized
17 influence over the City's rental
18 market.

19 Together they set the norms
20 and conditions for renters across
21 the city. In fact, if they came up
22 with a scheme to increase rents at
23 their properties, they could drive
24 up rents all across the city. To
25 be clear, a scheme like that would

1 likely violate federal anti-trust
2 law. But in recent years we have
3 seen landlords adopt new rent-
4 setting algorithms that have the
5 same effect.

6 With respect to one such
7 company, RealPage, the Department
8 of Justice has described how these
9 programs work. RealPage contracts
10 with competing landlords who agree
11 to share with RealPage non-public,
12 competitively-sensitive information
13 about their apartment rental rates
14 and other lease terms to train and
15 run the pricing software.

16 This software then
17 generates recommendations,
18 including on apartment rental
19 pricing, for participating
20 landlords based on their landlords
21 competitively-sensitive
22 information. In their complaint,
23 the DOJ further alleges that
24 RealPage's rent-setting algorithms
25 replace competition with

1 coordination and quotes RealPage's
2 own words that the algorithm tool
3 ensures that landlords are driving
4 every possible opportunity to
5 increase price even in the most
6 downward-trending or unexpected
7 conditions, by encouraging
8 landlords to move in unison versus
9 against each other.

10 In a healthy rental market,
11 landlords compete to put heads in
12 beds and are incentivized to set
13 rental prices at a competitive rate
14 to attract as many potential
15 renters as possible. But once a
16 critical mass of landlords in a
17 given geographic area are using
18 this software, these incentives
19 shift. Rather than competing
20 against each other to maximize the
21 number of heads and beds, landlords
22 are incentivized to work together
23 to obtain revenue increases that
24 would otherwise be impossible.

25 Cities across the country

1 have already seen the consequences
2 of this. A RealPage executive
3 attributed a 14.5 percent increase
4 in Nashville rents to his company's
5 algorithm, explaining as a property
6 manager very few of us would be
7 likely to actually raise rents
8 double digits within a single month
9 by doing it manually. Likewise,
10 tenants in a Seattle neighborhood
11 where 70 percent of the
12 neighborhood's rental markets were
13 taken over by large firms that
14 relied on algorithms saw their
15 rents increased by 42 percent over
16 the course of a decade, which was
17 steeper than the 33 percent
18 increase in rents for comparable
19 buildings.

20 A recent ProPublica report
21 found that these algorithms are
22 effective at persuading landlords
23 to behave as ruthlessly as
24 possible, often against the
25 landlord's own intuition. One

1 algorithm developer told ProPublica
2 that leasing agents had "too much
3 empathy compared to a computer-
4 generated pricing."

5 Apartment managers can
6 reject the software suggestions,
7 but as many as 90 percent are
8 adopted. In some cases these
9 algorithms even recommend that
10 landlords force tenants out via
11 rental increases and let units sit
12 empty in order to artificially
13 decrease housing supply so that
14 landlords can raise rents and make
15 more money.

16 One large property
17 management firm that employed
18 RealPage found that by increasing
19 their turnover rate by 15 percent,
20 they could increase their revenue
21 by 7.4 percent. An executive of
22 that company explained the net
23 effect of pushing people out was
24 \$10 million in income.

25 Renters in Philadelphia

1 simply cannot afford for the same
2 to happen here. This legislation
3 gives renters a tool to protect
4 themselves from these price-gouging
5 practices at a crucial point of
6 time before it's too late. We are
7 proud to support this legislation
8 and thank you for holding this
9 important hearing.

10 COUNCILWOMAN GAUTHIER:

11 Thank you for your testimony.

12 Are there questions or
13 comments from members of the
14 Committee for this panel?

15 COUNCILMAN JONES: Madam
16 Chair.

17 COUNCILWOMAN GAUTHIER: Go
18 ahead.

19 COUNCILMAN JONES: So when
20 you talked about the example of
21 Brith Sholom, you mentioned a stat
22 of I think 30 percent of the
23 licensed agreements for those types
24 of properties. Coming off my --
25 what's the total -- do you have a

1 roundabout of the total number of
2 potential units that are going to
3 be negatively impacted by that
4 rough guess?

5 MS. GRAY: Yeah. I don't
6 have that in front of me. I think
7 the number I've seen is 1300.

8 COUNCILWOMAN GAUTHIER: I
9 think over the -- or I recall
10 seeing over the next decade or so
11 we have about 12,000 housing units
12 that are backed by time-limited
13 subsidies, whether they be tax
14 credits or have contracts that are
15 coming off of line.

16 COUNCILMAN JONES: Citywide
17 impact. Thank you so much.

18 COUNCILWOMAN GAUTHIER:
19 Yes.

20 COUNCILWOMAN LANDAU:
21 Councilmember Rue Landau. Thank
22 you both so much for your
23 testimony. For all the years that
24 I did landlord-tenant work, one of
25 the guiding principles from

1 landlords, and there are some
2 really great mom-and-pop landlords
3 here in Philadelphia, is that they
4 never wanted their unit to be
5 vacant. Having it vacant even one
6 month when you do that math, it
7 takes a very long time to recoup
8 it. And, in fact, you're going to
9 have to raise the rent other months
10 in order to recoup it. So the
11 whole goal was never to have
12 vacancies.

13 And to me among all of the
14 negative impacts of this algorithm
15 and how it's not human-centric or
16 caring for tenants who need and
17 deserve housing, because we all
18 need a place to live, is that in
19 any way it would manipulate the
20 vacancy-occupied rate because that
21 kind of took -- it's taking away
22 the human aspect of this as well
23 when the landlords are saying I'm
24 working with you here because I'm
25 trying to keep it occupied. So

1 thank you so much for all of your
2 work on this and for coming to
3 support the bill.

4 MS. GONG: Can I just add
5 on that point? I think that one
6 way that one can think about the
7 impacts of RealPage is that it's
8 inflationary and I think it has to
9 do with the fact that it's kind of
10 controlling vacancy rates in this
11 way while just increasing prices,
12 right. That's just increasing
13 prices for us. And we know that
14 one of the main drivers of
15 inflation right now across the
16 country is housing, is rents.

17 And I think that at the
18 conclusion of this litigation I
19 would not be surprised if we can
20 see a real impact that RealPage has
21 made on inflation across the
22 country. So I think your point
23 about the vacancy rate is so well-
24 taken. And I think what that makes
25 me think of is what RealPage is

1 doing is just causing inflation in
2 our communities when it comes to
3 housing.

4 COUNCILWOMAN GAUTHIER:

5 Thank you so much to both of you
6 for your testimony and for your
7 work.

8 The Clerk will please call
9 the next panel of witnesses to
10 testify.

11 THE CLERK: John Mondlak.

12 (Witness approached Witness
13 table.)

14 COUNCILWOMAN GAUTHIER:

15 Good afternoon.

16 MR. MONDLAK: Good
17 afternoon.

18 COUNCILWOMAN GAUTHIER:

19 Please state your name for the
20 record and proceed with your
21 testimony.

22 MR. MONDLAK: John Mondlak.

23 Good afternoon, Councilperson
24 Gauthier and members of the
25 Committee on Housing, Neighborhood

1 Development and Homelessness. My
2 name is John Mondlak and I'm the
3 Interim Director of the Department
4 of Planning and Development. I'm
5 here to testify on Bill 24-823
6 introduced by Councilmember
7 O'Rourke.

8 Thank you for the
9 opportunity to testify here today
10 regarding the growing housing
11 affordability crisis. The proposed
12 bill before you today aims to
13 address anti-competitive practices
14 in the rental market. We have met
15 with the bill sponsor's team on
16 this bill and appreciate the cross-
17 collaboration and proactive
18 discussions which are now
19 incorporated into the amendments
20 before you.

21 Mayor Parker has committed
22 to increasing and retaining
23 affordable housing within the city,
24 which is why we support the intent
25 of this bill, keeping housing

1 affordable. The legislation before
2 you aims to achieve this goal with
3 the hope of preventing any software
4 or price coordination that would
5 interfere with affordability.

6 One particularly concerning
7 trend nationally is the use of
8 rent-setting software and
9 algorithms by landlords which can
10 facilitate price coordination.
11 When housing providers adopt these
12 same algorithms, it leads to
13 uniform rent increases across the
14 market, inflating prices and
15 further destabilizing an already
16 fragile housing ecosystem.

17 In a city where affordable
18 housing is scarce, such practices
19 push many renters into financially,
20 precarious situations or even
21 homelessness. This bill hopes to
22 curb these harmful practices by
23 prohibiting landlords from using
24 algorithmic tools to collude on
25 rents, ensuring that rental costs

1 reflect market conditions only
2 rather than artificial inflation.

3 As we face this housing
4 affordability crisis, it's vital to
5 take proactive measures to prevent
6 predatory practices that
7 disproportionately harm low-income
8 residents. This concludes my
9 testimony. Thank you for allowing
10 me to testify on Bill 24-823 today.

11 COUNCILMAN JONES:
12 (Inaudible).

13 COUNCILWOMAN GAUTHIER: No,
14 go ahead.

15 COUNCILMAN JONES: This is
16 to the author of the bill. Help me
17 in plain understand is this a issue
18 of creating monopolies,
19 oligopolies, a collusion that --
20 oh, I'm sorry. Does this bill
21 address the potential for these
22 algorithms to create monopolies and
23 oligopolies that create price
24 fixing locally? Is that the intent
25 of keeping them from colluding to

1 artificially inflate the cost of
2 housing? Is that the plain --

3 COUNCILMAN O'ROURKE: Yes.

4 COUNCILMAN JONES: Okay.

5 That's good enough for me. I just
6 didn't -- and so, I guess the
7 follow-up would be if all of us up
8 here wanted to collude, do we need
9 that algorithm to do it or can we
10 say 1400 is where we start for two
11 bedrooms? Do you think that by
12 passing this law we stop that
13 monopoly or retard it or how
14 effective do you think this will
15 be?

16 COUNCILMAN O'ROURKE: So in
17 the interest of maintaining
18 addressing the actual crisis around
19 affordability as well as access and
20 recognizing the way that tech is
21 getting much farther ahead of our
22 traditional means of law-making or
23 creating conditions where folks can
24 get housing or what have you, this
25 is getting ahead of the advancement

1 of this particular practice having
2 seen what it's already done in
3 cities of significant size and
4 populations and tenants who are
5 experiencing it.

6 So this is about -- I don't
7 know that it resolves. Of course
8 human beings can say what they want
9 to say. But this algorithm kind of
10 masks with technology what would be
11 evidently concerning and/or illegal
12 if it was done manually. And so,
13 we want to address that as we see
14 it already happening before it gets
15 to the --

16 COUNCILMAN JONES: So if I
17 understood what you said, it's not
18 just the people up here that might
19 collude, it's a national collusion
20 that that algorithm can put in
21 everybody's numbers and say here's
22 what you should be charging in
23 Philly, this is what happened in
24 Atlanta, this is what happened in
25 Texas. Our algorithm suggest

1 here's where the floor is?

2 COUNCILMAN O'ROURKE: As I
3 understand it, there is information
4 that is being compiled that sets
5 the particular price to ensure I
6 guess in occupancy the information,
7 the data is not necessarily held by
8 the tenants. It's held by the
9 actual companies or what have you,
10 and that is where that's being
11 kept. They don't have necessary
12 access to that. That's where it's
13 being kept, and it creates I think
14 a technology and information
15 imbalance that makes it difficult
16 for the human aspect to kind of
17 poke through and for us to be able
18 to get kind of the right price for
19 folks to be able to get housing.

20 COUNCILMAN JONES: I think
21 I got it. You've been helpful.
22 Thank you, Councilman.

23 COUNCILMAN O'ROURKE: Thank
24 you, sir.

25 MR. MONDLAK: If I could

1 just add to your example. If all
2 of you colluded on price but you
3 all owned one building, you would
4 have no effect on the market. But
5 if each of you own 15 percent of
6 the market in a particular area,
7 then you would absolutely have an
8 effect and it would be illegal.

9 Now, the chances of trying
10 to get all the folks together, you
11 can do it and if there's big
12 national owners that own big
13 segments of the market and they all
14 get together, they could do it
15 without the software and it's just
16 as illegal. But the software makes
17 it super easy for anybody to
18 subscribe.

19 And so, you can get to 60,
20 80 percent of the market with just
21 a handful of people signing up for
22 this service. And so, it's the
23 same way it gets to the same place
24 and it's just as illegal whether
25 you're doing it with the software,

1 without the software. The software
2 just makes it easier.

3 COUNCILWOMAN BASS: Good
4 afternoon. Just following up on
5 Councilman Jones' question, I guess
6 what I'm wondering is the effect
7 because from -- well, the
8 Councilman as he mentioned if we
9 all got together and decided that
10 we were going to basically price
11 fix and we own large units, then I
12 guess we will be exempt from the
13 bill?

14 COUNCILMAN O'ROURKE: Say
15 that one more time.

16 COUNCILWOMAN GAUTHIER:
17 (Inaudible).

18 COUNCILWOMAN BASS: No? If
19 we were -- well, no, if we were not
20 using the software. If we just
21 decide -- well, I guess we would be
22 under the bill because it would
23 still be anti-trust. But if we're
24 smaller landlords, which is the
25 majority of landlords in the city

1 of Philadelphia, like the mom-and-
2 pops, you know, listen, I'm a
3 smaller landlord, I know what the
4 market's bringing in and I'm not
5 colluding but I'm still pricing at
6 the same rate as some of the larger
7 landlords, but there's no obvious
8 effect or there's no inclusion for
9 them on a bill like this, correct?

10 COUNCILMAN O'ROURKE: What
11 I would say is that this is geared
12 towards -- where we have seen the
13 algorithms being used are by large
14 corporations, specifically in the
15 area of multi-family housing.

16 COUNCILWOMAN BASS: Okay.

17 COUNCILMAN O'ROURKE: We're
18 not seeing it, as I understand it,
19 as it relates to small landlords.
20 We're seeing it with these large
21 corporations, which I think many of
22 us know are coming in, buying up a
23 lot or what have you and thereby
24 we're seeing those prices increase.
25 And so, that's the focus. And the

1 intent of the bill is to be able to
2 capture that, which is what we're
3 seeing nationally before it shows
4 up in a major way here in the city
5 of Philadelphia.

