

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LICENSES AND
INSPECTIONS

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 23, 2012
2:20 p.m.

PRESENT:

COUNCILWOMAN MARIA D. QUINONES-SANCHEZ, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

bill 120647 - An ordinance amending Title 4 of
The Philadelphia Code, entitled "The
Philadelphia Building Construction and
Occupancy Code," by repealing Subcode PM,
entitled "The Property Maintenance Code," and
adopting and incorporating, with certain
additions, deletions and amendments, the 2009
International Property Maintenance Code as the
Philadelphia Property Maintenance Code...

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COUNCILWOMAN SANCHEZ: Good
afternoon. The Committee of Licenses and
Inspection will now call this hearing to
order. Having established a quorum, to
my left is Councilman Bill Greenlee, to
my right Councilman Bobby Henon, and to
his right Councilman David Oh.

Will the Clerk read the title
of the bill.

THE CLERK: Bill 120647, an
ordinance amending Title 4 of The
Philadelphia Code, entitled "The Building
Construction and Occupancy Code," by
repealing Subcode PM, entitled "The
Philadelphia Property Maintenance Code,"
and adopting and incorporating, with
certain additions, deletions and
amendments, the 2009 International
Property Maintenance Code as the
Philadelphia Property Maintenance Code;
further amending Title 9 of The
Philadelphia Code, entitled "Regulation
of Businesses, Trades and Professions,"
to recodify, consolidate, revise, modify,

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2 and set forth provisions regulating
3 certain or all rental properties and
4 tenants thereof and certain or all vacant
5 properties, previously set forth by the
6 Philadelphia Property Maintenance Code
7 and other provisions; and further making
8 technical and conforming amendments
9 throughout The Philadelphia Code; all
10 under certain terms and conditions.

11 COUNCILWOMAN SANCHEZ: Thank
12 you.

13 Before we start, the Chair is
14 going to recognize the bill sponsors for
15 opening remarks and then I'll allow any
16 of my other colleagues who may have an
17 opening remark.

18 COUNCILMAN HENON: Thank you,
19 Madam Chair, and thank you all for
20 attending the hearing today.

21 The purpose of today's hearing
22 is to provide not only the members of
23 City Council but interest groups and
24 members of the public an opportunity to
25 state their opinion in an open and public

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2 forum. I do plan to amend this bill --
3 or not to amend this bill today, but have
4 draft proposals for amendments and
5 consideration by members, including the
6 Administration and Licenses and
7 Inspections. Some of the stakeholder
8 groups here today who plan to testify
9 will be referencing some of those
10 proposed amendments. Others will be
11 testifying on the bill as introduced. I
12 intend to listen carefully to the
13 suggestions and the ideas offered at the
14 hearing to incorporate them into the
15 amendments, ultimately into the final
16 bill and product here.

17 So the intention is to have
18 this hearing, to continue the ongoing
19 conversations and discussions with all
20 the stakeholders and people who are
21 involved in all the groups, which I
22 appreciate. They have been wonderful and
23 it has been a pleasure to work with. So
24 I encourage all the discussions today,
25 any suggestions, any input that you'd

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2 like to get on the record, and anything
3 else that you'd like to add that we can
4 discuss in the future here.

5 So thank you.

6 COUNCILWOMAN SANCHEZ: Thank
7 you.

8 Any of my colleagues?

9 Councilman Greenlee.

10 COUNCILMAN GREENLEE: Thank
11 you, Madam Chair.

12 Just very quickly, I just want
13 to go on record commending Councilman
14 Henon and all of those who have been
15 involved in this. This has been a huge
16 undertaking, and I think it's about at
17 least 90 percent there. I know there
18 were numerous meetings over the summer my
19 office was involved in, and I think a lot
20 of the concerns were addressed. You're
21 not going to make everybody happy a
22 hundred percent, but I think we -- I
23 think through Councilman Henon's
24 leadership, I think we've gotten a lot
25 done. And, again, as he said, we'll all

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2 be listening today, and if we can still
3 work out some other issues, we will.

4 But, again, I think this was a real
5 strong effort by a lot of people, but
6 certainly by the sponsor of the bill.

7 Thank you, Madam Chair.

8 COUNCILWOMAN SANCHEZ: Thank
9 you.

10 I too also want to echo that,
11 that any time we intend to reform any
12 piece of legislation, let alone this
13 piece of legislation that really does
14 impact the quality of life in the
15 neighborhoods, it's a huge undertaking,
16 and so we definitely have to give kudos
17 to our bill sponsor. As someone who
18 deals with blight in the district, how we
19 maintain property and how we enforce that
20 from a city perspective is huge in our
21 redevelopment efforts. So I also want to
22 congratulate the sponsor and look forward
23 to his continuing efforts. I know he's
24 met with all of us, continues to meet
25 with all of us with this input. There's

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2 a lot of interest, and we have a lot of
3 good, quality folks testifying today. So
4 we look forward to their testimony.

5 And with that, we'll start with
6 our Commissioner, Commissioner Carlton
7 Williams.

8 (Witnesses approached witness
9 table.)

10 COUNCILWOMAN SANCHEZ: This is
11 the first time he comes before me. I
12 have three pages of questions just for
13 you.

14 COMMISSIONER WILLIAMS: Good
15 afternoon, Chairperson Councilwoman
16 Quinones-Sanchez and the members of the
17 Committee on License and Inspection. My
18 name is Carlton William, Commissioner of
19 the Department of License and
20 Inspections. With me today is my Chief
21 of Staff, Ms. Indira Scott.

22 I'm pleased here to offer
23 testimony on behalf of Bill 120647. We
24 support Councilman Henon's bill that
25 revises the City's Property Maintenance

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2 Code in accordance to the International
3 Codes Council Property Maintenance Code.
4 The International Property Maintenance
5 Code governs the maintenance of existing
6 buildings to ensure that such buildings
7 are safe, sanitary, and fit for
8 occupancy.

9 It is imperative that we update
10 the Property Maintenance Code to preserve
11 the quality of life of those who live and
12 work here. Our goal is to be consistent
13 with changes in the latest construction
14 and technology methods and practices
15 across the country. The City of
16 Philadelphia uses a model of codes for
17 construction of new buildings. It makes
18 sense to adopt and use the International
19 Property Maintenance Code for the
20 continued maintenance of those buildings.
21 The ICC International Property
22 Maintenance Code is the national best
23 practice and takes a proactive approach
24 to property maintenance and will help
25 stabilize and maintain the viability of

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2 our aging building and housing stock,
3 which reduces the number of demolitions.

4 The ICC Property Maintenance Code has
5 been adopted by 36 other states across
6 country and has several advantages.

7 The I-Codes will streamline the
8 City's property, life safety, and
9 building and regulatory codes. This
10 brings consistency, compatibility,
11 uniform code enforcement applications
12 through common interpretation and
13 education terminology.

14 The ICC updates the Property
15 Maintenance Codes every three years,
16 which allows Council to update the City's
17 Property Maintenance Code in accordance
18 to the newest construction and technology
19 industry standards as well.

20 The I-Code system provides for
21 the preservation of code provisions which
22 are unique to our city. The City has the
23 sole administrative authority to adopt
24 and amend our codes, preserving local
25 control of code content.

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2 In addition, L&I staff are
3 active members of the ICC, which means we
4 will always have a voice with the
5 introduction and adoption of all new
6 codes by the ICC. Our affiliation gives
7 us an opportunity to represent the City's
8 interest with respect to any changes and
9 updates to the International Code.

10 We have worked extremely hard
11 to ensure that all rental properties are
12 properly licensed, pay their taxes, and
13 maintain their dwellings in accordance
14 with the City's Property Maintenance
15 Codes. We issue more than 70,000
16 property maintenance violations each
17 year. This bill refers to a requirement
18 for landlords to obtain a rental
19 registration license. The rental
20 registration is what we now call the
21 housing inspection license. The
22 registration will provide critical
23 information and help in our department to
24 identify, contact, and address landlords
25 with property maintenance issues.

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2 Without the rental registration, we are
3 unable to effectively hold landlords
4 accountable for illegal rental units or
5 property maintenance violations.

6 Over the past four years, we
7 have nearly doubled the number of units
8 licensed from 20 -- from 165,000 units to
9 280,000 units through our improved
10 enforcement efforts. This increased
11 effort has produced revenue and helps
12 hold landlords accountable for the
13 conditions of their properties. We also
14 have increased the number of inspections
15 for multi-family dwellings through our R2
16 program. We are proactively inspecting
17 these units to ensure that these
18 properties are licensed and maintained in
19 accordance to the code. Furthermore, we
20 have increased the number of cases that
21 go to Municipal Court, especially for
22 landlords who fail to obtain a rental
23 license, by 1,000 percent, from 300 to
24 3,000.

25 The Department has worked with

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2 Councilman Greenlee regarding the rental
3 registration, who has been amenable to
4 take our recommendation that should allow
5 75 days to give landlords the opportunity
6 to correct violations in a timely manner
7 after L&I has inspected the property and
8 prior to their annual renewal of the
9 registration as opposed to 30 days. The
10 Department has achieved a 70 percent
11 compliance rate for our cited violations
12 after inspections.

13 In addition to the progress
14 that we've already detailed, the
15 Department is working to provide the
16 public with greater access to information
17 about problem properties in their
18 neighborhoods. The new L&I website
19 allows users to see the complete history
20 of L&I activities at any address. Users
21 are able to quickly view all rental
22 licenses, code violations, enforcement
23 actions, and much more. The website's
24 new mapping tool helps residents to
25 identify problems the Department may be

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2 unaware of. The L&I website is connected
3 to the City's 311 system, where residents
4 can report problem properties directly
5 into our work order system from their
6 smart phone. By providing residents with
7 greater access to information, they are
8 serving as the eyes and ears to help us
9 address violations as quickly as
10 possible. In turn, we are empowering
11 them to help solve our problems in their
12 own communities.

13 We support City Council's goal
14 of ensuring that property owners,
15 including landlords, comply with the
16 City's codes designed to protect the
17 health and welfare of those who live in
18 the City of Philadelphia. The Department
19 of License and Inspections would like to
20 thank Councilman Henon, Councilman
21 Greenlee, and members of City Council for
22 your leadership in updating the Property
23 Maintenance Code. These changes are
24 essential to public safety in our
25 communities throughout Philadelphia.