6 COUNCILWOMAN BASS: Okay.
7 Thank you.

8 COUNCILWOMAN GAUTHIER: And
9 what you pointed out,
10 Councilmember, that's not
11 collusion. That's just business,
12 right. That's just --

13 COUNCILWOMAN BASS: It's a
14 fine line between business,
15 collusion, you know, anti-trust.
16 These things kind of intermingle a
17 little bit to some degree and you
18 can easily be, you know, it can
19 easily be suggested that someone is
20 doing something untoward, although
21 that might not be the intention or
22 that might not be what they're
23 intending to do.

24 COUNCILWOMAN GAUTHIER: The
25 bill doesn't sort of ban any type

1 of practice of a landlord taking it
2 upon themselves to look at comps in
3 the area --

4 COUNCILWOMAN BASS: Sure.

5 COUNCILWOMAN GAUTHIER: --

6 and --

7 COUNCILWOMAN BASS: Right.

8 And that's what I'm trying to say.

9 COUNCILWOMAN GAUTHIER:

10 Okay. All right.

11 COUNCILWOMAN BASS: And so,
12 for smaller landlords they always
13 have that option to look at, again
14 as you said, the comps in the
15 neighborhood, who's renting for
16 what, and that adds into what the
17 problem is that we're trying to
18 address here.

19 COUNCILWOMAN GAUTHIER:

20 Correct. And I also want to point
21 out, which I pointed out in my
22 conversation with RealPage when we
23 were preparing for the hearing, is
24 that the tool creates an imbalance.
25 There's no corresponding tool that

1 allows for tenants to instantly
2 work together to drive down rental
3 rates. And if there were, I'm sure
4 that'd be a big problem.

5 So it's the act and it's
6 also the very unfair balance that
7 it creates between people trying to
8 find housing and people who own
9 housing.

10 Are there any other
11 questions and comments from people
12 on the Committee?

13 (No response.)

14 COUNCILWOMAN GAUTHIER:
15 Thank you so much for your
16 testimony.

17 MR. MONDLAK: Thank you.

18 COUNCILWOMAN GAUTHIER: The
19 Clerk will please call the next
20 panel of witnesses to testify.

21 THE CLERK: Sarah Haynes-
22 Saunders, Tyrone Jones, Lori
23 Peterson and Shawmar Pitts.

24 (Witnesses approached
25 Witness table.)

1 MS. HAYNES-SAUNDERS: My
2 name is Sarah Haynes-Saunders.

3 COUNCILWOMAN GAUTHIER: You
4 know the rules. Good job. Go
5 ahead.

6 MS. HAYNES-SAUNDERS: A
7 little nervous. Good afternoon,
8 everyone and good afternoon,
9 Councilmembers of the Housing
10 Committee. My name is Sarah
11 Haynes-Saunders and I am a member
12 of One Pennsylvania Renters United
13 Philadelphia. I was born in South
14 Carolina and moved to Philadelphia
15 at the age of 5. I am 66 years old
16 and disabled and I live at 6342
17 Carnation Street in Germantown.

18 I started renting from
19 Active Realty on August 15, 2015
20 and since then the landlord has
21 changed a few times, and now my
22 landlord is now Carnation Street
23 Ventures, LLC. Only two repairs
24 have been made since then. One was
25 a broken sink pipe, which I had to

1 wait a week to get repaired and was
2 during Thanksgiving week and ruined
3 Thanksgiving dinner.

4 This past winter my heater
5 broke and it took them another
6 week, a whole week, to fix my
7 heating. I was without heat in the
8 middle of the winter for a week.

9 In my bathroom the ceiling is
10 peeling and in my living room the
11 carpet is over a decade old.
12 Because of my disability, I cannot
13 clean it and the landlord refuses
14 to replace it.

15 In January of this year I
16 was paying 925 per month and that's
17 when the PHA vouchers came out. I
18 noticed my landlord Carnation
19 Street Ventures seemed to be
20 evicting more people than usual and
21 renovating the vacant units. I
22 wanted to move into another
23 apartment that was nicer than mine
24 and because they wouldn't renovate
25 anything in my apartment. I was

1 told by the landlord that I could
2 move and I signed a lease to move
3 into another unit three doors down
4 for the same rent, 925 per month.
5 But then a plumbing problem came up
6 and after they fixed the plumbing,
7 they renovated the apartment and
8 jacked the rent up to 1250 per
9 month even though I had a signed
10 lease for 925.

11 In 2015 when I moved in, I
12 was paying 700 in rent. The rent
13 will go up steadily each year, but
14 in February 2023 it jumped from 850
15 to 925. And then in February of
16 this year, the rent increased by
17 \$175 so that I'm now paying 1100 a
18 month for the same unrenovated
19 apartment I moved into for 700 a
20 month. Where is the fairness in
21 that? Where is the equity in that?
22 My landlords are making profit
23 while I'm on a fixed disabled
24 income.

25 When I moved in, in 2015 my

1 monthly income was around 1200 and
2 now it is 1430. My landlords are
3 charging me a larger portion of my
4 income each year. Why, why not the
5 same? Why not less every year
6 since I am a good tenant? In all
7 these years I have only been late
8 on rent one time and never short.
9 Why do my landlords have the right
10 to charge as much as they want but
11 I don't have the right to decent
12 housing?

13 This hearing is about
14 corporate landlords who are price
15 gouging and raising the rent way
16 too high on myself and others and
17 using a software program called
18 RealPage to help them do it. My
19 landlord Carnation Street Ventures
20 may or may not be using RealPage.
21 We don't know, but we do know that
22 they are raising the rent way too
23 high on tenants like myself. I
24 urge you to pass this legislation
25 before you so that we can get the

1 rent under control. Thank you.

2 (Applause.)

3 COUNCILWOMAN GAUTHIER:

4 Thank you. I'm really sorry to
5 hear what you're going through but
6 I thank you for sharing your story
7 and for your advocacy.

8 Mr. Jones, please state
9 your name for the record and
10 proceed with your testimony.

11 MR. JONES: Hi. Hey, good
12 afternoon, everybody. I'm Tyrone
13 Jones. I am a tenant and also a
14 member of Renters United One PA. I
15 just want to apologize ahead of
16 time. I do have a speech
17 impediment so stay with me a little
18 bit if I stutter.

19 COUNCILWOMAN GAUTHIER:

20 Take your time.

21 UNIDENTIFIED SPEAKER: No
22 apologies.

23 MR. JONES: All righty.
24 I'm here to speak up for tenants
25 and also myself of corporate

1 landlords in Philadelphia. When it
2 comes to -- when it comes to Odin,
3 they are known for putting band-
4 aids on situations that need fixes
5 and repairs. We know -- I know
6 this for a fact because I live in
7 an Odin property for over eight
8 years, eight years too long.

9 During that time I noticed
10 deteriorating situations due to the
11 lack of maintenance in the
12 building. One time the pipes under
13 my bathroom burst due to the
14 rusting of the sink. And due to
15 the rusting, the hot water valve
16 bust and was flooding. I called
17 the emergency line of the
18 maintenance as I was supposed to
19 and I had to wait over two days for
20 them to -- for anyone to show up.
21 But they stopped the leak but
22 didn't fix the sink. But two days
23 is too long for an immediate
24 action, so I called a friend to
25 manually shut off the hot water

1 valve. And because of that, he got
2 second-degree burns.

3 Over three years Odin
4 ignored some of my work orders and
5 not repaired the sink. It took me
6 joining Renters United One PA and
7 delivering a petition in June to
8 Odin's CEO Phil Balderston, me and
9 Ms. Lori here this past June for
10 Odin to finally fix my sink after
11 three years of (inaudible).

12 Another time a very close
13 friend of mine that I call a
14 brother was visiting when my
15 bathroom ceiling collapsed on him
16 and he went to the hospital and
17 sustained permanent nerve damage.
18 And this ceiling started leaking
19 back in 2021 and which once again
20 work orders that were constantly
21 ignored, that small problem turned
22 into a big problem.

23 Because of Odin's
24 negligence and greed, my friend
25 still suffers today. Not only my

1 friend but me, because now I have
2 to deal with a hole in my ceiling
3 that they refuse to fix. Odin
4 expects us to pay for these faulty
5 utilities in these units by
6 overcharging tenants on utilities
7 that should be included in their
8 lease.

9 For example, no tenant
10 should pay for gas if it states
11 that it's the owner's
12 responsibility on the lease. For
13 instance, I was once charged nearly
14 \$1,000 in one month. Let me
15 reiterate that. I was charged
16 nearly \$1,000 in one month for
17 electricity when I first moved in.
18 That is insane. For a one-bedroom
19 apartment \$1,000? That seems like
20 that's a whole building to me. And
21 I'm still paying off to this day
22 and I shouldn't have to be paying
23 that. Does that seem weird to you?

24 Let's be clear here, Odin
25 along with other corporate

1 landlords make more profit when
2 they do not invest in their
3 properties or the well-being of
4 their tenants. It is no surprise
5 to me that a corporation like Odin
6 uses RealPage software to manage
7 utility bills at some properties.
8 Tenants who are aware of renters'
9 rights and look at their leases can
10 be mindful that Odin or other
11 corporate landlords uses RealPage,
12 but it's not always clear.

13 RealPage doesn't seem to
14 make an effort to make themselves
15 known to tenants. Why is that?
16 What are they really hiding? So my
17 question is what is so real about
18 RealPage. Because they are a
19 profit-driven corporation, Odin
20 can't be trusted to be a good
21 landlord and we need a quality,
22 affordable, clean and healthy
23 social housing for all people
24 because housing is a human right.
25 It should be and would be.

1 Me along with other members
2 here are here to support Councilman
3 O'Rourke to ban RealPage and rent
4 price fixing and to urge the
5 Committee to help pass this bill as
6 soon as you can. Thank you for
7 your time.

8 COUNCILWOMAN GAUTHIER:

9 Thank you so much.

10 (Applause.)

11 COUNCILWOMAN GAUTHIER:

12 Very sorry to hear about all of the
13 experiences with the quality of
14 your unit, but it's really
15 important that you came to share
16 your story. Thank you.

17 MR. JONES: Definitely.

18 COUNCILWOMAN GAUTHIER:

19 Ms. Peterson, please state your
20 name for the record and proceed
21 with your testimony.

22 MS. PETERSON: Lori

23 Peterson. Thank you to the City
24 Council Housing Committee for
25 including us today for holding this

1 hearing about this important bill.

2 My name is Lori and I'm a member of

3 One PA Renters United Philadelphia.

4 I am a mother and a grandmother and

5 a retired City employee. I rent

6 from Odin Properties, one of the

7 largest corporate landlords in our

8 city.

9 I have lived in the Odin

10 building, Mount West in Oak Lane

11 for the past five years and these

12 are the worst conditions I have

13 ever lived in my life. I have

14 lived here because I can't afford

15 anywhere else. I feel like I'm in

16 a prison in my own home and I'm

17 paying for it. Odin calls this

18 affordable housing but nobody can

19 afford it because the rent they are

20 charging here is ridiculous. Plus

21 I pay utilities and I am being

22 unfairly charged for my utilities

23 every month.

24 My landlord uses RealPage

25 for utilities and I'm on a fixed

1 income and cannot afford this.
2 They are not even showing me my
3 real utility usage. One month I
4 was in the hospital for the entire
5 month and was not even home and
6 they still billed me \$67 for my
7 water bill that month. I was
8 charged for water that I know I
9 didn't use and that was not the
10 first time.

11 I don't even drink the
12 water in my own apartment because
13 in the morning the water stinks. I
14 drink bottled water and somehow
15 they are still charging me \$60 for
16 water. It is unfair and inaccurate
17 to just make up a number to charge
18 us for utilities, which it seems
19 like RealPage is doing. Odin and
20 RealPage are robbing us and they're
21 okay with it. Well, I'm not.

22 During the winter my gas
23 bill is also high. And my lease
24 says that the gas is also
25 determined by RealPage. I also

1 have no control over the
2 temperature in my own home. If I'm
3 paying for my heat and you're
4 billing me for it, why can't I
5 control it. And we are well on our
6 way into the cold months, which
7 means we will get even higher water
8 and gas bills.

9 When I called Odin to ask
10 about my inaccurate water utility
11 bills, one person passes it off to
12 the next. Nobody wants to explain
13 anything. I have called so many
14 programs to ask for utility support
15 and support for seniors and they
16 all told me that my utility
17 statement was not a bill and they
18 cannot help me pay it. Even on a
19 fixed income I manage to pay my
20 high rent and utilities on time
21 every month and then I still have
22 to live with horrible conditions in
23 my apartment because corporate
24 landlords like Odin do not provide
25 the tenants with quality housing.

1 How is this okay for me to have to
2 pay the rent and not have a
3 renovated apartment.

4 I've had to deal with
5 broken toilets and floor tiles and
6 serious leaks. The entire time I
7 have been here there have been
8 horrible infestations and a lack of
9 pest control. I've called every
10 week for over two years for an
11 exterminator and I'm still living
12 overrun by roaches and it's getting
13 worse, not better.

14 I did everything I could.
15 I put in work orders, spoke to my
16 property manager, even asked to
17 change apartments. I did not know
18 what else I can do until I came to
19 One PA Renters United Philadelphia.
20 Through our collective action, we
21 won meetings with Odin's CEO and
22 won some repairs and we are just
23 getting started. Odin has not
24 controlled my cockroach infestation
25 and continues to overcharge on rent

1 and utilities while claiming to be
2 so-called quality affordable
3 housing providers.

4 Philip Balderston and all
5 the Odin Property executives do not
6 live in situations like we do.
7 They do not live with roaches,
8 leaks, broken elevators or any of
9 the situation that their tenants
10 live in. We have the same right to
11 quality dignified housing as they
12 do. And yet they raise my rent
13 every single year with no
14 improvement, and they use tools
15 like RealPage to profit even more
16 off the low-income seniors and
17 disability tenants like me.

18 They stand by RealPage.
19 Then when will landlords stand by
20 affordable quality housing. We are
21 calling on City Council to
22 prioritize the needs of low-income
23 renters over corporate greed.
24 Thank you to the Housing Committee
25 and all the Councilmembers who have

1 already sponsored Bill 240823. We
2 hope all Councilmembers support
3 this important legislation as one
4 step to put people over profit.
5 Thank you again for your patience
6 and help us with this. Appreciate
7 it.

8 (Applause.)

9 COUNCILWOMAN GAUTHIER:

10 Thank you so much for your
11 testimony and it's good to hear
12 about the strides that you're
13 making in your organizing efforts.

14 Mr. Pitts, please state
15 your name for the record and
16 proceed with your testimony.

17 MR. PITTS: Yes. Good
18 morning, everybody. My name is
19 Shawmar Pitts. Thank you for
20 having us here today and I thank
21 all three of you for coming up here
22 and being brave to actually tell
23 everybody what's going on in our
24 city.

25 So I had some written stuff

1 but after hearing them testify I
2 don't even think I could hold it
3 together to be able to even read
4 something from a paper when I see
5 my fellow community members and
6 residents of this city struggling
7 like this. And we're here today
8 because we have a brave Councilman
9 who has brung legislation before us
10 that would benefit us really so.

11 And I know for a fact that
12 there will be pushback by corporate
13 people who want to make money.
14 They're going to come and they're
15 going to say this is a bad idea
16 because it's going to cost this and
17 it's going to cost that, but what
18 they have no consideration for is
19 the people that you see sitting
20 here right now. They don't
21 consider them, right.

22 And I have people in my
23 community, Sister Sonia. Sister
24 Sonia couldn't be here this morning
25 because she's out canvassing trying

1 to make something happen for the
2 betterment of our community so she
3 couldn't be at two places at one
4 time. But similar to my sisters
5 and my brothers sitting here, she
6 diligently paid her rent monthly,
7 every month, never late, never
8 short. And the landlord wouldn't
9 make repairs.

10 And I'm not talking about
11 small repairs. I'm talking about
12 big things. Like, for instance,
13 during the heat wave she didn't
14 have any electric, so no
15 refrigerator, no stove and no
16 air-conditioning during the heat
17 wave, right. But she has to pay
18 her rent on time every month like
19 clockwork.

20 So now when we ask why
21 would we bring this legislation,
22 why? Because the corporate
23 landlords, they don't stop. They
24 don't have consideration when it
25 comes time to actually just putting

1 us out there and grind us down to
2 the bone. They don't care about
3 us, so we got to get out in front
4 of it because we know they'll go
5 through everything that they can do
6 to exploit people like this on a
7 fixed income. They want you --
8 they looking at it. They know how
9 much you make. You got to tell
10 them how much you make. So now
11 we're going to try to get every
12 dime out of that that we can and we
13 going use an algorithm to do it to
14 make it easy for us.

15 We got to get out in front
16 of them and we have to stand up to
17 the pressure because they coming,
18 they are coming. When they say
19 that bill was in committee, they're
20 going to come to our Councilpeople
21 and say don't support that bill
22 because I've seen it happen in my
23 district. Councilmember Gauthier
24 came with the bill. My
25 Councilperson was the co-sponsor of

1 the bill. When the bill passed, my
2 District exempt.

3 The bill going to benefit
4 us. Why we exempt? Why the
5 developers don't have to follow
6 that bill for public land for
7 public good? Why they don't have
8 to do that? You were the
9 co-sponsor of the bill. Now, I
10 know what happened. I know exactly
11 what happened. The developers came
12 and said, yo, man, don't do that,
13 we need this, we trying to make our
14 money, and he agreed. And now, we
15 bought that so we can't let that
16 happen in this situation.

17 So what we're here for is
18 we're eager to see your leadership
19 on this matter and just take care
20 of us for once. That's all.
21 That's all we asking for. Thank
22 you.

23 (Applause.)

24 COUNCILWOMAN GAUTHIER:

25 Thank you so much, Mr. Pitts.

1 Powerful as always. Just to
2 clarify for the Committee,
3 Mr. Pitts is talking about the
4 public land for the public benefit
5 bill which has -- my colleague from
6 the 4th stayed in that bill so --
7 but obviously people have their own
8 reasons for what they think is
9 appropriate for their Districts.
10 But I do appreciate your testimony
11 and all of you for sharing your
12 stories.

13 Are there any questions or
14 comments from members of the
15 Committee?

16 COUNCILMAN JONES: Just
17 thank you.

18 COUNCILWOMAN GAUTHIER:
19 Thank you so much to all of you.
20 Thank you.

21 (Applause.)

22 COUNCILWOMAN GAUTHIER:
23 Will the Clerk please call the next
24 panel of witnesses to testify?

25 THE CLERK: Ray Huxen.

1 (Witness approached Witness
2 table.)

3 COUNCILWOMAN GAUTHIER:

4 Hello.

5 MR. HUXEN: Hello.

6 COUNCILWOMAN GAUTHIER:

7 Please state your name for the
8 record and proceed with your
9 testimony.

10 MR. HUXEN: Good afternoon.

11 My name is Raymond Huxen. I own a
12 small four apartment building in
13 South Philadelphia. In 2010 I was
14 married and had a daughter and
15 decided to bet on Philadelphia and
16 where it was going. My wife and I
17 opened a business on the west side
18 of Broad Street in South
19 Philadelphia.

20 At the time my friends
21 thought I was crazy to even walk on
22 the west side of Broad Street, much
23 less open a business. In 2014 we
24 doubled down on our bet by buying
25 the building. It housed our

1 business. My wife is a teacher.
2 My daughter now wakes up at
3 6:00 a.m. and rides the Broad
4 Street Line from South Philadelphia
5 to the end of the line to go to
6 Central High School. Her Robotics
7 team has won back-to-back world
8 championships and we've really
9 settled into our community.

10 When we purchased our
11 building in 2014, it included the
12 space that housed our business and
13 also four one-bedroom apartments.
14 We knew a little about being
15 landlords, but we're going to learn
16 a lot more in on-the-job training.
17 Over the years we've had bad
18 tenants and good tenants. We've
19 had to replace furnaces, do
20 countless repairs and all the other
21 things that go with renting places
22 for people to live.

23 Of course the upside of the
24 relationship is that those people
25 write us a check each month. And

1 while we have had -- while we need
2 those checks to keep the building
3 afloat. Insurance, taxes,
4 maintenance, vacancy, squatting
5 tenants who don't pay, increasing
6 utilities, repointing bricks on a
7 building and all the other expenses
8 we haven't even discovered yet are
9 always going to be there, so we
10 need to get those rent checks on
11 time and the more we get, the more
12 we have for our own expenses. We
13 aren't in the business of running a
14 charity so the profit is important
15 to my family helping us enjoy a
16 better life, but we believe the
17 relationship with our tenants isn't
18 a one-way relationship and it
19 shouldn't be an antagonistic one.

20 Part of being a landlord in
21 renting space is to make some extra
22 money from the people that live in
23 the apartments. But when we bet on
24 Philadelphia in 2014 and bought the
25 building, Philadelphia has shown we

1 made a good bet. There needs to be
2 another part of the relationship
3 and that part is engaging in our
4 community.

5 We usually do a little
6 research when we look for a new
7 tenant. We may check Zillow or
8 just get on a broad range of
9 apartments of rents in the area and
10 then we pick something on the low
11 end of the average. We don't want
12 to try to squeeze every dollar from
13 each of our tenants.

14 The selfish reason for this
15 is that we have had difficult
16 tenants. We would much rather ask
17 a little less and be very selective
18 about who we have live in our
19 space. The result is that we have
20 very little turnover. We haven't
21 had a problem with a tenant in a
22 number of years. If there's a
23 problem, they tell us and we fix it
24 as soon as possible.

25 My wife and I have been

1 texted at 10:30 at night that a
2 window came down when they were
3 opening it and the glass fell in
4 and broke, and we went there at
5 10:30, we cleaned it up, we closed
6 up the window and we had somebody
7 fixing it the next day. This is
8 the way we think tenants and
9 landlords should work together.

10 Anyway, so the tenants
11 don't ask small things for us so we
12 make the relationship easy and
13 mutually beneficial. If we viewed
14 our relationship with them as
15 antagonistic and tried to squeeze
16 every penny we could get out of
17 them, they would know that they
18 could treat us in an antagonistic
19 way too and try to squeeze any
20 value they could get from us and
21 they should. So this approach
22 works very well for us.

23 The byproduct is that when
24 we do have a vacancy, word goes out
25 and the problem isn't filling it.

1 It's having to tell the people that
2 we had to choose someone else. The
3 other element for us is that this
4 space is an investment in our
5 community. Our tenants are people
6 and they're trying to build their
7 own lives and have their own
8 successes and find a way to
9 progress and improve their own
10 futures. As a member of the
11 community of Philadelphia, we view
12 the success of other members of the
13 community as a good thing for all
14 of us. The more people who have
15 the resources to invest in
16 themselves and their own futures to
17 be able to enjoy our city and want
18 to be part of the growth of the
19 Philadelphia, the better.

20 It isn't necessary to us as
21 landlords nor do I think it's
22 important to most of the small
23 landlords to have a vast database
24 with all the rental information in
25 the country or even just our city.

1 Using an algorithm to review and
2 constantly update the maximum rent
3 is just another way to keep inching
4 the rents higher and higher.
5 Trying to find the perfect number
6 to squeeze people so that they can
7 barely make ends meet and have to
8 sacrifice investing in their future
9 or enjoying the small luxury of
10 life just to maintain a place to
11 live isn't in the long-term best
12 interest of our community. Small
13 landlords are part of the
14 community. If the community fails,
15 we suffer with it.

16 The problem with the
17 landlords that are mass industry
18 landlords who have no connection to
19 the community, yet own hundreds or
20 even thousands of units within the
21 community, they are large
22 businesses who have a single
23 purpose of generating the maximum
24 revenue regardless of the impact on
25 the community that generates the

1 actual revenue. They swoop in to
2 buy so much of a market that they
3 can control it to set and reset
4 prices of rent in the market.

5 If these communities fail,
6 they can just sell off the assets
7 as a profit and move on to do it
8 over and over again. They will
9 share all the information they can
10 so an algorithm spits out the
11 perfect highest number to charge
12 with no regard for any longer-term
13 view of the impact on the community
14 and the people who live in it.

15 They use then the number to
16 set the market rate. They do it
17 over and over setting and resetting
18 the number higher and higher
19 forcing tenants to pay a higher and
20 higher percentage of their income
21 just to keep a roof over their
22 heads. Fixing prices by a small
23 group with a disproportionate
24 amount of knowledge and control of
25 the market has always been against

1 the best interest of the majority
2 of the community.

3 This is especially true in
4 this case where most of the people
5 trying to fix prices don't live in
6 the community at all, just use it
7 to generate revenue. My wife and I
8 are much more interested in being a
9 part of a long-term good and growth
10 of Philadelphia than trying to
11 squeeze every penny from it. So
12 thank you for your time.

13 (Applause.)

14 COUNCILWOMAN GAUTHIER:

15 Thank you so much for your
16 testimony. First, I can never miss
17 an opportunity to point out that I
18 went to Central like your daughter,
19 255. And next, I wanted to thank
20 you for being a good landlord and
21 thank you for being here to hold
22 other landlords accountable for
23 their practices.

24 MR. HUXEN: Thank you.

25 COUNCILWOMAN GAUTHIER: Are

1 there any other questions or
2 comments from members of the
3 Committee?

4 (No response.)

5 COUNCILWOMAN LANDAU: Thank
6 you so much.

7 COUNCILWOMAN GAUTHIER:
8 Thank you.

9 MR. HUXEN: Thank you.

10 COUNCILWOMAN GAUTHIER: All
11 right. I want to point out that we
12 also have written testimony from
13 several people, including
14 Christopher Mattioli from the
15 Greater Philadelphia Association of
16 Realtors, Steven Chintaman from the
17 Pennsylvania Apartment Association
18 and Garrett O'Dwyer from the
19 Philadelphia Association of
20 Community Development Corporations.

21 We will now move on to the
22 public comment list. We ask that
23 all commenters limit their
24 testimony to two minutes. And if
25 you have submitted written

1 testimony, please summarize.

2 Ms. Jones, can you please
3 call the names of the first three
4 commenters.

5 THE CLERK: Reverend Daniel
6 Eisenberg, Shirla Smith, Gail
7 Banks, Jonathan Briggs.

8 (Witnesses approached
9 Witness table.)

10 COUNCILWOMAN GAUTHIER:
11 Good afternoon. How are you doing?
12 Please state your name for the
13 record and proceed with your
14 testimony.

15 MS. SMITH: Shirla Smith.
16 Well, great afternoon to those who
17 know me with the other hearing.
18 I'm here basically representing the
19 Brewerytown Sharswood area as well
20 as --

21 COUNCILWOMAN GAUTHIER:
22 Move the microphone closer.

23 MS. SMITH: --
24 Philadelphia. I am here I guess
25 you could say as a testimony behind

1 the fact that I worked for the
2 Commonwealth of Pennsylvania for
3 the last 30 years. And at one
4 point, people looked at me like,
5 oh, she makes a lot of money, she
6 can afford to do this, she can
7 afford to do that, until tragedy
8 hits you. You never know.

9 I've probably helped
10 raise -- I don't know who are the
11 people behind me, but I served them
12 and gave great service to them in
13 the field that I was in. I'll just
14 say the Department of Public
15 Welfare service, social service, so
16 I knew what being on that side of
17 the table was like, and I'm helping
18 and helping and helping. I had
19 tragedy. Now, I'm on the same side
20 of the table that they are.

21 And now, affordable housing
22 isn't what it seemed to be as I was
23 helping. There's so many doors
24 that are closed. You walk in. You
25 can afford this amount at one

1 point. Then I'm forced to retired.
2 Income becomes half and you can't
3 afford and they're saying, well, we
4 still want our rent. And where do
5 I go to get affordable, you know.
6 And then landlords are -- not all
7 landlords, obviously for the
8 gentleman that spoke before us.
9 I'm like -- however, I am so off
10 script because this is not me.

11 Okay. So I apologize, but
12 my two minutes, let me put my
13 glasses on so I can see what I did
14 write down as a script. Landlord's
15 being -- I've been at the location
16 I am for almost 20 years and now
17 I'm unable to afford it. But for
18 the last 20 years, as some of the
19 people who spoke previous, there
20 has been no changes.