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2 I understand that there are
3 proposed amendments to this bill that we
4 support to be adopted.

5 Thank you for this opportunity
6 to testify. I'm happy to respond to any
7 questions at this time.

8 COUNCILWOMAN SANCHEZ: Thank
9 you, Commissioner.

10 I also want to recognize
11 Councilwoman Jannie Blackwell also joins
12 us this afternoon.

13 I'll turn it over to the
14 sponsor of the bill first and then other
15 questions.

16 COUNCILMAN HENON: Thank you,
17 Madam Chair.

18 Again, good afternoon,
19 Commissioner. Good afternoon, counselor.
20 As you had indicated, it's been a process
21 of long hours, getting into the code.
22 The Property Maintenance Code, if I'm not
23 mistaken, hasn't been updated for quite
24 some time, and it is all our intent, your
25 intent, the City's intent, and our intent

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2 here City Council, to create a framework
3 in which your department is able to
4 enforce in a predictable and more
5 consistent manner.

6 So I just want to say publicly
7 thank you for you and your staff working
8 diligently, trying to come up with this
9 framework that will be not only
10 consistent but will help provide the
11 tools and the framework moving forward
12 for proper enforcement. So I just wanted
13 to say thank you.

14 COMMISSIONER WILLIAMS: Thank
15 you, Councilman Henon.

16 COUNCILWOMAN SANCHEZ:
17 Councilman Greenlee.

18 COUNCILMAN GREENLEE: Just very
19 quickly, Madam Chair. Thank you. I just
20 want to just note for the record that
21 this was a baptism of fire for
22 Commissioner Williams, because he just
23 became Commissioner and was thrown into
24 this major job, and he really was -- and
25 I know Councilman Henon worked with him

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2 even more closely -- was very amenable,
3 and I think the reason that a lot of us
4 were happy that he became Commissioner,
5 we knew he got it. He understood the
6 City. And just the work he did and his
7 staff did through this illustrates that.

8 So, again, thank you,
9 Commissioner.

10 COMMISSIONER WILLIAMS: Thank
11 you for your support, Councilman. I
12 appreciate it.

13 COUNCILWOMAN SANCHEZ: I also
14 want to recognize Councilman Squilla has
15 joined us, who is a member of this
16 Committee.

17 Any other questions?
18 Councilman Oh.

19 COUNCILMAN OH: Yeah. I just
20 wanted to affirm with you, I understand
21 that the adoption of the new code will
22 not take any time because all the members
23 of the L&I staff are already trained and
24 familiar with the International Code; is
25 that right?

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2 COMMISSIONER WILLIAMS: That's
3 correct, Councilman. The biggest, I
4 guess, change or time constraint will be
5 actually updating the code according to
6 the language that was actually written,
7 which may take some initial time. But
8 our guys in fact today are out in
9 Portland, Oregon receiving training from
10 the ICC for their annual ICC Conference,
11 which talks about code updates both on
12 the buildings and the housing side. So
13 the uniqueness about adopting the
14 International Property Maintenance Code
15 is that every three years, they come up
16 with reviews and analysis of the old code
17 and if there are new technologies that's
18 present, they make those type of
19 recommendations to be voted on. What
20 happens to that, we can bring that back
21 to our Council, to you, and let you know
22 what the upgrades are to make the
23 decision whether we want to update in
24 accordance if it's in the best interest
25 of the City.

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2 So we have kind of a working
3 body that every three years takes a look
4 at the existing code and provides that
5 commentary for us so we can make sure
6 that we're consistent and up to date with
7 the national standards.

8 COUNCILMAN OH: Well, thank you
9 very much.

10 COMMISSIONER WILLIAMS: You're
11 welcome.

12 COUNCILMAN OH: Thank you,
13 Madam Chairman.

14 COUNCILWOMAN SANCHEZ: Thank
15 you.

16 Commissioner, understanding
17 that this is an international code and
18 Philadelphia is pretty unique given our
19 blight situation, how would you say this
20 new code helps in helping us? We've made
21 a lot of progress with the doors and
22 windows and some of the other things.
23 How does this code provide you with
24 additional tools to contain some of our
25 blight situations throughout the City?

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2 COMMISSIONER WILLIAMS: One of
3 the things that it does is that it
4 provides consistency with the national
5 standard so that when new builders are
6 coming in to develop in our city, that
7 there's nothing new that they have to
8 learn about the uniqueness of The
9 Philadelphia Code that they haven't
10 experienced across the country. So we're
11 not putting any new revisions that
12 they're not accustomed to and, therefore,
13 they would be able to quite easily build
14 in accordance to what the national
15 standards are.

16 If we were to design our own
17 codes that may not meet specific
18 standards, it may have to -- it may get
19 tested within a court system. Those are
20 the type of things that you worry about
21 if there wasn't any precedent in creating
22 new codes, but by adopting codes that was
23 already established, there's precedent
24 and history. There's 36 other states
25 that adopted it, and it's been adopted by

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2 some of the professionals across the
3 country.

4 COUNCILWOMAN SANCHEZ: When
5 these codes get adopted in other states,
6 are there also some local revisions that
7 are done, and how are we capturing some
8 of the work that we've done over the last
9 few years in this new code?

10 COMMISSIONER WILLIAMS: You are
11 able to adopt Philadelphia's code
12 according to what the interest of the
13 City is. So you don't have to
14 necessarily adopt word for word for the
15 standards. So you'd still have the
16 flexibility, which is the uniqueness of
17 going and taking this route, is that you
18 don't have to necessarily adopt every
19 word for word, because things that apply
20 in Philadelphia may be different than
21 things that's done on the West Coast and
22 may not apply. So you still have the
23 flexibility to add things into
24 Philadelphia's code that is not known
25 across the country or not relevant here.

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2 So that's the uniqueness of it.

3 And so I think that's probably
4 the greatest advantage, is that we have
5 people actually constantly looking at
6 codes from the professional industry,
7 from engineers to contractors to
8 developers, who are constantly working on
9 this and provide those recommendations
10 for the City of Philadelphia. They also
11 meet annually to discuss any revisions
12 and changes and they vote on it. As a
13 governing body, by us having a vote at
14 the ICC, we actually determine whether
15 this is something that represents the
16 Philadelphia's best interest. So there's
17 constantly networking to talk about what
18 today's industry standards are.

19 COUNCILWOMAN SANCHEZ: I know
20 the bill sponsor is putting together a
21 comparison about what we have today and
22 what this proposal does in terms of
23 property maintenance, so I guess when
24 that comes up, we can kind of look at
25 what other things we may -- that we see

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2 or we don't see. I mean, this is too
3 complicated for us in one snapshot, but I
4 think we'd be looking forward to that as
5 the amendments and some of the things
6 come forward. I'm interested in looking
7 at what we have today, what this code
8 does and, again, more on the blight
9 initiatives that we have in terms of how
10 that gets spelled out.

11 So thank you, Commissioner.

12 No one else has any other
13 questions?

14 (No response.)

15 COUNCILWOMAN SANCHEZ: Okay.

16 We will move on to our first panel. That
17 will include Mr. Harvey Spear, who is
18 President of HAPCO, and Darrell Zaslow,
19 who is no stranger to this Committee,
20 Christine Young, who is from the Greater
21 Philadelphia Apartment Owners
22 Association, and Barbara Capozzi, who is
23 President of the Philadelphia Association
24 of Realtors.

25 (Witnesses approached witness

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2 table.)

3 MR. ZASLOW: Good afternoon,
4 Madam Chairwoman. Darrell Zaslow, legal
5 counsel to HAPCO, the Homeowners
6 Association of Philadelphia. I appear
7 today on behalf of the thousands of
8 members of HAPCO, joined, as you have
9 just introduced, by the Apartment
10 Association of Greater Philadelphia and
11 by the Greater Philadelphia Association
12 of Realtors. Together, our organizations
13 represent virtually the entire spectrum
14 of rental property owners in the region.

15 Madam Chair, the accolades
16 which have been heaped upon Councilman
17 Henon and Councilman Greenlee are
18 extraordinarily well-deserved. We have
19 approached this Council for decades with
20 the same concern. Why has it always
21 seemed to be that the providers of
22 private rental property in our city were
23 always the last to know about the
24 burdensome rules and regulations that the
25 City Council would attempt to impose upon

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2 the industry? The process and procedure
3 with this bill which you now consider has
4 been, by contrast, a most excellent
5 exercise in good government.

6 The full and complete
7 opportunity afforded to us, the access to
8 the thought processes of our elected
9 officials and their staffers may not
10 correct all of the issues in our minds
11 and may leave us with real concerns,
12 which we'll discuss briefly, but yet the
13 bedrock of our democracy, Madam Chair,
14 the opportunity to be heard has been
15 fulfilled in glorious fashion by
16 Councilman Henon and by Councilman
17 Greenlee and by their staffs and, by
18 extension, all of you, and so by their
19 staffers, Courtney Voss and Noelle
20 Marconi, likewise have been so utterly
21 available to us as to make this procedure
22 one where we are cooperative instead of
23 antagonistic.

24 We have indeed come a long day
25 from the time when our Supreme Court

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2 needed to order that there be dialogue
3 between the elected officials and the
4 citizens and taxpayers. You have
5 fulfilled this mandate with this bill,
6 and we thank you.

7 We are, in general, quite
8 pleased to be supportive of the proposal
9 to substitute the International Property
10 Maintenance Code for the existing
11 Property Maintenance Code. The
12 International Code, as the Commissioner
13 correctly stated, has been subjected to
14 extensive review and explanation. There
15 are cases which define terms in that law,
16 which we can avail ourselves of, and it's
17 sensible for us to take advantage of it,
18 and we anticipate that at the time of
19 final enactment, after our final concerns
20 have hopefully been addressed, will be of
21 benefit to owners, residents, and
22 government. It is gratifying to see 21st
23 century thinking in this ancient chamber.

24 Allow me to describe a few of
25 our concerns. The first issue arises out

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2 of the proposal to deny a housing license
3 for any violation of The Philadelphia
4 Code. We call this in the law "de
5 minimis," and we have a Latin saying in
6 the law that the law doesn't take notice
7 of very small matters. The honorable
8 members of this Council, I think all of
9 you have probably heard us vocalize
10 concern over high grass and weeds
11 resulting in owners not being able to
12 collect their rent, and we've suggested
13 that minor violations shouldn't deprive
14 an owner of renewal of a housing license
15 because of the enormous ramifications.
16 You can no longer collect rent if you
17 have such a violation.