21 Now, the rent is up.
22 Because my building or my bedroom
23 window faces Center City and it
24 skyrocketed \$500 per month, but
25 income went down more than half,

1 you know, twice as much as the rent
2 increase. Anyhow I'm going to read
3 the script. I worked for the
4 state, the Commonwealth of
5 Pennsylvania for years, 30 years.
6 And now, I'm on a fixed income,
7 forced to retire.

8 I did everything right.
9 Currently with the rising costs of
10 housing across the city, I am
11 meeting obstacle after obstacle to
12 secure safe, long-term housing
13 because of constantly increasing
14 rental fees. Many people like
15 myself cannot afford to have rent
16 constantly increasing.

17 The City needs to take care
18 of us, the people who have been
19 here, who have worked here and
20 continue to call this city home.
21 It's just so much. It's so much.
22 And certain things were just
23 unforeseeable. We did not know,
24 you know. Tomorrow I get a phone
25 call from the doctor saying you

1 have cancer today and then the next
2 obstacle and then it continues.
3 Not to say that everyone doesn't
4 experience life, but when your
5 income takes a drastic drop and you
6 didn't understand what happened and
7 you knock on the door and ask for a
8 landlord, can I apply for this
9 apartment and they say, oh, no.
10 And let alone I've seen vouchers
11 and Section 8 vouchers and they are
12 determining, oh, well, we'll help
13 you move in that neighborhood.
14 Well, what about the neighborhood
15 that I want to live in or what
16 happened to the -- I used to live
17 in this neighborhood, I can't live
18 here anymore, you know.

19 I am from Philly. I love
20 my city. And I'm looking at two
21 Councilmembers that do know that
22 they see me everywhere. I support
23 just about everything Philadelphia.
24 I even call my name Shirladelphia
25 because I want people to know I

1 love you all. I've loved them all
2 since I worked for them. Now, I'm
3 trying to get folks to work for me.
4 I just need the help.

5 COUNCILWOMAN GAUTHIER:

6 Thank you.

7 MS. SMITH: Thank you,
8 everyone.

9 (Applause.)

10 COUNCILWOMAN GAUTHIER:

11 Thank you so much, Ms. Smith, for
12 sharing your testimony and thanks
13 for all the good that you do in the
14 community. It's really good to see
15 you today.

16 We do have quite a long
17 list of commenters so I'm going to
18 kind of be a little strict about
19 the two minutes and you'll hear --
20 I'm going to interject and let you
21 know when the two minutes is up.
22 But please state your name for the
23 record and proceed with your
24 testimony.

25 MS. BANKS: Hi. My name is

1 Gail Banks. I live at 5418 Sansom
2 Street in West Philadelphia. My
3 landlord is Emmie Beamer who lives
4 in Texas. I pay a realtor while my
5 neighbors pay her. She refuses to
6 fix anything but raised the rent on
7 me last year by \$100 a month.

8 In February -- and might do
9 it again this February coming.
10 With the things that are going in
11 the city, I won't be surprised if
12 she do. The window in my dining
13 room does not close the hallway.
14 Lights do not work properly what
15 makes it dangerous at night, and
16 the fire extinguishers are all out
17 of date. She refuses to replace
18 them.

19 There are too many
20 landlords in Philadelphia like
21 mine, landlords who raise the rent
22 every year, which does nothing to
23 improve the housing. And some of
24 the landlords use the software too
25 called RealPage or other means to

1 communicate and hike up the price
2 of the rent. This is illegal,
3 unfair and unjust. I don't know if
4 my landlord is purposely
5 communicating with other landlords
6 to hike up the rent, but I do know
7 the rent is too high and the effort
8 is the same on tenants.

9 I'm asking the members of
10 the Committee to support Councilman
11 O'Rourke's bill and help to pass it
12 this year. Thank you and God
13 bless. Also, with that being said
14 in my community alone, I have seven
15 different landlords that are
16 slumlords and I'm trying to get
17 more people in my neighborhood to
18 come along with me, Renters Rights,
19 One PA, to fight the difference of
20 what are we going through. Thank
21 you and may God bless y'all.

22 (Applause.)

23 COUNCILWOMAN GAUTHIER: May
24 God bless you too. Thank you for
25 your testimony and for the

1 organizing work that you're doing.

2 MS. BANKS: Thank you.

3 COUNCILWOMAN GAUTHIER:

4 Please state your name for the
5 record and proceed with your
6 testimony.

7 MR. BRIGGS: Hello,
8 everyone. My name is Jonathan
9 Briggs and I am a member of One PA,
10 Renters United Philadelphia from
11 West Philadelphia, born and raised,
12 in the playgrounds where I spent
13 most of my days. Anyway I'm in
14 support of Bill 240823 because a
15 couple years ago when I was renting
16 in Frankford I had to leave because
17 I couldn't afford my rent. My rent
18 was increased by 10 percent and I
19 also had an extra fee, like a
20 utility fee for my electricity and
21 a pet fee. That was another extra
22 \$150 along with the 975 that I was
23 paying for rent already. So I
24 couldn't afford to stay. So I wind
25 up moving.

1 After that, the only place
2 I could find that I could afford to
3 move was back in West Philly with
4 the slumlord who rented me a place
5 that was just band-aided up. I
6 didn't know that the place was in
7 horrible condition. About a week,
8 week and a half after I moved in, I
9 started having a leak in my bedroom
10 wall that grew into my wall
11 corroding in on itself. Started
12 getting black mold and mushrooms.
13 I had a big stream coming down my
14 wall. I had to be hospitalized
15 because I couldn't breathe.

16 It also came to the point
17 where my landlord illegally, when I
18 was sitting here trying to work,
19 trying to make my money, trying to
20 just live my life, you know, like
21 everybody here has lives, everybody
22 here has goals and everything,
23 ambitions that they want to do, but
24 I'm coming home from a 12-hour
25 shift and I find out that my pet

1 has been murdered, drowned in a
2 bathtub by the only other person
3 who has a key to my apartment.

4 My apartment was ransacked
5 and then I still wind up getting
6 kicked out. After that the next
7 day when I confronted him about
8 what he did, he decided to pull a
9 gun out on me and then called the
10 cops on me. Now, I'm homeless.
11 I'm still, you know, staying with
12 my mom but I'm not staying with my
13 mom. And it's hard with inflation.
14 I have to sell food stamps because
15 just to make ends meet.

16 Now, I have no money to buy
17 food. I got medical bills that I
18 still got to pay off. It's getting
19 ridiculous. It's crazy. And we
20 shouldn't have to struggle like
21 this. It's already hard enough
22 just living today. Like, I at
23 least want to be able to come to my
24 safe haven and not have to worry
25 about am I going to be able to

1 afford my rent this month or what
2 are they going to do to the
3 electricity. Are they going to
4 raise my rent, are they going to --
5 am I going to be getting evicted,
6 wrongfully evicted or what's going
7 to happen.

8 I shouldn't have to be
9 worrying about -- nobody here
10 should have to be worrying about
11 where they're going to be laying
12 their heads at any point in time,
13 especially not in your own home.
14 But I hope all Councilmembers will
15 vote in support of this bill and I
16 thank everybody for showing up.
17 Like Brother Stone said, this is a
18 group of brave people and I'm
19 actually glad to see that I'm not
20 the only one that's feeling this
21 way. Thank you.

22 (Applause.)

23 COUNCILWOMAN GAUTHIER:

24 Thank you so much for your
25 testimony. And if there's anything

1 that I or my office can do to help
2 you, I want to extend that. And we
3 can talk after the -- we don't have
4 to talk now. We can talk after the
5 hearing.

6 Please state your name for
7 the record and proceed with your
8 testimony.

9 MR. EISENBERG: I'm Daniel
10 Eisenberg and I serve as the Pastor
11 of St. John's Lutheran Church in
12 Mayfair and I am also a member of
13 POWER Interfaith. I'll start by
14 talking a bit about the work that
15 we've done in POWER over the last
16 several months now.

17 We've had over 700 one-to-
18 one conversations with people of
19 faith, Jews, Muslims, Christians,
20 ethical humanists, Unitarian
21 Universalists and all kinds of
22 other people of faith and moral
23 courage. And what we have found is
24 that almost a third of the people
25 that we've spoke to have missed a

1 rent payment or been late on a rent
2 payment, are worried daily about
3 making their rent. This is a thing
4 that is going on in our city.

5 On the St. John's part of
6 things where I serve as pastor, I
7 actually have -- two members of my
8 church right now that are facing
9 eviction at the end of the week. A
10 50-year-old woman and her 80-year-
11 old mother are looking, probably
12 going to be homeless by the end of
13 the week.

14 They had been renting a
15 place for over 10 years, almost to
16 the day 10 years. And then last
17 year they got a new landlord who
18 looked at the market and thought
19 that he could get a little bit more
20 extra money out of them. Now, they
21 couldn't afford their payments and
22 now they are not going to have a
23 place to live by the end of the
24 week.

25 And so, I am grateful for

1 this bill. Let me see, I've heard
2 it enough now, 240823. Yeah, I
3 need no notes. But in all
4 seriousness I am very grateful for
5 this bill as just one of many of
6 the ways that we need to address
7 this housing accessibility and
8 affordability crisis in order to
9 make sure that the people that I
10 love and the people that I serve,
11 my fellow children of God, that
12 they don't end up without a home.
13 And so, I hope and pray that we all
14 do what's right.

15 (Applause.)

16 COUNCILWOMAN GAUTHIER:

17 Thank you. Thank you so much for
18 your testimony and for your
19 advocacy. And again, if there's
20 anything that we can do for those
21 tenants, let's talk after the
22 hearing. We would love to help if
23 we can. Thank you.

24 Will the Clerk please call
25 the next three commenters.

1 THE CLERK: David Oney or
2 Oney, Nikki Andrews, Janet White.

3 (No response.)

4 THE CLERK: David Oney,
5 Nikki Andrews, Janet White, Shiree
6 Smith.

7 (No response.)

8 THE CLERK: Vivian Chang,
9 Elizabeth Claire Houston and
10 Winfield Thomas.

11 (Witnesses approached
12 Witness table.)

13 COUNCILWOMAN GAUTHIER:
14 Good afternoon. Please state your
15 name for the record and proceed
16 with your testimony.

17 MS. ANDREWS: Hello,
18 everyone. My name is Nikki. I am
19 a supporter of the bill 240823.
20 And I know we all have been on
21 script. I'm going to come off
22 script just a bit and give a little
23 bit of my testimony. I am a
24 retiring nurse of 19 years. I'm 42
25 years old. I have two children,

1 both in New York. One is on
2 college campus right now. I am a
3 survivor of domestic violence and I
4 advocate now for those victims and
5 survivors as well.

6 And so, years ago when I
7 got the strength to leave the
8 situation that I was in, I was
9 offered to go into a shelter with
10 my children and to change my name
11 and identity because my abuser was
12 an officer and to go into
13 protective custody. And I chose
14 not to do that. I chose to stand
15 and not run anymore.

16 I stayed in some shelters.
17 And as a result, I was given an
18 opportunity to get housing. And
19 they told me if I stayed in a
20 shelter for a year that I would get
21 housing. And I refused to do that
22 because I worked. I was from
23 Cheltenham area, Mt. Airy area, and
24 I knew what it was to be a working-
25 class family and to work for what

1 you wanted. And so, I saved and I
2 got enough money to move my
3 children into a safe environment
4 and into Hill. And so, here I am
5 today.

6 And I am a renter and a
7 member of One PA, Renters United of
8 Philadelphia. I've been renting
9 from a large corporate landlord
10 Jude DeMarco's(ph) office for
11 nearly 10 years. And since then
12 I've been in that property, I've
13 had my rent raised quite a few
14 times over those years without
15 prior notice.

16 Just recently my rent was
17 raised yet again. I've worked as a
18 nurse throughout the pandemic so
19 you can imagine COVID units and I
20 was the one of the people that --
21 by the grace of God I've never lost
22 a patient in 19 years because I
23 knew I was working in my gift. I
24 was working in healing so I didn't
25 walk away when a lot of people left

1 because of COVID or got laid off
2 because they had to get the
3 vaccine.

4 And so, my rent has been
5 raised so many times. But even in
6 a demanding field, the medical
7 field where we know are in demand,
8 right, the medical field is always
9 in demand but the wages just don't
10 match the economy. Yes, you don't
11 have to say Amen, just say mm-hmm,
12 right.

13 And I have a family to take
14 care of. And again, like I said I
15 have a daughter -- I dropped out of
16 school to have my first child, my
17 son at 17, but we got my daughter
18 on a college campus, university.
19 She graduated with a 4.0 and got a
20 a full ride.

21 (Applause.)

22 MS. ANDREWS: Yeah. Glory
23 be to God. And so, the rent goes
24 up, but it does not match the
25 repair, the attention to the

1 repairs that we request often times
2 from my landlord or the quality of
3 our homes, right. And it's
4 unfortunate. Like other large
5 corporate landlords, Jude DiMarco
6 neglects our rights to quality
7 housing. I haven't seen many
8 repairs in that 10-year span.

9 I use my own money. Again,
10 I know what it is to work to have
11 something nice and to go out and
12 get it. And so, often times I
13 won't even call the office. I'll
14 just use my own money. When I say
15 use my own money, I'm calling in
16 contractors. I'm not talking about
17 replacing batteries. I'm not
18 talking about replacing fire
19 extinguishers. I'm talking about
20 my own money to get what needs to
21 be done because I want a safe
22 dwelling for myself and for my
23 children.

24 And it's just been gross
25 negligence over the years. My

1 family and I have suffered because
2 the repairs have not been done in a
3 timely fashion and they just
4 haven't been addressed. The
5 violations such as we've endured
6 leaky roofs, infestation to the
7 dwelling, compromised foundation,
8 holes where you can, you know,
9 again raised in Cheltenham. I
10 moved to Frankford and my mom was
11 like, are you out of your mind, you
12 don't know what you're getting
13 yourself into. But I'm a praying
14 mother for the entire city, you
15 know.

16 And so, it's draining.
17 It's really draining. Plumbing
18 issues, backed-up sewage that I
19 have to wait weeks and weeks for.
20 I heard somebody testify and say
21 that they missed a holiday. I went
22 through the same thing where my
23 entire dining room ceiling where
24 I've been waiting months, months,
25 not weeks, months for them to come

1 out and just fix the ceiling. And
2 the response and the pushback is
3 very, very nasty. It's almost
4 like -- yeah. That's just some of
5 the things that we fight for a
6 better community and economy.

7 Why come home -- 19 years
8 in a nursing field, I did doubles
9 after doubles after doubles to come
10 home and it not even be peaceful or
11 my children not be safe, yeah. So
12 I don't know whether my landlord
13 uses RealPage because obviously
14 they don't even have to tell us
15 when we sign the contract. It's
16 not in the law that they have to
17 dispose that information to their
18 customers or their consumers, so to
19 speak, their tenants. And so, I
20 don't even know.

21 COUNCILWOMAN GAUTHIER: If
22 you can just take the next 30
23 seconds and wrap up.

24 MS. ANDREWS: But we should
25 have access to that information,

1 you know. I don't know. What I do
2 know is corporate landlords should
3 not be getting away with this tool,
4 having this tool, RealPage, using
5 it to abuse the private data and to
6 raise rents ridiculously at vast
7 amounts by this algorithm. It's
8 inhumane and it should be exposed
9 and it should be stopped.

10 (Applause.)

11 MS. ANDREWS: I want to
12 close by saying I'm very grateful,
13 very, very grateful for everyone
14 here, all of you Councilmembers
15 that are here and everyone here
16 that's sharing their story. Thank
17 you.

18 (Applause.)

19 COUNCILWOMAN GAUTHIER:
20 Thank you.

21 MS. ANDREWS: Yes,
22 absolutely.

23 COUNCILWOMAN GAUTHIER:
24 Thank you for sharing your story
25 and thank you for all of your

1 service during COVID and beyond.

2 Can the next public
3 commenter please state your name
4 for the record and proceed with
5 your testimony.

6 MS. CHANG: Great. My name
7 is Vivian Chang. I'm the Executive
8 Director of Asian Americans United.
9 We're based in Chinatown North and
10 I'm a renter who lives in Chinatown
11 North. So just like everyone else
12 here, I've heard too many horror
13 stories and seen too many horror
14 stories of renters being mistreated
15 by landlords, right. Folks paying
16 out the nose, way more than they
17 can afford for a dwelling that's
18 just not up to par.

19 Similarly I had a landlord
20 where tiles fell down in our
21 bathtub and for a month, we were
22 just -- we had no idea what to do.
23 We were like this is an unhealthy
24 living situation, right. It was
25 not -- anyway, it was bad. And so,

1 related to that is this power that
2 predatory landlords have over us,
3 right.

4 They can fix the prices.
5 They can do a lot of things under
6 our current laws, so that's why I
7 speak in support of this bill,
8 right, because they're already
9 taking 30, 40, 50 percent of our
10 wages. And for what, for nothing.
11 So we need to take back the power
12 for the people, for the renters,
13 for folks who are working and just
14 trying to survive and make sure
15 that they can't keep pushing prices
16 up, taking more than their fair
17 share and make sure that this is a
18 city for all of us. Thank you.

19 (Applause.)

20 COUNCILWOMAN GAUTHIER:

21 Thank you so much for your
22 testimony and for sharing your
23 story here today.

24 Can the next public
25 commenter please state your name

1 for the record and proceed with
2 your testimony.

3 MR. THOMAS: Yeah. My name
4 is Winfield Thomas. I'm with
5 Brewerytown Sharswood Neighborhood
6 Coalition. I'm with Sunshine
7 Unlimited but our Home Equity
8 Action Team. We support this bill
9 and we thank Councilman O'Rourke
10 for bringing this bill. And we
11 think that the City of Philadelphia
12 needs true affordable housing.

13 In fact, all housing should
14 be already affordable. Taking note
15 from cities across this nation we
16 need prevention and a city that
17 cares for its residents, especially
18 long-term residents. And again, we
19 thank you for being able to have
20 this voice this afternoon.

21 COUNCILWOMAN GAUTHIER:
22 Thank you so much for your
23 testimony and for your advocacy.

24 (Applause.)

25 MS. NEWSOME: Hello. My

1 name is Claire and I am a
2 Philadelphia resident, a renter --

3 COUNCILWOMAN GAUTHIER:

4 Quick second. Claire what?

5 MS. NEWSOME: Newsome.

6 Elizabeth Claire Newsome. I go by
7 Claire. My parents wanted to make
8 it as confusing as possible I
9 guess. And I am a Philadelphia
10 resident. I am a renter. I'm a
11 cyber security policy writer and I
12 am a former anti-trust scholar.
13 And I say former because anti-trust
14 broke my heart.

15 And I'm here to give three
16 lessons that I learned the hard way
17 so hopefully Philadelphia does not
18 have to also learn that the hard
19 way. I am in support of this bill.
20 And I think that anti-trust is
21 useful in its purpose of ensuring
22 that markets stay fair. But there
23 are some things that as a society
24 we don't want to leave to just
25 anti-trust.

1 While this bill will
2 address some of the anti-
3 competitive harms, there is
4 supporting reasons why we should do
5 it. Take for example monopsony in
6 the employment market, so it's
7 monopoly but on the purchasing
8 side. We don't leave that to anti-
9 trust law. Instead we have
10 employment law. Instead we have
11 labor law and there's a whole bunch
12 of other ways we regulate labor
13 markets because we understand that
14 this is humans and that we want as
15 a society to say and how humans re
16 able to survive outside of just
17 leaving it up to a market even if
18 there are ways to make that market
19 more healthy.

20 The second lesson I learned
21 the hard way is that once there's a
22 certain level of consolidation, it
23 is hard to unring that bell. Take,
24 for example, Amazon and the book
25 marketplace. You see there are

1 very few book markets left. Amazon
2 did escape a lot of the most severe
3 anti-trust regulation and
4 litigation around their activities
5 in the book marketplace. And yet
6 they were still able to completely
7 dominate the market in a matter of
8 about 10 years.

9 And bringing that back to
10 the housing market, you can look
11 around and just see the
12 consolidation of the housing market
13 in the luxury buildings that are
14 being built. And what that means
15 is less space for higher prices and
16 the renting algorithm will only
17 make that issue worse.

18 And then my -- oh, it will
19 also then drive about the small
20 landlords, the mom-and-pop
21 landlords, the human element that
22 is really important to -- as we
23 heard testimony earlier, that's
24 really important to the renter's
25 ability to acknowledge their

1 humanity.

2 I'm sure we don't want to
3 be online with customer support.
4 As hard as it is to get repairs in
5 the current space, I'm sure we
6 don't want to be online with an
7 automated customer support just to
8 get our stuff fixed. And the last
9 thing that I learned from my time
10 in the anti-trust space is that at
11 the end of the day corporations
12 really do rely on governments to
13 regulate them. And I know that
14 sounds counterintuitive.

15 I'm sure you hear a lot of
16 corporate representatives here
17 fighting against regulation. But
18 as a policy writer, I understand
19 that it's really hard to do the
20 right thing unless there's a
21 regulation encouraging a
22 corporation to do said right thing.

23 I work in cyber security.
24 Cyber security is a hot topic.
25 Cyber security is a highly

1 regulated area and yet there are
2 best practices that it's hard to
3 get even my most well-resourced
4 clients to execute. And that is
5 often times as we saw with the
6 crowd strike situation, which was
7 what took down a lot of critical
8 infrastructure for about a day, you
9 know, security best practices would
10 have been helpful. And even the
11 most well-resourced organizations
12 didn't necessarily follow through
13 on that. And so --

14 COUNCILWOMAN GAUTHIER: I'm
15 just going to ask that you -- 30
16 seconds.

17 MS. ANDREWS: Yes, I'm
18 wrapping it up. And so, I think
19 that it is in the best interest of
20 even those who may challenge this
21 bill because it will really
22 encourage them to do the right
23 thing. It will encourage them to
24 have a reason to respect the
25 humanity of the people who are

1 living with them and it will
2 encourage them to share the market
3 space with other small landlords.
4 Thank you for your time.

5 COUNCILWOMAN GAUTHIER:

6 Thank you so much. Thanks to you
7 all. Thank you for coming here
8 today.

9 (Applause.)

10 COUNCILWOMAN LANDAU: Just
11 a real quick comment.
12 Councilmember Rue Landau. While I
13 don't know if corporations are
14 necessarily going to appreciate
15 regulation, I would say that having
16 clear guidelines is certainly
17 helpful for them to do their work
18 and the big corporations have big
19 lawyers and they will figure out
20 what the guidelines are and they
21 will get their clients to follow
22 the guidelines.

23 And also, just an
24 overarching comment for everybody
25 here. I have a background in

1 housing law and I'm the current
2 Chair of the Technology Committee.
3 And so, this is the intersection of
4 both of them. But I do want to
5 remind everybody for the tenants,
6 it's breaking my heart to hear your
7 stories. I want to dig in so
8 badly, but I would like to remind
9 you to go to Phillytenant.org as a
10 first start.

11 There's a helpline.
12 There's lots of resources. Please
13 everyone go there to start,
14 Phillytenant.org. If you have more
15 questions, come to our offices
16 because we really want to make sure
17 that you're living in the
18 healthiest, safest, most affordable
19 way possible.

20 COUNCILWOMAN GAUTHIER:

21 Thank you for that, Councilmember
22 Landau.

23 Is there any one else that
24 wishes to testify on this bill?

25 (No response.)

1 COUNCILWOMAN GAUTHIER:

2 Seeing no one else here to testify
3 on the bill, this concludes the
4 public hearing. We will now go
5 into a public meeting to consider
6 the action to be taken on the bill
7 heard today.

8 Can the Clerk please call
9 the roll.

10 THE CLERK: Councilmember
11 Bass.

12 COUNCILWOMAN BASS:
13 Present.

14 THE CLERK: Councilmember
15 Driscoll.

16 COUNCILWOMAN DRISCOLL:
17 Present.

18 THE CLERK: Councilmember
19 Jones.

20 COUNCILMAN JONES: Present.

21 THE CLERK: Vice-Chair
22 Landau.

23 COUNCILWOMAN LANDAU:
24 Present.

25 THE CLERK: Councilmember

1 Gauthier.

2 COUNCILWOMAN GAUTHIER:

3 Present.

4 The Chair recognizes
5 Councilmember Landau for a motion
6 on the amendment to Bill No.
7 240823.

8 COUNCILWOMAN LANDAU: Thank
9 you, Madam Chair.

10 I offer an amendment to
11 Bill No. 240823.

12 A copy of the amendment has
13 been circulated to all members of
14 the Committee. I move that the
15 amendment to Bill No. 240823 be
16 approved.

17 (Duly seconded.)

18 COUNCILWOMAN GAUTHIER: It
19 has been moved and properly
20 seconded that the amendment to Bill
21 No. 240823 be approved.

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

24 (Aye.)

25 COUNCILWOMAN GAUTHIER:

1 Those opposed?

2 (No response.)

3 COUNCILWOMAN GAUTHIER: The
4 ayes have it and the motion
5 carries. And the amendment to Bill
6 No. 240823 has been approved.

7 The Chair recognizes
8 Councilmember Landau for a motion
9 on Bill No. 240823 as amended.

10 COUNCILWOMAN LANDAU: Thank
11 you, Madam Chair.

12 I move that Bill No. 240823
13 as amended be reported from this
14 Committee with a favorable
15 recommendation and further move
16 that the rules of Council be
17 suspended to permit first reading
18 of this bill at the next session of
19 Council.

20 (Duly seconded.)

21 COUNCILWOMAN GAUTHIER: It
22 has been moved and properly
23 seconded that Bill No. 240823 as
24 amended be reported from this
25 Committee with a favorable

1 recommendation and further move
2 that the rules of Council be
3 suspended to permit first reading
4 of this bill at the next session of
5 Council.

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

8 (Aye.)

9 COUNCILWOMAN GAUTHIER:

10 Those opposed?

11 (No response.)

12 COUNCILWOMAN GAUTHIER: The
13 ayes have it and the motion
14 carries.

15 (Applause.)

16 COUNCILWOMAN GAUTHIER:

17 Bill No. 240823 as amended will be
18 reported from this Committee with a
19 favorable recommendation with a
20 request that the rules of Council
21 be suspended to permit first
22 reading at the next session of
23 Council.

24 This concludes the business
25 of the Committee on Housing,

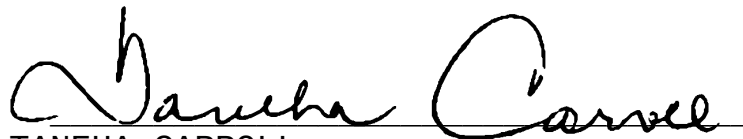
1 Neighborhood Development and The
2 Homeless today. Thank you all very
3 much for your participation.

4 (Committee on Housing,
5 Neighborhood Development and The
6 Homeless concluded at 4:05 p.m.)

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

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

A handwritten signature in black ink, reading "Taneha Carroll". The signature is written in a cursive, flowing style. The first name "Taneha" is written with a large, looped 'T' and 'h'. The last name "Carroll" is written with a large, looped 'C' and 'r'. The signature is positioned above the printed name and title.

TANEHA CARROLL
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City of Philadelphia

Public Hearing Notice

The **Committee on Housing, Neighborhood Development and The Homeless** of the Council of the City of Philadelphia will hold a Public Hearing on **Wednesday, October 16, 2024, at 2:00 PM, in Room 400, City Hall**, to hear testimony on the following item:

240823 An Ordinance amending Chapter 9-800 ("Landlord and Tenant") to add prohibitions and penalties related to anti-competitive rental practices, all under certain terms and conditions.

Immediately following the public hearing, a meeting of the Committee on Housing, Neighborhood Development and The Homeless, open to the public, will be held to consider the action to be taken on the above listed item.

Copies of the foregoing item are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.

COMMITTEE ON HOUSING NEIGHBORHOOD DEVELOPMENT AND THE HOMELESS

Jamie Gauthier, Chair	686	-0459	316 C.H.
Rue Landau, Vice-Chair		-3420	592 C.H.
Cindy Bass		-3424	508 C.H.
Mark Squilla		-3458	332 C.H.
Mike Driscoll		-3444	313 C.H.
Curtis Jones, Jr.		-3416	404 C.H.

**John Mondlak, Interim Director
Planning and Development
Bill 240823**

Good afternoon, Chairperson Gauthier and members of the Committee on Housing, Neighborhood Development and The Homeless, my name is John Mondlak, I am the interim Director for the Department of Planning and Development here to testify on Bill 240823 introduced by Councilmember O'Rourke.