18 And yet, Madam Chair and
19 members of the Committee, as a judge or
20 an attorney, we are trained to see the
21 other side of the issue, and arguing on
22 your behalf, I do see that there are
23 times when, for example, the Commonwealth
24 of Pennsylvania will deny me the right to
25 drive my automobile down Broad Street

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2 because I have what to me is a minimal
3 crack in a taillight. So on your side of
4 the equation, we see that. And perhaps,
5 most importantly, we recognize the will
6 of this Council and we see what is going
7 to occur and, therefore, we recognize
8 that this likely is to become law, and,
9 therefore, if you can't beat them, join
10 them, which is what we intend to do with
11 you, Madam Chair and the members of the
12 Committee and the co-sponsors of the
13 bill.

14 But I do want it to be clear
15 that this represents, from our
16 perspective and from a legal perspective,
17 the most extraordinary change in
18 landlord/tenant relations in the last 40
19 years. The same year that I was admitted
20 to the Bar of this Commonwealth, the
21 Supreme Court decided the famous case of
22 Pugh versus Holmes, which stood for the
23 extraordinary proposition that if you
24 rent a property, you rent a property with
25 the understanding that it is fit for

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2 human habitation. Now we take it for
3 granted. It has been the law for
4 decades. But when that law came to be
5 passed, that court case came down, it was
6 a revolution in landlord/tenant
7 relations, frankly, for the better.

8 This new Property Maintenance
9 Code with this administrative procedure
10 that's being proposed takes that Pugh
11 versus Holmes warranty of habitability to
12 an extraordinary new level, and that
13 level is not for an owner to argue the
14 property is fit for human habitation and,
15 therefore, I'm entitled to my rent, but
16 rather you have a violation of The
17 Philadelphia Code, any violation, and,
18 therefore, you will not receive a housing
19 license and, therefore, you cannot
20 collect rent.

21 Without commenting on the
22 constitutionality of that provision,
23 which some other party may some day
24 decide to raise, we want it understood
25 that this enactment, when it occurs, will

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2 be a major change, and as a result of
3 that, when we come to you with other
4 issues that impact us, we ask for you to
5 have mercy on the property owner,
6 recognize that we are conceding on an
7 issue of great enormity in landlord and
8 tenant relations.

9 And to that end, we have
10 several issues which would improve the
11 bill, from our perspective, and one is
12 the frequent inability of property owners
13 to obtain closure of violations which
14 have been corrected. It is so
15 frustrating to be a good property owner,
16 a licensed property owner, you spend time
17 and money to correct a violation, as is
18 our duty, and you call the Department,
19 which is overworked and understaffed, as,
20 of course, we know, but nevertheless,
21 when you want to get the violation marked
22 closed and you cannot, you are now going
23 to be subjected to having your housing
24 license not being able to be renewed.
25 You can't collect rent. The tenants will

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2 sue you. Our dear friends on the tenant
3 side are poised -- I know them. I can
4 see it in their notebooks -- as to how
5 they are going to be on attack against us
6 when the day comes that the high weeds
7 are a violation and they're going to
8 swoop into court and say, No rent for
9 you, like a Seinfeld episode, No rent for
10 you.

11 So we would ask that a simple
12 statement be included in the law, and,
13 that is, that if an owner calls, makes a
14 proper application, that the Department
15 will within -- well, let's make
16 immediately like the code would say.
17 Immediately, 24 hours a day, seven days a
18 week, immediately give us a closure
19 certificate. Well, perhaps we can make
20 it six hours, that they have to give us
21 within six hours a closure certificate.

22 I'm being facetious. Fifteen
23 days, 15 days for the Department to mark
24 the violation closed. That's a half a
25 month's rent. That's probably the profit

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2 margin on that entire house for the
3 entire year, that half month's rent. So
4 we ask you for that 15 days. Not that
5 the violation should be marked closed and
6 corrected, but rather the housing license
7 should issue if the Department hasn't
8 been able to mark it closed within 15
9 days.

10 We also ask that the Committee
11 consider an amendment to the proposal
12 that the purpose of the housing license
13 be utilized for the purpose that you
14 enact it, and, that is, we are being
15 required to provide notice to you of who
16 we are and where we are and where you can
17 find us. So when we have a housing
18 license, here is my address of my
19 business where I can be contacted or sued
20 or whatever it might be. We request that
21 the code mandate that the Department use
22 that address, not to take water bills,
23 not to take gas bills, not to take real
24 estate information; to take out the
25 housing license and see where is it that

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2 this owner has requested that his notices
3 be delivered and that the notices of
4 violation go to that address, not to a
5 prior owner, not to the tenant where the
6 tenant lives, not to some property having
7 nothing whatsoever to do with the
8 property. That would go a long way.

9 For those owners who do not
10 have the license, they should be on
11 notice that you will do what needs to be
12 done against them, and we will support
13 you in that. We're talking about people
14 that take the time, effort, and expense
15 of applying for the license. They should
16 have the opportunity to receive all
17 notices at that address.

18 Now, you heard me mention about
19 the Department being able to respond at
20 2:00 in the morning with an inspector to
21 mark a violation closed when we call them
22 at 1 o'clock in the morning and say we've
23 corrected it, come out and inspect
24 immediately. And the reason I take the
25 liberty of that levity is because, as you

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2 know, the code, as I think it's been
3 introduced, although there are
4 modifications, the code as introduced
5 says that the owner needs to be on call
6 24 hours a day, seven days per week to
7 immediately respond to complaints, and we
8 find that to be burdensome. And there
9 was a proposal which is circulated -- we
10 do appreciate the concept of trying to
11 compromise somewhere -- to say that,
12 well, respond within six hours. Frankly,
13 we find that to be an impossibility as
14 well. If one of our owners receives a
15 call at quarter to 1:00 in the morning
16 and if by 6:45 that same very early
17 morning has not been able to respond, to
18 be facing a \$2,000 fine, we feel that is
19 unreasonable. I am constrained to quote
20 to you in Latin, because the law has been
21 this for a thousand years. Nemo ad
22 impossibilia tenetur, and that means that
23 no one is held to do the impossible. We
24 ask that you not impossibly hold us to
25 respond immediately, within six hours,

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2 but rather within a reasonable time.

3 We also ask that you remove
4 from the code something which exists at
5 this time. It's honored in the breach
6 because I don't think most people ever do
7 it, and, that is, that you are requiring
8 that there be a presentation of the
9 owner's home address.

10 Now, it may not seem
11 unreasonable to some people to have
12 public notice of every owner's home
13 address. This Committee is well aware,
14 you open the newspaper sometimes, you
15 read about terrible incidents of tenants
16 being evicted and they're unhappy, and
17 physical violence can be a result of
18 that. It does happen in this country of
19 ours.

20 Our owners, they're frightened
21 over that part of the ordinance. We
22 suggest to you that mandating the
23 providing of a business address is and
24 should be sufficient. Someone wants to
25 give their home address because they own

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2 only one property, they have no business,
3 that will be their problem. But for
4 business people who own many properties,
5 to have their home address on public
6 record with tenants and everything else,
7 we frankly feel that that is a bit
8 overdone and unnecessary, and the City
9 doesn't need the protection, because I've
10 had discussions with your competent
11 staffers and I've included the basic
12 sense of it in my testimony. The legal
13 procedures to sue an owner who fails to
14 comply with your codes is all over the
15 law books. You can serve somebody -- if
16 you open up the Legal Intelligencer, you
17 see every day service of notice of
18 lawsuits where you can't find somebody.
19 The City is always complaining we can't
20 find the owner, they're out-of-town
21 owners, the dreaded out-of-town owner.
22 Well, it's easy to walk into Common Pleas
23 Court and say, We tried to find them, we
24 don't know where they are, here's where
25 we looked, we Googled them, we looked in

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2 the phonebook, can't find them. In a
3 millisecond, the judge will give an order
4 to your Law Department saying serve that
5 bad owner by putting it in the Legal
6 Intelligencer or the Inquirer or any
7 other newspaper in the City should be
8 sufficient and by posting it on the
9 property.

10 So you can track down the
11 owners. You don't need to find the
12 owner. You need to get a court order,
13 which would allow you to serve them with
14 process.

15 And the last item which I would
16 highlight -- and you may hear this from
17 other people, because they're so
18 concerned about it. I don't want to take
19 away what they're all going to say, but
20 it should be said here a number of times,
21 and, that is, the 50 percent increase in
22 the fee concerns us.

23 This City Council is now well
24 aware, if you were not before, of the
25 mandate of the law that you cannot use

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2 license fees to, in effect, be a taxing
3 measure. It's very disconcerting for us
4 to read in the newspaper two days ago
5 that the City, not through your fault,
6 through somebody's fault, lost one half
7 billion dollars in bad investments, half
8 a billion. And then we come in here the
9 very next day and we're being asked to
10 pay 50 percent more on a license fee.

11 Our suggestion is is that the
12 license fee should be going down, not up.
13 The license fee now because of the
14 excellent activity of the Department with
15 the streamlining, with the e-mails, with
16 the Henon apps, with everything going on
17 in this city, you click, you don't need a
18 human being. You click and you have a
19 license. You don't even need a human
20 being involved. So it shouldn't be
21 raising the fee. The fee, in effect,
22 should be reduced.

23 In summary, in conclusion, this
24 new ordinance is very well done. You
25 have our commendation, our appreciation

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2 to the Councilmen, to their staffs. We
3 know that we will be continuing
4 discussions after this hearing closes.
5 We will participate in good faith and
6 goodwill. We do urge, however, and
7 request of you that you consider and
8 correct the matters which I have
9 presented to you this afternoon.

10 Thank you so much, Madam Chair,
11 for the time of the Committee.

12 COUNCILWOMAN SANCHEZ: We'll
13 let everybody testify and then we'll take
14 the questions.

15 Mr. Spear.

16 MR. SPEAR: I'll be quick. I
17 just want to thank Councilman Henon and
18 Councilman Greenlee and the staff for
19 being fair and letting us be involved in
20 this from the beginning. And it's been
21 long and hard work for them, and I know
22 it's been a number of meetings, and
23 they're still ongoing.