Let me begin by thanking you for the opportunity to testify today regarding the growing housing crisis. The proposed bill before you today, aims to address anti-competitive practices in the rental market. We have met with the bill sponsors team on this bill and appreciate the cross collaboration and proactive discussions, which are now reflected in the amendments before you today.

Mayor Parker has committed to creating and retaining affordable housing within Philadelphia, which is why we support the intent of the bill to keep housing affordable. The legislation before you aims to achieve that goal with the hopes of preventing any software or price coordination that would interfere with this administrations goals to create more affordable units in Philadelphia.

One particularly concerning trend nationally, is the use of rent-setting software and algorithms by landlords, which can facilitate price coordination. When housing providers adopt the same algorithmic models, it leads to uniform rent increases across the market, inflating prices and further destabilizing our already fragile housing ecosystem. In a city where affordable housing is scarce, such practices push many renters into financial precarity or even homelessness.

This bill hopes to curb these harmful practices by prohibiting landlords from using algorithmic tools to collude on rent prices, ensuring that rental costs reflect market conditions rather than artificial inflation. As we face this housing affordability crisis, it is vital to take proactive measures to prevent predatory practices that disproportionately harm low-income residents.

This concludes my testimony, thank you for allowing me to testify on Bill 240823 today.

Philadelphia City Council | Testimony of Sarah Haynes-Saunders

Good afternoon everyone, and good afternoon councilmembers of the Housing Committee. My name is Sarah Haynes-Saunders and I am a member of OnePA Renters United Philadelphia. I was born in South Carolina, and moved to Philadelphia at the age of 5. I am 66 years old and disabled and I live at 6342 Carnation Street, in Germantown. I started renting from Acton Realty on August 15, 2015, and since then the landlord has changed a few times, and my landlord is now Carnation Street Ventures LLC.

Only two repairs have been made since then: One was a broken sink pipe, which I had to wait a week to get repaired, and was during Thanksgiving week and ruined Thanksgiving dinner. This past winter, my heating broke, and it took them another whole week to fix my heating. I was without heat in the middle of winter for a week.

In my bathroom, the ceiling is peeling, and in my living room the carpet is over a decade old. Because of my disability, I cannot clean it, and my landlord refuses to replace it.

In January of this year, I was paying \$925 per month, and that's when the PHA vouchers came out. I noticed my landlord, Carnation Street Ventures, seemed to be evicting more people than usual, and renovating the vacant units. I wanted to move into another apartment that was nicer than mine, and because they wouldn't renovate anything in my apartment. I was told by the landlord that I could move, and I signed a lease to move into a unit 3 doors down for the same rent, \$925 per month. But, then a plumbing problem came up, and, after they fixed the plumbing, they renovated the apartment, and jacked up the rent to \$1,250 per month, even though I had signed a lease for \$925.

In 2015 when I first moved in, I was paying a little more than \$700 in rent. The rent would go up steadily each year, but in February 2023, it jumped from \$850 to \$925. And then, in February of this year, the rent increased by \$175 a month, so that I'm now paying \$1,100 a month, for the same, unrenovated apartment I moved into for \$700 a month.

Where is the fairness in that? Where is the equity in that? My landlords are making profit while I am on fixed, disability income. When I moved in 2015, my monthly income was around \$1,200, and now it is \$1,430. My landlords are charging me a larger portion of my income each year. Why? Why not the same? Why not less every year since I am a good tenant? In all these years, I have only been late on rent one time, and never short. Why do my landlords have the right to charge as much as they want, but I don't have the right to decent housing?

This hearing is about corporate landlords who are price-gouging and raising the rent way too high on myself and others, and using a software program called RealPage to help them do it. My landlord, Carnation Street Ventures, may or may not be using RealPage. We dont know.

But we do know that they are raising the rent way too high on tenants like myself.

I urge you to pass this legislation before you so that we can get the rent under control.

Thank you.

Philadelphia City Council | Testimony of Tyrone Jones

My name is Tyrone Jones, and I am a tenant, and member of OnePA Renters United Philadelphia. I'm here to speak up for myself and all tenants of corporate landlords in Philadelphia. When it comes to Odin, they only put bandaids on situations that need full fixes and repairs. I know this for a fact because I've lived in an Odin property, called Avondale Apartments, for over 8 years.

During that time, I noticed deteriorating situations due to the lack of maintenance to the building.

Once, the pipes under my bathroom sink burst due to the rusting, and my sink broke. Even though I called the emergency maintenance, I had to wait 2 days for anyone to show up. They stopped the leaking but didn't fix the sink. I had to call a friend of mine to manually shut off the hot water valve, and he got second-degree burns. For over 3 years Odin ignored all of my work orders and did not repair the sink. It took me joining with other One PA Renters United Philadelphia members, and delivering a petition to Odin CEO, Philip Balderston, this past June, for Odin to finally fix my sink, after 3 years of waiting.

Another time, a close friend was visiting, when my bathroom ceiling collapsed on him, and he went to the hospital and sustained permanent injuries. This ceiling started leaking in January 2021, creating a hole in my ceiling and causing electrical issues in my bathroom. I put in work orders but those were ignored. Finally, in December of 2022, the ceiling fell on my friend. Because of Odin's neglect and greed, my friend still suffers today.

Odin expects us to pay for these faulty utilities in these units, by overcharging tenants on utilities that should be included in their lease. For example, No tenant should pay a gas bill if it's stated as the owner's responsibility on the lease. I, for instance, was once charged nearly \$1,000 in one month for electricity, when I first moved in, and I'm still paying off. Doesn't that seem weird to you?

Let's be clear: Odin makes more profit when they do not invest in their properties or the well-being of their tenants. It is no surprise to me that a corporation like Odin uses RealPage software to manage utility bills at some properties. Tenants who are aware of the renter's rights, and look into their leases, can be mindful that Odin or their landlord uses RealPage, but, RealPage does not seem to make an effort to make themselves

known to Tenants. Why? What are they really hiding? If this was a legitimate company, why would they make such an effort to be hidden from tenants? What is so real about RealPage?

Because they are a profit-driven corporation, Odin cannot be trusted to be a good landlord. We need quality, affordable, clean, and healthy social housing for all people. I am here in support of Councilmember O'Rourke's bill to ban RealPage and rent price-fixing, and to urge the committee to help pass this bill as soon as you can. Thank you for your time.

Philadelphia City Council | Testimony of Lori Peterson

My name is Lori, and I am a member of OnePA Renters United Philadelphia, I am a mother and a grandmother, and a retired city employee. I rent from Odin Properties, one of the largest corporate landlords in our city. I have lived in the Odin building Mount West in Oak Lane for the past 5 years, and these are the worst conditions I have ever lived in in my life.

I have to live here because I can't afford anywhere else. I feel like I'm in a prison in my own home, and I'm paying for it. Odin calls this affordable housing, but nobody can afford it, because the rent they are charging here is ridiculous. Plus I pay utilities, and I am being unfairly charged for my utilities every month. My landlord uses RealPage for utilities. I am on a fixed income and cannot afford this. They are not even showing me my real utility usage. One month I was in the hospital for the entire month and was not even home, and they still billed me \$67 for my water bill that month. I was charged for water that I know I did not use, and that was not the first time.

I do not even drink the water in my own apartment, because in the morning my water stinks. I drink bottled water, and somehow they are still charging me \$60 for water? It is unfair and inaccurate to just make up a number to charge us for utilities, which it seems like RealPage is doing. Odin and RealPage are robbing us, and they're ok with it? Well I'm not.

During the winter, my gas bill is also high, and my lease says that the gas is also determined by RealPage. I also have no control over the temperature in my own home. If I'm paying for my heat and you're billing me for it, why can't I control it? And we are well on our way into the cold months, which means we will get even higher water and gas bills.

When I call Odin to ask about my inaccurate utility bills, one person passes it off to the next, nobody wants to explain anything. I have called so many programs to ask for utility support and support for seniors, and they all told me that my utility statement was not a bill and they could not help me pay it.

Even on a fixed income I manage to pay my high rent and utilities on time every month, and then I still have to live with horrible conditions in my apartment because corporate landlords like Odin do not provide their tenants quality housing. How is it ok for me to have to pay rent and not have a renovated apartment? I've had to deal with broken toilets and floor tiles and serious leaks. And the entire time I have been here there have been horrible infestations and a lack of pest control. I called every week for over two

years to ask for an exterminator, and I am still living overrun by roaches and it is getting worse, not better.

I did everything I could: I put in work orders, spoke to my property manager, even asked to change apartments. I did not know what else I could do until I came to OnePA Renters United Philadelphia. Through our collective action, we won meetings with the Odin CEO and we won some repairs. And we are just getting started. Odin has not controlled my cockroach infestation, and continues to overcharge on rent and utilities while claiming to be so-called quality affordable housing providers.

Philip Balderston and all the Odin Properties executives do not live in situations like we do. They do not live with roaches, leaks, broken elevators, or any of the situations that their tenants live in. We have the same right to quality, dignified housing as they do. And yet they raise my rent every single year with no improvement, and they use tools like Realpage to profit even more off of low-income seniors and disabled tenants like me.

They stand by Realpage. Then when will landlords stand by affordable quality housing?

We are calling on City Council to prioritize the needs of low-income renters over corporate greed.

Philadelphia City Council | Testimony of Shawmar Pitts

My name is Shawmar Pitts and I'm testifying in favor of bill 240823. I am a life-long resident of South Philadelphia and Co-Managing Director of Philly Thrive, an environmental and housing-justice organization in Grays Ferry. I am here to say loud and clear that we already have a housing crisis in Philadelphia. This bill is one step the city can take to help the crisis from getting worse, prevent rents from being artificially inflated, and start to put people over profits.

I want to tell you about one of our Philly Thrive members, Sonya. Sonya is a low-income renter who diligently pays her rent every month. However, in her last apartment, her landlord refused to make any repairs. I'm not talking about chipping paint or a broken light. I'm talking about how her apartment was uninhabitable. Sonya didn't have electricity for weeks during the summer heat waves - she didn't have a refrigerator, no AC, no stove. She couldn't cook. She went for months without water and she had sporadic heat throughout the winter. You're going to tell me that Sonya could face artificially increased rent due to corporate collusion, when those are the conditions she had to live in?

Now, I want to tell you about another one of our members, Twyone. Twyone is a pillar in the Grays Ferry community, particularly for our young men. He mentors young folks, you can always catch him at the park or riding around on his bike. When his landlords sold the house he was living in, Twyone had to leave his home because the new landlords increased the rent. He tried for months to find a place in Grays Ferry he could afford, but to no avail. Twyone was forced to leave and move outside Philadelphia to find a place he can afford. It has been shown that adult mentors in communities offer stability and decrease gun violence. Our community lost the consistency of a valued mentor and friend - Twyone was displaced from his home because of increasing rents. This bill would help prevent long-term residents from being displaced due to needlessly increased rental prices.

Finally, thank you so much to the 11 cosponsors of this bill, especially the members of the Housing Committee. We look forward to your consistent leadership. I've seen council members flip in the past - our councilman made our district exempt from a law after he co-sponsored it because he got pressure from developers. I encourage you to remain steadfast in your support of this bill and continue to put people over profit. This is a bill that's stopping developers from cornering the market and taking advantage of low-income people who can't afford the prices as it

Good Afternoon. My name is Raymond Huxen. I own a small 4 apartment building in South Philadelphia. In 2010, I was married and had a daughter and decided to bet on Philadelphia and where it was going. My wife and I opened a business on the west side of Broad street in South Philadelphia. At the time my friends thought I was crazy to even walk on the west side of Broad street, much less open a business. In 2014 we doubled down on our bet, by buying the building that housed our business. My wife is a teacher and my daughter now wakes up at 6 am, and rides the BSL from South Philly to the other end of the line to go to Central High school. Her Robotics team has won back to back world championships. When we purchased our building in 2014, it included the space that housed our business and also 4, 1 bedroom apartments. We knew a little about being a landlord but was going to learn a lot more in on the job training. Over the years, we have had bad tenants and good tenants. We have had to replace furnaces and do countless repairs and all the other things that goes with renting places for people to live. Of course the upside of the relationship is that those people write us a check each month. And we need those checks to keep the building afloat. Insurance, taxes, maintenance, vacancies, squatting tenants who won't pay, increasing utilities, repointing all the bricks on a building and expenses we haven't even discovered are always there. So, we need to get those rent checks on time and the more we get, the more there is above the many, many expenses. We aren't in the business of running a charity so the profit is important to my family, helping us enjoy a better life. But we believe that relationship with our tenants isn't a one way relationship and it shouldn't be an antagonistic one.

Part of being a landlord and renting space, is to make some extra money from the people living in our apartments. We bet on Philadelphia in 2014 when bought the building and Philadelphia has shown we made a good bet. But there needs to be another part of the relationship. That part is engaging in our community. We usually do a little research when we look for a new tenant. We may check Zillow just to get a broad range of rents in the area, then we pick something on the low end of the average. We don't want to try to squeeze every dollar from each of our tenants. The selfish reason for this, is that we have had difficult tenants. We would much rather ask a little less and be very selective about who lives in our space. The result is we have very little turnover and haven't had a problem with a tenant in a number of years. If there is

a problem, they tell us and we fix it asap. By the same token, our tenants take care of our space and don't ask us for small things, so it makes the relationship easy and mutually beneficial. If we viewed our relationship with them as antagonistic and tried to squeeze every penny we could get from them. They would know that and treat us as antagonists and try to squeeze any value they could get from us the same way. So this approach works very well for us. The by product is that when we do have a vacancy, word goes out and our problem isn't filling it, it's having to tell people we had to choose someone else to take the apartment.

The other element for us, is this space is an investment in our community. Our tenants are people and they are trying to build their own lives and have their own successes and find a way to progress and improve their own futures. As a member of the community of Philadelphia, we view the success of other members of the community as a good thing for all of us. The more people who have the resources to invest in themselves and their own futures, to be able to enjoy our city and want to be part of the growth of Philadelphia the better. It isn't necessary to us as landlords, nor do I think it's important to most of the small landlords to have a vast database with all the rental information in the country or even just our city. Using an algorithm to review and constantly update the maximum rent is just another way to keep inching the rents higher and higher. Trying to find the perfect number to squeeze people so they can barely make ends meet and have to sacrifice investing in their future or enjoying the small luxuries of life just to maintain a place to live, isn't in the long term best interest of our community.

Small landlords are part of the community. If the community fails we will suffer with it. The problem with landlords are the mass industry landlords who have no connection to the community, yet own hundreds or even thousands of units in the community. They are large businesses who have a single purpose of generating the maximum revenue regardless of the impact on the community that generates the revenue. They swoop in to buy so much of a market that they can control it to set and reset the the prices of the rent in the market. If these communities fail they can just sell off the assets at a profit and move on to do it over and over again. They will share all the information they can so an algorithm spits out the perfect highest number to charge with no regard for any longer term view of the impact on the community and the people who live in it. Then use that number to set the market rate. Then do it over and over

setting and resetting the number higher and higher forcing tenants to devote a higher and higher percentage of their income just to keeping a roof over their heads. Fixing prices by a small group with a disproportionate amount of knowledge and control of a market has always been against the best interest of the majority of a community. This is especially true in this case where most of the people trying to fix prices don't live in the community at all, just use it to generate revenue. My wife and I are much more interested in being part of the long term good and growth of Philadelphia than trying to squeeze every penny from it.

Thank you for your time.



PHILADELPHIA CITY COUNCIL

**Committee on Housing, Neighborhood Development and the Homeless
October 16, 2024**

*Written Testimony Provided By:
Steven Chintaman, Vice President
of Government Affairs
Pennsylvania Apartment Association*



Committee on Housing, Neighborhood Development and the Homeless
Bill 240823
October 16, 2024

Good afternoon, Chairwoman Gauthier, Minority Whip Nicolas O'Rourke, and members of the Committee on Housing, Neighborhood Development and the Homeless. My name is Steven Chintaman, and I am the Vice President of Government Affairs for the Pennsylvania Apartment Association (PAA) representing over 287,000 units and 316 property management companies across the Commonwealth. Locally here in Philadelphia we represent over 38,000 units and 49 property management companies.

I'd like to thank you for the opportunity to testify today on Bill 240823, which seeks to prohibit the conduct of pricing fixing on rental rates in the City of Philadelphia. I would also like to thank Minority Whip O'Rourke and his staff for their leadership on this matter, and willingness to work through amendments with the greater real estate coalition. The Pennsylvania Apartment Association and its members appreciate this legislative body's commitment to cross-collaboration in ensuring we find equilibrium for both housing providers and residents.

It should be known that the PAA's apartment owners and managers believe that unlawful practices and behavior should be addressed and penalized to the extent the law deems appropriate. We are an organization that is committed to working with stakeholders and government in addressing housing instability across the Commonwealth and nation.

Every industry relies on internal and external data analyses and responsive pricing technology including, retailers, shipping and transit, pharmaceuticals, hospitality, airlines, food service, lending and finance, commodities, etc. These tools expedite time-consuming and tedious computations, saving consumers billions.

Algorithmic Revenue Software allows housing providers to analyze real-time data, project expenses and plan for capital improvements in real-time. It encourages pricing competition within the marketplace through greater transparency, which results in lower rent prices for similar units. It also allows housing providers to respond more effectively to changing market conditions, identifying unit features in high demand by prospective tenants. The system does not restrict apartment unit availability and often recommends lowering rents. The purpose of Revenue Management Software is to optimize occupancy and lower vacancy rates, not to maximize rent price.

Furthermore, AI and algorithmic based technologies drive optimization and modernization of historic practices by maximizing operational efficiency that directly benefit residents and rental communities. This includes, but is not limited to:

- AI and algorithm-based tools allow on-site staff to concentrate on the human touch, cultivating relationships and servicing applicants' and residents' unique needs.
- Chatbots that provide "round-the-clock" access to information, schedule tours, significantly reduce initial response times and track follow-ups.
- AI-enabled processes and machine learning prevent fraud, automate communications, reduce delinquencies and evictions, and mitigate the risks to residents and staff.
- **Predictive Analytics:** AI-enabled technology predicts when repairs are necessary and suggests preventative maintenance to help housing providers optimize their financial resources. Predictive analytics also helps forecast future market conditions. Using historical data and trends, housing providers can anticipate rent increases or decreases months in advance, allowing them to plan accordingly.
- **Data Driven Decision Making:** Algorithms and AI-driven platforms analyze a wide array of factors, including:
 - Local market trends.
 - Historical pricing data.
 - Occupancy rates.
 - Seasonal demand.
 - Property features and amenities; and
 - Nearby competition that ensures more accurate and market-responsive pricing, reducing the risk of overpricing or underpricing.
- **Dynamic Pricing:** Like models used in industries like hospitality or transportation, technology can implement dynamic pricing for rental properties. This allows rental prices to fluctuate based on real-time market conditions, demand, and availability, optimizing rent levels for both housing providers and residents.
- **Mitigating Vacancy Risk:** By setting competitive rental prices through technology, landlords can minimize vacancies. Overpriced properties may sit on the market for too long, while underpriced ones could lead to revenue loss. Data-driven pricing tools help strike the right balance, ensuring units are filled at optimal prices.

Technology provides a more precise, efficient, and fair approach to establishing rental pricing. By harnessing data analytics, dynamic pricing, and predictive models, housing providers can stay competitive in the market and enhance resident satisfaction. This tech-driven approach not only benefits housing providers but also fosters a healthier, more transparent and competitive rental market for residents.

The Pennsylvania Apartment Association would welcome any opportunity to continue to work with this committee, and all stakeholders who would be impacted by any potential changes due to this bill.

We appreciate the opportunity to testify today and look forward to working with this Committee in the future to find innovative solutions.

Thank you for your time and consideration.



PHILADELPHIA CITY COUNCIL

**Committee on Housing, Neighborhood Development and the Homeless
October 16, 2024**

Written Testimony Prepared By: Christopher Mattioli, 2024 President &
Brittney Baker Shurr, Director of Government Affairs & Public Policy
Greater Philadelphia Association of REALTORS®

Committee on Housing, Neighborhood Development and the Homeless
Bill 240823
October 16, 2024

Good afternoon, Chairwoman Gauthier, Vice Chair Landua, Minority Whip O'Rourke, and members of the Committee on Housing, Neighborhood Development and the Homeless. My name is Christopher Mattioli, 2024 President of the Greater Philadelphia Association of REALTORS® (GPAR). The Association represents 3,400+ licensed real estate agents and industry service providers throughout Philadelphia. Many of our members are small portfolio housing providers or work with property management companies, hired by mom/pop landlords to oversee day-to-day operations of their individual rental properties/units.

I'd like to thank this committee for the opportunity to testify today on Bill, which seeks to prohibit price fixing of residential rental rates in the City of Philadelphia. Since the bill was introduced, there has been good-faith collaboration between industry organization leaders, the bill sponsor, cosponsors and corresponding staff. While the proposed amendments provide some clarity and mitigate immediate concerns, GPAR remains opposed to Bill 240823.

It is our position that access to current data and use of analytical technology provides for enhanced transparency and creates a competitive marketplace for all parties, especially current and prospective renters. Bill No. 240823 would restrict the use of technology and prohibit the collection and analysis of current data, making basic, industry-standard practices illegal and having negative impacts on both consumers and service providers alike.

Algorithmic and AI-enabled platforms provide a wide range of services that enhance efficiency for both the housing provider and renters. These platforms are not used to fix prices and extort renters for higher profits. They provide a more comprehensive look at all metrics simultaneously, including budgets, capital improvement plans, occupancies, maintenance scheduling and communications. AI-enabled technology predicts when repairs are necessary and suggests preventative maintenance to help housing providers optimize their financial resources. Predictive analytics also help forecast future market conditions. Using historical data and trends, housing providers can anticipate rent increases or decreases months in advance, allowing them to plan accordingly. The same technology allows renters to search for the best available apartment at a price level that they choose.

It is critical to properly define "price coordination and fixing" to address when two or more parties coordinate to fix pricing with the intent to prohibit market forces from determining appropriate rents. The definition should also include when two or more parties sign a non-compete agreement for pricing rental housing.

A key component of the DOJ's antitrust complaint against RealPage is the claim that RealPage's "revenue management software is fueled by nonpublic, competitively sensitive information shared by landlords," such as such as "rental applications, executed new leases, renewal offers and acceptances, and forward-looking occupancy." The complaint argues that this nonpublic information "is among the most competitively sensitive data a landlord maintains" and serves as one of the three "building blocks of price" in RealPage's revenue management software.¹⁸ The

complaint further alleges that: RealPage amasses nonpublic, competitively sensitive data from competing landlords through use of its pricing algorithms, other rental property software, and thousands of monthly phone calls. The combined troves of nonpublic, competitively sensitive data are much more granular, sensitive, timely, and comprehensive than alternatives—and far more detailed than any data publicly available to potential renters. RealPage then uses this data in generating competitors' pricing recommendations.

By contrast, the ACRP Ordinance, which ostensibly seeks to address the problem of anti-competitive rental pricing algorithms, defines “price coordination” to include conduct that involves only public data. It defines “price coordination” to mean: Price Coordination. Engaging in both of the following acts: (a) collecting historical or contemporaneous information concerning prices, price changes, supply levels, occupancy rates, or lease or rental contract termination and renewal dates of residential rental units from two or more real estate lessors or from public databases, including when monetary or other valuable consideration is paid to acquire or collect such information; and (b) recommending or suggesting rental prices, fees, rental terms, or occupancy levels to a real estate lessor based on such information, including when such recommendation involves the analysis or processing of information using a computational, or algorithmic system, software, or process.

Notably, subsection (a) is not limited to the collection and use of nonpublic, competitively sensitive rental information, but includes information obtained “from public databases.” This would allow the City to find “price coordination” even in cases where all of the information collected is publicly available. In this respect the scope of activities that would become unlawful under the ACRP Ordinance is far broader than the conduct at issue in the RealPage case. It is also much broader than the activity targeted in the San Francisco ordinance that reportedly inspired the ACRP Ordinance.

Under San Francisco’s ordinance, “algorithmic device” means: a device, commonly known as revenue management software, that uses one or more algorithms to perform calculations of nonpublic competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising a landlord on whether to leave their unit vacant or on the amount of rent that the landlord may obtain for that unit. Because the definition of “price coordination” encompasses the gathering of publicly available information to use in recommending or “suggesting” rents and other lease terms, the definition of prohibited “price coordination” appears to include the actions of a Realtor® who researches and compiles publicly available residential rental data and then uses it to advise a landlord client with regard to what rental rates, fees, and other lease terms it would be appropriate to ask for under current market conditions.

The ACRP Ordinance also appears to capture the landlord in this scenario, as the use of this advice would appear to violate proposed Section 9-813. Simply put, basing rental terms on available information about current market conditions is how landlords determine rental rates in the ordinary course of business. It is not collusion or price fixing and therefore should not be considered “price coordination” that could expose a Realtor® or a landlord to significant penalties of up to \$2,000 per day. The use of publicly available information to inform a landlord’s business decisions is a far cry from the alleged activities that are the subject of the DOJ suit against RealPage and the activities targeted in the San Francisco ordinance.

The definition of "price coordination" is overbroad because it would prohibit Realtors® or other real estate professionals from using publicly available information to advise landlords on setting rental fees and other lease terms and would likewise appear to prohibit landlords from using that advice to set rents and other lease terms.

GPAR is committed to resolving housing affordability challenges and the crisis more broadly in Philadelphia through comprehensive policy that addresses contributing factors. The Association and our members welcome any opportunity to collaborate with Council on future policy decisions and alternative solutions. The Greater Philadelphia Association of REALTORS® would welcome any opportunity to continue to work with this committee, and all stakeholders who may be impacted by any operational changes resulting from the bill.

However, we ultimately believe the Federal Government is best positioned to govern the use of pricing technology, AI and algorithmic platforms, through legislation, agency regulation, and enforcement actions. **As such, GPAR is opposed to Bill #240823.** We appreciate the opportunity to testify today and look forward to working with this Committee in the future to find innovative solutions.

Thank you for your time and consideration.

Chris Mattioli

Brittney Baker Shurr

CC:

Councilmember Nicholas O'Rourke

Councilmember Jamie Gauthier

Councilmember Rue Landau

Councilmember Cindy Bass

Councilmember Mark Squilla

Councilmember Michael Driscoll

Councilmember Curtis Jones, Jr.

RealPage, Inc.

Committee on Housing, Neighborhood Development and the Homeless

Bill 240823

October 16, 2024

Good afternoon, Chairwoman Gauthier, Minority Whip Nicolas O'Rourke, and members of the Committee on Housing, Neighborhood Development and the Homeless. My name is Mike Semko, and I am a Vice President and Associate General Counsel for RealPage. I am offering testimony regarding Bill 240823. This bill would have unintended consequences for both residents and housing providers, and should be held in committee for further study. Algorithmic pricing tools, which leverage a combination of public and nonpublic data, play a critical role in creating a more balanced and fair housing market. In particular, nonpublic executed rents, which often reflect the actual rates tenants agree to pay, tend to be lower than the asking rents typically available to the public. Banning the use of this data would strip pricing models of a key input that benefits residents by keeping rental costs grounded in real market behavior, rather than inflated expectations.

It is important to understand that the accuracy of pricing software is crucial for both consumers and housing providers. When pricing algorithms are deprived of comprehensive data, including nonpublic information, they become less accurate and less effective in setting fair rental rates. This decrease in accuracy can lead to overestimations or underestimations of rent, creating volatility that ultimately harms tenants. Housing providers rely on precise pricing to ensure that they remain competitive and can provide sustainable housing options. The prohibition of nonpublic data would undermine this precision, leading to less predictable and potentially higher rents due to the limitations placed on data-driven decision-making.

Moreover, the sharing of nonpublic information between housing providers, especially when aggregated, is not prohibited by existing laws and should not be restricted by this bill. Such data sharing can foster a more transparent market, as it enables more accurate assessments of market trends and rent levels. Nonpublic data, like executed rents, provides a true reflection of what residents are actually paying, offering a clearer picture of market dynamics. Limiting the use of such information would obscure rather than clarify market conditions, ultimately harming residents who benefit from the more competitive rates that arise from accurate data analysis.