24 So as the new President of
25 HAPCO, I want to congratulate you for a

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2 job well done. Thanks.

3 MR. PINCKNEY: Good afternoon,
4 Chairwoman Sanchez, Councilman Henon, and
5 members of the L&I Committee and
6 Councilwoman Blackwell. My name is
7 Victor H. Pinckney, Sr. I'm the past
8 President of HAPCO. I'd like to thank
9 you for allowing me the opportunity to
10 speak today on a very important matter,
11 the rewriting of the Philadelphia
12 Property Maintenance Code. I'd like to
13 thank Councilman Henon, also Councilman
14 Greenlee for taking on such a huge and
15 complicated task.

16 Councilman Henon and Greenlee,
17 once this project is finished, I'd like
18 to suggest that your Legislative Aides,
19 Courtney and Noelle, be given a week off
20 after having to wrestle that the many
21 complex problems that this rewrite of the
22 PM code has brought forth, especially
23 having to deal with some of our strongly
24 worded opposition to some items in the
25 new PM code in that lovely room where we

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2 met for our discussions. They definitely
3 need some downtime.

4 I'm not going to sit here today
5 and give you a lot of facts and figures,
6 because my associates have done and will
7 do a great job doing that. What I want
8 to point out to Council is that you have
9 a wealth full of knowledge sitting before
10 you around this table. We represent a
11 major portion of rental property owners
12 in the City of Philadelphia. Sitting at
13 this table are representatives of a very
14 large portion of Philadelphia's 245,000
15 rental properties, from the single-family
16 homes that are being rented to low-income
17 and moderate-income families to
18 multi-unit market-rate high rise
19 apartments and condos, and some very
20 expensive neighborhood housing. My
21 associates are experts in rental housing
22 of all kinds, who have taken away from
23 their own enterprises to help with the
24 rewrite of the PM code. And believe me,
25 we weren't coming for the ambience of

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2 Room 319. Some people will call it a
3 closet on steroids, even though
4 Courtney's presence did brighten it up
5 quite a bit.

6 There's some still things to be
7 worked out, such as an increase in
8 licensing fees, 24-hour/seven-day
9 notification, the penalty of a response
10 if not given within six hours being a
11 Class III offense.

12 I believe we have made a great
13 deal of progress, but there are still
14 some things to be done. I'd like to
15 point out, as I said earlier, my
16 associates are experts in rental housing.
17 I can personally speak for my membership,
18 who are the biggest providers of low- and
19 moderate-income housing. My members try
20 to do the right thing. They are licensed
21 and responsible, as are the members of
22 groups that my associates represent.

23 We understand the City is
24 trying to protect the citizens of
25 Philadelphia, but so are we. I even have

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2 a tentative meeting date for next week
3 with L&I Commissioner Carlton Williams,
4 along with two members of HAPCO, to
5 provide a way to find an approximate
6 100,000 unlicensed rental property
7 owners.

8 So I say all of that to ask for
9 the Committee hold this bill until we
10 have time to work out some of the
11 remaining kinks. I believe the bill
12 would be much better for it.

13 I'd like to remind Council of
14 Councilwoman Brown's lead paint bill.
15 She held her bill for over a year. Not
16 that I'm suggesting that this bill be
17 held for a year, but because of her
18 willingness to listen and be fair, we
19 were able to get a lead paint bill that
20 will protect our children and will
21 prevent a large increase in rents to
22 tenants because of the costs that
23 landlords would have to pass on.

24 Thank you, Councilwoman
25 Sanchez, Councilman Henon, Greenlee, and

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2 L&I Committee for listening and giving me
3 your time.

4 COUNCILWOMAN SANCHEZ: Thank
5 you.

6 Any questions of this panel?
7 Councilman Henon.

8 COUNCILMAN HENON: Thank you,
9 gentlemen. I appreciate you representing
10 your group and your membership well.

11 This one is to counselor
12 Darrell Zaslow. I thought you had two
13 questions or two issues, so we have six
14 to resolve now, but that's okay. I
15 expect nothing less.

16 It has been a process, and
17 understanding the industry on both sides
18 from every perspective is not an easy
19 task. So this is a process that will
20 continue on, and look forward to the
21 continuing dialogue and conversation from
22 this point on. So thanks for coming in.

23 MR. ZASLOW: Thank you,
24 Councilman.

25 COUNCILWOMAN SANCHEZ:

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2 Councilman Greenlee.

3 COUNCILMAN GREENLEE: Thank
4 you, Madam Chair.

5 First, I want to second all the
6 nice comments that were made particularly
7 about Courtney and Noelle, because they
8 obviously did do it. As a staff member
9 for 26 years, I always thought the staff
10 did most of the work anyway. So they've
11 proven it.

12 I just want to respond to one
13 of the things Mr. Zaslow talked about,
14 and that's the non-issuance of the rental
15 license. As you know, we're putting an
16 amendment in. You and I and a number of
17 the members and the Commissioner have
18 talked about this, that it would only be
19 denied if the violation is more than 75
20 days old.

21 MR. ZASLOW: Councilman, that
22 is so fair of you. I neglected to
23 mention that. You have -- it's not in
24 the bill as introduced, but we do
25 understand you intend to make that

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2 amendment, which we are satisfied with
3 and appreciative of.

4 COUNCILMAN GREENLEE: Okay.

5 And just for the record, the reason -- I
6 mean, I got to think any violation should
7 be fixed in that kind of time. And you
8 used the word 'de minimis,' and I know
9 the high grass is always the example
10 used. I think almost everybody can
11 figure out in 75 days to cut high grass.
12 And the only thing I'll add is sometimes
13 de minimis is in the eye of the beholder.
14 If you're next door, maybe you think
15 those high weeds are not that de minimis.

16 So I'll just leave it at that,
17 but I appreciate we worked together on
18 this and I think we came where
19 everybody - the Commissioner, TURN, and
20 you - think that this is a reasonable
21 compromise. I appreciate that. Thank
22 you.

23 COUNCILWOMAN SANCHEZ:

24 Councilman Greenlee, just for the record,
25 can you explain the 75 day just so that

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2 we know.

3 COUNCILMAN GREENLEE: If I'm
4 saying this wrong, the Commissioner can
5 interrupt me. Basically this is -- the
6 75 days came through -- normally the
7 first violation is given 30 days before
8 the second inspection. Then on average
9 about another 30 days before the second
10 inspection is done. And then it starts
11 to be listed for enforcement court in
12 that 75-day period. So anybody that is
13 being denied a license, they're on their
14 way already to enforcement court. So
15 we've talked -- we're talking a fairly
16 long time that this violation has been on
17 record. So that's really the thinking
18 there.

19 I hope I said that right,
20 Commissioner, wherever you are.

21 MR. ZASLOW: We are on the road
22 to make sure all violations are
23 corrected. That is the goal.

24 COUNCILMAN GREENLEE: And also,
25 if I could add, again, at Mr. Zaslow's

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2 urging, we added language that said
3 notice of violation has to be timely
4 served upon the owner or the owner's
5 agent at the address provided by the
6 owner on the application. So, again,
7 that should take care of any concern that
8 violations are not getting to the right
9 people.

10 MR. ZASLOW: We believe it
11 does, Councilman. Thank you so much.

12 COUNCILMAN GREENLEE: Thank
13 you.

14 COUNCILWOMAN SANCHEZ: Thank
15 you, members of HAPCO. We appreciate it.
16 I also want to note for the record -- oh,
17 you have a question? I'm sorry.
18 Councilman Squilla.

19 Before I wanted to note for the
20 record that Councilwoman Bass has joined
21 us and is a member of the Committee.

22 COUNCILMAN SQUILLA: Thank you.
23 My question basically is on the fine of
24 operating without a license. What is
25 that?

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2 COUNCILWOMAN SANCHEZ:

3 Commissioner? Commissioner Williams?

4 Oh, he left?

5 MR. ZASLOW: I believe it's at
6 least \$300 a day, I think is what it is.

7 COUNCILWOMAN SANCHEZ: It can
8 be up to 300.

9 Indira, do you have that?

10 MR. ZASLOW: It's up to \$300.

11 COUNCILWOMAN SANCHEZ: Up to
12 300.

13 MR. ZASLOW: Yes.

14 COUNCILMAN SQUILLA: Per day of
15 operating without a license?

16 MR. ZASLOW: Correct. It's
17 \$2,100 a week. It's \$10,000 a month. We
18 are going to make sure our members get
19 the message.

20 MR. SPEAR: And we appreciate
21 that, because that's our main
22 competition. It's impossible to compete
23 with people that don't comply with the
24 regulations.

25 COUNCILMAN SQUILLA: Thank you.

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2 COUNCILWOMAN SANCHEZ:

3 Councilman Henon.

4 COUNCILMAN HENON: Thank you,
5 Madam Chair.

6 On that note, I introduced a
7 bill earlier this year requiring the
8 Water Department and Revenue to note on
9 the bottom of their bills when they issue
10 their bills periodically -- I have it
11 being held right now -- indicating that
12 if you rent your property, you must have
13 a housing inspection license.

14 So we are actively as a city
15 and myself and along with my colleagues
16 here trying to look for ways to go after
17 those who are renting illegally, who may
18 be renting not just illegally, may be
19 renting out in unsafe conditions, putting
20 people in harm and taking advantage of
21 folks and the City not having them
22 registered and making sure that their
23 property is up to code and in a healthy
24 and safety manner.

25 In addition, I have met with

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2 the City's utilities and other utilities
3 within the City and are in the process of
4 looking at ways to try and gather some
5 data that they have with multiple users,
6 multiple accounts under one name, which
7 would be an indication that somebody does
8 not have a housing inspection license.

9 So we are actively looking at
10 other ways and being proactive at trying
11 to make sure that the underground market
12 out there, underground economy of people
13 renting out illegally, is trying to be
14 captured.

15 MR. ZASLOW: Thank you,
16 Councilman. That is a major step
17 forward, and we intend to be cooperative
18 to the best of our ability to ensure that
19 that all happens.

20 COUNCILWOMAN SANCHEZ: Thank
21 you, HAPCO.

22 Barbara Capozzi and Christine.

23 MS. CAPOZZI: Thank you for the
24 opportunity, my colleagues from the
25 Apartment Association and the Housing

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2 Association of Philadelphia. We
3 appreciate the opportunity to comment on
4 this important piece of legislation.

5 I am sitting here thinking that
6 it's akin to the job of redoing the
7 Zoning Code, which as we all sat through
8 so many of those meetings, took five
9 years. So kudos to Councilman Henon
10 again and Councilman Greenlee and your
11 staffs, because if this major rewrite is
12 done, which is similar and impactful as
13 much as the Zoning Code, it will be done
14 in one-fifth of the time. That's pretty
15 impressive.

16 Over this last several months,
17 we've met many times, and we appreciate
18 the opportunity. As we said, our common
19 goal -- and I hope you sincerely
20 understand this. Our common goal is
21 better quality housing units for
22 everybody around the City, and I know
23 that's your concern. It's ours as well.

24 We're here today representing
25 tens of thousands of real estate

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2 professionals, owners, and landlords
3 throughout the City, and we do want to
4 see everybody have quality, safe housing.
5 Our ability to communicate with our tens
6 of thousands of members with a positive
7 message is very, very extensive, and
8 we're happy to use that to get everybody
9 to comply.

10 We're the people that follow
11 the rules. We pay the bills. We pay our
12 taxes. We obtain licenses, permits,
13 insurance. We're the people that do
14 that. And compliance in Philadelphia is
15 not cheap, as you know. So we want and
16 we really appreciate that more people
17 would do the same. Everybody's level of
18 living would increase. We lead by
19 example, and I'm sure that your goal is
20 the same as ours, more people comply.

21 We appreciate your
22 consideration in asking our input, and
23 there are several things that we
24 discussed that haven't been included yet,
25 which we hopefully will wrap up next

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2 Tuesday when we meet again. They haven't
3 found their way into the final draft, and
4 we're a little concerned about that, but
5 we trust that those issues will be
6 addressed, and Harvey -- Darrell and
7 Harvey reviewed most of those. We look
8 forward to meeting you again next week.

9 There are some clauses that
10 were surprisingly added yesterday, which
11 are actually somewhat mean-spirited and
12 misdirected, and I assume that we'll have
13 time to discuss those. We just saw them
14 yesterday for the first time.

15 One specific issue that's
16 absolutely counterintuitive and
17 counterproductive to what we're trying to
18 do today to get everybody to comply is
19 the arbitrary increase of the rental
20 license fee to \$75. Please know that
21 this was just doubled not too many -- I
22 think three years ago the price was just
23 doubled to \$50. No. It actually went
24 from 25 to 30, then to 50 in 2009. So
25 this sharp increase at this time, we're

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2 saying at this time, with the economy
3 being as bad as it is and with us going
4 on a crusade to get more people to apply
5 for their licenses, this increase at this
6 time will actually result in fewer
7 licenses, and that's just not what any of
8 us wants. A more powerful positive
9 message instead of raising the fee, which
10 punishes those that already comply, would
11 be all of us working together with L&I --
12 and we've already set up those
13 meetings -- to come up with identifying
14 the non-compliers. We do believe that we
15 have a method to do that, and we didn't
16 get to testify about that, but Jim is
17 here. Going after the non-licensed,
18 non-compliant landlords in the City.
19 Surely those are the people without the
20 insurance that don't -- that are the
21 underground that are our competition in
22 the worst possibly way, but are the
23 people that are providing housing that
24 has got the lead-based paint and has all
25 the violations. So we're very eager for

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2 efforts to be directed to capture those
3 people.

4 We want to send the message
5 that in 2013, you better not be operating
6 without a rental license. Any unlicensed
7 unit will and should be heavily fined,
8 and you can't hide anymore. The City and
9 its legitimate license rental owners will
10 report you, and we hope that the tenants
11 will report as well. Our coalition is
12 prepared to launch a positive
13 informational campaign, and we're very
14 good at that. We have actually started.

15 And just so that you know that
16 we do preach compliance with all of our
17 groups, the Apartment Association as well
18 as the Board of Realtors is running
19 classes to educate people about the new
20 lead-based paint that's happening in
21 December and to learn how to certify
22 people. So we're all about educating and
23 teaching people about compliance,
24 because, again, the common goal is to
25 raise the quality of standard of living.

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2 Our housing stock is old, but it doesn't
3 mean it has to be horrible.

4 We want to give the unlicensed
5 a sense of urgency, and we have thoughts
6 and ways to do that. Of course, we hope
7 that our concerns will be addressed as
8 well.

9 A registration license is a lot
10 more than a piece of paper for the City.
11 It's a fee. It's a fee for sure, but
12 it's also the most accurate information
13 needed to also start collecting business
14 privilege taxes and other City taxes.
15 And I guess that's why people -- it's not
16 so much the fee, but what comes after it,
17 which is the business privilege, tax
18 returns, et cetera, that scare people,
19 but if we have to pay, we want everyone
20 else to as well.

21 But we want to work with L&I to
22 make sure that that license fee address
23 becomes the accurate information. We're
24 even willing to have a slot for a phone
25 number, not a 24-hour live phone number,

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2 but a contact phone number, put it right
3 on the license. And that's renewed every
4 year, so that's the most accurate
5 information about that license. We think
6 that's a very good idea. And to have
7 that address be the license for L&I
8 notices and violations is terrific. I
9 mean, that's a step forward in
10 communicating. We're willing to take
11 this voluntary advocacy on, but, of
12 course, we would like our issues
13 addressed.

14 Please consider, so that you
15 know what property owners go through that
16 comply with the rules, AVI is coming up.
17 Now, Council is talking about buffers, of
18 course, for owner-occupied properties.
19 Those buffers have nothing to do with
20 people that own rental properties. Our
21 neighbor's property may go up. They have
22 a buffer or they have some gentrification
23 clause or some other thing that we know
24 that we'll hopefully work on with City
25 Council. None of those are going to

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2 protect the rental property owners. So
3 we're facing tax increases there.

4 Insurance rates, through no
5 fault of our own -- and we still don't
6 know why this is, but everybody is
7 getting notices of 20 to 30 percent
8 increases next year. And this has
9 nothing to do with claims or anything
10 else, but Philadelphia is a high-risk
11 area, seen as such by the insurance
12 industry. So our rates are going up.
13 And that's a cost of doing business. Of
14 course, we all have insurance, but it's
15 just another cost of doing business.

16 The new trash collection fee,
17 where everybody is getting on board with
18 that. The stricter lead-based paint
19 requirements and compliance, that's very
20 expensive, and, as I said, we're holding
21 classes to get on board with that. Soon
22 there's going to be a stricter Property
23 Maintenance Code, and we're all okay with
24 that and we're thrilled with that, but
25 that is a cost of doing business. Higher

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2 standards mean higher costs to the owner.

3 There's no doubt about that.

4 So we urge that the unit
5 registration fee at least be kept at 50,
6 if not lower, at this time to reward
7 those that have been abiding by the
8 rules.

9 And remember that the majority
10 of property owners in the City are good
11 landlords, real estate professionals, and
12 we're law-abiding and in compliance. So
13 we do appreciate being at the table.
14 It's much harder obviously to identify
15 and punish the slumlords who break the
16 rules, but our combined efforts with our
17 associations, along with the assistance
18 of the tenant advocates, which I'll be
19 very happy to work with, can surely
20 target our mutual resources in the
21 direction of the bad guys. This powerful
22 coalition working together will surely
23 make the quality of housing in
24 Philadelphia that much better, and I know
25 that's your goal as well as ours. Our

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2 alliance brings significant long-term
3 value and benefit to all of us who live,
4 work, and want to invest -- and I hope
5 you want to encourage that as well. I
6 know you do -- want to invest in this
7 city. And this partnership and the open
8 dialogue will go a long way toward that,
9 and we thank you again. We can't thank
10 you enough actually.

11 MS. YOUNG-GERTZ: Hi. I'm
12 Christine Young-Gertz. I'm with the
13 Apartment Association of Greater
14 Philadelphia.

15 We've been working with HAPCO
16 and GPAR for a few weeks now on the finer
17 points of this, and I too would like to
18 start out by thanking Councilman Henon
19 and Councilman Greenlee, and Councilwoman
20 Tasco's staff has been at our meetings as
21 well. Thank you so much for listening to
22 our concerns.

23 I don't want to take a lot of
24 your time. I think I'm just going to be
25 echoing some of the things that my

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2 colleagues have said, but if I can start
3 out by telling you a little bit about the
4 Apartment Association. We are owners and
5 managers and developers of apartment
6 communities in the five-county area.
7 Collectively, our members represent \$9.4
8 billion of investment in the five-county
9 area and about \$3.8 billion in the City
10 of Philadelphia alone, and our members
11 provide rental homes, quality rental
12 homes, to tens of thousands of
13 Philadelphians.

14 We're the industry leaders.
15 We're the experts, and we know how to do
16 the job right. One of the things we do
17 have a great appreciation for is, when we
18 do property maintenance and we manage our
19 properties, we want the right tools for
20 the job at our disposal and not some
21 ancient tool that might have been useful
22 to us several decades ago, but the right
23 tools. So it's in that spirit that we
24 fully support efforts to update the code,
25 revitalize the code, streamline it, bring

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2 anyone into compliance who is not, and
3 we're right there with you.

4 As we've said in our meetings
5 with Councilmembers and staff, we're all
6 of the same mind regarding unlicensed
7 landlords. They have to be found and
8 they have to be held accountable, and
9 there is no excuse for not having the
10 proper licenses or failing to properly
11 maintain properties. We're all together
12 on that and we share that common goal
13 with the tenants groups and with City
14 Council. We've had it with the slumlords
15 already. They bring down our properties
16 too. They bring down our neighborhoods
17 and where we do business.

18 We've been talking about the
19 finer points of the legislation, and I
20 really appreciate the staff getting us
21 updates so often. I think I got the
22 latest update yesterday afternoon around
23 3 o'clock or something. I think I'm
24 commenting on the latest proposal. I
25 hope I am. But in the spirit of going

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2 forward, I'm sure we'll have a lot more
3 to say in the future about whatever
4 current revision is out there.

5 It's still a work in progress.

6 The 2009 International Property
7 Maintenance Code is loaded with details
8 that need to be scrutinized to see if
9 they're right for Philadelphia. It's a
10 giant job, worthy of taking the time to
11 do it right, and our talks thankfully are
12 continuing and they must continue.