One common misconception is that algorithmic pricing is driving rent inflation, when in reality, the root cause of rising rents is the lack of sufficient housing supply. Pricing software simply reflects the current conditions of the market, and any increase in rents is largely due to the fundamental imbalance between the demand for apartments and the limited supply available. Addressing rent increases requires policies that encourage the development of new housing units, rather than restricting the use of tools that help to set fair prices in the existing market. By focusing on the real issue—boosting apartment supply—Philadelphia can create a more sustainable and affordable housing market for everyone.

This bill also touches on an area of regulation that is better suited for federal oversight rather than being handled at the local level. Federal regulation could ensure consistent standards across all markets, which is crucial for an industry that operates across city and state lines. The United States Congress introduced 3 bills this session that would regulate algorithmic pricing in the apartment industry. Philadelphia should wait until these bills are debated and voted upon.

By addressing this issue federally, government can avoid creating a patchwork of conflicting local laws that complicate compliance and reduce the effectiveness of pricing tools. A national framework would also help ensure that any regulations reflect the broader economic conditions, rather than the specific interests of one locality.

The passage of a local bill like this one could have serious implications for investment in the rental housing market across Pennsylvania. A patchwork of local laws would introduce significant regulatory uncertainty for housing providers, potentially discouraging investment in new developments or upgrades to existing properties. Investors and developers seek stable and predictable environments, and a proliferation of differing local regulations could make Pennsylvania less attractive compared to states with more consistent rules. This could result in fewer housing options and higher rents for residents, which is the exact opposite of the bill's intended effect.

We appreciate the opportunity to testify today. Thank you for your time and consideration.



Testimony on Algorithmic Rental Price Fixing

Philadelphia City Council

Oct 16, 2024

Introduction / Credentials

Good afternoon Committee Chair Gauthier, and members of the Committee on Housing, Neighborhood Development, and the Homeless. I'm grateful to be here today to offer insight on this critical issue and want to especially thank Councilmember Nicholas O'Rourke for the invitation to testify.

My name is LiJia Gong. I am the Policy and Legal Director at Local Progress Impact Lab, a nonprofit organization that brings together local leaders, partners, and experts to build the knowledge, skills, and leadership needed to advance racial and economic justice at the local level. I have been working at the intersection of public policy and the law for over 15 years, and have focused my efforts on advancing the rights of workers, consumers, and tenants. Most recently, I have been working with cities across the country that are eager to tackle the rising cost of housing and ban the practice of landlords colluding to raise rents, and using algorithms to do so.

Housing is a basic human need. And like nearly every community in this country, Philadelphia is facing a housing crisis where renters are struggling to stay in their homes or struggling to find a place to live.

One of the main drivers of the higher rents, increased vacancy rates, and more evictions is consolidation and financialization in the housing market. More and more rental housing is now in the hands of a few large corporate landlords and rental property managers. In 2019, 1 in 6 apartments in the US were controlled by the nation's 50 largest property managers; the share of units managed by this top-50 group has increased every year for the past fourteen years.¹ These large corporate owners and property managers treat housing solely as a profit-making asset, as opposed to what we all know—that it is a necessity, the foundation of our communities, and ideally, what makes for each of us, a home. These large corporate investor-owners hide behind Limited Liability Corporations (LLCs) so that communities can not hold them accountable when they raise rents unconscionably or fail to make necessary repairs.

¹ National Multifamily Housing Council, "[2023 NMHC 50 Analysis: Managers](#)", April 2023

The problems of heightened concentration in the rental market—and in particular, the problem of soaring rents—is exacerbated by price-fixing, especially by large corporate landlords.

These landlords are using so-called algorithmic revenue management software to collude to raise rents. RealPage, a corporation headquartered in Texas, is the leader in selling this technology with 80% of the market commercial revenue management software for conventional multifamily housing rentals.

How does this work exactly? Landlords across local markets share private data regarding their rental properties with RealPage, including current rents, available square footage, and vacancy levels. RealPage uses that data and publicly-available data sets to estimate supply and demand for rental housing specific to particular geographic areas and unit types. RealPage then recommends rent and occupancy levels that maximize not just the landlord's revenue, but revenue across all of RealPage's clients in the market.

Realpage's software provides daily price recommendations, and the company has intentionally designed its software and services to increase compliance with these price recommendations.

And RealPage openly touts that this is exactly what their software is meant to do, referring to its products as "driving every possible opportunity to increase price," "avoid[ing] the race to the bottom in down markets," and "a rising tide raises all ships." Let me just say that again—Realpage aims to generate more profit for all of the landlords in a given market, like Philadelphia, at the expense of renters. One of the main ways they do that is by encouraging landlords to keep units vacant and hold out for higher rents, thereby constraining housing supply.

The need for Councilmember O'Rourke's proposed ordinance is great—although it is unclear RealPage's penetration into the Philadelphia market—this information is purposely obscured by private agreements—this proposed ordinance is a critical preventative step to ensure that Philadelphia's renters have a fair playing field when it comes to looking for housing.

I know some of you may be wondering why this local legislation is necessary when litigation has been brought against RealPage to stop these practices, which most recently has been joined in by the US Department of Justice. First, the outcome of that litigation is far from certain, and Philadelphia has an important opportunity to close an algorithm loophole to antitrust law, to the extent there is one. Second, this legislation presents an opportunity to expedite justice for Philadelphia renters since it may be years before the litigation resolves. And lastly, although perhaps most importantly, even if RealPage's practices are found to be illegal in federal court, given the barriers to antitrust enforcement, this legislation will help to ensure that a Realpage copycat operating locally or regionally can not pop back up.

The momentum is building and Philadelphia can be a leader nationwide, and the largest city to pass a ban to date.

The bottomline is that we need to ban algorithmic rental price fixing in order to give everyone in Philadelphia a fair shot at housing. And we need Philadelphia to set the tone for other cities across the state and across the country. Local governments, because of their ability to move nimbly in response to the needs of constituents are oftentimes the best poised to take on new illegal practices—or rather new technologies that facilitate long-standing illegal practices.

Thank you again for your time and your leadership.



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October 16, 2024

Dear Committee on Housing, Neighborhood Development, and the Homeless:

My name is Madison Gray, and I am a staff attorney at the Public Interest Law Center. Thank you for allowing me to testify today in support of Bill No. 24082300, which would prohibit landlords from using anti-competitive rental practices and algorithms to drive up rent costs.

We support this legislation because we know that renters in Philadelphia flat-out cannot afford for their rent to go up. This City has an affordable housing crisis. More than half of Philadelphia's renters are already cost-burdened, meaning they pay at least 30% of their income on housing costs.¹ This problem is most acute for renters with incomes below \$30,000 per year, 88% of whom are cost-burdened (and 68% are severely cost-burdened, meaning they spend at least 50% of their incomes on rent).² This crisis is compounded by the fact that over 20% of Philadelphia's federal housing complexes are set to expire over the next decade.³

At the Law Center, we've worked with renters who are dealing with the downstream consequences of this crisis. We've worked with single mothers and grandmothers who have been forced to couch-surf for months at a time as they desperately search for safe and sanitary affordable housing. We've worked with people with mobility disabilities who have been confined to inaccessible and unsafe units for years as they struggle to find an accessible, affordable place to call home. And, earlier this year, we were proud to work with the courageous residents at Brith Sholom who fought to save their apartment complex because they knew that, if the City and PHA did not step in to save their affordable housing, many of them would end up homeless or in a nursing home.

Philadelphia is also a city where a few landlords control the vast majority of units. Only 2% of Philadelphia landlords have more than 25 units. But as a group, these large landlords—who only amount to approximately 1,000 landlords—own more than half of the city's nearly 300,000 rental units.⁴ This small group of landlords has outsized influence over the City's rental market. Together, they set the

¹ Larry Eichel & Octavia Howell, *How Philadelphia Can Address Its Affordable Housing Shortage*, Pew (2020), available at <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/10/26/how-philadelphia-can-address-its-affordable-housing-shortage>.

² Elinor Haider & Larry Eichel, *The State of Housing Affordability in Philadelphia*, Pew (2020), available at <https://www.pewtrusts.org/en/research-and-analysis/reports/2020/09/the-state-of-housing-affordability-in-philadelphia>.

³ Emily White, *20% of Philadelphia's federal housing subsidies expire in the next decade. Here's where affordability is most at risk.*, Billy Penn (2023), available at: <https://billypenn.com/2023/04/30/affordable-housing-expiring-philadelphia-map/>.

⁴ Elinor Haider & Octavia Howel, *Who Are Philadelphia's Landlords?*, Pew (2021), available at: <https://www.pewtrusts.org/en/research-and-analysis/articles/2021/02/24/who-are-philadelphias-landlords>.

norms and conditions for renters across the city. In fact, if they came up with a scheme to increase rents at their properties, they could drive rents up across the City.

To be clear, a scheme between large landlords to engage in a coordinated effort to drive up rental prices would likely violate federal antitrust law. But, in recent years, we have seen landlords adopting new rent-setting algorithmic software that has the same effect. With respect to one such company, RealPage, the Department of Justice has recently described how these software programs work, alleging that:

RealPage contracts with competing landlords who agree to share with RealPage nonpublic, competitively sensitive information about their apartment rental rates and other lease terms to train and run RealPage's algorithmic pricing software. This software then generates recommendations, including on apartment rental pricing and other terms, for participating landlords based on their and their rivals' competitively sensitive information.⁵

In their complaint, the DOJ further alleges that RealPage's rent-setting algorithms "replaces competition with coordination" and quotes RealPage's own words that the algorithm tool "ensures that [landlords] are driving every possible opportunity to increase price even in the most downward trending or unexpected conditions" by encouraging landlords to "move in unison versus against each other."⁶

In a healthy rental market, landlords compete to put "heads in beds" and are incentivized to set rental prices at a competitive rate to attract as many potential renters as possible. But, once a critical mass of landlords in a given geographic area are using algorithmic rent-fixing software, these incentives shift. Rather than competing against each other to maximize the number of heads in beds, landlords are incentivized to work together to obtain "revenue increases that would otherwise not be possible" through coordinated increases in rent prices.⁷

Cities around the country are dealing with the consequences. A RealPage executive attributed a 14.5% increase in Nashville rents to his company's algorithm, explaining: "As a property manager, very few of us would be willing to actually raise rents double digits within a single month by doing it manually." Likewise, tenants in a Seattle neighborhood where 70% of the neighborhood's rental units were taken over by large management firms that relied on algorithms to set rent prices, saw their rents increase by 42% over the course of a decade, steeper than the 33% increase in rents for comparable buildings.⁸

⁵ U.S. Dep't Justice, *Press Release: Justice Department Sues RealPage for Algorithmic Pricing Scheme that Harms Millions of American Renters* (2024), available at: <https://www.justice.gov/opa/pr/justice-department-sues-realpage-algorithmic-pricing-scheme-harms-millions-american-renters>.

⁶ Complaint, ¶¶ 1-3, *U.S. v. RealPage*, 24-cv-00710 (M.D.N.C. 2024).

⁷ Complaint, ¶¶ 75-79, *Spencer v. RealPage, Inc.*, 2:23-cv-01019 (E.D. Pa. 2023).

⁸ Heather Vogell, *Rent Going Up? One Company's Algorithm Could Be Why*, ProPublica (2022), available at: <https://www.propublica.org/article/yardstar-rent-increase-realpage-rent>.

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A recent ProPublica report found that these algorithms are effective at persuading landlords to behave as ruthlessly as possible, often against the landlord's own intuitions. One algorithm developer told ProPublica that leasing agents had "too much empathy" compared to computer generated pricing. Apartment managers can reject the software's suggestions, but as many as 90% are adopted, former employees told ProPublica.⁹

In some cases, these algorithms even recommend that landlords force tenants out via rental increases and let units sit empty in order to artificially decrease housing supply so that landlords can raise rents and make more money. One large property management firm that employed rental price-fixing algorithmic software found that by increasing their turnover rate by 15 percent, they could increase their revenue by 7.4 percent. An executive of that company explained: "The net effect of . . . pushing people out was \$10 million in income."¹⁰

Renters in Philadelphia simply cannot afford for the same to happen here. This legislation gives renters a tool to protect themselves from these price-gouging practices at a crucial point of time: before it is too late. We are proud to support this legislation. Thank you for holding this important hearing.

Respectfully,

/s/

Madison J. Gray, esq.

⁹ *Id.*

¹⁰ *Id.*



Testimony on City Council Bill #240823
Prohibiting Anti-Competitive Price Setting
To the Committee on Housing, Neighborhood Development, and the Homeless
Garrett O'Dwyer for PACDC
October 16, 2024

Dear Chairperson Gauthier, Vice Chair Landau and members of City Council's Committee on Housing, Neighborhood Development, and the Homeless:

My name is Garrett O'Dwyer and I am the Associate Policy Director for the Philadelphia Association of Community Development Corporations (PACDC). Thank you for the opportunity to provide written testimony for the Housing Committee in favor of Bill #240823, which seeks to prohibit the use of anti-competitive price setting software in rental housing.

PACDC is the leading voice of non-profit community development organizations in Philadelphia. Our 60 CDC members and over 100 additional associate members are responsible for addressing key affordable housing, social service, and economic development needs across the City.

We believe that housing is a human right and that all Philadelphians deserve to live in safe, affordable homes in communities of choice. A well-functioning private rental market is a necessary part of achieving that vision and strong guardrails need to be in place to protect that system and the tenants who rely on the private housing market from exploitation at the hands of unscrupulous actors.

The kind of price fixing that modern AI-backed software enables – and that this bill seeks to prevent – is blatantly anti-competitive, and exactly the kind of parasitic behavior that City Council and this Administration must act to prevent from harming vulnerable Philadelphia residents. Municipalities and the Department of Justice have been taking action on this issue and it is essential that Philadelphia join them.

I would like to thank Councilperson O'Rourke for his leadership in introducing this bill and for being a reliable champion of lower-income tenants. We believe that more must be done to build a more equitable future from our deeply inequitable present. We stand ready to work with members of this committee, City Council as a whole, and the Parker Administration to make progress on this challenge on a number of fronts.

PACDC is once again grateful to be able to offer our enthusiastic support for Bill #240823. Thank you for the opportunity to provide testimony,

Garrett O'Dwyer
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