13 We've had a chance to offer
14 some suggestions already to improve some
15 of the bill's language. They've been
16 discussed here already, and we appreciate
17 the changes that the sponsors have been
18 willing to make as a result. And, again,
19 I think I'm talking about the most recent
20 draft.

21 For example, the proposal -- we
22 appreciate the proposal to remove from
23 the bill the requirement to provide the
24 address of those responsible for
25 maintenance. Apartment communities, as a

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2 matter of routine, provide their
3 residents with clear contact information
4 of those responsible for maintenance and
5 who to contact in emergencies. The devil
6 is in the details. Publicly listing the
7 address requirement of each maintenance
8 worker would have been dangerous, to say
9 the least, and it would be rightly
10 removed from the bill's language. So
11 thank you for listening to us on points
12 of that nature.

13 But I think we all agree
14 there's much work ahead of us and many
15 details to nail down. For example, the
16 latest proposed amendments we received,
17 again, late yesterday, I think it's
18 Section 9-3902, says that no rental
19 license shall be issued or renewed for
20 any property that has any outstanding
21 violation notices or unpaid fines or
22 costs imposed and have been of record for
23 more than 30 days. Councilman Greenlee
24 just discussed the idea of -- we've had
25 discussions with the Councilman about the

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2 problem many rental owners have in
3 receiving notices of violations in a
4 timely manner. L&I in the past has been
5 notorious for outdated records and
6 sending notices to the wrong address and
7 myriad other problems, and our
8 discussions led us to an agreement, I
9 believe, to a change in that provision
10 that could say that no license would be
11 issued or renewed if there are violations
12 outstanding for more than 75 days, and I
13 appreciate the realistic approach. Thank
14 you for your willingness to take on that.

15 I have to mention the fees and
16 the increase in the fee, and I fully
17 agree with my colleagues that have
18 already mentioned. Increasing the
19 inspection license fee from \$50 to \$75
20 right now doesn't make any sense to me.
21 We agree that -- well, the increase, it's
22 just not been adequately justified, and
23 it would actually hurt more than it would
24 help. I think Barb just covered this.
25 It would be counterproductive.

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2 Unscrupulous rental owners of smaller
3 properties will likely be further
4 inclined to sidestep licensing
5 requirements altogether and rent their
6 properties on the slide if faced with yet
7 another steep fee increase, and I
8 heartily concur in her comments with
9 that.

10 Moreover, as we've said, the
11 fee increase has not been adequately
12 justified as being reasonably related to
13 what the cost will be to issue a rental
14 license. The current housing inspection
15 fee is supposed to cover, ostensibly, the
16 cost of doing inspections. It hasn't
17 been explained why an additional \$25
18 would be needed simply to issue a
19 license. Well, the idea behind all this,
20 I think, is fairness and accountability,
21 and in that light, I'm sure our groups
22 will have additional suggestions going
23 forward.

24 We have mentioned, for example,
25 the current proposals, including stiff

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2 penalties for rental owners who do not
3 comply with the code, the proposed
4 penalty for violations is \$300 per day,
5 and that's stiff. There's no room to
6 allow, as Mr. Zaslow mentioned, for the
7 seriousness of the offense. The current
8 language I believe doesn't say "up to
9 \$300." It says \$300. And an owner would
10 be deemed to commit a Class III offense.
11 That's \$2,000 for not representing a --
12 responding rather to a telephone contact
13 by the Department in six hours. That's
14 brutal, especially when applied to all
15 situations, no matter the severity or
16 accounting for the time that the call is
17 placed.

18 So I think what we further need
19 is further discussion on the reasons for
20 such draconian penalties and to find ways
21 to fine-tune them so that they'll have
22 the desired impact, without applying them
23 unfairly when they're not justified. And
24 I hope that we continue that -- I hope we
25 continue our conversation about

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2 accountability across the board for
3 everybody.

4 My members get it. We know our
5 bottom lines depend on delivering a good
6 product, and as Barb has said, we get the
7 licenses. We pay the fees. We play by
8 the rules. We're in business to serve
9 our residents, and I would venture to say
10 that every one of our AAGP members would
11 place customer service at the top of
12 their list as their number one priority
13 for their business, because it only makes
14 business sense. And we perform our
15 property maintenance according to the
16 highest industry standards, and, in fact,
17 we teach how to do property maintenance
18 correctly and property management. Our
19 courses are always sold out. They're
20 always sold out in fair housing as well
21 and our lead paint disclosure
22 obligations, our dust wipe. We've got, I
23 think, two in December. The moment we
24 put them on our website, sold out. Our
25 members get it and they're on board, and

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2 there's no problem in complying.

3 So maybe we can also expand our
4 conversation about accountability to the
5 bad apples that make it all the more
6 difficult to folks who maybe wantonly or
7 deliberately damage the property. And I
8 would hope that when we talk about
9 accountability, we expand our discussion
10 to include situations where we can
11 address the few bad apples as well.

12 I'm sure once we review the
13 latest versions of the draft code and the
14 bill, we'll have additional questions. I
15 really appreciate the meeting next week
16 and ongoing meetings, I hope. So I just
17 respectfully want to ask today that our
18 dialogue continue.

19 The stated intent of the bill
20 includes an effort to recodify and
21 consolidate and revise the current code,
22 and we have a great chance before us to
23 do it carefully and completely. It's a
24 Herculean task, but we have a chance to
25 do it right the first time if we continue

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2 to work together.

3 Philadelphia's renters and
4 those who provide their quality rental
5 homes deserve to see the job done
6 thoroughly and fairly, and we're all in
7 there.

8 Thank you very much for your
9 time.

10 MR. SIMS: Hi. My name is Jim
11 Sims. I'm with HAPCO. I chair their
12 Blight Committee. And basically I'm
13 going to make it very short, but first I
14 would like to thank Councilman Henon and
15 Councilman Greenlee and Tasco. They've
16 been doing wonderful things with us, and
17 it's refreshing that we're actually able
18 to participate in helping build a better
19 future for Philadelphia.

20 I just wanted to update you
21 with a couple of things that as a group
22 collectively that we're working on. One
23 of our projects is to try and identify
24 who is unlicensed in the City of
25 Philadelphia. We obtained a copy of the

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2 BRT, and what we're actually doing is, we
3 have someone who is savvy with computers
4 and when we meet with Commissioner
5 Williams, we're going to actually
6 separate licensed landlords out of the
7 BRT database and then what we're going to
8 do is apply an algorithm where if there's
9 Property A is paying their taxes at
10 Property B, that's a possible landlord.
11 So what we're going to do is actually
12 separate it and build a list.

13 There's a few inherent problems
14 in that there's a lot of typos and
15 mistakes made in the actual names of the
16 people registered on the BRT, but the
17 addresses are very important. It's
18 regardless of what the name is. When
19 that secondary address appears, it's a
20 possible landlord that's unlicensed. So
21 that will actually -- we're going to turn
22 that over to the City when we're
23 finished, but we're also going to use it
24 because we're going to try as an
25 organization, a collective organization,

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2 to target these people and try to inform
3 them that they need to join our groups
4 and that you need to participate with
5 things.

6 So that being said, I'd like to
7 just real quickly jump into something
8 else, and it really -- it's dear to my
9 heart and I know it's dear to
10 Councilwoman Sanchez's heart, and that's
11 blight.

12 I've been studying blight in
13 Philadelphia for about three years now,
14 and I feel I've uncovered some amazing
15 facts and statistics. One of the things
16 that we don't realize is and we tend to
17 forget, that it's 44 percent of our
18 market now here in Philadelphia is renter
19 occupied, and there's a desperate need
20 for accountability, in that trash and
21 nuisance and drugs need to be addressed,
22 because it is part of blight. But what
23 needs to be done is, blight needs to be
24 broken down into two separate areas.
25 Blight itself is the building, but we

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2 also have to look at the drugs and the
3 nuisances that are taking place within
4 the neighborhoods.

5 There's an additional component
6 which has become rampant through
7 Philadelphia, and, that is, metal theft
8 and people breaking into properties as
9 turnovers take place, and we even have
10 some ideas there. We even worked with
11 Southwest Detectives, who, by the way, 60
12 percent of their enforcement actions are
13 now going to metal theft. They have a
14 thing called Operation ID, which I'd like
15 to try to get our organization to
16 support, and I would really like to see
17 City Council support Operation ID.
18 That's where they're actually taking a
19 little tag and you can put it on
20 belongings that you have within your
21 home, TV sets, washing machines,
22 different things that are valuable to
23 you. If they get stolen, it helps the
24 detectives identify who actually owns it.

25 As far as addressing the issue

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2 of blighted properties, though,
3 Councilwoman Sanchez, I beg you to sit
4 down with me and just give me 45 minutes
5 of your time, and I think it will be
6 probably one of the most powerful things
7 that you've done within the past two
8 years. So hopefully I look forward to
9 you reaching out to HAPCO. That would be
10 wonderful.

11 That being said, the tenant
12 accountability, I wish everyone here
13 would consider that for us. I have
14 thoughts and ideas on that also, and I
15 think that would bring powerful benefits
16 to the City of Philadelphia.

17 Once again, I want to thank
18 everyone for working along with us.

19 COUNCILWOMAN SANCHEZ: Thank
20 you. I'll take you up on the blight
21 discussion. Yes. Absolutely.

22 Any questions for this panel?
23 Councilman Squilla.

24 COUNCILMAN SQUILLA: Just one
25 comment. I really appreciate the work

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2 you've done and looking into doing to try
3 to go after the people who do not have
4 licenses, because that's an important
5 part of this also, and that we know the
6 City should be able to maybe go there and
7 do these studies themselves and do it,
8 but unfortunately, we're not able to do
9 that. So we appreciate your help and
10 supplying that to us to be able to do
11 that. What I would like to do, once you
12 do have that together and you feel like
13 you submitted it to the City, to maybe
14 report back to see if we're able to
15 enforce that and go after the homeowners
16 and the renters who are not paying the
17 proper licenses, and so we could follow
18 up with that. I mean, if we need
19 obviously to hire some more inspectors or
20 do more things to make this happen,
21 because in the end, we could collect a
22 lot more money off the people who don't
23 pay properly and be able to find them and
24 be able to get some more money than
25 actually go after the ones who do things

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2 right.

3 So I do thank you for that, and
4 I'm looking forward to working with you
5 once you get that together and really
6 moving forward to go after the people who
7 don't do things right. So thank you.

8 MR. SIMS: We'd be very happy
9 to share that information, and we also
10 have ideas on how it may help you.

11 COUNCILMAN SQUILLA: Thank you.

12 COUNCILWOMAN SANCHEZ: Thank
13 you. Again, thank you for your work and
14 the cooperative spirit. We recognize
15 that unfortunately because of our
16 mortgage foreclosure crisis, we're going
17 to need more and more rental
18 opportunities. So we recognize that.

19 Our next panel is our good
20 friends, Phil Lord and George Gould from
21 TURN and Community Legal Services.

22 And for the record, as you guys
23 walk up, I know that BOMA submitted in
24 writing testimony from Rich and Don Haas
25 that the Committee has in their binders

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2 in support of the proposed Property
3 Maintenance Code update.

4 (Witnesses approached witness
5 table.)

6 MR. LORD: Good afternoon.

7 Thank you for the opportunity to testify.

8 My name is Phil Lord. And we're really
9 grateful for not just this opportunity
10 but, as others said, the many
11 opportunities we've had to talk about
12 this and try to work this out and make it
13 the best bill possible.

14 We're going to testify in
15 response to the latest amendments,
16 because we feel that that does a
17 tremendous job in making this bill
18 something that's really positive for
19 tenants in Philadelphia. We were worried
20 about the first draft, to be honest with
21 you, but it's gotten a lot better. So
22 we'll talk about the amended document.

23 As you probably know, TURN is a
24 service and advocacy organization. We
25 help tenants. We see thousands of

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2 tenants every year. And in that
3 capacity, we get to talk about the
4 Property Maintenance Code, see the
5 problems in response to it, get referrals
6 from L&I, from Municipal Court, from the
7 City, Fair Housing Commission, other City
8 agencies. So we have some experience in
9 this, so we want to share that experience
10 with you a little bit to give you an idea
11 of what we think and what's on the table.

12 We understand the purpose of
13 this process is to clarify the language
14 and simplify the process of licensing in
15 the code and maintaining and improving
16 its effectiveness, and we think that the
17 bill, as amended, certainly does that and
18 we're really glad for that opportunity to
19 make that happen.

20 We just want to impress
21 everyone with the seriousness of what
22 we're trying to do. Code enforcement is
23 a very serious issue in the City, as it
24 is in every large city, and that it does
25 deal with people's lives, not just

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2 people's pocketbooks, and people get hurt
3 and injured by code violations,
4 especially the vulnerable, like children,
5 the elderly, and disabled people. It
6 also means that our communities thrive
7 when there's code enforcement, because
8 people invest in the communities instead
9 of taking the money out to other places.
10 So it's a very important thing to make
11 sure that we do well.

12 We are very happy that the
13 current bill prohibits licensing
14 properties with outstanding code
15 violations. This has been an area that's
16 been sort of off and on for a long time,
17 where L&I sometimes does it and sometimes
18 doesn't do it, and for the most part, it
19 doesn't do it. This will make it clear
20 that it has to deny a license to persons
21 who have ongoing violations.

22 If you listen to conversation,
23 you may think that the idea of possibly a
24 violation is a surprise to a landlord
25 when they go to get their license. In

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2 our experience, the violation is just the
3 middle of the process. The beginning of
4 the process is when the tenant complains
5 to the landlord and complains to the
6 landlord and complains to the landlord
7 and doesn't get results. It's only then
8 that they go down to L&I. It's like
9 taking -- it's an inconvenience and the
10 possibility of retaliation in order to
11 get L&I out there. So when a violation
12 is issued, it's probably been a while
13 since the tenant complained, and then the
14 L&I tells the tenant, You have 30 or 45
15 days before you could expect an
16 inspection. So by the time the violation
17 gets recorded, it may be a month or two
18 typically before the problem actually
19 develops. So it's not a last-minute
20 thing. And then you have 75 days after
21 that under the proposed legislation. We
22 agree with that arrangement, because we
23 think it's important to get some kind of
24 protections in there, but we think it's a
25 lot of time and we think it's adequate

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2 time to respond to violations.

3 Let me point out that the L&I
4 has done a great job with the new website
5 of putting violations on the website. So
6 any landlord that's going down to get
7 violations next February can go and check
8 in December and find out they're there
9 and take care of remedying them. They
10 don't have to wait until they file the
11 application and find out all the sudden
12 that there's a violation for high grass.

13 I appreciate the high grass
14 issue. We talk about it all the time. I
15 love it, because -- obviously high grass
16 is not just about cosmetics. It really
17 is about health and safety, as the whole
18 code has to be. We have -- the
19 government has no authority to regulate
20 amenities. They have to deal with health
21 and safety. And high grass is a
22 protection for rodents. If you have rats
23 in your neighborhood, you're concerned
24 about high grass. If the grass is high
25 or there's a hole in the wall that takes

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2 a couple dollars to fix, then, as we say,
3 just go ahead and fix it. You save a lot
4 of time and trouble with appeals at L&I
5 and everything else.

6 This bill imposes penalties to
7 unlicensed landlords. That's really
8 important. I think it's hard to believe
9 for folks who are not in the industry. I
10 know I've been doing this since Northwest
11 Tenants Organization back in 1974, and I
12 have never seen a landlord penalized for
13 not having a license. Let me say that
14 again. I have never seen a landlord
15 penalized for not having a license. Now,
16 I haven't seen every case, but the bottom
17 line is, what L&I typically does is, the
18 tenant complains about a leaky roof or
19 something like that, and if there's no
20 license, that will add to the list of
21 things that are wrong. But for L&I to
22 come out and penalize a landlord for a
23 license alone, I've never heard of that
24 happening. Matter of fact, what I do
25 hear and see and see even now is,

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2 landlords will go down to L&I, get a
3 license, and then go into court, evict
4 the tenant, who has been renting there
5 for a year, maybe two years, whatever
6 else.

7 That's why it's so important
8 for us to make sure that the license
9 process dovetails into the court process,
10 because otherwise people are going to not
11 get licensed until they have to evict
12 people. That's what's going to happen,
13 and that's been happening all this time.

14 So this law having penalties --
15 \$300 a day is fascinating. Three hundred
16 dollars for one instance would be
17 amazing. Any penalty at all would be
18 surprising to me.

19 This bill makes -- the original
20 bill made it illegal to put substandard
21 properties on the market. This is
22 something that we tried to stop with the
23 rental suitability law, and now with the
24 revisions, the proposed amendments, we
25 think it's going to be stopped, and

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2 that's great, because there really --
3 it's upside down. A landlord typically
4 before the rental suitability law was
5 able to rent a property in bad condition
6 and then a tenant had to complain, L&I
7 had to come out, and then the landlord
8 was responsible for doing something.
9 Rental suitability said you're
10 responsible from day one to make sure
11 your property is decent, and this
12 prevents a lot of craziness that might
13 happen later on. It's a very important
14 thing. And the original draft had it so
15 the certification went to L&I. We think
16 that it's important it goes to the
17 tenant. The tenant is the one who is
18 going to say, Oh, you mean this place is
19 in good shape? It's not. Let me
20 complain and find out what's going on.
21 So it's important that the certification
22 go to the tenant, and I'm glad that's
23 been restored to the bill.

24 On the Property Maintenance
25 Code itself we had only one concern from

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2 the tenant perspective, and that was the
3 overcrowding language. The overcrowding
4 language says that -- I'll read it --
5 "the number of persons occupying a
6 dwelling unit shall not create conditions
7 that, in the opinion of the code
8 official, endanger the life, health, and
9 safety of the occupants."

10 That makes it such that a
11 person will not know if they're
12 overcrowded until L&I comes out and takes
13 a look at the property and says, Oh, this
14 is overcrowded. The previous code -- the
15 current code, I should say, has a
16 schedule of what's required, certain
17 floor size, the number of people, and
18 that's very different. And so that's
19 important to us, because for people who
20 will most likely be overcrowded, like
21 immigrant population or students, you
22 don't want to have to wait for L&I to
23 come out to find out if you're
24 overcrowded.

25 At the same time, we deal with

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2 discrimination cases and we find that
3 landlords will say, Well, I don't want
4 any family in this two-bedroom house
5 because it will be overcrowded or this
6 four-bedroom house, we don't want three
7 kids, because it will be overcrowded.
8 With clear standards, that enables us to
9 go respond and say, No, this is not
10 overcrowding. You really have to have
11 this family go in or else you'll
12 discriminate against the family. So that
13 language, we would like to have that
14 restored.

15 I can't comment on license
16 fees. I do think that the privacy issues
17 are a concern. I do know the other side
18 of that, and we see lots of tenants every
19 day, we see tenants every day who do not
20 know who their landlord is, who see a
21 person who comes to their door, collects
22 their rent, sometimes in cash, and then
23 goes away. This happens a lot, and then
24 we say, Okay, what are you going to do
25 now? And they have to wait until the

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2 landlord comes again to do something
3 about it. We check the property records.
4 We see a name there, on the website or
5 the City, and we try to find out that
6 relationship to the person they're
7 dealing with. It may in fact be a scam
8 where someone is collecting rent who has
9 no relationship to the landlord.

10 So this language is really
11 helpful to make sure that tenants are not
12 scammed, to make sure people are paying
13 the right people, make sure they know who
14 to call when things are wrong as opposed
15 to be told, You wait until I come around
16 next month and I'll tell you what's going
17 to happen.

18 So we think the bill does
19 extraordinary work. It's been done in an
20 extraordinary fashion. We appreciate the
21 excellent job that's been done. We're
22 grateful for Councilman Henon and
23 Greenlee's efforts and their staff, and
24 we're glad to be part of this.

25 Thank you very much.

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2 COUNCILWOMAN SANCHEZ: Thank
3 you.

4 George.

5 MR. GOULD: I will try to be
6 brief. Much of what Phil has said I was
7 going to say, and I'm not going to
8 necessarily repeat it. We work very
9 closely and for a long time on these
10 issues.

11 Good afternoon. My name is
12 George Gould, and I thank the Committee
13 for giving me the opportunity to testify
14 on Bill 120647, which amends the Property
15 Maintenance Code and revises provision in
16 the code affecting landlords and tenants.

17 I am Managing Attorney of the
18 Housing and Energy Units at Community
19 Legal Services in Philadelphia. I have
20 worked in the area of landlord/tenant law
21 for over 35 years. Our office sees
22 numerous tenants every year who are
23 facing problems with their homes. We
24 have also been actively involved in
25 legislation affecting tenants at the

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2 local, state, and national level.

3 We commend the sponsors of this
4 bill and this Committee for the Herculean
5 effort involved in this work. However,
6 we do have some comments we would like to
7 make regarding the bill. My testimony is
8 based in part on the current language in
9 the bill, but I will also comment on some
10 of the possible proposed amendments that
11 have recently been circulated.

12 We fully support the provision
13 that, quote, "no rental registration
14 shall be issued or renewed for any
15 property that has any outstanding
16 violation notices or unpaid fines or
17 costs imposed under this Section or Title
18 4 that has been of record for more than
19 30 days." The exception to this would be
20 when the owner has filed an appeal of the
21 violation and notified L&I of such. I
22 understand that Councilman Greenlee is
23 talking about changing that provision to
24 75 days.

25 This is an extremely important

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2 provision, and we strongly urge its
3 adoption. I heard my good friend
4 Mr. Zaslow talk about the problem of
5 having minor violations prevent getting a
6 license. We think the answer to that is
7 really quite simple: Fix them. Correct
8 them. If they're high weeds, cut the
9 grass. If it's 75 days to do it, you can
10 certainly cut the grass in 75 days.

11 He also pointed out if you want
12 to get your car registered and you have a
13 cracked taillight, you're not going to
14 get it registered. There's no reason
15 Philadelphia should not be the same as
16 Pennsylvania.

17 We also support the provision
18 that requires owners to provide
19 information to each tenant, including a
20 telephone number for persons responsible
21 for routine maintenance, repair of the
22 property, and emergencies. We often hear
23 from tenants that it's difficult to reach
24 the landlord or their agent regarding
25 repairs. This would go a long way in

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2 solving that problem. As to the rental
3 registration, which is now the license,
4 it's also important that the landlord
5 provide that to the tenant.

6 Darrell talked about several
7 issues which we actually agree with him
8 on. One of them is that L&I should be
9 able, if a landlord has corrected the
10 violation, they should be closed in a
11 timely manner, and it should be efficient
12 and quick, and the landlord who goes out
13 and does the work should not be
14 penalized.

15 Secondly, we clearly agree --
16 and I think it's the consensus of
17 everyone -- that there is a major problem
18 of landlords in Philadelphia who are not
19 licensed, and one of the big steps
20 forward in this bill is actually finding
21 landlords and taking action against them
22 who are unlicensed. But it's a problem,
23 and I think this bill goes a long way in
24 addressing that problem.

25 The proposed amendments change

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2 the rental license to license
3 registration -- rental registration to
4 license registration. That's a technical
5 term, but I think it's a good idea.

6 It also changes -- and Darrell
7 talked about the problems with the
8 personal information regarding the
9 landlord. I think the proposed amendment
10 addresses that problem. It provides that
11 a tenant must be informed of the process
12 that can be used to get maintenance on
13 the property, and this information must
14 be given to the tenant at the inception
15 of a lease, and properties with three or
16 more units, the information must be
17 posted in an indoor common area of the
18 building. These changes are fine, and we
19 strongly support them.

20 We did have concerns about the
21 changes to the rent suitability
22 certification process in the original
23 bill, but we have seen in the proposed
24 amendment that this would change and it
25 would no longer be used as part of the

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2 application process to get a license, but
3 will be required to be given by the
4 landlord to the tenant at the inception
5 of the lease. However, we do see what
6 appears to be a problem, and we have
7 concerns about it, and, that is, the
8 landlord would self-certify that there
9 are no outstanding violations in the
10 certification and would also self-certify
11 that they have all the applicable
12 licenses. We think that's a problem.

13 When landlords go to court,
14 they certify that there are no
15 outstanding violations, and we sometimes
16 see there are. We think the current
17 process works extremely well. L&I has a
18 website. A landlord can go, at no cost
19 to landlords, into the website and get
20 the certification that L&I has determined
21 there are no outstanding violations on
22 the property and that all applicable
23 licenses have been received for the
24 property. That is an easy, simple
25 process, and we strongly recommend that

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2 it be continued.

3 Again, we want, our office and
4 TURN and people representing tenants in
5 Philadelphia, want to strongly commend
6 this Committee and the sponsors of the
7 bill for all the efforts you have put
8 into this, because we think it's -- the
9 effort is long past due, quite frankly,
10 and we see that we can really get some
11 very positive results.

12 Thank you.

13 COUNCILWOMAN SANCHEZ: Well,
14 thank you. Just like HAPCO, we always
15 count on you and Phil coming in and
16 making sure that we got both sides.
17 That's why we've all become very good
18 friends in this.

19 Councilman Squilla.

20 COUNCILMAN SQUILLA: One quick
21 comment too, and I know you mentioned
22 about the unlicensed landlords. Do you
23 also have a list of people that you know
24 that are unlicensed out there that would
25 be able to help the City go after these

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2 landlords?

3 MR. LORD: We don't keep a
4 list, of course. We'll make sure that
5 they do get licenses if they're not, and
6 we'll complain, but very often -- first
7 of all, let me just say, we are just
8 beginning to be able to conveniently find
9 that out by going on L&I's website.
10 Before, we had to go down to L&I and wait
11 45 minutes to an hour to get the actual
12 document. And so the tenant -- you can
13 call as well before that, and that was
14 also very helpful.

15 But when we find a landlord is
16 not licensed, let the tenant know and let
17 the landlord know, and they take steps to
18 make sure that that gets corrected. It's
19 usually part of a whole big context of
20 poor maintenance. Not licensed is the
21 tip of the iceberg.

22 COUNCILWOMAN SANCHEZ: I guess
23 his question is, do you report it right
24 away, the minute you get a tenant? I
25 think that's what he wants clarified.

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2 And you do. I mean, you guys do report
3 it immediately.

4 MR. LORD: We report it to L&I
5 to be able to do something about it.

6 COUNCILWOMAN SANCHEZ: They do.

7 MR. GOULD: Well, the problem
8 now, if you report it, under existing
9 law, quite frankly, nothing happens, and
10 they will only issue a violation if they
11 go out to the property and find some
12 other violations, and then they'll issue
13 a violation for not having a license.

14 MR. LORD: There really is no
15 penalty at this point.

16 COUNCILMAN SQUILLA: So right
17 now that's why it's important to have
18 that here, so it would be a penalty too
19 for that, to have a non-licensed
20 landlord.

21 MR. LORD: Exactly. We're
22 looking forward to seeing that change.

23 COUNCILMAN SQUILLA: I think
24 that will go a long way.

25 Thank you.

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2 COUNCILWOMAN SANCHEZ: Any
3 other questions from my colleagues?

4 (No response.)

5 COUNCILWOMAN SANCHEZ: I have
6 no other person registered on the witness
7 list. Is there anybody else here who
8 wishes to testify on this bill? There's
9 a lot of other people here.

10 (No response.)

11 COUNCILWOMAN SANCHEZ: Okay.
12 Before we adjourn, I don't know if -- I
13 want to give the sponsor of the bill an
14 opportunity for closing comments on this.

15 COUNCILMAN HENON: Thank you,
16 Madam Chair.

17 Again, I want to thank
18 everybody for their testimony, their
19 insight, their experience, and their
20 input into a long process that is much
21 deeper than it sought out to be, but it
22 is critical to the framework for the City
23 and for the infrastructure of our
24 government and the safety of the tenants
25 and the citizens of Philadelphia. Again,

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trying to come up with a framework that is consistent, that has Philadelphia specific with best practices across this country, and that has vetted through the legal practice in providing the best services and input that we have from all stakeholders is definitely going to impact on the quality of life, because we have to live here in the City of Philadelphia every day. We have to walk outside our house, and we have to live in an environment that is safe and a reliability of their City government, knowing that we're providing the framework to ensure that proper code enforcement is in place.

So I want to thank everybody who has come in here today. And saving the best for last, I want to thank especially my colleagues and the working group that has been working diligently non-stop since June almost 24/7, especially Councilman Greenlee's office, Councilwoman Tasco's office and my staff,

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2 Courtney Voss, along with Noelle, and the
3 rest of the Committee for the tireless
4 effort that they have put into this and
5 the continuing effort that they're going
6 to make sure that we get the best -- I
7 mean, we're a first class city and we're
8 going to have a first class property
9 maintenance code that is accountable to
10 everybody and acceptable for all in a
11 safe environment.

12 So, again, thank you all for
13 coming, and thank you for my colleagues
14 for all their hard work, and look forward
15 to future discussions and meetings
16 resolving these issues. What I was going
17 to say to Phil Lord, when you guys were
18 up there and you're saying, well, they
19 have already spoken about some of these
20 issues, well that's good. That means the
21 issues are narrowed and they're
22 consistent and we're addressing them from
23 both sides and all perspectives. So I
24 think we're in the right path, and I'm
25 going to recommend to the Chair if we

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2 could continue this meeting to another --
3 to have another hearing soon so we can
4 work out some amendments and move it out
5 to Committee and give ourselves something
6 we could be proud of.

7 Thank you.

8 COUNCILWOMAN SANCHEZ: Thank
9 you once again to our bill sponsor for
10 all the work and the cooperation and the
11 spirit that has been demonstrated through
12 this bill, and as Barbara Capozzi
13 mentioned, the Zoning Code took three
14 years and --

15 MS. CAPOZZI: Five.

16 COUNCILWOMAN SANCHEZ: Five?
17 Really? Oh, my God. Five years.

18 If we could update this in any
19 time under that, we will show that we
20 have made some progress.

21 One of the things Mr. Zaslow I
22 think alluded to the fact that sometimes
23 government -- he called this chamber old.
24 I know he wasn't calling us old. But it
25 would be great to see our government be

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2 more expeditious in our work to try to
3 resolve some of these issues.

4 So thank you very much. This
5 will conclude this meeting until the call
6 of the Chair.

7 (Committee on Licenses and
8 Inspections concluded at 3:50 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 23, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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